

**PALMERSTON NORTH CITY COUNCIL**  
**PROPOSED PLAN CHANGE E: ROXBURGH RESIDENTIAL AREA**  
**MINUTE 2 OF INDEPENDENT HEARING PANEL**

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**Introduction**

1. This is the second minute on the Palmerston North City Council proposed District Plan Change E: Roxburgh Residential Area ("PCE") and 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 confirm and follow up on the material and directions contained in Minute 1 dated 28 February 2025. That Minute set out some matters relevant to the lead up to the hearing and in particular established some procedures to enable early preparation by all parties before the hearing and to facilitate a smooth and effective pre-hearing and hearing process for all parties.
3. The purpose of this minute is threefold:
  - a. To confirm the hearing dates;
  - b. To update on pre-hearing discussions/expert conferencing;
  - c. To reiterate the pre-circulation requirements for all evidence (Council & submitters)
4. All parties are referred back to Minute 1 in relation to our advice on hearing process and presentations; and site and locality visits.
5. It is possible that the Panel will issue additional minutes with further requests and instructions, before, during and/or after the hearing.

**Hearing Date**

6. Confirmation can now be given that the hearing is formally set down for the **20 and 21 May 2025**. All parties will be formally advised directly by the PNCC Hearing Administrator of the this and venue in the next 5 working days.

**Pre-hearing discussions/expert conferencing**

7. With most hearings of this nature, all parties (submitters and Council's 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. We noted that this might occur through pre-hearing meetings, expert witness conferencing, or other informal exchanges.

8. In Minute 1 we did not direct the undertaking of, or participation in, formal pre-hearing meetings or expert conferencing. However, we recorded our understanding that several meetings between certain submitters and the Council had already taken place or had been scheduled to take place. We commended that and encouraged, where appropriate, further liaisons between s42A Officers and submitters and extended that encouragement to any parties prior to the commencement of the hearing.
9. We noted that it may be that, where issues remain unresolved following any pre-hearing meeting(s), some parties might 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. We outlined that in the event that such discussions and pre-hearing meetings occurred and confirmed that expert conferencing would be of benefit, then the Panel would issue specific directions to that effect.
10. In order to facilitate this we suggested that 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 outstanding/contested issues where practicable. We emphasised that such engagement would be completely at the discretion of the parties. We advised that the Panel would remain in contact with the PNCC Hearing Administrator and will keep all parties informed through additional minutes, as necessary.
11. Since then, we have received the following update from the Council's reporting officers through the Hearings Administrator:

*Prehearing discussions have been particularly helpful in assisting all parties to better understand the context and scope of submissions. However, at this stage, there is little agreement between the parties.*

*The Panel have indicated setting down some caucusing in the programme timeline. The main issues in contention relate to the approach to stormwater and the flexibility of the structure plan. At this point, the only party with a stormwater expert identified is Council, although Frances Holdings Limited have a surveyor who has been discussing stormwater*

*points at prehearing meeting(s). To Council's knowledge no alternative 'evidence' has been tabled on the stormwater approach.*

*There are issues relating to the flexibility of the structure plan that Council are working on with the assistance of legal, urban design and the planning team as we prepare our s.42A reports.*

*At this point Council feel there would be little value in directing experts to caucus on the above matters.*

12. On the above basis, and given the reported absence of any prospect of significant agreement occurring we are not in any position to direct further discussion and /or conferencing between parties.
13. Nevertheless, should the situation reported in paragraph 11 above change following the imminent release of the s42A report then we would certainly encourage and welcome discussion between the Council and submitters where appropriate. We merely ask that where such engagement occurs it is documented and reported to the Panel; preferably in advance or the commencement of the hearing.

#### **Circulation of evidence before hearing – updated directions**

14. On the basis the hearing is confirmed to being held on **20 and 21 May 2025**, the Panel directs 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 **8 May 2025** (previously 2 May 2025).
  - c. 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**.
  - d. legal submissions on behalf of the Council and submitters be provided to PNCC by 4pm on **19 May 2025**.
15. The above directions have altered from Minute 1 to allow more time (previously the standard 5 days) between the receipt of the s42A report and the lodgment of expert evidence from submitters. This will enable time for any voluntary conferencing to occur between **28 April and 8 May 2025** with any attendant joint witness statements to be provided to the Hearings Administrator by 4pm on **13 May 2025** in advance of expert written replies from s42A reporting officers due on **16 May 2025**.

16. 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.

### Next Steps

17. 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 **8 May 2025** at the latest). This would determine whether we need to issue any formal directions relating to any expert conferencing.
18. We also request that any submitter wishing us to visit a particular site or locality advise the PNCC Hearing Administrator by **13 May 2025**.
19. 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 17<sup>th</sup> day of April 2025.



DJ McMahon

Chair - Independent Hearings Panel

For and on behalf of the Hearing Panel