

**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, and Variation 3 to the  
Proposed Waikato District Plan

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**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".
2. In direction #5 of the Panel, dated 23 December 2022, the Panel addressed the Joint Memorandum of the Councils dated 22 December 2022, and in particular various submissions that the Councils assert are out of scope. The Panel directed that various parties including TAL and HFL file submissions in support of their relief being in scope by 17 February 2023. The Councils are then to provide submissions in response by 24 February 2023.
3. In directions #6 and #7 of the Panel, dated 18 January 2023, in response to the submissions of Mr Doesburg, the Panel addressed other submissions relating to inclusionary zoning/affordable housing, and directed that any party that considers these submissions out of scope should file submissions by 10 February 2023, with those submitters who wish to argue the submissions are within scope responding by 17 February, and Councils and other parties responding by 24 February.

### **Directions Sought**

4. For consistency between these processes, the TAL Submitters seek that direction #5 be amended to follow a process congruent with that in directions #6 and #7. That is:
  - a. The Councils should provide legal submissions as to why the Councils believe that the submissions identified in paragraph 11 of direction #5 are out of scope by 10 February 2023; and then
  - b. The parties who wish to argue they are within scope responding by 17 February 2023; and then
  - c. The Councils can if they wish provide response submissions by 24 February 2023.

5. That will provide for consistency between the processes as to scope in directions #5 and #6-7. It will also mean that the parties described in direction #5 are responding to formal submissions from the Councils on scope, rather than simply assertions, noting that the comments on scope in the Themes and Issues report (which were relied on in the Joint Memorandum) are somewhat ambivalent, and noting that the interests of natural justice support these parties being clearly advised of the scope arguments that the Councils are making before being required to respond to them.

**Further Matters**

6. Similar directions may be appropriate in respect of all parties described at paragraph 11 of direction #5.

Dated 31 January 2023



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Thomas Gibbons

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