

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL
CONCERNING SUBMITTER REQUESTS FOR CROSS-EXAMINATION FOR
RESIDENTIAL ZONES HEARING**

27 October 2023

BUDDLE FINDLAY
Barristers and Solicitors
Wellington

Solicitors Acting: **Dave Randal / Cedric Carranceja**
Email: david.randal@buddlefindlay.com / cedric.carranceja@buddlefindlay.com
Tel 64 4 462 0450 / 64 3 371 3532
Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

1. This memorandum of counsel for Christchurch City Council (**Council**) responds to memorandum of counsel filed on 26 October 2023 (**Submitter's memorandum**) on behalf Carter Group Limited (submitter #824) (the **Submitter**).
2. At paragraph 7 of the Submitter's memorandum, counsel request directions from the Panel that *"Council's witnesses listed in Appendix 1 be available for cross-examination during the Carter Group's scheduled hearing presentations."*
3. The Submitter's scheduled hearing presentation is on 16 November 2023, whereas the Council witnesses are scheduled to appear on either 1 or 2 November 2023.
4. The reasons provided for requesting such directions are that it would result in significant cost savings for the Submitter over the course of the hearings as counsel would not be required to attend multiple hearing sessions beyond the scheduled Submitter presentations.
5. Counsel for the Submitter sought the same direction in respect of the Central City and Commercial Zones hearing in their memorandum of counsel filed on 17 October 2023. Counsel for the Council filed a memorandum of counsel opposing that request on 18 October 2023. The Panel rejected the Submitter's request in Minute 18, dated 18 October 2023, citing the reasons outlined by counsel for the Council. For convenience, those reasons are repeated below.
6. Paragraph 99 of the Panel's Hearing Procedures¹ provides that cross-examination of Council's expert witnesses will occur as part of the presentation of Council. That cross-examination is to occur before re-examination, and before questions from the Panel.
7. Paragraph 99 also provides that presentations by submitters follow the format of presentation of submitter evidence followed by cross-examination, re-examination and questions from the Panel.

¹ Hearing Procedures – 23 August 2023, downloadable at <https://chch2023.ihp.govt.nz/assets/Uploads/IHP-Hearing-Procedures-UPDATE-FINAL-23-August-2023.pdf>

8. The order of presentation provided by the Hearings Procedures has been set so as to provide a hearing structure that is appropriate, fair and efficient for all parties, including Council.
9. The Submitter's proposal would effectively enable cross-examination by the Submitter to occur after any re-examination arising from cross-examination by other submitters, and also after Panel questions. It is submitted this is neither appropriate, fair, nor efficient, for presentation of Council's case or for the hearing process as a whole.
10. In accordance with the Panel's Hearing Procedures, and in order to maintain fairness to all parties, the Council respectfully seeks that any cross-examination of its experts occur as part of the presentation of Council's case, rather than on the morning of 16 November as part of the presentation of the Submitter's case.
11. Council's view is that cross-examining Council witnesses on the day of their presentation is most efficient as:
 - (a) cross-examination may refine the number of questions that the Panel has for each witness; and
 - (b) it allows Council witnesses to be excused rather than requiring them to be made available for questioning twice at the same hearing.

Date: 27 October 2023



D G Randal / C O Carranceja
Counsel for Christchurch City Council