

**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
CENTRAL CITY AND COMMERCIAL ZONE HEARING**

18 October 2023

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MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

1. This memorandum of counsel for Christchurch City Council (**Council**) responds to memorandum of counsel filed on 17 October 2023 (**Submitters' memorandum**) on behalf of the following submitters:
 - (a) Carter Group Limited (submitter #824);
 - (b) Catholic Diocese of Christchurch (submitter #823);
 - (c) Christchurch Casino Limited (submitter #2077);
 - (d) NHL Properties Limited (submitter #706); and
 - (e) Wigram Lodge (2001) Limited, Elizabeth Harris and John Harris (submitter #817)

(collectively the **Submitters**).
2. At paragraph 7 of the Submitters' memorandum, counsel request directions from the Panel that *"Council's witnesses listed in Appendix 1 be available for cross-examination during the Submitters' scheduled hearing presentations."*
3. The reasons provided for requesting such directions are that it would result in significant cost savings for the Submitters over the course of the hearings as counsel would not be required to attend multiple hearing sessions beyond the scheduled submitter presentations.
4. However, 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.
5. 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.
6. 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.

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

7. The Submitters' proposal would effectively enable cross-examination by the Submitters 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.
8. 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 afternoon of 25 October and on 31 October as part of the presentation of submitters' cases.
9. Council's view is that cross-examining Council witnesses on the day of their presentation is most efficient as cross-examination may refine the number of questions that the Panel has for each witness and it allows Council witnesses to be excused rather than requiring them to be made available for questioning twice at the same hearing and, in the case of Ms Holly Gardiner, three times (on multiple days) of the same hearing.

Date: 18 October 2023



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