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PALMERSTON NORTH CITY COUNCIL

AGENDA

PLANNING & STRATEGY COMMITTEE

9AM, WEDNESDAY 8 SEPTEMBER 2021
AUDIO-VISUAL MEETING

MEMBERS

Aleisha Rutherford (Chairperson)
Patrick Handcock ONZM (Deputy Chairperson)
Grant Smith (The Mayor)

Brent Barrett	Lorna Johnson
Rachel Bowen	Billy Meehan
Zulfiqar Butt	Bruno Petrenas
Renee Dingwall	Orphée Mickalad
Leonie Hapeta	

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

pncc.govt.nz | Civic Administration Building, 32 The Square
City Library | Ashhurst Community Library | Linton Library

Heather Shotter

Chief Executive | PALMERSTON NORTH CITY COUNCIL

PLANNING & STRATEGY COMMITTEE MEETING

8 September 2021

ORDER OF BUSINESS

1. Apologies

2. Notification of Additional Items

Pursuant to Sections 46A(7) and 46A(7A) of the Local Government Official Information and Meetings Act 1987, to receive the Chairperson's explanation that specified item(s), which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded, will be discussed.

Any additions in accordance with Section 46A(7) must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

Any additions in accordance with Section 46A(7A) may be received or referred to a subsequent meeting for further discussion. No resolution, decision or recommendation can be made in respect of a minor item.

3. Declarations of Interest (if any)

Members are reminded of their duty to give a general notice of any interest of items to be considered on this agenda and the need to declare these interests.

4. Public Comment

To receive comments from members of the public on matters specified on this Agenda or, if time permits, on other Committee matters.

(NOTE: If the Committee wishes to consider or discuss any issue raised that is not specified on the Agenda, other than to receive the comment made or refer it to the Chief Executive, then a resolution will need to be made in accordance with clause 2 above.)

- 5. Confirmation of Minutes** Page 7
"That the minutes of the Planning & Strategy Committee meeting of 11 August 2021 Part I Public be confirmed as a true and correct record."
- 6. Annual Section 10A Dog Control Act 1996 Report** Page 15
Memorandum, presented by Kerry-Lee Probert, Head of Environmental Protection Services.
- 7. Draft Support and Funding Policy - Approval for Consultation** Page 31
Memorandum, presented by Julie Macdonald, Strategy & Policy Manager.
- 8. Draft Stormwater Bylaw - approval for consultation** Page 65
Memorandum, presented by Julie Macdonald - Strategy & Policy Manager.
- 9. Committee Work Schedule - September 2021** Page 115
- 10. Exclusion of Public**

To be moved:

"That the public be excluded from the following parts of the proceedings of this meeting listed in the table below.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as stated in the above table.

Also that the persons listed below be permitted to remain after the public has been excluded for the reasons stated.

[Add Third Parties], because of their knowledge and ability to assist the meeting in speaking to their report/s [or other matters as specified] and answering questions, noting that such person/s will be present at the meeting only for the items that relate to their respective report/s [or matters as specified].

PALMERSTON NORTH CITY COUNCIL

Minutes of the Planning & Strategy Committee Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 11 August 2021, commencing at 9.02am

Members Present: Councillor Aleisha Rutherford (in the Chair), The Mayor (Grant Smith) and Councillors Brent Barrett, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan and Orphée Mickalad.

Non Members: Councillors Susan Baty, Vaughan Dennison and Karen Naylor.

Apologies: The Mayor (early departure on Council Business), and Councillors Lew Findlay QSM and Bruno Petrenas.

Note: Councillor Billy Meehan attended the meeting remotely.

Councillor Lew Findlay entered the meeting at 11.04am during consideration of clause 26. He was not present for clauses 20 to 25 inclusive.

20-21 Apologies

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the Committee receive the apologies.

Clause 20-21 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

21-21 The Future Use of 17 Summerhays Street - Hearing of Submissions

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the Planning & Strategy Committee hear submissions from presenters who indicated their wish to be heard in support of their submission.

2. That the Committee note the Procedure for Hearing of Submissions, as described in the procedure sheet.

Clause 21-21 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

The following persons appeared before the Committee and made oral statements in support of their submissions and replied to questions from Elected Members, the additional points being:

Mr Jim Owen (28):

Mr Owen spoke to his submission and made no additional comments.

Manawatu Community Housing Trust (40):

Ms Margaret May, Chairperson, spoke to the Manawatu Community Housing Trust's submission and made no additional comments.

Mrs Marilyn and Mr Bruce Bulloch (39):

Mr and Mrs Bulloch spoke to their submission and made the following additional comments:

- For many years their main concern has been the loss of public green space in the city.
- The loss of private green space from people's back and front yards needs to be counter-balanced by the provision of easily accessed and locally available parks and reserves.
- Dogs and their walkers need easily accessible local areas to exercise.
- There is a vision that the existing Bowling Club Rooms could be used as an art centre.

Mrs Beverley Greene and Mr Donald McIntyre Campbell (42):

Mrs Greene and Mr McIntyre Campbell spoke to their submission and made the following additional comments:

- The green space could also include community gardens.

Sport Manawatū (41):

Mr Brad Cassidy, General Manager Partnerships, and Mr Trevor Shailer, Chief Executive, spoke to Sport Manawatū's submission and made no additional comments.

Ms Jackie Little (56):

Ms Little spoke to her submission and made the following additional

comments:

- The existing club rooms building could be retained and repurposed as a therapy centre and a common shared space for residents' use.

22-21 The Future Use of 17 Summerhays Street - Summary of Submissions

Memorandum, presented by Michael Duindam, Acting City Planning Manager, and Keegan Aplin-Thane, Planner.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the Summary of Submissions attached to the memorandum titled 'The Future Use of 17 Summerhays Street: Summary of Submissions' presented to the Planning and Strategy Committee on 11 August 2021, be received.

Clause 22-21 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

The meeting adjourned at 10.10am.

The meeting resumed at 10.29am.

23-21 Confirmation of Minutes

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the minutes of the Planning & Strategy Committee meeting of 30 June 2021 Part I Public be confirmed as a true and correct record.

Clause 23-21 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

24-21 Review of the Waste Management and Minimisation Bylaw - \$155 Determinations

Report, presented by Julie Macdonald, Strategy and Policy Manager, and Peter Ridge, Senior Policy Analyst.

In discussion an additional motion was passed requesting that the Chief Executive report back to the Committee on the impact of Council's

licensing, regulatory and service options on minimising waste to landfill.

Moved Brent Barrett, seconded Aleisha Rutherford.

The **COMMITTEE RESOLVED**

1. That pursuant to s.155(1) of the Local Government Act 2002 the Council determine that a bylaw is the most appropriate way of addressing the perceived problems of maximising the diversion of waste to beneficial uses; regulating and managing the operation of kerbside waste and recycling collection activities; and minimising the potential for waste to create a nuisance in public places.
2. That pursuant to s.155(2)(a) of the Local Government Act 2002 the Council determine that a standalone bylaw is the most appropriate form of bylaw.
3. That pursuant to s.155(2)(b) of the Local Government Act 2002 the Council agree that it is not anticipated that a revised Waste Management and Minimisation Bylaw would give rise to implications under the New Zealand Bill of Rights Act 1990.
4. That the Chief Executive be instructed to draft a revised Waste Management and Minimisation Bylaw which addresses the perceived problems of maximising the diversion of waste to beneficial uses; regulating and managing the operation of kerbside waste and recycling collection activities; and minimising the potential for waste to create a nuisance in public places.

Clauses 24.1-21 to 24.4-21 above were carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

Moved Brent Barrett, seconded Aleisha Rutherford.

5. That prior to consulting on the draft Waste Management & Minimisation Bylaw, the Chief Executive report to Planning & Strategy Committee on:
 - (1) how licensing, regulatory and service provision options can be used to cost-effectively minimise waste to landfill, and
 - (2) how Council provision of waste and recycling services influences our commercial sector licensing and regulatory options to minimise waste to landfill.

Clause 24.5-21 above was carried 13 votes to 1, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan

Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Billy Meehan, Karen Naylor and Orphée Mickalad.

Against:

Councillor Lorna Johnson.

25-21

Draft Trade Waste Bylaw - Approval for Consultation

Report, presented by Julie Macdonald, Strategy and Policy Manager, and Peter Ridge, Senior Policy Analyst.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RECOMMENDS**

1. That the draft Palmerston North Trade Waste Bylaw 2022 Consultation Document, included as attachment one to the report titled 'Draft Trade Waste Bylaw – approval for consultation' presented to the Planning and Strategy Committee on 11 August 2021, be amended as follows:

Section 1.3(h) of Appendix 2 of the Administration Manual to read: 'Radioactive material, unless the material is discharged in accordance with the Code of Practice for Unsealed Radioactive Material published by the Ministry of Health.'

2. That the Council approve the draft Palmerston North Trade Waste Bylaw 2022 Consultation Document, included as attachment one to the report titled 'Draft Trade Waste Bylaw – approval for consultation' presented to the Planning & Strategy Committee on 11 August 2021 (as amended), for consultation with the public.
3. That the Mayor and Deputy Mayor be authorised to approve minor amendments to the consultation document prior to publication.

Clause 25-21 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

26-21

Mitigating East Street Traffic Safety Concerns

Report, presented by Sandra King, Acting Transport & Infrastructure Manager.

Councillor Findlay QSM entered the meeting at 11.04am.

Moved Aleisha Rutherford, seconded Lorna Johnson.

The **COMMITTEE RECOMMENDS**

1. That the Council provide additional funding (up to \$24,000) to install temporary safety treatments in East Street in Financial Year 2021-22 (Year 1) immediately, and proceed to install permanent safety

treatments as planned in Financial Year 2023-24 (Year 3).

Clause 26-21 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

Abstained:

Councillor Lew Findlay QSM.

27-21

Committee Work Schedule - August 2021

In discussion it was agreed to bring forward the due date of Item 8 of the Committee Work Schedule in consideration to June 2022.

Moved Rachel Bowen, seconded Leonie Hapeta.

The **COMMITTEE RESOLVED**

1. To amend the Planning & Strategy Committee Work Schedule dated August 2021 to change the due date of Item 8 to June 2022.

Clause 27.1-21 above was carried 14 votes to 1, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

Against:

Councillor Aleisha Rutherford.

Moved Aleisha Rutherford, seconded Rachel Bowen.

2. That the Planning & Strategy Committee receive its Work Schedule dated August 2021, as amended.

Clause 27.2-21 above was carried 13 votes to 2, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Billy Meehan and Orphée Mickalad.

Against:

Councillors Lorna Johnson and Karen Naylor.

The meeting finished at 12.05pm

Confirmed 8 September 2021

Chairperson

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 8 September 2021

TITLE: Annual Section 10A Dog Control Act 1996 Report

PRESENTED BY: Kerry-Lee Probert, Head of Environmental Protection Services

APPROVED BY: Chris Dyhrberg, Chief Customer Officer

RECOMMENDATION(S) TO COUNCIL

1. That the report of the Dog Control Policy and Practices for the Palmerston North City Council pursuant to Section 10A of the Dog Control Act 1996 for the period 2020/21, as attached to this memorandum titled 'Annual Section 10A Dog Control Act 1996 Report' presented to the Planning & Strategy Committee on 8 September 2021, be received.
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1. ISSUE

The Dog Control Act 1996 ("the Act") requires the Council to produce an annual report on the administration of its Dog Control Policy and Practices. This is the Palmerston North City Council report for the 2020/21 year.

2. BACKGROUND

The Act requires the following information to be provided:

- (a) The number of registered dogs in the territorial authority district;
- (b) The number of probationary owners and disqualified owners in the territorial authority district;
- (c) The number of dogs in the territorial authority district classified as dangerous;
- (d) The number of dogs in the territorial authority district classified as menacing;
- (e) The number of infringement notices issued by the territorial authority;
- (f) The number of related dog complaints received by the territorial authority in the previous year and the nature of those complaints; and,

(g) The number of prosecutions taken by the territorial authority under this Act.

Attached is the report on the Council's administration of its Dog Control Policy and Practices for 2020/21.

The total number of complaints or investigations bucked the downward trend with an increase of 1.5% on the 2019/20 totals. This is attributed to an increase in dog ownership during level 3 and 4 of Covid-19.

Barking dog complaints saw a reduction, while rushing dog notifications increased slightly over the previous year but remained lower than the 5-year average, while dog attacks have increased to 5.5% over the 5-year average.

Preferred Owner statistics were incorrectly reported in the 2019/20 annual report. Corrections have been made to the Preferred Owners section, and to Appendix 2 of the current report.

3. NEXT STEPS

The report if received, must be placed on the Council's website and publicly notified.

4. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 3: A Connected and Safe Community.	
The recommendations contribute to the outcomes of the Connected Community Strategy.	
The recommendations contribute to the achievement of action/actions in the Safe Community Plan.	
The action is: Achieve compliance with relevant legislation, bylaws and policies through the provision of information, education and enforcement.	
Contribution to strategic	The Council must make the report publicly available and give

<p>direction and to social, economic, environmental and cultural well-being</p>	<p>public notice of the report.</p>
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ATTACHMENTS

1. Annual Section 10A Dog Control Act Report [↓](#) 



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**Annual Section 10A Dog Control Act Report
2020/2021**

July 2021

Annual Section 10A Dog Control Act Report 2020/21

This report covering the 2020/21 fiscal year, has been prepared to satisfy the requirements of Section 10A of the Dog Control Act 1996 ('the Act').

1.1 Policy on Dogs

There have been no amendments to the Council's dog control policy or bylaw this year. The policy is due for review in 2023, so preparation for this will start in 2021/22

1.2 Accommodation

The Animal Management Office is in Palmerston North City's central administration building, which is on The Square. The Council Pound is on Totara Road, Palmerston North, at the back of the racecourse and next to the wastewater treatment plant. This facility has kennelling for 36 dogs and six puppies, with a dog exercise area and administration space for two staff.

1.3 Personnel

The Animal Management team is part of the Customer Unit and reports to the Head of Environmental Protection Services. A new Animal Management and Education Team Leader was appointed in April, to lead service efficiency improvements for the benefit of our customers. Supporting the Team Leader are three experienced Animal Control Officers and a Kennel Manager/Education Officer, who is also warranted as an Animal Control Officer.

1.4 Hours of Operation

Officers work on a roster system, which provides an on-duty officer from 8am to 5pm on weekdays. After-hours services are limited to responding to dog attacks, secured dogs, aggressive dogs and roaming dogs.

In February 2021, there was a change in contractor for afterhours service.

The Pound is open to the public Monday to Friday, 8.30am to 9.30am and 2.30pm to 4.30pm. The emergency release of animals outside these hours is available but is subject to an additional fee.

1.5 Fees

The Palmerston North City Council has fee categories for general registration, with a reduced fee for de-sexed dogs, approved preferred owners and rural working dogs. Disability assist and special working dogs do not attract fees.

Under the Dog Control Act 1996, fees and charges are reviewed annually. As of 1 July 2021, there was an increase of 2% to 3.5% across all dog registration fee categories.

Dog registration fees, fines and impound fees contributed 89% of the cost of animal management in Palmerston North City in 2020/21. This is up 12% on the last fiscal year, partly because of changes made to the registration fee structure and officers' efforts to achieve registration compliance through education.

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 8 September 2021

TITLE: Draft Support and Funding Policy - Approval for Consultation

PRESENTED BY: Julie Macdonald, Strategy & Policy Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That the Draft Support and Funding Policy 2021, included as an attachment to the memorandum titled 'Draft Support and Funding Policy – Approval for Consultation' presented to the Planning & Strategy Committee on 8 September 2021, be approved for consultation.
 2. That the consultation on the proposed policy seeks community views on the most appropriate mechanisms for providing more financial certainty to strategic partner organisations which provide leadership and co-ordination in the community and voluntary sector.
-

1. ISSUE

- 1.1 The Community Funding Policy 2018 is due for its first review. The purpose of this current policy is to provide a framework to guide funding support to the City's community and voluntary sector, while also ensuring Council's resources are targeted at meeting its strategic outcomes.
- 1.2 The proposed new Support and Funding Policy 2021 (attached) has been developed as an outcome of the usual review, as well as a response to two issues.
- 1.3 The first issue informing the review is the lack of policy direction for the provision of support to for-purpose organisations with exclusive use of Council-owned property through lease arrangements. The Policy for the Use of Public Space, adopted in 2019 to guide decision-making on applications for the use of outdoor public spaces, partly filled this policy gap, but did not include guidance for all types of community occupancy. During the development of the 2018-28 10-Year Plan Elected Members resolved that this kind of support should be more transparent and subject to formally-agreed guidance.
- 1.4 The second issue informing the review is the lack of policy direction guiding the administration of events funding. This issue was identified in the recent

business assurance funding review (reported through the Finance and Audit Committee in May 2021).

- 1.5 The Council was informed of the broadened scope of the review in response to these two identified issues through the Community Development Committee in May 2021 and during the 10-Year Plan 2021-31 deliberations process.
- 1.6 An additional matter was raised through the 10-Year Plan 2021-31 deliberations process for inclusion in this policy review; consideration of entering into contracts for support with some sector leads instead of them being included in contestable funding rounds. This matter is also addressed in this report.

2. BACKGROUND

- 2.1 This is the first standard review of the Community Funding Policy since it was adopted in 2018.
- 2.2 When the current policy was put forward for adoption in 2018 the covering memorandum stated that the next review will consider increasing its scope to include support and funding currently outside the policy (such as community occupancy).

Community occupancy

- 2.3 Council has 34 land and building leases, and 67 land-only lease agreements with a wide range of for-purpose organisations. Most of these leases are on land subject to the Reserves Act 1977 ('Reserves Act'), including recreation and local-purpose reserves. The Reserves Act guides the legal process Council must follow for granting leases for different reserve purposes. Lease agreements enable for-purpose groups to deliver a wide variety of services, programmes or activities to their members and to the wider community.
- 2.4 Council's current operational approach to community occupancy is to apply the rescinded Recreation and Community Assets Rental Policy 1995 (RCARP) and to some extent, the Use of Public Space Policy 2019. RCARP set fixed-fee rentals based on the category of use, the size of land occupied, and quality of the leased building.
- 2.5 Operating under a rescinded policy was noted in the Community Support Plan 2018, along with the acknowledgement that the total value of the support contributed by Council through rents is unknown (because market rental assessments are not undertaken). The plan proposed that: '*Council and community organisations who lease Council facilities, land, or buildings understand the level of financial support they are giving/receiving.*' A specific programme to '*develop and implement a recreation and community assets rental policy*' was included within this plan.

- 2.6 In 2020 staff estimated that leaseholders pay a median of 13% of market rent. The estimated difference between the actual rent paid to Council, (approximately \$140K per annum) and an estimated market rent, is \$725K per annum.
- 2.7 The support provided to for-purpose groups enables them to occupy (normally through lease agreements) Council property at nominal rental rates rather than market rates. The material difference between community occupancy rentals and comparable private sector market rentals is a subsidy and form of support. Setting affordable rentals enables for-purpose groups to operate sustainably so they can deliver services, programmes or activities that contribute to community outcomes.
- 2.8 Elected Members' stated purpose for the inclusion of community occupancy in a funding policy was increased transparency, rather than a desire to change the level of support provided. The rationale for inclusion of community occupancy in the policy is therefore to align the support Council provides to for-purpose organisations within an overall funding and support context.
- 2.9 As part of the policy development process staff examined a range of rental models and considered processes and assessment criteria for awarding leases. Some community engagement was carried out with lease holders to inform this policy development and there was a Councillor workshop on this topic.

Sector leads

- 2.10 On 9 June 2021 Council resolved:

That in developing the Community Funding Policy, the option of sector lead organisations in the arts, social and environmental sectors being removed from the contestable funding model and offered a funding contract instead, (similar to the arrangement in place for Sports Manawatu for the sports sector) is explored and reported back to committee when the policy is considered. (To include with their agreement: Community Services Council, Environment Network Manawatu, Manawatu Multicultural Council, Square Edge Community Arts and Creative Sounds (The Stomach)).

- 2.11 All the groups identified in this resolution are recipients of the Strategic Priority Grants ('SPG') and are identified as sector leads (except for Creative Sounds - The Stomach). Each organisation has a long-standing relationship with Council - some dating back decades. These organisations have all been part of many contestable funding rounds and funding agreements over the years.

Other funding

- 2.12 A Business Assurance Review recommended that a policy framework be developed to guide events funding. This Review was received by the Finance and Audit Committee in May 2021.

2.13 The Community Development Committee also received a report in May 2021 which noted that, as a result of Executive Leadership Team ('ELT') consideration of the Business Assurance Review, the proposed policy would include:

- A new Community-led initiatives fund that merged the existing celebrating communities, contestable community events and local initiatives fund;
- Major events fund
- Natural and cultural heritage fund
- Sports event partnership fund

2.14 This principle of inclusion has been extended in this proposed policy to provide the community with confidence that the main forms of support are within the scope of the policy, unless explicitly named as exceptions (see the diagram below).

3. PROPOSED POLICY

3.1 The draft policy adopts a general focus on support and contestable funding, available to individuals, groups and organisations who contribute to achieving outcomes towards Council's vision for the city. This responds to the direction to broaden the policy review from the current focus on funding for the community and voluntary sector. Under the broader focus most of Council's contestable funds come under the draft policy, ensuring a standardisation and transparency for the allocation of funding and other support.

3.2 The proposed changes to the policy to respond to the issues raised are described as follows:

New name, objectives and principles

3.3 To reflect the broadened scope of the policy a new name has been proposed – Support and Funding Policy.

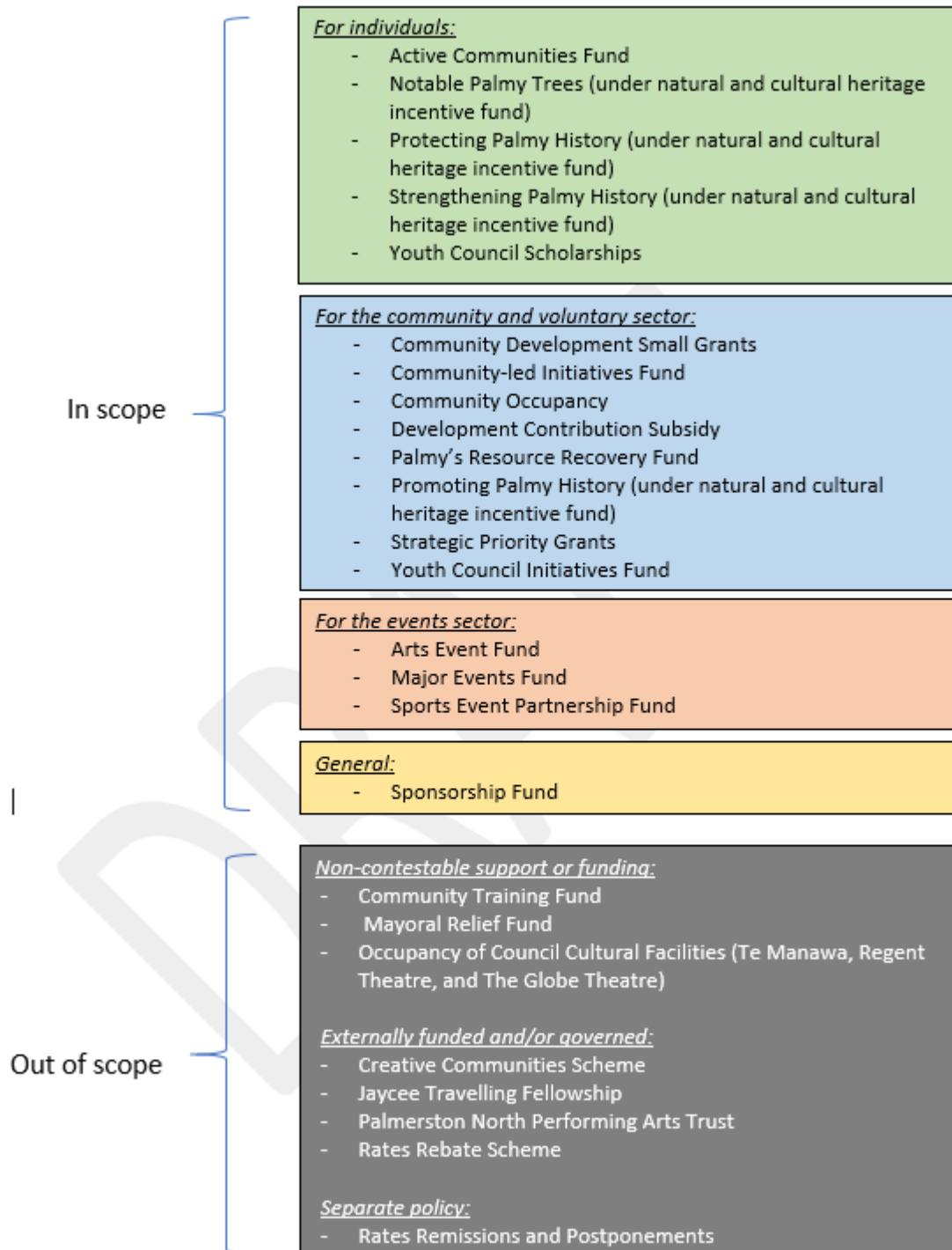
3.4 The objectives have been updated to clearly show the outcomes that the policy seeks to achieve in its implementation.

3.5 The proposed principles synthesise the principles in the current policy. This is to make them relevant to the broadened policy focus and improve their framing.

Scope

3.6 The diagram below shows the support and funding programmes that will be governed by the draft policy and those that remain outside its scope. An

additional 11 support and funding programmes have been included making the total of 19 (including three forms of support for community occupancy).



Guidelines

3.7 Each stage of the allocation process (i.e., general eligibility, proposals, decision making, and accountability) is canvassed in the guidelines and the expectations of Council and prospective recipients of support are clearly described.

- 3.8 Process diagrams for allocating support and assessing applications are included in the draft policy. These provide a clear foundation for the next steps administrators will take when developing detailed operational guidelines for delivering support and funding.
- 3.9 The draft policy introduces a new provision (section 5.4.4) to guide the response to proposals that do not meet the requirements for support or funding. This clause responds to the Business Assurance Review recommendation to provide guidelines for situations that may deviate from standard practice.

Types of support and funding programmes

- 3.10 The proposed support priorities (and in turn eligibility and exclusions) of some support and funding programmes have been refined to better capture the distinct purpose of each. The development of this section of the policy highlighted issues with some support and funding programmes. Staff will bring recommendations for a potential future review through the next 10-Year Plan process.

Community-led initiatives fund

- 3.11 The draft policy proposes merging three existing funds into one new fund, incorporating the former Celebrating Communities Fund, Contestable Community Events Fund and Local Initiatives Fund (see 7. in Part B of the proposed policy). The current Celebrating Communities Fund and Contestable Community Events Fund are closely aligned in purpose, in that they provide support to communities of interests to deliver projects, activities and events that help to build connections. The Local Initiatives Fund was designed to provide support for new community initiatives. However, funding under this programme is underutilised due to overly strict criteria (recognised in previous Committee discussions). Combining the funds gives staff more flexibility to allocate funds towards initiatives that are driven by the community - the common purpose of these funds. Applications for new community initiatives can be considered under this fund, while also providing more opportunities to communities who may miss out in the oversubscribed Celebrating Communities Fund.

Community occupancy of Council- owned property by for-purpose groups

- 3.12 The draft policy introduces two processes to guide Council's decision-making on community occupancy of Council-owned properties (see Section 5.5 in Part A of the proposed policy):
 1. New community occupancy or renewal of an existing community occupancy;
 2. Occupancy opportunities that arise after lapse or surrender of an occupancy agreement (discontinuation of community occupancy).

- 3.13 When Council property becomes vacant due to a discontinuation of an occupancy, it is recommended that Council staff will first conduct a strategic options review to consider whether another community use is appropriate for the land/building. This is a particularly important step as Council is under increasing pressure to look at alternative options to meet land supply requirements for housing (other than in greenfield urban growth areas).
- 3.14 Under these circumstances, and providing that Council has agreed that a community occupancy is desired, the occupancy opportunity will then be publicly advertised in recognition that there may be broader interest for use by for-purpose groups in the community.
- 3.15 The draft policy also introduces reporting accountabilities for for-purpose groups occupying Council property that match the expectations placed on groups receiving other forms of support, such as grants. These expectations reflect the premise of the policy that for-purpose organisations receive support from Council in a variety of ways.

Community rental framework for occupancy of Council property

- 3.16 Given that Elected Members have requested the inclusion of community occupancy within a Support and Funding Policy, it seems appropriate to address the historically ad hoc approach to setting rentals. At present community occupancy leases vary widely, and there is no consistent approach to the rentals set. For this reason, a rental framework is proposed as part of this section of the policy (see 8c. in Part B of the policy).
- 3.17 Staff reviewed several approaches for setting community occupancy rentals. There is a wide variety of models used by other Councils, including methods that subsidise rents based on an assessment of land or capital value. Some local authorities adopt a simple 'set rental' approach for easy administration and this is the approach recommended here.
- 3.18 Two main rental framework options were considered for inclusion in the proposed policy:

 Option One (proposed): A new community occupancy set-rental framework

 Option Two: Simplified RCARP rental framework
- 3.19 Option One: A new community occupancy rental framework proposes that the annual rental rates will be set regardless of the lease area.

Type of occupancy	Annual rentals
Land-only leases	\$250 + GST
Land and building leases	\$500 + GST

- 3.20 Regardless of the size of the lease, the time for processing each community occupancy agreement is similar, but the costs of managing and maintaining a land and building lease is higher than managing a land-only lease. The proposed annual rental rates therefore reflect operational costs for managing the community occupancy (leasing) process and not the value of the property.
- 3.21 Under this proposed option there would be no immediate impact on the for-purpose groups brought under the proposed policy, as the policy would only be applied when a lease is renewed. Under this option, fewer than 10% of the for-purpose groups with leases would face a rental increase of more than \$50 plus GST per annum.
- 3.22 Option Two (not proposed): This option is a simplification of the rental framework used in the RCARP (1995). A simplified framework could be land leases ranging from \$50 to \$1,000+GST and land and building leases ranging from \$200 to \$1,000+GST. This option is not recommended because it is still unnecessarily complex and is based on different rentals for categories of use rather than focused on the benefits of the for-purpose groups as a whole.
- 3.23 There would be no financial impact if there is no change to the rental framework currently being applied (Option Two).
- 3.24 This table summarises the options outlined above:

	Option One Adopt proposed rental framework	Option Two Status quo - Existing rental framework (simplified)
Land lease annual rental	\$250 + GST (per year)	\$50 to \$1,000 + GST (per year)
Land and building lease annual rental	\$500 + GST (per year)	\$200 to \$1,000 + GST (per year)
Determining factors	Land lease Land and building lease	Size Quality of building Group/user category

- 3.25 Option One is recommended as it provides a straight-forward framework for leaseholders and provides better visibility to the wider community. The rental framework would be implemented alongside operational guidance that clarifies other occupancy costs (e.g., compliance, regulatory, maintenance/renewals and operating expenses) that identify which fall to the Council and to the tenant. These responsibilities are then set out in the lease agreement that will ensure a consistent approach for Council as landlord, and to the tenant for-purpose group.

Occupancy of community facilities - Hancock Community House and Community centres

- 3.26 For-purpose groups also use and operate out of Hancock Community House and community centres to provide a range of recreation, community and social services and activities. The programme purpose, specific eligibility requirements, support priorities, and assessment criteria for support to these programmes are included in the proposed policy.
- 3.27 The proposed rental framework for Hancock Community House confirms the current approach.
- 3.28 The proposed policy for community centres is to re-set rents at a consistent \$1,800 per year. This is currently the average rental across the community centres. The proposed rental would mean an increase of \$130 per year for all but one of the community centres.

Sector leads

- 3.29 Following the resolution of Council during the 10-Year Plan 2021-31 process, staff met with the Community Services Council, Environment Network Manawatū, Manawatū Multicultural Council, Square Edge and Creative Sounds to get their feedback on Council's funding models. The feedback was consistent across these groups; while they were grateful for having support from Council, there are limitations in the contestable funding process. They highlighted the following issues:

1. There is no certainty of funding beyond the three-year Strategic Priority Grants period. This uncertainty affects the organisations' ability to plan long term, is disruptive to services, and exacerbates difficulties in finding and retaining skilled staff. By nature, the work of sector leads takes longer to achieve as part of their role is to contribute to the 'sector infrastructure' by supporting other organisations to develop and connect. Secure, long-term funding is an important contributor to supporting a strong community sector.

2. The Strategic Priority Grants Fund is Council's major pool of operational funding to support the community and voluntary sector. Some of the groups noted that competing for the same pool of funding as service delivery agencies within their respective sectors is at odds with having a united and coordinated sector.

3. Organisations which had leases and/or agreements to manage Council facilities advised that Council could maximise benefits by providing direct on-going support to their operations. For example, the Community Services Council, which receives additional funds to manage Hancock Community House, suggested this agreement could be merged into one funding agreement to achieve more effective administration.

4. Some groups found reporting through the results accountability framework did not accurately capture what they were achieving on the ground. They all

mentioned that there was a strong emphasis on quantitative data collection which often meant repeatedly sending surveys out to their respective sectors.

5. Some organisations felt a contestable process with Council did not accurately reflect the goodwill between organisations. They saw themselves as being in partnership with Council and that a direct contract would reflect this more accurately.

3.30 While the organisations named in the Council resolution noted their general support for being contracted outside the available contestable funding, there are some issues for Council to consider. These include:

1. Council was clear in the resolution that not all 'sector leads' may have been identified or considered, yet. Deciding which organisations to directly contract (if any) requires careful consideration and would benefit from wider community input.

2. Appropriate accountability processes will be required if sector lead agencies are funded through direct contracts. It may be that the most transparent way of achieving this would be for such agreements to be covered by the proposed policy in some way.

3. All organisations that staff spoke with in this context noted that they are currently underfunded. Determining the payment for services under any contract arrangement would need to be further explored. If any sector leads were to be 'removed' from the Strategic Priority Grants contestable fund, there would still need to be a process for determining how much of this funding would be reallocated to them and therefore unavailable to other organisations.

3.31 Staff note that only preliminary conversations have been had with the sector lead organisations proposed by the resolution of Council. It would be useful to hear more from these groups, but also to engage with the wider community and voluntary sector to find out the level of support for a new sector lead funding process, which organisations are considered to fit this description, and views about the potential impact on available funds.

3.32 The proposed Support and Funding Policy will provide an opportunity to engage with the sector on this issue and will also allow the Council to respond to these views in the adoption of the final policy. Any changes determined by Council following the consultation on the proposed Support and Funding Policy could then be made through an Annual Plan or other process.

4. CONCLUSION

4.1 The Draft Support and Funding Policy 2021 provides the following guidance:

- A framework to guide events funding.
- A framework to guide community occupancy.

- Standardisation of the allocation process for support and contestable funding available to external groups.

- 4.2 The proposed policy will provide greater transparency in decision-making and clearer guidance for staff and other decision-makers.
- 4.3 The consultation on the Draft Support and Funding Policy will provide an opportunity for Council to hear the views of the community and voluntary sector about the advantages and disadvantages of providing funding for lead agencies through another mechanism.

5. NEXT STEPS

5.1 The consultation timeframe of the Draft Support and Funding Policy will depend on the Covid alert levels and the viability of achieving good engagement outcomes. At this stage staff anticipate consultation being open from early October 2021 to early November 2021. Hearing of submissions is planned for late November 2021 and a deliberations/adoption report will follow.

5.2 An engagement plan will be developed following the approval to consult on the draft policy. Staff anticipate a wide interest from the many stakeholders who may be affected by the policy, or who have a general interest in Council's policy on support and funding. Particular effort will be made to engage with:

- Current and potential recipients of funding and support programmes
- For-purpose groups whose community occupancy agreements with Council will be guided by the policy
- Rangitāne o Manawatū
- other strategic partners of Council, including sector lead agencies
- Interest and advocacy groups
- The wider Palmerston North community

6. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No

Is there funding in the current Annual Plan for these actions?		Yes
Are the recommendations inconsistent with any of Council's policies or plans?		No
The recommendations contribute to Goal 3: A Connected and Safe Community		
The recommendations contribute to the achievement of action/actions in Connected Communities		
The action is: Review the Community Funding Policy.		
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Consultation on the Draft Support and Funding Policy will inform Council decision-making and allow the opportunity to achieve its objective of providing transparent and responsive funding processes.	

ATTACHMENTS

1. Draft Support and Funding Policy September 2021 [↓](#) 

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 8 September 2021

TITLE: Draft Stormwater Bylaw - Approval for Consultation

PRESENTED BY: Julie Macdonald - Strategy & Policy Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

- 1. That the Council approve the draft Palmerston North Stormwater Bylaw 2022 Consultation Document (as attached as attachment one in the report titled “Draft Stormwater Bylaw – Approval for Consultation” presented to the Planning & Strategy Committee on 8 September 2021) for public consultation.**
 - 2. That the Chief Executive be authorised to approve minor amendments to the consultation document prior to publication.**
-

SUMMARY OF OPTIONS ANALYSIS FOR APPROVAL FOR CONSULTATION ON DRAFT STORMWATER BYLAW & ADMINISTRATION MANUAL 2022

Problem or Opportunity	The Stormwater Drainage Bylaw 2015 expired in May 2020 and will be automatically revoked in May 2022 unless the Council adopts a new Stormwater Bylaw before that date. Officers have prepared a revised Bylaw following the S155 determinations made by the Council in September 2020. The opportunity is to approve this draft Bylaw for public consultation.
OPTION 1:	Approve the draft Stormwater Bylaw 2022 for public consultation
Community Views	Some initial feedback from key stakeholders has been received on the scope of potential changes to the Stormwater Bylaw.
Benefits	Consulting on the draft Bylaw will allow the Council to receive submissions on its proposal and progress towards adopting a new bylaw before the current bylaw is automatically revoked.
Risks	No particular risks have been identified.
Financial	Consultation on the draft Stormwater Bylaw will be met within existing budgets.
OPTION 2:	Do not approve the draft Stormwater Bylaw 2022 for public consultation
Community Views	Some initial feedback from key stakeholders has been received on the scope of potential changes to the Stormwater Bylaw. No feedback was received which supported the automatic revocation of the Bylaw.
Benefits	No particular benefits have been identified.
Risks	If the draft Stormwater Bylaw, or alternative draft, is not approved for public consultation, then there will be insufficient time to adopt a replacement Stormwater Drainage Bylaw before the current Bylaw expires in May 2022. Regulation of the matters covered in the 2015 Bylaw would therefore not be possible. These matters include approval of service connections and management of discharges of contaminants into the public stormwater network.
Financial	There would be minor financial implications as Council would not receive fees for stormwater service connections.

RATIONALE FOR THE RECOMMENDATIONS

1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY

- 1.1 The Stormwater Drainage Bylaw 2015 was required to be reviewed within five years of its adoption or it is automatically revoked two years after the date it was due to be reviewed.
- 1.2 Delays caused by the response to the COVID-19 pandemic in 2020 meant that the review was unable to be completed before the end of the five-year review period.
- 1.3 If Council wishes to continue having a Stormwater Drainage Bylaw it must replace the existing Bylaw before it is automatically revoked on 25 May 2022.
- 1.4 This report presents a draft revised Bylaw, and Administration Manual, for approval for public consultation. The timeframe for consultation has been set to enable the consultation process to be completed and the revised Bylaw adopted before the current Bylaw expires.
- 1.5 The current 2015 Bylaw, prepared under the Local Government Act 2002, enables stormwater to be managed to promote sustainable urban drainage and protect the environment from the impacts of flooding, erosion and environmental pollution. It provides the legal powers for private connections to the public stormwater network, ensures that physical works around services are properly managed, and places controls on the discharge of contaminants to the public stormwater network. It also gives Council the right to protect overland flow paths and stormwater infrastructure from any interference which might impact on the performance of the public stormwater network.
- 1.6 The Bylaw is one of several mechanisms Council uses to regulate and manage the stormwater activity. The District Plan, prepared under the Resource Management Act 1991, is Council's key regulatory tool to manage stormwater through the provisions in the natural hazards, residential and subdivision chapters. The Engineering Standards for Land Development state the technical standards for the construction of stormwater systems for compliance with the District Plan. These standards contain all the relevant criteria to ensure developers provide all the information necessary when seeking engineering approval for land development. Other stormwater management mechanisms Council uses alongside its regulatory powers are environmental education and the use of legal mechanisms, such as the creation of easements and drainage reserves.
- 1.7 The Statement of Proposal for the consultation on the draft Stormwater Bylaw and Administration Manual is attachment 1.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

Background

- 2.1 The impact of stormwater on the environment is becoming an increasingly important issue. Impacts include both *quantity* effects, such as flooding and erosion, and effects that impact on water *quality*, such as sedimentation, litter and the discharge of contaminants. The regulatory system for stormwater management is complex, with the Bylaw fulfilling only a portion of the overall regulatory powers available to the Council under a number of statutes: the Resource Management Act 1991, Local Government Acts 1974 & 2002, the Land Drainage Act 1908, Building Act 2004, and the Soil Conservation and Rivers Control Act 1941.
- 2.2 Central government regulatory policy developments also provide context for this bylaw review, including the introduction of the National Policy Statement for Freshwater Management 2020 (that seeks to restore and protect the health of waterways) and the Three Waters Reform.
- 2.3 As part of the Government's Three Waters Reform, Taumata Arowai—The Water Services Regulator Bill, creates a new Crown regulatory body (Taumata Arowai) to oversee, administer, and enforce a new drinking-water regulatory system and perform additional functions relating to improving the environmental performance of stormwater and wastewater networks. Sections 10 and 11 of the Bill outline the objectives and general functions of Taumata Arowai that includes oversight of the regulation, management, and environmental performance of stormwater networks. Section 11 of the Bill states that Taumata Arowai's general functions include providing oversight and information to central and local government in relation to:
- (d)(i) *the development, operation, and effectiveness of standards, regulations, and other statutory requirements for wastewater and stormwater; and*
 - (ii) *compliance with, monitoring of, and enforcement of standards, regulations, and other statutory requirements affecting wastewater networks, stormwater networks, wastewater network operators, and stormwater network operators;*
- 2.4 These legislative changes mean it is likely that the national approach to the regulation of stormwater will change within the timeframe of the next bylaw review.
- 2.5 In addition to the revision of the Bylaw, Council's regulatory framework is also being advanced through the development of a Stormwater Management Framework. This framework will give effect to the Horizons Regional Council's One Plan and the National Policy Statement for Freshwater Management. It will guide land developers to implement best practice stormwater management approaches, set out catchment priorities and provide guidance in respect of design standards and approved solutions for

stormwater runoff, and mitigate flood effects and will inform planned changes to the District Plan in 2023/2024 (see the Stormwater chapter of the Waters Plan 2021).

- 2.6 The scope of activities covered by the proposed Bylaw has not changed significantly since the Bylaw was last reviewed in 2015. Staff responsible for the stormwater activity have, however, identified issues with the increasing number of private stormwater systems (required through subdivision/land development or as part of new building development), specifically that a lack of on-going operation and maintenance of these systems may impact on the public stormwater network. Staff also want the Bylaw to better manage the risks associated with the discharge of contaminants into the public stormwater network.

Previous Council decisions

- 2.7 On 9 September 2020 the Planning and Strategy Committee made the determinations required by s.155 of the Local Government Act 2002 (LGA 2002), namely:
- *that a bylaw is the most appropriate way of addressing the perceived problem of providing a reliable and efficient stormwater drainage system that maintains public health and safety and preserves the environment (s 155(1) of the LGA 2002.)*
 - *the Council determines that a stand-alone bylaw is the most appropriate form for a stormwater drainage bylaw (s 155(2)(a) of the LGA 2002).*
 - *the Council agrees that it is not anticipated that a revised bylaw would give rise to implications under the New Zealand Bill of Rights Act 1990 (s 155(2)(b) LGA 2002).*
- 2.8 Staff then proceeded to revise the Stormwater Drainage Bylaw to addresses the perceived problem of providing a reliable and efficient stormwater drainage system that maintains public health and safety and preserves the environment.
- 2.9 The proposed draft Bylaw has been checked against provisions in the New Zealand Bill of Rights Act 1990 with no issues identified.

3. DESCRIPTION OF OPTIONS

- 3.1 The first option is to consult on the draft Stormwater Bylaw and Administration Manual. This would give identified stakeholders and the wider community the opportunity to make formal submissions on the revised Bylaw.
- 3.2 The second option is to not consult on the draft Stormwater Bylaw and Administration Manual. In the absence of any other instructions from the Council no further work would be undertaken on the Bylaw, and the current Stormwater Drainage Bylaw would be automatically revoked on 25 May 2022.

4. ANALYSIS OF OPTIONS

- 4.1 Consulting on the draft Stormwater Bylaw (option one) will allow identified stakeholders and the wider community the opportunity to make formal submissions. This opportunity follows on from the informal engagement already carried out. The timeframe for the consultation process will enable the Council to receive written and oral submissions, deliberate on those submissions and adopt a final Bylaw before the existing Bylaw is automatically revoked in May 2022.
- 4.2 Not approving the draft Stormwater Bylaw for consultation (option two) and allowing the existing Bylaw to be automatically revoked would leave the Council with no means to require approvals for service connections or control the discharge of contaminants into the stormwater network. Option two represents a risk for the Council through potentially unregulated connections and uncontrolled discharge of contaminants into the public stormwater network and into receiving environments (such as waterways). Option two is therefore not recommended.

Proposed changes included in option one

- 4.3 The scope of potential changes to the current Bylaw are:

Part One - Introduction	Explanation
Clause 1 - Title	The word drainage has been removed from the title of the Bylaw to better reflect terminology used for the Council's 'three waters' (water, wastewater and stormwater) activities.
Clause 5 - Definitions	<p>New definitions have been added for:</p> <ul style="list-style-type: none"> • Council infrastructure • Excessive load • Private stormwater system • Redundant private stormwater system • Stormwater Management Plan • Stormwater contamination mitigation plan • Zone of influence <p>Amended definitions for:</p> <ul style="list-style-type: none"> • Public stormwater network • Stormwater <p>These definitions are needed for clarification and interpretation due to the proposed changes to the Bylaw, particularly in parts two and three.</p>

Part Two – Public stormwater network connections	Explanation
Clauses 6.1 – 6.5	These proposed changes are minor and relate to the approval processes for service connections and undertaking work that may impact on the public stormwater network.
Part Three – Protection of stormwater assets and network	Explanation
Clauses 7.1 – 7.3	These proposed changes are minor and seek to protect the public stormwater network from nuisance and damage.
Clause 8.1	These proposed changes broaden the scope from a focus on works near buried services to a consideration of the wider environment to protect the public stormwater network from damage when physical works may be occurring in the vicinity.
Clauses 9.1 – 9.3	<p>These proposed changes introduce new requirements for owners of private stormwater systems to operate and maintain these systems in a way that does not cause nuisance.</p> <p>Proposed clause 9.3 places obligations on owners or occupiers of watercourses, stopbanks, or other defences to water to maintain them in an operational state to ensure the free flow of water.</p>
Clauses 10.1 – 10.2	These proposed new clauses will enable the Council to require owners of private stormwater systems that have become redundant to remove or de-commission that system to prevent damage to the public stormwater network.
<p><u>Comments:</u></p> <p>Land development</p> <p>The overall performance of Council's stormwater network relies heavily on private stormwater systems being properly maintained. Council has encouraged more private on-site attenuation devices through land development but has a limited role to effectively manage private stormwater systems. Although there is some ability through the land development process for these devices to be operated (such as including this requirement on consent notices), the requirement for on-going</p>	

maintenance is not as clear. As a result, Council's legal ability to effectively act where systems are not maintained, is restricted. There is concern that if these private systems are not maintained by owners then more nuisance effects, such as more frequent flooding, will occur. The potential for increased nuisance is exacerbated by the rate of urban growth and intensification of the City. The changes to the proposed Bylaw therefore seek to strengthen Council's powers for private systems constructed as part of land development.

Clarifying the requirement to maintain private systems can be achieved through the Bylaw's proposed clauses and future referencing of the Stormwater Bylaw in consent conditions or consent notices. This in turn will strengthen Council's regulatory approach to follow-up any issues with private stormwater systems. Alongside regulatory improvements, Council plans to complement these new regulations with education programmes covering appropriate maintenance for private devices alongside a more proactive compliance role.

Building Act and Building Code

Under the principles of the Building Act 2004 owners of household units must ensure that maintenance requirements are reasonable and that owners are aware of maintenance requirements (section 4(2)(A)(i) and (ii)). The mandatory provisions for building work are contained in the New Zealand Building Code (NZBC) which comprises the First Schedule to the Building Regulations 1992. The relevant NZBC for Surface Water is E1 and has the objective of safeguarding people from injury or illness, and other property from damage, caused by surface water and to protect the outfalls of drainage systems. The NZBC sets out functionality and performance requirements for drainage systems, including a requirement to provide reasonable access for maintenance and clearing blockages.

Although the Building Act has maintenance as a principle, there is no enforcement of on-going maintenance of buildings post-construction. Council has no legal recourse for unmaintained buildings unless they become dangerous and unsanitary. The proposed Bylaw therefore will 'plug a gap' to take action with building owners where damage or nuisance may be a result of poor maintenance of drainage/private stormwater systems.

District Plan

Future changes to the District Plan to address stormwater detention, water sensitive design and restrict impervious surface, to regulate stormwater, are planned. At the moment there is a high degree of reliance on the Council's Engineering Standards to manage stormwater impacts from land development. These changes to the proposed Bylaw fill a gap until these District Plan changes become operative.

Summary

The proposed changes to the Bylaw regarding nuisance caused by private stormwater systems will enable Council to exercise its powers, including the option to enforce the Bylaw through prosecution, if required.

<p>In part these changes protect the Council for future growth scenarios where the provision of more private on-site stormwater attenuation is forecasted.</p>	
<p>Part Four – Stormwater contamination mitigation</p>	<p>Explanation</p>
<p>Clause 11.1</p>	<p>This proposed change requires that any discharge of contaminants must pass through an approved stormwater treatment measure.</p>
<p>Clauses 12.1- 12.7</p>	<p>Proposed changes to these clauses recognise that there was potential confusion in terminology between Stormwater Management Plans required under the land development process, and the type of plan required under this Bylaw to manage the discharge of contaminants to the network. The type of required under the Bylaw has therefore been renamed as a Stormwater Contamination Mitigation Plan.</p> <p>Proposed new clause 12.2 proposes that in the event of a discharge occurring, the owner or occupier is required to contact Council immediately and follow this up in writing. This change clarifies the expectations in circumstances where there may be adverse effects on people and the environment as a result of the discharge. This clause strengthens obligations to act to contain, divert or terminate the contamination and to put into place temporary measures to prevent recurrence or continuation of the contamination. The proposed changes include that all costs incurred by Council in responding to a contamination event will fall to the owner or occupier.</p> <p>The proposed removal of clause 11.7 from the 2015 Bylaw changes the focus from Council's withdrawal of approval or re-submission of the Stormwater Contamination Mitigation Plan to taking enforcement action.</p>
<p><u>Comments:</u></p> <p>A key issue managed through the proposed Bylaw is the risk associated with the discharge of contaminants into the public stormwater network,</p>	

particularly from heavy industry. Stormwater discharges into the public stormwater are not regulated by the Horizons Regional Council's One Plan (prepared under the Resource Management Act 1991 (RMA)). However, the end-point discharges into the receiving environment by Council's network are regulated by the One Plan through resource consents for stormwater discharges to water. Under the Waters Plan, Council intends that 'City-wide stormwater discharges are consented by Horizons Regional Council by 2024'. Council therefore needs to ensure that it has made its regulatory expectations clear around discharges of contaminants to the public stormwater network and mitigating any effects should they enter waterways.

5. CONCLUSION

- 5.1 Approving the draft Stormwater Bylaw and Administration Manual for public consultation (option one) is recommended. This will allow the process of making a new bylaw to proceed and be adopted in April 2022 before the current Bylaw is automatically revoked. The scope of the proposed changes has been limited by time constraints but does address issues identified through the review process. Formal consultation will provide the opportunity to receive submissions on the proposal. Further revision of the Bylaw may be appropriate following the development of the Stormwater Management Framework and the outcome of the Three Waters Reform.

6. NEXT ACTIONS

- 6.1 If the Council approves the draft Bylaw for public consultation, then the Consultation Document will be finalised for publication and the consultation process will begin.
- 6.2 A consultation plan will be developed and implemented providing opportunities for feedback on the proposal.
- 6.3 The proposed consultation period will run for a month over October and November 2021 (dates to be confirmed subject to Covid-19 alert level implications). The hearing of submissions is planned for December 2021. A final report, with staff advice on the issues raised by submitters, and recommendations on changes to the draft Bylaw and Administration Manual for adoption, will be presented to the Planning and Strategy Committee in March 2022. If the Committee recommends the Bylaw's adoption, then this will be confirmed by Council in April 2022.

7. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

- 7.1 As part of the Bylaw review, limited stakeholder engagement was undertaken with Horizons Regional Council, and Environment Network Manawatū. Initial feedback on the scope of potential changes identified:

- the challenges in understanding stormwater management regulatory mechanisms i.e. Council's Bylaw, the Engineering Standards for Land Development, and the District Plan rules.
- the need for better coherence of the overall stormwater management framework and understanding of how the Bylaw contributes to the overall outcomes for stormwater sought by the Council.
- definitions should reflect those in the RMA/National Planning Standards for consistency.
- support for adding maintenance obligations as there seems to be a gap in the regulatory framework for the region's territorial authorities.
- appreciation that the Bylaw could lead to higher level of enforcement, and 'draws a line' in terms of expected behaviour.
- concern about the increase in impervious surfaces that increase the demand on the network and an increase in contaminants.
- concern about contamination of plastics entering waterways, and how litter traps or modifications to outfalls can catch plastics before they enter waterways.
- provision of more active and appropriate education is required (and less reliance on guidance documents).

7.2 This initial feedback has been considered during the drafting of the Stormwater Bylaw. These comments are also useful to inform other work being undertaken to improve the management and operational processes of Council, including the development of the Stormwater Framework and to inform future changes to the District Plan.

7.3 Staff will continue to work alongside Rangitāne o Manawatū through the bylaw review process and at the monthly meetings.

Formal consultation process

7.4 Under s.156 of the LGA 2002 the Council is required to use the special consultative procedure if the bylaw concerns a matter identified in the Significance and Engagement Policy as being of significant interest to the public, or the Council considers that there is a significant impact on the public due to the proposed Bylaw.


7.5 Based on the assessment of the specific requirements under the LGA 2002 for bylaw making, and taking into account the Significance and Engagement Policy, the special consultative procedure will be used for consultation on the draft Stormwater Bylaw.

7.6 The consultation document provided in attachment one includes the Statement of Proposal, the reasons for the proposal, and a summary of the determinations made by the Council under s.155 of the LGA 2002.

8. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	Yes
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 4: An Eco City	
The recommendations contribute to the achievement of action/actions in the Waters Plan	
The action is: Complete the review of the Stormwater Drainage Bylaw	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Approving the draft Stormwater Bylaw and Administration Manual for public consultation will progress the review of the Bylaw so that it can be adopted before it is automatically revoked in May 2022.

ATTACHMENTS

1. Statement of Proposal - Stormwater Bylaw 2022 [↓](#) 

COMMITTEE WORK SCHEDULE

TO: Planning & Strategy Committee

MEETING DATE: 8 September 2021

TITLE: Committee Work Schedule - September 2021

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

1. That the Planning & Strategy Committee receive its Work Schedule dated September 2021.

ATTACHMENTS

1. Committee Work Schedule September 2021  

