



PALMERSTON NORTH CITY COUNCIL

AGENDA

PLANNING & STRATEGY COMMITTEE

9AM, WEDNESDAY 13 APRIL 2022
AUDIO-VISUAL MEETING

MEMBERS

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

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

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

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

Chris Dyhrberg

Acting Chief Executive | PALMERSTON NORTH CITY COUNCIL

Te Marae o Hine | 32 The Square
Private Bag 11034 | Palmerston North 4442 | New Zealand
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CITY

PLANNING & STRATEGY COMMITTEE MEETING

13 April 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. Confirmation of Minutes** Page 7

"That the minutes of the Planning & Strategy Committee meeting of 9 March 2022 Part I Public be confirmed as a true and correct record."
- 6. Further Information on use of Opie Reserve** Page 11

Memorandum, presented by Kathy Dever-Tod, Group Manager – Parks and Logistics
- 7. Proposal from Ngati Hineaute Hapu Authority Kohanga Reo to relocate to Opie Reserve** Page 17

Report, presented by Kathy Dever-Tod, Group Manager – Parks and Logistics
- 8. Update on the Civic and Cultural Precinct Master Plan** Page 33

Memorandum, presented by David Warburton, Project Director, Civic and Cultural Precinct Master Plan.
- 9. Arena Master Plan Review: Process and Governance** Page 53

Memorandum, presented by Jono Ferguson-Pye, City Planning Manager and John Lynch, Venues Manager.
- 10. Draft Trade Waste Bylaw 2022 - Deliberations and Adoption** Page 63

Report, presented by Julie Macdonald - Strategy and Policy Manager.
- 11. Draft Palmerston North Stormwater Bylaw - Deliberations and Adoption** Page 125

Report, presented by Julie Macdonald - Strategy and Policy Manager.

12. Committee Work Schedule

Page 183

13. Exclusion of Public

To be moved:

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

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

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

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

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

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

PALMERSTON NORTH CITY COUNCIL

Minutes of the Planning & Strategy Committee Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 09 March 2022, commencing at 9.03am

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, Bruno Petrenas and Orphée Mickalad.

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

The Mayor (Grant Smith) was not present when the meeting resumed at 4.16pm (absent on Council Business). He was not present for clause 12.

Councillor Billy Meehan was not present when the meeting resumed at 4.16pm. He was not present for clause 12.

8-22 Public Comment

Public Comment was made by Mr Grant Higgins regarding his concerns on the street racing in the city.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the Committee receive the public comment for information.

Clause 8-22 above was carried.

9-22 Confirmation of Minutes

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the minutes of the Planning & Strategy Committee meeting of 9 February 2022 Part I Public be confirmed as a true and correct record.

Clause 9-22 above was carried.

Abstained:

Councillor Vaughan Dennison.

10-22

Options to address 'street racer' issues

Memorandum, presented by Julie Macdonald, Strategy and Policy Manager.

The meeting adjourned at 10.30am.

The meeting resumed at 10.50am.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the Committee receive the memorandum entitled 'Options to address 'street racer' issues'.
2. That the Committee endorse *Option 3: Make Works Road a No Parking area* as described in the Memorandum dated 9 March and entitled 'Options to address 'street racer' issues'.
3. That the Chief Executive initiate a process to extend parking restrictions (as described in Option 3 of this report) to other areas where street racing activity occurs, and report back to the Planning & Strategy Committee on progress towards achieving this by December 2022.
4. That *Option 6a: Physical deterrent (installation of speed humps)* is endorsed, for use where appropriate.

The **COMMITTEE RECOMMENDS**

5. That Council endorse *Option 1: Limit access to Works Road through a bylaw* as described in the Memorandum dated 9 March and entitled 'Options to address 'street racer' issues'.
6. That unbudgeted expenditure of \$30,000 be approved to enable a Traffic and Parking Bylaw review to be brought forward to 2021/2022 – 2022/2023.
7. That unbudgeted expenditure of \$50,000 be approved to enable the implementation of *Option 6a: Physical deterrent (installation of speed humps)* at additional locations (where appropriate).

Clauses 10-22 to 10.7-22 above were carried.

Moved Patrick Handcock ONZM, seconded Lew Findlay QSM.

The **COMMITTEE RESOLVED**

8. That the Chief Executive provide an update on engineering and legal solutions to the Planning & Strategy Committee meeting in May 2022.

Clause 10-22 above was carried.

Moved Grant Smith, seconded Leonie Hapeta.

The **COMMITTEE RESOLVED**

9. That option 4 is explored fully, engaging a specific piece of work, asking the Chief Executive and officers to explore how a 'temporary gate structure' can work on Longburn and North East Industrial Parks.

Clause 10-22 above was carried.

11-22

Infrastructure to support Proposed Plan Change G: Aokautere Growth

Memorandum, presented by Michael Duindam, Principal Planner.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RECOMMENDS**

1. That the Committee receives the memorandum entitled 'Infrastructure to Support Proposed Plan Change G: Aokautere Growth' presented to the 9 March 2022 Planning & Strategy Committee.
2. That the Council endorses the need to fund and provide adequate infrastructure to support development of land in Aokautere in order to give effect to key strategy and policy documents including the Innovative and Growing City Strategy, the City Growth Plan and National Policy Statement on Urban Development 2020.
3. That if Proposed Plan Change G: Aokautere Growth is approved for consultation under the First Schedule of the Resource Management Act 1991, the Chief Executive be directed to prepare infrastructure work programmes required for land transport and stormwater to be included in the 2024 Long Term Plan prior to the hearing for Plan Change G: Aokautere Growth.
4. That the Chief Executive be directed to provide information relating to the description, timing and quantum of the infrastructure work programmes to enable growth in Aokautere at the 14 September 2022 Planning and Strategy Committee.
5. That in advance of the hearing for Proposed District Plan Change G: Aokautere Growth the Chief Executive be directed to explore opportunities for Waka Kotahi to fund and/or co-fund transport infrastructure upgrades to enable development in Aokautere.

Clause 11-22 above was carried.

The meeting adjourned at 12.00pm.

The meeting resumed at 4.16pm.

The Mayor (Grant Smith) (absent on Council Business) and Councillor Billy Meehan were not present when the meeting resumed.

12-22

Deliberations Report - Draft Support and Funding Policy 2022

Memorandum, presented by Julie Macdonald, Strategy & Policy

Manager.

Moved Aleisha Rutherford, seconded Leonie Hapeta.

The **COMMITTEE RECOMMENDS**

1. That the Council adopt the Support and Funding Policy 2022, Attachment 2 of the Memorandum entitled 'Deliberations Report – Draft Support and Funding Policy 2022' dated 9 March 2022.
2. That the Support and Funding Policy 2022, Attachment 2 of the Memorandum entitled 'Deliberations Report – Draft Support and Funding Policy 2022' dated 9 March 2022, replaces the Community Funding Policy 2018.
3. That the Chief Executive Officer prepare an implementation and monitoring plan for the proposed Support and Funding Policy 2022.

Clauses 12-22 to 12.3-22 above were carried.

Moved Lorna Johnson, seconded Rachel Bowen.

4. That a Sector Lead Partnership Fund is referred to the 2024-2034 10-Year Plan process for consideration as a separate budget item.
5. That the Chief Executive trial the Sector Lead Partnership Agreements, using the funding that has already been assigned to these organisations through the 2022 allocations from the SPG fund, and report back to Community Development Committee prior to the development of the next 10 year plan. And delete the line on top of page 89 'once Council has determined a funding source for any sector lead arrangements'.

Clauses 12-22 and 12.5-22 above were carried.

The meeting finished at 4.58pm

Confirmed 13 April 2022

Chairperson

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 13 April 2022

TITLE: Further Information on use of Opie Reserve

PRESENTED BY: Kathy Dever-Tod, Group Manager – Parks and Logistics

APPROVED BY: Sarah Sinclair, Chief Infrastructure Officer
David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That the Committee receive the information from Ngāti Hineaute Hapu Authority and Kāinga Ora contained within the report titled 'Further Information on use of Opie Reserve'.
 2. That the report titled 'Proposal from Ngāti Hineaute Hapu Authority Kohanga Reo to relocate to Opie Reserve', dated 10 November, be lifted from the table.
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1. ISSUE

- 1.1 On 10 November 2021 the Committee received a report outlining the request from Ngāti Hineaute Hapu Authority Kohanga Reo to relocate to its existing services to Opie Reserve.
- 1.2 Following discussion, Elected Members voted for the report to lie on the table until more information was provided on Ngāti Hineaute Hapu Authority proposed plan for the land, and Kāinga Ora's Housing Plan for the whole area.

2. BACKGROUND

- 2.1 As requested by resolution 41.21 of the 10th November Planning and Strategy Committee, officers sought further information from Ngāti Hineaute Hapu Authority and Kāinga Ora.
- 2.2 The information from Ngati Hineaute was received in the form of a short document, which is attached to this report. Ngati Hineaute outline aspirations to develop the balance of Opie reserve into a whare - that acts as an urban marae/community hall.
- 2.3 Further information was sought from Kāinga Ora regarding their plans for the area. The Regional Director for Kāinga Ora responded as follows:

Kāinga Ora still has some internal work to do on its community housing plan for Highbury before we engage externally with Council, Iwi and other stakeholders. I can confirm that Kāinga Ora remains supportive of the proposal for a mixed use of Opie Reserve and is open to working with Council to achieve this outcome.

3. NEXT STEPS

- 3.1 Lift the report titled 'Proposal from Ngati Hineaute Hapu Authority Kohanga Reo to relocate to Opie Reserve', dated 10 November, off the table, for discussion.

4. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 3: A Connected and Safe Community and Goal 1: An Innovative and Growing City.	
The recommendations contribute to the achievement of action/actions in Connected Communities The actions are: Identify Council and Government land to be used for market and affordable housing Lease Council land and facilities to 'for-purpose' organisations in line with the (draft community support policy) Build and maintain relationships with local communities of identify, interest and place to understand and support their strengths and aspirations.	
Contribution to strategic direction and to social, economic, environmental	The 2021 Housing Capacity Assessment and City Growth Plan contain actions to investigate the reuse of under-utilised Council and government land for housing. The re-purposing of Opie Reserve (partially or fully) for housing would be consistent with this direction.

and cultural well-being	The 2021 Connected Communities Strategy and Plan contain actions to support and fund communities and for-purpose organisations to build community, neighbourhood and organisational capacity and capability. The establishment of a kohanga reo or community facility at Opie Reserve would be consistent with this direction.
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ATTACHMENTS

1. Response from Ngati Hineaute [↓](#) 

Ngati Hineaute Hapu Authority: Proposal for Opie Reserve

Ngati Hineaute Hapu Authority strategic direction, with regards language, is to build and develop the use of Te Reo in Papaioea/Palmerston North. In particular, the Hapu desires to bring Te Reo to (and develop it in) Highbury. The Hapu has been achieving this by leasing a property and building in the Highbury Shops - with a role of 18 students.

Currently, the Kohanga Reo is growing, but cannot accommodate more students. The Hapu propose to develop a larger, purpose-built Kohanga Reo on Opie Reserve to accommodate 28 to 30 students – nearly doubling the role.

In addition to the Kohanga Reo, the Hapu would like to begin offering services and a place to feel comfortable, safe and cared-for, for urban Maori, and the Hapu members in Highbury. The Hapu therefore proposes to develop the other half of Opie Reserve into a Whare – that acts as an Urban Marae/Community Hall – with a focus on community care. This space would also allow the Hapu to establish offices as it grows.

High level aspirations that we have for the Reserve are:

1. Kohanga Reo – increase from 18 to 45 tamariki
2. Basic Offices – for Ngati Hineaute, for a team of 12 pax
3. Community Hall, Resource centre, House of worship (community hub/urban marae) to a comfortable 80 ppl

Future aspirations and growth for the Hapu will require a space to allow for the following:

- looking to provide afterschool services in the future.
- looking to expand to offer Whanau Ora navigation and wrap around services from this Hub
- looking to offer community Marae services – Kaumatua, Kuia, Te Reo Maori classes, Hauora clinics and Education.

REPORT

TO: Planning & Strategy Committee

MEETING DATE: 13 April 2022

TITLE: Proposal from Ngāti Hineaute Hapu Authority Kohanga Reo to relocate to Opie Reserve

PRESENTED BY: Kathy Dever-Tod, Group Manager – Parks and Logistics

APPROVED BY: Sarah Sinclair, Chief Infrastructure Officer
David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

1. That the Council adopt the option to lease approximately 2,200m² of Opie Reserve to the Ngāti Hineaute Hapu Authority Kohanga Reo and repurpose the balance of Opie Reserve for housing, subject to the Reserves Act 1977 process (Option 2).
2. That the Council work with the Department of Conservation to release the balance of Opie Reserve not required by the Ngāti Hineaute Hapu Authority Kohanga Reo from Crown derived reserve status to enable the land to be repurposed for housing, subject to the Reserves Act 1977 process.
3. That the Chief Executive be directed to work with the appropriate Government agencies to prepare housing development options for the balance of Opie Reserve not required by the Ngāti Hineaute Hapu Authority Kohanga Reo and report back to Council.

SUMMARY OF OPTIONS ANALYSIS FOR

Problem or Opportunity	<p>The Ngāti Hineaute Hapu Authority Kohanga Reo approached the Council for permission to use part or all of Opie Reserve to expand their existing Kohanga Reo.</p> <p>Opie Reserve could potentially be released from Crown derived reserve status and used for residential housing development as well as community purposes.</p>
OPTION 1:	Existing use – Opie Reserve remains a neighbourhood reserve.
Community Views	Community views will not be sought, as there is no Reserves Act community consultation process with this option.
Benefits	Existing open green space is retained.
Risks	The Council would pass up the opportunity to work with the Kohanga Reo and Kainga Ora to address existing community needs through re-purposing a currently under-utilised area of reserve land.
Financial	There are no financial implications with this option.
OPTION 2:	Shared Use – Opie Reserve is leased in part to the Ngāti Hineaute Hapu Authority Kohanga Reo; and the balance of Opie Reserve is repurposed for housing development.
Community Views	Community views would be sought during a Reserves Act community consultation process.
Benefits	<p>A currently under-utilised piece of reserve land is used to help address other community needs.</p> <p>The Council contributes positively to Maori education and the City's housing shortage.</p>
Risks	<p>The community would no longer have access to the existing open green space at this location.</p> <p>The community may not support disposal of reserve land for a commercial housing development.</p>
Financial	This option requires further discussion with Government agencies, regarding releasing part of the Crown derived reserve from its reserve status, before the financial implications are known.
OPTION 3:	Exclusive use (Kohanga Reo) – all of Opie Reserve is leased to the Ngāti Hineaute Hapu Authority Kohanga Reo.
Community Views	Community views would be sought during a Reserves Act 1977 community consultation process.
Benefits	<p>Opie Reserve is utilised to meet an identified need within the local community within which it is situated.</p> <p>The Council would not have to release the reserve from its Crown derived reserve status.</p> <p>The Council would be supporting increased access to Te Reo in the</p>

	Highbury Community.
Risks	<p>The community would no longer have access to the existing open green space at this location.</p> <p>It is unusual for the Council to commit all of a reserve to an early education facility, and this may not be supported by the community.</p>
Financial	The Council would receive a modest income of \$150 per annum from the lease.
OPTION 4:	Exclusive (Housing) - all of Opie Reserve is released from its Crown derived reserve status and repurposed for housing.
Community Views	Community views would be sought during a Reserves Act 1977 community consultation process.
Benefits	<p>A currently under-utilised piece of reserve land is used to help address other identified community needs.</p> <p>The Council would be positively contributing to improving housing supply in the area</p> <p>The Council is likely to make a return on investment from the housing development (subject to a detailed business case).</p>
Risks	<p>The community would no longer have access to the existing open green space at this location.</p> <p>The community may not support the use of this reserve land for housing.</p>
Financial	This option requires further discussion with Government agencies, regarding releasing all of the Crown derived reserve from its reserve status, before the financial implications are known.
OPTION 5:	Exclusive Use – Community Facilities. 50% of the site is leased to the Ngāti Hineaute Hapu Authority Kohanga Reo, and the other 50% remains as reserve and/or land banked for future appropriate community facilities to service the Highbury community.
Community Views	Community views would be sought during a Reserves Act 1977 community consultation process.
Benefits	<p>The community would retain access to some of the existing open green space.</p> <p>A currently under-utilised piece of reserve land is used to help address identified community needs.</p> <p>The Council would not have to release the reserve from its Crown derived reserve status.</p> <p>The Council would be supporting increased access to Te Reo in the Highbury Community.</p> <p>The Council retains the land, which it could use to help service new community requirements that may arise after the Kāinga Ora housing development is completed in the area.</p>
Risks	<p>The area of existing open space available to the community would be reduced in size.</p> <p>The community has no certainty over how the remaining open green</p>

	space would be used in the future.
Financial	The Council would receive a modest income of \$150 per annum from the lease.

RATIONALE FOR THE RECOMMENDATIONS

1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY

- 1.1 Ngāti Hineaute Hapu Authority Kohanga Reo approached the Council with a proposal to move their existing service to Opie Reserve, so that they could build a new Kohanga Reo to allow their expanding service to grow.
- 1.2 During the 2012 property review, Opie Reserve was identified as a reserve that was under-utilised for recreation due primarily to its proximity to Monrad Park. The reserve is Crown derived; and was established by the Crown to serve its new Housing Corporation development in the Highbury and Opie Place area.
- 1.3 This Crown derived status meant that in 2012, despite the under-utilisation of Opie Reserve, the Council did not pursue its disposal for other purposes, such as residential housing.
- 1.4 New advice from both the Property Group and Department of Conservation (DOC) suggest that the reserve could be released from reserve status for the development of housing without significant difficulty. Once released, the land would still need to go through a district plan change process.
- 1.5 Given the change of circumstances, Council officers approached Kāinga Ora for their perspective on potential development of this reserve, as they are close to beginning a planning process for this area to improve and upgrade their housing stock. Their comments suggest that they are supportive of the Kohanga Reo proposal and see potential for the site to also have housing development, in a mixed-use scenario.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

Previous Council Decisions

- 2.1 In 2012 the Council completed a review of its property portfolio. The review was tasked with the rationalisation of Council-owned property, including parks and reserves. This review assessed Council property against criteria to determine whether any Council land could be disposed of; or used for other community/commercial purposes without detriment to recreation.
- 2.2 Several properties were deemed as having potential for disposal as part of the 2012 review, including Opie Reserve. Opie Reserve was considered to:
 - Not have any special character, eco-system, cultural significance or heritage.
 - Be unnecessary for recreation use or opportunity -being right next to Monrad Park-, have low levels of use, no community attachment and no foreseeable recreation uses given the size of Monrad Park.

- Not have any other uses – such as stormwater.
- Not have high sunk costs – no playgrounds, etc.

- 2.3 The legal status of Opie Reserve was also raised at the time. Opie Reserve became reserve land when the Crown set it aside as reserve land to facilitate housing development by the Housing Corporation.
- 2.4 Opie Reserve is Crown derived, which means the Palmerston North City Council, if it decides to dispose of the reserve, must offer it back to the Crown first. If the Crown has no use for the land, then the land is sold with the Crown taking 50% of the sale price and the Council taking the other 50%.
- 2.5 This means that the Council could not dispose of the reserve for housing, without the Crown having first confirmed that they have no other identified use for the land. The Crown would need to follow an internal process which provides each Ministry with the opportunity to register its interest in the land.
- 2.6 It was noted that the reserve was land that could be used for other community purposes; until 2005 the reserve had a Scout Hall on it. Following the 2012 property review, the Council did not repurpose Opie Reserve.

Strategic Direction

- 2.7 The strategic direction of the Council has changed since the 2012 property review.
- 2.8 The 2021 Connected Communities Strategy and Plan contain actions to support and fund communities and for-purpose organisations to build community, neighbourhood and organisational capacity and capability. The establishment of a kohanga reo or community facility at Opie Reserve would be consistent with this direction.
- 2.9 The City Growth Plan contains an action to investigate the reuse of underutilised Council and government land for housing. In considering the 2021 Housing Capacity Assessment, Council resolved that investigations be undertaken to determine whether under-utilised reserves, including sports fields, could be partially or fully repurposed for housing. The re-purposing of Opie Reserve (partially or fully) for housing would be consistent with this direction.
- 2.10 The Housing Capacity Assessment identifies that 5,000 additional houses will need to be built over the next 10 years to meet projected housing demand and in the short-term 55% will need to be met through developing land in the existing urban area.
- 2.11 Alignment with the Council strategic direction is more fully addressed under options assessment in Section 4 of this report.

Ngāti Hineaute Hapu Authority Kohanga Reo

- 2.12 Ngāti Hineaute developed a strategic plan with a direction that focused on:
- Urban Marae.
 - Opportunity for employment for Māori.
 - Focus on engaging with Te Reo.

- 2.13 The first Kohanga Reo was started by the Hapu in 2002, in a private residence in Cardiff Street. In 2014 the building and the Hapu became the only Ministry of Education licensed Kohanga Reo in the City. To secure the licence, a lease agreement was entered into with the Council for the Kohanga Reo to occupy a small section of Tui Reserve, and the Ministry allowed the park to count as part of the required outdoor space.
- 2.14 The licence has a roll cap of 18 children. The Kohanga Reo is at capacity. While they do not hold a waiting list, it is estimated that around the same number of children (18) are wanting to attend the Kohanga Reo at present. Officers, on behalf on the Council as owner of the park, are now working with the Hapu to assess the Kohanga Reo proposal to move from their current location to Opie Reserve.
- 2.15 The proposal for the Kohanga Reo to move to another Council reserve, is not a matter that has been bought before the Council to date.

The Proposal

- 2.16 Kāinga Ora (Housing New Zealand Corporation) will begin work on a masterplan for state housing in the Opie Reserve area in the coming months. The Hapu would like to work with Kāinga Ora and the Council to incorporate the provision of education into the redevelopment.
- 2.17 The Hapu contacted the Council regarding the potential for the Kohanga Reo to relocate and build a new facility at Opie Reserve, given that the reserve is in the centre of the housing redevelopment area, as shown in Figure 1.
- 2.18 Considering the findings from the 2012 Property review, Officers completed a preliminary analysis of the area and concluded that the site was amenable to the activity and warranted further investigation.



Figure 1 – Location of Opie Reserve within the wider Highbury area

3. OPIE RESERVE

- 3.1 Opie Reserve is located between Wilson Crescent and Opie Place, in Highbury. The residential area bordering the reserve is predominantly Kāinga Ora housing.
- 3.2 Access to the reserve is from both Wilson Crescent and Opie Place, as shown in Figure 2. The reserve is adjacent to the Kawau Stream. The reserve is approximately 4,200m² in size.
- 3.3 The site was formally the site of a Scout Hall, which was relocated in 2005. There has been no formal use of this site, e.g. sports grounds or lease, since that time, and very little casual use – given the proximity of Monrad Park with its high level of amenity. There are no built structures on the reserve.
- 3.4 The Council reserve distribution criteria aspires to have open space within 500m walking distance of all residential properties. Opie Reserve is situated near Tui Park, Marriner Reserve and Monrad Park, and close to Takaro Park. If Opie Reserve was no longer available for recreation purposes, the 500m walking distance criteria would still be achieved.



Figure 2 – Location of Opie Reserve

- 3.5 Opie Reserve is across the road from Monrad Park; a large reserve with sports fields and playgrounds. This provides a high level of recreation amenity to the area.
- 3.6 As outlined in previous sections of this report, Opie Reserve has previously been identified by the Council as reserve land that could be used for other purposes. The reserve was therefore held in case it was required for other reserve or community uses in the future.
- 3.7 The Council is the administering body of Opie Reserve, and as such may operate under the legislative processes of the Reserves Act 1977 to enter into agreements, etc for the reserve.
- 3.8 The reserve, however, is Crown derived, as the Crown set this area aside as reserve, to be administered by the Local Authority, to service its housing developments in the area.
- 3.9 The Council would need to work with the Department of Conservation (DOC) to revoke the Crown derived reserve status if the land was to be used for other purposes or sold. Both DOC and the Property Group have advised that this is likely to be successful. This is because it is no longer necessary to hold Opie Reserve to service housing development – given the proximity of Monrad Park.

4. DESCRIPTION OF OPTIONS

Option 1: Existing use – Opie Reserve remains a neighbourhood reserve.

Option 2: Shared Use – Opie Reserve is leased in part to the Ngāti Hineaute Hapu Authority Kohanga Reo; and the balance of Opie Reserve is released from its Crown derived reserve status for housing development (subject to a business case).

Option 3: Exclusive use (Kohanga Reo) – all of Opie Reserve is leased to the Ngāti Hineaute Hapu Authority Kohanga Reo.

Option 4: Exclusive (Housing) - all of Opie Reserve is released from its Crown derived reserve status and repurposed for housing.

Option 5: Exclusive Use – Community Facilities. 50% of the site is leased to the Ngāti Hineaute Hapu Authority Kohanga Reo, and the other 50% remains as reserve and/or land banked for future community facilities to service the Highbury community.

5. ANALYSIS OF OPTIONS

5.1 Option 1: Existing use – Opie Reserve remains a neighbourhood reserve.

5.2 During the 2012 Property review, Opie Reserve was identified as a reserve that could easily accommodate other uses.

5.3 That review also regarded the Crown-derived status of the reserve as a key impediment to Opie Reserve being used for other purposes – such as housing development. The Council now understands that this is not a prohibitive impediment.

5.4 Under this option the Council would continue to hold the reserve as reserve and assess any future opportunities as they emerged.

5.5 Option 2: Shared Use – Opie Reserve is leased in part to the Ngāti Hineaute Hapu Authority Kohanga Reo; and the balance of Opie Reserve is released from its Crown derived reserve status for housing development (subject to a business case).

5.6 The minimum size for a neighbourhood reserve is 2,500m². Opie Reserve is 4,000m² and flat, and could accommodate the Kohanga Reo, and a small playground for the children, and still function as an effective neighbourhood reserve, or for other community purposes.

Benefit to the Council

5.7 The reserve is generally unused (being so close to Monrad Park), and the proposal would save the Council grounds maintenance costs.

5.8 The Council could convert underutilised reserve land into a space that will fit the kaupapa of the new Kāinga Ora housing development.

Historical Precedent

5.9 The Council has a long history of assisting in the provision of services which support the wellbeing of young children, by providing land leases. There are currently 13 such facilities on reserve land. They are:

- Campbell St Kindergarten
- Hokowhitu Kindergarten
- Kelvin Grove Kindergarten
- Riverdale Kindergarten
- Roslyn Kindergarten
- Milverton Kindergarten
- Alexander Park – Te Reotupua Awapuni Kohanga Reo Ltd.

- Ngāti Hineaute Hapu Authority Kohanga Reo (has a lease over a small section of Tui Park).
- Park Rd Playcentre
- Terrace End Playcentre
- Ashhurst Plunket
- Hokowhitu Plunket
- Roslyn Plunket

- 5.10 Options for leasing land to a Kohanga Reo are consistent with previous decisions of Council regarding the use of reserve land.

Strategic Fit:

- 5.11 The Policy for the Use of Public Space (page 6) contains several criteria for assessment of applications to use public space.

In considering an application to use public space, and particularly where there are competing applications for the use of public space or high demand for a public space, the Council considers whether the event or activity aligns with the six criteria contained within the policy.

- 5.12 An assessment against the policy, of the proposal for the use of Opie Reserve, is presented in Table One.

Criteria	Assessment
Supports the achievement of the Council's goals	The Kohanga Reo proposal is consistent with Council plans: <i>Community Services and Facilities</i> Goal to "Prioritise Maori resources and collections – particularly related to Kaupapa Reo Maori – Maori Language Policy 2013" and the Healthy Community Plan to "work with Maori and other partners to promote the achievement of the Whānau Ora outcome goal 'Toi te kupu, te mana, to ora – Maori living longer, fuller and culturally rewarding lives'".
Is accessible to the wider community	Full immersion Te Reo at the Kohanga Reo is available to all members of the community but is limited in terms of numbers of children able to safely and adequately learn, to the maximum licence number.
Adds to the variety of events or activities available in Palmerston North	The Kohanga Reo adds to the variety of full immersion language learning and contributes to learning a New Zealand official language.
Enhances any precinct identities (eg. Broadway as a hospitality precinct)	The Kohanga Reo is planned to compliment the new Housing NZ development in this housing precinct as a key early childhood learning facility for Maori.
Provides an	The local community will be able to experience Te

experience (rather than a simple commercial exchange)	Reo as a language, as local tikanga and as a tool through full emersion.
Does not significantly limit the availability of space for general community use	The reserve is currently largely unused as Monrad Park, the main park in this area, is close by and has a range of amenities. The proposed lease space leaves enough reserve land to function as a neighbourhood reserve (meeting all criteria).

Table One: Assessment against Policy for the Use of Public Space

- 5.13 This mixed-use option aligns well with the Council's strategic direction for housing, and requirements under the National Policy Statement for Urban Development. Repurposing underutilised Council land for housing is one mechanism to achieve this.

Implementation:

- 5.14 The Ngāti Hineaute Hapu Authority Kohanga Reo has identified a minimum footprint for upgrade and development as being between 2,000 and 2,500m². This size would allow the Kohanga to establish a building of between 320 and 400m². This is the size required to grow the current enrolment and would allow for outdoor facilities and some car parking.
- 5.15 It should be noted that under this option there may be additional need for carparking, landscaping etc. This has not been investigated.
- 5.16 Under a shared use option approximately 2,000m² of land would be left. The blue (Kohanga Reo) and green (Housing) areas marked in Figure 3 shows how this might look. The exact location would be negotiated with Kainga Ora to best compliment their planned developments.
- 5.17 If the Council were to release the green area in Figure 3 for sections, it would yield approximately four 400m² housing lots.
- 5.18 Kainga Ora have provided the following comments on this proposal:

PNCC Parks Team spoke with Kāinga Ora principal spatial planner Anna Wood to discuss the potential future use of Opie Reserve and Ngāti Hineaute Hapu Authority Kohanga Reo Hapu Authority's proposal. Kāinga Ora is keen to support the communities of Highbury and is currently considering how best to do so via its homes, land and investments; this work is in an internal process at present but Kāinga Ora will connect further with PNCC about this at a future date. Support was offered to the concept of the kohanga reo relocating to the reserve site, coupled with the potential for the remainder of the site to be considered for housing development opportunities. The site's proximity to the neighbourhood centre, local schools, open space and public transport routes supports its use for housing. Kāinga Ora and PNCC staff will remain connected about the reserve site and Kāinga Ora offered to contribute to exploring options for the site if the Council looks to progress such.



Figure 3 – Shared use of Opie Reserve

Financial:

- 5.19 It should be noted that should the Council adopt this option, officers will work with the appropriate government agencies to determine the potential options for housing at Opie Reserve, including any financial considerations, and will report these back to Council.
- 5.20 **Option 3: Exclusive use (Kohanga Reo) – all of Opie Reserve is leased to the Ngāti Hineaute Hapu Authority Kohanga Reo.**
- 5.21 Paragraphs **5.7- 5.12** are also of relevance to this option.
- 5.22 The Ngāti Hineaute Hapu Authority Kohanga Reo has requested that, ideally, they would like to lease the full 4,200m². They would then plan a full Kohanga Reo, generous parking facilities and outdoor area, including a welcome whare.
- 5.23 Under this option the Council would not need to negotiate the release of the land from its Crown derived status, as the Kohanga Reo could potentially occupy the site while it retained its reserve status.
- 5.24 This option would require a full Reserves Act consultation process under Sections 119 and 120, as an education facility is not a "recreation activity". It is however a social activity; and can as such be incorporated into the reserve provided the Council consults with the community, receives feedback, and provides the opportunity for objectors/supporters to give feedback in person, before deciding.
- 5.25 **Option 4: Exclusive (Housing) - all of Opie Reserve is released from its Crown derived reserve status and repurposed for housing.**

- 5.26 Under this option the Council would repurpose the entire Opie Reserve site for housing. Like Summerhays Reserve, this option would also require a rezoning process, or a resource consent before housing could be developed.
- 5.27 Strategic Fit: This option aligns well with the Council's strategic direction for housing and requirements under the National Policy Statement for Urban Development. Repurposing underutilised Council land for housing is an action in the 2021 City Growth Plan.
- 5.28 Opie Reserve is 4,200m², and the Council would be able to accommodate approximately ten 350m² sections on the site. Over 30 houses could be built if a multi-unit approach was pursued.
- 5.29 Financial: It should be noted that should Council adopt this option, officers will work with the appropriate government agencies to determine the potential options for housing at Opie Reserve, including any financial considerations, and will report these back to Council.
- 5.30 **Option 5: Exclusive Use – Community Facilities. 50% of the site is leased to the Ngāti Hineaute Hapu Authority Kohanga Reo, and the other 50% remains as reserve and/or land banked for future community facilities to service the Highbury community.**
- 5.31 Paragraphs **5.6 and 5.8-5.12, 5.14-5.15** are also of relevance to this option.
- 5.32 Under this option, approximately half the reserve would be set aside for future development, or community aspirations/needs. This is consistent with the decision made by the Council during the 2012 Property review.
- 5.33 This option provides no certainty to the community regarding how the balance of the land would be used in the future.

6. CONCLUSION

- 6.1 Ngāti Hineaute Hapu Authority Kohanga Reo has approached Council to lease Opie Reserve to build a new, larger Kohanga Reo to service the Highbury community.
- 6.2 Opie Reserve could also be used for housing, should the Department of Conservation decide to release the reserve from its Crown derived reserve status.
- 6.3 Given the nature of the proposals – for both education and housing, Council approached Kainga Ora for advice.
- 6.4 Kainga Ora expressed their support for a mixed model use of the reserve – servicing both education and housing needs.
- 6.5 Option 2 enables the Council to develop part of the land for housing and still meet the needs of the Ngāti Hineaute Hapu Authority Kohanga Reo.

7. NEXT ACTIONS

- 7.1 Commence negotiations and shared planning with Ngāti Hineaute Hapu Authority Kohanga Reo and Kainga Ora.

7.2 Commence discussions with appropriate government agencies regarding releasing part of Opie Reserve from its crown derived reserve status, and the options for repurposing this portion of the reserve for housing.

7.3 Report housing options to a meeting of the Planning and Strategy Committee.

8. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

8.1 Community engagement will occur as part of the Reserves Act process to release land from its Reserves Act Status.

COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 3: A Connected and Safe Community	
<p>The recommendations contribute to the achievement of action/actions in Connected Communities</p> <p>The actions are:</p> <p>Lease Council land and facilities to 'for-purpose' organisations in line with the (draft community support policy)</p> <p>Build and maintain relationships with local communities of identify, interest and place to understand and support their strengths and aspirations</p>	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	<p>The 2021 Connected Communities Strategy and Plan contain actions to support and fund communities and for-purpose organisations to build community, neighbourhood and organisational capacity and capability. The establishment of a kohanga reo or community facility at Opie Reserve would be consistent with this direction.</p> <p>The 2021 Housing Capacity Assessment and City Growth Plan contain actions to investigate the reuse of underutilised Council and government land for housing. The re-purposing of Opie Reserve (partially or fully) for housing would be consistent with this direction.</p>

ATTACHMENTS

NIL

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 13 April 2022

TITLE: Update on the Civic and Cultural Precinct Master Plan

PRESENTED BY: David Warburton, Project Director, Civic and Cultural Precinct Master Plan

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That the Committee receive the update report titled 'Palmerston North City Council Civic and Cultural Precinct Master Plan Update for Elected Members', as attached to the memorandum titled 'Update on the Civic and Cultural Precinct Master Plan' presented to the 13 April 2022 Planning and Strategy Committee.

1. ISSUE

Resolution 54.2 of the 9 February 2022 Planning and Strategy Committee requested an update on the Civic and Cultural Precinct Master Plan (CCPMP) be presented to the 9 March 2022 Planning and Strategy Committee.

2. BACKGROUND

As requested by resolution 54.2 of the 9 February Planning and Strategy Committee, attached to this memorandum is an update report from the CCPMP Project Director for the Committee's consideration.

Attached to the Project Director's report is:

Appendix I: Scope Paper Presented to an Elected Members workshop, 19 August 2020

Appendix II: Updated Plan for Project Delivery




3. NEXT STEPS

The Committee receives the Project Director's update report on the CCPMP.

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 2: A Creative and Exciting City	
The recommendations contribute to the achievement of action/actions in City Shaping The action is: Finalise the Civic and Cultural Precinct Master Plan.	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Completion of the Civic and Cultural Precinct Master Plan will help achieve our goal for Palmerston North to be an exciting place to live, where we offer a great lifestyle in a city that reflects the diversity of the city community.

ATTACHMENTS

1. Civic and Cultural Precinct Update Report March 2022 [↓](#) 
2. Appendix I: Scope Paper Presented to Elected Members Workshop 19 August 2020 [↓](#) 
3. Appendix II: Updated Plan for Project Delivery [↓](#) 

**Centre Centre Transformation:
Civic and Cultural Precinct
Master Plan (CCPMP)**
Update for Elected Members



Civic & Cultural Precinct Master Plan (CCMP)

Update for Elected Members 9 March 2022

PURPOSE

A thriving city centre is the heart of a socially and economically healthy city. However, city centres around the world are increasingly challenged by the changing nature and needs of the way people live, work and play. The current roles of centres as places of work and shopping are changing, and cities are looking for ways to revitalize their dying centres. People are looking for shared, authentic experiences and the city centre creates an opportunity to develop this in an area that is convenient to access.

Palmerston North's Civic leaders have had the foresight to recognize the importance of the city's civic and cultural components of the experience. This can be the foundation from which to evolve and accelerate the contribution the central precinct can have, expanding it to cover learning, working and playing, not only for the city, but the wider region.

This project was established with the goal of delivering a city centre strategy for the next generation. Its aim is to compliment growth of the existing facilities with new experiences, opportunities and economic attractiveness while building on the unique characteristics of Palmerston North's people and incorporating its rich iwi heritage and culture.

BACKGROUND

The project was initiated by the Executive in January 2020. While the primary goal was to revitalise the city centre there was also the imperative to address some earthquake prone buildings that needed to be rectified within 12-15 years. This need to structurally and operationally address city centre facilities provided the unique opportunity to consider a more wholistic and integrated approach to future city centre living.

Prior to 2020, there had been a lot of sound work done to consider the Library, (its function and building requirements), Te Manawa, (similarly considering its scope and spatial requirements) and other activities within the precinct (Art Gallery, Rugby Museum, Performing Arts etc). In addition, Council staff had worked on drafts of a Civic and Cultural Precinct Plan. These reports were collated to form the initial basis for the development of a scope.

The following 6 months was spent reviewing documents, meeting with staff from the Library, Te Manawa, Strategy & Planning Staff and the Executive involved in the respective areas. What the material review highlighted was:

- Reports were all very focused on the specific issue, not the broader integration of an urban development contribution.
- The investigations were on different timeframes, drivers and proposed outcomes so lost the opportunities of synergy and a city based approach.
- In many cases the proposals were based on refining what had worked historically rather than considering what the future of "life" might be; digital drivers, multilevel apartments, cultural diversity etc.

- There was an opportunity to incorporate the work done with a broader, integrated scope that considered living, working, playing in the city. That looked beyond the physical precinct boundaries to consider the broader activities across the city so there was benefit in providing community facilities, learning centres, conference upgrades etc.

Based on the work it was agreed to develop a new scope to consider the broader city centre precinct and the impact on the surrounding area with opportunities to address cultural, commercial, social aspects including accommodation, office / retail facilities hotel and visitor attractions beyond what existed but could leverage off these core facilities.

The broader scope was also required in order to give effect to the following Council resolution from April 2019:

That the Civic and Cultural Precinct masterplan be referred back to the Planning and Strategy Committee with the intent to undertake public consultation on the plan as a draft, including library options, costings and timeline.

The earlier draft Civic and Cultural Precinct masterplan did not include library options, costings and timeline. Public consultation could occur on an updated draft Civic and Cultural Precinct masterplan and / or as part of the next Long Term Plan.

SCOPE

By mid 2020 a scope had been developed and this was presented to Elected Members at a workshop on 19 August 2020. A copy is attached refer Appendix I for reference.

The scoping document was used to prepare Procurement Documents and request expressions of interest in developing the Civic and Cultural Precinct Master Plan (CCPMP). These procurement plans were developed by the Procurement Department within Council.

PROCUREMENT

The last quarter of 2020 allowed Procurement to develop the documentation for an Expression of Interest (EOI) from the market. However in discussion with Procurement staff and the relevant Executive Members, it was considered that the scope was well developed and that it would be more efficient for Council and the Professional Advisory sector (consultants), if the EOI was prepared as a Request for Proposal (RFP).

The end of 2020 and early 2021 the RFP was developed by Procurement and the final RFP was released on GETS early March 2021 and responses required by early April 2021. (The market had been advised pre Christmas of the RFP and entities had established consortia to respond).

Procurement was based on a dual envelope system where non price attributes would be assessed and the top three taken forward to determine price and assess best value for money recommendation. Seven compliant proposals were received. All procurement activities were managed by the Procurement Team.

All compliant submissions were evaluated by the Tender Evaluation Team (TET). The TET comprised an independent Chair appointed by procurement (Paul Bayly), two members of the Executive, and David Warburton. The TET met with Procurement

supervision and came to unanimous agreement on the top three submissions. These were:

- Arup (lead) with Bossley Architects, PWC and WT Partners
- Stantec (lead) with Jasmax, KPMG and Harrison Grierson
- Beca (lead) with Urban Advisory and EY.

The three groups were requested to present to the TET which was expanded to include Rangitāne (Wiremu Te Awe Awe) and an independent Probity Observer. Marking by the TET was unanimous and resulted in a preferred order as presented above. The Probity Observer provided a clear report. Procurement opened the three price envelopes. Arup was also the cheapest making the decision to recommend Arup straight forward.

Of significance was that the three bids were within a few percentage points of each other indicating a robust process and a reasonably sound basis to consider a valid price and value for money.

Procurement managed all subsequent contract administration. Arup were advised in May 2021 of their appointment and started early work while contract details were worked through. Due to the duration of the work and the fact it covered 3 financial years, the Chief Executive restructured the final contract so years 1 and 2 were confirmed (20/21 and 21/22) as these sums were covered in budgets, but the 22/23 year was subject to satisfactory performance by the Consortium (Arup) and Council approval of the final budget amount. All documentation was signed off in June 21.

DELIVERY

The Arup Group had mobilized early and started reviews of historic documents. Some of the early work on seismic strengthening has been done by Warren Wilks (WT Partners) who were part of the Arup Team, so the early integration of this work allowed a good assessment of historic conditions and work to date.

Covid has had a large impact on the programme and has resulted in the need for some nimble changes in process and timeframes. All workshops, seminars, sprints etc to date have been done virtually due to boarder closures and meeting / travel limitations. The use of drones, fly through and digital rendition into has also been incorporated to allow progress. Despite this effort, it has been challenging and progress has been slower than desired, and the project team have worked on the premise of ensuring sound engagement and research over speed of delivery to ensure a robust and defensible outcome.

A core part of the early programme was an iwi immersion session to have the Rangitāne "Story" imbedded in the narrative. Rangitāne have been exceedingly accommodating and ran a virtual Marae meeting for those that could not attend. Local team members were welcomed onto the Marae. All this has been set up in a collaborative manner and was completed in the third quarter of 2021.

Arup are about to finalise their baseline document and are preparing to present to Council on 11 May 2022. It is intended, subject to Covid to have their Global Lead on Urban Development, based in Melbourne, to present in person. A delivery programme is presented in Appendix II.

PROJECT MANAGEMENT

The Executive have set up an internal management structure to oversee the project and ensure its integration across a broad range of other Council initiatives, e.g. Streets for People.

A "Sponsors" Group has been established to provide direction/control. This comprises the Chief Executive, Deputy Chief Executive, Chief Financial Officer and Chief Planning Officer with the Project Director (David Warburton) and Project Manager (Jono Ferguson-Pye) reporting to the Group.

An "Operations" project management team has also been established to ensure close interaction between Arup, iwi and the Council. The Project Management Team comprises the Project Director, Project Manager and Dave Charnley, Keegan Alpin-Thane, Olivia Wix and Kath Oliver. The Team has power to co-opt if additional skill is required, e.g. from Property.

The Operations Team meet fortnightly with Arup or more regularly if required. The Sponsors Group meet monthly.

FINANCE

The financial drawdown is based on programme and milestones delivered. The initial work triggered the first payment of \$200k in the 20/21 financial year. The current financial year (21/22) is budgeted for \$250k but to date only \$41k has been invoiced due to Covid related delays. There is a revised programme to accelerate activities as it is expected for the boarder restrictions to ease but it may still result in some of the 21/22 funding being unspent. The budget sum required for the 22/23 year is \$200k for the business case and delivery/funding options, subject to Council agreeing to progress a preferred option to this stage. This can be finalized in the normal budget rounds in May/Jun 22.

COMMUNICATION

There has been regular dialogue (virtual) between the Arup Team and Stakeholders. Various Members of the Consortia (PWC, WT) have visited Palmerston Nth. Others are scheduled subject to Covid.

Other than the workshop in August 2020, the Chief Executive has mentioned the project at various stages in her EM weekly briefings. Further the Project Director had a meeting with the Mayor in October 2021 to discuss the project, (along with the Wastewater Consenting Programme), where the Mayor provided copies of the 150yr Anniversary book on Palmerston North to be provided to Arup for reference – which was passed on.

Arup and PNCC are working on the appointment of additional on-the-ground communications and engagement resources that are familiar with the city and its activities and can assist in the daily Comms requirements. Various approaches in the past have been foiled, largely by Covid but this work around should meet all parties' requirements.

The major programme update to Council, which was initially scheduled for December 2021, moved to March 2022 and now set for 11 May 2022. Regrettably this has all been due to changed meeting requirements and Covid as it was considered important that the "people" were present for the presentation as this whole project is focused on creating a people orientated space that meets the needs of future generations.

CONCLUSIONS

While the project is behind schedule due to Covid, the Team is committed to catch up as regulations allow and geared up to accelerate the final stages of the programme.

The opportunity to use the need to upgrade the seismic buildings and provide upgraded and integrated facilities is being optimized so that that the whole programme can deliver more than the sum of the individual and separately operated parts.

APPENDICIES

Appendix I: Scope paper presented to Elected Members Workshop, 19 August 2020

Appendix II: Updated Project Plan for delivery.

PALMERSTON NORTH CITY COUNCIL

CITY CENTRE AND CIVIC & CULTURAL PRECINCT REDEVELOPMENT

SCOPE
&
EXPRESSIONS OF INTEREST FOR DEVELOPMENT PLAN

PURPOSE

This document is prepared to assist entities prepare an Expression of Interest (EOI) proposal for the development of the Civic and Cultural Precinct and rejuvenation of the Palmerston North City Centre.

The Council has developed a Civic and Cultural Precinct Master Plan (CCPMP) for the City Centre. This included recognition of Te Manawa's ambition for a new development for the museum and science centre to replace the current 8-9 buildings which have earthquake prone issues. Subsequently, the Council has identified the City Library as earthquake prone and Council has requested consideration of the City Library within the CCPMP. This provides a unique opportunity to rejuvenate the city centre.

The Council is therefore seeking to appoint an experienced consultant to develop a plan for the rejuvenation of the Palmerston North City Centre and proposed Civic & Cultural Precinct building off the work already done on the CCPMP. In collaboration with the Palmerston North City Council and key stakeholders this work is to provide the City and the community with an understanding of the elements and conditions required to create a successful creative and cultural precinct that is integrated with the City and uses the opportunity to catalyze urban revitalization.

CONTEXT

Palmerston North City Council has a vision with the following strategic goals:

- An innovative and growing city
- A creative and exciting city
- A connected and safe city
- An eco city

It has identified 3 significant city shaping moves to achieve the city vision: sustainable growth, Manawatu river network, and city centre. The latter has a number of projects which are already underway – over \$22 million investment in the Arena sporting complex and over \$30 million in city centre streetscapes. In addition, the Council budgeted a \$15 million contribution to a Te Manawa Re-development (estimated in the order of \$60 million for the complete project). However, no budget has been included for the re-development of the City Library, as the earthquake-prone issues and extent of structural requirements had not been identified at the time.

Palmerston North has experienced an increase in the rate of growth over the last decade, with the population reaching 88,300 as at June 2019. Current estimates indicate that this number could increase to 100,000 by 2031 and 117,000 by 2051. Visitor numbers to the city are in addition to these figures.

As the City plans its continued growth it has become increasingly evident that there is a need to rejuvenate the inner city and provide improved residential, commercial and cultural facilities to ensure a balanced and wholistic approach to the City's development.

The overarching context for this proposal is to enhance the City as a place to live, play and work. It is founded on providing suitable multicultural and commercially viable facilities to enhance the city for both the current and future generations.

The growth of the city has seen extensions of its role as a major logistics hub for road, rail and air given its strategic location on the north/south and east/west intersect. Investment in the transport and logistics/distribution sector is a major factor in the city's future positioning as a regional centre.

Palmerston North's long-standing position as an educational city has been reinforced with Massey University's desire to concentrate its headquarters within the city and the positioning of UCOL in the city centre. Further a series of international schools and research facilities (Fonterra, Ag Research, Plant & Food Research etc) extend the city's educational and learning presence. Combined with the strong primary production in the broader region, Palmerston North is the home of FoodHQ, a research, development and innovation centre in the food production, science and manufacturing sector.

A further growth aspect of the City's strategy is engagement in sport. The City has invested in outstanding sports facilities, has a close association with the University's high performance academy and is recognized as a venue for many regional and national sporting fixtures.

Palmerston North has developed a strong partnership with Rangitāne, the mana whenua. This partnership needs to be extended and developed as part of any City Centre redevelopment.

Given the broad range of growth areas, Palmerston North has become a diverse and multicultural community. The city has a number of international connections with their "global partnerships" and a strong multicultural presence in their commercial, educational and research organisations. This city centre redevelopment programme provides the city with a unique opportunity to create a synergistic advantage of its various strengths, build on its international associations and provide a world class urban environment for its citizens.

BACKGROUND

The City Council in collaboration with Museum, Arts, Culture and Creative Sector Organizations has been active over the years in developing a series of studies / proposals to upgrade and enhance many of the facilities in the City. These significant contributions have been focused on each of the respective interests, e.g. Library, Art Gallery, Museum. Further, some of these studies have been conducted over various timeframes and thus the base reference points are slightly different and need to be considered when making comparisons or working on any form of integrated solution.

The key documents required to be reviewed and taken into consideration are referenced in Appendix I and are available from a shared file provided by PNCC Procurement to approved participants.

As indicated, a number of the existing Arts, Culture and Creative Industry facilities have structural limitations from an earthquake perspective and will need to be replaced or upgraded to meet "code" by the early 2030s. Further the buildings were not purpose built for their current uses and thus do not provide optimum space utilization or functionality.

The PNCC owns a considerable area of land in the city centre (Appendix II), and there is an opportunity to upgrade and integrate the cultural facilities with improved, and revenue generating, retail, commercial and residential infrastructure. The work done to date, incorporated with the optimizing of land facilities, provides a unique opportunity to give the City outstanding facilities utilizing the best international references for both city centre and cultural precinct development to enhance community engagement and strengthen the commercial core of the City.

THE OPPORTUNITY

To position the City's Civic and Cultural Precinct, including the library, art gallery, museum & science facilities, to meet the future needs of the wider community / region, while rejuvenating the City's Centre to meet current and future livable city aspirations.

CONCEPT COMPONENTS

The development of the Civic and Cultural Precinct has a number of inter-related components. The key parts that must be considered are listed below but of equivalent significance is consideration of “the whole”. It is essential that the inter-relationship, people and traffic flows and synergies of association are reinforced in any proposal. The overall focus must be on “city livability” and the desire is that the benefit of “The Whole” is greater than the “sum of the parts”.

The City’s Convention Centre is located centrally in the CCPMP area (see Community Centre below). Although, it is not envisaged that this will require significant development work to existing facilities, it needs to be considered as an integral part of the development structurally and operationally as to how it can be activated to strengthen the visitor numbers and functionality of the adjacent proposed cultural facilities (Art Gallery, Science & Museum, City Library etc).

The separate components of the study should include:

Rangitāne Centre

A facility that meets the needs of the Rangitāne, to both preserve and present their culture and history. It will require community facilities and meeting spaces as well as display areas.

Art Gallery

The Art Gallery has strong support in the City and the art collection needs improved facilities to store, restore and display a wide range of artistic pieces. While operating in association with the Museum and Science Centre it needs appropriate recognition in any future development.

Museum & Science

The Museum & Science Centre, including the Art Gallery and the Military History displays have operated as an independent entity, (Te Manawa), under the Council’s guidance for some years. Details are in the reference material (Appendix I). Te Manawa Board has had plans for expansion and upgrade and these need to be considered into the overall proposal.

It should be noted that there is a “Rugby Museum” associated with but independent from Te Manawa and this needs to be considered in both structure and function. The additional opportunities to expand this aspect of the museum into other sports (net ball, cycling etc) and in specific areas of development over time, e.g. sport science and high-performance techniques, should be incorporated into a developed proposal.

Archives

Most Cultural Facilities need Archival space for both short and long-term storage with various levels of climate control. In addition, facilities to assist in restoration and preparation areas for developing and arranging specific “presentations” or “themes” will be required to ensure operational efficiencies. The logistics and space requirements of these support facilities need to be considered and built into the proposals in a cost-effective manner.

Further, the City’s Archives of historic documents / records, (which should be differentiated from the archival material used in collections and exhibits), could be incorporated into a purpose designed facility since the climatic conditions required are similar. The current archives are variously located in the city and in sub optimal conditions.

Library

The Library with its range of functions across the community, including the suburban / mobile library services must be considered in relation to the space required for the central City Library and functional requirements of the CCPMP. Initial work is presented in Appendix I documents but needs to be confirmed and reference checked against international best practice and likely future trends in Library activities.

Consideration needs to be given to the role of the centralized library in relationship to suburban services, not just with respect to historical library functions but also in relation to likely future community needs and the role (integration) of community facilities as outlined below.

Community Centre

The Council has a responsibility to provide Community Facilities for a wide range of cultural / hobby / community meetings and functions. This activity can be extended to after hours business functions, seminars and training facilities. The opportunity exists for the CCPMP to incorporate many of these functions into the Museum, Art Gallery, Library, Convention Centre so that the spaces are multi purpose and the venue provides interest and supports the integrated “living, playing, working” of a dynamic city centre.

As noted the City’s Convention Centre is located in part of the City Centre land holding and should be incorporated into the overall concept development to ensure optimization of space and facilities (catering, audio visual etc) both structurally and in consideration to operating models.

The provision of facilities for “after 5:00”, type work functions, seminars and business meetings should be incorporated into the broader scope of community meetings and facility utilization / functional requirements.

Theatre

The Globe Theatre is located within the area of land identified in Appendix II and should be considered when developing the overall Cultural Centre review. Further, the Centre Point Theatre may be able to be accommodated into any integrated cultural centre review giving the city a truly unique and integrated commercial / cultural city centre.

Commercial

The need for commercial facilities (hospitality, retail, office), is not only part of the integrated urban development and Living Community but also a potential revenue stream that will facilitate the operating costs of the other Cultural Sectors that typically require some independent community (Council/Government) support. Consideration must be given to optimizing the use of space for these functions and to demonstrate their contribution to the affordability from a capital stance and in support of the operating model.

Residential / Inner City Living

The opportunity to develop more inner-city residences on the upper levels of the possible development would bring improved space utilization, 24/7 life into the city centre and provide a further revenue stream to assist with the development and its future operations.

Hotel

There may be possibilities to incorporate a 4/5 star hotel into part of the whole area redevelopment. This has the potential to boost the city’s tourism/conference/convention market and also support the city centre and the overall activity in the cultural precinct.

Civic Administration Building

Finally, the Civic Administration Building and Council Chambers has some earthquake issues and is located in the centre of the area being considered for the revised city centre and cultural precinct. There is an opportunity for the city to have these facilities considered as part of the area master plan and have the Civic Administration incorporated into the heart of the city in a more integrated manner.

INTEGRATION

While it is possible to develop a library, or museum, or science centre, or art gallery in isolation, the fundamental requirement of this proposal is that the city centre is regarded as an integrated, living community. Traffic flows,

people flows, servicing requirements, city visitors, functions, exhibitions, symposia, events, concerts, business seminars are all part of inner city life and should be considered.

The strength of the successful proposal is that the “whole” is greater than the “sum of the parts”.

OPERATION

Many capital proposals focus on the cost, delivery execution plans and aesthetic form of the initial asset. These are all critical components. However, this project is conceived as part of the city’s dynamic hub and as such it is essential that any proposal considers the operational requirements of the various components and their interactions. To this extent, operational efficiencies, operating costs and logistical requirements need to be considered and presented.

CONSTRUCTION / DELIVERY

Consideration should be given to a construction / delivery master plan as the work will be conducted in the city centre and the various functions (library, gallery etc) need to keep functioning in some capacity during the demolition, construction and commissioning phases, as will traffic flows and other city centre commercial activities.

In addition, consideration should be given to the skills, services and supplies that are available locally so that community and associated businesses can benefit from the construction and development as well as participating in the benefits of the final product.

Sequencing of the work should consider both construction efficiencies but also impacts on cash flow and deliverables given the multi faceted outputs from the final precinct development.

FUNDING AND FINANCING

The funding and financing of this proposal / concept is considered the main constraint as to scale and timing.

Consideration should be given to how the overall project could be funded / financed. Opportunities to partner with external investors, independent construction and lease back, debt and commercial revenues from some components of the facilities all need to be considered and provided in the options assessment.

PROPOSAL REQUIREMENTS

The broad requirements for the proposal and development of the EOI are outlined in the sections above. The items below while specifically addressing the EOI requirements, are additional to and should not be considered in isolation of the material above.

Consultants / Consortia

The entity making a submission may be a single consultant or a consortia with a range of expertise to address the scope of this proposal.

The team and their respective responsibilities and expertise, lead personnel, experience and capabilities etc must be clearly specified. The Consultant(s) must demonstrate experience in cultural strategy and design expertise, urban design and architecture, operational requirements and funding/financing experience of large scale cultural /commercial facilities and precincts.

The PNCC requires a single point of contact (Project Director) and all communication with the “consortia” members remains their responsibility.

Review and Consultation

The range of reviews and consultations should include, but not limited to:

- #. Review of existing data relating to the library, art gallery, museums, science centre and sports institute NZ (audience data, space utilization and programming model) and relevant strategies

including the Palmerston North Civic and Cultural Precinct Plan and Creative and Liveable Strategy to identify gaps and opportunities.

#. Review, in consultation with Palmerston North City Council, international benchmarks and trends in cultural precincts combining examples of two or more library, museum and art gallery facilities. Further, identifying and brokering connections with potential cultural partners and advisors.

#. Conduct interviews with principal stakeholders identified in consultation with Palmerston North City Council including Te Manawa, Palmerston North City Council, The Globe, Palmerston North City Library, Rugby Museum, Sports Institute NZ, and Rangitāne o Manawatu to understand ambitions, plans and wider stakeholder landscape.

#. Undertake site visits and workshops with stakeholders in Palmerston North identified in consultation with Palmerston North City Council. The purpose of the visits and workshops is to observe current activity, draw out aspects of a common vision and unlock key success factors. (This can be developed digitally if travel restrictions remain in place).

#. Conduct interviews with user groups identified in consultation with Palmerston North City Council to test the emerging themes and aspirations.

#. Review in consultation with Palmerston North relevant government policies and PNCC Planning and Zoning requirements/constraints/opportunities.

Benchmarking and Global Trends

The project is looking to meet future requirements and best practice, hence it is essential that the Consultants can demonstrate a knowledge of and experience with international best practice, future trends and the ability to provide flexibility in design/function to accommodate future (and perhaps unseen) developments, in addition to current demands on facilities.

Partnerships and Outcomes

It is recognised that Cultural Precincts rely heavily on partnerships and collaboration for functional success. The EOI should also demonstrate the Consultant(s) ability to nurture and facilitate partnerships and working associations (nationally and internationally), both in developing the physical facility but also in developing working protocols, joint exhibitions and extended facility use through relationship establishment.

Deliverables

It is expected that as a minimum requirement the Consultant(s) will deliver:

#. Research report on the future of libraries, museums and the like, together with case studies.

#. A review of the assumptions and inputs of the current CCPMP and an analysis of the opportunities for a civic and cultural precinct which includes the City Library; such analysis to consider the inter-relationship between the cultural facilities, optimisation of space utilisation, the interrelationship between centres-based facilities and satellite facilities (eg branch libraries and suburban community centres), and an assessment against some other location within the city centre.

#. A detailed vision, key success factors, and guiding principles for the city centre precinct that feeds into a wider regeneration of the city centre drawing on existing documentation and decisions.

#. An analysis of the options, including social, economic and environmental benefits, funding / investment, costs (capital and operational), and staging with an identified recommended option.

#. An updated CCPMP if the options include location of the City Library or co-location of the City Library and Te Manawa within the Precinct.

Refinement of the preferred option(s) and a more detailed feasibility assessment (detailed design, construction methodology, timeframes, costs), including detailed operation plans, is considered as the second stage in the process and negotiated separately. It is not part of this EOI.

#. All material to be provided in “soft copy” and also a minimum of 30 copies of the final report and drawings.

Cost

The proposal must present a fixed price for the work defined above and a timeframe for delivery.

Communication

All communication on the scope and terms of the EOI are to be directed through??

Evaluation

The submitted EOIs will be evaluated on the basis of 80% non price attributes (experience, capability, sector knowledge, city development/integration, business case development and feasibility assessment) and 20% on price.

Timeframe

Submission for the EOI closes on the at 3:00 pm at PNCC Offices or by PDF attachment to email to ...??...@pncc.govt.nz.

11TH AUGUST 2020.

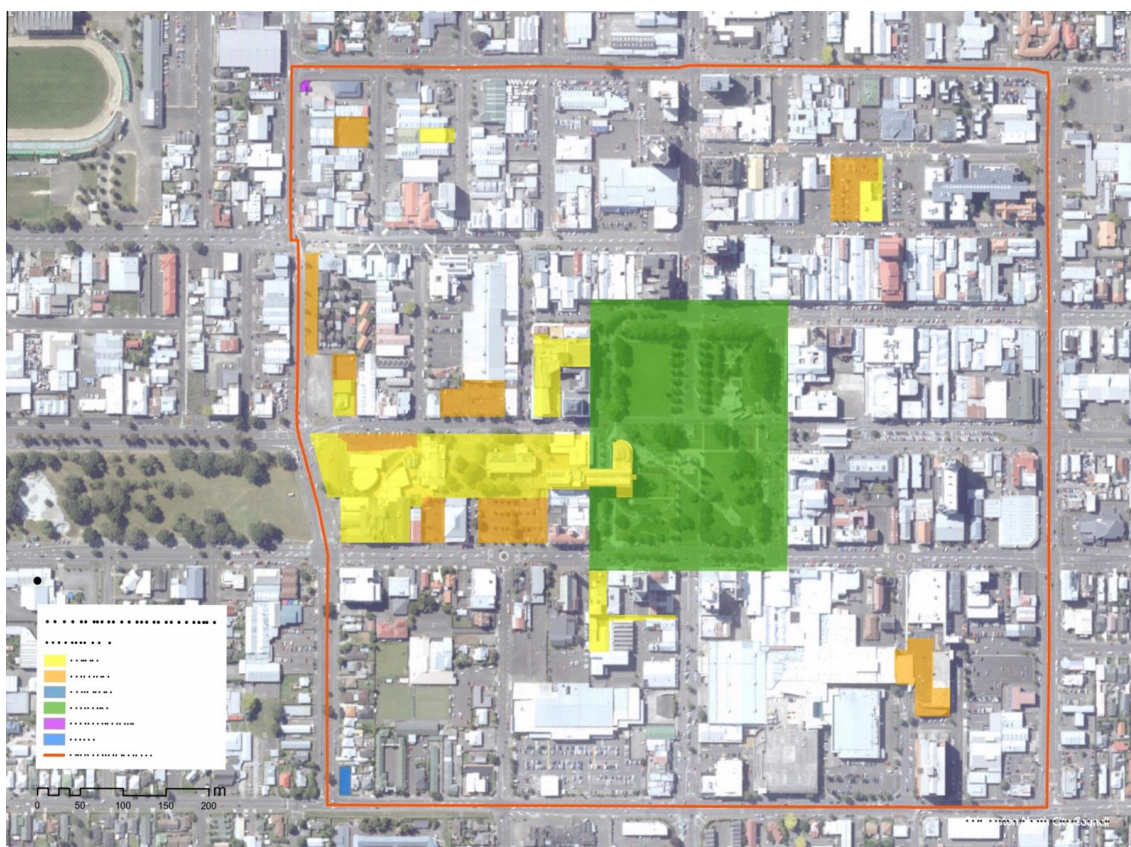
APPENDIX I

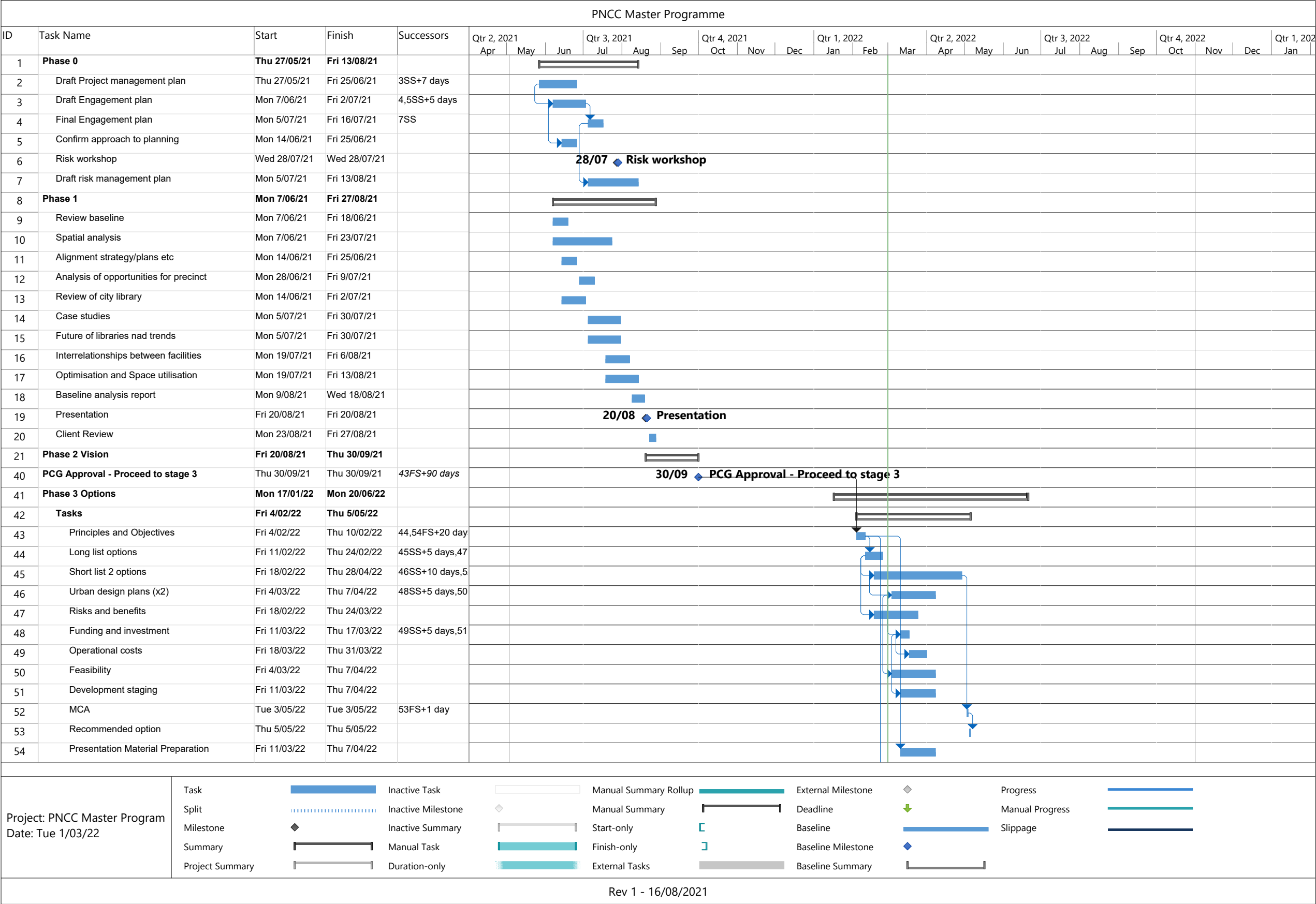
REFERENCE DOCUMENTS TO BE USED AS BACKGROUND

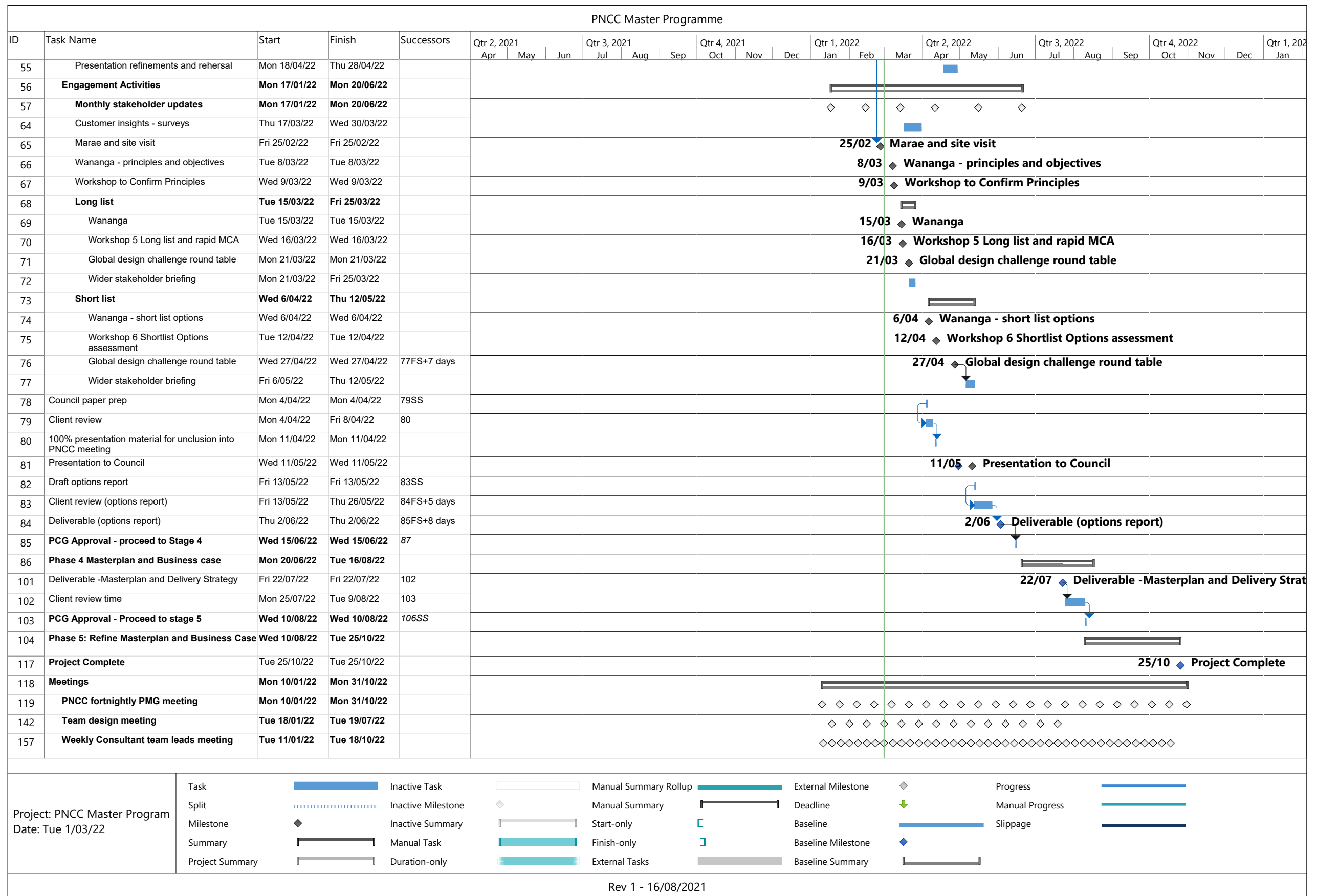
1. Civic & Cultural Precinct Master Plan
2. City Centre Framework
3. Streetscape Plan
4. Te Manawa Business Case and Supporting Material
5. PNCC Library Concept Design
6. PNCC Library Spatial Design
7. CBD Council land ownership
8. PNCC s17A Review Arts & Culture

APPENDIX II

LAND AREA OWNED BY PNCC IN THE CITY CENTRE







MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 13 April 2022

TITLE: Arena Master Plan Review: Process and Governance

PRESENTED BY: Jono Ferguson-Pye, City Planning Manager and John Lynch, Venues Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That direction on the Arena Master Plan review be provided by Council via Council workshops and / or reporting through the Planning and Strategy Committee.

OR

That direction on the Arena Master Plan review be provided by the Arena Master Plan Steering Group and the Chief Executive be authorised to update the Arena Master Plan Terms of Reference to include this function.

2. Note that regardless of whether direction on the Arena Master Plan review is provided by the Arena Master Plan Steering Group or Council, final approval of the Arena Master Plan review will be a Council decision.
-

1. ISSUE

The Arena Master Plan (AMP) was last reviewed in 2017 and subsequently adopted by Council in December 2017.

There is budget of \$35,000 to undertake a review of the AMP in the 2021/2022 financial year. The work is yet to commence.

The AMP and AMP Steering Group guided recent work, being the redeveloped entrance plaza and speedway pits. These works were completed in April 2021.

A decision is required regarding the role of AMP Steering Group in the AMP review.

2. BACKGROUND

The current terms of reference for the AMP Steering Group does not include the review of the AMP. The purpose of the AMP Steering Group is *to provide direction, advice, feedback and endorsement to the Arena Masterplan projects at key milestone points during the delivery of the Masterplan.*

A copy of the current (2017) terms of reference of the AMP Steering Group is included as attachment one.

The purpose of the AMP review is to:

- Guide future budgets and long-term planning.
- Ascertain if the current identified projects are still valid.
- Determine if there any other developments that need consideration.
- Prioritise projects to inform future budgets, asset management planning and Long Term Plans.
- Produce an updated AMP to inform future decision making by the Council.

The AMP Steering Group focused on the operational delivery of the AMP, not the strategic components of the AMP.

The AMP Steering Group has experience in overseeing the implementation of recent work, which could be drawn upon to inform the AMP review.

Master plans are strategic documents that guide future investment by the Council. In that case they have a similar function to a strategy or policy and typically follow a similar development path that includes obtaining strategic direction from Council, engagement with stakeholders, consultation and a decision.

Given the AMP was prepared and confirmed in 2017, it is anticipated the review will be relatively light touch.

Council need to determine if the review of the AMP should be directed by the AMP Steering Group or Council, as would typically occur with the review of strategic documents.

The recommendations include two options.

- That direction on the Arena Master Plan review be provided by Council via Council workshops and / or reporting through the Planning and Strategy Committee.

OR

- That direction on the Arena Master Plan review be provided by the Arena Master Plan Steering Group

Direction provided by Council workshops and / or reporting through Committee:

Key considerations for this option include:

- Does not draw on the experience the AMP Steering Group gained during the most recent project delivery phase.
- Would mean a less formal role for external stakeholders on the AMP Steering Group – but they can still be engaged during the AMP review process by Council officers.
- Greater efficiency with direct engagement with elected members as opposed to the AMP Steering Group and elected members.
- The AMP Steering Group can still be utilised as part of the next delivery phase, with membership reviewed to align with the next series of projects.
- Enables an equal contribution by all elected members via workshops and / or Committee reporting, as would normally occur with a strategy or policy development process.

Direction provided by the AMP Steering Group:

Key considerations for this option include:

- It draws on the experience the AMP Steering Group gained during the most recent project delivery phase.
- The AMP Steering Group includes key external stakeholders.
- The makeup of the AMP Steering Group for delivery may not be the same for this strategic work.
- The AMP Steering Group terms of reference could be amended to clarify its role relative to the review of the AMP.
- Council workshops and / or reporting through Committee could be used in addition to the AMP Steering Group – but this would duplicate work.

- The AMP Steering Group does not represent or include views of all elected members.
- Final approval of the Arena Master Plan review will be a Council decision.

3. NEXT STEPS

Update the AMP Steering Group terms of reference should Council decide that direction on the AMP review be provided by the AMP Steering Group.

Initiate the AMP review.

Establish a multidisciplinary officer group to undertake the technical work on the AMP review.

4. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	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 5: A Driven & Enabling Council	
The recommendations contribute to the achievement of action/actions in Governance and Active Citizenship	
The action is: Clarify and communicate governance and management roles	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Support elected members to excel at good decision making

ATTACHMENTS

1. Arena Master Plan Steering Group Terms of Reference 2017  

Arena Masterplan Steering Group (AMSG) Terms of Reference

Background

The original Arena Masterplan was adopted by Palmerston North City Council (PNCC) in 2014. It formed part of the current long term plan.

In April 2016 an MOU between PNCC and Sport Manawatu was entered into to establish a relationship between the parties in order to;

- Collaborate to develop Central Energy Trust Arena as the city's central sports hub with development of Sports House and associated activities for the Manawatu at Central Energy Trust Arena;
- Recognise both parties' common interests;
- Develop mutual benefits from collaboration and co-operation to increase programmes and participation in recreation and the activation of the site;

This MOU recognises Sport Manawatu as a key stakeholder in delivery of the Arena Masterplan and projects moving forward as it was not envisaged in the original masterplan.

A revised Masterplan incorporating Sports House has been developed by Council for inclusion in the new Long Term Plan 2018-28.

The Steering Group is established to keep focus with key partners/ stakeholders and to drive the external funding and investment that is critical to its success of the various projects in the Masterplan. Minor amendments to these terms of Reference can be made the AMSG.

What is AMSG?

It is a collaborative Central Energy Trust Arena stakeholder working group, led by the Mayor.

Aim of AMSG

To contribute to the implementation and delivery of the Arena Masterplan and development of the precinct through the specific projects identified.

Purpose and Scope of AMSG

The purpose of the Master Plan Steering Group is to provide direction, advice, feedback and endorsement to the Arena Masterplan projects at key milestone points during the delivery of the Masterplan.

This includes providing feedback on the following Master Plan components:

1. To actively contribute to the Arena Masterplan and its vision.
2. To take a City/ Region/ Community-wide approach.
3. To build and successfully tenant Sports House as a priority.

4. Foster consensus among key stakeholders, including Arena users, neighbouring residents and businesses in Palmerston North City and the wider Manawatu region.
5. To be a mechanism through which consultation and community engagement happens with sectors including business, community, sport and Iwi.
6. To identify opportunities for collaborative innovation.
7. To provide input into the development and design of the Arena Masterplan components and to champion its projects.
8. To embrace a collaborative approach to Arena Masterplan projects.
9. To build effective coordination between Council and stakeholders.
10. To assist in external funding and investment of projects.
11. To support the delivery of the Arena Masterplan projects.

Major Outcomes

1. Delivery of Arena Masterplan projects in line with the LTP 10 year plan.
2. Effective communication and engagement.
3. Championing of the Arena Masterplan within the community.

Timeline

The AMSG will be set up in November 2017 and stay in place for the life of the Masterplan. The membership of the AMSG will be reviewed at the beginning of each election cycle.

Meetings

Steering Group meetings will be convened on a regular basis at Central Energy Trust Arena as determined by the AMSG. Steering Group members will be invited to key meetings with stakeholders and any relevant project delivery meetings during the delivery of the projects.

The Steering Group will be provided with documentation and information relating to each step of any of the projects in advance of the meeting. Lengthy documentation will be posted to a common use secure web access site for use of Steering Group.

Meeting Minutes

Meeting notes will be made for each Steering Group meeting and will be circulated to the Steering Group following each meeting for review and comment. Notes will be approved by the Steering Group at the following meeting.

Administration support for the Steering Group will be provided through the Venues Division of Council who manage Central Energy Trust Arena.

Roles and Responsibilities of Steering Group Members

As a Steering Group member, each participant will:

- Liaise with the organisation each is representative of (as applicable) and bring forward advice, issues or comment from their respective group or representative to the Steering Group;
- Ensure that any matters that may affect other groups or departments within the organisation they are representative of are brought to the attention of the appropriate party and those persons views are communicated to the Steering Group;
- Consider any matters, issues or information referred to them by the Steering Group relating to the Arena Master Plan and provide advice, endorsement or recommendations as required;
- Identify other stakeholders or user groups and seek their input and views to ensure that these are available for consideration by the Steering Group;
- Strive to operate in a consensus mode, where participants openly discuss views and opinions, and seek to develop common ground and narrow areas of disagreement to the best of their ability;
- Ensure that the results of Steering Group discussions are accurately recorded in the meeting records or additional reports that members determine may be needed; and
- Ensure that the advice, endorsements, recommendations and consensus positions from the Steering Group are fully considered in the development of the preferred solution for projects within the Arena Masterplan.

Masterplan Steering Group Membership

The Mayor will Chair the AMSG. Other members are drawn from Council, stakeholders and Iwi.

Appointment Process

Nominations to be invited from but not limited to:

- PNCC Councillors (Mayor plus 2 Elected Members)
- PNCC City Enterprises (Unit Manager)
- Sport Manawatu (1 Board Representative)
- Robertson Holden International Speedway (1 Representative)
- Marist Sports Club (1 Representative)
- Central Energy Trust (1 Representative)
- Rangitane Iwi (1 Representative)
- Manawatu Rugby Union (1 Representative)
- Co-opted member(s) as required as necessary

The Steering Group will be supported by

- Sports Manawatu (Chief Executive)
- City Enterprises (Venues Manager)
- City Networks (Asset Manager)
- City Future (Urban Design Planner)
- City Corporate (Project Investment Coordinator)
- Robertson Holden Speedway (Operations Manager)

Criteria

1. Ability to take a city-wide approach
2. Ability to bring fresh thinking and innovation
3. Ability to influence and galvanise action within their organisation/ sector
4. Ability to bring resource to the table to implement projects
5. A passion for Central Energy Trust Arena
6. Strong networks in the community

Version 1 – October 2017

REPORT

TO: Planning & Strategy Committee

MEETING DATE: 13 April 2022

TITLE: Draft Trade Waste Bylaw 2022 - Deliberations and Adoption

PRESENTED BY: Julie Macdonald - Strategy and Policy Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

- 1. That the Council confirms that:**
 - a. the Palmerston North Trade Waste Bylaw 2022 is the most appropriate means of addressing the perceived problems of regulating the quality and rate of trade waste discharges; and**
 - b. the form of the Bylaw is the most appropriate form of bylaw; and**
 - c. the Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- 2. That the Council adopt the Palmerston North Trade Waste Bylaw 2022 and Palmerston North Trade Waste Bylaw 2022 Administration Manual, as shown in attachments one and two.**

SUMMARY OF OPTIONS ANALYSIS FOR

Problem or Opportunity	The Trade Waste Bylaw 2015 expired in May 2020 and will be automatically revoked in May 2022 unless the Council adopts a new Trade Waste Bylaw before that date. Consultation on the draft Bylaw is complete, and this report outlines advice on the issues raised by submitters. The opportunity is to make final changes to the draft Bylaw and Administration Manual and recommend these for adoption by Council.
OPTION 1:	Adopt the draft Trade Waste Bylaw and Administration Manual
Community Views	Most submitters supported the proposed Trade Waste Bylaw and Administration Manual. Two submitters proposed some adjustments. Some of these have been incorporated into the final draft.
Benefits	Adopting the draft Bylaw will ensure that the Council can continue to regulate trade waste discharge.
Risks	There are no identified risks.
Financial	There are no identified financial issues.
OPTION 2:	Do not adopt the draft Trade Waste Bylaw and Administration Manual
Community Views	None of the submissions received suggested the draft Bylaw should not be adopted.
Benefits	There are no identified benefits.
Risks	If the draft Bylaw is not adopted before 25 May 2022, then the current Bylaw will be automatically revoked and the Council will have no way to regulate the discharge of trade wastes in Palmerston North
Financial	If the Council cannot enforce current consents or issue new consents and recover the costs of treating trade waste from consent holders, then the costs of wastewater treatment would fall on residential customers alone.

RATIONALE FOR THE RECOMMENDATIONS

1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY

- 1.1 The Trade Waste Bylaw 2015 was required to be reviewed within five years or it is automatically revoked two years after the date it was due to be reviewed.
- 1.2 As a result of delays caused by the response to the COVID-19 pandemic in 2020 the review was not completed before the end of the five-year review period.

- 1.3 The Council approved a draft Trade Waste Bylaw and Administration Manual in August 2021 for public consultation. The consultation process is complete, and Council now has an opportunity to make decisions about the issues raised by submitters and recommend the Trade Waste Bylaw for adoption.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

- 2.1 On 11 August 2021 the Planning and Strategy Committee recommended to the Council that the draft Trade Waste Bylaw be approved for public consultation. The Council confirmed this recommendation on 25 August 2021. Consultation began on 2 October and closed on 3 December 2021.
- 2.2 Seven written submissions were received, however none of the submitters chose to make an oral submission. A summary of submissions was received by the Planning and Strategy Committee on 9 February 2022.

3. DESCRIPTION OF OPTIONS

- 3.1 There are two options – adopt the draft Trade Waste Bylaw and Administration Manual as included as attachments one and two; or do not adopt the draft Trade Waste Bylaw and Administration Manual.

Option one – adopt the draft Trade Waste Bylaw and Administration Manual

- 3.2 This option involves adopting the changes to the Bylaw and Administration Manual that were approved for consultation, along with the additional changes recommended by officers following consideration of the issues raised by submitters. The analysis contained in attachment three outlines the recommended changes in more detail. In summary, the additional changes are:

- Add an additional purpose to clause 2.1: “to ensure the costs of collection and treatment of wastewater are shared equitably across residential wastewater and trade waste dischargers.”
- Amend clause 2.2(b) to read: “Establishment of ~~three~~ four grades of trade waste: permitted, controlled, conditional and prohibited;”
- Add a definition for “Controlled trade waste discharge”: “Means a trade waste discharge that meets the physical and chemical characteristics defined in appendix 1 of the Administration Manual but where the volume of discharge exceeds 5m³ per day.”
- Amend part (a) of the definition of “Working day” to read: “Means any day of the week other than: (a) A Saturday, a Sunday, Wellington Anniversary Day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, Labour Day; and”
- Change references to “stormwater drainage network” to “stormwater network” for consistency with the revised Stormwater Bylaw.

Option two – do not adopt the draft Trade Waste Bylaw and Administration Manual

- 3.3 This option would involve leaving the current process incomplete. The current Bylaw would continue in effect until it is automatically revoked on 25 May 2022.

4. ANALYSIS OF OPTIONS

- 4.1 Option one – adopting the draft Trade Waste Bylaw and Administration Manual has clear benefits, with no significant disadvantages. The draft Bylaw has been through a formal consultation process and proposed a range of changes. These changes have been generally well supported. A number of additional minor changes have been suggested by submitters, and these have been incorporated in the final draft Bylaw recommended for adoption. Adopting the Bylaw and Administrative Manual as proposed will ensure that the current consent system for regulating trade waste discharges will continue.

- 4.2 A full analysis of the issues raised by submitters has been provided as a separate report in attachment three rather than directly within this report. However, it may be helpful to note here the conclusions reached by that report.

- 4.2.1 Some relatively minor changes have been suggested by submitters, and we have recommended that they be included in the draft Bylaw. These changes are:

- Clarify the purpose of the Bylaw to ensure that costs of wastewater are equitably shared
- Confirm that there are four grades of trade waste covered by the Bylaw: permitted, conditional, controlled and prohibited.
- Define the term “controlled trade waste discharge” in the definitions section (previously this was described in clause 10.1).
- Amend references to “stormwater drainage network” to “stormwater network”.
- Amend the definition of Working Day to include Te Rā Aro ki a Matariki/Matariki Observance Day amongst the public holidays that are excluded from a working day.

- 4.2.2 The Bylaw and Administration Manual shown in attachments one and two include these changes (along with the original proposals) as tracked changes.

- 4.2.3 The more significant changes suggested, but not recommended, were:

- Increasing the threshold for controlled waste discharge from 5m³ to 10m³.

- Requiring the Council to give a consent holder 12 weeks' notice of a trade waste consent expiring.
- Equalising the volumetric charge for trade waste discharge (currently \$0.502) so that trade waste customers pay the same rate as residential wastewater customers.
- Extending the restriction on refuse/garbage grinders (commonly referred to as insinkerators) to residential customers as well as trade waste customers.

4.3 Option two – not adopting the draft Bylaw and Administration Manual – conversely has significant disadvantages with no clear benefits. None of the submitters expressed any significant concerns with the draft Bylaw as proposed. However, a decision to not adopt the draft Bylaw would leave the Council with no means to regulate trade waste discharges or issue consents and charge for the discharge of those trade wastes.

4.4 Finally, the Committee considered a report on 12 August 2020 under section 155 of the Local Government Act. That report assessed whether a bylaw was the most appropriate way of addressing the perceived problems, whether the form of the bylaw was the most appropriate form, and whether the bylaw gave rise to any implications under the New Zealand Bill of Rights Act 1990. The Council made those determinations in August 2020. No changes have been made to the draft Bylaw which alter that initial assessment, and so it is also recommended that the Council confirm these determinations before adopting the Bylaw.

5. CONCLUSION

5.1 The recommended course of action is to adopt the draft Trade Waste Bylaw and Administration Manual as included in attachments one and two. The options analysis shows clear benefits to this option, with significant disadvantages if the Council chose not to adopt the draft Bylaw.

6. NEXT ACTIONS

6.1 If Council adopts the draft Trade Waste Bylaw and Administration Manual then it will be brought into effect on 23 May 2022.

7. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

7.1 Printed copies of the Statement of Proposal and the submission form were sent to Council's distribution points (the Customer Service Centre and all libraries). A consultation page, including the Statement of Proposal, was created on the Council's website. An online form was provided for people to make a submission.

7.2 The proposals were promoted through social media, encouraging people to read the full consultation document and make a submission during the consultation period.

7.3 Letters and emails were sent to the following list of stakeholders:

- Permitted and conditional trade waste consent holders
- Ministry 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

They were given copies of the Statement of Proposal and invited to make a written submission. They were also offered the opportunity to meet with Council officers to discuss the proposals in more detail, however none took up this opportunity.




7.4 No further consultation is required. Officers will write to all submitters to advise them of the outcome of the consultation process.

8. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 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-	Completing the review of the Trade Waste Bylaw ensures that the Council can continue regulating trade waste discharges into our wastewater network. This contributes to our goal of ensuring that wastewater has a lesser impact on the health and mauri of the Manawatū River

being	
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ATTACHMENTS

1. Palmerston North Trade Waste Bylaw 2022 [↓](#) 
2. Palmerston North Trade Waste Bylaw 2022 - Administration Manual
[↓](#) 
3. Analysis of Submissions on the Draft Trade Waste Bylaw [↓](#) 



PALMERSTON NORTH CITY

PALMERSTON NORTH TRADE WASTE BYLAW

20152022

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THE PALMERSTON NORTH TRADE WASTE BYLAW ~~2015~~2022

PART ONE – INTRODUCTION

1 TITLE

- 1.1 The title of this bylaw is the Palmerston North Trade Waste Bylaw ~~2015~~2022.

2 PURPOSE

- 2.1 The purpose of the bylaw is to:

- a) protect against the discharge of trade wastes to the wastewater system that might be harmful to health and safety, the environment, or the flows, velocity and capacity of sewers; and

- ~~b)~~ manage the loads on the wastewater system and received at the wastewater treatment plant; and

- ~~b)c)~~ to ensure the costs of collection and treatment of wastewater are shared equitably across residential wastewater and trade waste dischargers.

- 2.2 This Bylaw regulates the discharge of trade waste to the wastewater system, operated by Palmerston North City Council or its authorised agent, including provision for the:

- a) Acceptance of long-term, intermittent, or temporary discharge of trade waste to the wastewater system;

- b) Establishment of ~~three~~four grades of trade waste: permitted, controlled, conditional and prohibited;

- c) Evaluation of individual trade waste discharges to be against specified criteria;

- d) Correct storage of materials in order to protect the wastewater system from spillage;

- e) Installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge;

- f) Pre-treatment of waste before it is accepted for discharge to the wastewater system;

- g) Sampling and monitoring of trade waste discharges to ensure compliance with the bylaw;

- h) Council acceptance or refusal of trade waste discharge;

- i) Charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of administration and

monitoring;

- j) Administrative mechanisms for the operation of the bylaw; and
- k) Establishment of waste minimisation and management programmes (including sludges) for trade waste producers.

3 COMMENCEMENT

- 3.1 This Bylaw will come into force on ~~1 July 2015~~ 23 May 2022.

4 REPEALS

- 4.1 The Palmerston North Trade Waste ~~& Stormwater~~ Bylaw ~~2008~~2015 ~~is repealed when this Bylaw comes into force, excluding Part 4, clause 26 of that Bylaw, is repealed with effect from midnight on 30 June 2015.~~

5 APPLICATION

- 5.1 This bylaw shall apply to all trade premises and tankered wastes within Palmerston North City Council boundary where trade wastes are discharged or sourced or likely to be discharged to the wastewater system operated by the Council or its agents.
- 5.2 Pursuant to section 196 of the Local Government Act 2002 (LGA02) the Council may refuse to accept any type of trade waste which is not in accordance with this bylaw.

6 DEFINITIONS

- 6.1 For the purpose of the Bylaw and the Administration Manual, unless inconsistent with the context, the following definitions apply:

Administration Manual means the Administration Manual for the Palmerston North Trade Waste Bylaw ~~2015~~2022, as approved by the Council when the Palmerston North Trade Waste Bylaw ~~2015-2022~~ was made and as amended from time to time by delegated authority under the Bylaw

Approval or approved means approved in writing by the Council, either by resolution of the Council or by an officer of the Council authorised for that purpose.

Authorised Officer/Agent means an officer or an agent appointed by the Council and given powers to perform duties and functions under the Bylaw, and includes an enforcement officer appointed under section 177 of the Local Government Act 2002.

Biochemical oxygen demand (BOD₅) means the amount of oxygen required by bacteria to decompose a defined quantity of organic matter for a specified time, in this case 5 days, under aerobic

	conditions. (Explanation - this refers to the easily decomposed organic matter rather than the total organic matter, and is otherwise known as "carbonaceous" BOD in technical literature).
Biosolids	means sewage sludge derived from a wastewater treatment plant that has been treated and/or stabilized to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants.
Bylaw	means the Palmerston North Trade Waste Bylaw <u>2015/2022</u>
Characteristic	means any of the physical or chemical characteristics of a trade waste.
<u>Chemical oxygen demand (COD)</u>	<u>means the amount of oxygen required to oxidize soluble and particulate organic matter in water.</u>
Cleaner production	means the implementation on trade premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. "Cleaner Production" minimises and manages trade waste by: <ul style="list-style-type: none"> (a) Using energy and resources efficiently, avoiding or reducing the amount of wastes produced; (b) Producing environmentally sound products and services; (c) Achieving less waste, fewer costs and higher profits.
Condensing water or cooling water	means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.
Conditional discharge	means a trade waste discharge that complies with consent conditions approved by the Council.
Consent	means a consent in writing given by the Council and signed by an authorised officer authorising a person to discharge trade wastes to the wastewater system.
Consent holder	means the person occupying trade premises who has obtained a consent to discharge from specified premises to the Council's wastewater system, and includes any person who does any act on behalf or with the express or implied consent of the consent holder (whether for reward

	or not) and any licensee of the consent holder.
Contaminant	<p>includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat –</p> <p>(a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or</p> <p>(b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; or as described or contained in the Resource Management Act.</p>
Contingency management procedures	means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the wastewater system.
<u>Controlled trade waste discharge</u>	<u>Means a trade waste discharge that meets the physical and chemical characteristics defined in appendix 1 of the Administration Manual but where the volume of discharge exceeds 5m³ per day.</u>
Council	means the Palmerston North City Council and includes any person or Committee acting under authority duly delegated by the Palmerston North City Council.
Disconnection	means the physical cutting and sealing of any of the Council's water services, utilities, drains or sewers against use by any person.
Domestic wastewater	means water or other liquid, including waste matter in solution or suspension, discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases that may not lawfully be discharged into the wastewater system.
Fees and Charges	means the list of items, terms and prices for services associated with the discharge of trade waste as adopted by the Council in accordance with the LGA 2002.
Food premises	means any premises on or at which food is manufactured, prepared, packed, stored, or handled, for sale; or on or from which food is sold; or that is used in connection with

	any other food premises, for the purposes of their work, by persons who work on those other food premises.
Infringement	means an infringement offence as specified by the bylaw under sections 243 and 259 of the LGA02.
Management plan	means the plan for management of operations on the premises from which trade wastes come, and may include provision for cleaner production, waste minimization, discharge, contingency management procedures, and any relevant industry code of practice.
Mass limit	means the total mass of any characteristic that may be discharged to the Council wastewater system over any stated period from any single point of discharge or collectively from several points of discharge.
Maximum concentration	means the instantaneous peak concentration that may be discharged at any instant in time.
Occupier	means the person occupying trade premises connected to the wastewater system.
Permitted discharge	means a trade waste discharge that meets the physical and chemical standards as defined in appendix 1 of the Administration Manual.
Person	includes a corporation sole and also a body of persons whether corporate or otherwise.
Point of discharge	is the boundary between the public sewer and a private drain but for the purposes of monitoring, sampling and testing, shall be as designated in the trade waste consent.
Potable	in relating to drinking water, means water that meets the requirements specified in the drinking-water standards.
Pre-treatment	means any processing of trade waste designed to reduce or vary any characteristic in a waste before discharge to the wastewater system in order to comply with a trade waste consent.
Premises	means either: <ul style="list-style-type: none"> (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; (b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available;

	(c) Land held in public ownership (e.g. reserve) for a particular purpose; or
	(d) Individual units in buildings which are separately leased or separately occupied.
Private drain	means that section of drain between the premises and the point of connection to the Council's wastewater system.
Prohibited trade waste	means a trade waste that has prohibited characteristics as defined in appendix 2 of the Administration Manual and is not permitted to be discharged to the wastewater system.
Sewage	means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer and may include trade wastes.
Sewage sludge	means the material settled out and removed from sewage during the treatment process.
Sewer	means the main public sewer and lateral connections that carry away wastewater from the point of discharge. The public sewer is owned and maintained by the Council.
Significant industry	is a term to indicate the relative size of a given industry compared to the capacity of the wastewater system (including wastewater treatment plant) which services that industry as determined by Council. Industry size relates to volume and/or loads discharging into the wastewater system. Loads can be the conventional loadings of BOD ₅ and suspended solids or some other particular contaminant (e.g. nitrogen, phosphorus, boron, or chromium) which will have an effect or the propensity to have an effect on the sizing of the wastewater system, the on-going system operation and/or the quality of the treated effluent that is discharged.
Stormwater	means all surface water run-off resulting from precipitation.
Stormwater Drainage Network	means a set of facilities and devices, either natural or man-made, which are used to convey run off, reduce the risk of flooding, and to improve water quality. This includes but is not limited to open drains and watercourses, inlet structures, pipes and other conduits, manholes, chambers, traps, outlet structures, pumping stations, treatment structures and devices and overland flow paths
Tankered waste	is water or other liquid, including waste matter in solution

	or suspension, which is conveyed by vehicle for disposal, excluding domestic wastewater discharged directly from house buses, caravans, buses and similar vehicles.
Temporary discharge	means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing consent.
Trade Premises	means: <ul style="list-style-type: none"> (a) Any premises used or intended to be used for any industrial or trade purposes; (b) Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; (c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process; or (d) Any other premises discharging waste material other than domestic wastewater; and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.
Trade wastes	means any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the wastewater system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include condensing or cooling waters; stormwater which cannot be practically separated, or domestic wastewater.
Wastewater	means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer and may include trade wastes.
Wastewater system	means anything used for the reception, treatment and disposal of wastewater and trade wastes, including all sewers, pumping stations, storage tanks, wastewater treatment plants, outfalls, and other related structures operated by the Council.
Working day	means any day of the week other than: <ul style="list-style-type: none"> (a) A Saturday, a Sunday, Wellington Anniversary Day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, <u>Te Rā Aroki a Matariki/Matariki Observance Day</u>, Labour Day;

and

- (b) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

DRAFT FOR ADOPTION

7 ABBREVIATIONS

7.1 The following are abbreviations used within the Bylaw and the Administration Manual:

\$/kg	Dollars per kilogram
\$/L/s	Dollars per litre per second
\$/m ³	Dollars per cubic metre
oC	Degrees Celsius
B	Boron
BOD ₅	Biochemical Oxygen Demand
Br ₂	Bromine
Cl ₂	Chlorine
CN	Cyanide
COD	Chemical Oxygen Demand
DAF	Dissolved air floatation
DP	Deposited plan
DS	Dry solids
F	Fluoride
g/m ³	Grams per cubic metre
H ₂ S	Hydrogen Sulphide
HAHs	Halogenated aromatic hydrocarbons
HCHO	Formaldehyde
HCN	Hydrogen Cyanide
hr	Hour
HSNO	Hazardous Substances and New Organisms Act 1996
kg/day	Kilogram per day
L	Litre
L/s	Litres per second
LGA02	Local Government Act 2002
m ³	Cubic metre
MBAS	Methylene blue active substances
MfE	Ministry for the Environment
mg/L	Milligram per litre
mL/L	Millilitre per litre
mm	Millimetres
MSDS	Material safety data sheets
N	Nitrogen
NH ₃	Ammonia
NH ₃ -N	Ammoniacal nitrogen
P	Phosphorus
PAHs	Polycyclic (or polynuclear) aromatic hydrocarbons
PBBs	Polybrominated biphenyls
PCBs	Polychlorinated biphenyls
pH	Measure of acidity/alkalinity
RMA	Resource Management Act 1991
s	Second
SBR	Sequencing batch reactor
SO ₄	Sulphate
SS	Suspended solids concentration
TAs	Territorial authorities
UV	Ultra violet
UVT	Ultra violet transmission

PART TWO – GENERAL

8 RESTRICTIONS ON DISCHARGES

- 8.1 No person may:
- a) Discharge, or allow to be discharged, any trade waste to the wastewater system except in accordance with the provisions of this bylaw or the terms of any consent granted under this bylaw;
 - b) Discharge, or allow to be discharged, a prohibited trade waste into the wastewater system;
 - c) Add or permit the addition of condensing or cooling water to any trade waste which discharges into the wastewater system unless specific approval is given in a consent;
 - d) Add or permit the addition of stormwater to any trade waste which discharges into the wastewater system unless specific approval is given in a consent; or
 - e) Use refuse or garbage grinders and macerators to dispose of solid waste from trade premises to the wastewater system unless specifically approved by the Council.
- 8.2 The Council will give written notice to the discharging party of failure to comply with clause 8.1 of the Bylaw, and the Council will require the discharging party either to comply or to cease the discharge within 20 working days or as otherwise stated in the written notice.
- 8.3 Any person discharging to wastewater system shall also comply with requirements of the Hazardous Substances and New Organisms Act 1996 and the Resource Management Act 1991.
- 8.4 Notwithstanding clause 8.1, any discharge of trade waste pursuant to a contractual agreement between the Council and the person discharging that trade waste shall be deemed to be an authorised trade waste discharge, subject to any conditions, remedies and penalties that may be described within that agreement, and no further trade waste discharge consent under this Bylaw is needed while that agreement is in force.

9 STORAGE, TRANSPORT, HANDLING AND USE OF HAZARDOUS OR HARMFUL MATERIALS

- 9.1 All persons on trade premises shall take all reasonable steps to prevent the entry of any of the materials listed in clause 9.3 of the Bylaw into the wastewater system or the stormwater system, including entry as a result of leakage or spillage.
- 9.2 No person may store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by Hazardous Substances and New Organisms Act 1996 or any of the materials listed in clause 9.3 in a manner that may cause the material to enter the wastewater system or the stormwater system.

- 9.3 Materials referred to in clauses 9.1 and 9.2 are products or wastes:
- a) containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials; or
 - b) Likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the wastewater stream; or
 - c) Likely to harm the health and safety of any person or harm the Wastewater system.

PART THREE – TRADE WASTE DISCHARGES AND CONSENTS

10 CLASSIFICATION OF TRADE WASTE DISCHARGES

10.1 Trade waste discharges are classified as follows:

a) Permitted Trade Waste

Trade waste that complies with the physical and chemical characteristics defined in appendix 1 of the Administration Manual is permitted. Permitted trade wastes do not require Council consent prior to its discharge into the wastewater system.

b) Controlled Trade Waste

Trade waste that complies with the physical and chemical characteristics defined in appendix 1 of the Administration Manual, but where the volume exceeds 5m³ per day is controlled trade waste and requires a consent from the Council prior to its discharge into the wastewater system.

b)c) Conditional Trade Waste

Trade waste that is not permitted trade waste or prohibited trade waste is conditional trade waste and requires a consent from the Council prior to its discharge into the wastewater system.

c)d) Prohibited Trade Waste

Trade Waste that has any of the prohibited characteristics as defined in appendix 2 of the Administration Manual is ~~is~~ Prohibited Trade Waste prohibited trade waste and cannot be discharged into the Wastewater system. No application for trade waste consent can be made for a prohibited trade waste.

10.2 Trade waste discharges that are permitted, controlled, or conditional in accordance with this clause are subject to the additional requirements as set out at Part 4 of this Bylaw.

10.3 Subject to clause 10.1, Trade waste discharges with the characteristics of domestic waste, typically that from bathrooms and kitchens not used for commercial preparation of food, do not require consent.

10.4 The discharge of trade waste from a tankered waste trucking system requires consent under this Bylaw and is subject to the requirements of clause 25.

11 APPLICATION FOR A TRADE WASTE CONSENT

11.1 No person may discharge controlled trade waste or conditional trade waste or tankered waste to the wastewater system without a consent under this bylaw issued by the Council.

11.2 Any person may apply to the Council to:

a) Discharge (either continuously, intermittently, or temporarily) any controlled

trade waste or conditional trade waste or tankered waste into the wastewater system; or

- b) Vary the characteristics controlled by a consent to discharge that has previously been granted; or
- c) Vary the conditions of consent to discharge that has previously been granted; or
- d) Vary the method or means of pre-treatment for discharge under an existing consent;

provided that the application is in writing in the form provided, accompanied by the prescribed charges.

- 11.3 Where the trade premises produces trade waste from more than one area, separate descriptions of the trade waste and the areas concerned shall be included in any application for trade waste discharge. This applies whether or not the separate areas of a premise are part of a single or separate trade process.
- 11.4 Information requirements in respect of the application are as set out in the Administration Manual.
- 11.5 In all cases where either the consent holder or the owner of the premises changes, or there is a change of use of the premises, a new application for a trade waste discharge consent must be made. It shall be the responsibility of the consent holder or the new owner (as appropriate) to lodge the new application.

12 GRANT OF TRADE WASTE CONSENT

- 12.1 Within 15 Working Days (or as extended if warranted by exceptional circumstances by the Council) of receipt of an application complying with this bylaw, or the further information requested in accordance with the Administration Manual, whichever is the later, the Council shall, after considering the matters set out in the Administration Manual action one of the following in writing:
 - a) Grant the applicant a trade waste discharge consent and inform the applicant of the decision and the conditions imposed by issuing the appropriate notice of consent to the discharge; or
 - b) Decline the application and notify the applicant of the decision giving a statement of the reasons for refusal.
 - c) Notify the applicant that the discharge is classified as a permitted trade waste or prohibited trade waste under this Bylaw, and does not require or cannot obtain (in the case of prohibited trade waste) a trade waste discharge consent.
- 12.2 A trade waste consent granted in accordance with this clause may be subject to conditions, including but not limited to conditions of the kind referred to in the Administration Manual.

- 12.3 A trade waste consent granted in accordance with this clause may be conditional on the implementation of appropriate pre-treatment systems.
- 12.4 Trade waste consents are personal to the applicant at specific premises and are not transferable to a new occupier or different premise except as provided for in clause 31.1(a) of this bylaw.

13 DURATION OF CONSENT

Permitted trade waste discharges

- 13.1 Permission to discharge a "permitted" trade waste shall remain in force until:
- a) Cancellation under clause 15; or
 - b) The quantity and nature of the discharge changes or is likely to change significantly to such an extent that it becomes a controlled, conditional or prohibited discharge; or
 - c) The Council changes the trade waste management procedures by implementation of changed trade waste bylaw conditions or any amendment to, or replacement of, its trade waste bylaw or changes to characteristics in either appendix 1 or 2 of this bylaw; or
 - d) The conditions are changed for resource consents for the wastewater system and the residuals thereof.

In the event of a change as defined in (a) – (d) above, the consent holder must apply for a trade waste discharge consent within 20 working days of the change occurring, or cease discharging the trade waste. If the trade waste discharge consent is not granted, then the discharge must cease.

- 13.2 The Council will give at least 20 working days' notice prior to any proposed amendments to appendix 1 or 2. Wherever possible this notice will be given in writing to those with permission to discharge a permitted trade waste and those with consent to discharge controlled trade waste or conditional trade waste.

Controlled and Conditional trade waste discharges

- 13.3 Consents for a Controlled or Conditional Discharge under this bylaw shall ordinarily expire two years after the consent is granted. A consent for a term of five years may be applied for and may be approved at the discretion of the Council in the following circumstances:
- a) The nature of the trade activity, or the process design and/or management of the premises are such that the consent holder can demonstrate an ability to meet the conditions of the Consent during its term; or
 - b) Cleaner production techniques are successfully being utilized, or that a responsible investment in cleaner production equipment or techniques is being made; or
 - c) Significant investment in pre-treatment facilities has been made, such that a

longer period of certainty for the amortizing of this investment is considered reasonable.

- 13.4 A controlled or conditional trade waste discharge consent may expire earlier if:
- Cancelled under clause 15; or
 - The consent holder fails to submit a plan in accordance with clause 13.5.
- 13.5 Within 20 working days of the adoption of amendments to appendix 1 or 2, every holder of a controlled or conditional trade waste discharge consent must submit a plan that details the changes they will make to ensure compliance with the amendments, to be implemented in a reasonable timeframe as agreed with the Council. If a plan is not submitted within 20 working days of the adoption of amendments to appendix 1 or 2, then the trade waste discharge consent will expire.
- 13.6 The re-issuing of a consent cannot be unreasonably withheld.
- 13.7 In all cases where the consent holder or the owner of the premises changes, or there is a change of use of the premises, a new application for a trade waste discharge consent must be made.

Renewal of controlled or conditional trade waste discharge consent

- 13.8 A consent holder may apply to renew a controlled or conditional trade waste discharge consent.
- 13.9 An application for a renewed consent received under clause 13.8 must be lodged with the Council no later than eight weeks before the expiry of the existing consent.
- 13.10 Notwithstanding clauses 14 and 15 of this Bylaw, where an application for a renewed consent has been received in accordance with clause 13.9, the consent holder may continue to discharge trade waste in accordance with the conditions of their existing consent until:
- The Council issues a renewed consent; or
 - The Council declines to issue a renewed consent.
- ~~13.7~~13.11 Where an application for a renewed consent has not been received in accordance with clause 13.9 the Council may require the consent holder to cease discharging trade waste at the expiry of their existing consent until any new consent is issued.

14 TECHNICAL REVIEW AND VARIATION

- 14.1 The Council may at any time during the term of a trade waste consent initiate a review of any condition. The reasons for a review may include:
- The level of consent holder compliance, including any accidents including spills or process mishaps;
 - Matters pertaining to the Council's resource consents for the Wastewater system;
 - Matters pertaining to the Council's environmental policies and outcomes;

- d) New control and treatment technologies and processes;
 - e) Any of the matters outlined in Part Four; or
 - f) Matters pertaining to the Council's legal obligations.
- 14.2 After conducting a review and considering the matters set out in the Administration Manual, the Council may vary any condition of consent to such an extent as the Council considers necessary. The Council will provide written notice of the proposed variation to the consent holder giving 20 working days to respond in writing. The Council must then consider the written response of the consent holder against the provisions of this bylaw, and if issuing a variation under 14.1 above the Council must specify the time by which the consent holder must comply with the varied conditions.
- 14.3 A consent holder may at any time during the term of a consent, by written application to the Council, seek to vary any condition of consent.

15 CANCELLATION OF CONSENT TO DISCHARGE

- 15.1 The Council may suspend or cancel any consent or right to discharge trade waste following a 20 working day notice period, for the following reasons:
- a) For the failure to comply with any condition of the consent or the Bylaw;
 - b) For the failure to maintain effective control over the discharge;
 - c) For the failure to limit in accordance with the requirements of a consent the volume, nature, or composition of trade waste being discharged;
 - d) In the event of any negligence which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to, or threatens the proper functioning of any part of the Wastewater system or the wastewater treatment plant or threatens the health and safety of any person;
 - e) If any occurrence happens that, in the opinion of the Council, threatens to cause a significant adverse effect on the environment;
 - f) In the event of any breach of a resource consent held by the council issued under the Resource Management Act 1991 that is attributable to a trade waste discharge;
 - g) For the failure to provide or update a management plan as required for a trade waste discharge consent;
 - h) For the failure to follow the management plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
 - i) For the failure to pay any charges under this bylaw; or
 - j) Following a review of the technical issues considered when setting conditions of consent, or

- k) Due to new information becoming available, or
 - l) To meet any new resource consent imposed on the discharge from the Council's wastewater treatment plant, or
 - m) To meet any other legal requirements imposed on the Council
 - n) If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the right to discharge.
- 15.2 If any process changes require more than 20 Working Days, reasonable time may be given to make the necessary changes or cease the discharge.
- 15.3 Written notice of the proposed cancellation must be provided to the consent holder giving 20 working days to respond in writing, and the Council must consider the written response of the consent holder against the provisions of this bylaw and the matters of consideration in the Administration Manual.
- 15.4 Further to clause 15.1 any trade waste consent or discharge may at any time be cancelled by written notice with immediate effect if:
- a) The discharge includes any Prohibited substance;
 - b) The Council is lawfully directed to withdraw or otherwise to terminate the consent immediately;
 - c) The consent holder, or their contractor using a Tankered waste disposal system, discharge any trade waste unlawfully;
 - d) The continuance of discharge is, in the opinion of the Council, a threat to the environment or public health;
 - e) The continuance of discharge may, in the opinion of the Council, result in a breach of a resource consent held by the Council and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent.

PART FOUR – TREATMENT OF TRADE WASTE

16 PRE-TREATMENT

- 16.1 The Council may approve a trade waste discharge subject to the provision of appropriate pre-treatment systems to enable the person discharging to comply with this bylaw. Such pre-treatment systems shall be provided, operated and maintained by the person discharging at his or her expense.
- 16.2 Grease interceptors shall be fitted in all food premises or any premises where any fat, grease or oil could be present in the trade waste discharge, and the provisions of clause 18 complied with.
- 16.3 Interceptor traps shall be fitted to waste-water discharges from commercial premises where oils, grit or other pollutants are likely to be present.

~~16.3~~ 16.4 The Council may require a permanent sink screen to be fitted to any sink (except hand washing basins) in a food premises to minimise the risk of food waste entering the grease interceptor or the wastewater system.

17 AMALGAM TRAPS

- 17.1 All dentists' premises must install suitable amalgam traps on all spittoons and on sink wastes used for washing dentistry equipment.
- 17.2 The consent holder is responsible for the continuing effective operation of the amalgam trap and the regular disposal of amalgam waste in accordance with the requirements of the consent.

18 GREASE INTERCEPTORS

- 18.1 All food premises discharging trade wastes must install a grease interceptor and must obtain a consent for its installation under the Building Act 2004, in addition to any consent for the discharge required under this Bylaw.
- 18.2 Grease interceptors for food premises must be sized with a minimum size of 750 litres and minimum capacity of 45 litres per meal and a one hour retention time as per table 1. Actual sizing may need to be determined by site specific considerations and/or professional engineering consultants. Table 1 provides minimum sizes for typical food premises.

Table 1 – Food Premise Grease Interceptors Minimum Sizes

Food Premise Size	Minimum Grease Interceptor Size
Up to 12 meals per hour	750 litres
Up to 20 meals per hour	900 litres
Up to 30 meals per hour	1350 litres
Up to 60 meals per hour	2700 litres

- 18.3 The consent holder is responsible for regularly cleaning the grease interceptor, at the intervals specified in the consent, and must have available on the premises documentary proof of an ongoing maintenance contract for the grease interceptor with a Council-approved operator.
- 18.4 Consent holders must use a Council-approved/licensed tanker operator to dispose of grease interceptor waste.
- 18.5 The Council may inspect the grease interceptor in accordance with a regular programme, and more frequently if it has failed previous inspections.

19 DILUTION OF TRADE WASTE

- 19.1 The person discharging shall not add or permit the addition of any potable or condensing water, cooling water, or stormwater to any trade waste discharge in order to vary the level of the any characteristics of the waste unless specific approval is given by the Council in a consent.

20 MASS LIMITS

- 20.1 Wastewater quality may be determined either by:
 - a) Measuring the concentrations of the characteristics alone; or,
 - b) Measuring both the mass and the concentrations of its characteristics.
- 20.2 A trade waste discharge consent may impose controls on a trade waste discharge by specifying mass limits for any characteristic.
- 20.3 Any characteristic permitted by mass limit shall also have its maximum concentration limited to the value in appendix 1 of the Administration Manual unless approved otherwise.
- 20.4 When setting mass limit allocations for a particular characteristic the Council shall consider:
 - a) The operational requirements of and risk to the Wastewater system, and risks to occupational health and safety, public health, and the ultimate receiving environment;
 - b) Whether or not the levels proposed pose a threat to the potential, planned or actual beneficial reuse of Biosolids or sewage sludge;
 - c) Conditions in the Wastewater system near the trade waste discharge point and elsewhere in the Wastewater system;
 - d) The extent to which the available wastewater treatment plant capacity was used in the last financial period and is expected to be used in the forthcoming period;

- e) Whether or not the applicant uses Cleaner Production techniques within a period satisfactory to the Council;
- f) Whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for wastewater treatment plant capacity;
- g) Any requirements of the Council to reduce the pollutant discharge of the Wastewater system;
- h) How great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the Wastewater system;
- i) The total mass of the characteristic allowable in the Wastewater system, and the proportion (if any) to be reserved for future allocations; and
- j) Whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the sewer reticulation, treatment process, or receiving water (or land).

PART FIVE – SAMPLING, TESTING AND MONITORING

21 FLOW METERING

- 21.1 Metering to measure the flow rate and volume of discharge may be required by the Council in accordance with the Administration Manual.

22 ESTIMATING DISCHARGE

- 22.1 In premises where there is no flow meter or similar apparatus, or the flow meter is out of repair or ceases to register, or where in the opinion of the Council the flow meter has been tampered with, the Council will estimate the rate and quantity of trade waste discharge in accordance with the Administration Manual.

23 SAMPLING AND ANALYSIS

- 23.1 Sampling, testing and monitoring may be undertaken by the Council in accordance with the Administration Manual.
- 23.2 All authorised officers or authorised agents of the Council may enter any premises believed to be discharging trade waste, as provided in section 172 of the LGA02, in order to determine any characteristics of any actual or potential discharge by:
- a) Taking readings and measurements;
 - b) Carrying out an inspection;
 - c) Observing any occurrence of accidental discharge and clean-up; and/or
 - d) Taking samples for testing, of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged.

24 MONITORING

- 24.1 The Council will monitor and audit any trade waste discharge to determine compliance with this Bylaw. Monitoring will be in accordance with the Administration Manual.

PART SIX – OTHER DISCHARGES

25 TANKERED WASTES

- 25.1 Any person wishing to operate a tankered waste trucking system within Palmerston North City Council Boundaries and/or wishing to discharge into the Palmerston North wastewater system must:
- a) be certified by ~~WasteMinz~~New Zealand Trade and Industrial Waters Forum (NZTIWF) as complying with the Liquid and Hazardous Wastes Code of Practice; ~~and~~
 - b) ~~either hold a Certificate of Registration for Offensive Trade Health (Offensive Trade) Licence issued by the Council and comply with the conditions of that licence~~either hold a Certificate of Registration for Offensive Trade Health (Offensive Trade) Licence issued by the Council and comply with the conditions of that licence~~and/or hold a resource consent under the Resource Management Act 1991 for the tankered waste collection service; and~~
 - c) hold a consent to discharge trade waste under this Bylaw.
- 25.2 The Council may accept tankered wastes for discharge at an approved location, subject to:
- a) Tankered waste being fully documented including:
 - (i) A description of the type of waste;
 - (ii) The name of discharger and location;
 - (iii) The source, date and time of collection;
 - (iv) The volume of waste collected; and
 - (v) The identification number and vehicle registration number;
 - b) Tankered waste shall be analysed to determine its character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all analysis and advice shall be borne by the consent holder;
 - c) Tankered waste is not to be picked up and transported to the disposal site until appropriate arrangements, documentation and method for disposal have been determined by the Council;
 - d) To prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to collecting a load for disposal into the Wastewater system; and
 - e) 24 hours' notice shall be given to the Council for the disposal of wastes other than those sourced from domestic septic tanks.
- 25.3 Waste collected for disposal must be treated in accordance with the conditions of the trade waste discharge consent before disposal.
- 25.4 Any person disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics or amount) or dumping into the Council Wastewater system other than in the prescribed location and in accordance with the trade waste discharge consent, will be in breach of this bylaw.

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26 DISINFECTED/SUPER CHLORINATED WATER

- 26.1 No water used during the repair or construction of water mains may be discharged into the Council wastewater system, stormwater ~~drainage~~-network, or adjacent water courses without the prior written approval of the Council.
- 26.2 Any water used during the repair or construction of water mains shall be de-chlorinated prior to its discharge under clause 26.1 of the Bylaw.

PART SEVEN – BYLAW ADMINISTRATION

27 REVIEW OF DECISIONS

- 27.1 If any person is dissatisfied in relation to any decision by the Council made under this Bylaw, any person may deliver by notice in writing to the ~~Water and Waste Services Manager~~ Chief Executive of the Council a request for review of that decision. The request shall be lodged within 20 working days of the decision by the Council. The ~~Water and Waste Services Manager~~ Chief Executive shall review all relevant documentation and make a final decision.

28 ACCIDENTS AND NON-COMPLIANCE

- 28.1 The person discharging shall inform the Council immediately on discovery of any accident or incident including spills or process mishaps which may cause a breach of this bylaw.
- 28.2 In the event of any accident or incident occurring when the person holds a conditional trade waste discharge consent, a review or cancellation under clause 14 or 15 of the Bylaw may be initiated by the Council.
- 28.3 In the event of an accident or incident occurring on the premises of a permitted trade waste discharge, an application for trade waste discharge consent may be required.

29 CHARGES, PAYMENTS AND COSTS

- 29.1 The Council may set fees and charges for any approval, permission, consent or any other service required by this Bylaw following public consultation and in accordance with section 150 of the LGA02. Schedule 1 of the Bylaw contains a list of charges that may be imposed. The amounts of the charges are determined by Council from time to time.
- 29.2 All charges shall be invoiced in accordance with the Council standard commercial practice. The invoice shall provide each person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regards to a discharge.
- 29.3 The person discharging shall be deemed to be continuing the discharge of trade waste and shall be liable for all charges, until written notice of disconnection is given to the Council.
- 29.4 All fees and charges payable under this bylaw shall be recoverable as a debt. If the person discharging fails to pay any fees and charges under this bylaw the Council may cancel their consent to discharge and may disconnect service.
- 29.5 The Council may recover costs pursuant to the following sections of the Local Government Act 2002:
- (a) Section 151, for the recovery of costs incurred by the Council in relation to

activities consented under this Bylaw;

- (b) Section 176, on conviction, for the costs of remedying damage associated with a breach of this Bylaw.

30 DELEGATIONS

30.1 The following people are authorised delegates under this bylaw:

- a) The Council by resolution;
- b) the Chief Executive of the Council;
- c) the person holding the office identified in Council's Delegations Manual as responsible for the administration of this bylaw;
- d) Any other person authorised to exercise a power under this bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.

30.2 Authorised delegated persons may exercise any power, function or duty under this bylaw or carry out any act in order to achieve its effective administration on behalf of the Council (other than those expressly required to be by Council resolution) including, without limitation:

- a) Specify forms and procedures for the effective administration of the bylaw;
- b) Make any decision or determination required in this bylaw in order to administer it;
- c) Decisions regarding whether or not a consent should be granted, and the terms and conditions of that consent;
- d) Decisions regarding suspension, withdrawal or removal of a consent;

30.3 The Council by resolution may amend the Administration Manual. Before amending the Administration Manual, the Council must consult appropriately and in accordance with the Local Government Act 2002 with any person that it considers may be affected by the proposed amendments and give those persons a reasonable opportunity to provide feedback on the proposed amendments before they come into effect. The Council must have regard to that feedback before making any final decision on the proposed amendments.

30.4 All ~~forms~~, specifications or methods for this bylaw must be in writing and kept in a publicly available Administration Manual for this bylaw called the Trade Waste Bylaw Administration Manual.

30.5 Every exercise of a power of delegation under this clause must be reported to Council if not exercised by Council by resolution, provided that failure to report does not invalidate the exercise of the delegate's power.

31 TRANSFER OR TERMINATION OF RIGHTS AND RESPONSIBILITIES

- 31.1 A trade waste consent to discharge shall be issued in the name of the given consent holder. The consent holder shall not, unless written approval is obtained from the Council:
- a) Transfer to any other party the rights and responsibilities provided for under this bylaw, and under the Consent;
 - b) Allow a point of discharge to serve another premise, whether directly or indirectly; or
 - c) Allow wastewater or trade waste from any other party or premises to be discharged at the consent holders' point of discharge.
- 31.2 Renewal of a trade waste consent on change of ownership of premises shall not be unreasonably withheld if the characteristics of the wastewater remain unchanged.
- 31.3 The person discharging shall give 48 hours' notice in writing to the Council of their requirement for disconnection of the discharge connection and/or termination of the discharge consent, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within seven working days. The person discharging shall notify the Council in writing of the new address details for final invoicing.
- 31.4 On permanent disconnection and/or termination, at the Council's discretion, the person discharging may be liable for trade waste charges to the end of the current charging period.
- 31.5 When a person discharging ceases to occupy premises from which trade wastes are discharged into the wastewater system, any consent granted shall terminate but without relieving the person discharging from any obligations existing at the date of termination.

32 SERVICE OF DOCUMENTS

- 32.1 Any notice or other document required to be given, served or delivered under this bylaw to a person discharging may (in addition to any other method permitted by law) be given or served or delivered by being:
- a) Sent by pre-paid ordinary mail, courier, or facsimile, or email to the person discharging at their last known place of residence or business;
 - b) Sent by pre-paid ordinary mail, courier, or facsimile, or email to the person discharging at any address for service specified in a consent to discharge;
 - c) Where the person discharging is a corporate body, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office; or

- d) Personally served on the Person discharging.

32.2 If any notice or other document is:

- a) Sent by post it will be deemed received on the third day (excluding weekends and public holidays) after posting;
- b) Sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report; or
- c) Sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the trade premises or is handed to a designated person(s) nominated by the consent holder then that shall be deemed to be service on, or delivery to the consent holder at that time.

32.3 Any notice or document to be given, served or delivered shall be signed by an authorised officer.

33 TRANSITIONAL PROVISIONS

- 33.1 Every existing trade waste consent shall continue in force as if it were a consent under this bylaw until it reaches the expiry date specified in that consent provided that no consent shall run beyond 22 May 2024. ~~30 June 2019~~.

PART EIGHT – ENFORCEMENT

34 OFFENCES

- 34.1 Every person or consent holder or owner or occupier of trade premises or licensee who:
- a) Fails to comply or acts in contravention of any provision of this bylaw;
 - b) Breaches the conditions of any consent to discharge granted pursuant to this bylaw; or
 - c) Fails to comply with a notice served under this bylaw,
- commits an offence under section 239 of the LGA02, and is liable to a fine as specified in section 242 of the LGA02, or the issue of an Infringement notice under section 245 of the LGA02.
- 34.2 In all cases the Council may recover costs associated with damage to the Council Wastewater System or Stormwater ~~drainage~~ network or breach of this bylaw in accordance with sections 175 and section 176 of the LGA02.
- 34.3 The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under Section 259 of the LGA02.

SCHEDULE 1 – TRADE WASTE CHARGES

Introduction

Fees and charges are set by Council resolution following public consultation in accordance with the LGA02. This may be done by the annual planning process, fee setting or a similar transparent public process in accordance with the LGA02.

In the following table the Council states what categories it will charge, or may charge, under the tenure of this bylaw.

Table 2 – Administrative Charges	
Category	Description
2.1 Connection fee	Payable on application for connection to discharge.
2.2 Compliance monitoring	The costs incurred by the Council for inspections, sampling and analysis of trade waste discharges.
2.3 Disconnection fee	Payable following a request for disconnection from Wastewater system.
2.4 Trade Waste application fee	Payable on an application for a trade waste discharge.
2.5 Consent Processing Fee	Payable when the costs of processing the consent exceed the Trade Waste application fee.
2.6 Re-inspection fee	Payable for each re-inspection visit by the Council where a notice served under this bylaw has not been complied with by the trade waste discharger.
2.7 Special rates for loan charges	Additional rates for servicing loans raised for the purposes of constructing or improving the Wastewater system.
2.8 Temporary Discharge fee	Payable prior to receipt of temporary discharge.
2.9 Annual Trade Waste charges	<p>An annual management fee for a Trade Waste discharge to cover the Council's costs associated with for example:</p> <ul style="list-style-type: none"> (a) Administration; (b) General compliance monitoring; (c) General inspection of trade waste premises; (d) Use of the Wastewater system. <p>This charge may vary depending on the trade waste sector and category of the discharger.</p>

Table 2 – Administrative Charges (continued)	
Category	Description
2.10 Rebates for Trade Premises within the District	<p>Reduction in fees is provided for in section 150(2). Section 150(4) of the LGA02 states that the fees prescribed by the Council shall not provide for the Council to recover more than the reasonable cost incurred by the Council for the matter for which the fee is charged.</p> <p>In no event shall the resultant charge be less than the Council's Wastewater charge for the equivalent period.</p>
2.11 New or Additional Trade Premises	Pay the annual fees and a <i>pro rata</i> proportion of the various Trade Waste charges relative to flows and loads.

Table 3 – Trade Waste Charges

Category	Description
3.1 Volume	Payment based on the volume discharged $\$/\text{m}^3$
3.2 Flow rate	Payment based on the flow rate discharged $\$/\text{L/s}$
3.3 Suspended solids	Payment based on the mass of suspended solids $\$/\text{kg}$
3.4 Organic loading	Biochemical oxygen demand or chemical oxygen demand $\$/\text{kg}$
3.5 Bacterial reduction	Payment based on the amount of removal or reduction required.
3.5 Nitrogen	Payment based on the defined form(s) of nitrogen $\$/\text{kg}$
3.6 Phosphorous	Payment based on the defined form(s) of phosphorous $\$/\text{kg}$
3.7 Metals	Payment based on the defined form(s) of the metal(s) $\$/\text{kg}$
3.8 Transmission	A charge based on the inhibiting nature of the trade waste to UV light used by the Council's disinfection process
3.9 Screenable solids	Payment based on the mass of screenable solids $\$/\text{kg}$
3.10 Toxicity charge	Payment based on the defined form(s) of the toxic substance(s) $\$/\text{kg}$ and/or $\$/\text{m}^3$
3.11 Incentive rebate	A rebate for discharging materials beneficial to the Council's Wastewater system $\$/\text{kg}$ and/or $\$/\text{m}^3$
3.12 Depreciation	Operating cost related to capital and normally spread across the volume and mass charges
3.13 Capital	Apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a trade waste discharge consent

Table 4 – Tankered Waste charges

Category	Description
4.1 Tankered Wastes	Set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependent on trade waste category
4.2 Toxicity	Payment based on the defined form(s) of the toxic substance(s) $\$/\text{kg}$ and/or $\$/\text{m}^3$
4.3 Nutrient removal and bacterial reduction	Payment based on the amount of removal or reduction required.

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PALMERSTON NORTH CITY

PALMERSTON NORTH TRADE WASTE BYLAW

20152022

Administration Manual

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PART ONE – INTRODUCTION

The purpose of this Administration Manual is to provide material complementary to the Trade Waste Bylaw by bringing together those aspects which may otherwise be included in the Bylaw, but which are of a technical or administrative nature, or operational matters that are more likely to be amended before the Bylaw is reviewed. In taking this approach, it will simplify the administration of the bylaw, allow for administrative and technical processes to be kept up to date, and assist in interpretation of the Bylaw.

The Administration Manual is made under the Bylaw, and it will govern the implementation and operation of the bylaw. The Administration Manual is a public document, and will be made available on the Council's website alongside the bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up to date and reflects current practice. ~~Amendments to this document will be authorised either by the General Manager for City Networks or the Water and Waste Services Manager.~~

PART TWO – INFORMATION REQUIREMENTS FOR CONSENT APPLICATION

- 1.1 The applicant must ensure that the application and every other document conveying required information is properly executed.
- 1.2 The Council may require a consent application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant, and this may include a Management Plan.
- 1.3 Every consent application shall be accompanied by the applicable application fee.
- 1.4 The Council will acknowledge the consent application in writing within 5 working days of the receipt of the application.
- 1.5 On receipt of any trade waste consent application the Council may:
 - (a) Require the applicant to submit any additional information which it considers necessary for the purpose of approving a consent;
 - (b) Require the applicant to submit a management plan to the satisfaction of the Council; and
 - (c) Have the discharge sampled, tested or monitored.
- 1.6 The Council will notify the applicant of any further information requirement within 10 working days of receipt of the application.

PART THREE – CONSIDERATION CRITERIA FOR CONSENT APPLICATIONS

- 2.1 In considering any application for a trade waste consent and any conditions on such a consent, the Council will take into consideration the quality, volume, and rate of discharge of the trade waste in relation to:
- (a) The health and safety of the Council staff, agents and the public;
 - (b) The limits and/or maximum values for characteristics of trade waste as specified in appendices 1 and 2 of the Administration Manual;
 - (c) The extent to which the trade waste may react with other trade waste or domestic wastewater discharge to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Wastewater system etc.;
 - (d) The flows and velocities in the sewer, or sewers and the material or construction of the sewer or sewers;
 - (e) The capacity of the sewer or sewers and the capacity of any wastewater treatment plant, and other facilities;
 - (f) The nature of any wastewater treatment process and the degree to which the trade waste is capable of being treated in the wastewater treatment plant;
 - (g) The timing and balancing of flows into the Wastewater system;
 - (h) Any statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludge, beneficial use of Biosolids, and any discharge to air, (including the necessity for compliance with any resource consent, discharge permit or water classification);
 - (i) The effect of the trade waste discharge on the ultimate receiving environment;
 - (j) The conditions on resource consents for the Wastewater system and the residuals from it;
 - (k) The possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the Wastewater system and the environment;
 - (l) Consideration for other existing or future discharges;
 - (m) Amenability of the trade waste to pre-treatment;
 - (n) Existing pre-treatment works on the premises and the potential for their future use;

- (o) Cleaner production techniques and waste minimisation practices;
- (p) Requirements and limitations related to sewage sludge disposal and reuse;
- (q) Control of stormwater;
- (r) Any management plan; and
- (s) Tankered waste being discharged at an approved location/s.

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PART FOUR – CONDITIONS OF TRADE WASTE CONSENT

- 3.1 A trade waste discharge consent may be subject to such conditions that the Council considers appropriate, including but not limited to:
- (a) The particular public sewer or sewers to which the discharge will be made;
 - (b) The maximum daily volume of the discharge and the maximum rate of discharge, and the duration of maximum discharge;
 - (c) The maximum limit or permissible range of any specified characteristics of the discharge, including concentrations and/or Mass Limits;
 - (d) The period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
 - (e) The degree of acidity, or alkalinity of the discharge at the time of discharge;
 - (f) The temperature of the trade waste at the time of discharge;
 - (g) The provision by, or for the consent holder, at the consent holder's expense, of screens, grease traps, silt traps or other pre-treatment works to control trade waste discharge characteristics to the consented levels;
 - (h) The provision and maintenance at the consent holder's expense of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
 - (i) The provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the consent holder's expense;
 - (j) The method or methods to be used for the measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of any trade waste charges applicable to that discharge;
 - (k) The provision and maintenance by, and at the expense of, the consent holder of such meters or devices as may be required to measure the volume or flow rate of any trade waste being discharged from the premises, and for the testing of such meters at the expense of the consent holder;
 - (l) The provision and maintenance, at the consent holder's expense of such services, (whether electricity, water or compressed air or otherwise), which may be required, in order to operate meters and similar devices;
 - (m) At times specified, the provision in a Council approved format by the consent holder to the Council of all flow and/or volume records and results of analyses (including pre-treatment by-products e.g. sewage sludge disposal);
 - (n) The provision and implementation of a management plan;

- (o) Risk assessment of damage to the environment due to an accidental discharge of a chemical;
- (p) Waste minimisation and management;
- (q) Cleaner Production techniques;
- (r) Remote control of discharges;
- (s) Third party treatment, carriage, discharge or disposal of by-products of pre-treatment of trade waste (including sewage sludge disposal);
- (t) Requirement to provide a bond or insurance in favour of the Council where failure to comply with the consent could result in damage to the Council Wastewater system, its treatment plants, or could result in the Council being in breach of any statutory obligation; and
- (u) Remote monitoring of discharges.

3.2 A trade waste consent may include conditions prescribing penalty charges, and the rates or amounts of those penalty charges, to be payable for exceeding any limits stipulated in that consent that relate to:

- (a) physical or chemical characteristics; and
- (b) maximum concentrations of chemical characteristics

PART FIVE – SAMPLING, TESTING AND MONITORING

FLOW METERING

- 4.1 Metering (to measure the flow rate and volume of discharge) may be required by the Council in any of the following circumstances:
 - (a) On discharges when there is not a predictable relationship between a metered water supply to the premises, and the discharge of trade waste;
 - (b) When the Council will not approve a method of flow estimation; or
 - (c) When the discharge from particular premises represents a significant proportion of the total flow/load received by the Council.
- 4.2 The consent holder is responsible for the supply, installation, reading and maintenance of any meter required by the Council for the measurement of the rate or quantity of discharge of trade waste. These devices shall be approved by the Council but shall remain the property of the consent holder.
- 4.3 Records of flow and/or volume must be available for inspection at any time by the Council, and shall be submitted to the Council at prescribed intervals by the consent holder in a format and method approved by the Council.
- 4.4 Meters must be located in a position approved by the Council and should be readily accessible for reading and maintenance. The meters shall be located and installed according to the manufacturer's installation instructions.
- 4.5 The consent holder shall arrange for on site calibration of the flow metering equipment and instrumentation by a person and method approved by the Council upon installation and at least once a year thereafter to ensure its performance. The meter accuracy should be $\pm 10\%$ but with no greater a deviation from the previous meter calibration of $\pm 5\%$. A copy of independent certification of each calibration result shall be submitted to the Council.
- 4.6 Should any meter, after being calibrated, be found to have an error greater than that specified in section 4.5 of the Administration Manual as a repeatable measurement, the Council may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the Council but not exceeding 12 months, and the consent holder shall pay or be credited a greater or lesser amount according to such adjustment.

ESTIMATING DISCHARGE

- 4.7 In premises where no meter or similar apparatus is required to be provided, the Council may require that a percentage of the water supplied to the premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of flow for the purposes of charging.
- 4.8 In premises where a meter or similar apparatus is required and that meter is out of repair or ceases to register or is removed the Council shall estimate the discharge for

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the period since the previous reading of such meter (based on the average of the previous 12 months charged to the Person discharging) and the person discharging shall pay according to such estimate. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, then the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the person discharging shall pay according to such an estimate.

- 4.9 Where in the opinion of the Council a meter has been tampered with, the Council (without prejudice to the other remedies available) may declare the reading void and estimate discharge as provided above.

SAMPLING AND ANALYSIS

- 4.10 As determined by the Council, sampling, testing and monitoring may be undertaken to determine if:
- (a) A discharge complies with consent conditions and /or the provisions of the bylaw;
 - (b) A discharge is to be classified as Permitted, Conditional, Controlled or Prohibited;
 - (c) A discharge complies with the provisions of appendix 1 of the Administration Manual for Permitted Discharge and any consent to discharge; and
 - (d) Trade waste consent charges are applicable to that discharge.
- 4.11 The taking, preservation, transportation and analysis of the sample shall be undertaken by an authorised officer or agent of the Council, or the person (or their agent) discharging in accordance with accepted industry standard methods, or by a method specifically approved by the Council.
- 4.12 The Person discharging shall be responsible for all reasonable costs of the sampling and analysis.
- 4.13 Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

MONITORING

- 4.14 The Council is entitled to monitor and audit any trade waste discharge for compliance. The sampling procedure will be appropriate for the trade waste and the analysis. For permitted or conditional discharges monitoring may include any of the following:
- (a) The Council or its authorised agent will take the sample and arrange for this sample to be analysed in an approved and accredited laboratory by agreed and approved analytical methods;

- (b) The Council will audit the sampling and analysis carried out by a self-monitoring trade waste discharger. Analysis will be performed by an approved laboratory. Inter-laboratory checks are to be part of this process;
 - (c) The Council will audit the sampling and analysis carried out by an approved testing laboratory. Inter-laboratory checks are to be part of this process; or
 - (d) The Council will audit the trade waste consent conditions including any Management Plans.
- 4.15 At the discretion of the Council all costs of monitoring, sampling and analysis shall be met by the consent holder.
- 4.16 Normally a single grab or composite sample is sufficient. If required the grab or composite sample can be split equally into three as follows:
- (a) One portion of the sample goes to the trade waste discharger for appropriate analysis and/or storage;
 - (b) A second portion of the sample shall be analysed at a laboratory approved by the Council; and
 - (c) A third portion of the sample is retained by the Council for 20 working days, for additional analysis if required.
- 4.17 Due consideration will be applied to any changes that could occur in retained trade waste samples and provisions to mitigate against changes will be adopted where practicable.
- 4.18 In all cases the samples shall be handled in an appropriate manner such that the characteristics being tested for are, as far as reasonably possible, preserved.
- 4.19 All samples shall be preserved, handled, transported and delivered to an approved laboratory according to best practice and approved standards.

APPENDICES

APPENDIX 1 – PERMITTED DISCHARGE CHARACTERISTICS

1. Introduction

- 1.1. The nature and levels of the characteristics of any trade waste discharged to the Council system shall comply at all times with the following requirements, except where the nature and levels of such characteristics are varied by the Council as part of an approval to discharge a trade waste.
- 1.2. The Council shall take into consideration the combined effects of trade waste discharges and may modify the following acceptable characteristics for individual discharges.
- 1.3. The nature and levels of any characteristic may be varied to meet any new resource consents or other legal requirements imposed on the Council.

2. Physical characteristics

2.1. Flow

- a) The 24 hour flow volume shall be less than 5 m³.
- b) The maximum instantaneous flow rate shall be less than 2.0 L/s.

2.2. Temperature

- a) The temperature shall not exceed 40 °C.

2.3. Solids

- a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15 mm.
- b) The suspended solids content of any trade waste shall have a maximum concentration which shall not exceed 2000 g/m³. For significant Industry this may be reduced to 600 g/m³.
- c) The settleable solids content of any trade waste shall not exceed 50 mL/L.
- d) The total dissolved solids concentration in any trade waste shall be subject to the approval of the Council having regard to the volume of the waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste.
- e) Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of wastewater in the drainage system or treatment plant shall not be present.

2.4. Oil and grease

- a) There shall be no free or floating layer.
- b) A trade waste with mineral oil, fat or grease unavoidably emulsified, which in the

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opinion of the Council is not biodegradable shall not exceed 200 g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw Wastewater, throughout the range of pH 6.0 to pH 10.0.

- c) A trade waste with oil, fat or grease unavoidably emulsified, which in the opinion of the Council is biodegradable shall not exceed 500 g/m³ when the emulsion is stable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw wastewater throughout the range of pH 4.5 to pH 10.0.
 - d) Emulsified oil, fat or grease shall not exceed 100 g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw wastewater throughout the range of pH 4.5 to pH 10.0.
- 2.5. Solvents and other organic liquids
- a) There shall be no free layer (whether floating or settled) of solvents or organic liquids.
- 2.6. Emulsions of paint, latex, adhesive, rubber, plastic
- a) Where such emulsions are not treatable these may be discharged into the sewer subject to the total suspended solids not exceeding 1000 g/m³ or the concentration agreed with the Council.
 - b) The Council may determine that the need exists for pre-treatment of such emulsions if they consider that trade waste containing emulsions unreasonably interferes with the operation of the treatment plant e.g. reduces % UVT (ultra violet transmission).
 - c) Such emulsions of both treatable and non-treatable types shall be discharged to the sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public Sewer.
- 2.7. Radioactivity
- a) Radioactivity levels shall not exceed National Radiation Laboratory Guidelines.
- 2.8. Colour
- a) No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the treated wastewater discharge consent.

3. Chemical characteristics

3.1. pH value

- a) The pH shall be between 6.0 and 10.0 at all times.

3.2. Biochemical Oxygen Demand (BOD₅)

- a) The BOD₅ of any waste may be restricted where the capacity for receiving and treating BOD₅ is limited. A BOD₅ restriction may be related to Mass Limits.
- b) Where there is no treatment system for organic removal the BOD₅ shall not

exceed 1000 g/m³. For significant industry this will be reduced to 600 g/m³.

4. Maximum concentrations

- 4.1. The maximum concentrations permissible for the chemical characteristics of an acceptable discharge are set out in Table 1, Table 2 and Table 3.

Table 1 – General chemical characteristics

(Mass limits may be imposed, refer to clause 20 of the Bylaw).

<i>Characteristic</i>	<i>Maximum concentration (g/m³)</i>
MBAS (Methylene blue active substances)	500
Ammonia (measured as N) – Free ammonia – Ammonium salts	50 200
Kjeldahl nitrogen	200
Total phosphorus (as P)	50
Sulphate (measured as SO ₄)	500 1500 (with good mixing)
Sulphite (measured as SO ₂)	15
Sulphide – as H ₂ S on acidification	5
Chlorine (measured as Cl ₂) – Free chlorine – Hypochlorite	3 30
Aluminum (dissolved)	100
Iron (dissolved)	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30
Cyanide – weak acid dissociable (as CN)	5

Table 2 – Heavy metals
(Mass limits may be imposed, refer to clause 20 of the Bylaw).

Metal	Maximum concentration (g/m³)	Metal	Maximum concentration (g/m³)
Antimony	10	Manganese	20
Arsenic	5	Mercury	0.05
Barium	10	Molybdenum	10
Beryllium	0.005	Nickel	10
Cadmium	0.5	Selenium	10
Chromium	5	Silver	2
Cobalt	10	Thallium	10
Copper	10	Tin	20
Lead	10	Zinc	10

Table 3 – Organic compounds and pesticides

Compound	Maximum concentration (g/m³)
Formaldehyde (as HCHO)	50
Phenolic compounds excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total
Organophosphate pesticides	0.1

APPENDIX 2 – PROHIBITED CHARACTERISTICS

1. Prohibited characteristics

- 1.1. Any discharge has prohibited characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:
- a) Interfere with the free flow of wastewater in the Wastewater system;
 - b) Damage any part of the Wastewater system;
 - c) In any way, directly or indirectly, cause the quality of the treated wastewater or residual Biosolids and other solids from any wastewater treatment plant in the district to which the waste was discharged to breach the conditions of a consent issued under the Resource Management Act, or water right, permit or other governing legislation;
 - d) Prejudice the occupational health and safety risks faced by Wastewater workers;
 - e) After treatment be toxic to fish, animals or plant life in the receiving waters;
 - f) Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance; or
 - g) Have a colour or colouring substance that causes the discharge from any Wastewater treatment plant to receiving waters to be coloured.
 - h) Is likely to impact the health and safety of Council staff, agents and the public
- 1.2. A discharge has prohibited characteristics if it has any characteristic which exceeds the concentration or other limits specified in appendix 1 unless specifically 'Approved' for that particular consent.
- 1.3. A discharge has a prohibited Characteristic if it has any amount of:
- a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - b) Liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in appendix 1), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with Wastewater;
 - c) Asbestos;
 - d) The following organo-metal compounds:
 - i. Tin (as tributyl and other organotin compounds);
 - e) Any organochlorine pesticides;
 - f) Genetic wastes: being all wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the

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Hazardous Substances and New Organisms Act. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;

- g) Any health care waste prohibited for discharge to a Wastewater system by NZS 4304 or any pathological or histological wastes; or
- h) Radioactive material, unless the material is discharged in accordance with the Code of Practice for Unsealed Radioactive Material published by the Ministry of Health. Radioactivity levels in excess of the National Radiation Laboratory Guidelines.
- i) Cytotoxic waste, liquid antibiotics or any pharmaceutical waste.

Note: Appendix 3 – Trade Waste Consent Application Form has been removed

Trade Waste Bylaw 2022 - analysis of issues raised by submitters

The following is an analysis of the issues raised by submitters to the draft Trade Waste Bylaw 2022. Please refer to the full submissions received by the Council (available on the Council website - http://palmerstonnorth.infocouncil.biz/Open/2022/02/PLA_20220209_ATT_11045_EXCLUDED.PDF)

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.

Tankered waste – we proposed updating the requirement for certification for tankered waste collectors, changing from WasteMINZ to the NZ Trade and Industrial Waters Forum. We also proposed changing the requirements to allow a tankered 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.

Proposals in consultation document

The following section addresses the issues raised by submitters on the proposals included in the consultation document, with analysis of those issues and the officer recommendation for each issue.

Controlled Trade Waste

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.

We do not recommend making the change suggested by the submitter. While this submitter has provided evidence of good compliance with the physical characteristic limits, such compliance is already a requirement for this new category of trade waste. The reason for the change is to recognize the significant impact of high-volume discharges on the wastewater network posed by such trade waste customers. Increasing the threshold, or even providing an exception for car washes, would be counter-productive.

The example of Auckland Council's 10m³ threshold is not particularly relevant. Comparisons between the wastewater networks of Auckland and Palmerston North are unlikely to be helpful, with significant differences in terms of capacity and design, as well as expected demand and peak load. Regardless of whether this would be considered a low impact for Auckland Council, PNCC engineers have identified that trade waste discharges in excess of 5m³ will have a significant impact on the wastewater network.

Recommendation: no change to the proposal for Controlled Trade Waste in the draft Trade Waste Bylaw.

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.

While reminder notices are routinely sent out to consent holders whose consent is about to expire, an amendment to the Bylaw is not required in this case. Provisions in the Bylaw are required for enforcement purposes; the proposal that Council put forward was that consent holders submit applications for renewal at least eight weeks prior to expiry to expedite processing of those applications. Failure to submit a renewal application within that time could lead to the consent being withdrawn, providing an incentive for consent holders to submit timely applications. There is no similar advantage to including a requirement for the Council to provide a reminder notice. However, as has already been noted, reminder notices are routinely sent to all consent holders and this practice will continue.

Recommendation: no change to the proposal for consent application timeframes in the draft Trade Waste Bylaw.

Permanent sink screens, penalty charges, and tankered waste

Submitters raised no issues or concerns in relation to these proposals in the consultation document. It is therefore recommended that these proposals are left unchanged.

Recommendation: no change to the proposals for permanent sink screens, penalty charges, and tankered waste collection.

Other matters raised by submitters

Fees and charges

One submitter argued that the charge for Controlled Trade Waste is inequitable and provided calculations to suggest that residential customers are effectively paying \$1.62c/m³ compared to \$0.502c/m³ for trade waste dischargers. The submitter suggested that the volume charges should be equalized between residential and trade waste customers.

Firstly, it should be noted that the calculation provided by the submitter is derived by estimating consumption for a typical household and dividing that number into the fixed charge for wastewater. However, the fixed charge for wastewater is calculated on a range of factors beyond consumption, and is factored on a network that is designed for volumes greater than the typical household consumption. Comparing the volume charge for trade waste customers with an estimated per unit charge for residential customers is therefore not directly comparable.

Regardless, this issue is outside the scope of the proposal. The charge for volume of trade waste is set through the Schedule of Fees and Charges, not through this Bylaw, and so a change to that charge is not within the scope of this Bylaw review.

Recommendation: refer this issue to the next review of the Schedule of Fees and Charges.

Restrictions on use of refuse/garbage grinders

One submitter suggested that the restriction on the use of refuse or garbage grinders (commonly known as insinkerator) should be extended to residential customers also.

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. However, it should be noted that the extension of such a restriction to residential customers is more complex to enforce than it would be for trade waste customers. Where the Council routinely enforces the conditions applied through a trade waste consent, the Council does not routinely inspect domestic wastewater connections, making any restrictions on the sale, installation or use of an insinkerator administratively complex.

Recommendation: refer this issue to the next review of the Wastewater Bylaw.

Minor changes

Several minor changes were proposed by submitters, as follows:

- Add to the purpose section (2.1) that the purpose of the bylaw is also to share the costs of collection and treatment of wastewater equitably across residential and trade waste producers.
- Include “controlled trade waste” in the categories of trade waste in clause 2.2.
- Add a definition of “controlled trade waste” to the definitions section of the Bylaw
- Include Matariki in the definition of “Working Day”

- Ensure the term “stormwater network” is used consistently across the Trade Waste and Stormwater bylaws.

These suggestions are all valid and will improve the clarity and precision of the Bylaw.

Recommendation: make the following changes to the Bylaw:

- Add an additional purpose to clause 2.1: “to ensure the costs of collection and treatment of wastewater are shared equitably across residential wastewater and trade waste dischargers.”
- Amend clause 2.2(b) to read: “Establishment of three four grades of trade waste: permitted, controlled, conditional and prohibited;”
- Add a definition for “Controlled trade waste discharge”: “Means a trade waste discharge that meets the physical and chemical characteristics defined in appendix 1 of the Administration Manual but where the volume of discharge exceeds 5m³ per day.”
- Amend part (a) of the definition of “Working day” to read: “Means any day of the week other than: (a) A Saturday, a Sunday, Wellington Anniversary Day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, Labour Day; and”
- Change references to “stormwater drainage network” to “stormwater network” for consistency with the revised Stormwater Bylaw.

REPORT

TO: Planning & Strategy Committee

MEETING DATE: 13 April 2022

TITLE: Draft Palmerston North Stormwater Bylaw - Deliberations and Adoption

PRESENTED BY: Julie Macdonald - Strategy and Policy Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That the Council confirms:
 - a. the Palmerston North Stormwater Bylaw 2022 is the most appropriate means of addressing the perceived problems of protecting the public stormwater network, and regulating inflows into the public stormwater network; and
 - b. the form of the Bylaw is the most appropriate form of bylaw; and
 - c. the Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
2. That the Council adopts the Palmerston North Stormwater Bylaw 2022 and the Palmerston North Stormwater Bylaw Administration Manual 2022 as attached to the report dated 13 April 2022 entitled 'Draft Palmerston North Stormwater Bylaw – Deliberations and Adoption'.

SUMMARY OF OPTIONS ANALYSIS FOR DELIBERATIONS AND ADOPTION OF THE DRAFT PALMERSTON NORTH STORMWATER BYLAW & ADMINISTRATION MANUAL

Problem or Opportunity	The Stormwater Drainage Bylaw 2015 expired in May 2020 and will be automatically revoked in May 2022 unless the Council adopts a new Stormwater Bylaw before that date. Consultation on the draft Bylaw is complete, and this report outlines advice on the issues raised by the submitters. The opportunity is to make final changes to the draft Bylaw and Administration Manual and recommend these for adoption by Council.
OPTION 1:	Adopt the draft Stormwater Bylaw and Administration Manual
Community Views	There was a range of views expressed by submitters with some opposition to the new clauses relating to the maintenance of private stormwater systems. A submission from Rangitāne o Manawatū has also raised some views on the purpose of the bylaw. Overall, the submitters are supportive of the proposal and have recommended changes to improve the draft Bylaw.
Benefits	Adopting the Bylaw will ensure that the Council can continue to protect the public stormwater network and regulate inflows into that network.
Risks	There are some identified risks given the nature of some of the submissions; officers have been assisted by Council's legal advisers with some of the responses to submissions to protect against the possibility of legal challenge on the new provisions introduced and associated costs.
Financial	There are no identified financial issues.
OPTION 2:	Do not adopt the draft Stormwater Bylaw and Administration Manual
Community Views	Overall, the submitters are supportive of the proposal and have recommended changes to improve the draft Bylaw. Deciding not to adopt the draft Bylaw would mean there would be no opportunity to respond to community views through this regulatory mechanism.
Benefits	There are no identified benefits of not adopting the Bylaw.
Risks	If the draft Bylaw is not adopted before 25 May 2022, then the current bylaw will automatically be revoked, and the Council will not be able to regulate and protect the public stormwater system network.
Financial	There are no identified financial issues.

RATIONALE FOR THE RECOMMENDATIONS

1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY

- 1.1 The Stormwater Drainage Bylaw 2015 expired in May 2020 and will be automatically revoked in May 2022 unless the Council adopts a new Stormwater Bylaw before that date.
- 1.2 Delays caused by the response to the Covid-19 pandemic in 2020 meant that the review was unable to be completed before the end of the five-year review period.
- 1.3 A draft revised Stormwater Bylaw, and Administration Manual, was approved for public consultation in September 2021. Consultation took place over October and November 2021 with ten submissions received, including a late submission from Rangitāne o Manawatū. Submissions were heard in February 2022 with three submitters presenting to the Committee.
- 1.4 Staff have now analysed the submissions made and present a new Palmerston North Stormwater Bylaw 2022 (attachment 1) and Administration Manual (attachment 2) for deliberation and adoption.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

- 2.1 The Council was required under the Local Government Act 2002 (LGA) to review the Stormwater Drainage Bylaw 2015 within five years of it being made or it is automatically revoked two years after it was due to be reviewed.
- 2.2 In September 2020, under s155 of the LGA, Council determined that a bylaw is the most appropriate way to address a range of perceived problems relating to the provision of a reliable and efficient stormwater network that maintains public health and safety and preserves the environment. Officers prepared a revised Bylaw following the s155 determinations made by the Council in September 2020.
- 2.3 The 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, as part of the City's provision of stormwater management activities.
- 2.4 Many of the changes proposed in the draft bylaw put out for consultation were made in response to emerging issues operational staff are experiencing with an increased number of private stormwater systems (required through land or building development); specifically, the concern that a lack of on-going operation and maintenance of these systems may impact on the public stormwater network. Staff also wanted to introduce changes to the Bylaw to better manage the risks associated with the discharge of contaminants into the public stormwater network.

3. DESCRIPTION OF OPTIONS

- 3.1 There are two options – adopt the draft Stormwater Bylaw and Administration Manual as included as attachments one and two; or do not adopt the draft Stormwater Bylaw and Administration Manual.

Option One – adopt the draft Stormwater Bylaw and Administration Manual

- 3.2 This option involves adopting the changes to the Bylaw and Administration Manual that were approved for consultation, along with additional changes recommended by officers following consideration of the issues raised by submitters.
- 3.3 Attachment three presents the various issues raised by submitters, provides a staff response to each of the submission points, and then describes the proposed changes to the Bylaw. The analysis also identifies which submission points are more appropriately addressed through RMA/District Plan processes, and which are operational matters for staff to action.
- 3.4 The main changes proposed to the Bylaw are outlined below:

3.4.1 **Part One – Introduction (clauses 1 to 5)**

- Amend the purpose of the Bylaw in clause 2:

2.1 This Bylaw is made under the authority of the Local Government Act 2002 for the purpose of ensuring that the public stormwater system network is protected and managed by Palmerston North City Council in such a manner that it:

- a) promotes a sustainable urban drainage systems (SUDS) water sensitive design (WSD) approach;
- b) while safeguarding safeguards public health and safety, property, and the environment;
- c) in order to minimises the impact of flooding, and erosion, and environmental pollution and regulates inflows into the public stormwater network to avoid nuisance and/or degradation of the receiving environment.

2.2 The Council in making this Bylaw, acknowledges the particular interest in this Bylaw of tangata whenua as kaitiaki of water, and particularly recognises the role of Rangitāne o Manawatū as mana whenua.

- Replace all instances of 'excavation' in Section 8 with 'Earthworks' and insert the following definition of "Earthworks" in clause 5:

"means any movement of earth, including the excavation or deposition of earth or cleanfill that results in changes to the existing ground level. This includes, but is not limited to, earth movement associated with subdivision and siteworks as defined by the Building Act 2004."

- Add a definition of “Watercourse” in clause 5:

“means every river, stream, passage, and channel on or under the ground, whether natural or not, through which water flows, whether continuously or intermittently.”

3.4.2 Part Two – Public Stormwater Network Connections (clause 6)

- Only minor changes were proposed to this part of the draft Bylaw compared to the 2015 bylaw. No submissions were made on this part of the proposed bylaw therefore no changes are recommended.

3.4.3 Part Three – Protection of Stormwater Assets and The Public Stormwater Network (clauses 7 to 10)

- Amend clause 7.1(e) of the Bylaw to read:

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

- (e) ~~Deposit- Locate~~ 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, in any storm event), unless it has first passed through an ~~industry standard oil separation or appropriate stormwater~~ 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 (Ministry for the Environment, 1998) or any superseding guidelines published by the Ministry for the Environment.”

- Add a new sub-clause after clause 9.3:

9.3.1 A resource consent under the Resource Management Act 1991 from the Regional Council may be required for maintenance works under this clause. No owner or occupier is obliged to perform maintenance under this clause that could contravene the Resource Management Act 1991.

3.4.4 Part Four – Stormwater Contamination Mitigation (clauses 11 & 12)

- Amend clause 11.2 to read:

11.2 No person may discharge, deposit or permit 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 appropriate (and if necessary) approved stormwater treatment measure 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 New Zealand (Ministry for the Environment, 1998) or any superseding guidelines published by the Ministry for the Environment.

- Amend clause 11.3 to read:

11.3 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 network if that material containsing 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 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 network.~~

3.4.5 **Part Five – Enforcement (clause 13) & Part Six – Bylaw Administration (clauses 14 to 17)**

- No submissions were made on this part of the proposed bylaw and therefore no changes are recommended.

3.4.6 **Administration Manual**

- Only minor changes were proposed to the Bylaw's Administration Manual. While there were submissions on the Administration Manual, either these were not considered to merit any changes, or the points through submissions made are addressed by proposed changes to the Bylaw. Some minor changes have been proposed to reflect updates to terminology (attachment 2).

3.5 Other changes proposed to the Bylaw are (see attachment 1):

- Delete the definition for "Certificate of Title" in clause 5 and replace it with "Record of Title". Replace all instances of "certificate" with "record" in the definition of "Premises".
- Amend the definition of "Private stormwater network" in clause 5.

- Amend the definition of "Stormwater contamination mitigation plan" in clause 5.
- Amend clause 7.1 (d) of the Bylaw (minor grammatical change).
- Amend clause 9.3 by changing "defence to water" to "defence against water".
- Amend clauses 11.3 and 12.1 so they read: "[...] Council staff ~~and~~ or the public [...]"
- Add a new clause 12 heading: "Avoiding and mitigating contaminant discharges" and add a new heading for clause 13: "Requirement to prepare a Stormwater contamination mitigation plan".

Option Two – do not adopt the draft Stormwater Bylaw and Administration Manual

- 3.6 This option would involve leaving the current bylaw review process incomplete. The current Bylaw would continue in effect until it is automatically revoked on 25 May 2022.

4. ANALYSIS OF OPTIONS

- 4.1 Option One – adopting the draft Stormwater Bylaw and Administration Manual has clear benefits with no significant disadvantages. The draft Bylaw has been through a formal consultation process which raised a wide range of issues on the proposed changes to the Bylaw. Following an analysis of the points raised by submitters (attachment 3) staff propose some relatively minor changes to assist with interpretation and readability of the Bylaw for adoption.
- 4.2 Adoption of the Bylaw and Administration Manual will enable Council to protect and manage the public stormwater network.
- 4.3 It is noted that many of the submission points are better addressed through other regulatory processes, such as changes to the District Plan, rather than the Bylaw.
- 4.4 The more significant changes suggested by submitters, but not proposed for inclusion in the draft Bylaw or Administration Manual, were:
- Inclusion of the concept of 'Te Mana o Te Wai' in the Bylaw's purpose (clause 2).
 - Defining 'maintenance' in relation to the new provisions introduced in clause 9.3 relating to privately-owned watercourses and stopbanks.
 - Introducing provisions that no changes be made to sites after the initial development phase occurs (such as increasing the area of impermeable

surfaces) which would result in increased flows of stormwater from the property.

- Changing the information requirements for Stormwater contamination mitigation plans.
- Including a provision that 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.
- Prohibiting washing of cars on the street or in driveways where water runs into the stormwater network.
- Changes to the provisions in the Administration Manual regarding buildings being constructed over parts of the public stormwater network.
- Shifting the decommissioning costs to Council should an approved private stormwater installation become unacceptable to Council (to avoid nuisance); furthermore, that this obligation is extended to Council's vested infrastructure, and that Council's development and operation of its infrastructure will not occasion nuisance.
- Amending the Bylaw to clarify that the Council (or the causative developer) will be responsible to meet the costs of such additional maintenance and/or upgrade works, in situations where the need for that arises due to causes outside of the property owner's control.
- Extending the Bylaw to include an obligation on the Council not to create a nuisance and that Council meets the same criteria, i.e. that its vested infrastructure and its development and operation of its infrastructure will not result in nuisance.

4.5 The reasons for not recommending these changes to the Bylaw and Administration Manual are outlined in the analysis of submissions (attachment 3). Staff note that any additional changes to the Bylaw, and Administration Manual, at this part of the review process would result in re-notification of Bylaw as many of these suggested changes would likely attract additional community feedback.

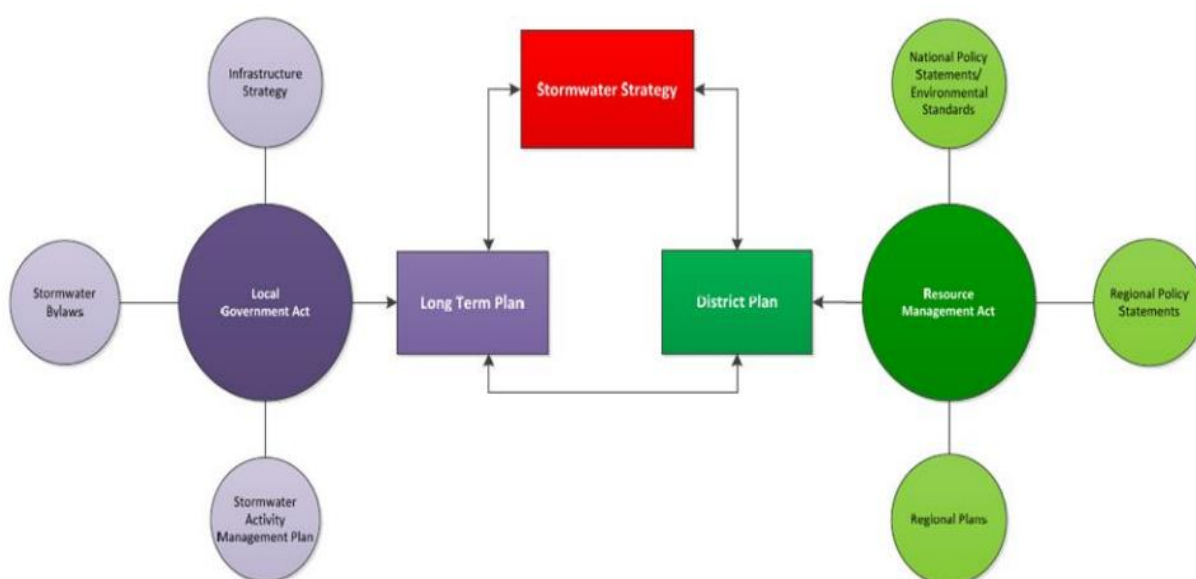
Option Two – not adopting the draft Bylaw and Administration Manual has disadvantages and no clear benefits. A range of views were expressed by submitters with some opposition to the new clauses relating to the maintenance of private stormwater systems. However, there were not any major concerns with the draft Bylaw as proposed. A decision to not adopt the draft Bylaw would leave the Council with no means to protect the public stormwater network through regulating connections, managing inflows from

private stormwater systems, and potential discharge of contaminants into the network.

- 4.6 Finally, the Committee considered a report on 9 September 2020 under section 155 of the Local Government Act. That report assessed whether a bylaw was the most appropriate way of addressing the perceived problems, whether the form of the bylaw was the most appropriate form, and whether the bylaw gave rise to any implications under the New Zealand Bill of Rights Act 1990. The Council made those determinations in September 2020. No changes have been made to the draft Bylaw which alter that initial assessment, and so it is also recommended that the Council confirm these determinations before adopting the Bylaw.

5. DISCUSSION

- 5.1 Staff note that the legislative, policy, and planning framework for stormwater management is complex and many of the submissions made reflect the overlaps between the regulatory powers in the Local Government Act 2022 (LGA) and the Resource Management Act 1991 (RMA). The diagram that follows aims to clarify the connections between these two pieces of legislation.



Source: WSP (2020) Stormwater Policy and Plan Provisions - Stocktake and Assessment – Figure 4.1: The Policy and Planning Framework (Source: Timaru District Stormwater Strategy. Note this is one council's example of how matters are connected and that Stormwater Strategies are not required documents).

This figure shows that the LGA and the RMA are the two central pieces of legislation governing stormwater management. Radiating from the central points are specific plans and policies that give effect to the legislation at the

regional/local level. Stormwater bylaws are shown to the far left of the diagram and are enabled by the LGA. Bylaws therefore fulfil only a portion of the overall regulatory powers available to the Council and, in addition to the LGA and RMA, there are also powers in the Land Drainage Act 1908, Building Act 2004, and the Soil Conservation and Rivers Control Act 1941.

- 5.2 Council staff are developing a Stormwater Management Framework (that is essentially a Stormwater Strategy as shown in the red box in the above diagram; additionally the Council's Waters Plan (that has a specific chapter on stormwater) provides further strategic direction that ideally bridges the two legal domains. While the review of the Stormwater Drainage Bylaw 2015 would have benefitted having this work finalised, the bylaw review process has had to proceed without it.
- 5.3 Once completed, the framework will help give effect to the National Policy Statement for Freshwater Management and the Horizons Regional Council's One Plan. It will guide land developers to implement best practice stormwater management approaches, set out catchment priorities and provide guidance in respect of design standards and approved solutions for stormwater runoff, as well as mitigate flood effects.
- 5.4 In turn, the framework will inform planned changes to the District Plan planned for 2023/2024 as described as an action in the Stormwater chapter of the Waters Plan 2021.

6. CONCLUSION

- 6.1 The Stormwater Bylaw and Administration Manual enables the Council to protect and manage the public stormwater network as provided for in the LGA. As outlined in the Bylaw's purpose, it aims to manage stormwater in a way to promote water sensitive design, protect people, property and the environment from the impacts of flooding and from any discharges of contaminants from the public network and then into receiving environments (such as waterways). The proposed changes provide for improved regulation of the maintenance of private stormwater systems and control of stormwater discharges to the public stormwater network.
- 6.2 The Bylaw is one of several mechanisms the Council uses to manage the overall stormwater activity. The District Plan is Council's key regulatory tool that manages stormwater through the provisions in the natural hazards, residential and subdivision chapters, including compliance with the Council's Engineering Standards for Land Development. Other management mechanisms include environmental education and the use of legal instruments such as the creation of easements and drainage reserves.

7. NEXT ACTIONS

- 7.1 Staff recommend that the draft Palmerston North Stormwater Bylaw 2022 and Administration Manual 2022 are adopted as presented in attachments 1 and 2 to this report.

- 7.2 Many of the issues raised by submitters are best addressed through other means, such as future changes to the District Plan or the provision of environmental education.
- 7.3 If the Council confirms the recommendations to this Committee to adopt the Stormwater Bylaw, then it will replace the current Stormwater Drainage Bylaw 2015.
- 7.4 A public notice will be published in the Manawatū Standard and the Guardian advising of the adoption of the new Bylaw, and that it will commence on 24 May 2022.

8. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS




- 8.1 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.
- 8.2 No further consultation is required. Submitters will be contacted and advised of the outcome of the consultation process.

9. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No

The recommendations contribute to Goal 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. The Stormwater Bylaw and Administration Manual enables the Council to protect and manage the public stormwater network as provided for in the LGA. As outlined in the Bylaw's purpose, it aims to manage stormwater in a way to promote water sensitive design, protect people, property and the environment from the impacts of flooding and from any discharges of contaminants from the public network then into receiving environments. The changes provide for improved regulation of the maintenance of private stormwater systems and control of stormwater discharges to the public stormwater network. The Bylaw 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 management activities.

ATTACHMENTS

1. Palmerston North Stormwater Bylaw 2022 [↓](#) 
2. Palmerston North Stormwater Bylaw Administration Manual 2022 [↓](#) 
3. Analysis of submissions on the Stormwater Bylaw and Administration Manual 2022 [↓](#) 



PALMERSTON NORTH CITY

PALMERSTON NORTH STORMWATER BYLAW 2022

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PALMERSTON NORTH STORMWATER BYLAW 2022

PART ONE – INTRODUCTION

1 Title

- 1.1 The title of this Bylaw is the Palmerston North Stormwater Bylaw 2022.

2 Purpose

- 2.1 This Bylaw is made under the authority of the Local Government Act 2002 for the purpose of ensuring that the public stormwater system network is protected and managed by Palmerston North City Council in such a manner that it:
- a) promotes a sustainable urban drainage systems (SUDS) – water sensitive design (WSD) approach;
 - b) while safeguarding safeguards public health and safety, property, and the environment;
 - c) in order to minimises the impact of flooding, and erosion, and environmental pollution and – regulates inflows into the public stormwater network to avoid nuisance and/or degradation of the receiving environment.
- 2.2 The Council in making this Bylaw, acknowledges the particular interest in this Bylaw of tangata whenua as kaitiaki of water, and particularly recognises the role of Rangitāne o Manawatū as mana whenua.

3 Commencement

- 3.1 This Bylaw comes into force on 24 May 2022.

4 Repeal

- 4.1 The Palmerston North Stormwater Drainage Bylaw 2015 is repealed at the commencement of this bylaw.

5 Definitions

For the purpose of the Bylaw and Administration Manual, unless inconsistent with the context, the following definitions apply:

Administration manual	means the Administration manual for the Palmerston North Stormwater Bylaw 2022 as approved by the Council when the Palmerston North Stormwater Bylaw 2022 was made and as amended from time to time by delegated authority under the Bylaw.
Approval	means approved in writing by the Council, either by resolution of the Council or by an officer of the Council authorised for that purpose.
Authorised officer/agent	means an officer or an agent appointed by the Council and given powers to perform duties and functions under this Bylaw, and includes an enforcement officer appointed under section 177 of the Local Government Act 2002.
Bylaw	means the Palmerston North Stormwater Bylaw 2022.
Catchment	means the area of land within which stormwater flows (whether by gravity, pumping, piping or otherwise) to a given point.
Catchment management plan	means a plan prepared by or for Council for the understanding, control and management of stormwater and stormwater related hazards within a catchment.
Certificate of Title	means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

Commercial premises	<p>means:</p> <ul style="list-style-type: none"> (a) Any premises used or intended to be used for any commercial, industrial or trade purpose; (b) Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; (c) Any other premises from which a contaminant is discharged in connection with any industrial or commercial process; or (d) Any other premises discharging other than domestic sewage; and includes any land or premises wholly or mainly used for agricultural or horticultural purposes, including composting organic materials.
Council	<p>means the Palmerston North City Council and includes any person or Committee acting under authority duly delegated by the Palmerston North City Council.</p>
Contaminant	<p>includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms but excluding precipitation) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat—</p> <ul style="list-style-type: none"> (a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or (b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; or as described in the Resource Management Act 1991
Council infrastructure	<p>any physical assets owned by Council, either above ground or buried, for the purpose of providing services e.g. water, wastewater, stormwater.</p>

Customer	means a person who has obtained permission from the Council to connect their premises to the public stormwater network.
Development	in relation to any land means altering the stormwater runoff characteristics of that land including by stormwater drainage works, building work, subdivision or change of use or ground cover.
Dwelling	includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the ground or not, used wholly or partly for human habitation, and includes the land accessory to a dwelling.
<u>Earthworks</u>	<u>means any movement of earth, including the excavation or deposition of earth or cleanfill that results in changes to the existing ground level. This includes, but is not limited to, earth movement associated with subdivision and siteworks as defined by the Building Act 2004.</u>
Engineering Standards for Land Development	means the current version of the Council's engineering standards detailing the standards to be achieved when carrying out land development.
Excessive load	means total volume or peak flow discharges to the network which exceeds the proportion of the available capacity within the network available to the site based on the impermeable site area.
Flood plain	means a low-lying area which is expected to or predicted to flood in a storm event usually described as an Average Return Interval (ARI) 20-year event.
Flood risk area	means an area which may be at risk of flooding in an (ARI) 20-year event.

Memorandum of Encumbrance

means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rent charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.

Nuisance

has the same meaning as Section 29 of the Health Act 1956 and includes a person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort or convenience of another person; and in the context of this Bylaw also includes but is not limited to:

- (a) danger to life;
- (b) danger to public health;
- (c) flooding of any building floor or sub-floor, or public roadway;
- (d) damage to property;
- (e) damage to the public stormwater network;
- (f) erosion or subsidence of land;
- (g) long- or short-term adverse effects on the environment;
- (h) adverse loss of riparian vegetation;
- (i) wastewater overflow to land or water;
- (j) anything that causes a breach of any stormwater discharge consent condition binding the Council, (including an accumulation of chemicals causing a breach).

Occupier

means any person or company who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner's agent.

Overland flow path

means a path along or across any land where surface water is predicted or observed to flow and is likely to cause flooding of more than a minor nature.

Person

includes a corporation sole and a body of persons, whether incorporated or not.

Point of connection

means the boundary between the public stormwater ~~drainage~~ network and a private stormwater system. The point of connection is the point on the public stormwater ~~drainage~~ network which marks the boundary of responsibility between the owner of the premises and the Council, to the maximum distance of 30 metres from the relevant property boundary.

Premises

include the following:

- (a) a property or allotment which is held under a separate ~~certificate~~ Record of ~~T~~title or for which a separate ~~certificate~~ Record of ~~T~~title may be issued and in respect to which a building consent has been or may be issued;
- (b) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a ~~certificate~~ Record of ~~T~~title is available;
- (c) land held in public ownership (e.g. reserve) for a particular purpose;
- (d) individual units in buildings which are separately leased or occupied.

Private stormwater system

means a set of facilities and devices either natural or built which are used to convey run-off, reduce the risk of flooding and to improve water quality from premises on private land to a receiving environment or up to the point of service connection with the public stormwater network not forming part of the public stormwater network. This included but is not limited to pipes, gutters, downpipes, catchpits, swales, subsoil drains, stormwater treatment devices, rainwater tanks and any stormwater management device or redundant stormwater system.

Public stormwater network

means:

- (a) any stormwater pipes, channels, swales, detention or attenuation devices, wetlands, pump stations and embankments or treatment facility, vested in or under the control of the Council, which serves more than one freehold lot;
- (b) all drains, kerb and channels, storage and attenuation devices, pump stations or treatment facilities within legal road reserve or other public places;
- (c) any drain, channel, or treatment or attenuation facility declared to be a public drain under section 462 of the Local Government Act 1974.

Permit

means any approval or consent required or given by the Council under this Bylaw and includes any approval whether or not on a prescribed form including by electronic communication.

Record of Title

means a Record of Title created under section 12 of the Land Transfer Act 2017.

Redundant private stormwater system

means a system, structure or device that is part of a private stormwater system and has been replaced by another system, structure or device so as to be no longer necessary for the operation of that private stormwater system or required under any building or resource consent condition or engineering approval related to the site.

Road Controlling Authority

In relation to a road:

- (a) means the authority, body or person having control of the road; and
- (b) includes a person acting under and within the terms of a delegation or authorisation given by the controlling authority.

Service opening

means a means for gaining access for inspection, cleaning or maintenance of a public stormwater network.

Soakpit	means an underground storage compartment designed for the on-site retention of stormwater or other surface water flows that is emptied by soakage to the underlying material.
Stormwater Management Plan	means the plan required as a condition of subdivision consent which details specific management approaches and measures and/or devices to be constructed to mitigate both stormwater quantity and quality effects within the catchment and receiving environment.
Stormwater	means run-off that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any structure, as a result of precipitation and includes any contaminants contained within.
Stormwater contamination mitigation plan	means a plan for commercial, or residential <u>or other</u> 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.
Stormwater attenuation measure	means any measure or device designed to detain or attenuate stormwater on the premises and limit its peak outflow or volume or both from the premises into the public stormwater network.
Stormwater treatment <u>measure device</u>	means any measure or device designed to remove contaminants from stormwater on the premises prior to its discharge to the public stormwater network.
<u>Watercourse</u>	<u>means every river, stream, passage, and channel on or under the ground, whether natural or not, through which water flows, whether continuously or intermittently.</u>
Zone of influence	means waterway area or any overland flow path leading to or from the public stormwater network.

PART TWO – PUBLIC STORMWATER NETWORK CONNECTIONS

6 Connections to the public stormwater network

- 6.1 No person other than the authorised officers and agents of the Council may carry out work on or connect to the public stormwater network or otherwise alter or modify with any part of that network unless the connection or work by the person is permitted in writing by the Council in which case all conditions in the permit must be met.
- 6.2 Every application for a connection to the public stormwater ~~drainage~~ network or work on the public stormwater network must be made in writing using the Council's prescribed form together with payment of the required fee. The applicant must provide all details concerning the connection or work required by the Council.
- 6.3 Council approval is required even if a pipe has already been laid up to the point of connection or proposed point of connection to the public stormwater network.
- 6.4 The Council may set and amend standard conditions for a stormwater connection to the public stormwater network in the Administration Manual. The conditions of consent for connection will be those recorded in the Administration Manual unless specifically varied in writing by the Council in which case the latter prevail over those in the Administration Manual where inconsistent but otherwise the standard conditions apply whether expressly stated or not.
- 6.5 Every owner or occupier of premises discharging into the public stormwater network may only do so on the basis of standard conditions for stormwater connection in the Administration Manual.

PART THREE – PROTECTION OF STORMWATER ASSETS AND THE PUBLIC STORMWATER NETWORK

7 Protection of the public stormwater network

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

- (a) Stop, obstruct, alter, interfere with or divert any stormwater drain or any part of the public stormwater network in a manner that may cause blockage or nuisance to the public stormwater network;
- (b) Alter, interfere with or divert any stormwater via any private pipe, drain or overland flow path such that the discharge enters the public wastewater system;
- (c) Erect any defence, structure or stopbank, grow any vegetation, deposit any rubbish or other debris in any public stormwater drain, flood plain, flood risk area or overland flow path identified by the Council, or carry out any activity in a place or manner that affects the functioning of or causes nuisance to the public stormwater network;
- (d) Obstruct any overland flow paths identified by the Council, or flood plains, with any material or structures such as buildings, fences, retaining walls and rock gardens;
- (e) ~~Deposit~~ Locate 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) in any storm event), unless it has first passed through an ~~industry standard oil separation or appropriate stormwater 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 New Zealand (Ministry for the Environment, 1998) or any superseding guidelines published by the Ministry for the Environment.~~
- (f) Carry out any of the above with the consequence that it adversely affects land or buildings including other land and buildings on other land.

7.2 No person may remove live vegetation from the drain margins of the public stormwater network without approval from Council, if that clearing may cause or worsen erosion or sedimentation of the drain.

- 7.3 No person may cause a temporarily or permanently sustained excessive load on the public stormwater network that is likely to result in damage to the network.

8 Working in close proximity to the public stormwater network

- 8.1 A person must obtain approval from Council before:

- (a) undertaking any ~~excavation~~ earthworks that ~~is~~ are likely to result in damage to the public stormwater network;
- (b) removing any existing cover material or placing any additional material over or within the zone of influence of the public stormwater network specified in the Engineering Standards for Land Development that is likely to result in damage to the public stormwater network;
- (c) covering any stormwater inlet, outlet, treatment device, or service opening in a way that is likely to restrict access to the public stormwater network or detrimentally affect the performance of the public stormwater network.

- 8.2 No person may carry out any ~~excavation~~ earthworks ~~work~~ within a road without permission in writing from the road controlling authority.

- 8.3 Any person proposing to carry out ~~excavation~~ earthworks ~~work~~ must first view the as-built information on Council records concerning the location of Council infrastructure to establish whether Council infrastructure is located in the vicinity.

- 8.4 At least five days' notice in writing must be given to the Council prior to the intended date of any ~~excavation~~ earthworks within two metres of the public stormwater network. Where appropriate, the Council will mark out to within $\pm 0.5\text{m}$ on the ground the location of its services and may require any restrictions on the work it considers necessary to protect its services particularly to the public stormwater network within overland flow paths. The Council may charge for this service.

- 8.5 All persons performing ~~excavation~~ earthworks and working around buried services must ensure the buried services are not damaged, and that bedding and backfill is reinstated in accordance Council's Engineering Standards for Land Development.

- 8.6 Any person who damages any part of the public stormwater network must notify the Council immediately and will be responsible for the full cost of repair and reinstatement.

9 Operation and maintenance of private stormwater systems

- 9.1 Unless the Council approves otherwise, the owner of any private stormwater system is responsible for the operation and maintenance of that system.
- 9.2 The owner of a private stormwater system must ensure that the system:
- (a) is maintained in good operating condition; and
 - (b) does not cause or contribute to nuisance.
- 9.3 The owner or occupier of a premises on which there is a watercourse, stopbank, or other defence ~~to~~against water, must maintain that watercourse, stop bank, or other defence ~~to~~against water in an operational state which ensures the free flow of water.

9.3.1 A resource consent under the Resource Management Act 1991 from the Regional Council may be required for maintenance works under this clause. No owner or occupier is obliged to perform maintenance under this clause that could contravene the Resource Management Act 1991.

10 Removal of redundant private stormwater systems

- 10.1 The Council may require an owner of a private stormwater system, or any part of it, to remove or de-commission any Redundant Private Stormwater System at that owner's cost where that Redundant Private Stormwater System has caused, or is likely to cause, damage to the Public Stormwater Network.
- 10.2 The owner of a Redundant Stormwater System that has been removed or decommissioned under subclause 10.1 must ensure that the premises on which the system is located or was previously located is restored so as to not materially increase the flooding or contamination risks for neighbouring upstream or downstream properties.

PART FOUR – STORMWATER CONTAMINATION MITIGATION

11 Discharge of contaminants to the public stormwater network

- 11.1 No person may discharge or permit any contaminant to enter the public stormwater ~~drainage~~-network unless that discharge is approved by the Council.
- 11.2 No person may discharge, deposit or permit 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 appropriate (and if necessary) approved stormwater treatment measure 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 New Zealand (Ministry for the Environment, 1998) or any superseding guidelines published by the Ministry for the Environment.
- 11.3 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 network if that material containing 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 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 network.

12 Requirement to prepare a Stormwater contamination mitigation plan Avoiding and mitigating contaminant discharges

- 12.1 If any existing commercial, industrial, trade or other premise discharges contaminants to the public stormwater network in a manner that may damage the public stormwater network, the environment or adversely affect the health and safety of Council staff ~~and or~~ the public, the owner or occupier must verbally advise Council staff immediately and as soon as practically possible in writing thereafter.
- 12.2 The owner or occupier must make every effort to immediately contain, divert and/or terminate the contamination and put in place temporary measures to prevent a recurrence or a continuation of the

contamination. The owner or occupier shall be responsible for any costs incurred by Council in responding to and following up on the contamination.

13 Requirement to prepare a Stormwater contamination mitigation plan

13.1 The owner or occupier of the premises must, if requested by Council, prepare a Stormwater contamination mitigation Plan and submit the plan to Council for approval, to demonstrate to Council that its discharge is being managed and treated to avoid contaminants being discharged to the public stormwater network that would cause nuisance and/or degradation to the receiving environment.

13.2 The Stormwater contamination mitigation plan must include:

- (a) A suitably scaled drawing showing the site layout, boundaries, all private stormwater and wastewater drainage including the point or points of connection to the public stormwater network, relevant buildings and outdoor spaces (including their use);
- (b) A site assessment identifying all actual and potential 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.

13.3 The owner or occupier must provide a Stormwater contamination mitigation plan to Council for review and approval within three months of a request.

13.4 Once the Stormwater contamination mitigation plan has been approved by Council, the owner or occupier must comply with all provisions, including timeframes specified, of the Stormwater contamination mitigation Plan.

13.5 The owner or occupier must review the Stormwater contamination mitigation Plan every three years and provide it to Council for review and approval.

- 13.6 The Council may require that any Stormwater contamination mitigation Plan be revised where there have been significant changes in the facility concerned or its operational procedures.

FOR ADOPTION

PART FIVE – ENFORCEMENT

14 Offences and penalties

14.1 Every person who:

- (a) Fails to comply or acts in contravention of any provision of this Bylaw;
- (b) Breaches the conditions of a permit granted under this Bylaw; or
- (c) Fails to comply with a notice served under this Bylaw;

commits an offence under section 239 of the Local Government Act 2002 (LGA), and is liable to a fine as specified in section 242 of the LGA, or the issue of an Infringement notice under section 245 of the LGA.

14.2 The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under Section 259 of the LGA Act 2002. The Council may exercise any other statutory remedies available to the Council.

PART SIX – BYLAW ADMINISTRATION

15 Delegations

15.1 The following people are authorised delegates under this Bylaw:

- (a) The Council by resolution
- (b) the Chief Executive of the Council;
- (c) the person holding the office identified in Council's Delegations Manual as responsible for the administration of this Bylaw;
- (d) Any other person authorised to exercise a power under this Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.

15.2 Authorised delegated persons may exercise any power, function or duty under this Bylaw or carry out any act in order to achieve its effective administration on behalf of the Council other than those expressly required to be by Council resolution including, without limitation:

- (a) Specify the standard conditions that apply to stormwater service connections to the public stormwater network;
- (b) Specify forms and procedures for the effective administration of the Bylaw;
- (c) Make any decision or determination required in this Bylaw in order to administer it;
- (d) Decisions regarding whether or not a permit should be granted, and the terms and conditions of that permit including standard conditions and variations;
- (e) Decisions regarding approval, suspension, withdrawal or removal of an approval or permit or Stormwater Contamination Mitigation Plan.

15.3 The Council by resolution may amend the Administration Manual. Before amending the Administration Manual, the Council must consult appropriately and in accordance with the Local Government Act 2002 with any person that it considers may be affected by the proposed amendments and give those persons a reasonable opportunity to provide feedback on the proposed amendments before they come into effect. The Council must have regard to that feedback before making any final decision on the proposed amendments.

15.4 All, specifications, conditions or methods for this Bylaw must be in writing and kept in the Administration Manual for this Bylaw called the Stormwater Bylaw Administration Manual (except those contained in the Engineering Standards for Land Development) and shall be available to the public.

15.5 Every exercise of a power of delegation under this clause must be reported to Council if not exercised by Council by resolution provided that failure to report does not invalidate the exercise of the delegate's power.

16 Permits

16.1 Where an activity under this Bylaw requires a permit from the Council, the person seeking a permit must:

- (a) Complete the required application form;
- (b) Pay the applicable fee;
- (c) Comply with any requirements set as conditions of that permit.

16.2 A permit may include, in addition to conditions incorporated by this Bylaw, conditions that the Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw and minimise the risk of nuisance. A permit is only for the activity or work detailed in the application, subject to any limitations or controls set in conditions.

16.3 The Council may grant a permit for an activity that would otherwise contravene this Bylaw.

16.4 A permit is personal to the applicant and is not transferable.

16.5 An authorised officer may revoke or suspend any permit issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the authorised officers may consider appropriate in the circumstances to protect public health and safety or to minimise nuisance.

17 Approvals

17.1 Where approval from the Council is required under this Bylaw, any application for such approval will be considered, and a decision made, within 15 working days, unless a different timeframe is explicitly provided for in the Bylaw.

- 17.2 Where further information is required to enable the application to be considered and a decision made, but is not supplied at the time of application, then the timeframe for making the decision will be suspended until such time as the information requested is supplied.

18 Fees and charges

- 18.1 The Council may set fees and charges in accordance with section 150 of the Local Government Act 2002 for the connection of stormwater and related services.
- 18.2 All fees and charges payable under this Bylaw shall be recoverable as prescribed by sections 57 to 82 of the Local Government (Rating) Act 2002.

FOR ADOPTION



PALMERSTON NORTH CITY

PALMERSTON NORTH STORMWATER BYLAW

2022

Administration Manual

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FOR ADOPTION

FOR ADOPTION

PART ONE – INTRODUCTION

The purpose of this Administration Manual is to provide material complementary to the Stormwater Bylaw by bringing together those aspects which may otherwise be included in the Bylaw, but which are of a technical or administrative nature, or operational matters that are more likely to be amended before the Bylaw is reviewed. In taking this approach, it will simplify the administration of the Bylaw, allow for administrative and technical processes to be kept up to date, and assist in the interpretation of the bylaw.

The Administration Manual is made under the Bylaw, and it will govern the implementation and operation of the Bylaw. The Administration Manual is a public document, and will be made available on the Council's website alongside the Bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up to date and reflects current practice.

PART TWO – STANDARD CONDITIONS FOR STORMWATER CONNECTIONS

1 APPLICATION FOR CONNECTION

- 1.1 Any new stormwater connection to the public stormwater network, installed after the adoption of the Bylaw, must be located and installed in accordance with the Council's Engineering Standards for Land Development.
- 1.2 Where new extensions to the public stormwater network are required as part of a subdivision, the consent holder must construct all the drainage works in accordance with the Council's Engineering Standards for Land Development and any Council approved design.
- 1.3 Every application to carry out stormwater drainage under the Bylaw must include drawings and specifications for the proposed works. The drawings must show, to the satisfaction of Council, the proposed works and their effects on the subject site and surrounding land.
- 1.4 All proposed stormwater drainage works affecting or connected to the public stormwater network must be designed, constructed and operated:
 - (a) to Council's standards for corresponding public drainage works where they serve or may serve land or buildings in different ownership; and
 - (b) to minimise sediment or environmental pollutant discharge to the public stormwater network or receiving environment in accordance with any relevant industry standards or codes of practice;
 - (c) to comply with any written conditions imposed by Council when approving the works, and with any relevant building or resource consent; and
 - (d) to be consistent with foreseeable catchment-wide works (for example, extending a pipe upstream or downstream) so as to give a benefit to the catchment as a whole;
 - (e) comply with any Stormwater Management Plan approved as a condition of subdivision.
 - (f) comply with the Council's Engineering Standards for Land Development and any approved Council design.
- 1.5 Operation and maintenance of stormwater systems remains the responsibility of the owner of the land on which the works occur unless and until they are taken over and vested in Council.

- 1.6 The cost of the stormwater system for the purpose of land development will be at the landowner's cost unless the Council agrees in writing to share costs.
- 1.7 When the stormwater volume, flow or quality arising from a new connection results in the level of service not being met, Council may require the installation or construction of private stormwater management measures and/or devices or to mitigate the impact of the new connections or developments on the public stormwater network. Any such measures and/or devices must be constructed at the land owner's expense. The land owner must also meet the costs of the required maintenance and servicing of these measures and/or devices.

2 ACCESS

- 2.1 The owner or occupier of a premises must allow the Council, or its agents, together with any necessary equipment, access to any area of their premises served by or contributing stormwater to a public stormwater system for the purposes of:
 - (a) monitoring, testing, and maintenance work between 7.30 am and 6 pm on any day.
 - (b) ascertaining whether non-complying connections have been constructed.
 - (c) ascertaining whether any non-compliant activities are impacting on the public stormwater network.
 - (d) ascertaining whether overland flow paths have been compromised in any way.
- 2.2 The Council will give 24 hours' notice to the owner or occupier of the intended entry.
- 2.3 Under emergency conditions the owner or occupier must allow the Council free access to the point of connection at any time.

3 WORKS OVER OR NEAR PUBLIC STORMWATER NETWORKS

- 3.1 Building or loading over the public stormwater network, or excavation near such networks, is controlled by this section.
- 3.2 Buildings may be constructed over piped sections of the public stormwater network with the permission of the Council provided the following requirements are met:
 - (a) Sufficient investigation is undertaken to accurately determine the stormwater location and depth, and to establish that the stormwater pipe has a remaining life of at least 50 years. To verify the remaining life of the pipe the Council will require a CCTV video inspection to be undertaken at the applicant's cost;

- (b) Where the stormwater pipe is assessed to have a life of less than 50 years the applicant will be required to renew the pipe at their cost.
 - (c) Bore piling the building to a minimum 1.0 metre clear distance either side of the pipe to below the invert and ensuring that no building loads are transferred to the stormwater pipe and that it is possible to excavate down to the stormwater pipe without threat to the building;
 - (d) Providing two service openings into the pipe between 2.0 and 3.0 metres from the edge of the building at the point it enters and leaves the building (unless there is an existing service opening within 10 metres), provided that the stormwater pipe lies in a straight line and that there are no connections between these service openings;
 - (e) Carrying out all work on and around the public stormwater network in accordance with Council's Engineering Standards for Land Development; and
 - (f) Identifying and protecting the Council's interest in the stormwater pipe by a Memorandum of Encumbrance and Deed of Covenant against the [Certificate Record](#) of Title.
- 3.3 The requirements of sections 3.2 (d) and (e) may be relaxed for the construction of light weight buildings such as single car garages or utility sheds subject to the written approval of Council.
- 3.4 No person may cause the crushing load imposed on a public stormwater pipe to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by NZ Transport Agency Bridge Manual).
- 3.5 No person may place any additional load exceeding 2000 kg of material over or within 1 metre of a public stormwater [drainage](#) network without prior written Council approval.
- 3.6 No person may cover any service openings without prior written Council approval. The removal of any covering material or adjustment to service the openings as a result of covered materials may be at the land owner's expense.
- 3.7 No person shall excavate, or undertake piling or similar work within 1 metre of a stormwater pipe or culvert, without prior Council approval.
- 3.8 Other restrictions may be applied by the Council for the protection of the public [drainage](#) network, including overland flow paths or natural drainage features, after consideration of proposed work methods, depth of excavation, soil physical properties, and other site-specific factors.

4 POINT OF CONNECTION

- 4.1 Unless otherwise approved there shall only be one point of connection to the public stormwater network for each premises, and any private stormwater system shall not be extended by pipe or any other means to serve another premises unless it is a common private stormwater system
- 4.2 For single dwelling units the point of connection must be located at the boundary or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be obtained in writing from the Council and recorded on the site drainage plan.
- 4.3 Where a private stormwater connection discharges into the public stormwater network on the same private property, the point of connection shall be the downstream end of the pipe or channel which forms the junction with the public network.
- 4.4 For multiple dwelling units or if more than one point of connection is required the point of connection for the different forms of multiple ownership of premises or land shall be as follows:
 - (a) For company share/block scheme (body corporate) - as for single ownership in section 4.2;
 - (b) For Leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate). Where practicable each owner shall have an individual drain with the point of connection determined by agreement with the Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement;
 - (c) Recorded on the site drainage plan;
- 4.5 For stormwater connections in existence prior to this bylaw coming into effect, the point of connection shall be the existing point of connection;
- 4.6 Common private stormwater systems cannot serve more than a maximum of five single dwelling units, and must also have only one point of connection (in common). Common stormwater systems must be covered by a certificate recording the rights of each party, which shall be registered against the ~~certificate~~ Record of Title for each property.

5 LIABILITY

- 5.1 The Council shall not be liable for any losses, damages expenses or inconvenience including any consequential losses whatsoever and however caused which the customer may sustain as a result of any defects, deficiencies or inadequate

| capacity in the public stormwater ~~drainage~~-network including where this interrupts stormwater drainage or causes surface flooding.

FOR ADOPTION

(deleted)

FOR ADOPTION

Analysis of Submissions – draft Stormwater Bylaw 2022

GENERAL COMMENTS	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
Bylaw will be superseded by the Three Waters Reform making the (bylaw) process redundant.	1	Given the uncertainties about the timing of the Three Waters Reform Programme, and confirmation of the details about the arrangements for stormwater, the Council needs to have a bylaw in place to protect its network and have mechanisms in place to manage any non-compliances.	No change is recommended.
Stormwater management is a Council function and responsibility should not fall on homeowners (where the requirement was Council's without owner input).	2	Agree that it is a Council function, however, all private owners intending to develop and increase impermeable surface areas have a responsibility to ensure stormwater from their properties is not impacting neighbouring properties or the Council's stormwater network.	No change is recommended.
Concerns about increasing stormwater peak flows – unclear how existing discharge is measured.	3	Existing discharge, known as pre-development flow, is calculated based on existing land use and post-development flow will be capped to match pre-development flow. The balance will have to be attenuated before discharging to the public stormwater network. This issue is covered in the Council's Engineering Standards.	No change is recommended.
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	Water Sensitive (Urban) Design requirements and other planning tools are used to manage the volumetric increase, not the Bylaw.	No change is recommended.
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 Stormwater Framework from being circumvented.	3	This issue is something that is more appropriately addressed through an RMA process than the bylaw. A future review of the District Plan will address this concern (either through permitted performance standards relating to land uses causing additional impermeable surface area, or consent notices).	No change is recommended.
Would like to see a reference to global warming in the bylaw's introduction.	5	In the Waters Plan, the Council acknowledges that global warming is contributing to climate change, bringing changes to long-term weather patterns and increasing the frequency of flooding. Climate change is expected to create significant challenges for the city, particularly in the areas of water supply resilience and stormwater management. Adapting to these challenges is covered in the Waters Plan, under which this bylaw sits.	No change is recommended.
The bylaw does not address the problem of excess stormwater run-off; run-off and contaminants are an increasing problem due to impermeable surfaces. Disappointed that this problem was not addressed in the District Plan.	5, 6	Excess stormwater run-off is dealt with under the RMA/District Plan. The creation of impermeable surfaces is a result of land use and therefore land use controls under the District Plan are the appropriate method of mitigating this effect. This issue will be addressed through an upcoming District Plan review, once the Stormwater Management Framework has been finalised.	No change is recommended.
Why was the word "perceived" used in reference to the problem of providing a reliable and efficient stormwater system?	5	When making a bylaw under the Local Government Act, a local authority is directed to identify under section 155 the 'perceived problem' and then assess whether a bylaw is the most appropriate way of addressing the perceived problem.	No change is recommended.
There is a reference to the NZ Bill of Rights Act 1990. Does this Bill have any place in a by-law?	5	The Council when considering whether to enact a bylaw must consider whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990, which protects the civil and political rights of all New Zealanders. It covers rights and freedoms such as democratic and civil rights, and the rights to justice.	No change recommended.

GENERAL COMMENTS	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
Requests that the bylaw is extended to include an obligation on the Council not to create a nuisance and that Council meets the same criteria, i.e. that its vested infrastructure and its development and operation of its infrastructure will not occasion nuisance. [This was expanded on in a tabled submission]	6	The Local Government Act 2002 already provides that the Council's bylaw-making powers do not allow it to create a nuisance, or to deprive any person of a right or remedy arising from a nuisance. It is not necessary to replicate that principle in the Bylaw. In any case, the Bylaw primarily works to protect the public stormwater network, and regulate inflows into that network, rather than discharges from it. Issues relating to discharges are regulated either under the RMA by Horizons Regional Council, or can be addressed under the general law of nuisance.	No change is recommended.
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, 10	Noted.	No change is recommended.
It is worth considering if the policy can incorporate a strategy for reduction in stormwater litter?	8	The discharge of contaminants, including litter, is prohibited under clause 11.1 of the bylaw. However, as noted in the submission there is often difficulty in identifying who allowed the litter to enter the public stormwater network. Referred to appropriate staff.	No change is recommended.
Purpose - submitter considers there is a significant gap in the bylaw in that it does not recognise the concept of Te Mana o Te Wai ¹ or the role of tangata whenua as kaitiaki of water.	10	<p>Staff acknowledge the importance of Te Mana o Te Wai as a critical element in improving freshwater management as encapsulated in the NPSFM. Staff do not recommend a direct reference to Te Mana o Te Wai in the Bylaw, and instead propose that it is reflected through a direct recognition of the role of tangata whenua, and Rangitāne o Manawatū in particular, as kaitiaki of water (see below).</p> <p>The National Policy Statement for Freshwater Management 2020 (NPSFM) places the responsibility on the Regional Council to determine how to give effect to Te Mana o Te Wai for the Manawatū-Whanganui region, in consultation with iwi and other communities. It is not appropriate for the Council, prior to that process by Horizons, to try and determine how Te Mana o Te Wai applies to individual stormwater connections or the wider stormwater network through this bylaw process.</p> <p>Staff have included Te Mana o Te Wai in the draft Stormwater Management Framework (under development) in a section on Council's commitment to Rangitāne's vision, values and catchment-based priorities, where it states:</p> <p><i>"PNCC is committed to supporting the vision, values, and catchment priorities of Rangitāne. We believe in the importance of a clean and healthy environment, as these are tied to the culture and well-being of our people and land. We consider Te Mana o Te Wai in the form of holistic and catchment-based stormwater management to be the most effective way to uphold the future wellbeing of people and our unique ecosystems by protecting the mauri of our water."</i></p>	No change is recommended.

¹ Te Mana o Te Wai is a concept meaning the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment.

GENERAL COMMENTS	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
		As the Stormwater Management Framework will guide a future regulatory response to freshwater management issues through the District Plan, Te Mana o Te Wai will be recognised and given effect to.	
Objectives - 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”	10	<p>The Bylaw has a purpose statement rather than objectives. The submitter has raised some points that have caused staff to restructure the content of the purpose statement.</p> <p>Firstly, the bylaw has a purpose that focuses on the effects of stormwater on land, structures, and infrastructure (particularly the public stormwater network) as is the scope of the Council's bylaw-making powers under sections 145-146 of the Local Government Act 2002. From a closer analysis, we recommend that the purpose is changed to include references to ‘protection’ and ‘safety’ to mirror the LGA's bylaw-making powers. Furthermore, the addition of the phrase ‘regulates inflows’ responds in part to the submitter's point about the effects of stormwater discharges on receiving environments.</p> <p>Avoiding or minimising the effects of stormwater discharges on the receiving environment is supported by Council. However, it is not the Council's role, in its bylaw-making capacity, to regulate this as this is controlled by Horizons Regional Council in the One Plan and discharge consents made under the RMA. Consents can be required to regulate both the quality and quantity of stormwater discharges.</p> <p>Instead we recommend that the focus on ‘avoiding or minimising the effects of stormwater discharges on the receiving environment’ as proposed by the submitter, is not reflected in the purpose and instead is aligned to LGA matters and the avoidance of nuisance, along with a more generalised description of the impact of discharges on the receiving environment (refer to proposed 2.1(c)).</p>	<p>Amend the purpose of the bylaw in clause 2:</p> <p>2.1 This Bylaw is made under the authority of the Local Government Act 2002 for the purpose of ensuring that the public stormwater network is protected and managed by Palmerston North City Council in such a manner that it:</p> <p>a) promotes a water sensitive design (WSD) approach;</p> <p>b) safeguards public health and safety, property, and the environment;</p> <p>c) minimises the impact of flooding, and erosion, and regulates inflows into the public stormwater network to avoid nuisance and/or degradation of the receiving environment.</p>
Submitter considers there is a significant gap in the bylaw in that it does not recognise the role of tangata whenua as kaitiaki of water.	10	<p>The role of tangata whenua as the kaitiaki of water is recognised in the Council's Waters Plan through the acknowledgment of Rangitānenuiarawa² in the City's approach to water management. It is recommended to reinforce this in the purpose of the Bylaw noting the Council's responsibilities under section 4 of the Local Government Act 2002 regarding the Treaty of Waitangi and in honouring Council's partnership agreement with Rangitāne o Manawatū.</p> <p>The proposed inclusion of this new clause in the purpose statement of the Bylaw recognises that freshwater issues are of critical importance for iwi Māori. Te Mana o Te Wai is relevant to a Bylaw-making context given the LGA powers relate to water infrastructure, however, it is more meaningful to give effect to the concept through RMA planning processes such as the District Plan. The process to develop the NPSFM encompasses resource management principles as well as the relationship people have</p>	<p>Insert the following clause into clause 2:</p> <p>2.2 The Council, in making this Bylaw, acknowledges the particular interest in this Bylaw of tangata whenua as kaitiaki of water, and particularly recognises the role of Rangitāne o Manawatū as mana whenua.</p>

² Rangitānenuiarawa is the Rangitāne expression of kaitiakitanga, or customary authority and guardianship, and affirms their customary leadership in ensuring the health and regeneration of their tribal rohe.

GENERAL COMMENTS	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
		with water. Endorsing Rangitāne's involvement in the NPSFM processes, including the Te Mana o Te Wai concept, provides a consistent thread to connect iwi Māori aspirations with operational management. As such through the inclusion of the proposed clause in the Bylaw's purpose referencing kaitiakitanga, there is an implied connection to the essence of Te Mana o Te Wai.	
Purpose - not clear what a 'Sustainable Urban Drainage System' is and no definition is provided; suggest a definition or the use of plain language.	10	The purpose of the 2015 bylaw included the promotion of a 'Sustainable Urban Drainage System' approach which is term used to describe a way of stormwater management (commonly used in the UK). This term should be updated to 'Water Sensitive Design (WSD)' ³ to align with the Council's Engineering Standards and what is proposed in the draft Stormwater Management Framework.	Amend part of the purpose (clause 2) by removing 'sustainable urban drainage (SUDS) approach' and replacing with 'water sensitive design (WSD)'.
Suggest additional public-facing resources be prepared to accompany the bylaw review	10	Educational tools are part of the Council's overall stormwater management response. Referred to operational staff.	No change is recommended.
Support 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.	10	Noted.	All references to drainage have been removed from the bylaw where it relates to the public stormwater network.
Comments on definitions (section 5)			
The definition of a 'Certificate of Title' needs to cover all categories of ownership, not just freehold title.	3	Staff agree that the definition needs to reflect other categories of land ownership.	Change recommended by deleting the definition for 'Certificate of Title' in clause 5 and replacing it with 'Record of Title'.
The definitions of 'Private and Public Stormwater Networks' don't seem to, collectively, cover Crown-owned land.	3	The submitter raises a valid point that has led to closer examination of the definitions for both private stormwater system and public stormwater network. 'Private stormwater system' is defined by whether the system is on 'private land'. 'Public stormwater network' captures everything 'within legal road reserve or other public places'. As the submitter notes, depending on the meanings of 'private land' and 'public place' this could create a loophole where systems installed on land which are not on 'private land' but also not on a 'public place', are not captured.	Change recommended by amending the definition in clause 5 of a private stormwater system.
The definition of 'Stormwater contamination mitigation plan' would be made comprehensive by inserting 'or other' after 'residential' so that facilities such as the public hospital, schools, the military camp and prison are covered.	3	Staff agree that the change recommended by the submitter broadens the definition to include Crown-owned premises.	Change recommended by amending the definition of 'Stormwater contamination mitigation plan' in clause 5 to read: "means a plan for commercial, residential, <u>or other premises [...]</u> "
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?	4	This submission relates to clause 9.3 and the requirement to maintain privately-owned watercourse in an operational state to ensure the free flow of water. Educational material to assist owners to understand their responsibilities may be provided by Council in future, and this suggestion is referred to relevant staff.	No change is recommended.

³ From Section 6.7 of the Council's Engineering Standards for Land Development: *Water Sensitive Design (WSD) is an approach to land development and stormwater management that includes both an interdisciplinary planning and design process and a suite of structural techniques that utilise natural systems for stormwater management. WSD aims to use natural processes such as vegetation and soil media to provide stormwater management solutions as well as adding value to urban environments. The main principles of low impact design are reducing stormwater generation by reducing impervious areas, minimising site disturbance, and avoiding discharge of contaminants.*

GENERAL COMMENTS	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
Note a reference to "Stormwater attenuation measure" under Section 5 definitions of the Bylaw but there is no reference to this measure in the draft By-law.	5	Staff agree with the submitter and suggest that 'measure' is deleted and replaced with 'device' at this assists with the interpretation of 'Public stormwater network'.	Change recommended by amending the definition of 'Stormwater attenuation measure' to 'Stormwater attenuation device' in clause 5.
Clarify the private and public stormwater system definitions, and whether they include natural systems (e.g. wetlands).	10	Staff consider that the definitions for both private stormwater system (through including 'natural and built' facilities and devices) and public stormwater network (through including 'swales and wetlands') include natural systems.	No change is recommended.
Define watercourse (even if it is copied from the relevant Act).	10	Staff note that 'watercourse' is only used in clause 9.3 but agree that additional clarity through a definition would assist interpretation.	Change recommended by adding a definition of 'watercourse' to clause 5 with the definition from the Soil Conservation and Rivers Control Act 1941. "Watercourse means every river, stream, passage, and channel on or under the ground, whether natural or not, through which water flows, whether continuously or intermittently."
Insert list of potential stormwater attenuation devices.	10	These devices are identified in Council's 'Engineering Standards for Land Development in Part 6 Stormwater drainage' and staff do not consider it is necessary to replicate this list in the bylaw.	No change is recommended.
Useful to have a definition of "excavation".	10	'Excavation' is used a number of times in section 8 of the proposed bylaw in relation to working in close proximity to the public stormwater network. It is only large-scale 'excavation' that is likely to disturb the public stormwater network that requires approval. Small-scale digging (excavation) is presumably unlikely to disturb the public stormwater network and approval would not be required. To achieve better clarity, it is recommended to replace 'excavation' with 'earthworks' and replicate the definition of that term from the District Plan.	Change recommended to section 8 by replacing all instances of 'excavation' with 'earthworks' and inserting the following definition of earthworks in clause 5: "Earthworks means any movement of earth, including the excavation or deposition of earth or cleanfill that results in changes to the existing ground level. This includes, but is not limited to, earth movement associated with subdivision and siteworks as defined by the Building Act 2004."

PROTECTION OF STORMWATER ASSETS AND NETWORK: PRIVATE STORMWATER SYSTEMS (PART THREE – SECTIONS 7 TO 10)	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
Operation and maintenance of Private Stormwater Systems (section 9)			
<p>Have an unwanted stormwater detention tank presume was a Council requirement to mitigate Council's failure to cope with flows from in-fill housing.</p> <p>Generally oppose the use of private attenuation systems – Council should bear the responsibility for managing stormwater off-site.</p>	2, 4	<p>Council has provided for the ability to require the installation of private stormwater attenuation measures where new connections exceed the defined level of service for the network through the Bylaw's Administration Manual (in the 2015 version – clause 1.7 and in proposed new clause 1.7 in the proposed Administration Manual 2022).</p> <p>This requirement has been introduced in the Bylaw because the existing piped network has limited capacity. Increased impervious hard-stand areas mean there is a need to mitigate the effects of high peak flows through attenuation means and to ensure that there is no decrease in levels of service. The Council could install stormwater pipes with greater capacity and does so in some places currently at a low level of service, however, this is an expensive option and can outweigh the benefits. The more cost-effective alternative is attenuating runoff at the source.</p> <p>Council hasn't yet undertaken a cost-benefit analysis to see whether it is better for Council or private landowners to manage stormwater. This matter will need to be addressed in the Stormwater Management Framework, District Plan update, and through Asset Management Plans/LTP. Council does not yet fully understand asset condition or capacity, and therefore has not been proactive about ensuring network infrastructure is sufficient to address urban growth. This is more of an issue in the existing built environment: significant intensification is anticipated in the short and medium terms. This will have an impact on the network and it is unlikely to be appropriate to rely on onsite detention as a long-term solution. Therefore, on-site attenuation may be necessary as an interim measure (or else development may be limited).</p> <p>Infill development tends to create small, localised impacts. If the Council did not require private owners to install private stormwater systems, such as detention tanks, then there would be an incremental loss of service and cumulative effects such as an increased risk of flooding in downstream areas. Therefore, the reduction in nuisance effects is reliant on both the public and private systems working together.</p>	No change is recommended.
<p>Clause pushes costs of stormwater management onto developers and house owners; not prepared to maintain at own expense.</p>	2	<p>The responsibility for the maintenance and operation of stormwater systems are the landowners' unless and until they are taken over and vested in Council (refer clause 1.5 of the Bylaw's Administration Manual). Costs for stormwater systems required as part of land development are at the developer's costs as provided for under clause 1.6 of the Administration Manual. Under the Resource Management Act, developers and landowners have an obligation to avoid, remedy or mitigate any adverse effects on the environment. In the case of subdivision/development, the loss in permeable surface increases the risk of flooding, requiring stormwater controls. The Council imposes certain conditions on developers connecting to the public stormwater network, which reflects that the Council has costs in dealing with the stormwater and developers would otherwise need discharge permits (if not connecting to the reticulated stormwater network). As identified above, in certain cases of infill</p>	No change is recommended.

PROTECTION OF STORMWATER ASSETS AND NETWORK: PRIVATE STORMWATER SYSTEMS (PART THREE – SECTIONS 7 TO 10)	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
		development, the most cost-effective mechanism is to require stormwater retention devices. It is acknowledged that some costs for stormwater management are therefore being shifted to private landowners.	
Have no idea how it is set up or operates so how would we know if operating correctly	2	Council is planning on providing more education on operating requirements for the different types of tanks available. There is some user obligation to maintain private devices such as tanks, as they have the potential to impact the service provided by the Council. Referred to appropriate staff.	No change is recommended.
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	Council is developing a Stormwater Management Framework that will provide direction and approach to manage development in high flood risk catchments. The Framework will also assist in strengthening regulation in the District Plan.	No change is recommended.
Bylaws won't help solve flooding risk, particularly the use of attenuation devices (tanks) on private property as this is a flawed philosophy.	4	The bylaw's key role is to protect the public stormwater network and to recognise the contribution private owners make to mitigating flooding risks. There are many other planning and engineering tools that also contribute to managing flood risk such as District Plan zoning and rules, and the use of Engineering standards.	No change is recommended.
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	Noted.	No change is recommended.
Concern there a shortcoming in the definition of "maintain", given that the costs of maintenance fall upon the property owner.	6	Clause 9.1 provides that unless the Council approves otherwise, the operation and maintenance requirements for a private stormwater system fall on the owner of the property in which it is installed. Staff consider that the common definition of 'maintenance' is sufficient to describe what is expected from private owners. Clause 9.2 of the Bylaw also expands on clause 9.1 and elaborates on what the task of "maintenance" of a private stormwater system entail.	No change is recommended.
Concerned that increased waterflow into upstream catchment properties due to new development, along with existing infrastructure capacity is exceeded, with the property owner being held responsible for maintenance/upgrade costs to manage the water not created by that property. The bylaw should be amended, to clarify that the Council (or the causative developer) will be responsible to meet the costs of such additional maintenance and/or upgrade works, in situations where the need for that arises due to causes outside of the property owner's control.	6	The Bylaw does not impose an obligation on owners to upgrade private stormwater systems – only to maintain them. The extent of the obligation to 'maintain' is described directly above. That obligation for a property owner to maintain private stormwater systems could conceivably change as land 'upstream' from their property is developed. However, the bulk of the stormwater requirements for those new developments will be managed by their own private stormwater systems, which will then discharge to the Council's public stormwater network. Excess stormwater run-off from new development is dealt with under the RMA/District Plan. Land use controls under the District Plan can be (and are) used to limit the impact on property owners 'downstream'.	No change is recommended.
It is not appropriate to utilise a bylaw in a manner which overrides private use rights.	6	It is not clear what the submitter's precise concern is. The Council has a power to make bylaws under the Local Government Act 2002, and under section 146 is specifically given the power to make bylaws for the purpose of "managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with [wastewater, drainage, sanitation, and land drainage]". That power is additional to Council's general power to make bylaws for the purposes of protecting the public from nuisance and protecting, promoting, and maintaining public health and safety.	No change is recommended.

PROTECTION OF STORMWATER ASSETS AND NETWORK: PRIVATE STORMWATER SYSTEMS (PART THREE – SECTIONS 7 TO 10)	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
		As the submitter notes, the Council's enforcement officers have the power to enter onto land for the purpose of detecting the breach of bylaws. These two sets of statutory powers are designed to work in conjunction with one another.	
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	Staff agree in part with the submitter and recommend that a minor change is made so that the bylaw clarifies the role of the Council.	Minor change recommended to clause 7.1 (d) of the bylaw: "Obstruct any overland flow paths identified by Council, or flood plains, with any material..."
Seeks 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. Suggested amendment to the bylaw through the inclusion of specific industry guidelines for petroleum industry sites.	9	Staff agree that the submitter's recommended changes generally add clarity and better reflect the intention of the provision. It is also appropriate to align terms with those defined in the bylaw, include the submitter's recommended guidelines and, also future-proof the provision by including a reference to any updated version of the Ministry for the Environment's guidelines cited both in clause 7.1 (e) and later in clause 11.2.	Change recommended to clause 7.1 (e) of the bylaw: Locate or permit any material, hazardous material, chemical, rubbish, litter or other substance, likely to cause a nuisance on entering the public stormwater network, to be located or stored in such a manner that it could enter the public stormwater network (directly or indirectly, in any storm event), unless it has first passed through an appropriate stormwater 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 New Zealand (Ministry for the Environment, 1998) or any superseding guidelines published by the Ministry for the Environment.
Should include ensuring the Council keeps its gutters free from tree litter to prevent flooding.	1	Council aims to mitigate risks to the public stormwater network during periods of high leaf fall however this can sometimes be challenging. The Council appreciates local efforts to keep gutters free should any leaf debris block the stormwater grills.	No change is recommended.
Watercourses have to be fenced and, in some cases, planted which makes it difficult to get in and maintain them.	3	Noted.	No change is recommended.
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	Horizons Regional Council owns many stopbanks on behalf of ratepayers, having acquired or leased the land and constructed the stopbanks under the Soil Conservation and Rivers Control Act 1941. Horizons can maintain and repair the stopbanks, and also has powers to enter properties to charge occupiers for the cost of the repairs. Horizons has published a guide to assist landowners with maintenance of stopbanks ("Stopbank Grazing Rules" 2019) which is available on their website. Otherwise, if a stopbank is privately owned, it will be the property owner's responsibility to maintain it.	No change is recommended.

PROTECTION OF STORMWATER ASSETS AND NETWORK: PRIVATE STORMWATER SYSTEMS (PART THREE – SECTIONS 7 TO 10)	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
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	Noted. This trend is acknowledged in Council's Water and Climate Change Plans.	No change is recommended.
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	Noted. The District Plan regulates land development and places various controls on where buildings can be constructed.	No change is recommended.
Concern around the direction that individuals are required to 'maintain' watercourses to allow for stormwater movement as this has significant implications for the protection/lack of protection) of physical habitat for indigenous species in rivers and streams, and needs to be reconsidered, particularly in light of the National Policy Statement for Freshwater Management (NPSFM) Policy 9 (the habitats of indigenous freshwater species are protected	10	<p>While the status of the NPSFM is recognised, its implementation is primarily a function of Horizons Regional Council. Staff note that maintenance involving any works near, or in, the bed of watercourses may require resource consent from Horizons Regional Council. The requirement to maintain watercourses under the bylaw is subject to that requirement to be granted appropriate consents, if required. This could be made clearer.</p> <p>Making owners aware of the requirement for regional consent ensures that Horizons can oversee maintenance activity to ensure compliance with the NPSFM when necessary, while still providing for the protection of the public stormwater function of those watercourses.</p>	<p>Change recommended by inserting the following new clause:</p> <p>"9.3.1 A resource consent under the Resource Management Act 1991 from the Regional Council may be required for maintenance works under this clause. No owner or occupier is obliged to perform maintenance under this clause which would contravene the Resource Management Act 1991."</p> <p>Additionally, staff note that clause 9.3 uses the phrasing 'defence to water'. This is a reference in the Soil Conservation and Rivers Control Act 1941, but the term in that Act is 'defence against water'. This has been amended for tidiness.</p>
Removing and decommissioning redundant private stormwater systems (clause 10)			
Could place more pressure on City's stormwater system.	1	This is not the intention of including these provisions in the bylaw. This provision will only be engaged if the private stormwater system is serving no practical function.	No change is recommended.
There are many historic 'soak holes' and would seem counter-productive to capture this stormwater for no real purpose.	1	There are only a few soak holes in the City with many of them not well maintained or performing well. They are only suitable in certain parts of the City. The Council plans to clarify design requirements for soak holes to achieve better results where they are considered appropriate.	No change is recommended.
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	Noted.	No change is recommended.
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 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.	4	Noted.	No change is recommended.
<p>If an approved installation becomes unacceptable to Council, then the obligation to meet the decommissioning costs should fall to Council (to avoid nuisance).</p> <p>The bylaw should be extended that this obligation is extended to Council's vested infrastructure, and its development and operation of its infrastructure will not occasion nuisance.</p>	6	As noted elsewhere, the Bylaw does not require upgrading of private stormwater systems. It also does not require the removal of systems that are inadequate or "unacceptable to Council". Clause 10 specifically requires the removal of systems that are both redundant (by definition, "no longer necessary for the operation of [the relevant] private stormwater system"), and which have caused or are likely to cause damage to the public stormwater network. An example would be when owners apply for a new service connection because an old soakpit is no longer working and is	No change is recommended.

PROTECTION OF STORMWATER ASSETS AND NETWORK: PRIVATE STORMWATER SYSTEMS (PART THREE – SECTIONS 7 TO 10)	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
		<p>decommissioned (at the owner's cost) before the new service connection is approved.</p> <p>Staff consider the apportionment of responsibilities in the Bylaw are appropriate given these narrow circumstances in which clause 10 will apply.</p>	

DISCHARGE OF CONTAMINANTS INTO THE PUBLIC STORMWATER NETWORK (PART FOUR – SECTIONS 11 AND 12)	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
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 (clause 11.2)			
Unknown source of water flowing into the stormwater system in Linton Street, suspect this to be drinking water.	1	Noted. Referred to relevant staff.	No change is recommended.
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	Noted. Referred to relevant staff.	No change is recommended.
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	The bylaw provides the regulatory backstop (via Part Five – Enforcement provisions) for any contraventions or non-compliances.	No change is recommended.
Providing the definition of 'contaminants' remains this is acceptable. Problem is that most stormwater is contaminated in some way caused by the path it takes; care needs to be taken to ensure that this requirement is applied sensibly.	4	Noted.	No change is recommended.
Does the Council regularly monitor connections to detect contamination? Or is this a Regional Council responsibility?	5	Council does not continuously monitor all connections to detect contamination as only discharge points that require consent from Horizons are monitored. Urban water quality monitoring and a cultural monitoring programme (He Manga Ora) are in place to prepare Council for a global stormwater consent application for all discharges into the Manawatū River.	No change is recommended.
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	Noted.	No change is recommended.
Explicitly prohibit washing of cars on the street or in driveways where water runs into the stormwater network.	10	The submitter raises a valid point in terms of the potential for contaminants from car wash products to enter the stormwater network, and then into receiving environments such as waterways. Including a provision regulating this specific activity would likely attract interest from the broader community and therefore would require the Council to re-consult on the draft bylaw. Instead, it is recommended to cover this matter through education means and flag it as an issue for consideration in the next bylaw review. It is noted that the enforcement of such a provision would be an increased level of service.	No change is recommended.
Clause 11.2 - the wording of this clause implies that rubbish etc. can be discharged to a stormwater system after it has been through a treatment system. Recommended wording provided for clarity.		Staff agree with the submitter that this could be confusing on first reading, although however, a 'stormwater treatment measure' as defined could include a grill/grate to stop rubbish or 'solid contaminants' from entering the public storm/water network.	Change to clause 11.2 is recommended: No person may discharge, deposit or permit 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 appropriate (and if necessary) approved stormwater treatment device...[...]

DISCHARGE OF CONTAMINANTS INTO THE PUBLIC STORMWATER NETWORK (PART FOUR – SECTIONS 11 AND 12)	SUBMISSION #	STAFF RESPONSE	RECOMMENDED CHANGE TO THE BYLAW
Clause 11.3 needs to be rearranged to achieve better meaning.	3	Staff agree that these changes suggested by the submitter are necessary to better clarify the intention of clause 11.3.	Change to clause 11.3 is recommended: 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 network if that material contains corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the stormwater stream in the public stormwater network, may: (a) generate toxic, flammable, explosive or corrosive materials in hazardous quantities, or (b) damage the public stormwater network, the environment or adversely affect the health and safety of Council staff or the public.
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	Staff agree and recommend changes to the relevant clauses accordingly.	Change to clauses 11.3 and 12.1 recommended to read: "[...] Council staff or the public [...]"
Clauses 12.1 and 12.2 are not about preparing a Stormwater contamination mitigation plan suggest a new heading 'Responding to contaminant discharges' or similar.	3	Staff agree with the submitter and recommend a more appropriate heading.	Add a new clause 12 heading: "Avoiding and mitigating contaminant discharges"
Request that the bylaw includes that 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.	9	Staff have reviewed the relevant rule in the One Plan and identified that the permitted activity standards replicate the requirements of clauses 7.1(e) and 11.2, which require stormwater treatment measures to be in place where stormwater is, or could be, contaminated by industrial or trade wastes (or other contaminants). Staff, therefore, consider that these conditions are not suitable for importation into the Bylaw, and prefer the treatment process-based approach set out in the Bylaw currently.	No change is recommended.
Clause 12.4 - amendments are sought to the content of what is required in a Stormwater contamination mitigation plan to ensure the provision focuses on stormwater, avoids unnecessary duplication between the provisions and recognises particular operational management plans for fuel company sites. .	9	The submitter suggests removing the requirement to show any wastewater connection points of connection and replacing the requirement to show buildings with a catchment plan. Although there is some merit in these changes, staff are comfortable with the provisions in clause 12.4 in terms of the level of information required to carry out a review and approval process. For example, in the case of a spill requiring a mitigation plan, staff need to know the location of the internal drainage and waste network.	No change is recommended.
Council to consider other useful bylaw provisions other Councils have adopted e.g. CHBDC and Hamilton City (see submission for details)	10	Many of the provisions are similar to those already in the bylaw. Comments are referred to the next bylaw review.	No changes recommended.

COMMENTS ON THE ADMINISTRATION MANUAL	SUBMISSIONS	OFFICER RESPONSE	RECOMMENDED CHANGE TO THE ADMINISTRATION MANUAL
Support section 2.0 Access which allows Council officers to inspect stormwater connections etc. on private property.	5	Noted.	No change is recommended.
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, 10	<p>Staff note that there are a large number of stormwater pipes that are located within privately owned properties in industrial and commercial areas. Council does not have the ability to stop building development unless it fails to get building or resource consents.</p> <p>Before allowing buildings to be built over an existing stormwater pipe via an approval process, a number of actions are undertaken by staff guided by the Bylaw's Administration Manual:</p> <ul style="list-style-type: none"> • A condition assessment of the pipe to ensure the structural and remaining life of the pipe. • Proposed plans will be assessed and reviewed by a qualified structural engineer and endorsed by a Building Officer. • A covenant of gross will be put in place to ensure the property owner is responsible for any damage and remediation cost. <p>Through these actions, the liability to fix stormwater pipes shifts to the applicant rather than the Council.</p>	No change is recommended.
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	Staff agree that where possible, buildings should not be constructed over the public network pipes. However, as outlined above, staff are satisfied that the actions described above are a practical approach.	No change is recommended.
<p>Part Two – clause 1.4: Add a requirement that stormwater drainage works must be designed, constructed, and operated so that Stormwater discharges from 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.</p> <p>Other points:</p> <ul style="list-style-type: none"> • to recognise the fundamental concept of Te Mana o Te Wai and the status of tangata whenua as Kaitiaki as far as reasonably practical. • to be consistent with water sensitive design principles • to maintain aquifer recharge and natural flow paths, and minimise impermeable surfaces • to incorporate attenuation devices, 	10	<p>The points the submitter raised on the Administration Manual have been previously considered in this analysis of submissions on the bylaw.</p> <p>Changes have been recommended to the bylaw's purpose to recognise the status of tangata whenua as kaitiaki of water, however, the concept of 'Te Mana o Te Wai' is better reflected in Council's RMA planning processes. 'Water sensitive design (WSD)' is a proposed addition to the Bylaw's purpose to align with the Council's Engineering Standards and the draft Stormwater Management Framework.</p> <p>Specific design requirements for attenuation devices are set out in other documents, such as the Council's Engineering Standards for Land Development. Minimising impermeable surfaces is a District Plan matter.</p>	No change is recommended.

COMMITTEE WORK SCHEDULE

TO: Planning & Strategy Committee

MEETING DATE: 13 April 2022

TITLE: Committee Work Schedule

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

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

ATTACHMENTS

1. Work Schedule - April 2022 [↓](#) 

PLANNING & STRATEGY COMMITTEE

COMMITTEE WORK SCHEDULE – APRIL 2022

Item No.	Estimated Report Date	Subject	Person Responsible	Current Position	Date of Instruction/ Point of Origin
1.	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
2.	April 2022	Draft Stormwater Bylaw – Deliberations	Chief Planning Officer		
3.	April 2022	Draft Trade Waste Bylaw – Deliberations	Chief Planning Officer		
4.	May 2022	Update on engineering and legal solutions for street racing activity.	Chief Planning Officer		9 March 2022 Clause 10.8
5.	June September 2022	Draft Procurement Policy targeting social and environmental impact	Chief Financial Officer	Procurement audit currently in progress. Policy delayed until audit completed and recommendations endorsed.	19 August 2019 Clause 54.3
6.	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
7.	December 2022	Palmerston North Civic and Cultural Precinct Masterplan – Final Report	Chief Planning Officer		1 April 2019 Clause 16.1
8.	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
9.	TBC 2023	Draft Waste Management and Minimisation Bylaw – Approval for Consultation	Chief Planning Officer		11 August 2021 Clause 24-21

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10.	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
11.	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
12.	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
13.	September 2022	Information relating to the description, timing and quantum of the infrastructure work programmes to enable growth in Aokautere.	Chief Planning Officer		9 March 2022 Clause 11.4
14.	December 2022	Initiate a process to extend parking restrictions to other areas where street racing activity occurs.	Chief Planning Officer		9 March 2022 Clause 10.3
15.	TBC	Street racer issue - Explore how a 'temporary gate structure' can work on Longburn and North East Industrial Parks.	Chief Planning Officer		9 March 2022 Clause 10.9