

**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

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**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL  
SEEKING LEAVE TO CROSS-EXAMINE WITNESSES SCHEDULED FOR  
CENTRAL CITY AND COMMERCIAL ZONES HEARING**

13 October 2023

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**MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:**

1. This memorandum of counsel for Christchurch City Council (**Council**) seeks leave to cross-examine submitters' witnesses scheduled to appear during the Central City and Commercial Zones hearing commencing on 24 October 2023 in relation to Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan (**PC14**).
2. Pursuant to paragraph 83 of the Hearing Procedures (as amended by paragraph 11 of Minute 15), counsel for the Council respectfully seek leave to cross-examine expert witnesses in relation to those parts of their evidence listed in the table attached as **Appendix A**.
3. For the avoidance of doubt, in all cases, leave is sought on the understanding that where an expert witness has also given evidence on topics or sub-topics that are **not** listed to be heard as part of the Central City and Commercial Zones hearing (as set out for Week 3 in the IHP Hearing Topics and Subtopics Schedule – Updated 2 October 2023, attached as **Appendix B**), the witness will be made available for questioning during subsequent hearing weeks relating to those other (sub) topics.
4. To assist submitters, attached as **Appendix C** is a list of the Council's witnesses and the paragraphs of their evidence that are relevant to the Central City and Commercial Zones hearing. Where those witnesses also give evidence on other topics or sub-topics the witnesses will be made available for questioning during subsequent hearing weeks.
5. The parts of expert evidence identified for questioning relate to contentious issues between submitter and Council experts. By focussing questioning on these issues, counsel's intent is that cross-examination would assist the Panel to understand the outstanding issues between experts, their matters of difference, and whether any differences could be resolved. To that end, leave is sought to undertake focussed cross-examination of up to 10 minutes per expert witness listed in the table.
6. Given the pre-exchange of evidence and efficiency sought in the hearing process, the Council understands that the Panel does not expect counsel

to comply with the rule in *Browne v Dunn*<sup>1</sup> by putting all contrary propositions to all relevant witnesses.

Date: 13 October 2023



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

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<sup>1</sup> (1893) 6 R 67 (HL).

## Appendix A – List of witnesses sought to be cross-examined

Party	Expert Witness	Parts of evidence to be cross-examined
Carter Group	Dave Compton-Moen	Central City provisions, including heights Central City heritage matters: Arts Centre, New Regent Street, Cathedral Square <sup>2</sup>
	Jeremy Phillips	Central City provisions, including heights Central City heritage matters: Arts Centre, New Regent Street, Cathedral Square <sup>3</sup> Commercial zone provisions
Catholic Diocese of Christchurch	Jeremy Phillips	Central City provisions, including cathedrals in the Central City Commercial zone provisions
Kāinga Ora	Jonathan Clease	Approach to NPS-UD Draft Greater Christchurch Spatial Plan Centres approach and classification, including MCZ Central City provisions, including heights Commercial zone provisions, including heights
	Fraser Colegrave	Development capacity Centres approach and classification, including MCZ
Scentre (NZ) Limited	Vaughan Smith	Centres approach and classification, including MCZ Commercial zone provisions, including heights
	Douglas Fairgray	Centres approach and classification, including MCZ Commercial zone provisions, including heights
Christchurch Casinos	Anita Collie	Proposed rezoning of 56 to 72 Salisbury Street and 373 Durham Street North from HRZ to CCZ.
	Dave Compton-Moen	Proposed rezoning of 56 to 72 Salisbury Street and 373 Durham Street North from HRZ to CCZ.

<sup>2</sup> It is understood that only Central City heritage matters for the Arts Centre, New Regent Street and Cathedral Square are being heard at this time. All other historic heritage in the central city is to be scheduled for subsequent hearing (likely week 9/10). Accordingly, leave to cross-examine on other historic heritage in the central city will be sought at a later date.

<sup>3</sup> Ibid.

NHL Properties Limited and Wigram Lodge (2011) Ltd, E Harris, J Harris	Anita Collie	Proposed rezonings of: <ul style="list-style-type: none"> <li>• 132 to 136 Peterborough Street and 137 to 151 Kilmore Street from HRZ to CCMU</li> <li>• 152-158 Peterborough and 237-333 Manchester Street from HRZ to CCMU</li> </ul>
	Dave Compton-Moen	Proposed rezonings of: <ul style="list-style-type: none"> <li>• 132 to 136 Peterborough Street and 137 to 151 Kilmore Street from HRZ to CCMU</li> <li>• 152-158 Peterborough and 237-333 Manchester Street from HRZ to CCMU</li> </ul>
Wigram Lodge (2011) Ltd, E Harris, J Harris	Anita Collie	Proposed rezoning of 850 to 862 Colombo Street and 139 Salisbury Street from HRZ to CCMU
	Dave Compton-Moen	Proposed rezoning of 850 to 862 Colombo Street and 139 Salisbury Street from HRZ to CCMU
Lendlease New Zealand Limited	Mark Arbuthnot	Centres approach and classification, including MCZ  Commercial zone provisions, including heights

**Appendix B – IHP Hearing Topics and Subtopics Schedule -updated 2 October 2023**

## IHP Hearing Topics and Subtopics Schedule

Updated 2 October 2023

Changes highlighted

Hearing week	Dates	Topic and subtopics
1	10, 11, 12 and 13 October 2023	<b>Strategic overview and commence general submissions on whole of plan change</b>
		<i>Strategic overview</i>
		<i>Strategic directions objectives – proposed changes</i>
		<i>Whole of plan change submissions</i>
2	18 and 19 October 2023	<b>Commencement of City-wide qualifying matters (defined topics) moved from weeks 9 and 10</b>
		<i>Outstanding and significant natural features</i>
		<i>Sites of ecological significance / significant indigenous vegetation</i>
		<i>Sites of cultural significance (Wāhi Tapu / Wāhi Taonga, Ngā Tūrangā Tupuna, Ngā Wai and Belfast Silent File)</i>
		<i>Waterbodies setbacks</i>
		<i>Ōtākaro Avon River Corridor, including Fitzgerald Avenue geotechnical constraint</i>
		<i>Public open space areas</i> <b><i>Specific purpose zone (Cemetery)</i></b>
		<i>Slope hazard areas</i>
		<i>High flood hazard areas</i>
3	24, 25 and 26 October	<b>Central City and Commercial Zones</b>
		<i>Centres approach</i>
		<i>Central city (including Victoria Street) specific building height limits</i>
		<i>Central city heritage matters – Arts Centre, New Regent Street, Cathedral Square precincts</i>
		<i>Radio communications pathways qualifying matter</i>
		<i>Centres approach beyond the central city</i>
		<i>Rezoning of commercial zones</i>
4	31 October, 1 and 2 November 2023	<b>Central City and Commercial Zones (continued) and commencement of Residential Zones</b>
		<b>Residential Zones</b>
		<i>MRZ and HRZ</i>
		<i>Sunlight access qualifying matter</i>
		<i>Residential heritage areas</i>

Independent Hearings Panel  
Plan Change 14 – Housing and Business Choice

Hearing week	Dates	Topic and subtopics
		<p><i>Riccarton Bush interface qualifying matter</i></p> <p><i>Residential character areas</i></p> <p><i>Residential – industrial interface qualifying matter</i></p> <p><i>Low public transport accessibility qualifying matter</i></p> <p><i>Residential future urban zone and outline development plans</i></p> <p><i>Rezoning of residential zones and other zones to residential</i></p>
5	7, 8 and 9 November 2023	<b>Residential Zones (continued)</b>
6	14, 15 and 16 November 2023	<b>Residential Zones (continued)</b>
7	21, 22 and 23 November 2023	<p><b>Residential Zones (continued) and commencement of Other Zones</b></p> <p><b>Other Zones</b></p> <p><i>Industrial and mixed-use zones</i></p> <p><i>Brownfield overlay</i></p> <p><i>Specific purpose zones – tertiary education; schools; cemetery; hospital (increased height limits)</i></p>
7	28, 29 and 30 November 2023	<b>Other Zones (continued) and possible Commencement of city-wide qualifying and other matters (defined topics)</b>
9	30 and 31 January and 1 February 2024	<p><i>Airport noise qualifying matter</i></p> <p><del><i>Outstanding and significant natural features</i></del> – moved to week 2</p> <p><del><i>Sites of ecological significance / significant indigenous vegetation</i></del> moved to week 2</p> <p><del><i>Sites of cultural significance (Wāhi Tapu / Wāhi Taonga, Ngā Tūrangā Tupuna, Ngā Wai and Belfast Silent File)</i></del> moved to week 2</p> <p><del><i>Waterbodies setbacks</i></del> moved to week 2</p> <p><del><i>Ōtākaro Avon River Corridor, including Fitzgerald Avenue geotechnical constraint</i></del> moved to week 2</p> <p><del><i>Public open space areas</i></del></p> <p><del><i>Specific purpose zone (Cemetery)</i></del> moved to week 2</p> <p><del><i>Slope hazard areas</i></del> moved to week 2</p> <p><del><i>High flood hazard areas</i></del> moved to week 2</p> <p><i>Coastal hazards (including tsunami)</i></p>

IHP PC 14

Website: [www.chch2023.ihp.govt.nz](http://www.chch2023.ihp.govt.nz)

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Independent Hearings Panel  
 Plan Change 14 – Housing and Business Choice

Hearing week	Dates	Topic and subtopics
		<i>Historic heritage (other than residential heritage areas qualifying matter)</i>
		<i>Trees – heritage trees, significant, notable, and other tree qualifying matters</i>
		<i>Financial contributions</i>
		<del>Infrastructure reverse sensitivity – (1) e</del> <i>Electricity transmission corridors and infrastructure</i>
		<i>Lyttelton Port overlay</i>
		<i>NZ Rail network interface sites</i>
		<del>Vacuum sewer qualifying matter</del> <i>Waste Water Constraint Area</i>
		<del>City Spine (transport) Key transport corridors – city spine</del>
		<b>City-wide qualifying and other matters (continued) and conclusion of hearings</b>
10	13, 14 and 15 February 2024	<i>Subdivision</i>
		<i>Other matters not addressed earlier</i>

**Appendix C – List of Council witnesses scheduled to appear in the Central City and Commercial Zones hearing and the paragraphs of their evidence relevant to this hearing**

<b>Council witness</b>	<b>Relevant paragraphs in statement of evidence</b>	<b>Relevant paragraphs in rebuttal evidence</b>
Andrew Willis	All paragraphs are relevant	N/A – no rebuttal
Holly Gardiner	All paragraphs are relevant	All paragraphs are relevant
Kirk Lightbody	All paragraphs excluding those concerning the Industrial and Mixed Use Zones outside Central City, Brownfields and qualifying matters. The following paragraphs are particularly relevant:  - 1.1.1 – 6.3.5 - 7.1.1 – 8.4.33 - 8.4.61 – 8.4.82 - 8.5.1 – 8.5.15 - 8.5.23 – 8.5.25 - 8.5.39 – 8.5.43 - 8.6.1 – 10.1.5	All paragraphs are relevant except paragraphs 22-31
Suzanne Richmond	All paragraphs excluding those concerning specific heritage items. The following paragraphs are particularly relevant:  - 1.1.1 – 5.1.25 - 6.1.20 – 7.1.3 - 7.1.19 – 7.1.29 - 8.1.4 – 8.1.5 - 8.1.65 - 8.1.141 - 8.1.187	Paragraphs 60-73
Ruth Allen	All paragraphs are relevant	N/A – no rebuttal
Mike Green	All paragraphs are relevant	N/A – no rebuttal
Tim Heath	All paragraphs are relevant	All paragraphs are relevant

Kirdan Lees	All paragraphs are relevant	N/A – no rebuttal
Amanda Ohs	The following paragraphs are particularly relevant: 54 – 59, 104 – 136, and 273	Paragraphs 48- 50
Alistair Ray	All paragraphs are relevant	All paragraphs are relevant
Nicola Williams	The following paragraphs are particularly relevant: 1 – 13, 19 – 78, 119 – 183 and 186 – 188	No paragraphs are relevant