

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Proposed Plan Change 9 to the Operative Hamilton  
City District Plan

---

**MEMORANDUM OF COUNSEL FOR HAMILTON CITY COUNCIL ADDRESSING  
PROCEDURAL ISSUES ARISING UNDER PANEL DIRECTION #26**

**Dated 2 May 2024**

---

---

**LACHLAN MULDOWNEY**  
BARRISTER

**P** +64 7 834 4336 **M** +64 21 471 490

**Office** Panama Square, 14 Garden Place, Hamilton

**Postal** PO Box 9169, Waikato Mail Centre, Hamilton 3240

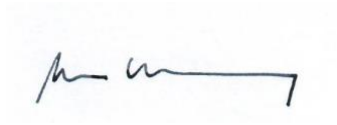
**[www.lachlanmuldowney.co.nz](http://www.lachlanmuldowney.co.nz)**

**MAY IT PLEASE THE HEARING PANEL**

1. This memorandum is filed on behalf of Hamilton City Council (**HCC**) and addresses the remaining procedural issues arising from Panel Direction #26 dated 22 April 2024.
2. In Panel Direction #26 the Panel directed that Waikato Heritage Group (**WHG**) present its shortlist of priority Built Heritage Items (**BH Items**) that it intends to pursue via Plan Change 9 (**PC9**).
3. The directions note that the Panel will consider whether the shortlist is sufficiently focussed, and if not, convene a directions conference between HCC and WHG to agree a practical way forward.
4. HCC has reviewed the WHG shortlist. It comprises 77 proposed BH Items in total; 34 of which HCC has signalled support, 35 of which HCC does not support due to insufficient evidence, and 8 of which HCC opposes outright.
5. HCC wishes to record its appreciation of WHG's efforts to create a shortlist of BH Items which it will pursue via PC9. HCC's preference would be for WHG to further reduce its list by removing those 8 BH Items opposed by HCC. However, it recognises that WHG is entitled to pursue those BH Items despite HCC's opposition.
6. Accordingly, HCC is content to leave it to the Panel to determine whether the WHG shortlist is sufficiently focussed and does not seek a directions conference.
7. On a related matter, HCC notes that the hearing dates signalled by the Panel as available for the hearing of BH Items have not been the subject of a formal direction. HCC understands those dates to be 21, 22, and 26 August 2024, and seeks a formal direction confirming those hearing dates.

It is noted that the evidence exchange timetable, established under Panel Direction #26, accords with these proposed hearing dates.

Dated 2 May 2024

A handwritten signature in black ink, appearing to be 'L F Muldowney / S K Thomas', written over a light blue rectangular background.

---

**L F Muldowney / S K Thomas**

Counsel for Hamilton City Council