

**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 CALL REBUTTAL EVIDENCE**

3 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 call rebuttal evidence in respect of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan (**PC14**).
2. The Independent Hearings Panel (**Panel**) directed, in Minute 4 dated 11 August 2023, that parties must seek leave from the Panel to call rebuttal evidence.
3. The Council has taken note of the comments of the Panel in Minute 4 that rebuttal evidence should only be called in limited circumstances and in accordance with clause 8.4 of the Environment Court Practice Note 2023 (**Practice Note**). In particular, clause 8.4 requires that rebuttal evidence:
 - (a) may only be called in response to evidence that could not reasonably have been anticipated; and
 - (b) must be strictly limited to statements addressing the evidence-in-chief sought to be rebutted.
4. In principle, the Council only seeks leave to file rebuttal evidence in respect of matters that remain in contention following expert conferencing. In this case, the joint witness statements from conferencing are not yet all available, and are due to be filed by 5 October 2023.
5. In accordance with the above matters, the table in **Appendix A** identifies the witnesses preparing rebuttal evidence for the Council, and the submitter witnesses in respect of whose evidence they are considering a response (noting that it may be that certain evidence of those submitters does not require a response).
6. In each case, the Council seeks leave to call that evidence because doing so will assist the Panel, submitters, and the hearing process by documenting the witnesses' expert views on matters at issue in respect of PC14, and making that information available in advance of the hearing, thereby enabling a greater focus during the hearing on matters in dispute.
7. Given time constraints, the information in Appendix A is high-level and indicative only; counsel will be able to explain to the Panel any discrepancies between that information and the rebuttal that is filed (subject to leave being granted) in due course.

8. Counsel wish to assure the Panel, however, that they will review all evidence before filing it to ensure that it is focused and in accordance with clause 8.4 of the Practice Note.
9. Lastly, counsel signal that the rebuttal evidence of one Council witness, Mr Ike Kleynbos, is likely to be filed after the due date of midday on 9 October 2023, due to illness. Counsel will seek a waiver when the evidence is filed.

Date: 3 October 2023



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

Appendix A – Rebuttal evidence the Council seeks leave to call

Council witness (including witness number used for primary evidence)	Submitter evidence rebuttal responds to
1. Sarah Oliver	<p>Jeremy Phillips (Carter Group)</p> <p>Jeremy Phillips (Catholic Diocese of Christchurch)</p> <p>Christopher Day (Christchurch International Airport)</p> <p>Darryl Miller (Christchurch International Airport)</p> <p>Laurel Smith (Christchurch International Airport)</p> <p>Christopher Day (Christchurch International Airport)</p> <p>Sebastian Hawken (Christchurch International Airport)</p> <p>Meg Bundle (Environment Canterbury)</p> <p>Anthony O'Donnell (Orion)</p> <p>Melanie Foote (Orion)</p> <p>John Collyns (Retirement Villages Association)</p> <p>Prof. Ngaire Kerse (Retirement Villages Association, Ryman Healthcare)</p> <p>Richard Turner (Retirement Villages Association, Ryman Healthcare)</p> <p>Matthew Brown (Ryman Healthcare)</p> <p>Catherine Heppelthwaite (Waka Kotahi)</p> <p>Richard Osborne (Waka Kotahi)</p> <p>John Paul Clarke (Miles Premises, Equus Trust)</p> <p>Fiona Aston (Miles Premises, Equus Trust)</p>
3. Holly Gardiner	<p>Brendan Liggett (Kainga Ora)</p> <p>Anita Collie (NHL Properties and Wigram Lodge Elizabeth Harris and John Harris)</p> <p>David Compton-Moen (Wigram Lodge Elizabeth Harris and John Harris)</p> <p>Anita Collie (Wigram Lodge Elizabeth Harris and John Harris)</p> <p>David Compton-Moen (Wigram Lodge Elizabeth Harris and John Harris)</p> <p>Anita Collie (Christchurch Casino)</p>
4. Kirk Lightbody	<p>Andrew Fitzgerald (Williams Corporation)</p>

	<p>Adele Radburnd (Christchurch NZ)</p> <p>Shaun Hardcastle (Christchurch NZ)</p> <p>Simon Johnson (Christchurch NZ)</p> <p>Catherine Boulton (Belfast Village)</p> <p>Fraser Colgrave (Kāinga Ora)</p> <p>Jonathan Clease (Kāinga Ora)</p> <p>Rebecca Parrish (Foodstuffs)</p> <p>Fraser Colgrave (Foodstuffs)</p> <p>Mark Allan, Fraser Colegrave, Rebecca Parish (Foodstuffs)</p> <p>Vaughan Smith (Scentre)</p> <p>Doug Fairgray (Scentre)</p> <p>Mark Arbuthnot (Lendlease)</p> <p>Patricia Harte (KBR)</p>
<p>5. Ike Kleynbos</p>	<p>Pia Jackson (Cashmere Land Developments)</p> <p>Andrew McCarthy (Andrew McCarthy)</p> <p>David Smith (Andrew McCarthy)</p> <p>Helen Bealey(Andrew McCarthy)</p> <p>Jamie Verstappen (Danne Mora)</p> <p>Andrew Mactier (Danne Mora)</p> <p>Ian Thompson (Danne Mora)</p> <p>Jonathan Clease (Kāinga Ora)</p> <p>Sophie Strachan(Kāinga Ora)</p> <p>Tim Joll (Kāinga Ora)</p> <p>Kim Seaton (Kauri Lodge Rest Home)</p> <p>Andrew Mactier (Milns Park)</p> <p>Andrew Mactier (NTP Development)</p> <p>Justin Kean (Scentre)</p> <p>Stephanie Styles (Summerset Group)</p> <p>Clare Dale (Winton Land)</p> <p>Caroline Hutchison (University of Canterbury)</p> <p>Bryan McGillan (Cashmere Park, Hartward Investment)</p> <p>Andrew Hall (LMM Investments)</p>

	<p>Fraser Colegrave (LMM Investments)</p> <p>Jonathan Clease (LMM Investments)</p> <p>Fiona Aston (Red Spur)</p> <p>Samantha Kealey (Scenic Hotel Group)</p>
6. Glenda Dixon	<p>Catherine Boulton (Christ's College)</p> <p>John Brown (Kāinga Ora)</p> <p>Tim Joll (Kāinga Ora)</p> <p>Jeremy Phillips (Carter Group)</p> <p>Marcus Langman (Council)</p>
7. Suzanne Richmond	<p>Brett Gerrard (Cambridge 137)</p> <p>Brett Gilmore (Cambridge 137)</p> <p>Hayden Doody (Cambridge 137)</p> <p>Jonathan Lyttle and Michael Doig (Cambridge 137)</p> <p>Matt Bonis (Cambridge 137)</p> <p>Keeley Pomeroy (Cambridge 137)</p> <p>John Brown (Cambridge 137)</p> <p>Jonathan Clease (Church Property Trustees)</p> <p>Peter Carney (Church Property Trustees)</p> <p>Peter Eggleton (Church Property Trustees)</p> <p>David Compton-Moen (Carter Group)</p> <p>David Hill (Carter Group)</p> <p>Jeremy Phillips (Carter Group)</p> <p>Kyle Brookland (Carter Group)</p> <p>Tom Chatterton (Carter Group)</p> <p>William Fulton (Carter Group)</p> <p>Jeremy Phillips (Catholic Diocese)</p> <p>Brett Gilmore (Daresbury)</p> <p>David Pearson (Daresbury)</p> <p>Jonathan Clease (Daresbury & Church Property)</p> <p>Mark Shalders (Daresbury)</p> <p>Stewart Harrison (Daresbury)</p>
8. Liz White	<p>Tim Joll (Kāinga Ora)</p>

<p>9. Brittany Ratka</p>	<p>Tim Joll (Kāinga Ora)</p> <p>Brendan Liggett (Kāinga Ora)</p> <p>Mark Allan, Fraser Colegrave, Rebecca Parish (Foodstuffs)</p> <p>Crystal Lenky (Lyttelton Port)</p> <p>Andrew Purves (Lyttelton Port)</p> <p>Jane Whyte (Ravensdown)</p> <p>Richard Chilton (Ravensdown)</p> <p>Emeritus Professor David Norton (Riccarton Bush)</p> <p>Stephanie Styles (Summerset Group)</p> <p>Jeremy Phillips (Carter Group)</p> <p>Jeremy Phillips (Catholic Diocese)</p> <p>Jessica Newlands (Environment Canterbury)</p> <p>Meg Bundle (Environment Canterbury)</p> <p>Matthew Surman (Environment Canterbury)</p>
<p>10. Clare Piper</p>	<p>Shaun Hardcastle (Christchurch NZ)</p> <p>Adele Radburnd (Christchurch NZ)</p> <p>Marcus Langman (Council)</p> <p>Catherine Boulton (Christs College)</p> <p>Catherine Heppelthwaite (KiwiRail)</p> <p>Caroline Hutchison (University of Canterbury)</p> <p>Jeremy Phillips (Carter Group)</p> <p>Lisa Williams (Carter Group)</p> <p>David Compton-Moen (Catholic Diocese)</p> <p>Jeremy Phillips (Catholic Diocese)</p> <p>Darryl Millar (Christchurch International Airport)</p> <p>Mark Arbuthnot (Lendlease)</p> <p>John Collyns (Retirement Villages)</p> <p>Prof. Ngaire Kerse (Retirement Villages, Ryman Healthcare)</p> <p>Richard Turner (Retirement Villages, Ryman Healthcare)</p> <p>Matthew Brown (Ryman Healthcare)</p> <p>Catherine Heppelthwaite (Waka Kotahi)</p>
<p>11. Anita Hansbury</p>	<p>Ryan Brosnahan (Holly Lea Village Limited)</p>

	<p>Sophie Strachan (Kāinga Ora)</p> <p>Jonathan Clease (Kāinga Ora)</p> <p>Fraser Colgrave (Kāinga Ora)</p> <p>Matt Bonis (Woolworths)</p>
12. Ian Bayliss	<p>Pia Jackson (Cashmere)</p> <p>Ian Thompson (Danne Mora)</p> <p>Jonathan Clease (Kāinga Ora)</p> <p>Andrew Mactier (Milns Park)</p> <p>Stephanie Styles (Summerset Group)</p> <p>Matt Bonis (Woolworths)</p> <p>Bryan McGillan (Cashmere)</p> <p>Darryl Millar (Christchurch International Airport)</p> <p>Fiona Aston (Red Spur)</p>
13. Ruth Allen	<p>Fraser Colgrave (Kāinga Ora)</p> <p>Gary Sellars (Christchurch International Airport)</p> <p>Natalie Hampson (Christchurch International Airport)</p> <p>Mark Arbuthnot (Lendlease)</p>
14. Dr Andrew Benson	<p>Emeritus Professor David Norton (Riccarton Bush)</p>
15. Hermione Blair	<p>Catherine Heppelthwaite (KiwiRail)</p> <p>Clare Dale (Winton Land)</p>
16. Clara Caponi	<p>Peter Carney (Church Property)</p> <p>Peter Eggleton (Church Property)</p> <p>David Hill (Carter Group)</p> <p>Kyle Brookland (Carter Group)</p> <p>Tom Chatterton (Carter Group)</p> <p>William Fulton (Carter Group)</p>
19. Dr Jesse Dykstra	<p>Nicolas Traylen (Cashmere)</p> <p>Jessica Newlands (Environment Canterbury)</p>
22. William Fulton	<p>Brett Gilmore (Daresbury)</p> <p>David Pearson (Daresbury)</p> <p>Mark Shalders (Daresbury)</p>

24. Phil Griffiths	Peter Eggleton (Church Property Trustees)
25. David Hattam	Fraser Colgrave (Kāinga Ora) Jonathan Clease (Kāinga Ora) Jonathan Clease (Kāinga Ora) Clare Dale (Winton Land) David Compton-Moen (Carter Group) Jade McFarlane (Cashmere)
27. Tim Heath	Catherine Boulton (Belfast Village) Brett Gerrard (Cambridge 137) Brett Gilmore (Cambridge 137) Hayden Doody (Cambridge 137) Jonathan Lyttle and Michael Doig (Cambridge 137) Matt Bonis (Cambridge 137) Keeley Pomeroy (Cambridge 137) Doug Fairgray (Scentre) Anita Collie (Wigram Lodge) Clare Dale (Winton Land) Matt Bonis (Woolworths) Natalie Hampson (Cashmere) Natalie Hampson (Christchurch International Airport) Mark Arbuthnot (Lendlease) Fraser Colegrave (LMM Investments)
28. Marie-Claude Hebert	Andrew Hurley (Glenara Family) David Compton-Moen (Glenara Family) David Mountfort (Glenara Family)
29. Anne Heins	Shaun Hardcastle (Christchurch NZ) Lisa Williams (Carter Group)
30. Dr Wendy Hoddinott	Sophie Strachan (Kāinga Ora) Tim Joll (Kāinga Ora)
31. Stephen Hogg	Keeley Pomeroy (Cambridge 137 Limited) Brett Andrew Gilmore (Cambridge 137 Limited) Brett Andrew Gilmore (Daresbury Limited).

32. Tim Holmes	David Hill (Carter Group Limited) Kyle Brookland (Carter Group Limited) William Fulton (Carter Group Limited) Tom Chatterton (Carter Group Limited)
33. Dr Emily Lane	Tim Joll (Kāinga Ora)
37. Amanda Mackay	David Compton-Moen (Catholic Diocese)
38. Michele McDonald	Andrew McCarthy (Andrew McCarthy) Andrew Hall (LMM Investments 2012 Limited)
39. Dr Ann McEwan	John Brown (Kāinga Ora) Tim Joll (Kainga Ora) Jeremy Phillips (Carter Group Limited) Catherine Boulton (Christ's College)
44. Brian Norton	Matthew Surman (Canterbury Regional Council)
45. Amanda Ohs	John Brown (Cambridge 137 Limited) Jonathan Lyttle (Cambridge 137 Limited) Michael Doig (Cambridge 137 Limited) Brett Gilmore (Cambridge 137 Limited) Matt Bonis (Cambridge 137 Limited) Kyle Brookland (Carter Group Limited) David Hill (Carter Group Limited) Dave Compton-Moen (Carter Group Limited) Jeremy Phillips (Carter Group Limited) Peter Carney (Church Property Trustees) David Pearson (Daresbury limited) Mark Shalders (Daresbury Limited) Jonathan Clease (Daresbury limited and Church Property Trustees)
46. Phil Osborne	Doug Fairgray (Scentre) Natalie Hampson (Christchurch International Airport)
47. Dave Pearson	Matt Bonis (Cambridge 137 Limited) John Brown (Cambridge 137 Limited)
48. Alistair Ray	David Compton-Moen (Carter Group)

50. Hilary Riordan	Rebecca Parrish (Foodstuffs)
51. Chris Rossiter	Lisa Williams (Carter Group)
52. John Scallan	Gary Sellars (Christchurch International Airport) Natalie Hampson (Christchurch International Airport)
53. Gavin Stanley	Stewart Harrison (Daresbury Limited)
54. Chessa Stevens	Peter Carney (Church Property) Peter Eggleton (Church Property)
58. Nicola Williams	Mr Jonathan Clease (Kainga Ora)
61. John Thornton¹	Mark Allan (Foodstuffs)

¹ Council's witness number 60 is Marcus Langman, giving evidence in respect of the Council's submission on PC14.