

IN THE MATTER OF *the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014*

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IN THE MATTER OF *an application for extension of time or waiver in relation to a late submission pursuant to Clause 3(1)(e) of Schedule 2 and Clause 5 of Schedule 3 to the Order*

MEMORANDUM OF COUNSEL FOR THE CHURCH PROPERTY TRUSTEES RELATING TO APPLICATION FOR LEAVE TO CROSS EXAMINE WITNESSES

DATED 12 JANUARY 2016

*Time extended
to close of business
on 15/1/16!*

[Signature]
13/1/16

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**MEMORANDUM OF COUNSEL FOR THE CHURCH PROPERTY
TRUSTEES RELATING TO APPLICATION FOR LEAVE TO CROSS
EXAMINE WITNESSES**

DATED 12 JANUARY 2016

MAY IT PLEASE THE PANEL

1. Introduction

Counsel has been engaged by the Church Property Trustees in relation to site specific matters.

It is noted that on 18 December 2015, the Honourable Sir John Hansen gave leave to pursue amendments to the submission of the Church Property Trustees already filed, encompassing three additional items contained in Appendix 9.3.6.1 in the Christchurch Replacement District Plan.

2. Filing of evidence

To this point, the Council has not yet filed evidence in response to the evidence provided in relation to the further matters (in respect of which leave was granted) on behalf of the Church Property Trustees. In this context it is noted that the evidence of David Alan Pearson was filed on 14 December 2015 and the planning evidence of Rochelle Kim Hardy will be filed in accordance with the directions of the Panel by 13 January 2016.

3. Application to extend time for giving notice to cross-examine

It is further noted that a number of the matters which were previously outstanding have been the subject of an agreement with the appropriate officers of the Christchurch City Council. However there is an issue as to the extent of the setting for St Luke's Church around the bell tower, being a matter which is not settled and which is already the subject of evidence on behalf of the Council by Ms Wykes.

In the circumstances it is respectfully submitted that the time for giving notice to cross-examine should be extended for a period of two weeks to enable any evidence on behalf of the Christchurch City Council to be received and for the implications of that evidence to be properly considered in the context of the making of a decision by the Church Property Trustees as to whether cross-examination is appropriate.

Counsel for the Church Property Trustees wishes to cross-examine Ms Wykes but it is respectfully suggested that the formalities of giving notice should abide the passing of the period referred to above with a view to one notice being given on behalf of the Church Property Trustees.

4. ***Commencement of hearing***

It is noted that counsel will provide opening legal submissions at the commencement of the hearing at 10am on 18 January 2016. Counsel has been advised by the Independent Secretariat that the hearing proper will commence on 2 February 2016. It is respectfully submitted that the extended time for the giving of notice to cross-examine is unlikely to impinge upon the proper conduct of the hearing proper, given the commencement date.

DATED this 12th day of January 2016



**A C HUGHES-JOHNSON QC
COUNSEL FOR THE CHURCH
PROPERTY TRUSTEES**