

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

**UNDER**

the Resource Management Act 1991

**AND**

**IN THE MATTER**

of Private Plan Change 17 to the Hamilton  
City Operative District Plan (**PC 17**)

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**MEMORANDUM OF COUNSEL FOR EMPIRE CORPORATION AND PORTER  
GROUP**

**21 November 2025**

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## MAY IT PLEASE THE PANEL

1. I have been engaged by Porters Corporation and Empire Group (**Porters/Empire**) to assist them with the upcoming hearing of this matter.
2. The Panel will be aware that Porters/Empire have filed evidence seeking the inclusion of additional land within the scope of PC17.
3. The Panel has previously directed<sup>1</sup> that submitters should have the opportunity to address the Panel on the question of whether the rezoning relief sought in the submissions meets the relevant legal tests and can be considered by the Panel. Porters/Empire will be filing legal submissions on this issue on 28 November in accordance with the timetable directions.
4. This memorandum responds to the Panel's Direction #3 dated 14 November 2025, which directed that the Plan Change Applicant (Fonterra) should confer with the Council and submitters who have filed expert evidence addressing whether those parties consider there is value in the Panel directing expert caucusing in the week of 24 November, and if so on what topic/basis. Fonterra was directed to file a memorandum of counsel addressing these matters on 20 November when it filed its rebuttal evidence.
5. Despite those directions having been issued last Friday (14 November), Counsel for Fonterra did not contact Porters/Empire until yesterday morning (20 November) by emailing Ms Belgrave, the planning witness for Porters/Empire. Ms Belgrave did not see that email until later that evening, by which time Fonterra had filed a memorandum of counsel advising that Fonterra does not seek conferencing because it considers the matters of agreement and disagreement are clearly outlined in the rebuttal evidence. However, Fonterra is nevertheless prepared to make witnesses available for conferencing if directed by the Panel.
6. Porters/Empire consider that expert conferencing would be very worthwhile, particularly on the issues raised in its submission and evidence, which address the planning basis and associated engineering and transportation matters associated with live-zoning the wider deferred Te Rapa North Industrial Zone including the Porters/Empire land. Given this is clearly a live issue before the Panel (subject to the Panel determining there is scope to address the relief sought) then it is anticipated the Panel would be assisted

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<sup>1</sup> Direction #1 of the Panel dated 1 August 2025.

by caucusing evidence on these issues. Caucusing should produce clear Joint Witness Statements outlining areas of agreement and disagreement between all witnesses involved in caucusing (including Council and Porters/Empire), as opposed to the Panel having to draw those threads together by reviewing Fonterra's reply evidence.

7. It is proposed that conferencing should proceed on the basis that there is scope to consider the relief sought and include consideration of what if any further information or assessment would be required for the Panel to uphold the relief sought by Porters/Empire (which includes the option of rezoning the entire deferred TRNIZ, or the more limited area of land identified in the Porters/Empire planning evidence).



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Mary Hill  
Counsel for Porters / Empire