

PALMERSTON NORTH CITY COUNCIL
PROPOSED PLAN CHANGE G: AOKAUTERE URBAN GROWTH
MINUTE 1 OF INDEPENDENT HEARING PANEL

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 preliminary matters in preparation for the hearing, which is likely to be held in the week of **4 December 2023**. 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 six months away, my 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**") I have been appointed by Palmerston North City Council ("**PNCC**") as prospective Chair of the Independent hearings Panel ("**the Panel**") which will hear, consider and make a decision on the proposed Plan Change G: Aokautere Urban Growth ("**PCG**") prepared by PNCC to the Operative Palmerston North District Plan ("**the District Plan**"). Other members of the Panel are in the process of being appointed by PNCC.
7. PCG is a council-initiated plan change that seeks to rezone a new greenfield growth area to the south-east of Palmerston North for residential development and inserts an

accompanying structure plan and provisions (objectives, policies, and rules) into the District Plan. The purpose of PCG is to provide for additional housing supply in Aokautere (and the City), to help meet growth projections for Palmerston North over the medium to long term.

8. As part of the development of PCG a Structure Plan has been produced, following a masterplan process, which is carried down through PCG's policy and rule framework to shape and guide development in the Aokautere plan change area. The Structure Plan covers approximately 454 hectares of land between the foothills of the Ruahine/Tararua Ranges and the south bank of the Manawatū River and seeks to integrate with the existing surrounding neighbourhood areas of Turitea, Aokautere and Fitzherbert.

Pre-hearing discussions/Expert conferencing

9. 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.
10. Once the Panel has been appointed we will issue a further Minute confirming specific dates by which s42A reports must be made available, all evidence must be provided, 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 1 September 2023. On that basis, it is likely that there will be an approximate seven-week window following the release of the s42A report and before evidence is due around 20 October 2023, during which time pre-hearing meetings can be scheduled to assist parties in their understanding and narrowing of the issues in contention. The dates I refer to in this current Minute are tentative and are intended to broadly assist parties in their scheduling, planning and preparation.
11. I am not formally directing the undertaking of, or participation in, formal pre-hearing meetings, discussions or expert conferencing at this stage. I do, however, encourage pre-hearing liaison 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.

12. In order to facilitate this, I would suggest that, following the release of the s42A report and prior to the hearing, the Council endeavour to meet with submitters to discuss issues raised in submissions and to attempt to resolve any issues where practicable¹.
13. 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.
14. The discussions and/or pre-hearing meetings referred to in paragraph 9 above are likely to assist in informing the focus and scope of any such expert conferencing, and so that should be considered a priority. To provide time for any subsequent expert conference to at least commence prior to the hearing, I suggest that discussions and/or pre-hearing meetings are facilitated and concluded during the period following 1 September and 20 October 2023 at the latest. It would be useful if submitters could advise the Hearing Administrator of two matters:
 - a. whether or not they wish to attend any pre-hearing meeting on dates to be determined between 1 September and ending 20 October 2023 at the latest; and if so
 - b. their availability to attend a meeting during that time.
15. It would be appreciated if such responses from submitters could be sent to the Hearing Administrator (see final page of this Minute for contact details) as soon as possible and certainly before 30 June 2023. Upon receipt of these responses the Hearing Administrator will advise of the preferred date time and venue. The Panel is likely to request a report from PNCC on the state of play resulting from such meetings.
16. Of course, none the above prevents any 'one on one' liaison between the submitters and the Council should that be the preference of parties and that can occur at any time; all the Panel asks is that any agreements between the parties which might narrow the issues are conveyed in writing to the Hearings Administrator.

¹ These meetings may be of an informal nature, and/or through formal pre-hearing meetings coordinated by PNCC pursuant to s99 of the RMA.

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. Directions would include:
- a. obliging the Council s42A reporting officers and any submitters intending to call expert witnesses at the hearing to advise the PNCC Hearing Administrator by a specific date, including the name and area of expertise of each witness they intend to call;
 - b. asking those parties to indicate at the same time whether they will make their respective expert(s) available for conferencing with other experts, and if not, the reasons why;
 - c. obliging the Council to assume responsibility for coordinating any conferencing between their experts and those for submitters; and
 - d. requiring any conferencing that is undertaken to be completed no later than a specific date so that the witness statements can feed into the pre-hearing timetable for circulation of evidence.
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 a hearing date commencing in the week of 4 December 2023, 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 1 September 2023.
 - b. all submitter and expert evidence to be given at the hearing on behalf of the submitters be provided to PNCC by 4pm on 20 October 2023.
 - c. any expert conferencing to occur between 30 October and 3 November 2023 with joint witness statements be provided to PNCC by 4pm on 6 November 2023.
 - d. written replies from s42A reporting officers to address matters raised in evidence of the parties be provided to PNCC by 4pm on 24 November 2023.
 - e. legal submissions on behalf of the Council and submitters be provided to PNCC by 4pm on 1 December 2023.
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/Participate-Palmy/Public-notice/Notice-of-Proposed->

District-Plan-Change-G.

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. I 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, I now suggest that submitters should let the Hearing Administrator know as soon as possible (and before 30 June 2023) of their interest and availability to attend a pre-hearing meeting during the period following 1 September and ending 20 October 2023 at the latest. Ideally, the prospect of parties providing expert evidence should be a matter for discussion during this period of engagement. We will then issue any directions, as required, 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 28 July 2023.
31. The PNCC Hearing Administrator is Susana Figlioli and can be reached at susana.figlioli@pncc.govt.nz.

DATED this 2nd day of June 2023



DJ McMahon

Chair - Independent Hearings Panel