

**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
SEEKING LEAVE TO CROSS-EXAMINE WITNESS SCHEDULED FOR
HEARING WEEK 10**

12 April 2024

BUDDLE FINDLAY

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MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

Introduction

1. This memorandum of counsel for Christchurch City Council (**Council**) seeks leave to cross-examine a submitter's witness scheduled (as at 12 April 2024) to appear in Hearing Week 10, commencing on 23 April 2024, 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 the expert witness in relation to those parts of her evidence listed in the table attached as Appendix A. These topics are also listed in the schedule dated 12 April 2024.
3. The parts of expert evidence identified for questioning relate to unresolved 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 Ms Aston of up to 15 minutes.
4. 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*¹ by putting all contrary propositions to all relevant witnesses.

Date: 12 April 2024



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

¹ (1893) 6 R 67 (HL)

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

Party	Witness	Parts of evidence to be cross examined
Miles Premises Limited and Equus Trust	Fiona Aston	Rezoning request by Miles Premises Ltd