

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN HEARINGS PANEL**

IN THE MATTER of the Resource
Management Act 1991 and
the Canterbury Earthquake
(Christchurch Replacement
District Plan) Order 2014

AND

IN THE MATTER of the Natural and Cultural
Heritage Stage 3 Proposal

**MEMORANDUM OF COUNSEL ON BEHALF OF CHRISTCHURCH CITY COUNCIL IN
RELATION TO THE RESUMED HEARING OF TOPICS 9.3 AND 9.5**

29 APRIL 2016

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of the Christchurch City Council (**Council**).
2. It responds to the Panel's Minute dated 21 April 2016, in which counsel were directed to file a memorandum seeking further directions on an alternative arrangement for receiving evidence from Mr Craig Pauling during the resumed hearing for Topic 9.5, Sites and Areas of Ngāi Tahu Cultural Significance, scheduled to take place on 9 and 10 May 2016. The memorandum also requests leave to file supplementary opening legal submissions.

Arrangements for hearing Mr Pauling's evidence

3. The Council has conferred with affected parties and the Secretariat about the above matter. To ensure that there is an opportunity for the Panel and submitters to ask any questions they may have of Mr Pauling, the Council proposes that on Monday 9 May, following any supplementary opening legal submissions, the Council would call Mr Pauling at its first witness, to give evidence via video-link.
4. Mr Pauling will be available to present his evidence between 9am and 12pm on Monday 9 May. Bearing in mind the hearing start time of 10am, and depending on the extent of any questions that parties and the Panel have for Mr Pauling, it may be necessary to call Mr Pauling reasonably early in the day's proceedings to enable sufficient time for any questions to be put to Mr Pauling within that window of availability. Accordingly, the Council respectfully requests that presentation of Mr Pauling's evidence be scheduled for 10:30am on Monday 9 May.
5. To ensure that the video-link will be of sufficient quality, counsel have liaised with the Secretariat to organise a test call in the week preceding the hearing.
6. If the timing outlined above is accepted, counsel suggest that it may be most efficient to structure the remainder of the resumed hearing as follows:
 - (a) Monday 9 May following presentation of Mr Pauling's evidence (and into 10 May if required) – hear the remainder of the supplementary evidence about Topic 9.5, and the related matters set out in paragraph 14(a)(ii) of the Panel's 21 April minute.
 - (b) Tuesday 10 May – hear the evidence about heritage interiors under Topic 9.3, and any questions and comments to counsel from the Panel in relation to the drafting of Topic 9.3 objectives, policies and rules.

7. Counsel would be grateful for any comments from the Panel about whether the above arrangements would be acceptable, or any alternative preferred by the Panel.

Supplementary opening legal submissions

8. At this stage, no directions have been made about whether the Panel is anticipating supplementary opening legal submissions at the resumed hearing. Counsel consider it would be of assistance to file brief supplementary opening submissions addressing key matters to be traversed at the resumed hearing, in particular:
- (a) For Topic 9.3, summarising the approach that has been taken to heritage interior protection in the revised proposal, and highlighting key changes to the objectives, policies, rules and definitions in the revised proposal.
 - (b) For Topic 9.5, updating the Panel on the process of and progress with advancing the mapping and provisions, and updating the Panel on progress with the proposed Ngā Wai/Water Strategic Objective and the relationship between Topic 9.5 and Chapter 4 (Papakāinga) and the Utilities and Energy Proposal (Stage 3).
9. The Council accordingly seeks the Panel's leave to file supplementary opening legal submissions addressing the above matters.

DATED this 29th day of April 2016



M G Conway / W M Bangma
Counsel for Christchurch City Council