

**BEFORE INDEPENDENT HEARING COMMISSIONS  
MAI I NGĀ KAIKOMIHANA MOTUHAKE**

**UNDER**

the Resource Management Act  
1991 ("**RMA**")

**AND**

**IN THE MATTER OF**

submissions on the Hamilton,  
Waipā and Waikato Intensification  
Planning Instruments ("**IPIs**")

---

**MEMORANDUM OF COUNSEL FOR TE TŪĀPAPA KURA KĀINGA -  
MINISTRY OF HOUSING AND URBAN DEVELOPMENT**

Dated 9 June 2023

---

---

**Solicitor instructing:**  
Emma Petersen



**Te Tūāpapa Kura Kāinga**  
Ministry of Housing and Urban Development

PO Box 82  
Wellington 6140  
P: 0800 646 483  
E: emma.petersen@hud.govt.nz

**Counsel acting:**  
Aidan Cameron

**BANKSIDE** CHAMBERS

Level 22, 88 Shortland St  
PO Box 1571, Shortland St  
P: +64 9 307 9955  
E: aidan@bankside.co.nz

**MEMORANDUM OF COUNSEL FOR TE TŪĀPAPA KURA KĀINGA -  
MINISTRY OF HOUSING AND URBAN DEVELOPMENT**

**May it please the Commissioners:**

1. Counsel for Te Tūāpapa Kura Kainga – Ministry of Housing and Urban Development (“**HUD**”) refers to the directions of the Panel on 30 May 2023, inviting comment on the implications, if any, of the recent High Court decision in *Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society Incorporated* [2023] NZHC 948.
2. Counsel has had the opportunity to review an advance copy of the submissions for Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) and agrees with the position set out by counsel for Kāinga Ora.
3. The only additional point that can be made is, unlike the situation in *Eden Epsom*, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**Amendment Act**”) is clearly relevant to the exercise of your powers under Sch 1 to the Act. Indeed, the Amendment Act is the reason why the Panel has been convened. The transitional provisions that applied to exclude consideration of the Amendment Act in *Eden Epsom* do not apply to the intensification streamlined planning processes that are required as a direct result of the Amendment Act.

**Dated** 9 June 2023



.....  
A M Cameron  
Counsel for HUD