

PALMERSTON NORTH CITY COUNCIL  
PROPOSED PLAN CHANGE E: ROXBURGH RESIDENTIAL AREA  
MINUTE 1 OF INDEPENDENT HEARING PANEL

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### Introduction

1. This Minute is being sent to you because you are involved in some way in the above plan change proposal; most probably as a submitter or a Council reporting officer.
2. The general function of this Minute is to set out some matters in preparation for the hearing, which is preliminarily scheduled for the **20 and 21 May 2025**. All parties will be formally advised directly by the PNCC Hearing Administrator of the hearing date(s) and venue once that is known with certainty.
3. Whilst the hearing is some 12 weeks away, our objective at this preliminary stage is to establish some procedures to enable early preparation by all parties before the hearing and facilitate a smooth and effective pre-hearing and hearing process for all parties. This requires some actions from all the parties in readiness for the formal proceedings.
4. In this respect, this Minute covers the following matters:
  - a. pre-hearing discussions/expert conferencing;
  - b. circulation of evidence;
  - c. hearing process and presentations; and
  - d. site and locality visits.
5. It is likely that the Panel will issue additional minutes with further requests and instructions, before, during and/or after the hearing.

### Background

6. Pursuant to section 34A of the Resource Management Act 1991 ("**RMA**") we have been appointed by Palmerston North City Council ("**PNCC**") as the Independent hearings Panel ("**the Panel**") which will hear, consider and make a decision on the proposed Plan Change E: Roxburgh Residential Area ("**PCE**") prepared by PNCC to the Operative Palmerston North District Plan ("**the District Plan**").
7. **PCE** is a council-initiated plan change that seeks to rezone land around Roxburgh Crescent from Industrial, Conservation and Amenity and Recreation Zone to Residential Zone. The rezoning involves approximately 4 ha of land, and the creation of around 105 residential lots based on a 250m<sup>2</sup> minimum lot size.

8. PCE also seeks to introduce new provisions in the District Plan to manage specific issues with this brownfield development site. The purpose of PCE is to enable the redevelopment of a predominately industrial zoned area that is located next to an established Residential Zone.
9. As part of the development of PCE a Structure Plan has been produced in addition to new objectives, policies and rules for the District Plan that specially apply to the Roxburgh Residential Area (RRA).
10. A separate process will occur under the Reserves Act 1977 to exchange a piece of reserve land adjacent to the proposed RRA with an existing strip of land at the southern end of the Roxburgh Residential Area that forms part of the Waterloo Park. It is proposed that the existing reverse strip, which currently acts as a buffer between the Residential and Industrial zone, will be exchanged with an area to the centre of the site to enable better use of the land and access to the River environment.

#### Pre-hearing discussions/expert conferencing

11. With most hearings of this nature, all parties (submitters and s42A reporting officers) are encouraged to engage in constructive discussions where practicable before the hearing commences so as to potentially minimise the range of issues in contention. This may occur through pre-hearing meetings, expert witness conferencing, or other informal exchanges – and all are welcome.
12. We will issue a further Minute formally confirming specific dates by which s42A reports must be made available, all evidence must be provided, any expert conferencing is to occur, and written replies and legal submissions must be provided in advance of the hearing. In the meantime, this Minute works on the basis of a tentative timeframe whereby the s42A report will be available on **24 April 2025**. On that basis, it is likely that there will be an approximate ten day window following the release of the s42A report and before rebuttal evidence is due around **16 May 2025**, during which time pre-hearing meetings/expert conferencing can be scheduled to assist parties in their understanding and narrowing of the issues in contention. The dates we refer to in this current Minute are tentative and are intended to broadly assist parties in their scheduling, planning and preparation.
13. We are not formally directing the undertaking of, or participation in, formal pre-hearing meetings, discussions or expert conferencing at this stage. However, we understand that several meetings between some submitters and the Council have already taken place or have been scheduled. For example we are aware that the following meetings occurred

between 12 and 25 February involving the Council and submitters:

- SO-22: Horizons Regional Council
- SO-19: Rosemary Watson
- SO-11: Frances Holdings Limited
- SO-16: Tānenuiarangi Manawatū Charitable Trust, Te Ao Turoa Environmental Centre (Rangitāne o Manawatū)

14. This is commendable and we continue to encourage, where appropriate, further liaisons between s42A Officers and submitters and extend that encouragement to any parties prior to the commencement of the hearing. This may include general liaison amongst the parties:
  - a. to discuss any procedural or substantive matters arising;
  - b. for submitters to gain a better understanding of what the proposal entails and what the effects and implications may be; and
  - c. for the Council s42A reporting officers, to better understand what the submitters' concerns are and how they might be accommodated.
15. In order to facilitate this and following the release of the s42A report and prior to the hearing, the Council and submitters may wish to meet to discuss issues raised in submissions and to attempt to resolve any issues where practicable. This is completely at the discretion of the parties.
16. It may be that, where issues remain unresolved following any pre-hearing meeting(s), some parties may seek to engage experts. If so, then expert witness conferencing on such matters and the subsequent preparation of joint witness statements confirming the experts' respective areas of agreement and disagreement may prove to be of benefit.
17. In the event that discussions and pre-hearing meetings do confirm that expert conferencing would be of benefit, then the Panel will issue specific directions to that effect.
18. The Panel will remain in contact with the PNCC Hearing Administrator and will keep all parties informed through additional minutes as necessary.

#### **Circulation of evidence before hearing**

19. On the basis of the hearing being held on **20 and 21 May 2025**, the Panel is likely to confirm by way of the issuance of a further Minute that evidence be pre-circulated in accordance with the following timeframes:

- a. section 42A reports called by PNCC be made available no later than 4pm on **24 April 2025**.
  - b. all submitter expert evidence to be given at the hearing on behalf of the submitters be provided to PNCC by 4pm on **2 May 2025**.
  - c. any expert conferencing to occur between **2 May and 9 May 2025** with joint witness statements be provided to PNCC by 4pm on **13 May 2025**.
  - d. written replies from s42A reporting officers to address matters raised in evidence of the parties be provided to PNCC by 4pm on **16 May 2025**.
  - e. legal submissions on behalf of the Council and submitters be provided to PNCC by 4pm on **19 May 2025**.
20. The PNCC Hearing Administrator will confirm the hearing date in due course. This information will be emailed to parties and made available on the PNCC website: <https://www.pncc.govt.nz/roxburgh>.
21. To be clear, submitters do not need to pre-circulate any non-expert presentation material they wish to speak to at the hearing. The above circulation requirements will only apply to any expert evidence submitters wish to call. Expert evidence is considered to be evidence from independently qualified persons such as flood modelling engineers, landscape architects, and planners. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, please contact the PNCC Hearing Administrator in the first instance.

#### **Hearing process and presentations**

22. We anticipate that a hearing of this nature may be a new experience for some submitters, so on behalf of the Panel I will take a brief moment here to provide some information about the hearing for context.
23. For starters, the Panel encourages all submitters to refer to the useful guides about the hearing process and hearings available from the Ministry for the Environment website. The link below, in particular, is a great source of information:  
<https://environment.govt.nz/publications/appearing-at-a-hearing-about-a-proposed-plan-or-resource-consent/>.
24. Consistent with the above guide, the Panel's preference is for proceedings to be relatively informal. However, a degree of formality is inherent in hearings of this nature, and as Chair I will speak to that at the outset of the hearing when it commences.

25. More substantively, the hearing enables the Panel to hear the issues raised in submissions in greater detail, and to be able to ask questions to improve our understanding of those issues.
26. As a rule of thumb, parties should target presentations of 15 minutes or so. This is less a rigid requirement than it is a rough indication, and all parties appearing will be given sufficient time to present their views.
27. Once the actual hearing date has been formally confirmed by the PNCC Hearing Administrator, the Panel will request an indication from all parties as to the amount of time they require for their presentation so that the PNCC Hearing Administrator can make the necessary arrangements.

#### Site and locality visits

28. I expect that the Panel will need to undertake more detailed site and locality visits before (if possible) and after the hearing. In that respect, if any party has a desire for the Panel to visit particular sites/localities they should advise the PNCC Hearing Administrator.

#### Next Steps

29. As outlined above, we request that submitters should let the Hearing Administrator know if they are likely to engage experts to attend the hearing as soon as possible (and before **9 May 2025**) at the latest. This would determine whether we need to issue any directions relating to any expert conferencing.
30. We also request that any submitter wishing us to visit a particular site or locality advise the PNCC Hearing Administrator by **13 May 2025**.
31. The PNCC Hearing Administrator is **Susana Figlioli** and can be reached at [susana.figlioli@pncc.govt.nz](mailto:susana.figlioli@pncc.govt.nz).

**DATED** this 28<sup>th</sup> day of February 2025.



DJ McMahon

Chair - Independent Hearings Panel

For and on behalf of the Hearing Panel