

**BEFORE INDEPENDENT HEARING COMMISSIONS
MAI I NGĀ KAIKOMIHANA MOTUHAKE**

UNDER

the Resource Management Act
1991 ("**RMA**")

AND

IN THE MATTER OF

submissions on the Hamilton,
Waipā and Waikato Intensification
Planning Instruments ("**IPIs**")

**MEMORANDUM OF COUNSEL FOR TE TŪĀPAPA KURA KĀINGA -
MINISTRY OF HOUSING AND URBAN DEVELOPMENT**

Dated 9 June 2023

Solicitor instructing:
Emma Petersen



Te Tūāpapa Kura Kāinga
Ministry of Housing and Urban Development

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**MEMORANDUM OF COUNSEL FOR TE TŪĀPAPA KURA KĀINGA -
MINISTRY OF HOUSING AND URBAN DEVELOPMENT**

May it please the Commissioners:

1. Counsel for Te Tūāpapa Kura Kainga – Ministry of Housing and Urban Development (“**HUD**”) refers to the directions of the Panel on 30 May 2023, inviting comment on the implications, if any, of the recent High Court decision in *Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society Incorporated* [2023] NZHC 948.
2. Counsel has had the opportunity to review an advance copy of the submissions for Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) and agrees with the position set out by counsel for Kāinga Ora.
3. The only additional point that can be made is, unlike the situation in *Eden Epsom*, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**Amendment Act**”) is clearly relevant to the exercise of your powers under Sch 1 to the Act. Indeed, the Amendment Act is the reason why the Panel has been convened. The transitional provisions that applied to exclude consideration of the Amendment Act in *Eden Epsom* do not apply to the intensification streamlined planning processes that are required as a direct result of the Amendment Act.

Dated 9 June 2023



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A M Cameron
Counsel for HUD