

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 12 to the Operative Hamilton
City District Plan

**MEMORANDUM OF COUNSEL FOR TE AWA LAKES UNINCORPORATED JOINT
VENTURE, PERRY GROUP, AND HOROTIU FARMS LIMITED**

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MAY IT PLEASE THE PANEL

Background to Memorandum

1. This memorandum is filed on behalf of Te Awa Lakes Unincorporated Joint Venture (TAL), Perry Group (PGL), and Horotiu Farms Limited (HFL), here called the “TAL Submitters”, in reply to the memorandum of counsel for Hamilton City Council (“HCC”) dated 22 February 2023.

Issue Raised

2. All Councils have raised issues concerning scope in respect of zoning, the topic of concern in this memorandum:
 - a. Memorandum of counsel for Waikato District Council dated 23 February 2022 mentions issues of scope, and sets a draft timetable, allowing for reply submissions from submitters (paragraph 6).
 - b. Memorandum of counsel for Waipā District Council dated 22 February 2022 mentions issues of scope and sets a draft timetable (at paragraph 4), noting at paragraph 6 that submitters have requested an opportunity to reply, which Waipā District Council has no objection to as long as the Panel retains its time frame.
 - c. However, the timetable proposed in the memorandum of counsel for HCC dated 22 February 2022 mentions issues of scope, and sets a draft timetable, but does not provide for reply submissions from submitters (paragraph 15).
3. It is not yet clear whether there will be hearings on these matters of scope.
4. In any event, in the interests of common procedure and approach across Councils, the TAL Submitters seek that they be allowed to provide submissions in reply to HCC’s submissions on scope by 18 May 2023 (or such other date as the Panel sees fit).

Directions Sought

5. The TAL submitters seek that the directions sought by HCC at paragraph 30 of its memorandum dated 22 February 2022 be amended by the insertion of

15(c)(IIA): “Reply submissions on behalf of the submitters in support of their relief being within scope to be lodged by [18 May 2023].”

Dated 23 February 2023

A handwritten signature in blue ink, consisting of several overlapping, sweeping strokes that form a cursive-like shape.

Thomas Gibbons

Counsel for Te Awa Lakes Unincorporated Joint Venture, Perry Group, and Horotiu Farms Limited