



PALMERSTON NORTH CITY COUNCIL

AGENDA

PLANNING & STRATEGY COMMITTEE

9AM, WEDNESDAY 9 FEBRUARY 2022
COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING
32 THE SQUARE, PALMERSTON NORTH

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

Te Marae o Hine | 32 The Square
Private Bag 11034 | Palmerston North 4442 | New Zealand
pncc.govt.nz

PALMY™
PAPAIOEA
PALMERSTON
NORTH
CITY

PLANNING & STRATEGY COMMITTEE MEETING

9 February 2022

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. **Draft Stormwater Bylaw - Summary of Submissions** Page 7
Memorandum, presented by Julie Macdonald - Strategy & Policy Manager.
6. **Hearing of Submissions - Draft Stormwater Bylaw** Page 15
7. **Confirmation of Minutes** Page 53
"That the minutes of the Planning & Strategy Committee meeting of 8 December 2021 Part I Public be confirmed as a true and correct record."
5. **Draft Trade Waste Bylaw 2022 - Summary of Submissions** Page 59
Memorandum, presented by Julie Macdonald - Strategy and Policy Manager.
6. **Submission to the Palmerston North Reserves Empowering Amendment Bill (Huia Street Reserve)** Page 67
Memorandum, presented by Jono Ferguson-Pye, City Planning Manager.
7. **Committee Work Schedule** Page 75
8. **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].

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 9 February 2022

TITLE: Draft Stormwater Bylaw - Summary of Submissions

PRESENTED BY: Julie Macdonald - Strategy & Policy Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

- 1. That the Committee receive the memorandum titled 'Draft Stormwater Bylaw – Summary of 9 February 2022.**
 - 2. That the Committee note a late submission received from Rangitāne o Manawatū will be included in the deliberations report.**
-

1. ISSUE

- 1.1 The Council has now completed public consultation on the draft Stormwater Bylaw. The purpose of this memo is to provide summaries of the consultation activities and the submissions received. Further advice on the issues raised by submitters will be covered in the deliberations report to the March or April 2022 meeting of the Planning and Strategy Committee.

2. OVERVIEW OF CONSULTATION ACTIVITIES

- 2.1 The draft Stormwater Bylaw was approved for public consultation by the Council on 21 September 2021. Consultation began on 23 October 2021 and submissions closed on 23 November 2021. 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.
- 2.2 The key consultation activities were:
 - Direct email contact with key stakeholders including Horizons Regional Council and Environment Network Manawatū.
 - Public notices in the Manawatū Standard and the Guardian newspapers.
 - The consultation document/statement of proposal was made available on the Council's website and printed copies were available at the Customer Service Centre and all Council libraries.
 - Social media posts were made on Council's Facebook and LinkedIn accounts (with posts linking to Council's website page and the online

submission form). Analytics from the two Facebook posts showed they reached a total of 5,931 people with a total of 111 engagements made.

- Emails to around 300 contacts in the building and development sector.
- Letters to around 500 property owners identified on council's GIS as having 'hydraulic neutrality' and likely to have an on-site private stormwater system.
- Discussion at the Rangitāne o Manawatū bimonthly meetings in December 2020 and August 2021.

2.3 The Council received nine submissions, with three submitters indicating that they want to speak to the Council about their submissions.

2.4 A further submission was received from Rangitāne o Manawatū after the closing date of the consultation period. Analysis of this submission will be included in the deliberations report.

3. SUMMARY OF SUBMISSIONS

3.1 Attachment one is the summary of submissions. Some of the main points raised by submitters are:

- The responsibility for the operation and maintenance of private stormwater systems should be a Council responsibility, rather than one placed on private property owners and developers.
- Support for the provisions for the responsibility for the operation and maintenance of private stormwater systems to rest on owners.
- The requirement to remove or decommission redundant private stormwater systems should depend on the proximity to the reticulated network, noting that there are associated costs to be considered.
- Educational efforts on the discharge of contaminants to the public stormwater system need to work alongside regulatory requirements.
- Support for the amendments to the bylaw to provide clear regulatory expectations for contaminants entering the City's stormwater network, which are then subject to Horizons' One Plan discharge to water rules.
- The draft bylaw does not address the problem of excess stormwater run-off that is exacerbated by the increase in imperviable surfaces.
- The definitions of private and public stormwater systems don't appear to cover Crown-owned land.
- Specific requirements recommended for fuel companies' sites that operate under management plans that address stormwater management.
- Opposition to allowing buildings to be constructed over parts of the public stormwater network due to a concern about future liability on Council.

3.2 Advice on the issues raised by the submitters is not provided at this point in the bylaw review process. A further report to the Committee in March or April will include staff advice and include recommendations on any changes to the draft bylaw.


4. NEXT STEPS

- 4.1 Deliberations and recommendations on the draft Stormwater Bylaw will be presented to the March or April 2022 meeting of the Planning & Strategy Committee. Following any recommendations made by Committee at that meeting, the Council will be able to adopt the Stormwater Bylaw in May. The Bylaw will then come into effect later in May.

5. COMPLIANCE AND ADMINISTRATION

| | |
|--|--|
| Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual 167.2 | Yes |
| 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 4: An Eco City | |
| The recommendations contribute to the achievement of action/actions in Waters The action is: Complete the review of the Stormwater Drainage Bylaw | |
| Contribution to strategic direction and to social, economic, environmental and cultural well-being | The Stormwater Bylaw is part of Council's suite of water and waste bylaws. It supports the Waters Plan by contributing to the protection of buildings from inundation from flooding in major events, which is part of the City's provision of stormwater services. |

ATTACHMENTS

1. Summary of Submissions - Draft Stormwater Bylaw [↓](#) 

Summary of Submissions – draft Stormwater Bylaw 2022

| 1. Protection of stormwater assets and network: Private Stormwater Systems | Submission # |
|---|---|
| a. Operation and maintenance of Private Stormwater Systems <i>We are proposing that owners of private stormwater systems must operate and maintain these systems in a way that does not cause nuisance such as causing flooding or damage to the public stormwater network. This recognises that the overall performance of the Council's stormwater network relies heavily on private stormwater systems being properly maintained. There is a new definition for a private stormwater system. Do you support or oppose this or don't know/ have no opinion?</i> | Support – 3 (subs # 1, 5 & 7) Oppose – 2 (subs # 2 & 4) Don't know/no opinion – 0 |
| Have a stormwater detention tank that didn't want, presume was a council requirement to mitigate Council's failure to maintain a system to handle flows from in-fill housing. | 2, 4 |
| Clause pushes costs of stormwater management onto developers and house owners; not prepared to maintain at own expense. | 2 |
| Stormwater issues are not new but in the last 5 years has been an ever-growing issue for developers with few solutions on offer. | 4 |
| Bylaws won't help solve flooding risk, particularly the use of attenuation devices (tanks) on private property as this is a flawed philosophy. | 4 |
| Some people feign ignorance/ignore any by-laws; support Section 2.0 Access (of the Admin Manual) which allows Council officers to inspect stormwater connections etc. on private property. | 5 |
| Clarifying private stormwater systems' responsibilities will ensure the ongoing effectiveness of private systems and managing the volume and quality of stormwater entering ground and surface water. | 7 |
| b. Removing and decommissioning redundant private stormwater systems <i>We are proposing that owners of private stormwater systems must remove or de-commission redundant private stormwater systems to prevent damage to the public stormwater network. There is a new definition for redundant private stormwater system. Do you support or oppose this or don't know/ have no opinion?</i> | Support – 2 (subs # 2 & 5) Oppose – 1 (sub # 1) Don't know/no opinion – 1 (sub # 4) |
| Could place more pressure on City's stormwater system. | 1 |
| There are many historic 'soak holes' and would seem counter-productive to capture this stormwater for no real purpose. | 1 |
| Happy to get rid of the stormwater detention tank. | 2 |
| Support in part. If redundant systems need to be cut and capped at the boundary then support this; if Council is suggesting that they need to be cut and capped at the main, then don't support due cost difference (unfair). The | 4 |

| | |
|--|---|
| network in the road belongs to Council, if it needs to be disconnected at the main to maintain system integrity then Council needs to do it. | |
| Redundant private stormwater connections may be very difficult to locate; they may only manifest themselves when the public network is inspected, otherwise they will go undetected. | 5 |
| c. Owners or occupiers of water course, stopbanks or other defences to water maintain them in an operational state <i>We are proposing that owners or occupiers of water courses, stopbanks, or other defences to water to maintain them in an operational state to ensure the free flow of water and not cause or contribute to nuisance. Do you support or oppose this or don't know/ have no opinion?</i> | Support – 2 (subs # 1 & 5) Oppose – 1 (sub # 2) Don't know/no opinion – 1 (sub # 4) |
| Should include ensuring the council keeps its gutters free from tree litter to prevent flooding. | 1 |
| Have no idea how it is set up or operates so how would we know if operating correctly? | 2 |
| Watercourses have to be fenced and, in some cases, planted which makes it difficult to get in and maintain them. | 3 |
| No issues that stopbanks need to be maintained but not sure it is the landowner's responsibility in all cases to maintain them; agree that the landowner has a responsibility not to damage them. What maintenance is required and do stopbanks on private property need to be mowed for example? | 3 |
| With continued global warming, adverse weather events are becoming more frequent; more important that defences to water are maintained to cope with sudden heavy downpours of rain. Surplus runoff can cause flood damage to neighbouring properties. | 5 |
| The intensified urban development can exacerbate problems. As well, more buildings are being constructed on marginal land (either on a flood plain or steep slopes subject to slips). | 5 |

| 2. Discharge of contaminants into the Public Stormwater System | Submission # |
|--|---|
| a. Changes to mitigate the impacts of contaminants being discharged into the public stormwater network such as ensuring discharges are passed through an approved stormwater treatment measure <i>We are proposing several changes to mitigate the impacts of contaminants being discharged into the public stormwater network such as ensuring that any discharges are passed through an approved stormwater treatment measure. We are also clarifying the requirements for Stormwater Contamination Mitigation Plans. Council needs to ensure that regulatory expectations are clear on discharges of contaminants to the network in order to mitigate any effects on receiving waterways as well as meet regional council consent requirements. Do you support or oppose this or don't know/ have no opinion?</i> | Support – 3 (subs # 1, 4 & 5) Oppose - 0 Don't know/no opinion – 1 (subs # 2) |
| Unknown source of water flowing into the stormwater system in Linton Street, suspect this to be drinking water. | 1 |

| | |
|--|---|
| Not uncommon to see people letting contaminants enter the public stormwater network by washing vehicles on roads/ driveways or pouring contaminants into channels or stormwater sumps. | 3 |
| Educational efforts have failed to make it known that stormwater is discharged to the river untreated so, besides increasing educational efforts, a regulatory backstop should be provided in the bylaw. | 3 |
| Providing the definition of 'contaminants' remains this is acceptable. Problem is that most stormwater is contaminated in some way caused by the path; care needs to be taken to ensure that this requirement is applied sensibly. | 4 |
| Does the Council regularly monitor connections to detect contamination? Or is this a Regional Council responsibility? | 5 |
| Horizons support the amendments as they provide clear regulatory expectations for contaminants entering the City's network which discharges to water and is subject to the Horizons' One Plan. | 7 |

3. General comments

| Comments | Submission # |
|--|--------------|
| Bylaw will be superceded by the Three Waters Reform making the (bylaw) process redundant. | 1 |
| Stormwater management is a council function and responsibility should not fall on homeowners (where the requirement was Councils without owner input). | 2 |
| Concerns about increasing stormwater peak flows – unclear how existing discharge is measured. | 3 |
| Limits in peak discharges through Stormwater Management Plan (SMP) and the engineering standards do not seem sufficient to limit the increase in stormwater generation associated with on-going urban development. | 3 |
| People may meet the SMP and Stormwater Framework (SF) requirements but then further modify the land (e.g. by increasing the hard surface area) once they have sign off. A provision in the bylaw to require that no changes be made to properties after the initial development occurs, which would increase the flow of stormwater from the property would be beneficial to prevent the SMP and SF from being circumvented. | 3 |
| Would like to see a reference to Global Warming in the bylaw's introduction. | 5 |
| This draft Stormwater by-law does not address the problem of excess stormwater run-off. Stormwater run-off and contaminants is an increasing problem due to imperviable surfaces. Disappointed that this problem was not addressed in the District Plan e.g. imperviable surfaces should be calculated as part of site coverage. In the meantime, can this by-law address this problem? | 5 |
| Why was the word "perceived" used in reference to the problem of providing a reliable and efficient stormwater system? | 5 |
| There is a reference to the NZ Bill of Rights Act 1990. Does this Bill have any place in a by-law? | 5 |
| Supports the draft bylaw as taking a wider view of the management and regulation of stormwater, will provide a clear and robust direction within PNCC's overall framework and will be able to support and complement other tools (e.g. the District Plan). | 7 |

| | |
|---|---|
| Through the work of Palmy's Plastic Pollution Challenge, have found a significant amount of plastic litter in open drain portions of the stormwater network e.g. Te Kawau stream. Most of this litter has no identifiable 'owner' and is difficult to place restrictions around. It is worth considering if the policy can incorporate a strategy for reduction in stormwater litter? | 8 |
|---|---|

4. Comments on definitions

| | |
|--|---|
| The definition of a Certificate of title needs to cover all categories of ownership, not just freehold title. | 3 |
| The definitions of Private and Public Stormwater Networks don't seem to, collectively, cover Crown-owned land. Some Crown-owned land is not open to the public, e.g. Linton Camp, Manawatu Prison, parts of the Police station, schools at certain times of the day. Being open to the public seems to be a critical element of whether a place is a public place or not. | 3 |
| The definition of Stormwater contamination mitigation plan would be made comprehensive by inserting 'or other' after 'residential' so that the definition would read: 'Stormwater contamination mitigation plan means a plan for commercial or residential or other premises ...' so that facilities such as the public hospital, schools, the military camp and prison are all covered. | 3 |
| Council needs to define maintenance and describe what an acceptable and unacceptable open watercourse looks like. Assume this rule also applies to the Council needing to maintain their own open-drain network? | 3 |
| Note a reference to "Stormwater attenuation measure" under Section 5 definitions (p.17) of the By-law but there is no reference to this measure in the draft By-law. | 5 |
| That the stormwater bylaw contains the following provision: No stormwater from a stormwater pipe may enter private or public property that gives cause to or results in, flooding or eroding of the receiving land. | 6 |

5. Improvement suggestions to specific bylaw clauses

| | |
|--|---|
| Clause 7.1(d) the words 'identified by Council' should be repositioned so that they cover both overland flow paths and flood plains, i.e. 'Obstruct any overland flow paths or flood plains identified by the Council or flood plains with any material...' | 3 |
| Clause 11.3 needs to be rearranged to mean what it is supposed to mean. | 3 |
| Clause 12.1 , the 'and' between 'Council staff' and 'public' should be 'or' as action shouldn't require the health and safety of both staff and the public to be put at risk. Either one should be sufficient to trigger the requirement specified in the clause. | 3 |
| Clauses 12.1 and 12.2 aren't about preparing a Stormwater contamination mitigation plan (title of this section); suggest a new heading 'Responding to contaminant discharges' or similar. | 3 |
| Support the intent of the section but seek clarity that: | 9 |

| | |
|--|---|
| <ul style="list-style-type: none"> - Clause 7.1(e) applies more broadly than just during storm events and that treatment must be appropriate to the contaminants stored and used (suggested amendment and additional clause). - Stormwater discharges of a quality provided for as a permitted activity under the relevant regional plan will be accepted to the reticulated stormwater network without further water quality treatment. | |
| Clause 12.3 as proposed requires preparation of stormwater contamination mitigation plan on request from Council with clause 12.4 setting out the detail required in the same. The Fuel Companies' sites are operated by operational management plans which address stormwater management and they recognise the important role of the same in ensuring discharges are appropriately managed on an ongoing basis, including maintenance. Amendments are sought to clause 12.4 to ensure the provision focuses on stormwater and avoid unnecessary duplication between the provisions. | 9 |

6. Comments on the Administration Manual

| | |
|---|---|
| Oppose Clause 3.2 - although there may be buildings constructed over parts of the public stormwater network, it seems unwise to allow any further such building because of the future liability this places on Council. | 3 |
| Owners of land under which run public stormwater network pipes should be required to either ensure any building footprint avoids overlying the pipes or be required to move the pipes so that this can be achieved. | 3 |

SUBMISSION FROM CONSULTATION

TO: Planning & Strategy Committee

MEETING DATE: 9 February 2022

TITLE: Hearing of Submissions - Draft Stormwater Bylaw

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

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.

SUBMITTERS WISHING TO BE HEARD IN SUPPORT OF THEIR SUBMISSION

| Submission No. | Submitter | Page No. |
|----------------|----------------------|----------|
| 3. | Chris Teo-Sherrell | 21 |
| 4. | Grant Binns | 24 |
| 10. | Rangitāne o Manawatū | 42 |

ATTACHMENTS

1. Submissions [↓](#) 
2. Procedure Sheet [↓](#) 

| Submission Number | Submitter |
|-------------------|---|
| 1 | Mike Dixon |
| 2 | David Hargreaves |
| 3 | Chris Teo-Sherrell |
| 4 | Grant Binns |
| 5 | Marilyn and Bruce Bulloch |
| 6 | Les Fugle |
| 7 | Horizons Regional Council - Pen Tucker, Senior Policy Analyst |
| 8 | Environment Network Manawatu - Madz BatachEl, Coordinator ENM |
| 9 | The Fuel Companies (Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd) - Mark Laurenson |
| 10 | Rangitāne o Manawatū |

From: Submission
Subject: FW: Draft Stormwater Bylaw 2022 submission

| |
|--|
| Your contact details |
| Name Mike Dixon |
| Organisation |
| Hearing |
| Would you like to speak to Council in support of your submission? No |
| Protection of stormwater assets and network: Private Stormwater Systems |
| <p>We're proposing that owners of private stormwater systems must operate and maintain these systems in a way that does not cause nuisance, such as causing flooding or damage to the public stormwater network.</p> <p>I support this</p> |
| Comments |
| <p>We are proposing that owners of private stormwater systems must remove or decommission redundant private stormwater systems.</p> <p>I oppose this</p> |
| Comments |
| <p>This could in fact place more pressure on the city's stormwater system. There are many "soak hole" type arrangements that are historic - it would seem counter-productive to try and capture this stormwater for no real purpose.</p> |
| <p>We are proposing that owners or occupiers of water courses, stopbanks, or other defences to water maintain them in an operational state.</p> <p>I support this</p> |
| Comments |
| <p>This should also include ensuring the Council keeps its gutters free from tree litter more regularly to prevent flooding around the city</p> |
| Discharge of contaminants into the Public Stormwater System |
| <p>We are proposing several changes to mitigate the impacts of contaminants being discharged into the public stormwater network such as ensuring that any discharges are passed through an</p> |

1-2

approved stormwater treatment measure. We are also clarifying the requirements for Stormwater Contamination Mitigation Plans.

I support this

Comments

For many years not there has been water from an unknown source flowing into the stormwater system in Linton Street. It is not stormwater - it flows freely during the Summer as well. Bringing this to anyones attention has so far fallen up deaf ears. I suspect this is a considerable leak of our drinking water, flowing straight into stormwater.

General comments

Please note here any general comments you may have about the draft Stormwater Bylaw 2022.

This Bylaw will surely be superceded by the Three Waters reforms, making this process largely redundant?

2-1

From: Submission
Subject: FW: Draft Stormwater Bylaw 2022 submission

| |
|--|
| Your contact details |
| Name David Hargreaves |
| Organisation |
| Hearing |
| Would you like to speak to Council in support of your submission? No |
| Protection of stormwater assets and network: Private Stormwater Systems |
| We're proposing that owners of private stormwater systems must operate and maintain these systems in a way that does not cause nuisance, such as causing flooding or damage to the public stormwater network. I oppose this |
| Comments We have a stormwater detention tank. We didn't ask for it, nor do we want an ugly tank & pipework taking up space on our section. We presume this was a council requirement to mitigate the fact that council has failed to maintain a stormwater system that is capable of handling flows from all the in-fill housing that has been allowed. This is nothing more than council pushing the cost of stormwater management onto developers, and ultimately, house owners. Having already paid for something we don't want, we are not prepared to maintain it at our expense. |
| We are proposing that owners of private stormwater systems must remove or decommission redundant private stormwater systems. I support this |
| Comments Happy to get rid of it at any time (at councils cost) |
| We are proposing that owners or occupiers of water courses, stopbanks, or other defences to water maintain them in an operational state. I oppose this |
| Comments Have no idea how it is set up or operates so how would we know if was operating/operating correctly? |

2-2

Discharge of contaminants into the Public Stormwater System

We are proposing several changes to mitigate the impacts of contaminants being discharged into the public stormwater network such as ensuring that any discharges are passed through an approved stormwater treatment measure. We are also clarifying the requirements for Stormwater Contamination Mitigation Plans.

I don't know/ no opinion

Comments

N/A for our system

General comments

Please note here any general comments you may have about the draft Stormwater Bylaw 2022. Stormwater management is a council function. Responsibility for it should not be dumped on homeowners, where the requirement for having a stormwater management system was a council requirement where the homeowners had no input on whether they want it or not.

3-1

Submission on PNCC Draft Stormwater Bylaw 2022

Send to : submission@pncc.govt.nz
with subject "Draft Stormwater Bylaw 2022"
by 23/11/2021, 4pm.

21/11/2021

Submitter details

Name: Chris Teo-Sherrell

My submission is:

1. The definition of Certificates of Title needs to cover all categories of ownership, not just freehold title.
2. The definitions of Private and Public Stormwater Networks don't seem to, collectively, cover Crown-owned land. Some crown-owned land is not open to the public, e.g. Linton Camp, Manawatu Prison, parts of the Police station, schools at certain times of day.
3. Being open to the public seems to be a critical element of whether a place is a public place or not. For example, Auckland Council defines a public place as

'any site that Auckland Council or a council-controlled organisation owns, manages or maintains, and is open for use to the public.'

Public places include:

- roads
- footpaths
- public squares
- grass verges
- public gardens
- reserves
- parks
- beaches
- wharves
- access ways
- sports fields. '

and the Summary Offences Act (1981) defines public place as

'a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward'.

3-2

4. The definition of Stormwater contamination mitigation plan would be made comprehensive by inserting 'or other' after 'residential' so that the definition would read

'Stormwater contamination mitigation plan means a plan for commercial or residential or other premises ...'

so that facilities such as the public hospital, schools, the military camp and prison are all covered.

5. In Clause 7.1(d) the words 'identified by Council' should be repositioned so that they cover both overland flow paths and flood plains, i.e.

'Obstruct any overland flow paths or flood plains identified by the Council ~~or flood plains~~ with any material ...'

6. Clause 11.3 needs to be rearranged to mean what it is supposed to mean. The following is one way to do so:

'No person may store raw material, products or waste in a manner or location such that there is a more than minor risk of that material entering the public stormwater drainage network if that material, product or waste ~~contains~~ corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the stormwater stream in the public stormwater ~~drainage~~ network, may:

(a) generate toxic, flammable, explosive or corrosive materials in hazardous quantities, or

(b) damage the public stormwater ~~drainage~~ network, the environment or adversely affect the health and safety of Council staff ~~and or the public in a manner or location such that there is a more than minor risk of that material entering the public stormwater drainage network.~~

7. In Clause 12.1, the 'and' between 'Council staff' and 'public' should be 'or' as action shouldn't require the health and safety of both staff and the public to be put at risk. Either one should be sufficient to trigger the requirement specified in the clause.
8. Clauses 12.1 and 12.2 aren't actually about preparing a Stormwater contamination mitigation plan which is the title of this section. Given that 12.3-12.8 are about a mitigation plan it would make sense to put 12.1 and 12.2 in their own section titled 'Responding to contaminant discharges' or something like that.
9. I oppose Clause 3.2 in the Administration Manual. Although there may already be some buildings constructed over parts of the public stormwater network, it seems unwise to allow any further such building because of the future liability this places on Council. Even if the condition of the pipes is checked and measures are taken to ensure any construction doesn't damage the pipes, eventually the pipes will deteriorate and need

3-3

replacing. Doing so under a building will be more difficult and expensive than if located elsewhere.

10. Owners of land under which run public stormwater network pipes should be required to either ensure any building footprint avoids overlying the pipes or be required to move the pipes so that this can be achieved. Given that the location of these pipes is shown on plot plans purchasers should be aware of their existence.
11. In connection with concerns about increasing stormwater peak flows, I have been told by Council officers

'All new multi development (green field) has to limit their peak discharge to not more than the existing discharge (hydraulic neutrality). This is a provision that has been implemented using the Stormwater Management Plan and is a requirement in the Engineering Standard. Peak flow control simply means post development flow should not exceed pre-development discharge, via attenuation (slow release).

For infill (one or 2 lot) the same has been implemented but is currently not a requirement, but should be covered off in the Stormwater Framework (currently being developed).'

This appears good although I am unclear about how existing discharge is measured.

12. However, this does not seem sufficient to limit the increase in stormwater generation associated with on-going urban development. Although the Stormwater Management Plan (SMP) and the Stormwater Framework (SF) may be able to affect the amount of stormwater generated at the outset it is unclear that they can do so once development has occurred.
13. People may do what is required to meet the SMP and SF requirements but then further modify the land (such as by increasing the hard surface area) once they have sign off. A provision in the bylaw to require that no changes be made to properties, after the initial development occurs, which would increase flow of stormwater from the property would be beneficial. It would prevent the intent of the SMP and SF from being circumvented.
14. Once final point, it is not uncommon to see members of the public letting contaminants enter the public stormwater network by washing vehicles on roads or driveways or pouring contaminants into the roadside channel or directly into the stormwater sumps. Educational efforts have failed to make it widely enough known that stormwater is discharged to the river without treatment so, besides increasing educational efforts, a regulatory backstop should be provided in the bylaw.

Thank you.

From: Submission
Subject: FW: Draft Stormwater Bylaw 2022 submission

| |
|---|
| Your contact details |
| Name Grant Binns |
| Organisation |
| Hearing |
| Would you like to speak to Council in support of your submission? Yes |
| Protection of stormwater assets and network: Private Stormwater Systems |
| We're proposing that owners of private stormwater systems must operate and maintain these systems in a way that does not cause nuisance, such as causing flooding or damage to the public stormwater network. I oppose this |
| Comments <p>Introduction I have worked in and around Palmerston North and the greater Manawatu for more than 30 years and for most of this time I managed a civil construction company that specialised in drainage and more recently I have been working part time with a building and property development business. Stormwater issues within the city are not new but in the last 5 years stormwater has been an ever-growing issue for developers with very few real solutions on offer. In my view some of these proposed bylaws won't help solve flooding risk, particularly the use of attenuation devices (tanks) on private property because this is a flawed philosophy. In my view, Council actually needs to take responsibility for the issues it is creating by allowing high volumes of infill housing and not providing the support infrastructure that this growth demands. As I see it, the problem has two parts: 1. Council has needed to consent a large numbers of infill housing projects because Council has failed to maintain a steady flow of greenfield sites over and above demand (as it is required too) for the last 5 years and while this has been made worse by Covid, the housing problem existed before anyone had heard of Covid. Infill housing is cheaper for Council because it doesn't provide any additional infrastructure (even though it should). 2. Rather than providing proper, well-designed infrastructure to support this infill growth, Council has opted for a cheap solution (for Council) in the form of private onsite attenuation systems that are at best, designed to be unreliable. Council now wants by-laws and more compliance officers to help support these poorly thought through use of private attenuation systems. For a leading statement in this document to highlight that Councils stormwater network relies heavily on private stormwater systems being properly maintained, is an admission of a major planning failure for the city and the cities future. If Council had spent the money needed and</p> |

4-2

installed appropriate fit for purpose infrastructure instead of using the consent process to force private landowners to install onsite attenuation systems, some of these bylaws wouldn't be required and there would no need to employ a lot more compliance officers to inspect them and yet still run the risk of flooding due to their unreliable design. Many infill building projects have taken place in areas where stormwater systems are already overloaded and rather than fix the existing system problem, Council have opted to "pass the buck" to the landowner and make it their responsibility to install and maintain mitigation measures for the Councils lack of investment even though Council is paid full Development Contribution fees for each new infill project. The Typical System On site (private) attenuation systems consist of a tank or tanks which collect rainwater runoff primarily from the roof of a house via 80mm dia pipes (STD house downpipe) to a tank which then drains slowly to the street stormwater system via a 15mm dia outlet. These systems also have an overflow should the small 15mm pipe block, and if it does, the tank fills and then the system works as normal without any attenuation. That is the system fails. The design of these systems means they will fail because not only do they collect water from the roof, they collect leaves, branches dust, pollen, and various other things, and yes leaf traps can be used in the downpipes, but these create their own issues such as diverting a lot of water to the outside of the system and again the system fails. At this stage I have focused on above ground structures but if the attenuation systems have to go underground because of a lack of space (which is becoming a lot more common as section sizes get down to the 140m2 size and because above ground attenuation tanks are added into site coverage calculations by Council), then this is a different issue for the property owner starting with major costs for the installation and continuous running costs because the outfall has to be pumped and the same blockage issues still apply. A Better Solution I am sure Council knows that the most efficient and reliable place to install stormwater attenuation is in the road reserve ie use the existing stormwater network. Attenuation is created by upsizing the existing network between manholes (creating a tank) and installing say a 100mm outlet at a manhole and if necessary, a larger overflow. Because the pipe sizes are larger, they are less likely to block and at least these systems can be maintained with ease. Maintenance Most of the new attenuation tanks are difficult to maintain at best and some don't have any method of entry. While Council can have a bylaw to say these tanks have to be maintained, it would be nice to know what that means? • What maintenance are Council expecting? • How often? • Who can do it? • How do you prove it has been done if you do it yourself? • What will it cost if you can't do it yourself? • Do you have to clean the roof and the spouting etc at the same time or perhaps more often? One more thought, if the tanks are large enough to get into then any service person will need to be qualified for "confined space entry" and need to use all the correct safety protocols while someone is working inside the tank. This requirement will add significantly to the cost of maintenance or put people in danger as they try to avoid these costs. If this is beyond the average homeowner, are Council going to pay to have it done because these systems are for the benefit of the Council system, (as outlined in the statement above) they provide no benefit to the homeowner (especially if they are upstream of the problem)? Insurance Indemnity Because Council have stated that they are now relying on Private land owner systems to prevent flooding because Council infrastructure is no longer able to cope with the increased demand; and If you have an upstream attenuation system and it isn't maintained properly at the time there is flooding downstream, have Council arranged indemnity for all home owners who have attenuation tanks on their property so they can't be sued by the insurance companies for losses caused by the flooding downstream? What About the Future Has Council considered how reliable these attenuation tanks are likely to be in the future? Climate change predictions indicate winters will be wetter and summers will be hotter and if you have a tank on your property capable of holding 1000lit's or more, it would be tempting to put a tap on the outlet so you can save the

4-3

water for the garden over a long hot summer when water restrictions hit, and from a water saving perspective this would be a good thing would it not? There is also a possibility that soon Council will install water meters and charge for the quantity of water used. In this scenario, if you had a tank on site that spent most of its time empty, would you not use it to store water for gardens etc and save money? Conclusion In my view Council have failed to maintain a steady flow of greenfield development because Council has to spend money and provide infrastructure for the new development to connect too. Infill housing is cheaper for Council because Council doesn't need have to provide any additional infrastructure to support infill housing, and it still gets paid development contributions. But you can't build a new green fields subdivision without the infrastructure to support it, but in this city we have been able to build many hundreds of infill houses with insufficient infrastructure upgrade and now a reliance on private attenuation systems to avoid flooding, to me this isn't very smart engineering. I believe Council need to re-think the use of private attenuation systems and on that basis the need for some of these bylaws.

We are proposing that owners of private stormwater systems must remove or decommission redundant private stormwater systems.

I support this

I oppose this

Comments

I support this in part depending on what Council are actually asking. If redundant systems need to be cut and capped at the boundary Then I support this. If Council are suggesting that they need to be cut and capped at the main then I don't support this requirement. The difference in cost between the two is probably a factor of 10 which I believe is unfair. The network in the road belongs to Council, if it needs to be disconnected at the main to maintain system integrity then Council need to do it.

We are proposing that owners or occupiers of water courses, stopbanks, or other defences to water maintain them in an operational state.

I support this

I oppose this

Comments

This isn't as clear cut as the above statement makes it out to be, especially in rural land. Water courses now have to be fenced and in some cases are planted which make it difficult to get in and maintain them. Council again need to define maintenance and perhaps provide a description of what an acceptable open watercourse looks like and the same for an unacceptable watercourse. I assume this rule also applies to the Council needing to maintain their own open drain network? Stopbanks no issues these need to be maintained but I'm not sure it is the responsibility of the land owner in all case to maintain them but I would agree that the land owner has a responsibility not to damage them. What maintenance is required and do stopbanks on private property need to be mowed for example?

Discharge of contaminants into the Public Stormwater System

We are proposing several changes to mitigate the impacts of contaminants being discharged into the public stormwater network such as ensuring that any discharges are passed through an

4-4

approved stormwater treatment measure. We are also clarifying the requirements for Stormwater Contamination Mitigation Plans.

I support this

Comments

I believe this is important and providing the definition of Contaminants remains as it is, this is acceptable. The problem I see going forward is that most storm water is contaminated in some way simply caused by the path it takes. Care needs to be taken to ensure that this requirement is applied sensibly.

General comments

Please note here any general comments you may have about the draft Stormwater Bylaw 2022.

From: Submission
Subject: FW: Draft Stormwater Bylaw 2022 submission

| |
|--|
| Your contact details |
| Name Marilyn and Bruce Bulloch |
| Organisation |
| Hearing |
| Would you like to speak to Council in support of your submission? No |
| Protection of stormwater assets and network: Private Stormwater Systems |
| <p>We're proposing that owners of private stormwater systems must operate and maintain these systems in a way that does not cause nuisance, such as causing flooding or damage to the public stormwater network.</p> <p>I support this</p> |
| Comments Some people feign ignorance of by-laws, such as this by-laws, or will simply ignore any by-laws. We support Section 2.0 Access (of the Administration Manual) which allows Council officers to inspect stormwater connections etc. on private property (p.34). |
| <p>We are proposing that owners of private stormwater systems must remove or decommission redundant private stormwater systems.</p> <p>I support this</p> |
| Comments Redundant private stormwater connections could possibly be very difficult to locate in practice. They may only manifest themselves when the public network is inspected. Otherwise they will go undetected. Some of these connections are very old and are not mapped. Fine tree roots from the private systems can find their way out into the public network. Old stormwater pipes may only come to light during roadworks or when properties are demolished. |
| <p>We are proposing that owners or occupiers of water courses, stopbanks, or other defences to water maintain them in an operational state.</p> <p>I support this</p> |
| Comments |

5-2

With continued global warming, adverse weather events are becoming more frequent. It is therefore now more important that all of the above are maintained in an operational state to be able to cope with sudden heavy downpours of rain. Surplus runoff can also cause flood damage on neighbouring properties. The intensified urban development can exacerbate problems. As well, more buildings are being constructed on marginal land (either on a flood plain or on steep slopes subject to slips).

Discharge of contaminants into the Public Stormwater System

We are proposing several changes to mitigate the impacts of contaminants being discharged into the public stormwater network such as ensuring that any discharges are passed through an approved stormwater treatment measure. We are also clarifying the requirements for Stormwater Contamination Mitigation Plans.

I support this

Comments

Does the Council regularly monitor connections to detect contamination? Or would this be a responsibility of the Regional Council?

General comments

Please note here any general comments you may have about the draft Stormwater Bylaw 2022.

We support all the sections in the By-law but would like to see the following added: We would like to see a reference to Global Warming in the introduction to the by-law. We note p.3 under Land Development: "The potential for increased nuisance is exacerbated by the rate of urban growth and intensification of the City." This statement does not go far enough. This draft Stormwater by-law does not address the problem of excess stormwater run-off. Stormwater run-off and contaminants such as motor oil from the built environment, including both public and private buildings, roadways, and all paved areas is an increasing problem due to the laying down of imperviable surfaces. We are disappointed that this problem was not addressed in the PNCC District Plan decades ago. We may have to wait another 10 years before the next District Plan is worked through, consulted on and implemented. Time is not on our side. In the meantime more and more imperviable surfaces are being laid down at a great pace, especially with the current building boom and housing infill. We believe that imperviable surfaces should be calculated as part of site coverage. In the meantime, can this by-law address this problem? (We note the reference to the District Plan on page 4.) We note a reference to the phrase "Stormwater attenuation measure" under Section 5 definitions (p.17) of the By-law but there is no reference to this measure in the draft By-law. Has this "measure" been forgotten or omitted? In reference to the PNCC Planning and Strategy Committee Report, why was the word "perceived" used in reference to the problem of providing a reliable and efficient stormwater system etc. (P. 6, Para. 1)? Also on the same page 6, Paragraph 3, there is a reference to the NZ Bill of Rights Act 1990. Does this Bill have any place in a by-law?

6-1

From: Submission
Subject: FW: Draft Stormwater Bylaw 2022 submission

| |
|---|
| Your contact details |
| Name Les Fugle |
| Organisation |
| Hearing |
| Would you like to speak to Council in support of your submission? Yes |
| Protection of stormwater assets and network: Private Stormwater Systems |
| We're proposing that owners of private stormwater systems must operate and maintain these systems in a way that does not cause nuisance, such as causing flooding or damage to the public stormwater network. |
| Comments |
| We are proposing that owners of private stormwater systems must remove or decommission redundant private stormwater systems. |
| Comments |
| We are proposing that owners or occupiers of water courses, stopbanks, or other defences to water maintain them in an operational state. |
| Comments |
| Discharge of contaminants into the Public Stormwater System |
| We are proposing several changes to mitigate the impacts of contaminants being discharged into the public stormwater network such as ensuring that any discharges are passed through an approved stormwater treatment measure. We are also clarifying the requirements for Stormwater Contamination Mitigation Plans. |
| Comments |
| General comments |

6-2

Please note here any general comments you may have about the draft Stormwater Bylaw 2022.
That the stormwater bylaw contains provision; No stormwater from a stormwater pipe may enter private or public property that gives cause to or results in, flooding or eroding of the receiving land.

7-1



23 November 2021

ROA 01 03
PAT:MLB

Draft Stormwater Bylaw 2022 Submissions
Democracy and Governance Team
Palmerston North City Council
Private Bag 11034
PALMERSTON NORTH 4442

BY EMAIL ONLY: submission@pncc.govt.nz

Dear Democracy and Government Team Leader,

SUBMISSION ON DRAFT STORMWATER BYLAW 2022

Thank you for the opportunity to make a submission on the Palmerston North City Council (PNCC) draft Stormwater Bylaw.

At Horizons Regional Council (Horizons) we are striving to make our region a place where the land and water is healthy and the people are thriving. Our responsibilities include managing the region's natural resources, flood control, monitoring air and water quality, pest control, facilitating economic growth, leading regional land transport planning and coordinating our region's response to natural disasters.

In terms of environmental planning, our integrated planning document, the One Plan, sets out four keystone environmental issues for our region – surface water quality degradation, increasing water demand, unsustainable hill country land use and threatened indigenous biodiversity.

Horizons' interest in the draft bylaw arises from our responsibilities in relation to stormwater discharges; their potential impacts on ground and surface water quality, and the implications of increasing volumes of stormwater entering rivers within the flood and drainage control system.

Horizons supports the draft bylaw. Taking a wider view of the management and regulation of stormwater, we consider it will provide clear and robust direction within PNCC's overall framework and will be able to support and complement other tools (including the District Plan provisions). In particular, we support the follow aspects of the bylaw for the reasons set out.

- The clarification of responsibilities for private stormwater systems (section 9), in particular the requirement for owners to maintain their systems in good operating condition. This new requirement will ensure the ongoing effectiveness of private systems in relation to managing the volume and quality of stormwater entering ground and surface water.
- The increased requirements in relation to stormwater contamination mitigation (Part 4). We support the amendments to these provisions as they provide clear regulatory expectations in relation to contaminants entering the City's network, which (as noted

7-2



in the comments in the statement of proposal) discharges to water and is subject to Horizons' One Plan.

Horizons does not wish to make an oral presentation to the Planning and Strategy Committee hearing on this bylaw.

Yours faithfully

A handwritten signature in purple ink that reads "Penelope Tucker".

Pen Tucker
SENIOR POLICY PLANNER

8-1

From: Ann-Marie Mori
Sent: Tuesday, 23 November 2021 1:22 pm
To: Merle Lavin
Subject: FW: Draft Palmerston North Stormwater Bylaw - consultation open until 23 November 2021
Attachments: 20211121 submission on PNCC draft STORMWATER Bylaw 2022.doc

Hi Merle

I have confirmed with EMN that they would like their email to be considered a submission. Please note that they have attached Chris Teo-Sherrell's email that they support.

Ngā mihi nui

Ann-Marie

From: Madz BatachEl <>
Sent: Tuesday, 23 November 2021 12:46 PM
To:
Cc: '
Subject: RE: Draft Palmerston North Stormwater Bylaw - consultation open until 23 November 2021

Thanks Ann-Marie,

I would like to note that Chris Teo-Sherrell has presented a thorough submission to this policy directly and sent a copy to ENM (attached). Chris has significant matter expertise in this area, and volunteers for the Water Protection Society, a member group of ENM. As such, ENM supports the feedback that Chris has submitted and we greatly appreciate his efforts.

In addition, through the work of Palmy's Plastic Pollution Challenge, we have found a significant amount of plastic litter in the open drain portions of the stormwater network, with particularly high amounts in Te Kawai stream. Most of this litter has no identifiable 'owner' and is difficult to place restrictions around. It is worth considering if the policy can incorporate a strategy for reduction in stormwater litter.

Ngā mihi,

Madz BatachEl

Coordinator | Environment Network Manawātū

COPY

8-2

Submission on PNCC Draft Stormwater Bylaw 2022

Send to : submission@pncc.govt.nz
with subject "Draft Stormwater Bylaw 2022"
by 23/11/2021, 4pm.

21/11/2021

Submitter details

Name: Chris Teo-Sherrell

My submission is:

1. The definition of Certificates of Title needs to cover all categories of ownership, not just freehold title.
2. The definitions of Private and Public Stormwater Networks don't seem to, collectively, cover Crown-owned land. Some crown-owned land is not open to the public, e.g. Linton Camp, Manawatu Prison, parts of the Police station, schools at certain times of day.
3. Being open to the public seems to be a critical element of whether a place is a public place or not. For example, Auckland Council defines a public place as

'any site that Auckland Council or a council-controlled organisation owns, manages or maintains, and is open for use to the public.'

Public places include:

- roads
- footpaths
- public squares
- grass verges
- public gardens
- reserves
- parks
- beaches
- wharves
- access ways
- sports fields. '

and the Summary Offences Act (1981) defines public place as

'a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward'.

COPY

8-3

4. The definition of Stormwater contamination mitigation plan would be made comprehensive by inserting 'or other' after 'residential' so that the definition would read

'Stormwater contamination mitigation plan means a plan for commercial or residential or other premises ...'

so that facilities such as the public hospital, schools, the military camp and prison are all covered.

5. In Clause 7.1(d) the words 'identified by Council' should be repositioned so that they cover both overland flow paths and flood plains, i.e.

'Obstruct any overland flow paths or flood plains identified by the Council ~~or flood plains~~ with any material ...'

6. Clause 11.3 needs to be rearranged to mean what it is supposed to mean. The following is one way to do so:

'No person may store raw material, products or waste in a manner or location such that there is a more than minor risk of that material entering the public stormwater drainage network if that material, product or waste ~~contains~~ corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the stormwater stream in the public stormwater ~~drainage~~ network, may:

(a) generate toxic, flammable, explosive or corrosive materials in hazardous quantities, or

(b) damage the public stormwater ~~drainage~~ network, the environment or adversely affect the health and safety of Council staff ~~and or the public in a manner or location such that there is a more than minor risk of that material entering the public stormwater drainage network.~~

7. In Clause 12.1, the 'and' between 'Council staff' and 'public' should be 'or' as action shouldn't require the health and safety of both staff and the public to be put at risk. Either one should be sufficient to trigger the requirement specified in the clause.
8. Clauses 12.1 and 12.2 aren't actually about preparing a Stormwater contamination mitigation plan which is the title of this section. Given that 12.3-12.8 are about a mitigation plan it would make sense to put 12.1 and 12.2 in their own section titled 'Responding to contaminant discharges' or something like that.
9. I oppose Clause 3.2 in the Administration Manual. Although there may already be some buildings constructed over parts of the public stormwater network, it seems unwise to allow any further such building because of the future liability this places on Council. Even if the condition of the pipes is checked and measures are taken to ensure any construction doesn't damage the pipes, eventually the pipes will deteriorate and need

COPY

replacing. Doing so under a building will be more difficult and expensive than if located elsewhere.

10. Owners of land under which run public stormwater network pipes should be required to either ensure any building footprint avoids overlying the pipes or be required to move the pipes so that this can be achieved. Given that the location of these pipes is shown on plot plans purchasers should be aware of their existence.
11. In connection with concerns about increasing stormwater peak flows, I have been told by Council officers

'All new multi development (green field) has to limit their peak discharge to not more than the existing discharge (hydraulic neutrality). This is a provision that has been implemented using the Stormwater Management Plan and is a requirement in the Engineering Standard. Peak flow control simply means post development flow should not exceed pre-development discharge, via attenuation (slow release).

For infill (one or 2 lot) the same has been implemented but is currently not a requirement, but should be covered off in the Stormwater Framework (currently being developed).'

This appears good although I am unclear about how existing discharge is measured.

12. However, this does not seem sufficient to limit the increase in stormwater generation associated with on-going urban development. Although the Stormwater Management Plan (SMP) and the Stormwater Framework (SF) may be able to affect the amount of stormwater generated at the outset it is unclear that they can do so once development has occurred.
13. People may do what is required to meet the SMP and SF requirements but then further modify the land (such as by increasing the hard surface area) once they have sign off. A provision in the bylaw to require that no changes be made to properties, after the initial development occurs, which would increase flow of stormwater from the property would be beneficial. It would prevent the intent of the SMP and SF from being circumvented.
14. Once final point, it is not uncommon to see members of the public letting contaminants enter the public stormwater network by washing vehicles on roads or driveways or pouring contaminants into the roadside channel or directly into the stormwater sumps. Educational efforts have failed to make it widely enough known that stormwater is discharged to the river without treatment so, besides increasing educational efforts, a regulatory backstop should be provided in the bylaw.

Thank you.

SUBMISSION BY THE FUEL COMPANIES TO THE PALMERSTON NORTH CITY COUNCIL DRAFT
STORMWATER BYLAW 2022

To: Draft Stormwater Bylaw 2022
Democracy and Governance Team
Palmerston North City Council
Private Bag 11034
Palmerston North 4442

E-Mail: submission@pncc.govt.nz

| | | | |
|-------------------|-------------------------------|----------------------------|-------------------------------|
| Submitter: | Z Energy Limited ¹ | BP Oil New Zealand Limited | Mobil Oil New Zealand Limited |
| | PO Box 2091 | PO Box 99 873 | PO Box 1709 |
| | WELLINGTON 6140 | AUCKLAND 1149 | AUCKLAND 1140 |

Hereafter referred to as the Fuel Companies

Date: 23 November 2021

Address for Service: 4Sight Consulting Limited
PO Box 911 310
Victoria Street West
Auckland Central 1142
Attention: Mark Laurensen
Phone: 021 0868 8135
Email: markl@4sight.co.nz



LAND. PEOPLE. WATER.

¹ On behalf of the wider Z Group, including the Z and Caltex operations in New Zealand.

INTRODUCTION

1. Palmerston North City Council (*Council*) is seeking feedback on its draft Stormwater Bylaw 2022 (*the Bylaw*).
2. The Fuel Companies receive, store, and distribute refined petroleum products around New Zealand. In Palmerston North, the Fuel Companies' core business relates to the storage and distribution of petroleum products and operation of retail fuel outlets, including service stations and truck stops.
3. The Fuel Companies' interests in the Bylaw relate primarily to how it addresses stormwater discharges from petroleum industry sites. The Fuel Companies seek clarity regarding these matters to provide certainty to all parties while ensuring protection of the environment and Council's infrastructure.
4. The Fuel Companies do not wish to be heard in relation to this submission.
5. The Fuel Companies would be pleased to discuss these matters further with Council if that would assist.

STORMWATER

Background

6. Discharges from petroleum industry sites are addressed in the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998, *the Guidelines*). The Guidelines provide specific measures to ensure water discharges from petroleum industry sites do not cause significant adverse effects on the environment. They were prepared by a working group comprising industry, central, and regional government and continue to be widely recognised as good practice. This is demonstrated by their wide recognition in RMA plans and bylaws around the country.
7. Discharges from service station forecourts are a Category 2 discharge under the Guidelines. This reflects that there is potential for stormwater to contain oil contaminants and that these require appropriate treatment prior to discharge. The Guidelines require that these areas be directed by appropriate surface grading into grated sumps/gutters/rain gardens leading to drainage systems or treatment devices prior to discharge. If not within the forecourt, tank fill points must be similarly treated. This layout is reflected in Figure 3.1 of the Guidelines.
8. The Guidelines set out detailed criteria for sizing of treatment devices based on rainfall and require that separators have the capacity to contain a 2,500 litre spill of hydrocarbons – the maximum credible spill. Devices which use gravity separation are recognised as the most practicable option to remove oil from water and achieve the desired discharge quality. Appendix 2 of the Guidelines explains the methodology and results of the trial of an American Petroleum Institute (*API*) separator. That exercise confirmed that the API could retain a 2,500 litre spill with the outlet valve in the open position while also achieving a discharge quality of less than 15 milligrams per litre of total petroleum hydrocarbons. A SPEL separator has been similarly tested and subsequently certified by the former Auckland Regional Council as being compliant with the Guidelines. Both SPEL and API are now widely used around the country.



LAND. PEOPLE. WATER.

9. The Guidelines recognise that the maximum levels of contaminants allowable in discharges are 15 and 100 milligrams per litre for total petroleum hydrocarbons and total suspended solids respectively (when averaged over the design storm event) and that operating within these limits will ensure minimal adverse toxic effects. The Guidelines draw parallels to roads and highlight that monitoring has demonstrated that discharges from such sites are no worse (and often better) than discharges from roads and high turnover car parks.
10. In terms of effects, the Guidelines refer to modelling work demonstrating that typical oil discharges will have no significant adverse effects on receiving water, except for at the most sensitive sites. Full detail of the study is provided at Appendix A1.3 of the Guidelines.

Part Three - Protection of stormwater assets and the public stormwater network

11. Council proposes several changes to section 7 of the Bylaw. The Fuel Companies support the intent of the section but seek clarity that:
 - Clause 7.1(e) applies more broadly than just during storm events and that treatment must be appropriate to the contaminants stored and used.
 - Stormwater discharges of a quality provided for as a permitted activity under the relevant regional plan will be accepted to the reticulated stormwater network without further water quality treatment;
12. This could be achieved by amending sub clause 7.1(e) as follows and adding an additional clause 7.3 as tracked below (deletions in strikethrough, additions in underline – changes tracked to amended version of Bylaw as proposed by Council):

7.1 No person may, unless specifically authorised by a resource consent or approval in writing by the Council

...

(e) Deposit or permit any material, hazardous material, chemical, rubbish, litter or other substance, likely to cause a nuisance on entering the public stormwater drainage network, to be located or stored in such a manner that it could enter the public stormwater drainage network (directly or indirectly, ~~including~~ in any storm event), unless it has first passed through an ~~industry standard oil separation or~~ appropriate treatment device, for instance at petroleum industry sites treatment shall include oil-water separation in accordance with the Environmental Guidelines for Water Discharges for Petroleum Industry Sites in NZ (MfE, 1998);

....

7.3 Stormwater discharges of a quality provided for as a permitted activity under the regional plan shall be acceptable to the public stormwater network without further treatment.

13. These amendments would clearly recognise that treatment needs to manage the key contaminants of concern at a particular site, including in storm events and that stormwater discharges that are permitted under a relevant rule are acceptable in terms of effects, including where they are conveyed by the public stormwater network. The Fuel Companies

consider there is benefit in specifically referring to the MfE Guidelines by way of an example to promote compliance with the same. Alternative changes may achieve the same outcome but amendments to this effect are sought.

Part Four – Stormwater Contamination Mitigation

14. Clause 12.3 as proposed requires preparation of stormwater contamination mitigation plan² on request from Council with clause 12.4 setting out the detail required in the same. The Fuel Companies' sites are operated in accordance with operational management plans which address stormwater management and they recognise the important role of the same in ensuring discharges are appropriately managed on an ongoing basis, including maintenance. The following amendments are sought to clause 12.4 to ensure the provision is focused on stormwater and to avoid unnecessary duplication between the provisions.

12.4 The Stormwater contamination mitigation Plan must include:

(a) A suitably scaled drawing showing the site layout, boundaries, ~~at the private stormwater system and wastewater drainage~~ including the point or points of connection to the public stormwater network, and a catchment plan demonstrating how stormwater on site is directed ~~relevant buildings and outdoor spaces (including their use);~~

(b) ~~A site assessment identifying all actual and potential~~ Identification of sources of stormwater contamination;

(c) Methods in place to prevent contamination of the public stormwater network;

(d) Methods and timeframes proposed to control contamination of the public stormwater network;

(e) A description of the maintenance procedures in place and proposed; and

(f) Spill prevention and spill response procedures.

Signed on and behalf of Z Energy Limited, BP Oil New Zealand Limited, and Mobil Oil New Zealand Limited



.....
Mark Laurenson
Principal Planner

² means a plan for commercial or residential premises detailing specific management practices, measures and/or devices to be implemented and constructed to treat and manage stormwater on-site to prevent contamination of stormwater. The plan must include detail of the maintenance and operation requirements for the measures and/or devices.

10-1

Rangitāne feedback on PNCC Stormwater Bylaw Review

High level feedback is presented in the following bullet points, while more specific comments are provided in the table below.

- Rangitāne are generally supportive of the update to the PNCC stormwater bylaw
- In particular, we support
 - the changes that strengthen council's power to manage private stormwater systems
 - clear intent to run education programmes to better stormwater outcomes
 - more proactive compliance actions
 - increased responsibility on individuals to report contamination and to bear the cost of cleanup
 - attempts to fill the gap in the District Plan until it can be reviewed to better direct water sensitive design etc.
- We have several minor concerns with parts of the bylaw, but a particular concern around the direction that individuals are required to 'maintain' watercourses to allow for stormwater movement. This has significant implications for the protection (or lack of protection) of physical habitat for indigenous species in rivers and streams, and needs to be reconsidered, particularly in light of the NPSFM Policy 9. It's possible this could be addressed in part through a change that was made to the Hamilton City Council bylaw, which ensures council is "advising property owners and/or occupiers to seek advice on how to retain any ecological value their watercourse might hold."¹
- We consider there is a significant gap in the bylaw in that it does not recognise the concept of Te Mana o te Wai or the role of tangata whenua as kaitiaki of water. Recently, Central Hawke's Bay District Council's three waters bylaws were reviewed and these values/concepts were recognised. We seek that the same be done through the PNCC review.
- We suggest additional public-facing resources be prepared to accompany the bylaw review. These should cover things like rainwater tanks (and promote their use to the public as an emergency water supply and stormwater detention device), how the stormwater network works and where stormwater goes, and what people need to do to prevent stormwater contamination (e.g. not washing cars on driveways, not washing paint down drains, etc.) as well as their responsibilities to prevent stormwater contamination. We acknowledge some work has been done in this space already.

| Section | Comment | Position / Suggestion |
|--------------|---|---|
| Bylaw | | |
| Title | Changing the title to refer to 'Stormwater' rather than 'Drainage' is much better use of plain language and consistent with language used in Government's 'three waters' reform. | Support |
| Introduction | Central Hawke's Bay District Council recently (2020) updated their local three waters bylaws. In each of these, they included an introduction / 'Overarching Purpose', objectives, and context, before the title and commencement. ² | Council should include an introduction at the start of the stormwater bylaw that recognises |

¹ <https://haveyoursay.hamilton.govt.nz/citywaters/stormwater-bylaw/>

² E.g., CHBDC Stormwater Bylaw, <https://www.chbdc.govt.nz/assets/Document-Library/Bylaws/Stormwater-Bylaw-2021.pdf>

10-2

| | | |
|--|---|---|
| | <p>The overarching purpose starts:</p> <p>To achieve a holistic and integrated approach to three waters management in the District that is consistent with Council's District Plan, other Policies, Plans, Strategies and Objectives and also reflect the principles of the Te Mana o Te Wai. The following overarching purposes have been set for all four water services bylaws (Water Supply, Stormwater, Wastewater and Trade Waste)...</p> <p>The list of overarching purposes includes (non-exhaustive):</p> <ul style="list-style-type: none"> • Meet legislative requirements - Proactively meet all Council's statutory requirements relating to the provision of three waters services. • Integrated approach - Adopt an integrated and holistic approach, ki uta ki tai, to the Three Waters (water supply, wastewater including trade waste and Stormwater) that recognises the interconnections between each of the waters and promotes their sustainable management. • Environmental Responsibilities - Facilitate environmentally responsible practices by raising awareness of how the three waters interact and effect the District's natural Environment. Additionally, ensure that Council meet its own responsibilities in terms of resource consent requirements set by the Hawke's Bay Regional Council. • Sustainable practices - Facilitate environmentally responsible practices by raising awareness of how the three waters interact and effect the District's natural Environment. Additionally, ensure that Council meet its own responsibilities in terms of resource consent requirements set by the Hawke's Bay Regional Council. • Te Mana o te Wai - Recognise the fundamental concept of Te Mana o te Wai as prescribed under the National Policy Statement for Freshwater Management 2020 and in particular the need to restore and preserve the balance between the water, the wider Environment, and the community. • Tangata Whenua Status - Recognise the status of tangata whenua status as Kaitiaki. • Safety and Health - Ensure the protection, safety and health of Council staff and the community when using or operating the water supply system, and the wastewater and stormwater networks. • Discharge Controls - Regulate wastewater and stormwater discharges, including trade waste, and hazardous substances, into the wastewater and stormwater networks. | <p>stormwater within an environmental context, but particularly recognises Te Mana o te Wai as a guiding principle for stormwater management and Rangitāne as kaitiaki.</p> <p>Council should also outline the objective of the bylaw at the start, including to "avoid or minimise the effect of stormwater discharges on the receiving environment"</p> |
|--|---|---|

10-3

| | | |
|-------------|--|---|
| | <p>We see significant merit in the approach taken by CHBDC and seek that council include a similar introduction at the start of the stormwater bylaw. Particularly, we seek recognition of Te Mana o te Wai as a guiding principle for stormwater management and of tangata whenua status as kaitiaki.</p> <p>We also see merit in outlining the 'objectives' of the CHBDC bylaw, such as:</p> <ul style="list-style-type: none"> • Avoid, or minimise and control the discharge of Contaminants into the Public Stormwater Drainage Network. • Avoid, or minimise the effects of discharges from the Public Stormwater Drainage Network on the downstream receiving Environment. <p>We seek that PNCC outline the objectives of the stormwater bylaw in the bylaw (or in the introduction).</p> | |
| 2.1 Purpose | <p>It is not clear what a 'Sustainable Urban Drainage System' is and no definition is provided. We suggest a definition or the use of plain language. E.g., "to manage stormwater in a way that minimises the discharge of contaminants to the environment, and uses natural systems (or built systems that mimic nature) to minimise the amount of pollution in stormwater."</p> | <p>Use alternative language to 'Sustainable Urban Drainage System' or add a definition.</p> <p>Adding an introduction outlining the purpose and objectives of the bylaw more clearly might also be helpful (see point above).</p> |
| Definitions | <ul style="list-style-type: none"> • The definition for "public stormwater network" includes 'channels' and 'wetlands'. It is unclear whether this means streams/rivers/natural wetlands, or whether it means 'constructed' channels and wetlands. • Why don't the public and private system definitions match up more closely? • It is useful to include a list of possible stormwater attenuation devices in that definition. E.g., the CHBDC bylaw lists them as: <ul style="list-style-type: none"> ...including, but not limited to: <ul style="list-style-type: none"> ○ rain gardens ○ porous paving ○ infiltration trenches ○ sand filters ○ settlement traps, tanks and ponds | <p>Clarify the private and public stormwater system definitions, and whether they include natural systems (e.g. wetlands).</p> <p>Insert list of potential stormwater attenuation devices.</p> <p>Consider adding definition of excavation.</p> <p>Define watercourse (even if it is copied</p> |

10-4

| | | |
|-------------|---|---|
| | <ul style="list-style-type: none"> ○ green roofs ○ wetlands ○ ponds ○ rainwater tanks ○ proprietary devices ○ Stormwater Detention and/or Retention Device <ul style="list-style-type: none"> • It might be useful to define “excavation”. • It would be useful to define “watercourse” | from the relevant Act). |
| Clause 7 | Introduction of explicit prohibition of diversion of stormwater to wastewater network | Support |
| Clause 9.3 | <p>We are concerned about the requirement that landowners are responsible for ‘maintaining’ watercourses to ensure there is a free flow of water. Often ‘maintenance’ of watercourses for stormwater/flood management means channelising streams, removing riparian vegetation, and damaging physical habitat that is important to ecosystem health.</p> <p>This is inconsistent with the RMA and NPS Freshwater Management Policy 9 (‘the habitats of indigenous freshwater species are protected’).</p> <p>Even ‘drains’ can provide vital habitat for species and their management should be carefully regulated and managed/monitored by council.</p> | <p>Reconsider clause 9.3 in light of NPSFM Policy 9. An alternative framework that ensures physical habitat for indigenous fish is protected and decisions about what happens in the beds of streams and rivers are not handed over to landowners, who are likely to know very little about stream habitat.</p> <p>May be addressed in part through a requirement that property owners and/or occupiers must seek advice on how to retain any ecological value their watercourse might hold, and/or that council must issue this advice guidance to property owners and/or occupiers.³</p> |
| Clause 11.1 | This proposed change requires that any discharge of contaminants must pass through an approved stormwater treatment measure. | Support |
| Clause 11.2 | The wording of this clause implies that rubbish etc. can be discharged to a stormwater system <i>after</i> it has been through a treatment system. Consider changing the wording to be clearer. | Reword to “No person may discharge, deposit or permit <u>stormwater</u> |

³ As per Hamilton City Council bylaw change: <https://haveyoursay.hamilton.govt.nz/citywaters/stormwater-bylaw/>

10-5

| | | |
|------------------------------|--|--|
| | | <u>that is likely to contain</u> any contaminants, material, chemical, rubbish, litter or other substance, likely to cause a nuisance on entering the public stormwater network, unless that discharge has passed through an approved stormwater treatment measure.” |
| Clauses 12.1-12.7 | <ul style="list-style-type: none"> o In the event of a discharge occurring, the owner or occupier is required to contact Council immediately and follow this up in writing o costs of contamination response fall to owner/occupier | Support |
| Administration Manual | | |
| Part Two 1.4 | <p>Add a requirement that stormwater drainage works must be designed, constructed, and operated</p> <ul style="list-style-type: none"> o so that Stormwater discharges from a Premises are in compliance with any relevant Council Catchment Management Plan and/or Council’s discharge consent issued by the Regional Council under the Resource Management Act 1991, including its recommendations or conditions for the area concerned o to recognise the fundamental concept of Te Mana o te Wai and the status of tangata whenua as Kaitiaki as far as reasonably practical. <u>[note, this is included in the CHBDC bylaw⁴, and similar values are now recognised in the Hamilton City Council bylaw⁵]</u> o to be consistent with water sensitive design principles o to maintain aquifer recharge and natural flow paths, and minimise impermeable surfaces o to incorporate attenuation devices, including (but not limited to): <ul style="list-style-type: none"> o rain gardens o porous paving o infiltration trenches o sand filters | See comments |

⁴ <https://www.chbdc.govt.nz/assets/Document-Library/Bylaws/Stormwater-Bylaw-2021.pdf>

⁵ https://haveyoursay.hamilton.govt.nz/citywaters/stormwater-bylaw/supporting_documents/Stormwater%20Bylaw%202021%20%20tracked%20changes%20copy%20for%20public%20consultation%20%20November%202020.PDF

10-6

| | | |
|------------------------------------|---|--|
| | <ul style="list-style-type: none"> ○ settlement traps, tanks and ponds ○ green roofs ○ wetlands ○ ponds ○ rainwater tanks ○ proprietary devices ○ Stormwater Detention and/or Retention Device | |
| 3.2(A) | We consider it a short-sighted to only require a pipe under a building to have a life of at least 50 years left. It would be much smarter to ensure access to pipes is maintained. This means they can be upgraded if required (e.g. with the effects of climate change) or fixed if maintenance is required. | Remove the requirement that a pipe have at least 50 years life left and replace it with a requirement that buildings be constructed over the pipe in a way that it remains accessible for maintenance/upgrade in future. |
| Definition of excavation | As above, it may be useful to have a definition of "excavation". Is digging out a garden near the street at the front of a property 'excavation'? | |
| Other comments | | |
| Other useful provisions from CHBDC | <p>Consider introduction of other useful provisions from the CHBDC bylaw⁶, such as:</p> <p>8.2.1 No development may take place and no building or structure shall be constructed on or over or under any land within a Flood Risk Area, Flood Plain or Overland Flow Path unless specifically Approved by Council, and subject to such conditions as Council may set.</p> <p>8.2.2 No Person shall extend or alter any building or structure which is already constructed on, over or under any land within a Flood Risk Area, Flood Plain or Overland Flow Path in such a way that:</p> <p>(a) the extent of the obstruction to the Flood Risk Area, Flood Plain or Overland Flow Path is increased in any way; or</p> <p>(b) the protection from any Nuisance is reduced; or</p> <p>(c) the likelihood or extent of any Nuisance is increased,</p> | See comments |

⁶ <https://www.chbdc.govt.nz/assets/Document-Library/Bylaws/Stormwater-Bylaw-2021.pdf>

10-7

| | | |
|--|--|--|
| | This would help address issues with flooding, such as those experienced in December 2021. | |
| Useful changes made by Hamilton City Council | <p>Consider introducing some of the changes made to in the recent Hamilton City Council bylaw review⁷ to the PNCC bylaw (where they have not already been included):</p> <ul style="list-style-type: none"> • prohibiting the discharge of swimming pool water to the stormwater system without approval. The Bylaw now requires swimming pool water to go to the wastewater system or to soak to land. • requiring all building activities to have sediment controls in place. • prohibiting excessive loading on the city's stormwater network that could cause damage to pipes. • requiring people to apply for a consent if they wish to build within five metres of the public stormwater system. • requiring property occupiers to have similar responsibilities to actual property owners, in terms of keeping watercourses on their property clear from blockages that may cause flooding. [noting the below re. ecological value] • advising property owners and/or occupiers to seek advice on how to retain any ecological value their watercourse might hold. • requiring all connections to comply with Council's requirements (for example, District Plan rules and management plans). • prohibiting property owners and/or occupiers from discharging stormwater from an area that is bigger than the size allowed for in the District Plan rules. • requiring property owners and/or occupiers to ensure that their private stormwater system is in good order. • allowing Council to impose timeframes and do any private property works it considers necessary to protect the stormwater network. • requiring the property owners and/or occupiers of high-risk facilities to: <ul style="list-style-type: none"> ○ have up-to-date pollution control plans ○ educate employees on stormwater network protection ○ display their spill control plans on site. • Council making it clear to property owners and/or occupiers about what will happen if there is a breach of the Bylaw. | |

⁷ <https://haveyoursay.hamilton.govt.nz/citywaters/stormwater-bylaw/>

10-8

| | | |
|-------------------------|---|--------------|
| Car washing | Explicitly prohibit washing of cars on the street or in driveways where water runs into the stormwater network. | See comments |
| Public-facing resources | <p>PNCC should develop public-facing resources to sit alongside the stormwater bylaw, similar to those produced by CHBDC.</p> <p>For example,</p> <ul style="list-style-type: none"> An info sheet on rainwater and stormwater tanks and their benefits, and what they can be used for (including a note that all new builds must have a rainwater tank of at least 3000L): https://www.chbdc.govt.nz/assets/Links/002977-StormwaterBylaw-A4-7-0.pdf A 'the drain is just for rain' info sheet, : https://www.chbdc.govt.nz/assets/Links/002996-SWPracticeNote-02-a.pdf A stormwater FAQs sheet: https://www.chbdc.govt.nz/assets/Links/003022-StormwaterFAQS-a.pdf <p>These resources could be incorporated into the PNCC website, produced in hard copy, and circulated to local hardware and gardening stores, among other places.</p> | See comments |

Procedure Sheet Hearing of Submissions

| | |
|-----------------------------------|--|
| Presenting your submission | <p>You have indicated a wish to present your submission before a Committee of councilors. You will be attending online. You may speak to your submission yourself or, if you wish, arrange for some other person or persons to speak on your behalf.</p> <p>We recommend that you speak to the main points of your submission and then answer any questions. It is not necessary to read your submission as Committee members have a copy and will have already read it.</p> <p>Questions are for clarifying matters raised in submissions. Questions may only be asked by Committee members, unless the Chairperson gives permission.</p> |
| Time Allocation | <p>10 minutes (including question time) will be allocated for the hearing of each submission. If more than one person speaks to a submission, the time that is allocated to that submission will be shared between the speakers.</p> |
| Who will be there? | <p>The Planning & Strategy Committee will hear the submissions. The Committee comprises of elected members as identified on the frontispiece of the Agenda.</p> <p>There will also be other people online who are presenting their submission. The Hearing is open to the media and the public.</p> |
| Agenda | <p>An Agenda for the meeting at which you will be speaking will be publicly available at least two working days prior to the meeting. It will be published on the Palmerston North City Council website (Agendas and minutes) and available to view at the Customer Service Centre. The Agenda lists the submissions in the order they will be considered by the Committee, although there may be some variation to this.</p> |
| Venue | <p>The meeting will be held in the Council Chamber, First Floor, Civic Administration Building, Te Marae o Hine, 32 The Square, Palmerston North, where the Councillors will be attending.</p> <p>All submitters will join the meeting via Microsoft Teams. The Administrator will be in touch with you before the meeting to ensure everything is working at both ends.</p> |
| Tikanga Maori | <p>You may speak to your submission in Maori if you wish. If you intend to do so, please contact us no later than four days</p> |

before the date of the meeting (refer to the "Further Information" section below). This is to enable arrangements to be made for a certified interpreter to attend the meeting. You may bring your own interpreter if you wish.

Visual Aids

Submitters can share their screen in Microsoft Teams if they have any PowerPoint presentations. The Administrator will require a copy of this as well to circulate to the Councillors beforehand.

**Final
Consideration
of Submissions**

Final consideration of submissions will be at the ordinary meeting of the Planning & Strategy Committee in either March or April 2022. The media and public can attend these meetings, but it will not be possible for you to speak further to your submission, or participate in the Committee deliberations.

**Changes to
this Procedure**

The Committee may, in its sole discretion, vary the procedure set out above if circumstances indicate that some other procedure would be more appropriate.

**Further
Information**

If you have any questions about the procedure outlined above please contact Carly Chang, Democracy & Governance Administrator, phone 06 356-8199 extension 7152 or email carly.chang@pncc.govt.nz.

* * * * *

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 08 December 2021, commencing at 9.04pm

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, Orphée Mickalad and Bruno Petrenas.

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

Apologies: Councillors Lew Findlay QSM, Orphee Mickalad and Rachel Bowen (for lateness).

Councillor Rachel Bowen entered the meeting at 9.05am during consideration of clause 43. She was not present for clause 43.

43-21 Apologies

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The COMMITTEE RESOLVED

1. That the Committee receive the apologies.

Clause 43-21 above was carried 13 votes to 0, the voting being as follows:

For:

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

Councillor Bowen entered the meeting 9.06am.

44-21 Hearing of Submissions - Draft Support and Funding Policy

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 44-21 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 Bruno Petrenas.

The Committee considered submissions on the Draft Support and Funding Policy together with supporting oral statements including additional tabled material.

The following persons appeared before the Committee and made oral statements in support of their submissions and replied to questions from Elected Members.

Menzshed Manawatu (11)

Mr David Chapple spoke to the submission and made the following additional comments:

- Looking to almost double the size of their building and they could not see in the policy, once it is completed, what their rent will be based on. They are hoping it will be based on the existing area.
- With regards to the Council assistance to the Menzshed for their additions, it was advised in the 2017/18 Annual Budget that the Council would investigate the costings to the Menzshed upgrade to be considered as part of the 2018/28 Long Term Plan. An update on progress for this was requested.

Palmerston North Community Services Council (14)

Mr Tim Kendrew and Ms Emma Ochei spoke to the submission and made no additional comments.

There were no more submitters available to speak. The Chair adjourned Item 5 Hearing of Submissions – Draft Support and Funding Policy and moved to Item 6 Confirmation of Minutes.

45-21

Confirmation of Minutes

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

That the minutes of the Planning & Strategy Committee meeting of 10

November 2021 Part I Public be confirmed as a true and correct record.

Clause 45-21 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 Bruno Petrenas.

The meeting adjourned at 9.28am.
The meeting resumed at 9.39am.

44-21 Hearing of Submissions – Draft Support and Funding Policy

The Chair returned to Item 5 Hearing of Submissions – Draft Support and Funding Policy.

The following persons appeared before the Committee and made oral statements in support of their submissions and replied to questions from Elected Members.

The Stomach – Creative Sounds Society (10)

Mr Harry Lilley spoke to the submission and made the following additional comments:

- The principles behind the policy seem appropriate and really support the attempt to bring more clarity and consistency to the allocation of funding and resources for community and for-purpose organisations.
- The recognition of rental support in this policy is okay and it is good to see it included. Would like to ensure that Council clarifies how this is going to be factored into the funding decision making processes in the future. Potential adverse outcomes from the community sector if this is not handled properly.
- Support the key points raised by the Palmerston North Community Services Council, particularly regarding the Community Development Small Grants Fund and changing the wording of that.
- Support section 5.6. It seems pretty open-ended and more clarity is needed to explain the purpose.

Emma Prouse and James Griffiths (20)

Ms Emma Prouse spoke to their submission and made the following additional comment:

- The size of the grant should dictate the level of reporting required (and the level of the financial audit required).

Environment Network Manawātū (9)

Ms Helen King and Mr Selwyn Yorke spoke to the submission and made no additional comments.

Te Ha o Hine-ahu-one, Palmerston North Women's Health Collective (3)

Ms Jean Hera spoke to the submission and made no additional comments.

Manawatu Tenants' Union (16)

Mr Ben Schmidt spoke to the submission and made no additional comments.

46-21

Proposed Plan Change J: Massey University Turitea Historic Area

Memorandum, presented by Michael Duindam, Principal Planner.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The COMMITTEE RECOMMENDS

1. That the Massey University Turitea Historic Area Private Plan Change request by Massey University, included as attachment 1 to the memorandum titled 'Proposed Plan Change J: Massey University Turitea Historic Area' presented to the Planning & Strategy Committee on 8 December 2021, be adopted pursuant to Section 25(2)(a), Part 2 of the First Schedule of the Resource Management Act 1991.
2. That the Massey University Turitea Historic Area Plan Change request by Massey University be notified in accordance with Section 26, Part 2 of the First Schedule of the Resource Management Act 1991.

Clause 46-21 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 Bruno Petrenas.

47-21

Committee Work Schedule

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The COMMITTEE RESOLVED

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

Clause 47-21 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 Bruno Petrenas.

The meeting finished at 10.36am

Confirmed 9 February 2022

Chairperson

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 9 February 2022

TITLE: Draft Trade Waste Bylaw 2022 - Summary of Submissions

PRESENTED BY: Julie Macdonald - Strategy and Policy Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

1. That the Committee receive the summary of submissions to the draft Trade Waste Bylaw 2022.
-

1. ISSUE

The Council has carried out public consultation on the draft Trade Waste Bylaw. The purpose of this memo is to provide a brief summary of the consultation process and the issues raised by submitters. Further advice will be provided to the Committee in April on the issues raised by submitters as part of the deliberations process.

2. RESPONSES TO CONSULTATION

The draft Trade Waste Bylaw was approved for public consultation by the Council on 25 August 2021. Consultation began on 2 October and written submissions closed on 3 December 2021. A minimum two-month consultation period was required by s.148 of the Local Government Act 2002 (this consultation provision applies specifically to trade waste).

The consultation document was made available on the Council's website, and printed copies were available at the Customer Service Centre, and at all of Council's libraries. A letter or email was sent to all identified stakeholders:

- Current trade waste consent holders and permitted trade waste dischargers
- Ministry of Health (including the Associate Minister of Health) and Ministry for the Environment
- Horizons Regional Council and MidCentral DHB Public Health Unit
- Environment Network Manawatū and Manawatū River Source to Sea
- WaterNZ and NZ Trade and Industrial Waters Forum

- WasteTrack/Liquid Systems
- Chamber of Commerce.

A total of seven written submissions were received during the consultation period. Only one person has indicated that they wish to make an oral submission as well.

The consultation period was promoted on social media channels, with posts on Facebook. A total of 4,891 people were reached through Facebook, with just 20 clicks through to the linked website.

3. SUMMARY OF SUBMISSIONS

Attachment one includes a full summary of submissions, and identifies the issues raised by submitters. Advice on the issues raised by submitters is not provided at this point in the process. A further report to the Committee in April will be provided that outlines officer advice in respect of the issues raised by submitters, and recommendations for the Committee with regards to any changes that may be needed.

4. NEXT STEPS

Officers will prepare advice on the issues raised by submitters in the deliberations report that will be presented to the Planning and Strategy Committee in April. Following any recommendations made by Committee at that meeting, the Council will be able to adopt the draft Trade Waste Bylaw in May. The Bylaw would then come into effect later in May.

5. COMPLIANCE AND ADMINISTRATION

| | |
|---|------------|
| Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual | Yes |
| 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 4: An Eco City | |
| The recommendations contribute to the achievement of action/actions in Waters | |

| | |
|--|---|
| The action is: Complete the review of the Trade Waste Bylaw | |
| Contribution to strategic direction and to social, economic, environmental and cultural well-being | The Trade Waste Bylaw is part of our suite of water and waste bylaws. It supports the Waters Plan by contributing to the safe collection, treatment and disposal of trade waste, which is a component of the city's wastewater. |

ATTACHMENTS

1. Trade Waste Bylaw - Summary of Issues Raised by Submitters [↓](#) 

Trade Waste Bylaw 2022- summary of issues raised by submitters

The following is a summary of the issues raised by submitters to the draft Trade Waste Bylaw 2022. This summary should be read in conjunction with the full text of the submissions received by the Council.

Overview of proposals

The draft Trade Waste Bylaw identified notable changes in five areas. A brief summary of the proposed changes is provided below for reference:

Controlled Trade Waste – we proposed creating a new category of trade waste (controlled trade waste) where the discharge complies with all the permitted characteristics except for the volume (a maximum of 5m³/day). Controlled trade waste dischargers would be charged for every m³ of trade waste they discharge above the first 5 m³ at the current rate of \$0.502c/m³.

Permanent sink screens – we proposed requiring the installation of a permanent sink screen on sinks in food premises where repeated complaints of odour were arising from food waste being caught in a grease interceptor.

Penalty charges – we proposed clarifying that a trade waste consent can include conditions prescribing penalty charges for exceeding the physical or chemical characteristic limits set in an individual consent.

Tanker waste – we proposed updating the requirement for certification for tanker waste collectors, changing from WasteMINZ to the NZ Trade and Industrial Waters Forum. We also proposed changing the requirements to allow a tanker waste collector to hold either a resource consent or a Certificate of Registration for Offensive Trade.

Timeframe for considering consent applications – we proposed requiring applications to renew trade waste consents to be received eight weeks prior to expiry, to ensure there is sufficient time to review the application. Applications received by this time could be extended if necessary to allow the application to be processed. Applications not received by this time could result in the consent not being renewed before expiry, meaning the discharge would have to cease until a new consent was issued.

Summary of support or opposition

The table below shows the numbers of the submissions that supported, opposed, or had no opinion about the proposed changes in each of those areas

| | Supported | Opposed | No opinion | Did not say |
|---|------------------------------|---------------|---------------|------------------|
| Controlled Trade Waste | 5 (Sub #1, 2, 3, 4, 6) | 1 (Sub #7) | 0 | 1 (Sub #5) |
| Permanent sink screens | 6 (Sub #1, 2, 3, 4, 5, 6) | 0 | 0 | 1 (Sub #7) |
| Penalty charges | 4 (Sub #1, 2, 4, 6) | 0 | 1 (Sub #3) | 2 (Sub #5, 7) |
| Tankered waste | 4 (Sub #1, 2, 4, 6) | 0 | 1 (Sub #3) | 2 (Sub #5, 7) |
| Timeframe for considering consent applications | 5 (Sub #1, 2, 3, 4, 7) | 0 | 1 (Sub #6) | 1 (Sub #5) |

This illustrates strong support for all the proposed changes, with only one submitter in opposition to the proposals regarding Controlled Trade Waste. The following section summarises the points made by submitters in each of these areas.

Controlled Trade Waste

Of the five submitters in support of the proposals for introducing the Controlled Trade Waste category, none provided any additional comments to support their submissions.

One submitter (submitter #7) expressed some reservations about the proposal as it relates to car washes, principally those operated by the fuel companies they represent. The submitter observed that discharges from modern car wash facilities include both a pre-treatment device and a water recycler, and consequently the discharge complies with the permitted physical and chemical characteristics of trade waste. They included extracts from their monitoring records to demonstrate this level of compliance. The submitter expressed general support for the proposal, however they are seeking to increase the volume limit at which point a Controlled Trade Waste consent would be required, from 5m³ (as currently proposed) to 10m³. They refer to the Auckland Trade Waste Control 2019 which sets the limit at 10m³. The submitter argues that in the Auckland situation, 10m³ is defined as low risk to the hydraulic capacity of the public wastewater network.

The submitter offers an alternative, suggesting that the proposed 5m³ volume limit could be retained, with car washes permitted to discharge up to 10m³, minimizing the extension of this limit to all high volume dischargers.

A further change is proposed by the submitter, to limit the conditions that can be applied to Controlled Trade Waste consents to only those related to volume.

Permanent sink screens

Almost all submitters expressed support for this proposal, with only one submitter not mentioning it. None of the submitters offered any further comments about the proposal.

While not recorded formally as submissions, a number of phone calls were received from identified stakeholders. These were typically from small businesses operating kitchens within their premises. In general, they were seeking assurances as to the obligations that would be placed on them if the Bylaw were to come into effect as currently proposed. When advised that the installation of a permanent sink screen was only mandatory following complaints about odour, and where subsequent investigations found the odour to be related to food scraps caught in grease interceptors or similar devices, all callers appeared to be satisfied with that explanation.

Penalty charges and tankered waste

Four submitters expressed support for both these proposals, with one submitter expressing no opinion, and two submitters not mentioning either of the proposals. None of the submitters offered any further comments about these proposals.

Timeframe for considering consent applications

Five submitters expressed support for this proposal, one submitter did not have an opinion, and one submitter did not mention the proposal. Of those that did support this proposal, two submitters suggested that Council should send out reminder notices in advance of the proposed deadline for submitting renewal applications, with one submitter suggesting that such notices be given 12 weeks prior to expiry, so that applicants had four weeks to submit their application before the eight week period commenced.

Additional issues raised

One submitter (submitter #5) raised a number of additional issues outside the proposals the Council was consulting on. These are summarised below:

Clause 2 – Purpose

The submitter suggested that the Purpose clause should also state that the purpose is to share the costs of collection and treatment of wastewater equitably across residential wastewater and trade waste producers. They also suggested that “controlled trade waste” should be added to clause 2.2(b).

Clause 6 – Definitions

The submitter noted that the draft Bylaw defined “Stormwater Drainage Network” whereas the draft Stormwater Bylaw included the term “Stormwater Network” and suggested that the terms should be consistent across both bylaws. They also suggested that the new Matariki public holiday should be added to the list of days included in the definition of “Working Day”.

Fees and charges

The submitter argued that the proposed charge for Controlled Trade Waste is inequitable, and provided calculations to show that residential customers are effectively paying \$1.62c/m³ compared to \$0.502c/m³ for trade waste dischargers. While full advice on this issue will be provided to the Committee in the next report, it should be noted that the draft Bylaw is not proposing a charge for

Controlled Trade Waste – the charge referred to is an existing volume charge that has been set through the Schedule of Fees and Charges. The setting of fees and charges for trade waste activity is outside the scope of this proposal, but advice will be provided to the Committee at the next report on this issue.

Restrictions on use of refuse/garbage grinders

The submitter suggests that the restriction on the use of refuse or garbage grinders (commonly known as Insinkeratorators) should be extended to residential customers also. The submitter notes that this would be addressed as part of the Wastewater Bylaw rather than the Trade Waste Bylaw. This is also out of scope for the draft Bylaw, as it would involve amendment to the Wastewater Bylaw which is not currently under review.

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 9 February 2022

TITLE: Submission to the Palmerston North Reserves Empowering Amendment Bill (Huia Street Reserve)

PRESENTED BY: Jono Ferguson-Pye, City Planning Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL:

1. That the Committee receive the Submission to the Palmerston North Reserves Empowering Amendment Bill, as attached to the report presented to the 9 February 2022 Planning & Strategy Committee.
2. That the Committee note that the Submission to the Palmerston North Reserves Empowering Amendment Bill will be approved by the Mayor under delegation (clause 192.6 of the Delegations Manual) as there is insufficient time for the submission to be referred to the Council for approval.
3. That the Committee note that in accordance with clause 192.6 of the Delegations Manual, the final submission will be reported for approval by the Council at the next available opportunity.

1. ISSUE

Parliament is currently considering the Palmerston North Reserves Empowering Amendment Bill (the Bill). Submissions to the Bill close 18 February 2022.

Given the closing date for submissions, there was insufficient time for the submission to be referred to the Council for approval.

This memo presents a submission for the Planning and Strategy Committee to consider and discuss, prior to formal approval by the Mayor under delegation.

The submission has been reported to the Planning and Strategy Committee for consideration and discussion given the sensitive nature of the topic and to seek to ensure a single Council position is presented to the Environment Committee that is considering the Bill.

2. BACKGROUND

The Bill relates to land at the Huia Street Reserve (the 'land'). The Council currently holds the land under the Palmerston North Reserves Act 1922 (the former Act). The land held under the former Act cannot be sold.

The Bill provides the mechanism for the future sale or development of the land for housing if it becomes surplus to Council requirements by amending the Palmerston North Reserves Empowering Act 1966 (the principal Act).

Following a formal public consultation process (October 2020), the Council adopted the recommendations from the Planning and Strategy Committee to support the amendment of the Palmerston North Reserves Empowering Act 1966 and instructed the Chief Executive to engage with relevant Government agencies to initiate the necessary amendments to legislation to enable the sale or development of the land.

In order to amend a local Act a local authority must introduce a local bill to Parliament. To enable this the Council drafted the Bill and followed the preliminary procedures as outlined in standing orders, which consisted of:

1. A public notification process (completed by Council in August 2021).
2. Evidence of the consultation process involved the Chief Executive making a declaration to the House of Representatives (October 2021).

Tangi Utikere, as the Member of Parliament for Palmerston North, supported and is promoting the Palmerston North Reserves Empowering Amendment Bill through Parliament on behalf of Council.

3. NEXT STEPS

Parliament: The Bill has been introduced to Parliament and has progressed through to its first reading. The next step is consideration by the Environment Committee. The Committee normally has six months to consider and report back recommendations on the Bill to the House of Representatives. If passed the Bill is likely to come into effect in the second part of 2022.

Council: Mayor to approve the submission under delegation prior to lodgement with the Environment Committee. Note the submission states Council wishes to appear before the Environment Committee to speak to its submission.

4. COMPLIANCE AND ADMINISTRATION

| | |
|---|------------|
| Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual | Yes |
| 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 1: An Innovative and Growing City | |
| The recommendations contribute to the achievement of action/actions in the City Growth | |
| The action is: Identify Council and Government land to be used for market and affordable housing. | |
| Contribution to strategic direction and to social, economic, environmental and cultural well-being | Council needs to be much more responsive in how it provides for housing opportunities and supports greater choice of housing typology. |

ATTACHMENTS

1. Council Submission on the Palmerston North Reserves Empowering Amendment Bill [↓](#) 



pncc.govt.nz
info@pncc.govt.nz

Te Marae o Hine
The Square
Private Bag 11034
Palmerston North 4442
New Zealand

Eugenie Sage
Chairperson of the Environment Committee
Parliament Buildings
Wellington

14/01/2022

Dear Chairperson Sage

Palmerston North City Council Submission to the Palmerston North Reserves Empowering Amendment Bill

1. Introductory Comments

The Palmerston North City Council (the Council) thanks the Environment Committee for the opportunity to submit a submission on the Palmerston North Reserves Empowering Amendment Bill (the Bill). The Council supports the Bill and would like to thank Mr Tangi Utikere, as the Member of Parliament for Palmerston North, for his support in promoting the Bill on behalf of the Council.

The Council would like the opportunity to be heard and present to the select committee process.

The submission is set out as follows:

1. Introductory Comments
2. Background and Context
3. Description of Community Consultation Process
4. Rationale for Preferred Option

The Bill's general policy statement notes:

- The Council holds the Huia Street Reserve under the Palmerston North Reserves Act 1922 (the **former Act**).
- Land held under the former Act cannot be sold.

- The Council wishes to be able to sell the land for development if it becomes surplus to Council's requirements.
- The Bill provides the mechanism for this by amending the Palmerston North Reserves Empowering Act 1996 (the **principal Act**).

At this time the Council has made no formal decision relating to the sale of the land. A Council decision regarding the sale or development of the land for housing will occur at a later date. However, any decision will need to be consistent with the purpose of local government which is to promote the social, economic, environmental and cultural wellbeing of the community.

2. Background and Context

The Council requested Government agencies to initiate the necessary amendments to the Palmerston North Reserves Empowering Act 1996 for the following reasons:

- Part of the Huia Street Reserve had been vacant since 2005 and not required by the Council to meet any community or recreation need.
- The Council's Housing Needs Assessment has identified a strong demand for housing and an ongoing requirement for further land for housing.
- The Council's 2018 City Development Strategy records that *Council has a significant property portfolio that can be used to contribute to city growth and development while also providing revenue. This could include repurposing underutilised land or identifying land where uses can be relocated to enable sustainable housing development and intensification.*
- The Council's 2021 Innovative and Growing City Strategy continues to emphasise a continued strong demand for housing, the need to support the development of a greater range of housing choices and the desire for Government, Council and privately owned land to be developed for housing.
- The Council has completed the required consultation under the Local Government Act 2002 (LGA) to request the necessary amendments to Act.

3. Description of Community Consultation Process

In April 2019, Council instructed the Chief Executive to prepare a consultation document and undertake a consultation process under the LGA prior to the Council making a decision to engage with Parliament to initiate an amendment to the Palmerston North Reserves Empowering Act 1966.

Statement of Proposal under the LGA

Council outlined its preferred option alongside 5 alternative options for the land in a Statement of Proposal under the LGA in October 2019. The Statement of Proposal detailed the proposal, the reasons for the proposal, an analysis of reasonably practicable options and the details of the consultation process, including the opportunity for submitters to present their views to the Council.

The options consulted on in the Statement of Proposal included:

- Option 1:** The Proposal – that the Council initiates an amendment to the Palmerston North Reserves Empowering Act 1966 and the District Plan to enable the disposal or development of the Huia Street Reserve for housing.
- Option 2:** Land banking of the site
- Option 3:** Develop the land for recreation purposes
- Option 4:** Consider proposals from the community to use the site for a recreational, cultural or community purpose
- Option 5:** Enable the disposal or development of the Huia Street Reserve for commercial purposes

The Statement of Proposal also stated that any revenue generated from the disposal or development of the land for housing would be used to help fund various recreation projects identified in the Council's Long Term Plan.

Consultation

Community consultation on the Statement of Proposal occurred from December 2019 to February 2020. The 80 submissions received on the proposal covered a range of topics. Submissions were heard by Council's Planning and Strategy Committee on 12 August 2020.

Following the formal consultation process the Council adopted the recommendations from the Planning and Strategy Committee to approve the preferred option and instructed Council officers to initiate the necessary process to make amendments to the Palmerston North Reserves Empowering Act 1966.

The Committee noted that should the Palmerston North Reserves Empowering Act 1966 be amended the subsequent Resource Management Act 1991 (RMA) District Plan change and resource consent processes will require an assessment

of the potential environmental effects identified in a number of submissions received on the Statement of Proposal.

It is also noted that further public consultation is a statutory requirement if Council decide to rezone the land under the first schedule of the RMA.

4. Rationale for Preferred Option

Problem / Opportunity

The portion of the Huia Street Reserve formerly occupied by the Manawatu Bowling Club had been vacant since 2005 while the city was experiencing a significant housing shortfall.

The Preferred Option

That the Council initiate the necessary amendments to the Palmerston North Reserves Empowering Act 1966 and the District Plan to enable the sale or development of the Huia Street Reserve for housing.

Analysis of Preferred Option

The key reasons why the Council identified the preferred option are that it assists in addressing an acute housing supply issue and presents an opportunity for the Council to show leadership by supporting medium density housing development. This option may also provide the opportunity for a potential mixed-use housing development on the site.

A number of submissions to the Statement of Proposal raised the type of housing that should be delivered on the land. It was noted the Council's landholdings and programmes provide the organisation with the opportunity to address the following housing issues:

- Land and housing supply – similar to Council's approach in subdividing and bringing residential land to market as it is doing in the Whakarongo residential growth area.
- Provision of social housing – similar to Council's approach to social housing provision at Papaioea Place.
- Leadership in facilitating / developing medium density development – the opportunity to demonstrate and deliver housing not currently being delivered by the market in a provincial city, for example medium density housing targeted at first home buyers.

In summary, the key reasons Council supported the preferred option and moved to requesting amendments to the Palmerston North Reserves Empowering Act 1996 included:

- Part of the Huia Street Reserve had been vacant since 2005 and not required by the Council to meet any community or recreation need.
- Assisting with the provision of land for housing.
- Gives effect to the Council's Housing Needs Assessment.
- It presents an opportunity for the Council to show leadership by supporting a medium density housing development that will support change in the traditional housing typologies being delivered by the market.
- The land is located in a good location for medium density housing close to high amenity areas, services and the central city.
- The proposal has the potential to provide the Council with an alternative revenue source.
- The proposal does not commit the Council to immediately selling or developing the land.
- Provides a further opportunity for public consultation when Council move to rezone the land under the first schedule of the RMA.

This submission was considered by the Planning and Strategy Committee on 9 February 2022 and then approved by the Mayor under delegation. There was no Council meeting prior to submissions closing on 18 February 2022.

Yours sincerely,

Grant Smith
Mayor

COMMITTEE WORK SCHEDULE

TO: Planning & Strategy Committee

MEETING DATE: 9 February 2022

TITLE: Committee Work Schedule

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

1. That the Planning & Strategy Committee receive its Work Schedule dated February 2022.

ATTACHMENTS

1. Committee Work Schedule - February 2022 [↓](#) 

PLANNING & STRATEGY COMMITTEE

COMMITTEE WORK SCHEDULE – FEBRUARY 2022

| Item No. | Estimated Report Date | Subject | Person Responsible | Current Position | Date of Instruction/ Point of Origin |
|---------------|---|---|--|--|---|
| 1. | February 2022 | Draft Stormwater Bylaw – Hearing and Summary of Submissions | Chief Planning Officer | | 8 September 2021 Clause 32-21 |
| 2. | February June 2022 | Draft Procurement Policy targeting social and environmental impact | Chief Financial Officer | Policy with senior management | 19 August 2019 Clause 54.3 |
| 3. | February 2022 | Draft Trade Waste Bylaw – Hearing and Summary of Submissions | Chief Planning Officer | | 11 August 2021 Clause 25-21 |
| 4. | March 2022 | Options Council could pursue to address 'street racer' activity in Palmerston North | Chief Infrastructure Office / Chief Planning Officer | | 20 October 2021 Clause 35-21 |
| 5. | June 2022 | Palmerston North Civic and Cultural Precinct Masterplan – Update Report | Chief Planning Officer | Project setup | 1 April 2019 Clause 16.1 11 August 2021 Clause 27-21 |
| 6. | December 2022 | Palmerston North Civic and Cultural Precinct Masterplan – Final Report | Chief Planning Officer | | 1 April 2019 Clause 16.1 |
| 7. | TBC – 2022 Late 2022 / Early 2023 | Licensing, Regulatory and Service Provision Tools for Waste Minimisation, and Impact Council Service Provision has on Commercial Sector | Chief Infrastructure Office / Chief Planning Officer | | 11 August 2021 Clause 24-21 |
| 8. | TBC – 2022 2023 | Draft Waste Management and Minimisation Bylaw – Approval for Consultation | Chief Planning Officer | | 11 August 2021 Clause 24-21 |
| 9. | TBC – 2022 April 2022 | Proposal from Ngati Hineaute Hapu Authority Kohanga Reo to relocate to Opie Reserve | Chief Infrastructure Office / Chief Planning Officer | Lying on the table | 10 November 2021 Clause 41-21 |
| 10. | TBC – 2022 August 2022 | Investigate options for free bus fares for priority groups | Chief Planning Officer | Collaborating with Horizons Regional Council | Committee of Council 9 June 2021 Clause 28.26-21 |

Oasis # 13971441

| | | | | | |
|-----|---------------------------------|--|------------------------|---|---|
| 11. | TBC 2022 May 2022 | Process and options, including use of bylaws, to establish and enforce heavy vehicle routes in the city's urban transport network. | Chief Planning Officer | Within 6 months of Council resolution - Before May 2022 | Finance & Audit Committee 24 November 2021 Clause 82-21 |
|-----|---------------------------------|--|------------------------|---|---|