

Before an Independent Hearings Panel
appointed by Christchurch City Council

under: the Resource Management Act 1991

in the matter of: the hearing of submissions on Plan Change 14 (Housing
and Business Choice) to the Christchurch District Plan

and: **Carter Group Limited**
Submitter 824

Memorandum of Counsel seeking leave to cross-examine
Council witnesses – Residential Zones hearing

Dated: 26 October 2023

Counsel: J M Appleyard (jo.appleyard@chapmantripp.com)
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MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL

- 1 This memorandum of counsel is filed on behalf of Carter Group Limited (submitter #824) (*Carter Group*) on proposed Plan Change 14 to the Christchurch District Plan (*PC14*).
- 2 This memorandum seeks leave to cross-examine the Christchurch City Council (*Council*) witnesses as set out in the table at **Appendix 1** at the Residential Zones hearing.
- 3 The table at **Appendix 1** also indicates the aspects of the witnesses' section 42A reports or evidence that are proposed to be the subject of cross-examination.
- 4 The purpose of cross-examination of these Council witnesses is to test and consider in greater detail the positions that they have taken in their reports and primary and rebuttal evidence in relation to certain key matters for the Submitters. The intent is to drill down into these issues to try and reach a more consistent position as between the Submitters and the Council, for the benefit of the Panel's decision-making.
- 5 Counsel also consider it likely that the issues that are the subject of cross-examination may form a basis for subsequent planning conferencing in relation to the detail of certain PC14 provisions.
- 6 This memorandum takes a deliberately broad approach towards which Council witnesses are proposed to be cross-examined. The intent of this approach is to give sufficient notice prior to the hearing commencing. It is likely that during the course of preparing for the hearing and reconciling the Submitters' positions with that outlined in rebuttal evidence for the Council, counsels' approach to cross-examination will be able to be refined. It is expected that cross-examination of any Council witnesses will take no longer than 10 minutes.
- 7 Counsel also respectfully request directions from the Panel that Council's witnesses listed in **Appendix 1** be available for cross-examination during Carter Group's scheduled hearing presentations. For clarity, these are noted in **Appendix 1** against each Council witness.
- 8 This approach would result in significant cost savings for Carter Group (and other PC14 participants) over the course of the hearings (because counsel would not be required to attend multiple additional hearing sessions beyond the scheduled submitter presentations). This approach would ensure that the issues relevant to each submitter are considered comprehensively in one hearing session.

Dated 26 October 2023

A handwritten signature in blue ink, appearing to read 'J Appleyard', is centered on the page.

J Appleyard / A Hawkins / A Lee
Counsel for the Submitters

Appendix 1

Council witness	Relevant parts of section 42A report / evidence	Relevant hearing session
Ike Kleynbos	High density residential zoning	Carter Group 16 November 2023 (morning)
Glenda Dixon	Residential heritage areas, definitions	Carter Group 16 November 2023 (morning)
Tim Heath	Central City height	Carter Group 16 November 2023 (morning)
Hermione Blair	Built form standards	Carter Group 16 November 2023 (morning)
Dave Hattam	Heights and building envelope, rules and assessment matters, definitions	Carter Group 16 November 2023 (morning)
Dr Ann McEwan	Definitions	Carter Group 16 November 2023 (morning)