



**PAPAIOEA**  
**PALMERSTON**  
**NORTH**  
**CITY**

---

# **PALMERSTON NORTH CITY COUNCIL**

---

AGENDA

# **COUNCIL**

---

**9AM, WEDNESDAY 1 DECEMBER 2021**

COUNCIL CHAMBER, FIRST FLOOR,  
CIVIC ADMINISTRATION BUILDING  
32 THE SQUARE, PALMERSTON NORTH

---

# MEMBERS

---

|  |                              |
|--|------------------------------|
| <b>Grant Smith (Mayor)</b>               |                              |
| <b>Aleisha Rutherford (Deputy Mayor)</b> |                              |
| <b>Brent Barrett</b>                     | <b>Patrick Handcock ONZM</b> |
| <b>Susan Baty</b>                        | <b>Leonie Hapeta</b>         |
| <b>Rachel Bowen</b>                      | <b>Lorna Johnson</b>         |
| <b>Zulfiqar Butt</b>                     | <b>Billy Meehan</b>          |
| <b>Vaughan Dennison</b>                  | <b>Orphée Mickalad</b>       |
| <b>Renee Dingwall</b>                    | <b>Karen Naylor</b>          |
| <b>Lew Findlay QSM</b>                   | <b>Bruno Petrenas</b>        |

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

[pncc.govt.nz](http://pncc.govt.nz) | Civic Administration Building, 32 The Square  
City Library | Ashhurst Community Library | Linton Library

---

## Heather Shotter

Chief Executive | PALMERSTON NORTH CITY COUNCIL

---

# COUNCIL MEETING

1 December 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. Confirmation of Minutes

"That the minutes of the ordinary meeting of 3 November 2021 Public be confirmed as a true and correct record."

Page 7

## REPORTS

5. **Adoption of Elected Members' Code of Conduct 2021** Page 15  
 Memorandum, presented by Hannah White, Democracy & Governance Manager.
6. **Council Work Schedule** Page 45

## RECOMMENDATIONS FROM COMMITTEE MEETINGS

7. **Presentation of the Public Arts, Culture & Heritage Committee Recommendations from its 17 November 2021 Meeting** Page 49
8. **Presentation of the Public Finance & Audit Committee Recommendations from its 24 November 2021 Meeting** Page 53
9. **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 |
|---|--|--|---|
| 10.   | Minutes of the ordinary meeting - Part II Confidential - 3 November 2021 | For the reasons setout in the ordinary minutes of 3 November 2021, held in public present. |   |
| 11.   | Award of Contract - Healthy Homes Compliance Upgrades                    | Negotiations   | s7(2)(i)  |
| 12.   | Award of Contract -  | Commercial   | s7(2)(h) and s7(2)(i)                                     |

|     |  |  |                           |
|-----|--|--|---------------------------|
|     | Papaioea Place Stage 3   | Activities and Negotiations                |                           |
| 13. | District Licensing Committee Appointment Process                             | Privacy                                    | s7(2)(a)                  |
| 14. | Wastewater Best Practicable Option Project - Consenting Phase Implementation | Third Party Commercial and Legal Privilege | s7(2)(b)(ii) and s7(2)(g) |
| 15. | Request for Additional Funding for Chief Executive Performance Review Panel  | Third Party Commercial                     | s7(2)(b)(ii)              |
| 16. | Part IIB: Chief Executive's Performance Review 2020/21 [Limited circulation] | Privacy                                    | s7(2)(a)                  |

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 Council Meeting Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 03 November 2021, commencing at 9.03am**

**Members Present:** Grant Smith (The Mayor) (in the Chair) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, Bruno Petrenas and Aleisha Rutherford.

**Apologies:** Councillor Leonie Hapeta, Grant Smith (The Mayor) (early departure)

#### **Mayor's comments**

The Mayor updated Council on the following items:

He congratulated Chris Waller from the Manawatū for training the Melbourne Cup winning horse Verry Elleegant.

The Mayor acknowledged the passing of Emeritus Professor Wayne Edwards, former President of Institute of the Pacific United (IPU). Mr Edwards dedicated 29 years of his working life to Massey University and 10 years to IPU. On behalf of the Council, the Mayor passed on condolences to his wife Judith.

#### **128-21 Apologies**

Moved Grant Smith, seconded Aleisha Rutherford.

#### **RESOLVED**

That Council receive the apologies.

Clause 128-21 above was carried 15 votes to 0, 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, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, Bruno Petrenas and Aleisha Rutherford.

### **Declaration of Interests**

Councillor Renee Dingwall declared an interest in Item 6 Appointment as Zone 3, Local Government New Zealand representative (clause 131-21) and Item 7 Additional Portfolio Appointments for 2019-2022 triennium (clause 132-21) and abstained from voting.

Councillor Lorna Johnson declared an interest in Item 7 Additional Portfolio Appointments for 2019-2022 triennium (clause 132-21) and abstained from voting.

### **129-21 Confirmation of Minutes**

Moved Grant Smith, seconded Aleisha Rutherford.

#### **RESOLVED**

That the minutes of the ordinary meeting of 6 October 2021 Public be confirmed as a true and correct record.

Clause 129-21 above was carried 15 votes to 0, 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, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, Bruno Petrenas and Aleisha Rutherford.

## **REPORTS**

### **130-21 Annual Meeting Calendar 2022**

Memorandum, presented by Hannah White, Democracy and Governance Manager.

The calendar will be amended so that the Environmental Sustainability Committee on 30 March meets at 9am rather than 1pm.

Moved Grant Smith, seconded Aleisha Rutherford.

#### **RESOLVED**

That Council adopt the Annual Meeting Calendar 2022 (Appendix 1) (as amended).

Clause 130-21 above was carried 15 votes to 0, 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, Lorna Johnson, Billy Meehan, Orphée Mickalad,



Karen Naylor, Bruno Petrenas and Aleisha Rutherford.

Moved Karen Naylor, seconded Vaughan Dennison.

On an amendment: That the Council agree to change the Committee of Council meeting from the 10th May to the 11th May at 1pm.

The amendment was lost 4 votes to 10, with 1 abstention, the voting being as follows:

**For:**

Councillors Vaughan Dennison, Billy Meehan, Orphée Mickalad and Karen Naylor.

**Against:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Patrick Handcock ONZM, Lorna Johnson, Bruno Petrenas and Aleisha Rutherford.

**Abstained:**

Councillor Lew Findlay QSM.

Councillor Renee Dingwall declared a conflict of interest and abstained from voting.

**131-21 Appointment as Zone 3, Local Government New Zealand representative**  
Memorandum, presented by Hannah White, Democracy and Governance Manager.

Moved Grant Smith, seconded Aleisha Rutherford.

**RESOLVED**

That Council adopt the Mayor's recommendation to appoint Councillor Renee Dingwall as one of Palmerston North City Council's representatives to the Local Government New Zealand Zone Three Group for the remainder of the 2019-2022 term.

Clause 131-21 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

**For:**

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

**Abstained:**

Councillor Renee Dingwall.

Councillors Renee Dingwall and Lorna Johnson declared a conflict of interest, and abstained from voting.

**132-21 Additional Portfolio Appointments for 2019-2022 triennium**

Memorandum, presented by Hannah White, Democracy and Governance Manager.

Moved Grant Smith, seconded Aleisha Rutherford.

**RESOLVED**

1. That Council note the appointment of Councillor Lorna Johnson as lead contact person for MaLGRA in the People and Community Portfolio.
2. That Council note the appointment of Councillor Renee Dingwall as lead contact person for the Pasifika community in the People and Community Portfolio.

Clause 132-21 above was carried 13 votes to 0, with 2 abstentions, the voting being as follows:

**For:**

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

**Abstained:**

Councillors Renee Dingwall and Lorna Johnson.

**133-21 Council Work Schedule**

The Chief Executive informed Council that the update report on the Three Water reforms will be presented during December.

Moved Grant Smith, seconded Aleisha Rutherford.

**RESOLVED**

That the Council receive its Work Schedule dated November 2021.

Clause 133-21 above was carried 15 votes to 0, 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, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, Bruno Petrenas and Aleisha Rutherford.

## RECOMMENDATIONS FROM COMMITTEE MEETINGS

134-21

### **Planning & Strategy Committee Public - 20 October 2021**

Consideration was given to the Planning & Strategy Committee's recommendations below.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

### **The Future Use of 17 Summerhays Street (Former Terrace End Bowling Club) - Deliberations on Submissions**

#### **RESOLVED**

1. That the future use of 17 Summerhays Street (Former Terrace End Bowling Club) be confirmed for housing.
2. That the Chief Executive be directed to further investigate the need, design and location of any public green space to support the repurposing of 17 Summerhays Street for housing as part of the necessary amendments to the District Plan and/or resource consent process.
3. That the Chief Executive be directed to initiate a District Plan change to enable the proposed repurposing of 17 Summerhays Street for housing.
4. That it be noted that should the District Plan be amended to enable the repurposing of 17 Summerhays Street for housing, the District Plan change process will include public submissions and an assessment of potential environmental effects, including those identified in submissions received on the Future Use of 17 Summerhays Street Statement of Proposal.
5. That it be noted that should the Council wish to repurpose 17 Summerhays Street for housing in advance of a District Plan change, the Council could consider a resource consent application.

Clause 134-21 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

#### **For:**

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

#### **Abstained:**

Councillor Rachel Bowen.

135-21

### **Finance & Audit Committee Public - 27 October 2021**

Consideration was given to the Finance & Audit Committee's recommendation below.

Moved Susan Baty, seconded Karen Naylor.

**Quarterly Performance and Financial Report - Quarter Ending 30 September 2021**

**RESOLVED**

1. That the memorandum titled 'Quarterly Performance and Financial Report – Quarter Ending 30 September 2021' presented to the Finance & Audit Committee on 27 October 2021, be received.

Clause 135-21 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

**For:**

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

**Abstained:**

Councillor Rachel Bowen.

**EXCLUSION OF PUBLIC**

**136-21 Recommendation to Exclude Public**

Moved Grant Smith, seconded Aleisha Rutherford.

**RESOLVED**

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 |
|---|---|--|---|
| 12.   | Minutes of the ordinary meeting - Part II<br>Confidential - 6<br>October 2021 | For the reasons set out in the ordinary minutes of 6 October 2021, held with public present. |   |
| 13.   | District Plan Change Hearings 2022-2023 - Appointment of                      | Privacy  | s7(2)(a)  |

|     |   |                        |              |
|-----|---|------------------------|--------------|
|     | Commissioner  |                        |              |
| 14. | Electoral Officer appointment and other considerations for the 2022 Local body election | Third Party Commercial | s7(2)(b)(ii) |
| 15. | Part IIB: Chief Executive's Performance Review 2020/21 [Limited circulation]            | Privacy                | s7(2)(a)     |

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.

Clause 136-21 above was carried 13 votes to 2, the voting being as follows:

**For:**

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

**Against:**

Councillors Brent Barrett and Karen Naylor.

The public part of the meeting finished at 9.47am

Confirmed 1 December 2021

**Mayor**



## MEMORANDUM

**TO:** Council

**MEETING DATE:** 1 December 2021

**TITLE:** Adoption of Elected Members' Code of Conduct 2021

**PRESENTED BY:** Hannah White, Democracy & Governance Manager

**APPROVED BY:** Sheryl Bryant, Assistant Chief Executive

---

### RECOMMENDATION TO COUNCIL

1. That Council adopt the Elected Members' Code of Conduct 2021 (Attachment 1).
  2. That Council amend the Delegation Manual - Delegations to Chief Executive to read:

*Section X: The Chief Executive or Legal Counsel to assign a panel of three independent persons from the approved list of independent persons to hear a code of conduct complaint.*

*Section Y: Legal Counsel to appoint independent investigators for code of conduct complaints, from approved list of independent investigators.*

*Section Z: Legal Counsel to appoint mediator for code of conduct complaints from the Arbitrators' and Mediators' Institute of New Zealand.*
  3. That a report be brought to Council to establish a list of independent persons to hear code of conduct complaints, for 2022 and the following triennium in the first instance, and every following triennium.
  4. That a report be brought to Council to establish a list of independent investigators to review code of conduct complaints, for 2022 and the following triennium in the first instance, and every following triennium.
- 

### 1. ISSUE

- 1.1 A code of conduct outlines the behaviours expected by elected members and the process to resolve complaints against the code.
- 1.2 The Council's current Code of Conduct was adopted on 24 April 2017. The review provision in the Code states that the Council will formally review the Code as soon as practicable after the beginning of each triennium.
- 1.3 Officers recommend that adopting the Local Government New Zealand (LGNZ) model template 2019 (with amendments to suit Palmerston North's

context) is the best approach to bring Council's Code of Conduct up to the date and in line with best practice.

- 1.4 The Local Government Act 2002 (LGA) requires Council to have a current code of conduct. That code can be amended or replaced by a new code of conduct at any time, but in either case, requires a vote of not less than 75% of the members present.

## 2. BACKGROUND

- 2.1 The current code was originally based on a LGNZ template produced at the time the LGA came into force. Since that time, new codes have been progressively adopted with each triennium so that the current code is now significantly different from both the original 2002 code and from the current 2019 LGNZ template.
- 2.2 The Council's code was reviewed in 2015, and then re-adopted in 2017 with one amendment to allow only elected members and the Chief Executive to initiate complaints.

## 3. THE REVIEW PROCESS

- 3.1 Officers conducted a desktop review comparing the differences between the current Palmerston North City Council Code of Conduct and the LGNZ Model 2019. This resulted in a briefing paper which was presented to elected members, who were asked to consider the differences between the current PNCC code of conduct and the LGNZ model and comment on which they prefer.
- 3.2 Officers have reflected on feedback from elected members and propose Attachment 1. The main changes proposed are:
  - 3.2.1 **Agree to use the LGNZ Model Template** and to adapt it where necessary. The model is easy to understand, concise and has an improved format.
  - 3.2.2 **Code to apply to elected members only.** This is a standard approach across New Zealand. The current code of conduct includes appointed members, but changes in 2017 allowed only an elected member or the Chief Executive to initiate a complaint. This change was made prior to there being any appointed members to committees.

Palmerston North City Council (PNCC) currently has six appointed members on its committees, they include the five iwi representatives and the independent member on the Finance and Audit Committee.

Officers recommend that appointed members be excluded from the code of conduct, because the same level of public accountability does not apply to them. Council has different types of appointed members, whose conduct is managed through either contractual or partnership obligations.



3.2.3 **Retain the current PNCC complaints process.** The current complaints process allows for a more informal approach to be taken before a complaint is escalated for investigation which allows for minor grievances to be heard and resolved without starting a formal investigation.

Several suggestions to strengthen the current complaints process are noted in Section 5 below.

3.2.4 **Full Council to determine code of conduct complaints.** This is in-line with current Council practice.

3.2.5 **Complaints Panel and Council deliberation on Panel's recommendations to be held in public unless there are grounds under the Local Government Official Information and Meetings Act to warrant it being held in closed session.** Having an expectation that consideration of complaints will be held in public unless there are justifiable reasons not to, ensures transparency of the democratic process and enables the public to hold their elected members to account. Any complaint that involves a staff member, would likely be held in confidential session to protect the privacy of the officer (as the Chief Executive has a legal obligation to protect the wellbeing of their employees).

3.2.6 **Not include the LGNZ model reference to not blocking social media posts in Appendix A: Guidelines on the Personal use of Social Media.** This has been replaced with an emphasis on the important role of members being able to communicate the decisions of council in a courteous and professional manner.

3.3 Suggestions made by members which officers have not included in the draft code of conduct are:

3.3.1 **Remove requirement for elected members to attend compulsory training courses.** Officers recommend this be included in the code as it is reasonable to expect elected members to acquire the necessary knowledge to make informed decisions and grow in their leadership capacity in a way which promotes teamwork and fair access to knowledge.

3.3.2 **Allow code complaints to be received in writing to the Mayor, Deputy Mayor or Chief Executive.** This suggestion was to manage instances when the Chief Executive was involved in the incident of a complaint. Members considered it inappropriate for the Chief Executive to receive a complaint which involves them.

Current practice is for complaints to be in writing to the Chief Executive. This protects the privacy of all parties involved in the complaint. When an incident of a complaint involves the Chief Executive, Officers recommend Council's Legal Counsel receive such complaints rather than an elected member. The complaint process has been revised to manage such a scenario.

Limiting those who can receive complaints limits the risk to the privacy of the parties involved, ensures fair process that other elected members would not know about a complaint before the member to whom the complaint applies, and protects the integrity of the process.

**3.4 Other changes**

Officers have added a new Appendix B which guides how elected members respond to queries on Council litigation. This comes from Council resolutions from 1997 and 1999.

**4. THE DRAFT CODE OF CONDUCT**

4.1 Given the age of the current PNCC code of conduct, the proposed draft in Appendix 1 has been based on the LGNZ Model template. The template has been amended to incorporate the points listed above. Changes have been tracked against the model.

4.2 The code of conduct is self-policing; only elected members or the Chief Executive can make a code complaint against an elected member. Council officers and members of the public cannot make a code complaint, but a member or the Chief Executive could make a complaint on their behalf.

4.3 The Code acknowledges the use of social media and Appendix A provides guidance for how members should navigate the difference between speaking on behalf of Council and speaking about Council. Members need to be mindful of how they portray themselves online. Social media content that members post in their capacity as an elected member may be captured by code complaints, even where content posted on private accounts is not captured by the Local Government Official Information and Meetings Act.

**5. THE COMPLAINTS PROCESS**

5.1 Officers recommend that the current complaints process is adopted with some amendments noted below to promote timeliness and to simplify the process.

5.2 The complaints process has been described in full and presented in a flowchart (Appendix D: Making and Withdrawing a complaint) to make it easier to follow.

5.3 Officers have made a few additional changes to the current complaints process:

**Support for all parties**

5.4 Officers have included the right for the parties involved in a complaint (the parties) to bring a support person to any meeting they attend (during the process) and to give both parties five working days' notice of any meeting to reflect good faith.

**Complaints against elected members that involve the Chief Executive**

5.5 Officers suggest that when a complaint against an elected member involves the Chief Executive, the written complaint be addressed to the Council's Legal Counsel, who will be responsible for informing the relevant people to commence the process (see 3.3.2).

**Preliminary investigation stage**

5.6 The current complaints process lists a number of possible investigators, which differs depending on who made the complaint (see Table 1 below). Taking into consideration the additional scenario of a code complaint that involves the Chief Executive, the list would be increase by two.

**Table 1: Possible list of investigators – for Preliminary Investigation stage**

| <b>Complaint made by member against:</b>                        | <b>Investigated by:</b>                       |
|---|---|
| a councillor(s) (not the Deputy Mayor)                          | Mayor and Chief Executive                     |
| NEW: a councillor(s) and involves the Chief Executive           | Mayor and independent legal counsel           |
| the Mayor or Deputy Mayor                                       | Chief Executive and independent legal counsel |
| NEW: The Mayor or Deputy Mayor and involves the Chief Executive | Independent legal counsel                     |
| <b>Complaint made by CE against:</b>                            | <b>Investigated by:</b>                       |
| a councillor(s) (not the Deputy Mayor)                          | Mayor and independent legal counsel           |
| the Mayor or Deputy Mayor                                       | independent legal counsel                     |

Officers believe this list is becoming overly complicated and recommend this stage be changed so that all preliminary investigations are completed by an external investigator regardless of where the complaint derives from.

5.7 A list of possible external investigators, with relevant experience could be appointed by Council at the beginning of the triennium.

**Mediation**

5.8 The current complaints process requires the investigators to appoint an independent mediator (which is mutually agreed by both parties) within 15 days of the investigator's report being written. If no mutually agreed mediator has been appointed within 20 working days, an independent mediator from the Arbitrators and Mediators Institute of New Zealand should be appointed.

5.9 Officers suggest that the Council's Legal Counsel appoint an independent mediator from the Arbitrators and Mediators Institute of New Zealand within 15 working days.

**Hearings of complaints**

- 5.10 The current complaints process requires that if mediation does not succeed that three (suitably qualified) members of the public will be appointed to form a panel to hear the complaint. This panel will be appointed by the Council.
- 5.11 Officers recommend that Council agrees a list of independent persons at the beginning of each triennium, for a three-year term. and delegate the authority to the Chief Executive or Legal Counsel to assign three people from the list to sit on a code of conduct panel (if needed). This could be formalised by amending the Delegations Manual to read:

*Section X The Chief Executive or Legal Counsel to assign a panel of three independent persons from the approved list of independent persons to hear a code of conduct complaint.*

- 5.12 Council does not currently have any appointed independent persons, who could form a code of conduct panel. Officers recommend a list of independent persons is created for 2022- 2025 and brought to Council for approval in early 2022.
- 5.13 Delegating this responsibility to officers allows greater timeliness, rather than Council trying to appoint independent persons during a complaint process as the time needed to advertise, find suitable candidates to be an independent person and seek council approval would significantly delay the complaints process.

**6. NEXT STEPS**

- 6.1 If adopted, the code of conduct will be published on the Council's website and circulated to members.
- 6.2 Lists of independent persons and investigators will be brought to Council for approval by early 2022.

**7. COMPLIANCE AND ADMINISTRATION**

|   |            |
|---|------------|
| Does the Council have delegated authority to decide?<br>If Yes quote relevant clause(s) from Delegations Manual | <b>Yes</b> |
| Are the decisions significant?  | <b>No</b>  |
| If they are significant do they affect land or a body of water?   |            |
| Can this decision only be made through a 10 Year Plan?  | <b>No</b>  |
| Does this decision require consultation through the Special Consultative procedure?                             | <b>No</b>  |
| Is there funding in the current Annual Plan for these actions?  | <b>Yes</b> |
| Are the recommendations inconsistent with any of Council's policies or  | <b>No</b>  |

|   |  |
|---|--|
| plans?  |  |
| The recommendations contribute to Goal 5: A Driven & Enabling Council   |  |
| The recommendations contribute to the achievement of action/actions in Governance and Active Citizenship              |  |
| The action is: Ongoing review of governance systems and structures to support Council's effectiveness and reputation. |  |
| Contribution to strategic direction and to social, economic, environmental and cultural well-being                    | The Code of Conduct outlines the expected behaviour of elected members and how complaints will be managed. This is a tool to ensure effective decision making can occur. |

**ATTACHMENTS**

1. Draft Code of Conduct 2021 (track changed) [↓](#) 





















































## COMMITTEE WORK SCHEDULE

**TO:** Council

**MEETING DATE:** 1 December 2021

**TITLE:** Council Work Schedule

---

### RECOMMENDATION TO COUNCIL

1. That the Council receive its Work Schedule dated December 2021.

### ATTACHMENTS

1. Work Schedule - Council [↓](#) 









## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 1 December 2021

**TITLE:** Presentation of the Public Arts, Culture & Heritage Committee Recommendations from its 17 November 2021 Meeting

---

Set out below are the recommendations only from the Arts, Culture & Heritage Committee meeting Part I Public held on 17 November 2021. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**28-21 Caccia Birch Trust Board - Annual Report 2020-21**

Memorandum, presented by Hannah White, Democracy & Governance Manager and Grant O'Donnell, Chair.

The **COMMITTEE RECOMMENDS**

1. That Council receive the Caccia Birch Trust Board's Annual Report 2020-21 (Attachment 2 of the memorandum titled 'Caccia Birch Trust Board – Annual Report 2020-21'), presented to the Arts, Culture & Heritage Committee on 17 November 2021.

**29-21 The Regent Theatre Trust - Annual Report 2020-21**

Memorandum, presented by Hannah White, Democracy & Governance Manager and David Walsh, Manager.

The **COMMITTEE RECOMMENDS**

1. That Council receive the Regent Theatre Trust Board's Annual Report 2020-21 (Attachment 2 of the memorandum titled 'The Regent Theatre Trust – Annual Report 2020-21'), presented to the Arts, Culture & Heritage Committee on 17 November 2021.

**30-21 The Globe Theatre Trust - Annual Report 2020-21**

Memorandum, presented by Hannah White, Democracy & Governance Manager and Gerry Keating, Manager.

The **COMMITTEE RECOMMENDS**

1. That Council receive the Globe Theatre Trust Board's Annual Report 2020-21 (Attachment 2 of the memorandum titled 'The Globe

Theatre Trust – Annual Report 2020-21'), presented to the Arts, Culture & Heritage Committee on 17 November 2021.

**31-21 Te Manawa Museums Trust - Annual Report 2020-21**

Memorandum, presented by Hannah White, Democracy & Governance Manager and Andy Lowe, Chief Executive.

The **COMMITTEE RECOMMENDS**

1. That Council receive Te Manawa Museums Trust Board's draft Annual Report 2020-21 (Attachment 2 of the memorandum titled 'Te Manawa Museums Trust – Annual Report 2020-21'), presented to the Arts, Culture & Heritage Committee on 17 November 2021.

**32-21 Statements of Expectation for Cultural Council Controlled Organisations 2022-2023**

Memorandum, presented by Gillian Tasker and Stephanie Velvin, Community Development Managers.

The Regent report that they have addressed the final issue in the table under Section 2, Development of the Statement of Intent. They have reviewed employee leave procedures and reduced employee leave liabilities accordingly. Officers recommended that this item be removed from the Regent's SOE.

The **COMMITTEE RECOMMENDS**

1. That Council approve the Statements of Expectation for Te Manawa Museums Trust, Regent Theatre Trust (as amended), and Globe Theatre Trust (Attachments 1–3 of the memorandum titled 'Statements of Expectation for Cultural Council Controlled Organisations 2022-2023'), presented to the Arts, Culture & Heritage Committee on 17 November 2021, as the basis for the Statements of Intent 2022–2025.

**34-21 Feasibility and Process for Establishing a Heritage Advisory Panel**

Memorandum, presented by David Murphy, Chief Planning Officer.

During discussion, Elected Members felt that Palmerston North had a unique story to tell, and that consideration of a Heritage Advisory Panel should be referred to the 2022/23 Annual Budget.

The **COMMITTEE RECOMMENDS**

1. That the Chief Executive is directed to prepare a programme to establish a Heritage Advisory Panel to be considered as part of the

2022/23 Annual Budget.

2. That it be noted that should the Council wish to proceed with the establishment of a Heritage Advisory Panel it will be recommended that:
  - The panel is a volunteer community-based panel that helps scope research of heritage themes to be addressed as part of the delivery of Council activities
  - The panel contains Rangitāne representation
  - The membership and terms of reference of the panel are prepared in consultation with Rāngitane, Manawatū Heritage Trust and other interested heritage stakeholders.



## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 1 December 2021

**TITLE:** Presentation of the Public Finance & Audit Committee Recommendations from its 24 November 2021 Meeting

---

Set out below are the recommendations only from the Finance & Audit Committee meeting Part I Public held on 24 November 2021. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

### **78-21 Victoria Esplanade Hospitality Review**

Report, presented by Kathy Dever-Tod, Manager - Parks and Reserves and Aaron Phillips, Senior Parks Planner.

#### The **COMMITTEE RECOMMENDS**

1. That Council allow the Lions Club to sell a restricted selection of non-café food and drink items, in the Victoria Esplanade, as part of the operation of their proposed mini-golf course.
2. That Council note lease discussions between the Council and the café tenant are progressing and that officers will report back to the Council on the requested extension to the café lease in due course.
3. That once lease negotiations have concluded, the Chief Executive issues licences, under delegation, to a limited number of mobile vendors, with restrictions on trading hours and products for sale, to enable them to trade at the Victoria Esplanade.

### **79-21 Palmerston North Airport Ltd - Statement of Expectations 2022-24**

Memorandum, presented by Steve Paterson, Strategy Manager - Finance.

During discussion Elected Members proposed amendments to the Statement of Expectations, as follows:

Section 3(iii) Environmental Impacts: replace the words 'national goal' with 'PN City Council goal'; and remove phrase 'below 2005 levels' to align with PN City Council policy.

#### The **COMMITTEE RECOMMENDS**

1. That the memorandum titled 'Palmerston North Airport Ltd – Statement of Expectations' presented to the Finance & Audit

Committee on 24 November 2021, be received.

2. That the Statement of Expectations for Palmerston North Airport Ltd 2022-24 be adopted, as amended.

**82-21**

**Waka Kotahi New Zealand Transport Agency 2021-24 National Land Transport Plan Funding Allocation**

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

During discussion Elected Members were of the opinion that the state of the transport network means Council needs to use all available tools to manage the impacts of heavy traffic, and requested a report back to the Planning & Strategy Committee on process and options, including use of bylaws, to establish and enforce heavy vehicle routes in the city's urban transport network.

The **COMMITTEE RECOMMENDS**

1. That Council note the significant funding allocations provided within the 2021-24 National Land Transport Plan (NLTP) from Waka Kotahi New Zealand Transport Agency (NZTA).
2. That Council note that Maintenance, Operations and Renewal (MOR) programmes across the 2021-24 NLTP period will continue as planned, and notes that officers will monitor budgets and address any additional funding requirements due to network needs, through future Annual Budgets.
3. That Council note NZTA approval of 85% of Low Cost Low Risk (LCLR) capital new programmes across the 2021-24 NLTP period, and notes that specific projects have been identified as un-funded.
4. That Council note probable funding from NZTA in the 2021-24 NLTP for the following larger programmes of work is subject to finalisation of business case work for:
  - a. Improvement to existing Asset Management Plan (AMP)
  - b. PNITI – Local Road Improvements (Package 4 of PNITI Programme Business Case)
  - c. PN to Feilding Shared Path (Implementation)
  - d. Roberts Line/KB Road Intersection Safety Improvements.
5. That Council note the following larger programmes are NOT approved by NZTA in the 2021-24 NLTP:
  - a. Urban Bus Terminal Redevelopment
  - b. Palmerston North – Enabling Streets for People, Local Road Improvements (Package 7 of PNITI Programme Business Case).

6. That Council approve the transfer of \$500,000 from Sealed Pavement Renewals (Programme 115) for 2021/22 to Sealed Pavement Maintenance (Operational Expense) to enable urgent heavy maintenance to be carried out on the transport network, including Summerhill Drive.
7. For the un-funded Low Cost Low Risk (LCLR) programmes within the 2021-24 NLTP period, that Council confirms that:
  - a. Council residual share (\$1.09M) of Tennent Drive Improvements (programme 1121) is refocused to enable early intervention works to facilitate Palmerston North Integrated Transport Initiative (PNITI).
  - b. For Infill Street Lighting (programme 1367) provide additional capital borrowing of \$431k in 2021-22 (of \$1.32M three year programme) to fund NZTA share to deliver the whole programme.
  - c. For Regional Shared Path Network (programme 2057) that due to limited Council residual funding (\$19.6k), Napier Road Shared Path (Te Matai to Gasworks drain link) be removed from the programme.
  - d. For Off-Road Shared Path Network Improvements (programme 2021), provide additional capital borrowing to fund NZTA share (\$285,600) to deliver the programme.
8. That the Chief Executive report to Planning & Strategy Committee within six months on process and options, including use of bylaws, to establish and enforce heavy vehicle routes in the city's urban transport network.

**83-21 Proposed Road Stopping - Land Adjoining 18 Carey Street, Longburn**

Report, presented by Bryce Hosking, Manager - Property.

The **COMMITTEE RECOMMENDS**

1. That Council declare that the 46 square metres (more or less) of the road reserve adjacent to the property at 18 Carey Street, Longburn is not required for public work and is surplus to Council's operational requirements.
2. That Council proceeds with the formal road stopping process for the 46 square metres (more or less) of road reserve adjacent to the property at 18 Carey Street, Longburn.
3. That Council agree to dispose of the 46 square metres (more or less) of road reserve adjacent to the property at 18 Carey Street, Longburn through sale to the owner of the adjacent property owner.
4. That Council delegate to the Chief Executive Officer the power to

conclude all matters in relation to the road stopping and disposal of the Land, including all legal matters including issuing the relevant public notice, declaring the road stopped, negotiating the terms of the sale, imposing any reasonable covenants and any other necessary actions.