

**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  
HEARING WEEK 9**

5 April 2024

---

**BUDDLE FINDLAY**

Barristers and Solicitors  
Wellington

Solicitors Acting: **Dave Randal / Cedric Carranceja**  
Email: david.randal@buddlefindlay.com / cedric.carranceja@buddlefindlay.com  
Tel 64 4 462 0450 / 64 3 371 3532  
Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

## MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:

### Introduction

1. This memorandum of counsel for Christchurch City Council (**Council**) seeks leave to cross-examine submitters' witnesses scheduled (as at 2 April 2024) to appear in Hearing Week 9, commencing on 15 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 expert witnesses in relation to those parts of their evidence listed in the table attached as **Appendix A**. These topics are also listed in the schedule dated 2 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 up to 15 minutes per planner and 10 minutes per other 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*<sup>1</sup> by putting all contrary propositions to all relevant witnesses.

Date: 5 April 2024



---

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

---

<sup>1</sup> (1893) 6 R 67 (HL)

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

<b>Party</b>	<b>Witness</b>	<b>Parts of evidence to be cross examined</b>
Carter Group Limited and Catholic Diocese of Christchurch	Jeremy Phillips	Significant and other trees qualifying matter Heritage listing of Blue Cottage
Carter Group Limited and Catholic Diocese of Christchurch	Dave Compton-Moen	Urban design (heritage listing of Blue Cottage)
Carter Group Limited and Catholic Diocese of Christchurch	William Fulton	Heritage listing of Blue Cottage
Carter Group Limited and Catholic Diocese of Christchurch	David Hill	Heritage listing of Blue Cottage
Carter Group Limited and Catholic Diocese of Christchurch	Kyle Brookland	Heritage listing of Blue Cottage
Carter Group Limited and Catholic Diocese of Christchurch	Tom Chatterton	Heritage listing of Blue Cottage
Danne Mora Ltd, Davie Lovell-Smith Ltd and Benrogan Estates and Sutherlands Estates and Knights Stream Estates	Julie Comfort	Tree canopy cover and financial contributions provisions
Daresbury Limited	Jonathan Clease	Planning (heritage listings and provisions)
Church Property Trustees	Peter Eggleton	Heritage listing of St James Church
Church Property Trustees	Peter Carney	Heritage listing of St James Church
Church Property Trustees	Jonathan Clease	Heritage listing of St James Church
Kāinga Ora	Sophie Strachan	Tree canopy cover provisions
Kāinga Ora	Tim Joll	City spine and tsunami risk management area qualifying matters
Kāinga Ora	Fraser Colegrave	Tree canopy cover and financial contributions provisions

Kāinga Ora	Jonathan Clease	Tree canopy cover and financial contributions provisions
------------	-----------------	--