

PALMERSTON NORTH CITY COUNCIL
PROPOSED PLAN CHANGE G: AOKAUTERE URBAN GROWTH
MINUTE 2 OF INDEPENDENT HEARING PANEL

1. This is the second procedural Minute (Minute 2) issued in relation to submissions on proposed Plan Change G Aokautere (PC G) notified by the Council.
2. The purpose of the Minute is twofold:
 - a. to confirm the composition of the independent Hearings Panel (the Panel) established by the Palmerston North City Council (the Council) to hear and make decisions on submissions on PC G under the Resource Management Act 1991 (RMA), and
 - b. to update submitters on the directions for the hearing of submissions before the Panel; including pre-hearing meetings, circulation of evidence before the hearing, and hearing processes and presentations.
3. The minute concludes with a reminder about requests by submitters for the Panel to undertake site and locality visits.

Background

4. On 2 June 2023 the first Minute (Minute 1) was issued to address some preliminary matters in preparation for the hearing including pre-hearing discussions/expert conferencing, circulation of evidence, hearing process and presentations and site and locality visits.
5. Minute 1 provided an indicative timetable for a hearing commencing in the week of 4 December 2023. Minute 1 worked on the basis of a tentative timeframe whereby the s42A report will be available on 1 September 2023, with an approximate 7-week period before submitter evidence, to provide for the opportunity for pre-hearing engagement to discuss issues raised in submissions and to attempt to resolve any issues where practicable.
6. Submitters were requested to advise the Council whether they wished to participate in pre-hearing meetings. To date, seventeen submitters have indicated a willingness to participate across a range of topics. Council officers have advised the Panel that they are working on a (topic based) schedule for the pre-hearing meetings which will be distributed in advance of the pre-hearing meetings. Given the number of submitters wishing to be involved in pre-hearing discussions, the extent of time initially considered necessary for the meetings to occur is no longer required. These matters are addressed further in the timetable to hearing set out in paragraph 10 below.

Panel Appointments

7. The Panel consists of three Hearing Commissioners appointed under section 34A(1) of the RMA to hear, consider and make a decision on PC G. The Commissioners include:
 - (a) David McMahon, Independent Hearing Commissioner (Chair);
 - (b) Sharon McGarry, Independent Hearing Commissioner; and
 - (c) Lorna Johnson, Palmerston North City Council Elected Member.
8. All Commissioners are accredited Hearing Commissioners under the Ministry for the Environment's 'Making Good Decisions' course.

Circulation of evidence before hearing

9. The hearing is still scheduled to commence in the week beginning **4 December 2023** in Palmerston North. Formal notification to submitters of the hearing and venue and other administrative matters (including the scheduling of submitters) will be provided by the Hearing Administrator closer to the hearing.
10. Minute 1 provided an indicative timetable to hearing. With further information available regarding interest in pre-hearing meetings, an **updated timetable** is confirmed below:
 - a. section 42A reports called by PNCC be made available no later than 4pm on 15 September 2023;
 - b. pre-hearing meetings to occur in the week of 25 September 2023;
 - c. all submitter and expert evidence to be given at the hearing on behalf of the submitters be provided to PNCC by 4pm on 27 October 2023.
 - d. any expert conferencing to occur between 6 and 10 November with joint witness statements be provided to PNCC by 4pm on 13 November 2023.
 - e. 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.
 - f. legal submissions on behalf of the Council and submitters be provided to PNCC by 4pm on 1 December 2023.
11. The timetable reflects the following:
 - a. Two additional weeks for s42A reports – with reports now due on 15 September 2023 (not 1 September 2023).
 - b. A dedicated and scheduled week for pre-hearing meetings – week of 25 September

2023.

- c. Submitter evidence is now due on 27 October 2023 (six weeks after filing of s 42A reports).
 - d. Expert conferencing will commence on the week of 6 November 2023.
 - e. Council rebuttal on 24 November (four weeks after filing of submitter evidence).
12. We have timetabled the **pre-hearing meetings** to occur in the week of 25 September 2023 in Palmerston North. Council officers are directed to provide a schedule for those meetings to all submitters by no later than 1 September 2023, with any comments by parties to be provided to the Hearing Administrator by Friday, 8 September 2023. We have otherwise not issued formal directions as to how these meetings will be managed, although note that in some cases facilitation of the meetings can be helpful. These are matters Council officers will determine on a case-by-case basis.
13. If submitters have any suggestions or views on the topics, timing (across the timetabled week) or arrangements for the pre-hearing meetings they are encouraged to advise the Hearing Administrator as soon as possible.
14. We note that two submitters have indicated that they are not available in the week of 25 September (which is what the timetable sets aside for pre-hearing meetings). Paragraph 12 and 13 above provide flexibility around how the meetings will be managed, with feedback to be obtained from submitters on a list of topics. Where people are unavailable, we anticipate that alternative arrangements can be made.
15. 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/PlanChangeG>.

Hearing processes and presentations

16. Minute 1 set out some initial information about the hearing process for context.
17. A schedule for the hearing will be available closer to the hearing date and will be available on the PNCC website.
18. The Hearing Panel has a preference to hold hearings “in person” wherever possible. Parties may request leave from the Chair for submitters and/or expert witnesses to attend the hearing to provide submissions and /or evidence via audio visual link. Such requests must be made to the PNCC Hearing Administrator at least five working days prior to the date at which the witness or submitter is scheduled to appear along with an outline of the reasons for the request. A decision will be at the discretion of the Hearing Panel.

19. Similarly, the Panel has a preference for all pre-hearing conferences and expert conferencing to be "face to face". Where exceptional circumstances make participating in person difficult, audio-visual link may be used where approval of the Hearing Panel has been obtained. Again, any requests must be made to the PNCC Hearing Administrator at least five working days prior to the week set aside for pre-hearing conferences and expert conferencing in the hearing timetable, along with any outline of reasons for the request.

Site and locality visits

20. Submitters are reminded to advise the PNCC Hearing Administrator of any requests they have in relation to particular sites/localities they wish the Hearing Panel to visit on a site visit before (if possible) and after the hearing.
21. The PNCC Hearing Administrator is Susana Figlioli and can be reached at susana.figlioli@pncc.govt.nz

DATED this 8th day of August 2023



DJ McMahon, Chair

On behalf of the members of the Hearing Panel