

**BEFORE THE INDEPENDENT HEARINGS PANEL
OF HAMILTON CITY COUNCIL**

UNDER

the Resource Management Act 1991 ("RMA")

AND

IN THE MATTER

of Private Plan Change 17 to the Hamilton City
Operative District Plan ("PC17")

MEMORANDUM OF COUNSEL ON BEHALF OF FONterra LIMITED

20 NOVEMBER 2025

**Russell
McLeagh**

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MAY IT PLEASE THE PANEL:

1. This memorandum responds to Direction 3 from the Independent Hearing Panel for PC17.
2. Fonterra Limited ("**Fonterra**") and its key consultants have been engaging with the Hamilton City Council ("**Council**") on PC17 since before the application documents were lodged, and this consultation has continued during the process.
3. This memorandum accompanies the rebuttal evidence on behalf of Fonterra, which responds to the submitter expert evidence filed by Empire Corporation Limited and Porter Group ("**Porters**"), Horotiu Farms Limited and Te Awa Lakes Unincorporated Joint Venture Limited ("**TAL**") and jointly by Sam and Alisa Coleman, Scott Mathieson, Graeme Boddy, Hayden Porter, Paul and Gloria Stone and Wen Sen Shih & Hsiu-Jung Huang ("**Meadowview Lane Submitters**"). Through this rebuttal evidence, Fonterra's experts have sought to clarify matters of agreement and disagreement with the submitter evidence.
4. While Fonterra is happy to make its witnesses available for expert witness conferencing, Fonterra does not seek any conferencing at this stage on the basis that the matters of agreement and disagreement are clearly outlined in the rebuttal evidence.
5. While there is an issue between TAL and Fonterra as to the appropriate baseline environmental for the purposes of the transport modelling, in our submission that issue is a legal / planning matter rather than a pure transport issue and is therefore not amenable to conferencing at this stage.
6. Fonterra has engaged with the Council and submitters who providers expert evidence:
 - (a) The Council indicated it agrees with that there is not significant value in conferencing at this stage but would makes it witnesses available if conferencing were directed.
 - (b) TAL's planner indicated that TAL is reserving its position on expert conferencing until after it has received Fonterra's rebuttal evidence.
 - (c) We have also contacted the planner for Porters and the Meadowview Lane Submitters this morning seeking clarity on their position

regarding expert conferencing. They have not responded to the request at the time of filing this memorandum.

DATED 20 November 2025



Daniel Minhinnick / Meg Anderson
Counsel for Fonterra Limited