

**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 WITNESSES SCHEDULED FOR
RESIDENTIAL HEARING WEEK COMMENCING 6 NOVEMBER 2023**

31 October 2023

BUDDLE FINDLAY

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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 (as at 20 October 2023) to appear in the week commencing 6 November 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. 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.
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.
5. To assist submitters, attached as **Appendix B** is a list of the Council's witnesses and the paragraphs of their evidence that are relevant to the Residential Zones hearing.

Date: 31 October 2023



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 in week
commencing 6 November 2023**

Party	Expert Witness	Parts of evidence to be cross-examined
Scenic Hotel Group Limited	Samantha Kealey	Accommodation and community facilities overlay
25 KBR Limited	Patricia Harte	Rezoning to Neighbourhood Centre Zone

Appendix B – List of Council witnesses scheduled to appear in the Residential Zones hearing and the paragraphs of their evidence / section 42A reports relevant to this hearing

Council witness	Relevant paragraphs or sections in statement of evidence / section 42A report	Relevant paragraphs in rebuttal evidence
Ike Kleynbos	All paragraphs are relevant	All paragraphs are relevant
Glenda Dixon	All paragraphs are relevant	All paragraphs are relevant
Liz White	All paragraphs are relevant	All paragraphs are relevant
Brittany Ratka	All paragraphs are relevant except those relating to significant and other trees and natural hazards (sections 8 and 9 of section 42A report)	The following paragraphs are relevant: <ul style="list-style-type: none"> - 1 – 8 - 14 – 38
Ian Bayliss	The following sections are relevant: <ul style="list-style-type: none"> - 1 – 7 - 8.1 – 8.3 - 8.7 – 9 	All paragraphs are relevant except those relating to subdivision at paragraphs 8 –12 and earthworks at 13 – 18.
Marcus Langman	(Christchurch City Council Submission)	n/a
Hermione Blair	All paragraphs are relevant	n/a
Mike Green	All paragraphs are relevant	n/a

Dave Hattam	All paragraphs are relevant	All paragraphs are relevant
Tim Heath	All paragraphs are relevant	No paragraphs are relevant
Dr Wendy Hoddinott	All paragraphs are relevant	All paragraphs are relevant
Ben Liley	All paragraphs are relevant	n/a
Michele McDonald	The following paragraphs are relevant: <ul style="list-style-type: none"> - 1 – 33 - 80 – 91 	All paragraphs are relevant
Dr Ann McEwan	All paragraphs are relevant	All paragraphs are relevant
Chris Morahan	The following paragraphs are relevant: <ul style="list-style-type: none"> - 1 – 106 - 118 – 125 - 138 – 142 	n/a
Brian Norton	The following paragraphs are relevant: <ul style="list-style-type: none"> - 1 – 46 - 55 – 89 	No paragraphs are relevant
Phil Osborne	The following paragraphs are relevant: <ul style="list-style-type: none"> - 1 – 2 - 6 – 10, 21 – 22 	The following paragraphs are relevant: <ul style="list-style-type: none"> - 1 – 4 - 10 – 21

	<ul style="list-style-type: none"> - 26 – 40 - 56 – 86 - 166 – 191 	
Jane Rennie	All paragraphs are relevant	n/a
Dr Jeremy Trevathan	All paragraphs are relevant	n/a