

**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

6 NOVEMBER 2025

**Russell
McLeagh**

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MAY IT PLEASE THE PANEL:

1. In accordance with the Private Plan Change 17 Hearing scheduled for 2-4 December 2025, Fonterra Limited has prepared a comprehensive suite of evidence to support to its private plan change request for the rezoning of approximately 91 ha of land in Te Rapa North, Hamilton. The statements of evidence are from:
 - (a) Suzanne O'Rourke (Corporate);
 - (b) Nicholas Grala (Planning);
 - (c) Damian Ellerton (Acoustic);
 - (d) Siân Keith (Archaeology);
 - (e) Shane Moore (Contamination);
 - (f) Carolyn Hopa and Jo Kukutai (Cultural);
 - (g) Gerardus Kessels (Ecology – Bats);
 - (h) Dr Graham Ussher (Ecology – Freshwater and Terrestrial);
 - (i) Fraser Colegrave (Economic);
 - (j) Mark Sinclair (Geotechnical);
 - (k) Peter Kensington (Landscape);
 - (l) Bryce Hourigan (Rail Siding);
 - (m) Scott King (Stormwater);
 - (n) Cameron Inder (Transport);
 - (o) Samuel Coles (Urban Design); and
 - (p) Matthew Farrell (Water Supply and Wastewater).
2. Submitter evidence was received on 31 October 2025. As few of the Fonterra expert evidence statements were contested through submitter evidence and matters were not raised in some experts' area of expertise through the section 42A report, Fonterra anticipates there are some witnesses who may be able to

be excused from attending the hearing, if the Commissioners do not have questions for them.

3. Fonterra respectfully suggests the evidence of the following witnesses may fall within that category:

- (a) Damian Ellerton (Acoustic);
- (b) Siân Keith (Archaeology);
- (c) Shane Moore (Contamination);
- (d) Gerardus Kessels (Ecology – Bats);
- (e) Fraser Colegrave (Economic);
- (f) Mark Sinclair (Geotechnical); and
- (g) Bryce Hourigan (Rail Siding).

4. Fonterra respectfully requests an early indication as to which evidence the Panel wishes to take as read, enabling those witnesses to be excused from attending the hearing.

DATED 6 November 2025



Daniel Minhinnick / Meg Anderson
Counsel for Fonterra Limited