

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Notice of Requirement to alter a designation for the
HCC Central City Reservoir – Ruakiwi Road

MEMORANDUM OF COUNSEL ON BEHALF OF THE REQUIRING AUTHORITY

Dated 5 February 2026

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MAY IT PLEASE THE HEARING PANEL

1. This memorandum is filed on behalf of Hamilton City Council (**HCC**) as the Requiring Authority (**the Requiring Authority**) for the HCC Central City Reservoir – Ruakiwi Road Notice of Requirement (**NOR**).

2. In accordance with Panel Direction #1, the Requiring Authority lodged its evidence in support of the NOR on 19 December 2025. In addition to providing evidence from Project Sponsor, Mr Jonathon Brooke, the Requiring Authority has provided a comprehensive suite of evidence from the following experts:
 - a) Brian White (Architecture);

 - b) Norman Hill (Cultural);

 - c) Dr Jamie MacKay (Ecology);

 - d) Sian Keith (Archaeology);

 - e) Adam Wild (Heritage);

 - f) Harshad Sham Phadnis (Geotechnical);

 - g) Chris Hardy (Alternatives Assessment);

 - h) Christopher Lenssen (Structural Engineering);

 - i) Thato Mariti (Transport);

 - j) Mathew Cottle (Acoustic);

- k) Georgina Hailwood (Landscape Architecture – Trees);
 - l) Adrian Morton (Landscape Architecture);
 - m) John McKensey (Lighting); and
 - n) Chris Dawson (Planning)¹.
3. Under Panel Direction #1, any expert evidence from submitters was to be lodged by 23 January 2026. No expert evidence has been lodged by submitters.
4. Any rebuttal evidence is required to be lodged by 10 February 2026. The Requiring Authority intends to file brief rebuttal evidence limited to ecological and planning matters raised in the Department of Conservation’s letter to the Hearing Panel dated 19 January 2026 (**DOC letter**).
5. The Requiring Authority understands from the hearing administrator that, of the seven submitters on the Ruakiwi NOR, only two seek to appear at the hearing on 23 February 2026, Mr Ross Needham and Ms Glenda Morrissey. The matters raised in the submissions of Mr Needham and Ms Morrissey can be summarised as follows:²

Mr Needham:

- a) Consultation;
- b) Landscape and Visual effects;

¹ Mr Dawson also filed supplementary evidence on the National Policy Statement for Infrastructure dated 14 January 2026.

² Both submissions also raise matters relevant to the separate reserves reclassification process that has been initiated by the Requiring Authority under the Reserves Act 1977.

- c) Effects on Lake Character;
- d) Construction effects (noise, vibration, traffic);
- e) Historic Heritage effects;
- f) Ecological effects (loss of trees);
- g) Need for the Project in the proposed location; and
- h) Proposed staging of the Project.


Ms Morrissey

- a) Location suitability/Assessment of Alternatives;
 - b) Loss of open space;
 - c) Character and amenity effects;
 - d) Consistency with HCC plans and strategies;
 - e) Construction effects (noise, vibration, traffic);
 - f) Ecological effects (loss of trees);
 - g) Consultation;
 - h) Historic Heritage effects; and
 - i) Costs of the Project.
6. None of the submissions on the NOR raise geotechnical, structural engineering, or archaeological issues. Further, as confirmed by the DOC letter, there are no remaining contested issues in relation to lighting effects

including on long-tailed bats. The Requiring Authority has liaised with the s 42A report author who has confirmed that there are no issues remaining in contention in relation to these four areas.

7. Therefore, to ensure an efficient use of hearing time and resources, the Requiring Authority requests that the following witnesses' evidence be taken as read and seeks leave for them to be excused from attending the hearing, unless the Panel has specific questions for them:
 - a) Sian Keith (Archaeology);
 - b) Harshad Sham Phadnis (Geotechnical);
 - c) Christopher Lenssen (Structural Engineering); and
 - d) John McKensey (Lighting).
8. Should the Panel require clarification on any matters within these experts' areas of expertise, these experts can be recalled to attend the hearing whether in person, or virtually, if required.

Dated 5 February 2026



L Muldowney / S Thomas

Counsel for the Requiring Authority