



**PAPAIOEA**  
PALMERSTON  
NORTH  
CITY

---

# **PALMERSTON NORTH CITY COUNCIL**

---

AGENDA

# **COUNCIL**

---

**9AM, WEDNESDAY 4 MAY 2022**

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

---

# MEMBERS

---

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

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

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

---

**Chris Dyhrberg**

**Acting Chief Executive | PALMERSTON NORTH CITY COUNCIL**

---

# COUNCIL MEETING

4 May 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. Confirmation of Minutes

"That the minutes of the ordinary meeting of 6 April 2022 Part I Public be confirmed as a true and correct record."

Page 7

## REPORTS

5. **Review of Appointment of Directors & Trustees Policy** Page 21  
Memorandum, presented by Hannah White, Democracy & Governance Manager.
  
6. **Draft Palmerston North Stormwater Bylaw - Deliberations and Adoption** Page 53  
Report, presented by Julie Macdonald - Strategy and Policy Manager.
  
7. **Elected Member Appointment to the Caccia Birch Trust Board** Page 111  
Memorandum, presented by Hannah White, Democracy and Governance Manager.
  
8. **Work Schedule** Page 113

## RECOMMENDATIONS FROM COMMITTEE MEETINGS

9. **Presentation of the Part I Public Arts, Culture & Heritage Committee Recommendations from its 13 April 2022 Meeting** Page 115
  
10. **Presentation of the Part I Public Planning & Strategy Committee Recommendations from its 13 April 2022 Meeting** Page 117
  
11. **Presentation of the Part I Public Finance & Audit Committee Recommendations from its 27 April 2022 Meeting** Page 119
  
12. **Presentation of the Part I Public Play, Recreation & Sport Committee Recommendations from its 27 April 2022 Meeting** Page 121
  
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
14.	Minutes of the ordinary meeting - Part II Confidential - 6 April 2022	For the reasons setout in the ordinary minutes of 6 April 2022, held in public present.	
15.	Additional Director Appointment to Palmerston North Airport Limited	Privacy	s7(2)(a)

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

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

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



## PALMERSTON NORTH CITY COUNCIL

### Minutes of the Council Meeting Part I Public, held as an Audio-Visual meeting on 06 April 2022, commencing at 9.00am.

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

Councillor Leonie Hapeta was not present when the meeting resumed at 11.26am. She was not present for clauses 21 to 33 inclusive.

Councillor Aleisha Rutherford left the meeting at 3.32pm at the conclusion of clause 30. She was not present for clauses 31 to 33 inclusive.

#### 18-22 Notification of Additional Items

Moved Grant Smith, seconded Leonie Hapeta.

#### RESOLVED

1. That the following late item be received for the reasons given:  
**Council Chamber and Vaccine Pass Requirements**

Reason for lateness - Central government announcement that Palmerston North remains in Red setting were confirmed following publishing of the Council's agenda.

Reasons for urgency – Delay of paper to the May Council meeting would mean that vaccine pass requirements would remain for committee meetings for the month of April without opportunity for discussion by Council.

Clause 18-22 above was carried.

#### Declarations of Interest

Councillor Vaughan Dennison declared a conflict of interest in item 14 of the Agenda and advised he would withdraw from discussion and voting.

19-22

## **Farewell to the Chief Executive, Heather Shotter**

The Mayor and Deputy Mayor referred to the resignation of Chief Executive, Heather Shotter.

Ms Shotter was the city's ninth Chief Executive and the first female in that position. She served the city operationally as our management leader for four and a half years.

Through Ms Shotter's time at Council we have seen the creation of the Executive Leadership Team, aligning job titles and executive positions with colleagues in other cities; the beefing up of the Marketing and Communications team; a remuneration review and a major lift in capital works over the years, to name a few.

There have been many changes during her leadership with some highlights including:

- The Iwi Partnership - in 2019 we took a big step forward in recognising our relationship with mana whenua Rangitāne and signed the partnership agreement, which instigated the co-management of Te Motu o Poutoa.
- Led the rebrand and introduction of Palmy, claiming that as the city's identity and also a new strategic position focusing on food innovation, ensuring that we are known as the food innovation city of New Zealand and the world. Defining the work that we did under the Palmy branding brought clarity and life to the mahi that we as an organisation do and it encourages pride in our community.
- In terms of the city's reputation we have seen a significant change in the last few years in the perception and representation of the city, both as an organisation but also as Palmy locally and at a national level.
- Led the Regional Spatial Plan and initiated the Distribution Hub Master Plan.
- Carried out Streets for People.
- Led the organisation through a pandemic.
- Took challenges head on and encouraged staff in their roles and lifted standards across the organisation.

Ms Shotter was acknowledged for her contribution to the city, this organisation and our community and was wished all the very best in her new role.

Councillors spoke to the meeting giving their own words of farewell.

Moved Grant Smith, seconded Aleisha Rutherford.

### **RESOLVED**

1. That the Council receive the presentation for information.



Clause 19-22 above was carried.

## **20-22 Confirmation of Minutes**

Moved Grant Smith, seconded Aleisha Rutherford.

### **RESOLVED**

1. That the minutes of the Council meeting of 2 March 2022 Part I Public, subject to the amendment to change Councillor Renee Dingwall's vote on clause 4.1-22 to 'against', and the extraordinary meeting of 16 March 2022 Part I Public be confirmed as true and correct records.

Clause 20-22 above was carried.

## **REPORTS**

### **21-22 Draft Signs and Use of Public Places Bylaw Amendment (e-scooters) - Approval for Consultation**

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

Moved Renee Dingwall, seconded Karen Naylor.

### **RESOLVED**

1. That we do not limit the amount of e-scooter operations, or the amount of scooters in the city this year, and that the Chief Executive report back in a years' time with more data and look at consulting then.

Clause 21-22 above was carried 11 votes to 5, the voting being as follows:

#### **For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Renee Dingwall, Lew Findlay QSM, Leonie Hapeta, Billy Meehan, Orphée Mickalad, Karen Naylor and Bruno Petrenas.

#### **Against:**

Councillors Zulfiqar Butt, Vaughan Dennison, Patrick Handcock ONZM, Lorna Johnson and Aleisha Rutherford.

Moved Lorna Johnson, seconded Brent Barrett.

#### **Note:**

On a motion that the Consultation Document – Signs and Use of Public Places Bylaw Amendment (e-scooters), as attached as Attachment 1, be approved for public consultation, subject to an amendment to the Administration Manual under Part five, Licensing terms, change the maximum licenses to three and the maximum number of devices that may be deployed to licence-holders to 1,200, the motion was tied 8 votes to 8. The chairperson declared the motion lost, the voting being as follows:

**For:**

Councillors Brent Barrett, Rachel Bowen, Zulfiqar Butt, Vaughan Dennison, Patrick Handcock ONZM, Lorna Johnson, Billy Meehan and Aleisha Rutherford.

**Against:**

The Mayor (Grant Smith) and Councillors Susan Baty, Renee Dingwall, Lew Findlay QSM, Leonie Hapeta, Orphée Mickalad, Karen Naylor and Bruno Petrenas.

The meeting adjourned at 11.10am.

The meeting resumed at 11.26am.

Councillor Leonie Hapeta was not present when the meeting resumed.

**22-22**

**Infrastructure Capital Works Dashboard January 2022**

Memorandum, presented by Sue Kelly, Acting Manager Project Management Office.

Moved Vaughan Dennison, seconded Karen Naylor.

**RESOLVED**

1. That Council receive the memorandum titled 'Infrastructure Capital Works Dashboard January 2022', presented to Council on 6 April 2022.

Clause 22-22 above was carried.

**23-22**

**Deliverability Planning in Response to Covid - Briefing**

Memorandum, presented by Sarah Sinclair, Chief Infrastructure Officer.

Moved Vaughan Dennison, seconded Karen Naylor.

**RESOLVED**

1. That Council note the update on actions undertaken to date to improve deliverability outcomes due to the impacts of Covid-19 and the resulting increased supply chain risks, particularly focussing on maintaining essential provision of services.
2. That Council note that should rapid approval of contract awards above the Chief Executive's delegation be needed, then an extraordinary meeting of Finance & Audit Committee or Council (depending on level of financial delegation required) will be called.

Clause 23-22 above was carried.

**24-22**

**Update on the Main Street West Cycleway**

Memorandum, presented by Adam Jarvis, Senior Climate Change Advisor and Sandra King, Acting Group Manager - Transport and Development.

Moved Brent Barrett, seconded Lorna Johnson.

## RESOLVED

1. That the Chief Executive direct Officers to report back to the Infrastructure Committee on community feedback to a permanent design solution, and the final design detail, before implementation; and that all community feedback related to the permanent design solution be made publicly available.

Clause 24.1-22 above was carried.

Moved Grant Smith, seconded Karen Naylor.

## RESOLVED

2. That Council removes the 'planter boxes' as soon as practicable and replaces immediately with an alternative solution before the permanent cycleway is in place.

Clause 24.2-22 above was carried 13 votes to 2, the voting being as follows:

### **For:**

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

### **Against:**

Councillors Brent Barrett and Renee Dingwall.

The meeting adjourned at 1.29pm.

The meeting resumed at 2.31pm.

## 25-22

### **Shareholding in FoodHQ Innovation Limited**

Memorandum, presented by Sheryl Bryant, Assistant Chief Executive.

Moved Grant Smith, seconded Rachel Bowen.

## RESOLVED

1. That the Council make application to be a shareholder of FoodHQ Innovation Limited as contemplated in the Memorandum of Understanding attached to the report "Shareholding in FoodHQ Innovation Limited" considered at the meeting of the Council on 6 April 2022.
2. That the Chief Executive be authorised to take all steps necessary to facilitate this including signing appropriate documentation.
3. That the Acting Chief Executive be appointed on an interim basis for a period of twelve months as the Council's nominated director for FoodHQ Innovation Limited with the position to be reviewed prior to the expiration of that period.

Clause 25-22 above was carried.

**26-22 Trustee for Caccia Birch Trust Board**

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

Moved Rachel Bowen, seconded Grant Smith.

**RESOLVED**

1. That the Council resolve to appoint one councillor onto the Caccia Birch Trust Board for a term ending 1 August 2022.
2. That expressions of interest from councillors interested in being appointed to the Caccia Birch Trust Board be sought, and recommendations be brought to Council on 4 May 2022.

Clause 26-22 above was carried.

**27-22 Exemption of the Manawatū-Wanganui Disaster Relief Fund from being a Council Controlled Organisation**

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

Moved Grant Smith, seconded Aleisha Rutherford.

**RESOLVED**

1. That Council exempt the Manawatū-Wanganui Disaster Relief Fund from being a Council Controlled Organisation for a further three years.

Clause 27-22 above was carried.

**Note:**

Councillor Vaughan Dennison declared a conflict of interest and withdrew from discussion and voting on the above clause.

**28-22 Council Chamber and vaccine pass requirements**

Moved Grant Smith, seconded Karen Naylor.

**RESOLVED**

1. That Council suspend Standing Order 2.24.4 Council may revoke or alter any previous decision for the duration of Item 26: Council Chamber vaccine pass requirements.

Clause 28.1-22 above was carried.

Moved Grant Smith, seconded Patrick Handcock ONZM.

2. That the vaccine pass requirement for access to the Council Chamber be removed.

Clause 28.2-22 above was carried.

**29-22 Work Schedule**

Moved Grant Smith, seconded Karen Naylor.

**RESOLVED**

1. That the Council receive its Work Schedule dated April 2022.

Clause 29-22 above was carried.

**RECOMMENDATIONS FROM COMMITTEE MEETINGS**

**30-22 Community Development Committee Part I Public - 9 March 2022**

Consideration was given to Community Development Committee recommendations as appended to these minutes.

Moved Lorna Johnson, seconded Rachel Bowen.

**RESOLVED**

**1. Night Shelter – Options, costs and timeframes for a feasibility study**

1. That the Council direct the Chief Executive to proceed with Option 1A in the 21-22 financial year with funding of \$100,000 for the Night Shelter feasibility study coming from the operational surplus and report back to Community Development Committee in the first quarter of the 22-33 year.

Clause 30-22 above was carried.

**31-22 Planning & Strategy Committee Part I Public - 9 March 2022**

Consideration was given to Planning & Strategy Committee recommendations as appended to these minutes.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

**RESOLVED**

**1. Options to address 'street racer' issues**

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).

## **2. Infrastructure to support Proposed Plan Change G: Aokautere Growth**

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.

## **3. Deliberations Report - Draft Support and Funding Policy 2022**

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.
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'.

Clause 31-22 above was carried.

Moved Grant Smith, seconded Vaughan Dennison.

**Note:**

On a motion that an amendment be made to clause 12-22, Deliberations Report – Draft Support Funding Policy 2022, recommendation 1 to add “subject to the words ‘but not limited to’ be added after the word ‘\$30,000’ to section 7, clause 15 – Major Events Fund, of the Support and Funding Policy 2022 and that the words ‘but not limited to’ be added after the word ‘\$10,000’ to section 7, clause 17 – Sponsorship Fund, of the Support and Funding Policy 2022.” the motion was lost 6 votes to 9, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Vaughan Dennison, Lew Findlay QSM, Billy Meehan, Orphée Mickalad and Bruno Petrenas.

**Against:**

Councillors Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Patrick Handcock ONZM, Lorna Johnson, Karen Naylor and Aleisha Rutherford.

Councillor Aleisha Rutherford left the meeting at 3.32pm.

**32-22**

**Finance & Audit Committee Part I Public - 23 March 2022**

Consideration was given to Finance & Audit Committee recommendations as appended to these minutes.

Moved Susan Baty, seconded Karen Naylor.

**RESOLVED**

**1. Palmerston North Airport Ltd - Interim Report for 6 months to 31 December 2021**

1. That Council receive the Interim Report and Financial Statements of Palmerston North Airport Ltd for the period ended 31 December 2021, presented to the Finance & Audit Committee on 23 March 2022.

**2. Palmerston North Airport Ltd - Draft Statement of Intent for 2022/23**

1. That Council receive the Palmerston North Airport Ltd (PNAL) draft Statement of Intent for 2022/23, presented to the Finance & Audit Committee on 23 March 2022, and PNAL be advised that Council supports the proposed direction and implementation strategy.

**3. Debt funding arrangements for Palmerston North Airport Ltd - Loan Facility Agreement**

1. That the loan facility agreement (attached) that would enable the

Council to borrow sums from the Local Government Funding Agency and on-lend to Palmerston North Airport Limited in the form of fixed rate unsecured debt be approved.

2. That the Chief Executive be authorised to approve amendments to the agreement (if required) to address the way in which Local Government Funding Agency Borrower Notes are treated between the parties, or as a consequence of annual reviews.
3. That the Chief Executive be authorised to enter transactions contemplated by the loan agreement of amounts not exceeding \$10 million in advance of the approval of the final Statement of Intent each year, and subsequently transactions not exceeding the maximum term debt for each year as outlined in the adopted Statement of Intent.

#### **4. Fees and Charges Review**

3. That Council receive the report titled 'Fees and Charges Review', presented to the Finance & Audit Committee on 23 March 2022, and that the current status of fees and charges be noted.

#### Trade Waste

4. That the proposal to adopt updated fees and charges for Trade Waste services effective from 1 July 2022 as attached in Appendix 2, be approved for public consultation and the Chief Executive be authorised to undertake the necessary consultative process under sections 82 and 150 of the Local Government Act 2002.

#### Environmental Health

5. That the fees and charges for Environmental Health Services (in terms of regulation 7 of the Health (Registration of Premises) Regulations 1966) as proposed in Appendix 5, be adopted and following public notification, take effect from 1 July 2022.

#### Animal Control

6. That the fees and charges for the Impounding of Animals (in terms of section 14 of the Impounding Act 1955) and for Dog Registration and Dog Impounding (in terms of sections 37 and 68 of the Dog Control Act 1996) as proposed in Appendix 6 be adopted, and following public notification, take effect from 1 July 2022.

#### Burial & Cremation

7. That the fees and charges for Burial and Cremation, as proposed in Appendix 7 be adopted and following public notification, take effect from 1 July 2022.

#### Service Connections

8. That the fees and charges for Service Connections, as proposed in Appendix 8 be adopted and take effect from 1 July 2022.

#### Resource Recovery/Waste Management

9. That the changes to fees and charges for Resource Recovery/Waste



Management relating to the recycling of tyres as proposed in Appendix 9 be adopted and take effect from 1 July 2022.

#### Sportsfields

10. That the fees and charges for Sportsfields as proposed in Appendix 10 be adopted and take effect from 1 July 2022.

#### Backflow Prevention

11. That the fees and charges for Backflow Prevention testing and maintenance as proposed in Appendix 11 be adopted and take effect from 1 July 2022.

#### Corridor Access Request

12. That the fees and charges for Corridor Access Requests as proposed in Appendix 12 be adopted and take effect from 1 July 2022.

### **5. Variations to Operating Budget**

1. That Council receive the memorandum titled 'Variations to Operating Budget' presented to the Finance & Audit Committee on 23 March 2022.
2. That Council note and approve bringing forward capital expenditure of \$1m from 2022/23 into 2021/22 for Programme 1879 - Council's Plant and Vehicle Replacements.

### **6. Variations to Operating Budget**

1. That Council receive the memorandum titled 'Variations to Operating Budget' presented to the Finance & Audit Committee on 23 March 2022.
2. That Council note and approve bringing forward capital expenditure of \$1m from 2022/23 into 2021/22 for Programme 1879 - Council's Plant and Vehicle Replacements.

### **7. Ashhurst Domain**

1. That Council retain the ex-café building within Ashhurst Domain and seek to lease the building once the review of Ashhurst Domain Reserve Management Plan is completed.

Clauses 32-22 to 30.7-22 above were carried.

Moved Susan Baty, seconded Karen Naylor.

### **RESOLVED**

### **8. Colquhoun Park - Proposal to grant a lease on reserve land to Manawatu Softball Association Incorporated and Freyberg Old Boys' Rugby Football Club Incorporated**

1. That Council approve entering a new lease with Manawatu Softball Association and Freyberg Old Boys' Rugby Club Incorporated for part of the Colquhoun Park Pavilion, 134-136 Fairs Road, Palmerston

North, in accordance with Section 54 of the Reserves Act 1977.

Clause 32-22 above was carried.

**Abstained:**

Councillor Vaughan Dennison.

Moved Susan Baty, seconded Karen Naylor.

**RESOLVED**

**9. Fees and Charges Review**

Planning & Miscellaneous

1. That the Statement of Proposal (and the associated summary) to adopt updated fees and charges for Planning Services and Miscellaneous Services effective from 1 July 2022 as attached in Appendix 3, be approved for public consultation and the Chief Executive be authorised to undertake the necessary consultative process under sections 83 and 150 of the Local Government Act 2002.

Building

2. That the fees and charges for Building Services, as proposed in Appendix 4 be adopted and following public notification take effect from 1 July 2022.

Clause 32-22 above was carried.

**Against:**

Councillor Vaughan Dennison.

**33-22**

**Environmental Sustainability Committee Part I Public - 30 March 2022**

Consideration was given to Environmental Sustainability Committee recommendations as appended to these minutes.

Moved Brent Barrett, seconded Zulfiqar Butt.

**RESOLVED**

**10. Confirmation of Gross vs Net Organisational Emissions Reporting**

1. That the Eco City strategy target of a 30% reduction in citywide carbon emissions is confirmed to relate to 'net' emissions, inclusive of sequestered carbon.
2. That the Council's own organisational emission progress is confirmed to relate to 'net' emissions, inclusive of sequestered carbon.

**11. Low Carbon Roadmap**

1. That the Council endorse the flowchart detailed in the Low Carbon Roadmap attached to the memorandum titled 'Low Carbon Roadmap' presented to the 30 March 2022 Environmental Sustainability Committee.

2. That the Council endorse the three approaches (listed in 2.14):
  - Internal Asset Value Optimisation
  - Carbon Neutral Programme Development
  - Citywide Reduction Projects that complement National Direction
3. That the Chief Executive continues to develop the Low Carbon Roadmap and report to Council in 2023 with specific options and actions to achieve the city-wide goal of 30% reduction in emissions by 2031, and that the proposed scope and methodology for that report be presented to the Environmental Sustainability Committee in September 2022.

Clause 33-22 above was carried.

## EXCLUSION OF PUBLIC

### 34-22 Recommendation to Exclude Public

Moved Grant Smith, seconded Vaughan Dennison.

#### RESOLVED

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

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

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
21.	Minutes of the ordinary meeting - Part II Confidential - 2 March 2022	For the reasons set out in the ordinary minutes of 2 March 2022, held in public present.	
22.	Minutes of the extraordinary meeting - Part II Confidential - 16 March 2022	For the reasons set out in the extraordinary minutes of 16 March 2022, held in public present.	
23.	Tender Award – Contract 04113 Transport and Three	Third Party Commercial and Negotiations	s7(2)(b)(ii) and s7(2)(i)

	Waters Design Panel		
--	---------------------	--	--

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.

Clause 34-22 above was carried.

The public part of the meeting finished at 3.37pm

Confirmed 4 May 2022

**Mayor**

## MEMORANDUM

**TO:** Council

**MEETING DATE:** 4 May 2022

**TITLE:** Review of Appointment of Directors & Trustees Policy

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

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

---

### RECOMMENDATIONS TO COUNCIL

1. That Council adopt the Appointment of Directors and Trustees Policy 2022 (Attachment 1) to replace the Appointment of Directors and Trustees Policy 2018.
  2. That Council delegate authority to the Acting Chief Executive to make any minor amendments to the Appointment of Directors and Trustees Policy 2022.
- 

### 1. ISSUE

- 1.1 The Appointment of Directors and Trustees Policy 2018 (Policy) is due for review. The purpose of this policy is to outline the process Council will follow to appoint directors to council organisations (COs), the expected skills or knowledge required and the remuneration of the various positions; in accordance with s57 (1) of the Local Government Act 2002 (LGA).
- 1.2 The current Policy outlines the appointments process to Boards of council-controlled organisations (CCOs) and council-controlled trading organisations (CCTOs).
- 1.3 To meet the expectations of the LGA, the proposed new Appointment of Directors and Trustees Policy 2022 (draft policy) (Attachment 1) covers appointments to all of Council's COs, it includes:
  - Council-controlled organisations and trading organisations
  - Community organisations
  - Steering groups and advisory panels, and
  - Selection panels to distribute funds on behalf of the Jaycee Trust and Creative New Zealand.

## 2. BACKGROUND

- 2.1 Council adopted the current Policy in April 2018. The policy outlines the process for how Council will appoint board members to Council's CCOs - Te Manawa Museums Trust, the Regent Theatre Trust and the Globe Theatre Trust, and for the council-controlled trading company, Palmerston North Airport Ltd. It explains the expected skills or knowledge required and the remuneration for the different Boards.
- 2.2 Appointments of directors to the Central Economic Development Agency are set out in the Appointment of Directors Policy of Central Economic Development Agency Ltd as agreed together with Manawātū District Council. Thus, although another CCO, this policy does not apply to the Agency.
- 2.3 Section 57(1) of the LGA is broader than CCOs and requires a policy that sets out the appointment process to all 'council organisations' (see Attachment 2). The LGA defines council organisations in Section 6 as any entity or company which Council either controls, directly or indirectly, one or more of the votes at any meeting of the controlling body or has the right to appoint one or more of the trustees, directors or managers (however described).
- 2.4 To fully comply with the LGA, the draft policy includes a new section which explains the process for making council appointments to the following bodies (council organisations):
- Community organisations
  - Steering groups and advisory panels, and
  - Selection panels to distribute funds on behalf of the Jaycee Trust and Creative New Zealand.
- 2.5 Council appoints to several other bodies which have not been included in the draft policy, most notably the District Licensing Committee, assigning Appointed Members to Council committees and appointing Resource Management Act commissioners. Appointments to standing committees are specifically excluded in the definition of council organisation in the LGA. Whereas approving a list of commissioners to hear resource consent hearing is governed by the Resource Management Act 1991 and licensing committee appointments by the Sale and Supply of Alcohol Act 2012.

## 3. CHANGES MADE IN THE DRAFT APPOINTMENT OF DIRECTORS AND TRUSTEES POLICY 2022

- 3.1 Following a desktop review, officers have made the following changes to the draft Policy.
- 3.2 Officers conducted a desktop review which involved:
- Reviewing the policy against legislative requirements and

- Collating the different types of council organisations Council appoints to, and the current practice of appointment to each.
- Reviewing the Policy against the current procedure for appointing board members to CCO Boards.
- Comparing the Policy to policies of other similar-sized councils

3.3 The draft policy contains the following changes:

**Re-formatting to improve structure and readability.**

3.4 The draft policy has been re-formatted into two parts, Part One outlines the process for appointing board members to CCOs and CCTOs, which are done annually; and Part Two explains the process for appointments to other COs (which tend to occur on a triennium or ad hoc basis).

3.5 Both parts explain the skills and experience required, term of appointment, eligibility requirement, appointment process and remuneration for the different appointments.

**Revised wording and re-formatting of Part One – Appointments to CCOs & CCTO.**

3.6 Part One has been re-formatted to set out the appointment process of CCO Boards in a systematic order, and to update the process to incorporate good practice.

3.7 Changes include:

- Explanation of the legal definition of a CCO/CCTO and which CCOs/CCTOs the policy applies to. It should be noted that the Central Economic Development Agency has its own appointment process.
- Inclusion of additional requirement for applicant to agree to a police check and reference check.
- Re-ordered the appointment process to clarify logic.
- Emphasised that Council expects vacancies to be advertised, and that a report will only be presented to Council if the Board or officers can provide a compelling reason for a post to be renewed.
- Strengthened the right of Trust Boards to seek specific skills or experience before vacancies are advertised.
- Inclusion of knowledge of tikanga Māori, as a factor the Appointment Panel could consider when interviewing applicants. This is suggested by s 57 (3) of the LGA.

- Outlined the current remuneration rates for Council's cultural CCOs and added detail around setting remuneration for directors of the Palmerston North Airport Board as per their constitution.

**Added Part Two – Appointments to Council Organisations.**

- 3.8 Part Two outlines the current practice for appointments to community organisations, steering groups, advisory panels and selection panels during the council term. The majority of these appointments are made at the beginning of the triennium, or on an ad hoc basis depending on the creation of a new group, or resignation of the council appointee.
- 3.9 It sets out the eligibility requirements, and the appointment process for the Jaycee Trust Assessment Committee and the Creative NZ Assessment Committee.
- 3.10 Officers recommend changing the name of the Jaycee Trust Selection Panel to Jaycee Trust Assessment Committee to avoid confusion with the Appointments Panel of previously similar name.

**4. NEXT STEPS**

- 4.1 If adopted the Appointment of Directors and Trustees Policy 2022 will be published on the Council's website and the name of the Jaycee Trust committee will be updated in the Delegations Manual.
- 4.2 Officers to contact external organisations to confirm the status of current council appointments prior to the new triennium.

**5. COMPLIANCE AND ADMINISTRATION**





Does the Council have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	<b>Yes</b>
Are the decisions significant?	<b>No</b>
If they are significant do they affect land or a body of water?	<b>No</b>
Can this decision only be made through a 10 Year Plan?	<b>No</b>
Does this decision require consultation through the Special Consultative procedure?	<b>No</b>
Is there funding in the current Annual Plan for these actions?	<b>Yes</b>
Are the recommendations inconsistent with any of Council's policies or plans?	<b>No</b>
The recommendations contribute to Goal 5: A Driven & Enabling Council	
The recommendations contribute to the achievement of action/actions in Governance and Active Citizenship	



The action is: Ongoing review of governance systems and structures to support Council's effectiveness and reputation.

<p>Contribution to strategic direction and to social, economic, environmental and cultural well-being</p>	<p>The Appointment of Directors and Trustees Policy sets out the process for council appointments to council organisations, as required by the Local Government Act. The proposed policy governs Council's formal interactions with community groups and ensures effective decision-makers are recruited to govern council-controlled organisations.</p>
---	--

**ATTACHMENTS**

1. Draft Appointment of Directors and Trustees Policy 2022 [↓](#) 
2. Current Appointment of Directors and Trustees Policy 2018 [↓](#) 
3. Extract from Local Government Act - definition of Council Organisation/ Council- controlled organisation [↓](#) 
4. List of Council appointments [↓](#) 





























































## REPORT

**TO:** Council

**MEETING DATE:** 4 May 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

---

### RECOMMENDATIONS 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 this report.

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

<b>Problem or Opportunity</b>	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.
<b>OPTION 1:</b>	<b>Adopt the draft Stormwater Bylaw and Administration Manual</b>
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.
<b>OPTION 2:</b>	<b>Do not adopt the draft Stormwater Bylaw and Administration Manual</b>
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.
- 2.5 This report was originally on the Planning and Strategy Committee order paper for 13 April 2022. Since that date, two additions have been made to the proposed bylaw (attachment 1). The first is an amendment to the definition of 'private stormwater system' in clause 5, and the second is a minor wording change to clause 9.3. These amendments have been made to ensure consistency with the analysis and conclusions already made within the report.

**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 would 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 contain~~ing~~g 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 system" 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.

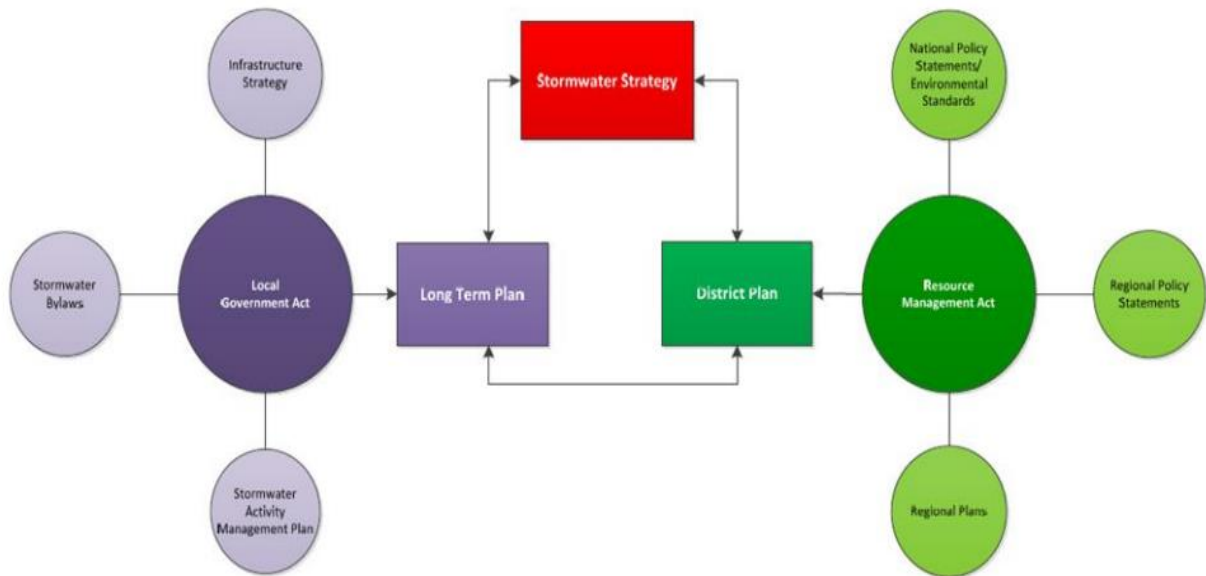
Option Two – not adopting the draft Bylaw and Administration Manual has disadvantages and no clear benefits. A range of views were expressed by submitters with some opposition to the new clauses relating to the maintenance of private stormwater systems. However, there were not any major concerns with 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.

**COMPLIANCE AND ADMINISTRATION**

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

<p>Contribution to strategic direction and to social, economic, environmental and cultural well-being</p>	<p>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.</p>
---	---

**ATTACHMENTS**

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









































































































## **MEMORANDUM**

**TO:** Council

**MEETING DATE:** 4 May 2022

**TITLE:** Elected Member Appointment to the Caccia Birch Trust Board

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

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

---

### **RECOMMENDATION TO COUNCIL**

- 1. That Councillor Vaughan Dennison be appointed as a trustee on the Caccia Birch Trust Board until 1 August 2022.**
- 

#### **1. ISSUE**

A vacancy on the Caccia Birch Trust Board ("the Trust Board") needs to be filled following the resignation of a Council appointed trustee in March 2022. This appointment is required to ensure the Trust Board maintains a minimum of 5 ordinary members, as stipulated by the Trust Deed.

Expressions of interest were sought from elected members willing to sit on the Trust Board for a term of 3 months, until 1 August 2022. This is to cover the interim period as the Trust Board evolves from a Council-Controlled Organisation following operations of Caccia Birch House and Gardens being brought in-house.

#### **2. BACKGROUND**

Council resolved at its meeting on 6 April 2022 to appoint an elected member to fill the vacancy and to seek expressions of interest from elected members for the position.

An expression of interest has been received from Councillor Vaughan Dennison.

Council-appointed trustees will have to manage any conflict of interests arising from being a trustee and an elected member. Conflicts are self-managed by elected members, under guidance from the Code of Conduct. Officers are also available for advice.

**3. NEXT STEPS**

Officers will inform the Trust Board of the appointment.

**4. COMPLIANCE AND ADMINISTRATION**

Does the Council have delegated authority to decide?	<b>Yes</b>
Are the decisions significant?	<b>No</b>
If they are significant do they affect land or a body of water?	<b>No</b>
Can this decision only be made through a 10 Year Plan?	<b>No</b>
Does this decision require consultation through the Special Consultative procedure?	<b>No</b>
Is there funding in the current Annual Plan for these actions?	<b>Yes</b>
Are the recommendations inconsistent with any of Council's policies or plans?	<b>No</b>
The recommendations contribute to Goal 5: A Driven & Enabling Council	
The recommendations contribute to the achievement of action/actions in Governance and Active Citizenship	
The action is: Ongoing review of governance systems and structures to support council's effectiveness and reputation.	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Appointing an elected member as a trustee will ensure continuation of responsible governance in the period that the Trust changes from being a Council Controlled Organisation.

**ATTACHMENTS**

NIL



## COMMITTEE WORK SCHEDULE

**TO:** Council

**MEETING DATE:** 4 May 2022

**TITLE:** Work Schedule

---

### RECOMMENDATION TO COUNCIL

1. That the Council receive its Work Schedule dated May 2022.

COMMITTEE WORK SCHEDULE 2022			
Estimated Report Date	Subject	Officer Responsible	Date of Instruction and Clause number
Wednesday, 4 May 2022	Remits received from other Territorial Authorities	Assistant Chief Executive	<a href="#">Council 24 June 2020 Clause 67-20</a>
Wednesday, 1 June 2022	Elected Members Code of Conduct	Assistant Chief Executive	<a href="#">Council 1 December 2021 Clause 141-21</a>
Wednesday, 7 September 2022	Low Carbon Roadmap - options to achieve the city-wide goal of 30% reduction in emissions by 2031	Chief Planning Officer	Environmental Sustainability Committee 30 March 2022 Clause 6-22

### ATTACHMENTS

NIL



## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 4 May 2022

**TITLE:** Presentation of the Part I Public Arts, Culture & Heritage Committee Recommendations from its 13 April 2022 Meeting

---

Set out below are the recommendations only from the Arts, Culture & Heritage Committee meeting Part I Public held on 13 April 2022. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**5-22 The Regent Theatre Trust: Six Month Report 1 July - 31 December 2021 and Draft Statement of Intent 2022-25**

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

Mr David Walsh, Manager, Regent Theatre presented The Regent Theatre Trust's Six Month Report 1 July – 31 December 2021 and Draft Statement of Intent 2022-25 to the Committee.

The **COMMITTEE RECOMMENDS**

1. That Council receive the Six-Month Performance Report 1 July - 31 December 2021 (Attachment 1) submitted by the Regent Theatre Trust.
2. That Council receive the draft Statement of Intent 2022-25 (Attachments 3 and 4) submitted by the Regent Theatre Trust.
3. That Council agree that the recommended comments on the draft Statement of Intent 2022–25 outlined in Table 3 be advised to the Regent Theatre Trust Board.

**6-22 Te Manawa Museums Trust: Six Month Report 1 July - 31 December 2021 and Draft Statement of Intent 2022-25**

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

Mr John Fowke, Board Chair and Acting Chief Executive, Te Manawa presented Te Manawa Museums Trust's Six Month Report 1 July – 31 December 2021 and Draft Statement of Intent 2022-25 to the Committee.

The **COMMITTEE RECOMMENDS**

1. That Council receive the Six-Month Performance Report 1 July - 31 December 2021 (Attachment 1) submitted by Te Manawa Museums Trust.
2. That Council receive the draft Statement of Intent 2022-25 (Attachment 3) submitted by Te Manawa Museums Trust.
3. That Council agree that the recommended comments on the draft Statement of Intent 2021–24 outlined in Table 3 be advised to Te Manawa Museums Trust.

**7-22**

**The Globe Theatre Trust: Six Month Report 1 July - 31 December 2021 and Draft Statement of Intent 2022-25**

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

Mr Gerry Keating, Manager, Globe Theatre presented The Globe Theatre Trust's Six Month Report 1 July – 31 December 2021 and Draft Statement of Intent 2022-25 to the Committee.

The **COMMITTEE RECOMMENDS**

1. That Council receive the Six-Month Performance Report 1 July - 31 December 2021 (Attachment 1) submitted by the Globe Theatre Trust.
2. That Council receive the draft Statement of Intent 2022-25 (Attachment 3) submitted by the Globe Theatre Trust.
3. That Council agree that the recommended comments on the draft Statement of Intent 2021–24 outlined in Table 3 be advised to the Globe Theatre Trust Board.

**9-22**

**Caccia Birch Trust Board: Six Month Report 1 July - 31 December 2021**

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

Mr Chris Smith, Strategic Facilities Manager presented Caccia Birch Trust Board's Six Month Report 1 July – 31 December 2021 to the Committee.

The **COMMITTEE RECOMMENDS**

1. That Council receive the Six-Month Performance Report 1 July - 31 December 2022 (Attachment 1) submitted by Caccia Birch Trust Board.

## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 4 May 2022

**TITLE:** Presentation of the Part I Public Planning & Strategy Committee Recommendations from its 13 April 2022 Meeting

---

Set out below are the recommendations only from the Planning & Strategy Committee meeting Part I Public held on 13 April 2022. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**1-22 Proposal from Ngati Hineaute Hapu Authority Kohanga Reo to relocate to Opie Reserve**

The **COMMITTEE RECOMMENDS**

1. That the Council adopt option 3 – Exclusive use (Kohanga Reo) – all of Opie Reserve is leased to the Ngati Hineaute Hapu Authority Kohanga Reo, subject to the Reserves Act 1977 process.

**19-22 Arena Master Plan Review: Process and Governance**

The **COMMITTEE RECOMMENDS**

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

**20-22 Draft Trade Waste Bylaw 2022 - Deliberations and Adoption**

The **COMMITTEE RECOMMENDS**

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.

## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 4 May 2022

**TITLE:** Presentation of the Part I Public Finance & Audit Committee Recommendations from its 27 April 2022 Meeting

---

Set out below are the recommendations only from the Finance & Audit Committee meeting Part I Public held on 27 April 2022. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

### **30-22 Waka Kotahi Recreation Pathways Fund Associated with Te Ahu a Turanga Highway**

Report, presented by Aaron Phillips, Activities Manager – Parks.

#### The **COMMITTEE RECOMMENDS**

1. That the Chief Executive is authorised to prepare a bid to the Waka Kotahi Te Ahu a Turanga Recreational Paths Fund on behalf of the Council.
2. That the amount of the Council bid to the Waka Kotahi Te Ahu a Turanga Recreational Paths Fund is \$551,000, as described in Option 2 of this report and comprised of:
  - \$491,000 to enhance the existing pathways on the Ashhurst side of the river; and
  - \$60,000 to investigate the options and costs of addressing pedestrian, cycling and equestrian safety on the Saddle Road Bridge and equestrian facilities on the Pembroke Street rail overbridge.
3. That the Council note the funding application reflects the initial estimate of the cost to construct the chosen option, and further investigation is required before an engineer's estimate can be prepared.
4. That the Chief Executive report back to the Finance & Audit Committee on the outcome of the funding application, including any financial implications for consideration as part of the draft 2023/24 Annual Budget process.

**31-22 Quarterly Performance and Financial Report - Quarter Ending 31 March 2022**

Report, presented by Cameron McKay, Acting Chief Financial Officer and Andrew Boyle, Head of Community Planning.

The **COMMITTEE RECOMMENDS**

2. That Council note and approve that the capital expenditure and associated revenue values in the 2021/22 Long Term Plan Budget relating to the Three Water Reform funding will be changed as per the details in Appendix 4 of this report.
3. That 1888 – Low Carbon Fund budget be reduced by \$345,000, and 1847 – City Growth – City Reserves – Victoria Esplanade – Capital New budget be increased by \$115,000, and 1451 – Property – LED Lighting Upgrades be budget increased by \$230,000.
4. That the Chief Executive be given delegation to allocate 100% of funds from 1888 – Low Carbon Fund to other activities, as well as moving the fund between capital new and capital renewal for the financial year 2021/22.

**33-22 Options for Reallocation of Events Related Budgets**

Memorandum, presented by Anton Carter, Group Manager Community Services.

The **COMMITTEE RECOMMENDS**

1. That Council approve Option 1 – reduction of events and events related budgets by \$100,000 to top up programme 1675 – Covid Relief Fund with the addition of a proactive community events support criterion to the funding priorities for the Covid Relief Fund.



## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 4 May 2022

**TITLE:** Presentation of the Part I Public Play, Recreation & Sport Committee Recommendations from its 27 April 2022 Meeting

---

Set out below are the recommendations only from the Play, Recreation & Sport Committee meeting Part I Public held on 27 April 2022. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**12-22 Manawatū Gymsports' Regional Facility Proposal - Council land options**

Memorandum, presented by Kathy Dever-Tod - Group Manager - Parks and Logistics.

The **COMMITTEE RECOMMENDS**

1. That Council note the identified Council land options for the Manawatū Gymsports' Regional Facility Proposal.
2. That Council include the list of identified Council land options in any future decision-making process for the Manawatū Gymsports' Regional Facility Proposal.

**13-22 Results of the 2022 Audit of Shade Provision in Parks**

Memorandum, presented by Kathy Dever-Tod, GM Parks and Logistics.

The **COMMITTEE RECOMMENDS**

2. That the funding for tree planting in programme 1099 be brought forward from years 4-10, to a maximum of \$40000 each year, and that this be referred to the annual budget deliberations.