

**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**

3 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 in the hearings on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan (**PC14**).
2. A draft hearing schedule specifying the submitter witnesses to attend the first hearing week has recently been issued but does not yet contain a complete list of submitter witnesses in the first hearing week (or in subsequent weeks).
3. As such, counsel for the Council respectfully seek leave generally to cross-examine all witnesses called by submitters. Leave is sought to undertake focused cross-examination of no more than 10 minutes per witness. As a general proposition, counsel would seek to ask questions where they consider they would assist the Independent Hearings Panel (**Panel**) and submitters understand the outstanding issues that remain in contention between experts, drawing on counsel's knowledge of the PC14 provisions, background documents, and the evidence for the Council and submitters.
4. Counsel acknowledge that the Hearing Procedures issued by the Panel (as updated on 23 August 2023) directed parties:
 - (a) to be specific in their requests to cross-examine, including to specify the parts of each witness' evidence in respect of which counsel wish to cross-examine; and
 - (b) to make application to cross-examine 10 working days before a witness' appearance.
5. At this stage, given time constraints, gaps in the draft hearing schedule, and pending circulation of the joint witness statements from expert conferencing, counsel have been unable to comply with those directions.
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*¹ by putting all contrary propositions to all relevant witnesses.

¹ (1893) 6 R 67 (HL).

7. As noted above, this application is made on a general basis for all weeks of the Panel's hearing. If the Panel instead wishes more specific applications to be made in relation to certain weeks of the hearing, counsel will be able to oblige.

Date: 3 October 2023



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