

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 14 Housing and
Business Choice pursuant to Part 5, subpart
5A and Part 6 of Schedule 1 of the Resource
Management Act 1991

**MINUTE 38: CHRISTCHURCH CITY COUNCIL CROSS-EXAMINATION REQUESTS AND
LMM INVESTMENTS 2012 LIMITED (AND OTHERS) REQUEST TO ADDRESS ON
SCOPE**

- [1] This is the thirty eighth procedural Minute to be issued by the Independent Hearings Panel (IHP) established by the Christchurch City Council (the Council) to conduct the hearing of submissions on proposed Plan Change 14 Housing and Business Choice (PC 14) notified by the Council and to make recommendations to the Council, after the hearing of submissions is concluded.
- [2] The purpose of this Minute is to respond to the following memoranda of Counsel:
- (a) Memorandum of Counsel for Christchurch City Council seeking leave to cross-examine submitter witnesses.
 - (b) Memorandum of counsel on behalf of LMM Investments 2012 Limited (and various other clients) seeking time to address the IHP on scope.

Cross Examination Request

- [3] On 5 April 2024 Counsel for Christchurch City Council filed a memorandum¹ seeking leave to cross-examine submitter witnesses scheduled for hearing week 9.
- [4] The memorandum sought leave to undertake cross-examination of 15 witnesses appearing on behalf of submitters as detailed in Appendix A.
- [5] For the reasons outlined in the memorandum leave is granted for Counsel for Christchurch City Council to cross-examine the submitter witnesses listed and on the parts of evidence detailed in Appendix A, for up to ten minutes per witness, during the scheduled appearance of the witness.
- [6] Where possible, if Counsel determines in advance of the scheduled appearance that they no longer wish to cross-examine a witness notice should be given to Counsel for the submitter and the IHP Secretariat.

Request to address the IHP on scope

- [7] On 8 April 2024 Counsel for LMM Investments 2012 Limited (and various other clients) filed a memorandum² seeking time to address the IHP on scope/jurisdiction.

¹ [Memorandum-of-counsel-for-Christchurch-City-Council-5-April-2024-Cross-examination-notice.pdf \(ihp.govt.nz\)](#)

² [Memorandum-of-Counsel-LMM-Investments-2012-Ltd-826-and-others-8-April-2024.pdf \(ihp.govt.nz\)](#)

- [8] The memorandum referred to the memorandum filed by counsel for LMM Investments 2012 Limited (and others) on 21 December 2023³, and that Counsel be permitted to speak to the IHP at the hearings in week 9 regarding the legal position on scope/jurisdiction as raised in that memorandum.
- [9] The IHP thanks Counsel for the memorandum, which is helpful, however, we do not require a presentation from counsel on this matter, and the request to reappear at the hearings to speak to the memorandum is declined.
- [10] The IHP acknowledges the information provided in the memorandum of 21 December 2023 and have found it helpful. We confirm that the outstanding requests from the IHP be responded to by memorandum by 30 April 2024 as per IHP Minute 33⁴.

Dated 9 April 2024



Cindy Robinson
Chair
for Independent Hearings Panel

³ [Memorandum-of-Counsel-LMM-Investments-2012-Limited-and-others-21-December-2023.pdf \(ihp.govt.nz\)](#)

⁴ [IHP-Minute-33-Directions-regarding-further-information-requested-by-IHP-14-February-2024.pdf](#)

Appendix A: List of Submitter witnesses sought to be cross examined by Christchurch City Council

Party	Witness	Parts of evidence to be cross examined
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