

**Before Hamilton City Council Independent Hearings Panel**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of Plan Change 17 to the Hamilton District Plan

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**MEMORANDUM OF COUNSEL FOR HOROTIU FARMS LIMITED AND TE AWA LAKES  
UNINCORPORATED JOINT VENTURE LIMITED (COLLECTIVELY REFERRED TO AS TE AWA  
LAKES)**

**24 November 2025**

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**May it please the Hearings Panel for PC 17:**

1. I have been instructed to act for Te Awa Lakes Unincorporated Joint Venture Partners and Horotiu Farms (collectively referred to as TAL). I will be presenting legal submissions to the hearings panel at the hearing, which are due to be filed on 28 November. 2025
2. TAL is responding to the Panel's directions #3 dated 14 November.
3. TAL has read the memorandum of Fonterra lodged on 23 November 2025, advising that it does not consider there is any merit in holding joint witness conferencing between experts prior to the hearing.
4. TAL has also read the memorandum filed on behalf of Empire Group and Porters, dated 21 November 2025.
5. TAL also respectfully requests that the Hearings Panel should make directions that expert conferencing be held, to enhance efficiency in the hearing process.
6. TAL considers there is benefit for conferencing in relation to the following disciplines:
  - a. Planning
  - b. Transport
  - c. Urban design/landscape
7. All the expert witnesses have referenced the 2023 Environment Code of Conduct in their witness briefs. In accordance with clause 9.4, this includes a duty to confer. The purpose of witness conferences when directed as part of proceedings includes efforts of the witnesses to try to reach agreement and to identify and narrow points of disagreement. This must be independent of any direction or instructions from other persons<sup>1</sup>.

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<sup>1</sup> <https://environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

8. TAL considers the Hearings Panel would be greatly assisted ,both prior to the hearing at the time of hearing from the witnesses, and in its subsequent deliberations from joint witness statements from the expert witnesses in the above disciplines(noting that there may be other areas, such as engineering which TAL has not provided evidence on, but may also be worthwhile for the submitters and applicant experts involved).

**Signed**



**KATE BARRY-PICENO  
LEGAL COUNSEL FOR TAL**

**14 November 2025**