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# **PALMERSTON NORTH CITY COUNCIL**

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## **AGENDA COUNCIL**

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**9AM, MONDAY 23 SEPTEMBER 2019**

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

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## MEMBERSHIP

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**Grant Smith (Mayor)**

**Tangi Utikere (Deputy Mayor)**

**Brent Barrett**

**Susan Baty**

**Rachel Bowen**

**Adrian Broad**

**Gabrielle Bundy-Cooke**

**Vaughan Dennison**

**Lew Findlay QSM**

**Leonie Hapeta**

**Jim Jefferies**

**Lorna Johnson**

**Duncan McCann**

**Karen Naylor**

**Bruno Petrenas**

**Aleisha Rutherford**

**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

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**Heather Shotter**

**Chief Executive, Palmerston North City Council**

**Palmerston North City Council**

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## **COUNCIL MEETING**

23 September 2019

### **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. Deputation - James Beard**

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5. **Deputation - Bronwyn Zimmerman** Page 11
  
6. **Presentation on Strategic Monitoring - Palmerston North City Dashboards** Page 13  
 Presentation, dated 6 September 2019, by Julie Macdonald, Strategy and Policy Manager.
  
7. **Confirmation of Minutes** Page 15  
 “That the minutes of the ordinary meeting of 26 August 2019 Part I Public be confirmed as a true and correct record.”

## ***REPORTS***

8. **Separated Cycleways on New Collector Roads** Page 31  
 Memorandum, presented by David Murphy, City Planning Manager.
  
9. **Funding to Progress Proposed City Centre Business Improvement District** Page 35  
 Memorandum, presented by David Murphy, City Planning Manager.
  
10. **Implementation Plan for College Street Transport Upgrade** Page 39  
 Memorandum, presented by Robert van Bentum, Manager - Transport and Infrastructure.
  
11. **Approval to Consult - Amendment to the Cemeteries and Crematorium Bylaw 2018** Page 63  
 Report, presented by Julie Macdonald, Strategy & Policy Manager.
  
12. **Draft Policy for the Use of Public Space 2019 – Deliberations on Submissions and Adoption of Policy** Page 85  
 Memorandum, presented by Julie Macdonald, Strategy & Policy Manager.



- 13. Adoption of amendment to the Palmerston North Dog Control Bylaw 2018** Page 101  
Memorandum, presented by Julie Macdonald, Strategy & Policy Manager.
- 14. Council Work Schedule** Page 119

### ***RECOMMENDATIONS FROM COMMITTEE MEETINGS***

- 15. Presentation of the Part I Public Sport and Recreation Committee Recommendations from its 26 August 2019 Meeting** Page 121  
“That the Committees recommendations be adopted or otherwise dealt with.”
- 16. Presentation of the Part I Public Community Development Committee Recommendations from its 2 September 2019 Meeting** Page 123  
“That the Committees recommendations be adopted or otherwise dealt with.”
- 17. Presentation of the Part I Public Planning and Strategy Committee Recommendations from its 2 September 2019 Meeting** Page 127  
“That the Committees recommendations be adopted or otherwise dealt with.”
- 18. Presentation of the Part I Public Arts, Culture and Heritage Committee Recommendations from its 9 September 2019 Meeting** Page 129  
“That the Committees recommendations be adopted or otherwise dealt with.”
- 19. Presentation of the Part I Public Finance and Performance Committee Recommendations from its 16 September 2019 Meeting** Page 131  
“That the Committees recommendations be adopted or otherwise dealt with.”

## 20. Presentation of the Part I Public Sport and Recreation Committee Recommendations from its 16 September 2019 Meeting

Page 133

“That the Committees recommendations be adopted or otherwise dealt with.”

## 21. 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
22.	Minutes of the ordinary meeting - Part II Confidential - 26 August 2019	For the reasons setout in the ordinary minutes of 26 August 2019, held in public present.	
23.	Community Development Small Grants Fund - approval of allocation	Negotiations	s7(2)(i)
24.	District Licensing Committee Membership and Policy on Appointments to Council Committees	Privacy	s7(2)(a)
25.	Presentation of the Part II Confidential Finance and Performance Committee Recommendations from its 16 September 2019 Meeting	For the reasons setout in the agenda of 15 April 2019, held in public present.	
26.	Presentation of the Part II Confidential Sport and Recreation Committee Recommendations from its 16 September 2019 Meeting	For the reasons setout in the agenda of 15 April 2019, held in public present.	
27.	Chief Executive's	Privacy	S7(2)(a)

	<b>Performance Review 2018/19 [Limited circulation] Part IIB</b>		
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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.

Chief Executive (Heather Shotter), Chief Financial Officer (Grant Elliott), Chief Infrastructure Officer (Tom Williams), General Manager – Strategy and Planning (Sheryl Bryant), General Manager - Community (Debbie Duncan), Chief Customer and Operating Officer (Chris Dyhrberg), General Manager - Marketing and Communications (Sacha Haskell), Sandra King (Executive Officer) because of their knowledge and ability to provide the meeting with advice on matters both from an organisation-wide context (being members of the Council’s Executive Leadership Team) and also from their specific role within the Council.

Legal Counsel (John Annabell), because of his knowledge and ability to provide the meeting with legal and procedural advice.

Democracy Administrators (Carly Chang, Courtney Kibby, and Natalya Kushnirenko), because of their knowledge and ability to provide the meeting with procedural advice and record the proceedings of the meeting.

Community Development Manager (Jo Ransom) and Community Groups Advisor (Pascal Francois) because of their knowledge and ability to assist the meeting in speaking to their report and answering questions, noting that such officer will be present at the meeting only for the item that relate to their respective report.

*[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].



## DEPUTATION

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Deputation - James Beard

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### RECOMMENDATION(S) TO COUNCIL

1. That the Council receive the deputation for information.
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### SUMMARY

Mr James Beard will provide a Deputation regarding Planning Issues.

### ATTACHMENTS

Nil





## DEPUTATION

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Deputation - Bronwyn Zimmerman

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### RECOMMENDATION(S) TO COUNCIL

1. That the Council receive the deputation for information.
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### SUMMARY

Ms Bronwyn Zimmerman will provide a Deputation regarding the recommendation made at the Arts Culture and Heritage meeting that Council not proceed with the proposed public consultation review of Te Manawa under section 17A, and that Council accept an "enhanced status quo" for Te Manawa.

### ATTACHMENTS

Nil



## **PRESENTATION**

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Presentation on Strategic Monitoring - Palmerston North City Dashboards

**FROM:** Julie Macdonald, Strategy & Policy Manager

**ITEM 6**

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### **RECOMMENDATION(S) TO COUNCIL**

1. That the Council receive the presentation for information.

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### **SUMMARY**

In June 2018 the Council adopted a new strategic framework and identified 'measures of success' for each strategy to track progress towards achieving each of Council's goals.

New strategic monitoring dashboards will provide up to date information, to the Council and the wider community, about each of the measures of success. The presentation will introduce the new dashboards and provide an overview of progress to date.

### **ATTACHMENTS**

Nil



# PALMERSTON NORTH CITY COUNCIL

## Minutes of the Council Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 26 August 2019, commencing at 9.01am

**Members Present:** The Mayor (Grant Smith) (in the Chair) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**Apologies:** Councillor Adrian Broad.

### 81-19 Apologies

Moved Grant Smith, seconded Tangi Utikere.

#### RESOLVED

1. That Council receive the apologies.

Clause 81-19 above was carried 15 votes to 0, the voting being as follows:

#### For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

### 82-19 Late Item

The Chairperson advised that the memorandum regarding Director and Trustee Appointments was a late item due to the interview process only recently being completed.

The item should be considered at this meeting to allow the appointed Directors and Trustees to be advised of their appointment without undue delay and to take their place on the respective Boards.

Moved Grant Smith, seconded Tangi Utikere.

#### RESOLVED

1. That the Part II Memorandum titled "Director and Trustee Appointments" be received.

Clause 82-19 above was carried 15 votes to 0, the voting being as follows:

#### For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi

Utikere.

**83-19 Deputation - Awapuni Residents**

Annette Nixon, Jeanine Gribbin and Stephen Mercer provided a deputation to the Committee on behalf of business owners in Awapuni Village.

Comments relating to the consultation process were positive, although it was generally felt there was a lack of cohesion.

Business owners were not opposed to cycle lanes and limited parking areas, and remain supportive of a low speed, shared space. Elected Members were also supportive of a slower speed in this area.

Staff parking/customer parking was discussed, and it was noted Sheffield Street is not mentioned in the report despite this being used for both staff and customer parking.

Parking represents a competitive advantage for businesses.

Moved Grant Smith, seconded Tangi Utikere.

**RESOLVED**

1. That the Council receive the deputation for information.

Clause 83-19 above was carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**84-19 Confirmation of Minutes**

Moved Tangi Utikere, seconded Vaughan Dennison.

**RESOLVED**

1. That the minutes of the ordinary meeting of 24 June 2019 Part I Public be confirmed as a true and correct record.

Clause 84-19 above was carried 12 votes to 0, with 3 abstentions, the voting being as follows:

**For:**

Councillors Brent Barrett, Susan Baty, Rachel Bowen, Vaughan Dennison, Lew Findlay QSM, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**Abstained:**

The Mayor (Grant Smith) and Councillors Gabrielle Bundy-Cooke and Leonie Hapeta.

**85-19 Notice of Motion - Cemeteries and Crematorium Bylaw 2018**



Moved Grant Smith, seconded Tangi Utikere.

**RESOLVED**

1. That the Chief Executive be instructed to draft an amendment to the Cemeteries and Crematorium Bylaw 2018 that removes section 11.7 'No person may decorate the soil of a grave located in the lawn cemetery with the use of construction materials such as concrete, stone or metal or with the construction of fences or pavement' for consultation with the public in accordance with the Local Government Act 2002.

Clause 85-19 above was carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**86-19**

**Background Information for Notice of Motion - Childcare Allowance**

Memorandum, presented by John Annabell, Legal Counsel.

Moved Grant Smith, seconded Tangi Utikere.

**RESOLVED**

1. That the information in the memorandum relating to the Notice of Motion – Childcare Allowance be considered in conjunction with the Notice of Motion.

Clause 86-19 above was carried 13 votes to 1, with 1 abstention, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Aleisha Rutherford and Tangi Utikere.

**Against:**

Councillor Bruno Petrenas.

**Abstained:**

Councillor Lew Findlay QSM.

**87-19**

**Notice of Motion - Childcare Allowance**

During discussion Elected Members noted it was not appropriate for a decision to be made on Childcare Allowance prior to the election, and that a staged or subsidised approach would be preferable.

Moved Aleisha Rutherford, seconded Leonie Hapeta.

**Note:**

On a motion that:

1. That Council provide for the childcare allowance in accordance with the local government

members (2019/2020) (Local Authorities) Determination 2019, to be effective from 27 August 2019.

2. That the childcare allowance be accommodated within existing budgets or that a new budget be established.

the motion was lost 6 votes to 7, with 2 abstentions, the voting being as follows:

**For:**

Councillors Brent Barrett, Susan Baty, Leonie Hapeta, Jim Jefferies, Aleisha Rutherford and Tangi Utikere.

**Against:**

The Mayor (Grant Smith) and Councillors Rachel Bowen, Vaughan Dennison, Lew Findlay QSM, Lorna Johnson, Karen Naylor and Bruno Petrenas.

**Abstained:**

Councillors Gabrielle Bundy-Cooke and Duncan McCann.

The meeting adjourned at 10.30am

The meeting resumed at 10.51am

## **REPORTS**

### **88-19 Outcome of Consultation on College Street Transport Upgrade Options for Awapuni Shopping Area**

Memorandum, presented by Robert van Bentum, Manager - Transport and Infrastructure.

After discussion Elected Members decided a compromise regarding the proposed options would enable the project to move forward, and that consideration be given as to how to address future decisions relating to roading.

Councillor Rutherford left the meeting at 10.55am

Councillor Rutherford entered the meeting at 11.13am

Moved Grant Smith, seconded Tangi Utikere.

### **RESOLVED**

1. That Council receive the report entitled "Outcome of Consultation on College Street Transport Upgrade Options for Awapuni Shopping Area" dated 9<sup>th</sup> August.
2. That Council approves the implementation of a hybrid Option of 1, 3 and 4 comprising Buffered Cycle Lanes through the Awapuni Shopping Centre, including trials on slower speed limits, construction of several inset vehicle parks, and trialling parking time limits. To be brought back to the September Council meeting for final approval.

Clause 88-19 above was carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle

Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Moved Rachel Bowen, seconded Brent Barrett.

3. That the Chief Executive report on if and how any new residential 'collector' roads constructed within the urban area make provision for separated cycleways unless otherwise determined and to be reported at the next Council meeting.

Clause 88-19 above was carried 9 votes to 6, the voting being as follows:

**For:**

Councillors Brent Barrett, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor and Bruno Petrenas.

**Against:**

The Mayor (Grant Smith) and Councillors Susan Baty, Lew Findlay QSM, Leonie Hapeta, Aleisha Rutherford and Tangi Utikere.

The meeting adjourned at 12.02pm

The meeting resumed at 1.51pm

**89-19 Earthquake Prone Buildings Policy: For Council Owned Buildings (Uplifted from Table)**

Memorandum, presented by David Murphy, City Planning Manager.

Moved Grant Smith, seconded Tangi Utikere.

**RESOLVED**

1. That the memorandum dated 7 June 2019 and titled "Earthquake Prone Buildings: For Council Owned Buildings" be uplifted from the table.

Clause 89-19 above was carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Moved Grant Smith, seconded Tangi Utikere.

2. That the information and advice contained in the memorandum dated 7 June 2019 and titled "Earthquake Prone Buildings Policy: For Council Owned Buildings" attached to the memorandum dated 5 July 2019 and titled "Earthquake Prone Buildings Policy: For Council Owned Buildings (Uplifted from Table)" be received.
3. That the Earthquake Prone Buildings Policy – For Palmerston North City Council Owned Buildings attached to the memorandum dated 7 June 2019 and titled "Earthquake Prone Buildings Policy: For Council Owned Buildings" be adopted.

Clauses 89-19 and 89.3 above were carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**90-19 Exemption of the Palmerston North Performing Arts Trust from being a Council Controlled Organisation**

Memorandum, presented by David Murphy, City Planning Manager.

Moved Tangi Utikere, seconded Aleisha Rutherford.

**RESOLVED**

1. That pursuant to section 7 of the Local Government Act 2002, the Palmerston North Performing Arts Trust be exempted from being a Council Controlled Organisation for three years from 1 July 2019 to 30 June 2022.

Clause 90-19 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

**For:**

Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**Abstained:**

The Mayor (Grant Smith).

**91-19 Work Schedule**

Moved Grant Smith, seconded Tangi Utikere.

**RESOLVED**

1. That the Council receive its Work Schedule dated August 2019.

Clause 91-19 above was carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**RECOMMENDATIONS FROM COMMITTEE MEETINGS**

**92-19 Planning and Strategy Committee Part I Public - 5 August 2019**

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

Moved Duncan McCann, seconded Aleisha Rutherford.

**RESOLVED**

1. That the Committee's recommendations be adopted.

Clause 92-19 above was carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**93-19**

**Finance and Performance Committee Part I Public - 19 August 2019**

Consideration was given to Finance and Performance Committee recommendations as appended to these minutes.

Moved Susan Baty, seconded Jim Jefferies.

**RESOLVED**

1. That clause 50-19 of the Committee's recommendations be adopted.

Clause 93-19 above was carried 14 votes to 1, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**Against:**

Councillor Karen Naylor.

Moved Susan Baty, seconded Jim Jefferies.

2. That the balance of the Committee's recommendations be adopted.

Clause 93-19.2 above was carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**94-19**

**Audit and Risk Committee Part I Public - 19 August 2019**

Consideration was given to Audit and Risk Committee recommendations as appended to these minutes.

Moved Vaughan Dennison, seconded Bruno Petrenas.

**RESOLVED**

1. That the Committee's recommendations be adopted.

Clause 94-19 above was carried 13 votes to 0, with 2 abstentions, the voting being as follows:

**For:**

Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**Abstained:**

The Mayor (Grant Smith) and Councillor Lorna Johnson.

## EXCLUSION OF PUBLIC

### 95-19 Recommendation to Exclude Public

Moved Grant Smith, seconded Tangi Utikere.

### 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
17.	Minutes of the ordinary meeting - Part II Confidential - 24 June 2019	For the reasons set out in the ordinary minutes of 24 June 2019, held in public present.	
18.	Contract 3458 – Road Maintenance, Resurfacing and Rehabilitation 2017-21 – Progress Update	Third Party Commercial	S7(2)(b)(ii)
19.	Tranche 12 Electricity Recommendation Report	Commercial Activities	S7(2)(h)
20.	Rates Remission Application – The Ozanam House Trust	Privacy	S7(2)(a)
23.	Director and Trustee Appointments	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.

Chief Executive (Heather Shotter), Chief Financial Officer (Grant Elliott), Chief



Infrastructure Officer (Tom Williams), General Manager – Strategy and Planning (Sheryl Bryant), General Manager - Community (Debbie Duncan), Chief Customer and Operating Officer (Chris Dyhrberg), General Manager - Marketing and Communications (Sacha Haskell), Sandra King (Executive Officer) because of their knowledge and ability to provide the meeting with advice on matters both from an organisation-wide context (being members of the Council's Executive Leadership Team) and also from their specific role within the Council.

Legal Counsel (John Annabell), because of his knowledge and ability to provide the meeting with legal and procedural advice.

Democracy Administrators (Carly Chang, Courtney Kibby, Natalya Kushnirenko, and Penny Odell), because of their knowledge and ability to provide the meeting with procedural advice and record the proceedings of the meeting.

*[Add Council Officers]*, because of their knowledge and ability to assist the meeting in speaking to their report and answering questions, noting that such officer will be present at the meeting only for the item that relate to their respective report.

*[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].

Clause 95-19 above was carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

The public part of the meeting finished at 2.05pm

Confirmed 23 September 2019

**Mayor**

## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 26 August 2019

**TITLE:** Presentation of the Part I Public Planning and Strategy Committee Recommendations from its 5 August 2019 Meeting

Set out below are the recommendations only from the Planning and Strategy Committee meeting Part I Public held on 5 August 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

### **54-19 Palmerston North Wastewater Bylaw 2019 - deliberations on submissions**

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

#### The **COMMITTEE RECOMMENDS**

1. That the Council confirms that the Palmerston North Wastewater Bylaw 2019 is the most appropriate form of bylaw and does not give rise to any implications under the NZ Bill of Rights Act 1990.
2. That the Council adopts the Palmerston North Wastewater Bylaw 2019 and Palmerston North Wastewater Bylaw 2019 Administration Manual, as shown in attachments 1 and 2.
3. That the Chairperson and Deputy Chairperson of the Planning and Strategy Committee be given delegated authority to approve minor amendments to the Palmerston North Wastewater Bylaw 2019 and Palmerston North Wastewater Bylaw 2019 Administration Manual prior to publication.

### **59-19 Priority Intersection and Safety Treatments Across City**

Report, presented by Robert van Bentum, Transport and Infrastructure Manager.

#### The **COMMITTEE RECOMMENDS**

1. That Council receive the report outlining the current approach and options for maintaining, enhancing or reducing investment in intersection safety improvements.
2. That Council endorse the Officer recommendation to adopt Option 1 being the maintenance of the current level of investment safety improvements for the 2018-2021 three year NZTA funding cycle.

**ATTACHMENTS**

Nil

## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 26 August 2019

**TITLE:** Presentation of the Part I Public Finance and Performance Committee Recommendations from its 19 August 2019 Meeting

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Set out below are the recommendations only from the Finance and Performance Committee meeting Part I Public held on 19 August 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**50-19 Sound System Replacement - The Regent Theatre**

Memorandum, dated 17 July 2019 from Bryce Hosking, Manager - Property.

The **COMMITTEE RECOMMENDS**

1. That Council provide a one-off capital grant to The Regent Theatre Trust to the value of \$134,300 + GST to replace and upgrade the sound system in the Regent Theatre Building.

**52-19 Quarterly Performance and Financial Report - Quarter Ending 30 June 2019**

Memorandum, dated 2 August 2019 from Stuart McKinnon, Finance Manager.

The **COMMITTEE RECOMMENDS**

1. That the Committee receive the June 2019 Quarterly Performance and Financial Report and note:
  - a. The June 2019 financial performance and operating performance.
  - b. The June 2019 capital expenditure programme progress together with those programmes identified as unable to be completed this financial year.
2. That the Committee note that the capital expenditure carry forward values in the 2019/20 Annual Budget will be increased by a net \$4,065,000 to the amount of remaining programme budgets.

**54-19 Local Impact Procurement Policy**

Memorandum, dated 6 May 2019 from Julie Pedley, Procurement Manager.

The **COMMITTEE RECOMMENDS**

1. That Council approves and implements a Local Impact Procurement Policy.
- 1. That the Local Contribution Assessment factors include consideration of specific local knowledge or expertise.**
3. That the Chief Executive develops, for consideration by Council, a draft procurement policy targeting social & environmental impact.

**57-19 Review of Rating System - Terms of Reference**

Memorandum, dated 5 August 2019 from Steve Paterson, Strategy Manager - Finance.

The **COMMITTEE RECOMMENDS**

- 1. That the Terms of Reference for the Review of Rating System be revised to include identification of ways that a future rating system could positively contribute to strategic outcomes, including optimisation of land use within and among district planning zones.**
- 1. That the Terms of Reference for the Rating Review as outlined in Appendix Three of the report titled "Review of Rating Systems – Terms of Reference", be endorsed.**

**ATTACHMENTS**

Nil





## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 26 August 2019

**TITLE:** Presentation of the Part I Public Audit and Risk Committee Recommendations from its 19 August 2019 Meeting

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Set out below are the recommendations only from the Audit and Risk Committee meeting Part I Public held on 19 August 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**20-19 Business Assurance Framework and Business Assurance 2019/20 Plan**

Memorandum, dated 30 July 2019 from Vivian Watene, Senior Internal Auditor.

The **COMMITTEE RECOMMENDS**

1. That the Council endorse the Business Assurance Framework and Business Assurance 2019/20 Plan prepared by PricewaterhouseCoopers PwC, (Appendix A).
2. That the Business Assurance 2019/20 Plan supersede the previously approved Internal Audit 2019/20 Plan (Appendix B), except for 3 audits, and their reason for exclusion, in paragraph 2 of this Memorandum.

**24-19 Business Assurance Charter**

Memorandum, dated 25 July 2019 from Vivian Watene, Senior Internal Auditor.

The **COMMITTEE RECOMMENDS**

1. That Council endorse the Business Assurance Charter (the Charter) as enclosed in Appendix B.

## ATTACHMENTS

Nil



## MEMORANDUM

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Separated Cycleways on New Collector Roads

**PRESENTED BY:** David Murphy, City Planning Manager

**APPROVED BY:** Sheryl Bryant, General Manager - Strategy & Planning

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### RECOMMENDATION(S) TO COUNCIL

1. That the amendments to the Urban Cycle Network Masterplan detailed in the report titled "Separated Cycleways on New Collector Roads" dated 23 September 2019 be approved.
2. That the need for Separated Cycleways on New Collector Roads be considered as part of the preparation of the Proposed Streets and Roads Framework.

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### 1. ISSUE

Council was interested in better understanding the implications of requiring separated cycleways on all new collector roads.

### 2. BACKGROUND

Council passed the following resolution at the 26 August Council meeting (clause 88-19):

*That the Chief Executive report on if and how any new residential 'collector' roads constructed within the urban area make provision for separated cycleways unless otherwise determined and to be reported at the next Council meeting.*

### 3. ANALYSIS

New collector roads occur as part of new urban development. The design of new collector streets is informed by the District Plan and Engineering Standards for Land Development. These documents do not require separated cycleways on new collector roads.

During the development of District Plan provisions for new urban development areas, specific requirements could be put in place to require separate cycleways on new collector

roads. Such requirements would need to be assessed on a case-by-case based on evidence. Each case is likely to be unique. For example:

- Whakarongo has an existing separated shared path which traverses the development.
- While extensions are planned to Pacific Drive, the majority of the road is complete, meaning separated facilities on any extension to Pacific Drive would be isolated.
- Separated cycleways in that part of Kakatangiata north of Pioneer Highway could connect well to the existing shared path to help form a useful safe cycling network.

Alternatively, the Engineering Standards for Land Development could be amended to require such consideration.

Changes to the District Plan or Engineering Standards for Land Development may have asset management and funding implications as the Council typically makes contributions to collector roads because they form part of the integrated transport network (distinct from local roads provided entirely by developers).

Changes and updates to the District Plan and Engineering Standards for Land Development should be informed by higher order strategic documents. The following two documents are relevant:

- The Urban Cycle Network Masterplan.
- The Proposed Streets and Roads Framework (under development).

Taking into account the analysis above, the following additions (shown in underline) are recommended to the Urban Cycle Network Masterplan:

1. Summary page iv, last paragraph:

For some streets, we will start with painted cycle lanes and upgrade to separated cycleways in coordination with the street maintenance programme. In new urban development areas, separated cycleways will also be the preferred type of provision on new roads designed for higher traffic volumes. The type of provision will be confirmed through the planning process, taking into account the context of the surroundings.

2. Section 5 Network implementation, page 19, last sentence:

This enables the roll out of a connected network of cycleways faster, with conversion to permanent facilities over time. In new urban development areas, separated cycleways will also be the preferred type of provision on new roads designed for higher traffic volumes. The type of provision will be confirmed through the planning process, taking into account the context of the surroundings.

It is also recommended that this matter be assessed as part of the development of the Streets and Roads Framework.

#### 4. NEXT STEPS

Make the recommended amendments to the Urban Cycle Network Masterplan.

Include an assessment of separated cycleways on new collector roads as part of the preparation of the Streets and Roads Framework.

#### 5. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	Yes
The recommendations contribute to Goal 2: A Creative and Exciting City	
The recommendations contribute to the outcomes of the Creative and Liveable Strategy	
The recommendations contribute to the achievement of action/actions in the Active and Public Transport Plan	
The action is: Upgrade, on a prioritised basis, pedestrian routes, connections, and road crossings.	
Contribution to strategic direction	The Creative and Liveable Strategy notes:  Council's goal is to see more people walking, cycling, and using public transport around Palmerston North. In many cases this will mean reallocating existing street space, such as on-street parking and traffic lanes, for another purpose.

#### ATTACHMENTS

Nil



## MEMORANDUM

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Funding to Progress Proposed City Centre Business Improvement District

**PRESENTED BY:** David Murphy, City Planning Manager

**APPROVED BY:** Sheryl Bryant, General Manager - Strategy & Planning

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### RECOMMENDATION(S) TO COUNCIL

1. That \$48,000 of unbudgeted expenditure be authorised to progress the Proposed City Centre Business Improvement District.
2. That it be noted that the Chief Executive will seek to absorb the \$48,000 of unbudgeted expenditure to progress the Proposed City Centre Business Improvement District within existing Strategy and Planning budgets.

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### 1. ISSUE

The Long Term Plan included \$50,000 in year 1 (2018/19) to progress the City Centre Business Improvement District (BID).

The Manawatu Chamber of Commerce (MCoC) was provided a grant to lead the establishment of the City Centre BID.

While good progress has been made, further funding is required to progress the BID to the point of implementation.

### 2. BACKGROUND

The City Centre Plan includes an action to formulate a self-funded BID. Many cities across New Zealand and overseas utilise a BID to drive investment and ongoing improvements in business districts. A BID is a proven formula for increasing interest and action in business districts by landowners and tenants.

The City Centre Plan includes the following:

*Council needs to work with city centre stakeholders to establish a business association that will use marketing, events and management to promote and reinforce community attachment and place-identity in other locations within the city centre. In other cities, Business Improvement Districts (BIDs) are formed to drive this activity. This approach needs to be considered in Palmerston North.*

The MCoC has made good progress on the formation of a BID within the City Centre. MCoC, in collaboration with Council, has achieved:

- Collated the names, contact details and organisation type for all of the businesses within the suggested BID area along with landowner details which PNCC have (518 businesses). Continued to visit business and identify further in the CBD area whilst socialising the BID concept.
- Have actively supported the CBD businesses and liaised with PNCC specifically around streetscaping, security and bus routes.
- Prepared a communications plan and set up a 'closed group' on Facebook
- Prepared funding scenarios for the BID based on the businesses/land owners identified in 1) above – further work on this to be done.
- Articulated to the original lead group the status of the BID proposal.
- Contracted a part-time project manager 12 hours per week.
- Formed a sub-committee, appointed an interim Chairperson and Treasurer.
- Incorporated a Society, the Central Palmerston North Business Improvement District Incorporated and written and adopted the constitution / rules.
- Presenting to the Economic Development Committee on 9 September 2019.

The MCoC is seeking an additional \$48,000 to progress the Proposed City Centre BID. This is made up by:



- Project management \$30,420
- Communications \$15,000
- Overheads \$3,000

Remaining work includes:

- To continue to build and manage the Leadership Team from businesses within the proposed BID area
- Socialise and articulate the concept update the communications plan
- Liaise with other stakeholders e.g. Iwi, CEDA, Horizons, Police, Community Groups
- Continue the development of value proposition:
  - BID Policy
  - Strategic Plan
  - BID Budget
  - Set BID Rate
  - BID Vote

### 3. NEXT STEPS

While the authorisation of unbudgeted expenditure is recommended, the Chief Executive will seek to absorb these costs within existing Strategy and Planning budgets.

Continue to work with MCoC to progress establishment of the BID.

### 4. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	<b>Yes</b>
If Yes quote relevant clause(s) from Delegations Manual	
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	<b>No</b>

procedure?		
Is there funding in the current Annual Plan for these actions?		<b>No</b>
Are the recommendations inconsistent with any of Council's policies or plans?		<b>No</b>
The recommendations contribute to Goal 2: A Creative and Exciting City		
The recommendations contribute to the outcomes of the Creative and Liveable Strategy		
The recommendations contribute to the achievement of action/actions in the City Centre Plan		
The action is: to formulate a self-funded Business Improvement District		
Contribution to strategic direction	<p>The City Centre Plan includes the following:</p> <p>Council needs to work with city centre stakeholders to establish a business association that will use marketing, events and management to promote and reinforce community attachment and place-identity in other locations within the city centre. In other cities, Business Improvement Districts (BIDs) are formed to drive this activity. This approach needs to be considered in Palmerston North.</p>	

### **ATTACHMENTS**

Nil

## MEMORANDUM

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Implementation Plan for College Street Transport Upgrade

**PRESENTED BY:** Robert van Bentum, Manager - Transport and Infrastructure

**APPROVED BY:** Tom Williams, Chief Infrastructure Officer

### RECOMMENDATION(S) TO COUNCIL

1. That Council approve the implementation of the proposed treatment for College Street through the Awapuni Shopping Centre from Nairn Crescent to Panako Place.
2. That Council approve Officer implementation of the remaining sections of the College Street Transport Upgrade Project from Maxwell's Line to Victoria Avenue as outlined in the report "Implementation Plan for College Street Transport Upgrade", subject to minor amendments following a final round of engagement with directly affected property owners.
3. That Council approve a Capital New Programme entitled "College Street - On-Street Parking Infrastructure" with a budget of \$1.096 million to fund the parking mitigation works required to implement the full extent of the College Street Transport Upgrade.
4. That Council approve a Capital New Programme entitled "City Wide - New On-street Parking Infrastructure" with a budget of \$75k to implement parking management and address parking issues around the city.

### 1. ISSUE

- 1.1 Council has approved the upgrade of College Street to improve safety for all road users. The primary focus of the project is improving safety for bus passengers by installation of bus bays and for people on bikes by providing buffered cycle lanes and removing conflicts with parked cars wherever possible.
- 1.2 Council recently adopted the "Urban Cycling Masterplan" following extensive consultation and engagement with road users and the community. The masterplan identifies a priority list of around 20 cycleway routes recommended to develop an integrated urban cycle commuter network for the city. College Street is a key initial part of this network as well as being a major public transport corridor.

- 1.3 Funding up-to-date for design, consultation and initial works on the College Street project has been drawn from Programme 279 – City Wide – Minor Road Safety Improvements. Work proposed to be undertaken in the 2019-20 financial year will be funded from the following programmes:
- Programme 1559 – Urban Cycle Network Development - \$1,465,000
  - Programme 1216 – City Wide – Additional Cycle Lanes - \$104,000
- 1.4 The design for the upgrade project has sought to balance the needs of road users with the impact of the project on on-street parking and business activity along the route. Key aspects of the design include the construction of indented bus bays to ensure buses can stop clear of the traffic and where possible the cycle lane, as well as intersection treatments to enable all modes to safely negotiate the route.
- 1.5 Council has sought to mitigate where possible the most significant effects of the project on on-street parking while ensuring the cycling infrastructure provided delivers the step change in safety required to persuade the community to commute by bike for work, education and leisure.
- 1.6 Most recently at the 26<sup>th</sup> August 2019 meeting of Council, consideration was given to how the needs of the community and business owners might be best accommodated for the section of the College Street Upgrade extended either side of the Awapuni Shopping Centre, from Nairn Crescent to Panako Street. Council adopted a resolution at this meeting as follows:
- That Council approves the implementation of a hybrid Option of 1, 3 and 4 comprising Buffered Cycle Lanes through the Awapuni Shopping Centre, including trials on slower speed limits, construction of several inset vehicle parks, and trialling parking time limits. To be brought back to the September Council meeting for final approval.*
- 1.7 Officers have developed a final design for both temporary and permanent treatments for the Awapuni Shopping Centre section of the College Street Transport Upgrade which incorporates the following elements:
- Buffered cycle lanes,
  - Create a slow speed environment,
  - Provide indented parking and
  - Introduce parking restrictions
- 1.8 This report seeks approval by Council of the final design for the Awapuni section of the upgrade, as well as proposed treatments for the remainder of the project extent, taking account of concerns around the impacts on on-street parking. While some further engagement with directly affected property owners is proposed to optimise the location of any mitigation, clear endorsement is required by Officers from

Council to enable completion of tendering, contract award and implementation of construction works within the current financial year.

## 2. BACKGROUND

2.1 The project, which extends a length of 4.6km, from Maxwell Avenue to Albert Street, was initially divided into several sections based on the design solutions proposed and initial feedback on the early designs. This report identifies six separate sections for the project comprising:

- Section 1. Maxwells Line to Nairn Crescent (south of Awapuni Shopping Centre) 800m
- Section 2. Nairn Crescent to Panako Place (Awapuni Shopping Centre) – 250m
- Section 3. Panako Place to Botanical Road - 600m
- Section 4. Botanical Road to Batt Street - 1250m
- Section 5. Batt Street to Victoria Ave (including Fitzherbert Ave junction) - 1250m
- Section 6. Victoria Street to Albert Street - 450m

1.2 This report considers each section of the project individually providing an overview of the specific design for each section, specific issues and any proposed mitigation. To assist Officers, develop the specific designs, more recent parking use and occupancy data has been collected. This has been used to establish for each section of the project, the appropriate level of parking mitigation, if any, required.

1.3 Parking information collected for the entire College Street comprised visual counts of parked vehicles at two hourly intervals from 8am to 6pm in the evening on Thursday 5<sup>th</sup> September and Saturday 7<sup>th</sup> September. A plot of the vehicle parking use along the road is appended to this report and summarised by section within each part of this report.

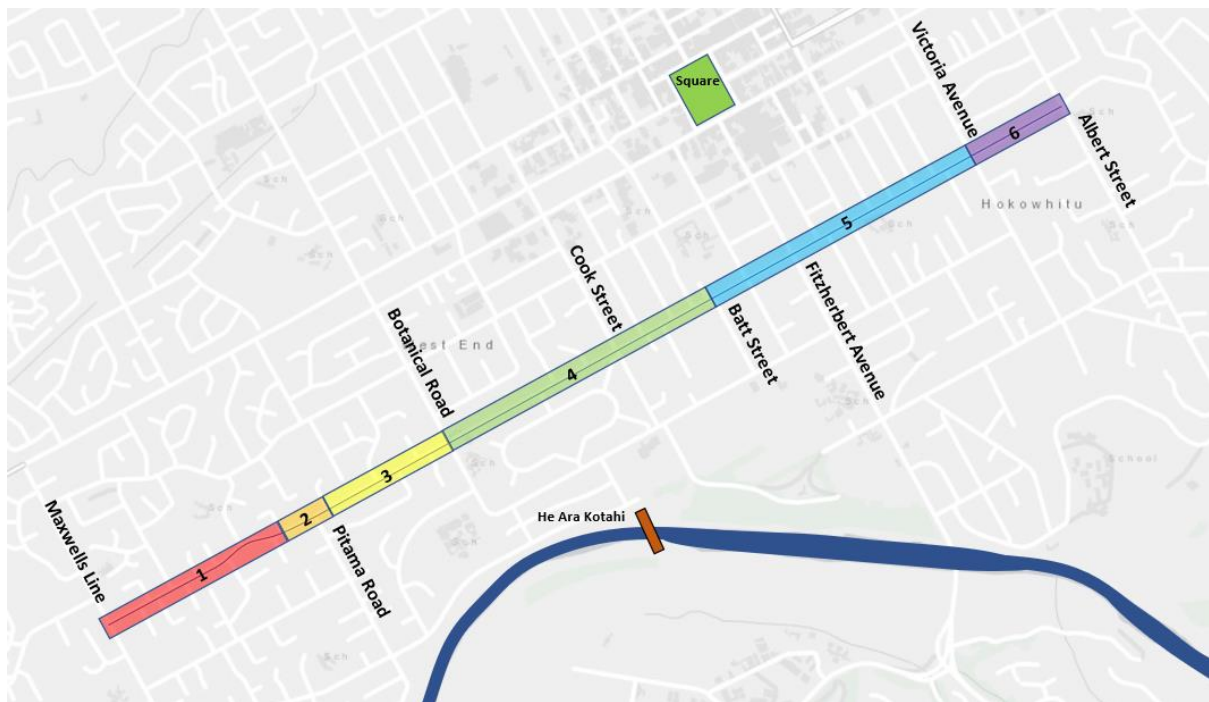
1.4 The engagement and consultation with the community has highlighted the significant concern around the loss of available on-street parking. The proposed project will inevitably result in a significant reduction in the level and location convenience of the available on-street parking. To assist with deciding on how best to mitigate this concern, Officers have sought to identify the actual level of regular and frequent parking use and demand.

1.5 It is acknowledged that special occasions and one-off events will result in much higher parking demand, however the approach taken is to arrive at a design that meets the needs of users most of the time. The proposed designs provide for a small excess of on-street parking beyond current peak use.

- 1.6 To achieve this outcome a significant investment in indented parking is required to offset the parking loss. Officers are seeking approval of a specific capital new parking infrastructure budget to ensure the project can be delivered, as available programme funding is fully committed to implementing the high priority sections of the cycle network. This also leaves open an approach to NZTA for subsidy support of Programme 1559.

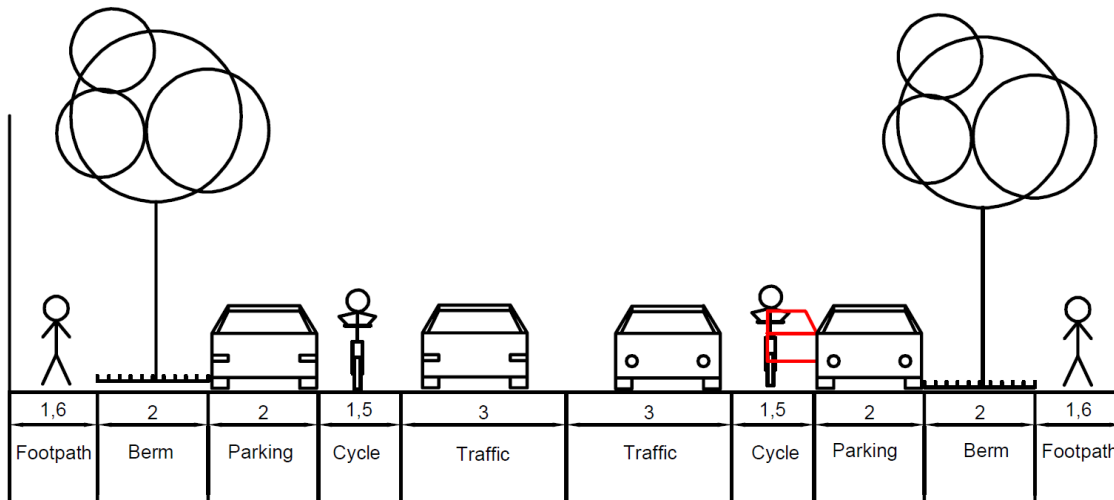
### 3. PROJECT OVERVIEW AND DESIGN CONSIDERATIONS

- 3.1 The road and land use environment on College Street varies throughout its length. To ensure appropriate design and treatment which responds to the different environment and land use the project has been divided into six sections as listed in 2.1 and illustrated in Figure 1 below.



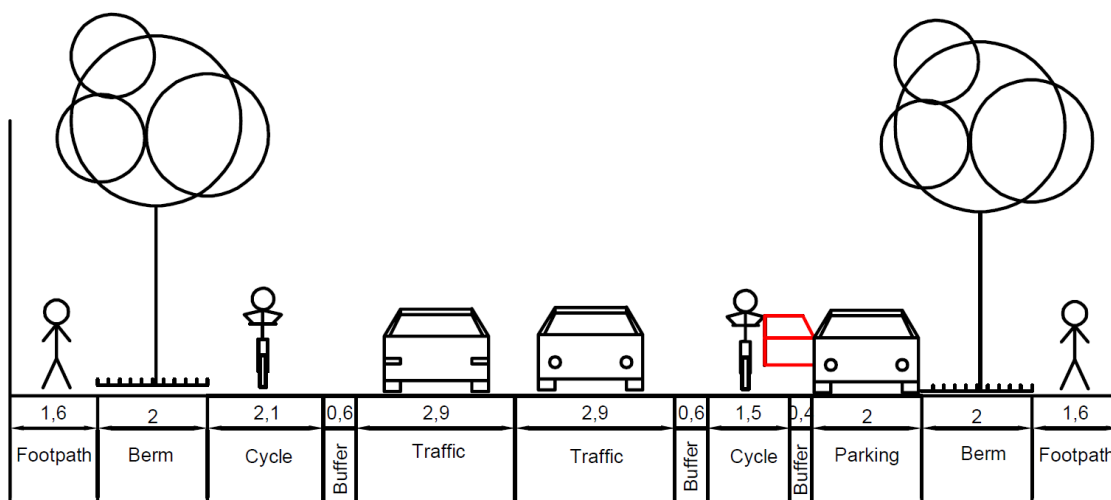
**Figure 1: Sections of College Street**

- 3.2 While the width of the road reserve (boundary to boundary) of College street is generally 20.2m, the road carriageway width varies markedly. When developing the design for the road including buffered cycle lanes two main cross sections were considered.
- 3.3 **Options for 13m road width:** Project sections 1, 3 and 5 all have a similar road carriage way width of approximately 13m. The existing layout allows for two lanes of traffic, with cycle lanes and parking on both sides. An existing cross section is shown in figure 2.



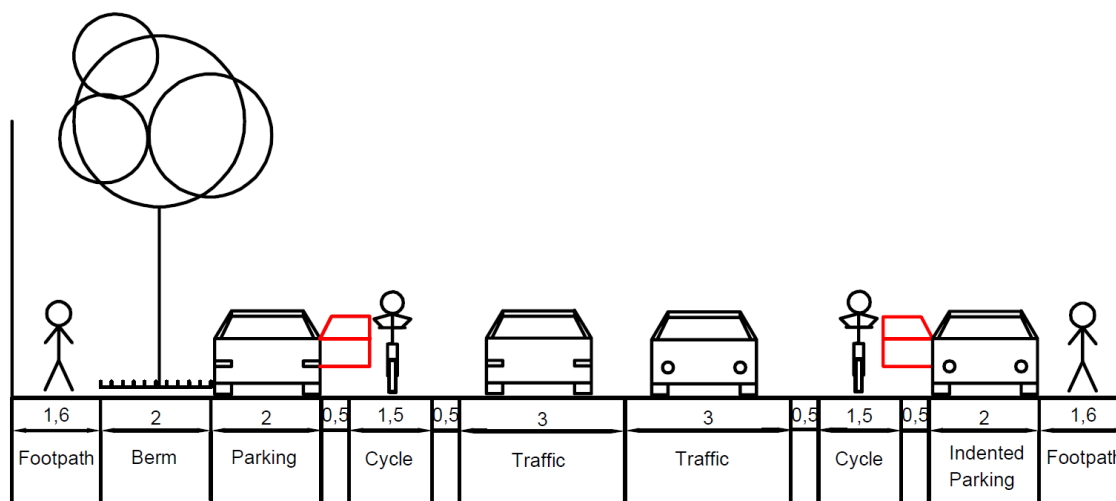
**Figure 2: Typical existing cross section for 13m carriage way**

- 3.4 Although cycle lanes can be provided on both sides, only standard narrow width lanes can be provided, which is unattractive to less confident cyclists. There is also the risk for cyclists of ‘car dooring’, which is a common cause of injury and in some cases deaths for cyclists.
- 3.5 By removing parking along one side of the street, the risk of ‘car dooring’ can be significantly reduced by allowing for wider cycle lanes and buffers to increase separation from traffic. This will provide a higher level of service for people on bikes, making the routes more attractive to less confident riders. In addition, a buffer can be provided between the parking and the cycle lane on the opposite side to reduce the risk of car dooring. The amended cross-section is shown in figure 3 below.



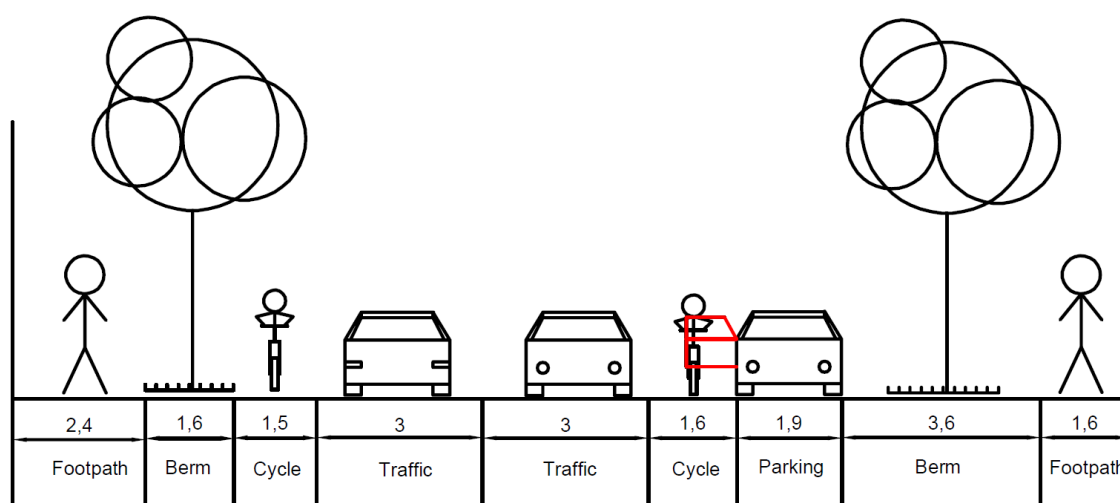
**Figure 3: Typical buffered cycle lane cross section for 13m carriage way**

- 3.6 To retain parking on both sides of the street, indented parking can be provided by replacing the berm and existing street trees on one side. This is an expensive option at approximately \$15,000 per parking space and will also negatively impact on the amenity of the street. An example of this cross section is shown in figure 4.



**Figure 4: Typical buffered cycle lane with indented parking cross section for 13m carriage way**

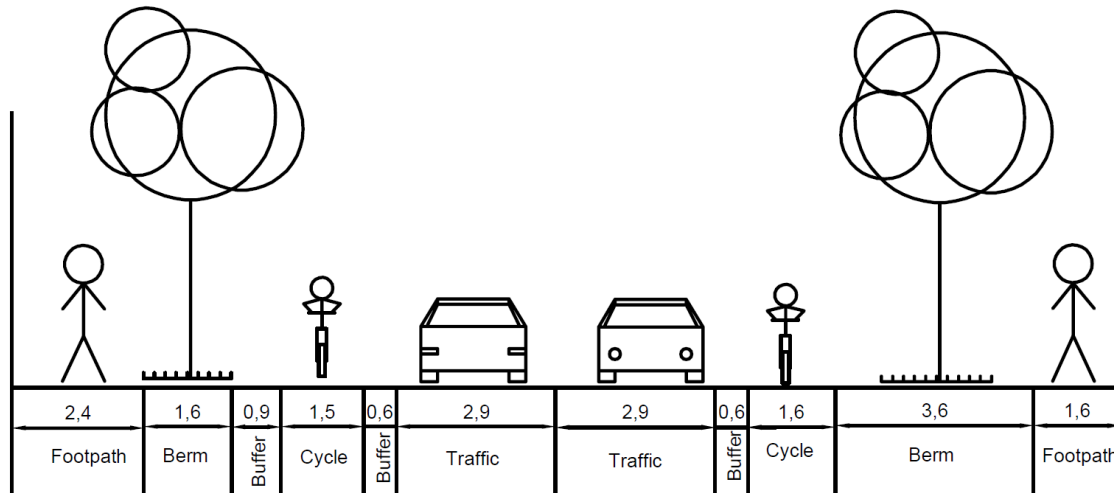
- 3.7 **Options for 11m road width:** Section 4 has a narrower carriageway of approximately 11m and is much more constrained for space compared to other sections. Currently parking has only been permitted on one side of the road. An example of the typical cross section is shown in Figure 5.



**Figure 5: Typical existing cross section for 11m carriage way**

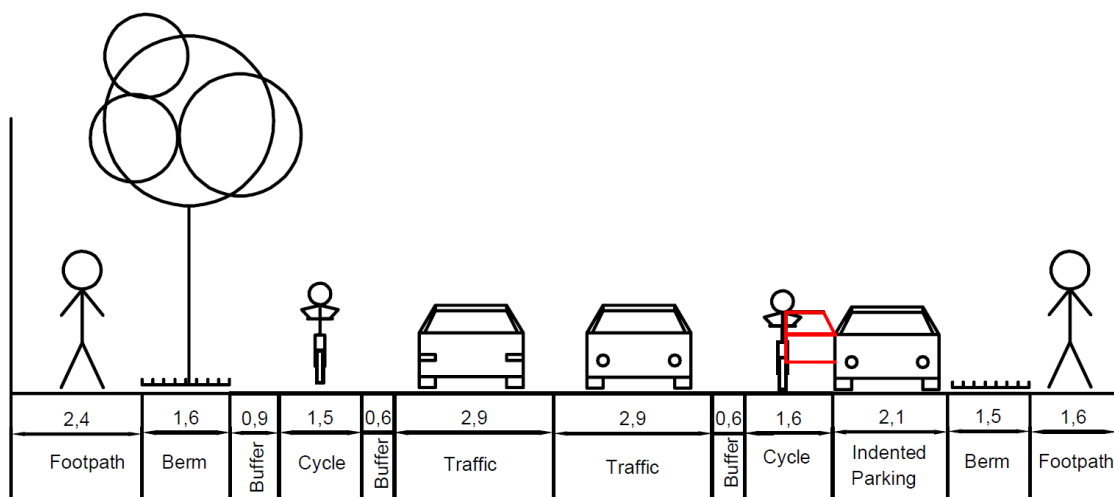


- 3.8 If parking is removed from both sides of the road then buffered cycle lanes can be provided on both sides. An example of this road cross-section is shown in figure 6.



**Figure 6: Typical buffered cycle lane cross section for 11m carriage way**

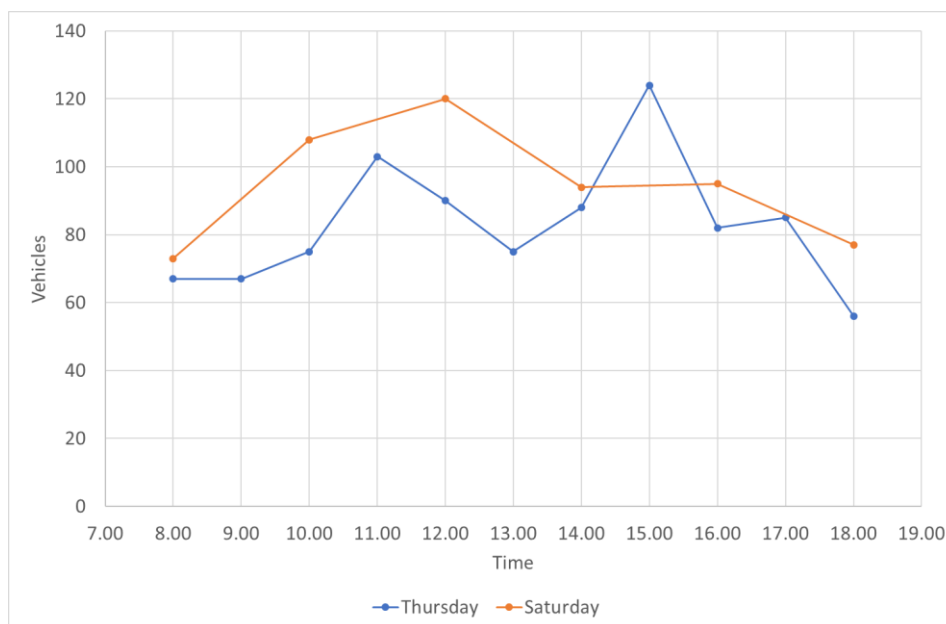
- 3.9 Again to mitigate the loss of parking, it is possible to remove the berm and trees and provide for indented parking. This will enable buffered cycle lanes on both sides of the road, although there is still some risk of 'car dooring'. The amended cross-section is shown in figure 7. Note that the widths of the berms and footpaths do vary throughout this length of College Street, so that the placement of indented parking is limited to certain locations only.



**Figure 7: Typical buffered Cycle lane with indented parking cross section for 13m carriage way**

#### 4. RECENT PARKING SURVEY

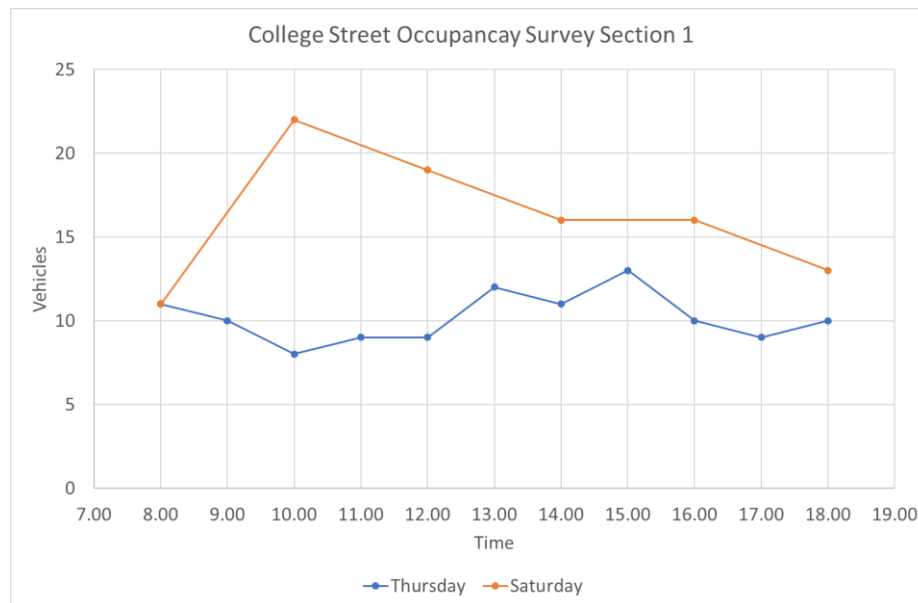
- 4.1 Recent parking occupancy surveys were undertaken by officers on Thursday 5 September and Saturday 7 September between the hours of 8am and 6pm. The surveys were carried out by counting the number of cars every hour on the Thursday and every two hours on the Saturday. The peak parking demand for the entire street was 124 vehicles at 3pm on the Thursday.



**Figure 8: Parking Demand for Entire Length**

#### 5. SECTION 1. MAXWELLS LINE TO NAIRN CRESCENT

- 5.1 This initial section of the College Street includes 7 bus stops (4 north side and 3 south side) and approximately 115 existing on-street car parks.
- 5.2 The parking demand for section 1 is shown in figure 9 below. The peak number of parked vehicles is 22 vehicles (19%). Parking on Thursday is relatively consistent throughout the day, while Saturday tends to have a higher parking demand in comparison.



**Figure 9 – Parking Demand for Section 1**

- 5.3 The upgrade includes provision for 4 indented bus bays and installation of buffered cycle lanes along both sides of the road. It is proposed that this will be done by removing the existing line marking and re-painting with the new line marking. The impact of the project on available on-street parking, current parking demand and proposed parking mitigation is summarised in Table 1.

**Table 1 Section 1 – Maxwells to Nairn - Parking Impacts and Proposed Mitigation**

	Total (No)
Current Available On-Street Parking	115
Peak Parking Demand from Sept 2019	22
Proposed Parking Provision (Demand + 20%)	26
Current Project Parking Provision	46
Parking Surplus / <b>Shortfall</b>	20
Mitigation Required	No

- 5.4 For section 1, no investment for indented parking, is considered necessary as the number of parking spaces remaining after the improvements should be adequate to cater for existing demand.
- 5.5 Indented bus bays for this section have already been constructed.

## 6. SECTION 2. AWAPUNI SHOPPING CENTRE (NAIRN CRESCENT TO PANAKO PLACE)

6.1 This section of the College Street project traverses the Awapuni Shopping Centre. Following additional consultation with the community and business owners several modifications to the design have been proposed. These are detailed in the plans appended to this report and include:

- treatments to slow traffic including road narrowing, highlighted poles, pavement markings and cautionary/gateway signage
- two sections of indented parking consisting of a total of five spaces on the north side to allow for casual short-term parking by customers of the local businesses (P60)
- retention of the buffered cycle lanes through the area
- conversion of all parking on the south side of College Street to P60 time limited parking as well as an additional disabled parking space.

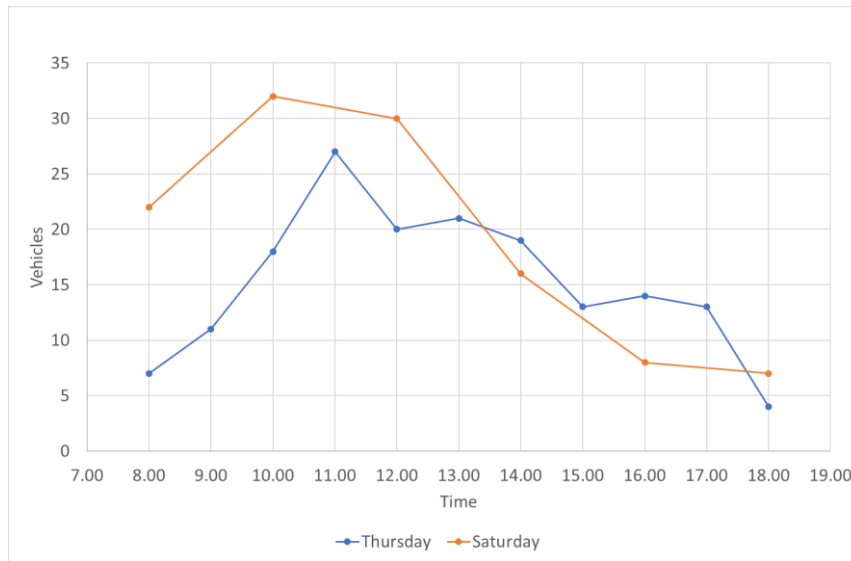
6.2 The estimated cost of the treatments over and above the implementation of the project is summarised in Table 2.

**Table 2 Section 2 – Nairn to Panako – Proposed Mitigation and Costs**

	Cost \$
Traffic Calming	\$15,000
Time Limited Parking Signage	\$1,500
Indented Parking	\$75,000
<b>Total Cost</b>	<b>\$91,500</b>

6.3 The pavement markings and cautionary/gateway signage will need to go through consultation with the businesses to ensure the design captures the character of the place. This would involve establishing a place name for the shopping centre/village. Examples of existing markings and gateway signs are shown in the appendix.

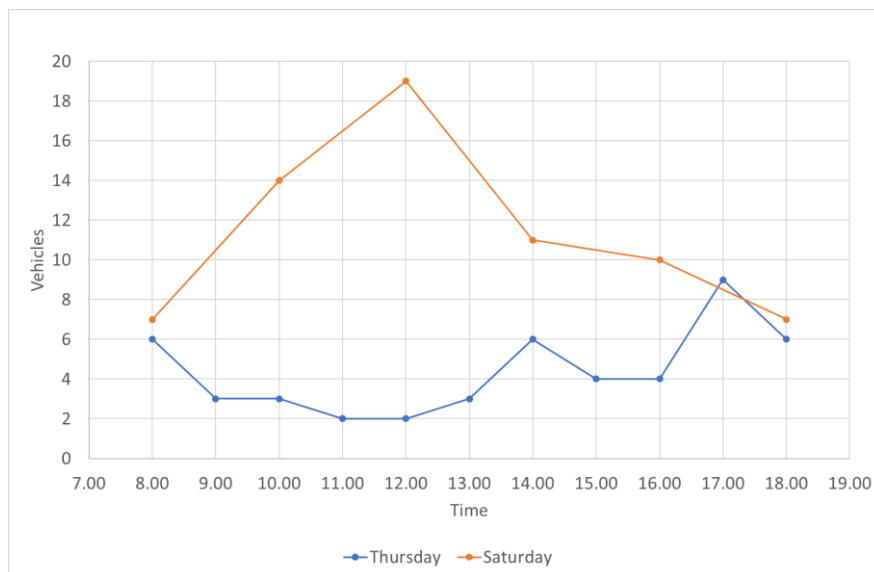
6.4 The parking demand is shown in Figure 10. Within the shopping centre demand was at its highest between mid-morning and early afternoon on the Saturday. Officers identified an event on Saturday, which may have generated extra activity. Higher parking demand for events is likely to be a common occurrence given the village is a focus for church gatherings on Sundays, funerals and community events.



**Figure 10 – Parking Demand for Section 2**

## 7. SECTION 3. PANAKO TO BOTANICAL

- 7.1 This section of the College Street Upgrade includes 6 bus stops (3 north side and 3 south side) and approximately 72 existing on-street car parks.
- 7.2 The parking demand for this section is shown in figure 14 below. The parking demand along this section is quite low on Thursday, peaking at 9 vehicles, while on Saturday there was a much higher parking demand, most likely associated an event being held within the Awapuni Shopping Centre.



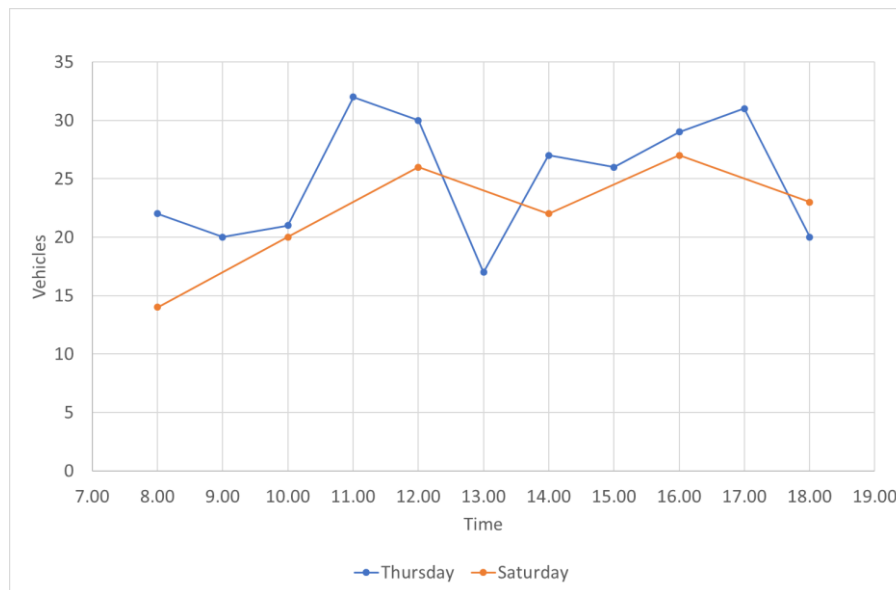
**Figure 11 – Parking Demand for Section 3**

- 7.3 The upgrade includes provision for 5 indented bus bays and installation of buffered cycle lanes along both sides of the road. It is proposed that this will be done by removing the existing line marking and re-painting with the new line marking. The impact of the project on available on-street parking, current parking demand and proposed parking mitigation is summarised in Table 3.

**Table 3 Section 3 – Panako to Botanical – Proposed Mitigation and Costs**

	Total (No)
Current Available On-Street Parking	72
Peak Parking Demand from Sept 2019 Survey	19
Proposed Parking Provision (Demand + 20%)	23
Current Project Parking Provision	13
Parking Surplus / <b>Shortfall</b>	<b>10</b>
Mitigation Required	Yes – Indented Parking
Cost at \$15,000 / Indented Parking Space	\$150,000

- 7.4 For section 3, there is a shortfall of 10 parking spaces between the proposed parking provision and the number of parking spaces provided after the proposed improvements. To cater for this shortfall, an investment in indented parking costing \$150,000 would be required.
- 7.5 Within the survey results, there was a high parking demand was recorded between the times of 10am and 12pm on Saturday 7 September, near the Awapuni shopping centre. This is likely to be due to an event which was held in the area.
- 7.6 Indented bus bays for this section have been constructed.
- 8. SECTION 4. BOTANICAL ROAD TO BATT STREET**
- 8.1 This section of the College Street Upgrade includes 8 bus stops (4 north side and 4 south side) and approximately 82 existing on-street car parks.
- 8.2 The parking demand for this section is shown in figure 12 below. The parking demand along this length generally ranges between 20 and 30 spaces, with a peak of 32 (39%) on Saturday.



**Figure 12 – Parking Demand for Section 4**

- 8.3 The upgrade includes provision for 2 (proposed) indented bus bays and installation of buffered cycle lanes along both sides of the road. It is proposed that this will be done by removing the existing line marking and re-painting with the new line marking. The impact of the project on available on-street parking, current parking demand and proposed parking mitigation is summarised in Table 4.
- 8.4 This section of the project is the one with the most significant impacts on on-street parking, as there is no space within the existing carriageway to provide for parking and deliver buffered cycle lanes. The only option to mitigate the loss of parking is to provide for indented parking.

**Table 4 Section 4 – Botanical to Batt – Proposed Mitigation and Costs**

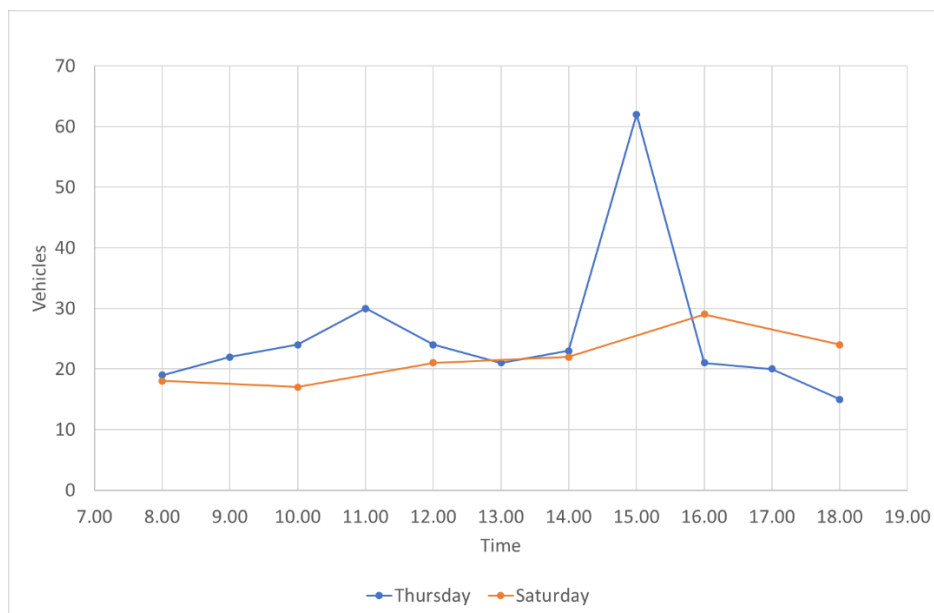
	Total (No)
Current Available On-Street Parking	82
Peak Parking Demand from Sept 2019 Survey	32
Proposed Parking Provision (Demand + 20%)	38
Current Project Parking Provision	0
Parking Surplus / <b>Shortfall</b>	<b>38</b>
Mitigation Required	Yes – Indented Parking
Cost at \$15,000 / Indented Parking Space	\$570,000

- 8.5 For section 4, there is a shortfall of 38 parking spaces between the demand and the number of parking spaces provided after the proposed improvements. To cater for this shortfall, an investment in indented parking would cost \$570,000. The cost can be reduced by reducing the number of indented car parks. This could be justified by assuming that some existing parking can be accommodated on nearby side streets and working with property owners to extend the extent on of property parking.

## 9. SECTION 5. BATT STREET TO VICTORIA AVENUE

- 9.1 This section of the College Street upgrades includes 8 bus stops (4 north side and 4 south side) and approximately 153 existing on-street car parks.
- 9.2 The parking demand for this section is shown in figure 13 below. The parking demand is relatively constant throughout the day ranging between 20 and 30 vehicles. As indicated in figure 13, there is a spike in parking demand to 62 (41%) on Thursday, which is presumed to be associated with peak school pickup and drop offs for College Street Normal School and Palmerston North Intermediate.

9.3



**Figure 13 – Parking Demand for Section 5**

- 9.4 The upgrade includes provision for 3 indented bus bays and installation of buffered cycle lanes along both sides of the road. It is proposed that this will be done by removing the existing line marking and re-painting with the new line marking. The impact of the project on available on-street parking, current parking demand and



proposed parking mitigation is summarised in Table 5. The level of residual parking is more than adequate for demand outside of school pick-up and drop-off.

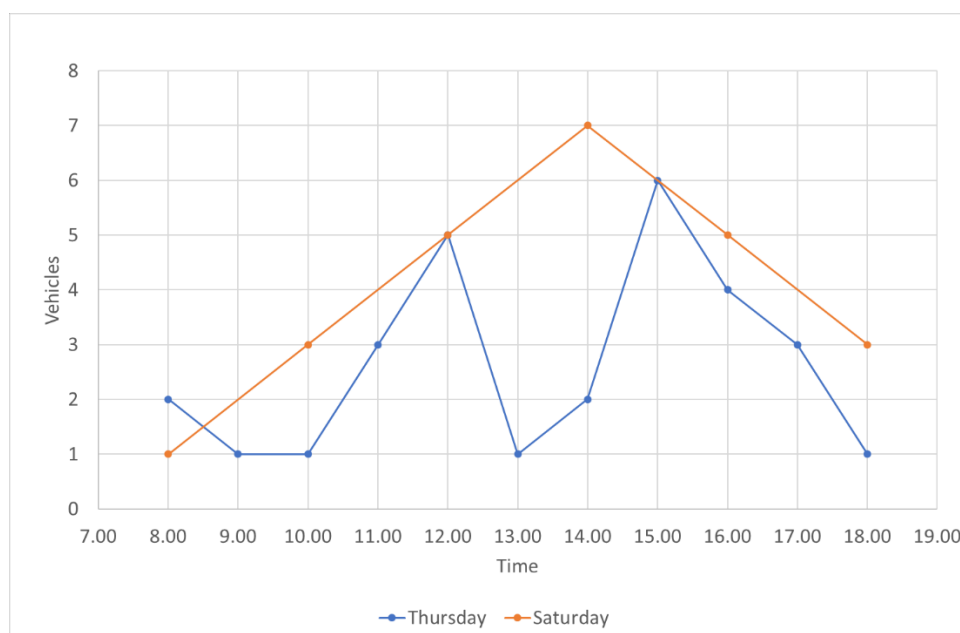
**Table 5 Section 5 – Batt to Victoria – Proposed Mitigation and Costs**

	Total (No)
Current Available On-Street Parking	153
Peak Parking Demand from Sept 2019 Survey	62
Proposed Parking Provision (Demand + 20%)	74
Current Project Parking Provision	55
Parking Surplus / <b>Shortfall</b>	<b>19</b>
Mitigation Required	Yes – Indented Parking
Cost at \$15,000 / Indented Parking Space	\$285,000

- 9.5 For section 5, there is a shortfall of 19 parking spaces between the demand and the number of parking spaces provided after the proposed improvements. To cater for this shortfall, an investment in indented parking would cost \$285,000. The investment in indented parking could be offset by working with the schools to prioritise other option to facilitate school pick-up and drop-off.

## 10. SECTION 6. VICTORIA AVENUE TO ALBERT STREET

- 10.1 This final section of the College Street upgrade is a narrow street with grass berms and is intended as a slow speed environment. It includes 1 bus stop (south side) and approximately 35 existing on-street car parks.
- 10.2 The parking demand for this section is shown in figure 14 below. Compared to other sections, this section has a low parking demand, where the peak demand was 7 (20%) vehicles. Much of the parking is associated with residents parking car on the berms.



**Figure 14 – Parking Demand for Section 6**

- 10.3 The upgrade includes provision for improved sharrow markings and some possible other treatments to slow vehicles. The impact of the project on available on-street parking, current parking demand and proposed parking mitigation is summarised in Table 6.

**Table 6 Section 6 – Victoria to Albert – Proposed Mitigation and Costs**

	Total (No)
Current Available On-Street Parking	35
Peak Parking Demand from Sept 2019 Survey	7
Proposed Parking Provision (Demand + 20%)	8
Current Project Parking Provision	22
Parking Surplus / <b>Shortfall</b>	22
Mitigation Required	No

- 10.4 For section 6, no investment is considered necessary for indented parking as the number of parking spaces remaining after the improvements should be adequate to cater for existing demand.
- 10.5 Originally, planter boxes were proposed to be placed within the parking lane to narrow the road and encourage reduced vehicle speeds. However, after receiving feedback from the community and re-evaluating the benefit of this treatment,

Council officers have omitted this treatment from the project. Instead other options to slow traffic will be considered.

## 11. CAPITAL NEW PARKING INFRASTRUCTURE PROGRAMME

- 11.1 The current estimate to complete the College Street Upgrade without any of the parking and traffic calming provisions is \$1.3 million, which represents 85% of the available budget of \$1.49 in Programme 1559. As outlined in the report, the additional mitigation proposed to address some of the parking impacts and provide a slower speed environment through the Awapuni Shopping centre (section 2) is estimated to cost \$91,500.
- 11.2 While Programme 1559 is not currently eligible for NZTA subsidy funding, Officers are working with NZTA staff to identify changes in programme priorities which might enable funding to be secured. As previously advised, NZTA have indicated that the provision of on-street parking does not meet the organisation's GPS (General Policy Statement) so would not be eligible for subsidy.
- 11.3 Officers therefore seek approval from Council for a new Capital New Programme to funding parking infrastructure on-road, which will be 100% Council funding. The recommended budget for the programme to complete Section 2 - Awapuni Shopping Centre portion of the College Street Upgrade is \$91,500. However, effective delivery of the College Street Upgrade, requires that all sections of the route are completed.
- 11.4 In the light of the feedback from the community around the loss of on-street parking, Officers have proposed a compromise design which provides for a minimum level of on-street parking sufficient to meet the existing demand plus an additional 20%. The estimate cost of constructing indented parking in sections 3, 4 and 5 of the project is \$1.0 million. Sections 1 and 6 of College Street are not considered to require any parking mitigation.

## 12. WIDER PARKING CHALLENGES

- 12.1 Parking conflicts and pressures are evident right across the city and this is reflected in the number of requests from residents and business owners for mitigation. While the pressures are an inevitable consequence of a growing and vibrant city, Officers acknowledge the need to continually look for better ways to manage parking issues. Typical mitigation measures and interventions require new line marking, new signage, extension of time limited parking, installation of additional sensors and additional mobility parking. There is currently no programme budget allocated to fund this capital infrastructure.
- 12.2 In the past 12 months, Officers have received 185 kbase requests for changes to parking infrastructure. The higher priority requests include changes in locations where parking is causing road safety issues, such as parking around schools and

changes to the periphery of busy areas such as the CBD and hospital, where employee parking is beginning to affect visitor and residential parking, availability.

- 12.3 To enable staff to invest in new infrastructure to implement changes to parking management around the city, Officers request an annual budget of \$75k for city wide capital new on-street parking infrastructure. The total capital new budget is summarised below in Table 7.

**Table 7 - Proposed Capital New Programme Budgets – On Street Parking Infrastructure**

	Cost
City – Wide - Annual Parking Management	\$75,000
College Street On Street Parking Infrastructure	
College Street – Section 2 – Awapuni Shopping Centre Parking Mitigation	\$91,000
College Street – Section 3 – Panako to Botanical	\$150,000
College Street – Section 4 – Botanical to Batt	\$570,000
College Street – Section 5 – Batt to Victoria	\$285,000
<b>Total Budget</b>	<b>\$1,096,000</b>

### 13. WHAT NEXT


- 13.1 If Council approves the recommended implementation approach and the additional capital budget, Officers will look to finalise the design. Officers will then engage with directly affected residents to identify any minor amendments. Once finalised the various elements of the project will be implemented either through existing contract engagements e.g. sealing and line marking by Higgins Contractors Ltd. or separately tendered e.g. traffic calming work and indented parking construction works.
- 13.2 If Council does not approve the additional funding, Officers would look to defer any further work on the College Street project and look to identify other priority routes within the urban cycleway masterplan which could be delivered within the available budget.

### 14. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	Yes
If Yes quote relevant clause(s) from Delegations Manual <Enter text>	

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?	No
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 outcomes of the Creative and Liveable Strategy	
The recommendations contribute to the achievement of action/actions in the Active and Public Transport Plan	
<p>The actions include:</p> <ul style="list-style-type: none"> <li>• Providing for the extension of public transport, cycling, and pedestrian facilities and services into residential and industrial growth areas, and the rural villages.</li> <li>• Upgrading, on a prioritised basis, cycle route interconnections and intersections.</li> <li>• Improving existing bus stops in the city with bus shelters, signage, markings, concrete pads, and hard stands.</li> </ul>	
Contribution to strategic direction	<p>This programme contributes to delivery of a safer transport network by advancing the urban cycling network and reducing conflicts between various road users. This is achieved by delivering wider cycle lane width, reducing conflicts with stationary buses at bus stops and reducing conflicts between people on bikes and parked cars.</p> <p>The ultimate objective of delivering an improved and safer cycling route is to encourage more people to make more journeys by bicycle or active transport mode rather than by car.</p>

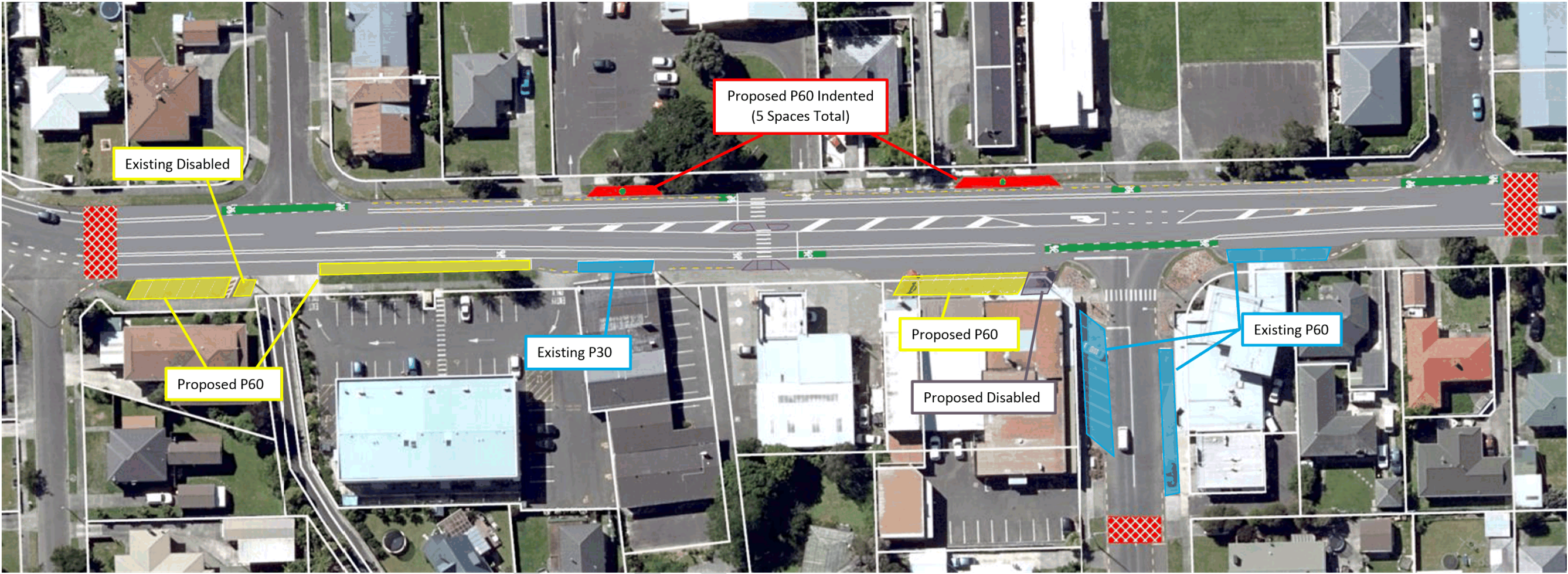
## ATTACHMENTS

1. College Street - Awapuni Village - Appendix I [↓](#) 



**College Street – Awapuni Village – Temporary Treatments Concept**

**Proposed Parking Changes**













## REPORT

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Approval to Consult - Amendment to the Cemeteries and Crematorium Bylaw 2018

**PRESENTED BY:** Julie Macdonald, Strategy & Policy Manager

**APPROVED BY:** Sheryl Bryant, General Manager - Strategy & Planning

### RECOMMENDATION(S) TO COUNCIL

1. That the Consultation Document (including the draft amendment to the Cemeteries and Crematorium Bylaw 2018) be approved for consultation.
2. That delegated authority is given to the Mayor and the Deputy Mayor for the approval of any minor amendments to the Consultation Document.

### SUMMARY OF OPTIONS ANALYSIS FOR

<b>Problem or Opportunity</b>	Council has proposed an amendment to the Cemeteries and Crematorium Bylaw 2018. The proposed amendment is to revoke in its entirety clause 11.7 'No person may decorate the soil of a grave located in the lawn cemetery with the use of construction materials such as concrete, stone or metal or with the construction of fences or pavement'.
<b>OPTION 1:</b>	<b>Consult on the proposed amendment to the Cemeteries and Crematorium Bylaw 2018 as presented in the Consultation Document (Attachment 1).</b>
Community Views	Four submissions received in 2018 on the draft bylaw were divided on grave decorations, with two seeking more restrictive provisions, one in support of the draft provisions and one seeking more relaxed provisions.
Benefits	Restrictions in the type of materials that can be used for decorating the soil of the grave will be relaxed and therefore accommodate a wider range of expressions by grieving families.
Risks	The community may feel confused as to why the bylaw is being amended considering it was just adopted in November 2018.

Financial	Costs can be met within the current budget.
<b>OPTION 2:</b>	<b>Not consult on the proposed amendment if Council does not wish to proceed with the proposed amendment as presented in the Consultation Document.</b>
Community Views	Four submissions received in 2018 on the draft bylaw were divided on grave decorations, with two seeking more restrictive provisions, one in support of the draft provisions, and one seeking more relaxed provisions.
Benefits	The bylaw will continue to reflect the deliberation and decisions by Council following the bylaw review last year.
Risks	The bylaw will continue to be at odds with the developing practice at the cemetery. There are graves in breach of the bylaw, which came into force on 1 July 2019.
Financial	None
The recommendations contribute to Goal 3: A connected and safe community	
The recommended option contributes to the outcomes of the Connected Community Strategy	
The recommended option contributes to the achievement of action/actions in the Community Services and Facilities Plan	
The action is: Provide cemeteries (at Kelvin Grove, Terrace End, Ashhurst and Bunnythorpe) and a crematorium (at Kelvin Grove).	
Contribution to strategic contribution	The recommended option will ensure that Council not only provides cemeteries but that they are fit for purpose taking into account the diverse communities that reside in Palmerston North.

## **RATIONALE FOR THE RECOMMENDATIONS**

### **1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY**

#### **1.1 Clause 11.7 of the Cemeteries and Crematorium Bylaw 2018 states:**

*‘No person may decorate the soil of a grave located in the lawn cemetery with the use of construction materials such as concrete, stone or metal or with the construction of fences or pavement’.*

#### **1.2 Currently there are a significant number of graves that are in breach of this provision which came into force on 1 July 2018 following a review of the bylaw that began in 2017.**

1.3 The proposed amendment to the bylaw removes the restrictions on the use of construction materials to decorate the soil of a grave in the lawn cemetery. This change will allow the Council to be more sensitive to the varying needs of bereaved people, by allowing more flexibility in the decoration of graves.

1.4 Other rules in relation to decorating the soil of a grave at Council cemeteries would still stand, and grave decorations will remain subject to other enforceable provisions in the bylaw.

## 2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

2.1 The review process for the Cemeteries and Crematorium Bylaw 2018 began in 2017 culminating in its adoption in November 2018. The new bylaw came into force on 01 July 2019.

2.2 On 26 August 2019 the Council resolved:

*‘That the Chief Executive be instructed to draft an amendment to the Cemeteries and Crematorium Bylaw 2018 that removes section 11.7 ‘No person may decorate the soil of a grave located in the lawn cemetery with the use of construction materials such as concrete, stone or metal or with the construction of fences or pavement’ for consultation with the public in accordance with the Local Government Act 2002’.*

## 3. DESCRIPTION OF OPTIONS

3.1 For the principal recommendation (to consult on the draft amendment to the bylaw) there are two options; to consult or not to consult.

3.2 **Option 1:** Consult on the proposed amendment to the Cemeteries and Crematorium Bylaw 2018 as presented in the Consultation Document (Attachment 1).

3.3 Only one amendment is recommended to the bylaw and that is the revocation of clause 11.7.

3.4 **Option 2:** Not consult on the proposed amendment to the bylaw if Council does not wish to proceed with the proposed amendment as recommended. If no further action is taken, then clause 11.7 will remain in force and Council will need to work with plot holders towards compliance.

## 4. ANALYSIS OF OPTIONS

### *Option One*

4.1 Currently there are approximately 90 graves that do not comply with clause 11.7, which came into force on 01 July 2019. Most of these graves are for recent deaths and seeking enforcement in such circumstances may be considered an overly blunt

response to the needs of the bereaved. For this reason, Council proposes amending the Cemeteries and Crematorium Bylaw 2018 by revoking clause 11.7.

- 4.2 Although the Cemeteries and Crematorium Bylaw 2018 was consulted on early in 2018 there was only a total of six submissions. This was very low considering the number of people who responded to the initial engagement survey (around 60).
- 4.3 Of these six formal submissions, only four submitted on grave decorations. Two were in support of stricter provisions for grave decorations because of a lack of maintenance of the decorated graves. A group of funeral directors was particularly opposed to using permanent materials such as concrete and railway sleepers for decorating graves. One submitter who was in support of decorated graves thought families should be allowed to decorate their loved one's grave indefinitely. Another submitter was in support of the draft provisions as a necessary response to the changing demographics of city residents.
- 4.4 Revocation of clause 11.7 would not give plot holders an automatic right to decorate graves using these materials. Grave decorations are still subject to the provisions of the bylaw and Council staff have wide discretion to make an assessment on whether decorations are hazardous or causing a nuisance, and to approach plot holders in a sensitive manner to work together towards a suitable outcome.

#### *Option two*

- 4.5 Deciding not to consult on the amendment would mean that the bylaw will remain as it is and those 90 or so graves will continue to be non-compliant. While this will save time in consulting, significant efforts by staff will be required to work with plot holders towards compliance. The bylaw may continue to be at odds with the developing practice at the cemetery. Staff efforts in this area would be better utilised ensuring decorations are not hazardous or causing a nuisance rather than policing the type of material used for decorating the soil of a grave.

## **5. CONCLUSION**

- 5.1 While it is possible to leave the bylaw unaltered it means that a significant number of graves may continue to breach clause 11.7 of the Cemeteries and Crematorium Bylaw 2018. Amending the bylaw will allow the Council to be more sensitive to the varying needs of bereaved people, by allowing more flexibility in the decoration of graves.
- 5.2 Other rules in relation to decorating the soil of a grave at Council cemeteries would still stand if the proposed amendment is made, and grave decorations will remain subject to other enforceable provisions in the bylaw.

## 6. NEXT ACTIONS

- 6.1 If the Council approves the proposed amendment to the Cemeteries and Crematorium Bylaw 2018 included within the Consultation Document, then staff will begin public consultation as described in the next section.

## 7. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS


- 7.1 Section 156 of the Local Government Act 2002 states that a local authority must use the Special Consultative Procedure if the bylaw concerns a matter identified in the Significance and Engagement Policy as being of significant interest to the public, or if the local authority considers that there is a significant impact on the public due to the proposed bylaw changes. The management of cemeteries and crematoriums is not identified in the Policy as being of significant interest to the public. Therefore, it is suggested that the Special Consultative Procedure is not required for consultation on this bylaw.
- 7.2 Nevertheless, the mode of consultation proposed for the amendment to the Cemeteries and Crematorium Bylaw 2018 will be similar to that used under the Special Consultative Procedure. A consultation document is provided, which includes a description of the proposal, the reasons for the proposal, and an analysis of the options considered during the review of the bylaw, along with the draft bylaw proposed to be adopted. This document will be directly distributed to the key identified stakeholders:
- Residents and organisations who have already been engaged through the review of the bylaw that took place in 2018;
  - Plot holders (people recorded as having the exclusive right to burial);
  - Religious groups and cultural groups including the Manawatu Multicultural Council for distribution to its members;
  - Funeral directors, monumental masons and their relevant industry associations;
  - Relevant government agencies including the Ministry of Health.
- 7.3 In addition, officers will meet with representatives of Rangitāne o Manawatū via the bimonthly meetings to discuss the draft bylaw.
- 7.4 The general public will be notified through the usual promotion channels – a media release will be made. The consultation will also be promoted through Council's social media channels.

- 7.5 Public submissions will be invited from 02 November to 06 December 2019 with hearing of oral submissions planned for February 2020, and deliberations on submissions planned for April 2020.

#### **COMPLIANCE AND ADMINISTRATION**

Does the Committee have delegated authority to decide?	<b>Yes</b>
If Yes quote relevant clause(s) from Delegations Manual <Enter text>	
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>

#### **ATTACHMENTS**

1. Consultation Document with Proposed Amendment to the Cemeteries and Crematorium Bylaw 2018 [↓](#) 





**Palmerston North City Council**  
**Palmerston North Cemeteries and Crematorium Bylaw 2018**  
**Amendment**

**Consultation Document**



## Introduction

This consultation document proposes an amendment to the current Cemeteries and Crematorium Bylaw 2018, which is attached in draft. The purpose of this consultation document is to describe the details of the amendment.

## The Proposal

This proposal is to amend the Cemeteries and Crematorium Bylaw 2018.

The proposed amendment:

- Revoke in its entirety clause 11.7 'No person may decorate the soil of a grave located in the lawn cemetery with the use of construction materials such as concrete, stone or metal or with the construction of fences or pavement'.

## Reason for the Proposal

The amendment to the bylaw removes the restrictions on the use of construction materials to decorate the soil of a grave in the lawn cemetery. This change will allow the Council to be more sensitive to the varying needs of bereaved people, by allowing more flexibility in the decoration of graves.

Other rules in relation to decorating the soil of a grave at Council cemeteries still stand, and grave decorations remain subject to other enforceable provisions in the bylaw.

## Consultation Process

Anyone can make a submission about the proposals described in this document. We encourage anyone with an interest in the issue raised in this proposal to make a submission.

This consultation document, and the submission form, can be found at:

- Palmerston North City Council website  
<https://www.pncc.govt.nz/yourcouncil/consultations/>
- Customer Service Centre, Palmerston North City Council, The Square, Palmerston North;
- City Library, The Square, Palmerston North, and the libraries at Ashhurst, Awapuni, Roslyn, Linton and Te Pātikitiki/Highbury; and
- Ashhurst Services Delivery Centre, 122 Cambridge Avenue, Ashhurst.

You are also entitled to appear before the Council and speak to your submission. Please indicate on your submission form whether you wish to do this. The Council intends to hear submissions on this proposal at the Planning and Strategy

Committee meeting, scheduled for February 2020. The date and time for hearings will be confirmed in the letter acknowledging your submission and will also be advertised in the Manawātū Standard and Tribune newspaper.

To get your submission to us, either:

Mail to: Proposed Amendment to the Cemeteries and Crematorium Bylaw 2018 Submissions, Governance and Support Team Leader, Palmerston North City Council, Private Bag 11034, Palmerston North 4442

Deliver to: Palmerston North City Council Customer Service Centre, 32 The Square, Palmerston North

Email to: [submission@pncc.govt.nz](mailto:submission@pncc.govt.nz) (write 'Proposed Amendment to the Cemeteries and Crematorium Bylaw 2018 Submission' in the subject)

Phone: 06 356 8199

Fax: 06 355 4115

**The submission period runs from Saturday 02 November 2019  
until 4pm on Friday 06 December 2019**

Please note that all written submissions, including the contact details on the submission, will be made available to the public and media and on the Council's website, unless you specifically request that your contact details are kept private. For further information on this consultation please phone the Council on 06 356 8199 or email us at [info@pncc.govt.nz](mailto:info@pncc.govt.nz)



# **PALMERSTON NORTH CEMETERIES AND CREMATORIUM BYLAW 2018**

(Incorporating Amendments as of 23 September 2019)

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16. Penalties
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## CEMETERIES AND CREMATORIUM BYLAW 2018

### PART ONE - INTRODUCTION

#### 1. TITLE

1.1 The title of this bylaw is:

**“The Palmerston North Cemeteries and Crematorium Bylaw 2018”.**

#### 2. PURPOSE

2.1 This bylaw is made under the authority of the Burial and Cremation Act 1964 for the purposes identified at sections 16 and 40, and the Local Government Act 2002, section 146(b)(v) including facilitation of the orderly and efficient management of the cemeteries and crematorium under the Council's control. It covers matters such as the requirements for interment, requirements for cremation, purchasing an exclusive right of interment, fees for services, specifications for monuments, standards for the upkeep of graves and monuments, vehicle control and regulates miscellaneous other activities in the cemeteries and crematorium.

2.2 This bylaw does not alter the provisions of the:

- (a) Burial and Cremation Act 1964;
- (b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
- (c) Cremation Regulations 1973;
- (d) Health (Burial) Regulations 1946.

#### 3. COMMENCEMENT

3.1 This bylaw comes into force on 1 July 2019.

#### 4. INTERPRETATION

**ADMINISTRATION MANUAL** means the Cemeteries and Crematorium Bylaw Administration Manual 2018 as approved by Council when the Cemeteries and Crematorium Bylaw 2018 came into force and as amended from time to time by delegated authority under this Bylaw.

**ASHES** mean the remains of a cremated human body.

**BYLAW** means the Palmerston North Cemeteries and Crematorium Bylaw 2018.

**CEMETERY** includes any land for the time being vested in the Council or under its control and designated as a cemetery.

**COUNCIL** means the Palmerston North City Council and includes any delegate duly authorised by the Council to act on its behalf.

**CREMATORIUM** means the Kelvin Grove Crematorium excluding the Chapel.

**HUMAN REMAINS** means the body of a deceased person.

**EXCLUSIVE RIGHT OF BURIAL** means an exclusive right of burial sold by the Council under section 10 of the Burial and Cremation Act 1964.

**GRAVE DECORATIONS** means any items left at the grave as adornments.

**INTERMENT** means burial of human remains or ashes in the earth, including the enclosure of ashes in a niche wall or any other similar structure designed for the legal disposal of ashes.

**LAWN CEMETERY** means plots that are in Council cemeteries that are maintained as lawn only.

**MONUMENT** includes any tombstone, headstone, memorial, plaque or other erection.

**MONUMENT UNVEILING CEREMONY** means a formal or informal gathering of people where a monument is revealed to family and friends for the first time.

**NATURAL BURIAL CEMETERY** means any land for the time being vested in the Council or under its control and designated as a cemetery for natural burial practices.

**NZS 4242:1995** means the New Zealand Standard for headstones and cemetery monuments.

**PLOT** means a lot in a cemetery, laid out and shown on a plan of the cemetery prepared by Council to be used as a place to legally dispose of human remains or ashes.

**PLOT HOLDER** means the person to whom an exclusive right to burial is registered to through an exclusive right of burial certificate.

## PART TWO - LEGAL DISPOSAL OF HUMAN REMAINS AND ASHES

### 5. INTERMENT

- 5.1 Applications for interment must be made to the Council in the manner set out in section 3 of the Administration Manual.
- 5.2 Subject to section 5.1 above, all interments in the Services Section of a cemetery must comply with the requirements of Veterans' Affairs New Zealand.
- 5.3 Any interment in a Natural Burial Cemetery must comply with natural burial practices including:
  - (a) Human remains are not embalmed; and
  - (b) Human remains are enclosed in either a shroud made of natural material or a casket made of untreated sustainable wood; and
  - (c) Shallow burial of the human remains in the ground at a maximum depth of 1000 millimetres, and a minimum depth cover of 400 millimetres.
- 5.4 Only natural burials will be permitted in a natural burial cemetery subject to the application requirements of section 5.1 above.
- 5.5 Only one interment per plot will be permitted in a natural burial cemetery.
- 5.6 Interment is not permitted in any cemetery unless authorised by Council.

### 6. CREMATION

- 6.1 Applications for cremation in the crematorium must be made to the Council in the manner set out in the Cremation Regulations 1973 and section 4 of the Administration Manual.
- 6.2 Removal of any human remains from the crematorium following an authorised admittance may only occur with the written approval from Council and the person who applied for the Cremation.
- 6.3 No coffin may be opened after admission to the crematorium except in accordance with section 10 of the Cremation Regulations 1973.
- 6.4 The following items are prohibited from entering the cremator:
  - (a) Any item which is likely to cause a risk of explosion during cremation; or



- (b) Release carcinogens during cremation; or
- (c) Cause damage to the cremator during cremation; or.
- (d) Any of the items identified at section 5.1 of the Administration Manual.

6.5 Any person who applies for a cremation must take reasonably practical steps to ensure that the human remains, or any coffin containing the human remains for cremation, does not contain items prohibited by clause 6.4 above.

6.6 Unclaimed ashes will be disposed of according to section 8 of the Cremation Regulations 1973.

6.7 Cremation in the crematorium is not permitted unless authorised by Council.

## **7. SCATTERING OF ASHES**

7.1 Applications to scatter ashes in any cemetery must be made to the Council in the manner set out in section 6 of the Administration Manual.

7.2 Scattering of ashes is not permitted in any cemetery unless authorised by the Council.

## **8. EXCLUSIVE RIGHT OF BURIAL**

8.1 The Council may sell exclusive rights of burial in accordance with section 10 of the Burial and Cremation Act 1964. Council procedures regarding requests to purchase exclusive rights of burial are set out in section 7 of the Administration Manual.

8.2 No person may allow interment on any plot other than in exercise of an exclusive right of burial that is authorised by the plot holder in accordance with the Administration Manual.

## **9. DISINTERMENT**

9.1 Any disinterment of human remains shall be conducted pursuant to section 51 of the Burial and Cremation Act 1964.

9.2 Applications to disinter ashes must be made to the Council in the manner set out in section 8.2 of the Administration Manual.

9.3 Disinterment of ashes is not permitted unless authorised by Council.

## PART THREE - MEMORIALISATION

### 10. MONUMENTS

- 10.1 Applications for the erection of a monument on any plot or area within a cemetery must be made to the Council in the manner set out in section 9 of the Administration Manual.
- 10.2 The Council may remove or restore to its original condition any monument that is -
  - (a) erected or altered in breach of this bylaw, or
  - (b) In such disrepair that the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 apply.
- 10.3 The erection of a monument on any plot or area within a cemetery is not permitted unless authorised by the Council and must comply in all respects with any terms and/or conditions of the permission granted by the Council.

### 11. GRAVE DECORATIONS

- 11.1 Except as provided for in section 11.2 and 11.3 below, after two months from the date of interment, where a grave is located in the lawn cemetery Council may remove from the soil of a grave any decorations placed there at the time of interment, to allow for ongoing maintenance as a lawn grave.
- 11.2 Except as provided for in section 11.3 below grave decorations on the soil of a grave are permitted annually provided that the following requirements are satisfied:
  - (a) The plot is in an area designated by Council for grave decorations on the soil; and
  - (b) Council has provided approval in the manner set out in section 10.1 of the Administration Manual; and
  - (c) The plot is continuously maintained to a reasonable standard of tidiness; and
  - (d) The plot decorations do not contravene this bylaw.
- 11.3 Grave decorations on the soil of the grave are permitted indefinitely provided the following requirements are satisfied:
  - (a) The plot is in an area of the children's zone at Kelvin Grove Cemetery designated by Council for on the soil decorations; and
  - (b) The plot is continuously maintained to a reasonable standard of tidiness; and

- (c) The plot decorations do not contravene this bylaw.
- 11.4 Grave decorations are the sole responsibility of plot owners.
- 11.5 No person is permitted to decorate any plot that has not been used for interment.
- 11.6 No person is permitted to decorate any plot in a way that is:
- (a) Likely to cause a nuisance; or
  - (b) Likely to constitute a hazard.
- 11.7 *(Revoked)* No person may decorate the soil of a grave located in the lawn cemetery with the use of construction materials such as concrete, stone or metal or with the construction of fences or pavement.
- 11.8 The Council may remove any grave decorations that contravene the bylaw, in accordance with section 10.2 of the Administration Manual.
- 11.9 Planting of plants, shrubs, or trees is prohibited in any cemetery except for plantings that are explicitly provided for as permitted plantings in section 10.3 of the Administration Manual.

## PART FOUR - ADMINISTRATION AND MANAGEMENT

### 12. VEHICLES

- 12.1 Any person driving a vehicle within a cemetery must comply with any Council signs controlling traffic or imposing speed limits.
- 12.2 Any person driving a vehicle within a cemetery must give way to a funeral procession.

### 13. CEMETERY CONDUCT

- 13.1 No person may, in or near any part of a cemetery or the crematorium, prevent, interrupt or delay an interment or cremation.
- 13.2 No person may, in or near any part of a cemetery or the crematorium, cause a nuisance or engage in objectionable behaviour.
- 13.3 No person may remove an object from a cemetery without the consent of Council unless this is done as part of maintaining a plot in which the person has a legitimate interest.
- 13.4 The Council may remove anything placed in a cemetery that is contrary to this bylaw or which is:
  - (a) Likely to constitute a hazard; or
  - (b) Likely to cause a nuisance; or
  - (c) Likely to cause damage to the cemetery; or
  - (d) Likely to impede the effective management of a cemetery.
- 13.5 No person may advertise or solicit customers for any commercial purpose in any cemetery. This does not prohibit the identification of the supplier or installer of the headstone as approved by Council.
- 13.6 No person may take photographs for a commercial purpose in any cemetery, unless consent has been expressly authorised by Council.

### 14. FEES

- 14.1 The Council may by resolution, publicly notified, set fees for all services related to the operation and maintenance of cemeteries and crematoria including but not limited to:
  - (a) Interments and disinterments;

- (b) Cremations;
- (c) Cremations and interment outside normal hours;
- (d) Exclusive right of burial;
- (e) Renewal of exclusive right of burial
- (f) Reservation of a plot;
- (g) Monument permits;
- (h) Monument removal or restoration work; and
- (i) Records searches.

14.2 Exclusive right of burial fees will not be refunded once interment has taken place.

## **15. PENALTIES**

15.1 Any person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and/or the Burial and Cremation Act 1964.

## **16. ADMINISTRATION MANUAL AND DELEGATIONS**

16.1 The Council has passed a resolution at the same time as making this Bylaw adopting the Administration Manual. All matters over which the Administration Manual defines, regulates, controls or prohibits related to this Bylaw, are matters that this Bylaw leaves to be addressed by resolution of Council under section 151(2) of the Local Government Act 2002.

16.2 The Council may by resolution amend the Administration Manual. Before amending the Administration Manual, the Council will consult in accordance with the decision making requirements of section 82 of the Local Government Act 2002.

16.3 The following people are authorised delegates under this Bylaw:

- a) The Council by resolution;
- b) The Chief Executive of the Council;
- c) Every person granted delegated authority by the Chief Executive in relation to this Bylaw; and

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- d) Any other person authorised to exercise a power under this Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.
- 16.4 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. This power includes, without limitation, the power to:
- a) Specify forms and procedures for the effective management of the Bylaw;
  - b) Make any decision or determination required in this Bylaw in order to administer it;
  - c) Make decisions regarding whether or not a permit or licence should be granted, and the terms and conditions of that permit or licence including standard conditions and variations;
  - d) Make any decisions regarding suspension, withdrawal or removal of a permit.
- 16.5 All forms, specifications, conditions or methods for this Bylaw must be in writing and kept in the Administration Manual and shall be available to the public.
- 16.6 Every exercise of a power of delegation under this clause must be publically reported at least annually to Council if not exercised by Council by resolution provided that failure to report does not invalidate the exercise of the delegate's power.



## Palmerston North City Council Amendment to the Cemeteries and Crematorium Bylaw

### Your contact details

Full Name:	
Organisation (if applicable):	
Postal Address:	
Phone (day):	
Email:	

Please note, as required by legislation, your submission (including contact details provided on the submission form), will be available to the public and media and on the Council website as part of the decision-making process unless you request that these details be kept private. If you wish to keep your contact details confidential, please tick this box. ☐

Submissions hearings are expected to take place in February 2020.

Do you want to speak to the Council in support of your submission? *(please tick)*

☐ Yes

☐ No

### MAKING YOUR SUBMISSION

You can find details about the proposed amendment to the cemeteries and crematorium bylaw 2018, along with the reason for the proposal. Go to [www.pncc.govt.nz/yourcouncil/consultations](http://www.pncc.govt.nz/yourcouncil/consultations) to download the document. There is also an online submission form if you would prefer to make a submission online.

### Please send your submission:

<b>By mail</b>	Proposed Amendment to the Cemeteries and Crematorium Bylaw 2018 Submissions, Governance and Support Team Leader, Palmerston North City Council, Private Bag 11034, Palmerston North 4442
<b>In person</b>	Palmerston North City Council Customer Service Centre, 32 The Square, Palmerston North
<b>By email</b>	<a href="mailto:submission@pncc.govt.nz">submission@pncc.govt.nz</a> (write Proposed Amendment to the Cemeteries and Crematorium Bylaw 2018 Submissions in the subject)
<b>By phone</b>	06 356 8199

**SUBMISSIONS CLOSE 4PM, FRIDAY 06 DECEMBER 2019**

Page 15 of 16

**Submission on the proposed change to the Cemeteries and Crematorium Bylaw 2018**

1. Do you agree or disagree with the proposed amendment to revoke clause 11.7 of the bylaw?:

*'No person may decorate the soil of a grave located in the lawn cemetery with the use of construction materials such as concrete, stone or metal or with the construction of fences or pavement'.*

☐ Yes

☐ No

☐ Unsure

Please explain your response:




## MEMORANDUM

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Draft Policy for the Use of Public Space 2019 – Deliberations on Submissions and Adoption of Policy

**PRESENTED BY:** Julie Macdonald, Strategy & Policy Manager

**APPROVED BY:** Sheryl Bryant, General Manager - Strategy & Planning

### RECOMMENDATION(S) TO COUNCIL

1. That the recommended responses to issues raised during consultation, as contained in Attachment 1 to the memorandum dated 4 September 2019 and titled 'Draft Policy for the Use of Public Space 2019 – Deliberations on Submissions and Adoption of Policy', be received.
2. That the 'Policy for the Use of Public Space 2019', as shown in Attachment 2 to the memorandum dated 4 September 2019 and titled 'Draft Policy for the Use of Public Space 2019 – Deliberations on Submissions and Adoption of Policy', be adopted.
3. That the Chairperson and Deputy Chairperson of the Planning and Strategy Committee be given delegated authority to approve minor amendments to the Policy for the Use of Public Space 2019 prior to publication.
4. That the 'Policy for Considering Applications for the Short-term Use of Public Space', as shown in Attachment 3 to the memorandum dated 4 September 2019 and titled "Draft Policy for the Use of Public Space 2019 – Deliberations on Submissions and Adoption of Policy", be revoked.

### 1. ISSUE

There are many community and commercial organisations who want to use public space for a variety of events and other activities. This use can be one-off, regular or long-term.

The draft Policy for the Use of Public Space 2019 addresses the desire for a consistent policy to guide decision-making about applications for the use of public space. The policy will support the Council's strategic direction and enable decisions to be made efficiently.

This memorandum recommends changes to the draft policy following public consultation, and adoption of the final policy.

## 2. BACKGROUND

The draft Policy for the Use of Public Space 2019 was developed after:

- The Council resolved “to develop a policy for the use of public land by commercial interests” (clause 54-16, Finance and Performance Committee meeting, 15 August 2016).
- The Council then adopted the “Policy for Considering Applications for the Short-term use of Public Space” (Attachment 3) to assist staff decision-making on requests for public space, including requests from commercial users (clause 143-17, Council meeting, 25 September 2017).
- The City Centre Plan (adopted in 2018) includes the action “develop guidelines for the use of public space by commercial interests”.

This proposed policy updates and replaces the 2017 “Policy for Considering Applications for the Short-term Use of Public Space” (Attachment 3), so that there is only one policy guiding the consideration of all applications for the use of public space. The policy covers a broad range of activities and events, regardless of duration.

The intention of this new policy is to enable and encourage events and activities in public space, in accordance with the strategic direction agreed by the Council.

The draft policy was presented in December 2018, at which time Council resolved that it should be publicly consulted on. Consultation started on 28 June 2019 and closed at 4pm on 29 July 2019.

Feedback was encouraged in the following ways:

- A dedicated consultation page on Council’s website with an online submission form.
- The consultation document was available in the Customer Service Centre and all city libraries.
- Public notices were placed in the Manawatū Standard and The Guardian newspapers.
- An article about the draft policy appeared on Stuff.co.nz.
- Facebook posts advising the opening of the submission period were made on Council’s page, Placemaking Palmerston North, and Palmerston North - City of Cultures.
- Emails were sent notifying organisations that have booked public space in the past 18 months.

- Emails were sent notifying stakeholders and Council's strategic partners.
- A presentation was made to the Rangitāne Bi-monthly meeting.
- Staff attended Parkrun, Global Festival 2019, and the Highbury Flea Market to raise awareness of the consultation.

Seventeen written submissions were received on the draft Policy for the Use of Public Space. Six of these submissions supported the policy and assessment criteria as drafted. Ten submissions suggested changes and one submission opposed the draft policy.

Informal feedback, gathered in conversations with members of the public during consultation, was generally positive.

A summary of submissions was presented to the Planning and Strategy Committee on 2 September 2019. The full written submissions are available in the agenda of that meeting. Two submitters delivered oral presentations at the Committee meeting.

### 3. ANALYSIS

A summary of the issues raised during consultation and the recommended response to each issue is set out in Attachment 1 to this memorandum.

Public consultation has resulted in recommended changes to the draft policy, as marked up in the 'Policy for the Use of Public Space 2019' (Attachment 2).

The main recommended changes are:

- a) Add "roads" to the definition of public space.

This is for the avoidance of doubt, as the policy was always intended to apply to roads under Council's control.

- b) Change the criterion "is accessible to the wider community" to "is inclusive of and accessible to the wider community" in Guideline 2 (Assessment of applications) and move this criterion to make this a matter that Council may consider depending on the nature, duration, and type of activity or event.

The inclusivity and accessibility of activities is important when considering some applications, but not all. For example, a wedding is not expected to be inclusive of or accessible to the wider community.

- c) Add "the opportunity to contribute to preparedness for emergency response, disaster response, or national security concerns" to Guideline 2 (Assessment of applications) as a matter that Council may consider depending on the nature, duration, and type of activity or event.

This is in response to a submission from NZDF, who want to ensure they can still access a variety of public space for training activities.

## PALMERSTON NORTH CITY COUNCIL

- d) Add the words “but not limited to” after “including” in the definition of public space and in Guideline 3.

This is to make it clear to anyone using the policy that the examples listed are not meant to be exhaustive.

The report-back date has been changed from June 2020 to June 2022. The June 2020 review date was proposed when the policy was put forward for adoption in December 2018. This change gives the policy enough time to be implemented and for data to be collected and reported back to Council.

#### 4. NEXT STEPS

If the Council adopts the policy, it will be used to guide the staff assessment of applications for the use of public space. It will inform the development of website content or other material to assist the community.

Detailed operational guidelines will be developed to ensure consistent and transparent processes.

This policy will inform the annual review of fees and charges.

Staff will keep records of the level and type of use of various spaces to inform monitoring and review of the policy.

#### 5. COMPLIANCE AND ADMINISTRATION




Does the Committee have delegated authority to decide?	<b>Yes</b>
If Yes quote relevant clause(s) from Delegations Manual <Enter text>	
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 2: A Creative and Exciting City	
The recommendations contribute to the outcomes of the Creative and Liveable Strategy	

The recommendations contribute to the achievement of action/actions in the City Centre Plan

The action is: to develop guidelines regarding the use of public space by commercial activities. It is noted that the scope of this action has been expanded to include non-commercial activities, as discussed in earlier reports.

Contribution to strategic direction	<ul style="list-style-type: none"> <li>• Provide a consistent and transparent approach to assist staff considering all applications for the use of public space.</li> <li>• Facilitate community access to information about Council decision-making.</li> <li>• Ensure the process for approving public space use contributes to meeting Council's vision and goals to encourage greater and more diverse use of public space.</li> <li>• Enable the Council to respond quickly to new ideas and be flexible in its response to applications.</li> </ul>
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## ATTACHMENTS

1. Recommended responses to issues raised during consultation on the draft Policy for the Use of Public Space 2019 [↓](#) 
2. Policy for the Use of Public Space 2019 [↓](#) 
3. Policy for Considering Applications for the Short-term Use of Public Space (to be revoked) [↓](#) 

# ATTACHMENT 1 – Recommended Responses to Issues Raised During Consultation on the Draft Policy for the Use of Public Space 2019

Issues raised are followed by either a submission number or the letters 'OF' (for 'other feedback') if the point was raised in conversation. Refer to the agenda of Planning & Strategy Committee on 2 September 2019 for the full written submissions.

Issue raised	Recommended response
<b>Definitions</b>	
Clarify if roadways and carparks are included as public space (13).	<p><b>Recommendation: Add “roads” and “but not limited to” to the definition of public space</b></p> <p>Activities like parades, running events and street parties often take place on roads. These road-based activities are intended to be covered by the Policy for the Use of Public Space.</p> <p>Staff recommend that the word “roads” is included in the definition of public space for the avoidance of doubt.</p> <p>Staff also recommend adding “but not limited to” after “including” in the definition of public space. This is to make it clear that these examples are not meant to be exhaustive.</p>
The definition of “public space” should be altered to remove “riverbanks” to make it clear that not all riverbanks are controlled by Council (15).	<p><b>Recommendation: No change</b></p> <p>Sections of land bordering the Manawatu River are owned by the New Zealand Defence Force, Massey University, and private landowners. Linton Army Camp’s submission raised a concern that the wording of the definition is misleading by implying that all riverbanks are public space, and therefore publicly accessible. Public access to the area of riverbank owned by NZDF could create safety issues as it is used extensively for military training.</p> <p>Staff note that removing the word “riverbanks” would not change the operation of the policy because the examples listed in the definition are not meant to be exhaustive. However, the policy is not intended to apply to casual use of public space, so informal access to riverbanks is outside of the scope of the policy.</p> <p>Guidelines could be developed by staff to ensure people understand which areas of riverbank are controlled by Council, and therefore publicly accessible to residents.</p>
<b>Moving/rewording assessment criteria</b>	
Move “iwi feedback on the proposed event or activity” to the main set of criteria (1).	<p><b>Recommendation: No change</b></p> <p>This criterion is currently included in the list of things that Council may consider depending on the “nature, duration, and type” of activity. If the criterion was moved, iwi feedback would need to be sought for every application for the use of public space. This could be unnecessarily burdensome for iwi. Rangitāne did not suggest this change to the policy.</p>

Issue raised	Recommended response
<p>Reword the criterion “Adds to the variety of events or activities available in Palmerston North” to “Adds to the <b>already existing</b> variety of events or activities available in Palmerston North, <b>or creates new events or activities</b>” (OF).</p>	<p><b>Recommendation: No change</b></p> <p>A member of the public felt that the original criterion could inadvertently restrict existing activities and events that are a fundamental part of our culture, such as Saturday morning rugby.</p> <p>Staff do not recommend this change as existing high-value activities will be prioritised under other criteria, particularly “supports the achievement of the Council’s goals”.</p>
<p>Reword the criterion “Is accessible to the wider community” to “Is <b>inclusive of</b> and accessible to the wider community” (OF).</p> <p>Add a further criterion on cultural diversity (1).</p>	<p><b>Recommendation: Add “inclusive of” to the criterion, and move it to the matters Council may consider in assessing applications</b></p> <p>A Disability Reference Group member suggested that being accessible and being inclusive were not the same thing, and inclusivity should underpin all Council decisions. Another submitter said that Council should consider whether the event or activity is inclusive and promotes connection with, and interest in, other cultures.</p> <p>Staff agree that inclusivity could be considered by staff, but that this might not be appropriate in all cases. For example, a wedding is not expected to be inclusive of or accessible to the wider community. Staff recommend changing the criterion as suggested but making it a matter that Council <i>may</i> consider depending on the nature, duration, and type of activity or event.</p> <p>Note that staff must still consider whether an event or activity “supports the achievement of the Council’s goals”, including <i>Goal 2: A connected and safe community</i>.</p>
<b>Adding assessment criteria</b>	
<p>Add a criterion around cost/benefit assessment, or cost savings to users (2).</p>	<p><b>Recommendation: No change</b></p> <p>On follow-up, the submitter said some events and activities would be too expensive to hold without using public space. They thought this should be considered in assessing applications.</p> <p>Staff do not recommend this change as activities for the community benefit will be prioritised under other criteria, particularly “supports the achievement of the Council’s goals”.</p>
<p>There is no mention of ‘ethical’ activities in there (8).</p>	<p><b>Recommendation: No change</b></p> <p>The submitter suggested public space should be used ethically “in terms of pollution, waste, climate change emissions, sustainability, peace, etc.”</p> <p>Staff do not recommend this change as determining what is ‘ethical use’ would require significant work and additional consultation. The issue of waste at public events is managed by the Waste Management and Minimisation Bylaw 2016. Anyone hosting an event on Council land must take steps to minimise waste and to encourage recycling and composting.</p>

Issue raised	Recommended response
<p>Add a further criterion which asks: Does the use of the particular public space conform to the District Plan, the Reserves Act 1977 and any Management Plans for the land, and any other legislation? (9)</p> <p>Add a further criterion which asks: Are all health and safety requirements being assessed and met? (9)</p>	<p><b>Recommendation: Add “but not limited to” to Guideline 3</b></p> <p>Compliance with Council bylaws and policies, and with any governing legislation, is covered by Guideline 3 of the policy (“Compliance”).</p> <p>The District Plan is effectively Council policy guiding application of the Resource Management Act 1991. Reserves Management Plans are made under the Reserves Act 1977. Both Acts are listed as examples of governing legislation in the policy.</p> <p>Staff recommend adding “but not limited to” after “including” in Guideline 3. This makes it clear that the examples of governing legislation listed are not meant to be exhaustive and may include the Health and Safety at Work Act 2015, if relevant. Attempting to add to the list of examples increases the likelihood of an unwieldy policy that goes out of date quickly.</p>
<p>Add a further criterion: “Supports the achievement of community health, safety and wellbeing” (17).</p> <p>Add a further criterion: “Provides for training activities associated with emergency and disaster response, or which contribute to national security” (17).</p>	<p><b>Recommendation: Add the criterion “the opportunity to contribute to preparedness for emergency response, disaster response, or national security concerns”</b></p> <p>Two additional criteria were suggested by NZDF to ensure activities for defence purposes (such as temporary training activities) are specifically provided for.</p> <p>Staff do not recommend adding the first criterion, as activities that promote community health, safety and wellbeing will already be prioritised under the criterion “supports the achievement of the Council’s goals” including <i>Goal 2: A connected and safe community</i>.</p> <p>Staff recommend adding an additional criterion regarding emergency and disaster response and national security to the in the list of things that Council may consider depending on the “nature, duration, and type” of activity. The criterion is broader than that suggested by NZDF to allow for other initiatives that support the safety and wellbeing of our community.</p>
<b>Removing assessment criteria</b>	
<p>Remove the criterion “Provides an experience rather than a simple commercial exchange” (9).</p>	<p><b>Recommendation: No change</b></p> <p>The submitter said that providing an experience is an extremely subjective matter, and that the criterion should therefore be removed.</p> <p>Staff do not recommend adopting this change, as all of the assessment criteria are subjective and require staff to exercise their professional judgment in applying them.</p>
<b>Other suggested changes</b>	
<p>Include a clause that all recreational areas and reserves should not to be used for freedom camping (7).</p>	<p><b>Recommendation: No change</b></p> <p>Staff do not recommend adopting this change, as freedom camping is outside the scope of this policy. Freedom camping is permissible in any local authority area unless it is restricted or prohibited by a bylaw (s 10 of the Freedom Camping Act 2011). Palmerston North does not</p>



Issue raised	Recommended response
	currently have a freedom camping bylaw. Staff report no issues caused by freedom campers in the city.
Clarification needed about the position regarding longer-term passive use of public space (14).	<b>Recommendation: No change</b>  Staff do not recommend any changes on this point, as casual and informal use of public space is outside the scope of this policy. Public access to land is protected within the assessment criteria, and applications may be subject to governing legislation such as the Reserves Act 1977.
The Policy should reference other Council policies and bylaws that must be observed (specifically the Smokefree Outdoor Areas Policy; Signs and Use of Public Places Bylaw; Healthy Beverage Policy; and the Sun Protection Policy) (16).	<b>Recommendation: No change</b>  Staff do not recommend this change. Compliance with Council bylaws and policies, and with any governing legislation, is covered by Guideline 3 of the policy ("Compliance"). Attempting to list the relevant Council policies increases the likelihood of an unwieldy policy that goes out of date quickly.  Operational guidelines will be developed to ensure staff are applying all relevant Council policies.
A member of the public asked for clarity about whether religious activities can be held in public space (OF).	<b>Recommendation: No change</b>  Staff do not recommend any changes, as the policy does not limit religious activities in public space. This policy is not intended to limit rights to freedom of religion or assembly, and specifically states that "none of the criteria or considerations provided for in this policy outweigh the freedoms guaranteed under the Bill of Rights Act."
Four submitters expressed a desire to leave public space as open and tranquil, and to avoid commercialisation (see submissions 7, 9, 10, 14).	<b>Recommendation: No change</b>  Staff do not recommend any changes to the policy on this point. The policy supports Council's strategic direction by creating more reasons for people to be in public space. Public access to land is protected within the assessment criteria, and applications may be subject to governing legislation such as the Reserves Act 1977.
Five submitters sought more detailed operational guidelines in response to a broad range of identified issues (see submissions 5, 9, 12, 13, 14, 16).	<b>Recommendation: No change</b>  Several submitters asked how the policy will be administered. Once the policy is adopted detailed operational guidelines will be developed to ensure consistent and transparent processes.

## Policy for the Use of Public Space

September 2019

## Introduction

There are many public spaces in Palmerston North providing opportunities for community and commercial organisations to hold events and celebrations, to campaign and raise awareness, and to provide services and recreational opportunities for the community. This policy provides guidance for Council decision-making on applications for the use of these public spaces.

## Strategic context

The Council's vision for Palmerston North is *small city benefits, big city ambition*. Council's goals are to be:

- An innovative and growing city
- A creative and exciting city
- A connected and safe community
- An eco city
- A driven and enabling Council

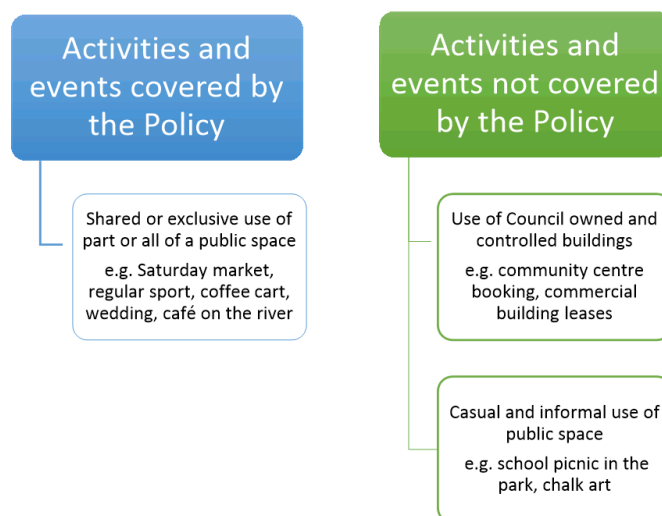
This policy contributes to Palmerston North becoming a city that is an exciting place to live, work and study, with great places for people and lots to do. Decisions about the use of public space will be made in the context of the wider Council goals.

## Policy objectives and goals

The purpose of this policy is to encourage and enable a diverse range of activities and events to occur in public spaces.

This policy guides the Council's response to applications for the use of public space to achieve the following objectives:

- Encouragement and facilitation of a variety of uses for public space;
- Clear and accessible application and booking processes;
- Transparent decision-making in policy implementation;
- Appropriate level of control over activities to ensure potential negative effects are avoided, remedied or mitigated.
- Sufficient public access to open space, the Manawatū River, and other water bodies, to enable community recreation and enjoyment;
- Appropriate use and protection of places, buildings, and objects with significance to iwi;
- Commercial users of council land are not unfairly advantaged over established city businesses;
- Protection of urban amenity, heritage, and the natural environment.



## Definitions

The following definitions apply for the purposes of this policy:

<i>Public space:</i>	Any outdoor area that is open to or used by the public and that is under the control of the Palmerston North City Council, and including, but not limited to, The Square, Railway Land, reserves, parks, riverbanks, roads, and verges
<i>Commercial activity:</i>	Activity undertaken for profit and/or the benefit to the individual(s) or business(es) carrying on a trade, operation, occupation, or activity
<i>Community activity:</i>	Activity for not-for-profit and/or benefit to the Council, community, community group, sport or recreation group, or charity using the space
<i>Exclusive use:</i>	Where the space is used exclusively by the event or activity
<i>Event:</i>	An organised temporary activity with set start and end times and dates, which is set-up in a public space
<i>Short-term:</i>	A one-off event or activity of up to three days in duration
<i>Long-term:</i>	Duration of any event or activity beyond one day

## Guidelines

Implementation of this policy will follow these guidelines to achieve the goal of enabling and encouraging a diverse range of events and activities in public spaces.

### 1. General

- Individuals and organisations wanting to use public space for an event or activity requiring shared or exclusive use of all, or part, of a public space must make an application to the Council.

### 2. Assessment of applications:

- 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 will consider whether the event or activity:
  - supports the achievement of the Council's goals
  - adds to the variety of events or activities available in Palmerston North
  - enhances any precinct identities (e.g. Broadway as a hospitality precinct)
  - provides an experience (rather than a simple commercial exchange)
  - does not significantly limit the availability of space for general community use.

The purpose of these criteria is to inform Council decision-making, rather than to provide an exhaustive list of necessary criteria.
- Depending on the nature, duration, and type of activity or event, Council may also consider:
  - whether the event or activity is inclusive of and accessible to the wider community
  - iwi feedback on the proposed event or activity
  - the opportunity to enhance or celebrate the heritage values of the public space
  - the opportunity to enhance or celebrate the natural environment of the public space
  - the opportunity to contribute to preparedness for emergency response, disaster response, or national security concerns
  - potential impact on existing city businesses.
- Council may require applications to be subject to public consultation where an application is likely to be controversial, or where it is unclear if the proposal is consistent with the overall intent of the policy. Note that none of the criteria or considerations provided for in this policy outweigh the freedoms guaranteed under the Bill of Rights Act.

### 3. Compliance

- Activities in public spaces must be managed in accordance with the Council's bylaws and policies, and with other governing legislation (including, but not limited to, traffic legislation, Resource Management Act 1991, and the Reserves Act 1977). Any compliance matters are outside the scope of this policy, and applications are subject to this policy in the first instance.

#### 4. Fees and charges, and administration

- Applicants should apply at least seven working days prior to a short-term or one-off event or activity, and 40 working days prior to proposed long term or repeated use, to allow for the necessary consultation or other processes.
- Payment of a booking fee, bond, or rent may be required, depending on the nature of the event or activity, and on whether any permit, licence, or lease contract is required.
- Fees and charges are subject to the annual review of fees and charges.
- Information about the implementation of this policy will be available on the Council's website.

#### Monitoring

The implementation of this policy will be monitored and reported to Council by June 2022.

## Policy for the short-term use of public space

### Introduction

This policy has been developed to assist Council staff to consider requests for the use of the Square, Railway Land, public space in the Central Business District (CBD) and other city parks and reserves, including requests from commercial users. The policy supports Council's goal to increase vibrancy in the CBD and is other public spaces.

### Strategic alignment

The draft vision and goals developed by Council have an objective of making energy, vibrancy and activity part of the Palmerston North City centre brand/reputation. There are a number of key objectives of this:

- Increase the amount of engagement with the city centre from both locals and visitors;
- Increase the after 5pm economy in the city centre; and
- Support the creation and development of specific precincts within the city centre (e.g. Broadway as a hospitality precinct).

The policy is consistent with the Council's draft vision, principles and goals.

### Policy objectives and goals

The objective of this policy is to increase the vibrancy of the city centre by increasing the number of short-term activities and events occurring in public places, particularly the Square, Railway Land, public space in the central business district (CBD) and other city parks and reserves. This includes encouraging a range of commercial events, such as:

- leisure and recreation events where an entrance fee may or may not be charged; and
- promotion, marketing and advertising events.

Increasing the vibrancy of the CBD and in other public spaces will require the Council to respond quickly to new ideas and be flexible when organisations want to book spaces for activities that have not been tried before. Key objectives in implementing this policy are:

- Championing event ideas that increase variation, innovation and collaborative partnerships for the benefit of the city centre;
- Simplifying Council processes for event planning and delivery;
- Being agile in how Council thinks and acts so that good opportunities can be seized as they arise; and
- Having a 'Yes' culture when presented with innovative opportunities.

### Policy principles

This policy will be implemented with regard to the following draft Council principles:

- Inclusive
- Open
- Ambitious
- Bold
- Enabling

- Guardianship

### **Guidelines for assessing applications**

#### Key Areas of Interest

To meet the policy's objectives of increasing the vibrancy of the CBD and creating great places for all people the Council will use the following four criteria when considering applications to use public space:

- Is this activity short-term/one-off?
- Does this activity contribute to the vibrancy in the city centre?
- Will this activity grow visible public life?
- Does this activity support Council's overall direction?

Applications will also be assessed on their individual merits and in the context of the overall events calendar.

#### Prioritisation

Where there is more than one application for space, priority will be given to events that meet the following conditions. The more conditions an application meets, the higher priority it will be given:

- Activities and events that are most accessible to the whole community (for example, no entry charge or other conditions to participation). The likely success of an application for an event that targets specific or niche segments of the community will not be affected, as long as accessibility is not limited to a particular segment of the community.
- Activities and events that are unique on the events calendar or new for Palmerston North.
- Activities or events that enhance the development of precinct identities (e.g. Broadway as a hospitality precinct).
- Activities or events that support the direction of council.
- Activities or events that provide an experience (vs the sale of products or services).
- The activity or event does not limit significantly the availability of space for community events and passive recreation.

In principle, commercial users of council land should not be unfairly advantaged over established city businesses that have rent or rates overheads. Requests for the temporary use of space by city business will be given preference over requests from business not resident in the city.

#### Charges

A bond may be required on a case by case basis to cover risk of damage.

#### **Monitoring**

The effectiveness of the policy will be monitored by staff. A report will be prepared for Council after one year, reviewing the effectiveness of the policy in increasing CBD vibrancy and whether a more formal review of the policy is required.



## MEMORANDUM

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Adoption of amendment to the Palmerston North Dog Control Bylaw 2018

**PRESENTED BY:** Julie Macdonald, Strategy & Policy Manager

**APPROVED BY:** Sheryl Bryant, General Manager - Strategy & Planning

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### RECOMMENDATION(S) TO COUNCIL

1. That Council adopts the amended Palmerston North Dog Control Bylaw 2018 (as provided as attachment 1 to the memo titled 'Adoption of amendment to the Palmerston North Dog Control Bylaw 2018').

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### 1. ISSUE

To give effect to the amendments made to the Dog Control Policy, the Dog Control Bylaw also needs to be amended. It is a requirement of the Dog Control Act 1996 that, where the Dog Control Policy is amended, the Council must adopt a Bylaw consistent with that Policy within 60 days of being adopted.

### 2. BACKGROUND

In August, the Council completed a successful 12-month trial allowing dogs in the CBD provided they were on a leash. At the 2 September 2019 meeting, following public consultation, the Planning and Strategy Committee recommended to Council that the amended Dog Control Policy be adopted - adding the CBD to the list of areas where dogs are permitted on-leash, and removing clause 18 of the Policy (which created the CBD trial). That recommendation of the Planning and Strategy Committee is being presented to the Council at the same time as this report is being considered.

To ensure consistency between the policy and the bylaw, the bylaw now needs to be amended to reflect the policy change regarding the level of control for dogs in the CBD.

### 3. NEXT STEPS

A public notice informing the community of changes to the Dog Control Policy and Dog Control Bylaw will be published.

A communications plan reinforcing expected behaviour for dog owners wanting to access public places with their dogs in the CBD will be prepared and delivered.

#### 4. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	<b>Yes</b>
If Yes quote relevant clause(s) from Delegations Manual <Enter text>	
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 3: A Connected and Safe Community	
The recommendations contribute to the outcomes of the Connected Community Strategy	
The recommendations contribute to the achievement of action/actions in the Safe Community Plan	
The action is: Achieve compliance with relevant legislation, bylaws, and policies through provision of information, education and enforcement (animal control, building compliance, bylaws, health compliance, liquor licensing, noise control, planning compliance).	
Contribution to strategic direction	The trial allowed Council time to consider future options for the permanent dog control status for the CBD/City Centre. As the trial proved successful, amendments to the Dog Control Policy were adopted and have been reflected in the bylaw for consistency. Allowing dogs on-leash into the CBD contributes to Council's strategic direction to be a safe and connected community as well as contributing to aspirations to be a more liveable City.

#### ATTACHMENTS

1. Palmerston North Dog Control Bylaw 2018 (amended September 2019)





**PALMERSTON NORTH CITY**

# **PALMERSTON NORTH DOG CONTROL BYLAW 2018**

**(incorporating amendments as at 23 September 2019)**

Palmerston North Dog Control Bylaw 2018 (adopted 13 August 2018 and amended 23 September 2019)

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## Palmerston North Dog Control Bylaw 2018

### PART 1

#### INTRODUCTION

In exercise of the powers vested in it by the Local Government Act 2002, the Dog Control Act 1996, and the Impounding Act 1955, together with every power and authority conferred on it, the Palmerston North City Council makes this Bylaw:

#### 1. TITLE

- 1.1. The title of this Bylaw is the Palmerston North Dog Control Bylaw 2018.

#### 2. PURPOSE

- 2.1. The purpose of this Bylaw is to give effect to the Palmerston North Dog Control Policy 2018 by specifying the requirements for the keeping of dogs in Palmerston North. The requirements are deemed necessary to ensure compliance with the Dog Control Act 1996 and the Palmerston North Dog Control Policy 2018, and to give effect to the objectives of that Act and that Policy.

#### 3. COMMENCEMENT AND APPLICATION

- 3.1. This Bylaw commences on 23 August 2018.
- 3.2. This Bylaw applies to all of Palmerston North City.

#### 4. REPEAL

- 4.1. This Bylaw repeals the Palmerston North Dog Control Bylaw 2011 on 23 August 2018.

#### 5. DEFINITIONS

- 5.1. In this Bylaw:

**Act** means the Dog Control Act 1996.

**Animal Control Officer** means a person appointed by the Council and given delegated authority pursuant to section 11 of the Dog Control Act 1996 to carry out all or any of the functions and powers of a Dog Control Officer under the Dog Control Act 1996.

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Palmerston North Dog Control Bylaw 2018 (adopted 13 August 2018 and amended 23 September 2019)

<b>Bylaw</b>	means the Palmerston North Dog Control Bylaw 2018.
<b>Central Business District</b>	means from the mid-line of the road reserve for the roads that form the Inner Ring Road, namely the area bounded by and including from the intersection of Grey and Princess St along Princess Street, to the intersection with Ferguson Street, along Ferguson Street to the intersection with Pitt Street, along Pitt Street and Bourke Street to the intersection of Bourke and Walding Streets, along Walding Street and Grey Street to the intersection with Grey and Princess Streets.
<b>Council</b>	means the Palmerston North City Council and includes any person authorised to act on its behalf.
<b>Disability assist dog</b>	<p>means a dog defined as a disability assist dog under the Dog Control Act 1996 and specifically includes a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:</p> <ul style="list-style-type: none"> <li>(a) Hearing Dogs for Deaf People New Zealand</li> <li>(b) Mobility Assistance Dogs Trust</li> <li>(c) New Zealand Epilepsy Assist Dogs Trust</li> <li>(d) Royal New Zealand Foundation of the Blind</li> <li>(e) An organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.</li> </ul>
<b>District</b>	means the area within the territorial boundary of the Palmerston North City Council.
<b>Dog Exercise Area</b>	means a public place identified as a Dog Exercise Area in Schedule 3 of this Bylaw where dogs may be exercised at large without being controlled on a leash. Dogs must still be under control within Dog Exercise Areas.
<b>Dog on Leash Area</b>	means an area identified as a Dog on Leash Area in Schedule 2 of the Bylaw where dogs must be controlled on a leash.
<b>Dog Ranger</b>	means a person appointed as a dog ranger under section 12 of the Dog Control Act.

<b>Leash</b>	means a lead which is capable of restraining the dog.
<b>Nuisance</b>	means anything which interferes with or threatens the health or enjoyment of people, and in this context may involve things such as barking, causing distress via intimidating behaviour (such as aggressive barking or rushing), or attacking people, wildlife or other animals.
<b>Owner</b>	<p>means every person who:</p> <ul style="list-style-type: none"> <li>(a) Owns the dog; or</li> <li>(b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or</li> <li>(c) Is the parent or guardian of a person under the age of 16 years who – <ul style="list-style-type: none"> <li>(i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and</li> <li>(ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;</li> </ul> </li> </ul> <p>but does not include any person who has seized or taken custody of a dog under the Dog Control Act 1996 or any animal under the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987, or any order made under that Act, or the Animal Welfare Act 1999.</p>
<b>Policy</b>	means the Palmerston North Dog Control Policy 2018.
<b>Premises</b>	includes any recreation ground, yard, building or enclosed space whether separately occupied or not and whether public or private.
<b>Prohibited Public Place</b>	means a public place identified as a Prohibited Public Place in Schedule 1 of this Bylaw where dogs are prohibited, except as provided for in this Bylaw or the Policy or the Act.

<b>Public Place</b>	has the same meaning as in section 2 of the Dog Control Act 1996, and generally means a place that is open to the public whether or not it is private property.
<b>Under control</b>	means, when referring to a dog, either controlled on a leash, or controlled by voice command where the dog obeys the commands of its controller without hesitation. Keeping a dog under control includes the obligation to ensure that the dog does not stray onto private property.
<b>Working Dog</b>	<p>means a dog defined as a working dog under the Dog Control Act 1996, and specifically includes:</p> <ul style="list-style-type: none"> <li>(a) any disability assist dog;</li> <li>(b) Any dog – <ul style="list-style-type: none"> <li>(i) Kept by the Police or any constable, the Customs department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or</li> <li>(ii) Kept solely or principally for the purposes of herding or driving stock; or</li> <li>(iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or</li> <li>(iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or</li> <li>(v) Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions,</li> </ul> </li> </ul>



duties, and powers of that Department;  
or

- (vi) Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
- (vii) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- (viii) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
- (ix) Declared by a resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

## PART 2

### DOGS IN PUBLIC PLACES

#### 6. GENERAL CONTROLS

- 6.1. Subject to the exceptions described in clauses 6.2, 6.3 and 6.4, no owner of any dog shall allow the dog on any prohibited public place, including those areas listed in Schedule 1 of this Bylaw.
- 6.2. Where the only pedestrian access to either the owner's residence or a veterinary surgery is through a prohibited public place, the owner may lead the dog through the prohibited public place provided that:
  - (a) The owner and dog take the most direct route across the prohibited public place; and
  - (b) The dog is controlled on a leash.
- 6.3. Where a dog is being exercised in a dog exercise area (listed in schedule 3) that borders a prohibited public place, the owner may lead the dog through the prohibited public place provided that:
  - (a) There is no reasonable alternative access; and
  - (b) The owner and dog take the most direct route across the prohibited public place; and
  - (c) The dog is controlled on a leash.
- 6.4. A dog may only be allowed within the Turitea Controlled Water Catchment Area if it is registered and under the control of a person holding a valid Hunting Permit for the Turitea Water Catchment Reserve issued by the Council, and subject to conditions the Council may apply to that Hunting Permit.
- 6.5. No owner of any dog shall allow the dog on any public place (not being a prohibited public place or dog exercise area), including those areas listed in Schedule 2 of this Bylaw, unless the dog is kept under control on a leash.
- 6.6. Within a dog exercise area, including those areas listed in Schedule 3 of this Bylaw, the owner of a dog shall ensure that the dog is under control but shall not be obliged to keep the dog on a leash.

#### 7. EXEMPTION FOR WORKING DOGS

- 7.1. Clauses 6.1 and 6.5 do not apply to any working dog.

**8. DISABILITY ASSIST DOGS**

8.1. Notwithstanding anything in the Bylaw any disability assist dog accompanying and assisting a person with a disability or any person genuinely engaged in the dog's training may enter and remain:

(a) In any premises registered under regulations made pursuant to section 120 of the Health Act 1956; or

(b) In any public place:

subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or public place, as the case may be.

### PART 3

#### KEEPING OF DOGS

#### 9. NUMBER OF DOGS ON PREMISES

- 9.1. Notwithstanding clause 9.2 and clause 11, no more than two dogs may be kept on any premises less than 2,000m<sup>2</sup>, including not more than one unsplayed bitch.
- 9.2. Clause 9.1 does not apply to any dogs under the age of three months.

#### 10. DOGS TO BE KEPT MINIMUM DISTANCE FROM BOUNDARY

- 10.1. Notwithstanding clause 11, no owner of any dog shall permit or allow the dog to be housed, confined or restrained within 1.8 metres of a boundary fence.

#### 11. EXEMPTIONS TO CLAUSES 9 AND 10

- 11.1. An owner may apply to the Council for an exemption from the requirements of clauses 9 (multiple dog permit) and 10 (housing permit).
- 11.2. The Council may grant an exemption for specified duration under clause 11.1 provided that:
  - (a) There is insufficient space on the property to house, confine or restrain the dog in accordance with clause 10.1; and
  - (b) The neighbor whose boundary adjoins the proposed area for housing, restraining or confining the dog does not object on reasonable grounds to the granting of an exemption.
- 11.3. The Council may impose such conditions on any exemption granted under this clause as may be necessary to ensure compliance with this Bylaw, the Dog Control Policy 2018, and the Dog Control Act 1996, and for the avoidance of nuisance.

#### 12. REQUIREMENT TO PROVIDE EXERCISE

- 12.1. The owner of any dog must provide the dog with adequate exercise.

#### 13. STANDARDS FOR THE ACCOMMODATION OF DOGS

- 13.1. The owner of any dog must provide adequate accommodation for the dog.
- 13.2. If a dog kennel is provided, it must be sited on a hard surface.

- 13.3. If a kennel is not provided, dogs must have access to the interior of a building with an adequate sleeping area provided at night time.

**14. BITCH IN SEASON TO BE CONFINED**

- 14.1. The owner of any bitch shall keep the dog confined but adequately exercised while such dog is in season.

**15. RESPONSIBILITY TO REMOVE FAECES**

- 15.1. The owner of any dog that defecates in a public place, or on land or premises other than that occupied by the owner, shall immediately remove the faeces and properly dispose of dog faeces in Council provided rubbish bins or at the owner's premises.

**16. DISEASED DOGS**

- 16.1. The owner of any dog suffering from an infectious disease or condition shall not take that dog into any public place or be allowed to wander free.

**17. DOGS BECOMING A NUISANCE OR INJURIOUS TO HEALTH**

- 17.1. If in the opinion of any animal control officer, the keeping of any dog or dogs on a premises is, or is likely to become, a nuisance or injurious or hazardous to health, property or safety, the animal control officer may by notice in writing require the owner or occupier of the premises, within the time specified in such notice not being less than 14 days to do all or any of the following:

- (a) To reduce the number of dogs kept on the premises;
- (b) To alter, reconstruct or otherwise improve the accommodation for dogs;
- (c) To require such dogs to be tied up or otherwise confined;
- (d) To take other such precautions as may be considered necessary.

**18. DOG NOT KEPT UNDER PROPER CONTROL**

- 18.1. The owner of any dog not kept under proper control may be served notice by the Council requiring the owner to:
- (a) Have the dog neutered; or
  - (b) Complete a dog obedience course approved by the Council.
- 18.2. It shall not be a requirement of this clause that the owner of the dog has been convicted of the offence of failing to keep a dog under control against section 53 of the Act.

**19. DOGS CLASSIFIED AS MENACING MUST BE NEUTERED**

- 19.1. Every dog classified by the Council as menacing under sections 33A or 33C of the Dog Control Act 1996, or any dog classified as menacing which is transferring to Palmerston North City Council, is required to be neutered.

**20. NOTICE OF NEUTERING SHALL BE GIVEN**

- 20.1. Where a dog is required to be neutered under clause 18 or 19 of this Bylaw, the owner shall be notified in writing of the requirement. The notice shall specify the date by which the dog shall be neutered being not less than 14 days from the issue of the notice. The notice shall be served in accordance with the Act.

**21. DOG AND OWNER EDUCATION**

- 21.1. The Council may, from time to time by resolution, approve education programmes for dogs and dog owners.
- 21.2. If a person is classified as a probationary owner in accordance with the Act, the Council will require the person to undertake a dog owner education programme or a dog obedience course approved by Council, at his or her own expense in accordance with the Policy.
- 21.3. Any person required to undertake dog owner education will be notified in writing of the obligation.
- 21.4. A probationary owner may apply to the Council for termination of his or her classification as a probationary owner six months after completion of the dog owner education programmes or dog obedience course provided that:
- (a) The owner supplies satisfactory evidence of completion of the dog owner education programme or dog obedience course;
  - (b) the owner has not committed any further offences or infringements to which section 21 of the Act applies.
- 21.5. The Council will consider an application under clause 21.4 of this Bylaw and may grant the application after taking into account all reasonable circumstances, including sections 4 and 5 of the Act.

## PART 4

### ENFORCEMENT

#### **22. SEIZURE OF DOGS IN PUBLIC PLACES THAT ARE IN CONTRAVENTION OF THE BYLAW**

- 22.1. An animal control officer or a dog ranger may seize and impound any dog at large in a public place in contravention of this Bylaw, whether or not the dog is wearing a collar having the proper label or disc attached indicating that the dog is currently registered.

#### **23. OFFENCES AND PENALTIES**

- 23.1. Notwithstanding and in addition to the provisions of the Impounding Act 1955 and any fees or charges incurred under that Act, every person who commits a breach of any of the provisions of this Bylaw, or acts contrary to the terms, conditions or restrictions of any notice or exemption duly issued under this Bylaw, commits an offence and may be liable:

- (a) On summary conviction to a fine of up to \$20,000 as prescribed by section 242 of the Local Government Act 2002; or
- (b) Alternatively, every person who commits a breach of any of the provisions of clauses 6 to 21 of this Bylaw may be served with an infringement notice in accordance with section 65 and section 66 of the Dog Control Act 1996 and all its amendments and shall be liable to the infringement fee prescribed in the First Schedule to that Act.

## SCHEDULE 1

## PROHIBITED PUBLIC PLACES

- Any swimming pool or aquatic facility owned or controlled by the Council, including all areas within the fenced boundary of the swimming pool;
- Within 30 metres of any child's play equipment or play area or paddling pool in any park or reserve, or of any aviary in any park or reserve;
- Palmerston North Holiday Park (the camping grounds);
- Any marked grass playing surface or artificial sports surfaces of sports grounds or sports fields owned or controlled by the Council;
- ~~All public places within the Central Business District (NB: between 23 August 2018 and 22 August 2019 this area is subject to a 12-month trial as a Dog On Leash Area subject to review by Council);~~
- The Council Crematorium and all Council Cemetery grounds;
- Memorial Park;
- The Ashhurst Domain Playground and adjacent picnic area;
- The Ashhurst Domain Wetlands Conservation Area;
- The Central Victoria Esplanade area (which includes the children's playground and paddling pool, the scenic railway station, Peter Black Conservatory, Central Energy Trust Wildbase Recovery Centre, aviary and the café, also known as Victoria House);
- The walkway around the Awapuni racecourse between 5am and 10am daily;
- Turitea Controlled Water Catchment Area, subject to clause 6.4 of this Bylaw;
- The Junior Road Safety Park in the Victoria Esplanade;
- Central Energy Trust Arena.



## SCHEDULE 2

### DOG ON LEASH AREAS

- All streets, roads and footpaths within the District except those within prohibited areas or dog exercise areas;
- All parks, reserves and walkways within the District except those within prohibited areas or dog exercise areas;
- The walkway around the Awapuni racecourse except for the prohibited time between 5am and 10am daily;
- Ashhurst Domain Camping Grounds;
- Manawatu Riverside Walkway and Bridle Track between the Fitzherbert Bridge and the Palmerston North Holiday Park;
- He Ara Kotahi bridge.
- All public places within the Central Business District

### SCHEDULE 3

#### DOG EXERCISE AREAS

- Drainage Reserve area off Rugby Street;
- Ashhurst Terrace Walkway;
- Frederick Krull Reserve and Walkway;
- Schnell Wetland Walkway;
- Poutoa Walkway;
- Titoki Walkway;
- Manawatu Riverside Walkway and Bridle Track excluding the section between the Fitzherbert Bridge and the Palmerston North Holiday Park;
- Mangaone Stream Walkway (except where it passes around the Awapuni Racecourse);
- Pari Reserve and Walkway (previously known as Mangaotane);
- Upper Celaeno Park (between Frederick Krull Reserve and Shakespeare Way);
- The Ruamahanga Wilderness area;
- Edwards Pit Park;
- Ahimate Reserve (previously Waitoetoe Park);
- Durham Street Park;
- Linklater Reserve (only the part open to the public);
- Awatea Terrace Reserve;
- "Railway" land, bounded by Pitt Street, Church Street, Pioneer Highway, and Cook Street (excluding the Skate park that is defined as a play area in Schedule 1);
- Turitea Stream Esplanade Reserves (Green Corridors);
- The Upper Circuit of the Ashhurst Domain, except for those parts of the walkway which pass through Prohibited Public Places or Dog on Leash areas as listed in schedules 1 and 2 of this Bylaw;
- Summerhill Reserve.

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Palmerston North Dog Control Bylaw 2018 (adopted 13 August 2018 and amended 23 September 2019)

## COMMITTEE WORK SCHEDULE

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Council Work Schedule

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### RECOMMENDATION(S) TO COUNCIL

1. That the Council receive its Work Schedule dated September 2019.

### ATTACHMENTS

1. Council Work Schedule [↓](#) 

## COUNCIL

## WORK SCHEDULE – SEPTEMBER 2019

Item No.	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction/ Point of Origin
1	<del>June 2018</del> June 2019 August 2019 <del>December</del>	Award of Contract 3458 - Road Maintenance, Resurfacing and Rehabilitation 2017-2021	General Manager Infrastructure		29 May 2017 Clause 81-17 part II
2	TBA June 2019 December 2019	Options to enhance community access and input to Council via the portfolio system	General Manager Strategy and Planning		24 October 2018 Clause 161.3
3	June <del>September</del> December 2019	Report on Part II matters	General Manager – Strategy and Planning		25 March 2019 Clause 26-19
4	TBA October/ November 2019	PN City Council Co-Management Committee Establishment	General Manager – Strategy and Planning		11 March 2019
5	TBA September	Outcome of consultation with business owners – Awapuni shopping area	Chief Infrastructure Officer		Finance and Performance 17 June 2019 clause 35.2
6	<del>August 2019</del>	<del>Earthquake Prone Building Policy: For Council Owned Buildings</del>	<del>General Manager Strategy and Planning</del>		<del>24 June 2019</del> <del>Clause 65-19</del>
7	TBA	Council's environmental sustainability plans and progress	General Manager Strategy and Planning	Part of report on Goal 4 Eco City	25 March 2019 Clause 22.2
8.	October 2019	Changes to CET Arena Masterplan	General Manager – Marketing and Comms	Transferred from Sport and Recreation	Sport and Recreation 10 June 2019 clause 40-19

## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Presentation of the Part I Public Sport and Recreation Committee Recommendations from its 26 August 2019 Meeting

Set out below are the recommendations only from the Sport and Recreation Committee meeting Part I Public held on 26 August 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**45-19 Rangitāne Park - Lease area increase for Menzshed Manawatu to allow a building extension**

Report, presented by Kathy Dever-Tod, Parks and Reserves Manager.

The **COMMITTEE RECOMMENDS**

1. That Council approve the Deed of Variation of Lease with Menzshed Manawatu as attached in Appendix One of the report titled "Rangitāne Park – lease area increase for Menzshed Manawatu to allow a building extension".
2. That Council, having been satisfied that the functions and purposes of the Reserves Act have been considered, that the statutory processes have been met, and being satisfied that the decision is a reasonable one, exercise the delegated authority approved by the Minister of Conservation to grant consent for the lease variation.

### ATTACHMENTS

Nil



## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Presentation of the Part I Public Community Development Committee Recommendations from its 2 September 2019 Meeting

Set out below are the recommendations only from the Community Development Committee meeting Part I Public held on 2 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

### 15-19 Presentation - Disability Reference Group

#### The COMMITTEE RECOMMENDS

1. That the Community Development Committee receive the presentation for information.
2. That the Chief Executive be instructed to report back on the feasibility and implications of changing the mobility park signs to all include "at all times".
3. That the Chief Executive be instructed to report back on the feasibility of introducing a Companion Card for those with permanent disabilities.
4. That provision is made to include Sign Language Interpreters at civic events (of other appropriate means) and to Council and Committee meetings when required.

### 19-19 Capacity and Capability Building in the Community Sector

Memorandum presented by Joann Ransom, Community Development Manager.

#### The COMMITTEE RECOMMENDS

1. That the memorandum dated 2 September 2019 and titled Capacity and Capability Building in the Social Sector be received.
2. That Council endorses the next steps as described:
  - Support PNCSC to develop and implement shared services to tenants of Hancock Community House;

- Develop an enhanced professional development programme for community groups:
  - Work with PNCSC to develop, fund and promote a comprehensive capability development programme targeting the highest priority Domains of Capability.
  - Facilitate and promote an annual programme of workshops to be delivered in collaboration with other agencies and organisations.
  - Develop and promote a “package” of professional services;
- Encourage community groups to take annual Navigator assessments to measure and improve their organisational capability.

#### 20-19 Welcoming Communities - Accreditation.

Report presented by Joann Ransom, Community Development Manager.

##### The COMMITTEE RECOMMENDS

1. That the report Welcoming Communities - Accreditation be received.
2. That Council confirms its commitment to Welcoming Communities as an ongoing programme.
3. That the Chief Executive be instructed to make an application for Palmerston North to be accredited as a Welcoming Community (Established).
4. **That Council note consideration of additional funding of \$25k per annum will be referred to the 2020/2021 Annual Budget process.**

#### 21-19 Social Wellbeing Forum 2019

Memorandum presented by Joann Ransom, Community Development Manager.

##### The COMMITTEE RECOMMENDS

1. That the memorandum titled “Social Wellbeing Forum 2019” and the Social Wellbeing Forum 2019 Report be received.
2. **That Council endorses the new format with a Social Wellbeing Forum being held every 3<sup>rd</sup> year.**



**ATTACHMENTS**

Nil



## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Presentation of the Part I Public Planning and Strategy Committee Recommendations from its 2 September 2019 Meeting

Set out below are the recommendations only from the Planning and Strategy Committee meeting Part I Public held on 2 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**66-19 Amendment to Dog Control Policy 2018 - Deliberations and Adoption**

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

The **COMMITTEE RECOMMENDS**

1. That the Council adopts the amended Palmerston North Dog Control Policy 2018 provided in Attachment 1 of the report titled 'Amendment to Dog Control Policy 2018 – Deliberations and Adoption'.

**68-19 Urban Cycle Network Masterplan 2019**

Report, presented by David Murphy, City Planning Manager.

The **COMMITTEE RECOMMENDS**

1. That the Urban Cycle Network Masterplan 2019 is endorsed to inform future Council decision making, in particular the preparation of Asset Management Plans and Long Term Plans.
2. That it be noted that future decision making processes, including Long Term Plans, will enable further public consultation and direct engagement with affected stakeholders on the implementation of the Urban Cycle Network Masterplan 2019.
3. That the Chairperson and Deputy Chairperson of the Planning and Strategy Committee be authorised to make minor amendments to the Urban Cycle Network Masterplan 2019.

69-19

**Report on Solutions to Issues Raised in Dogwood Way Petition**

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

**The COMMITTEE RECOMMENDS**

1. That the Committee receive the report entitled "Report on Solutions to Issues Raised in Dogwood Way Petition.
2. That the Committee endorse the implementation of the low cost parking management intervention described in the report as Option 1 – Install Passing Bays.

**ATTACHMENTS**

Nil

## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Presentation of the Part I Public Arts, Culture and Heritage Committee Recommendations from its 9 September 2019 Meeting

Set out below are the recommendations only from the Arts, Culture and Heritage Committee meeting Part I Public held on 9 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

### 29-19 Approval of Consultation Material for the Arts and Culture s17A Review

Memorandum, presented by Andrew Boyle, Head of Community Planning.

#### The COMMITTEE RECOMMENDS

1. That the report titled "Approval of Consultation Material for the Arts and Culture s17A Review" concludes the s17a review process and that the status quo remains for Regent Theatre.
2. That the Chief Executive be instructed to work closely with the Regent Theatre Trust Board on suggested improvements raised during the course of the review.
3. That the report titled "Approval of Consultation Material for the Arts and Culture s17A Review" concludes the s17a review process and that the status quo remains for Globe Theatre.
4. That the Chief Executive be instructed to work closely with the Globe Theatre Trust Board on suggested improvements raised during the course of the review.
5. That the report titled "Approval of Consultation Material for the Arts and Culture s17A Review" concludes the s17a review process and that the status quo remains for Te Manawa.
6. That the Chief Executive be instructed to work closely with the Te Manawa Trust Board on suggested improvements raised during the course of the review.
7. That the report titled "Approval of Consultation Material for the Arts and Culture s17A Review" concludes the s17a review process and that the status quo remains for Caccia Birch.

8. That the Chief Executive be instructed to work closely with the Caccia Birch House Trust Board on suggested improvements raised during the course of the review.

**32-19 Final Statement of Intents for Council CCOs: Caccia Birch, Globe Theatre, Regent Theatre and Te Manawa**

Memorandum, presented by Joann Ransom, Community Development Manager.

**The COMMITTEE RECOMMENDS**

1. That the report titled 'Final Statement of Intents for Council CCOs: Caccia Birch, Globe Theatre, Regent Theatre and Te Manawa' be accepted.
2. That the final Statement of Intent 2019-2022 submitted by Globe Theatre Trust Board be approved.
3. That the final Statement of Intent 2019-2022 submitted by Caccia Birch Trust Board be approved.
4. That the final Statement of Intent 2019-2022 submitted by Regent Theatre Trust Board be approved.
5. That the final Statement of Intent 2019-2022 submitted by Te Manawa Museums Trust Board be approved.
6. That the Chief Executive provide an opportunity for Elected Members to discuss requirements to be included in Letters of Expectation before they are brought to Council for authorisation.

**ATTACHMENTS**

Nil

## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Presentation of the Part I Public Finance and Performance Committee Recommendations from its 16 September 2019 Meeting

Set out below are the recommendations only from the Finance and Performance Committee meeting Part I Public held on 16 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**62-19 Palmerston North Airport Limited - Annual Report for 12 months ended 30 June 2019 & Instructions relating to Annual Meeting**

Memorandum presented by Steve Paterson, Strategy Manager - Finance.

The **COMMITTEE RECOMMENDS**

1. That the Annual Report and Financial Statements of Palmerston North Airport Limited for the year ended 30 June 2019 be received.
2. That the Council shareholder representative be instructed to support the proposed resolutions to be considered at the Annual Meeting of Palmerston North Airport Limited to be conducted by way of resolution in writing.

**63-19 Papaioea Place - Stage 2**

Report presented by Bryce Hosking - Manager - Property.

The **COMMITTEE RECOMMENDS**

1. That Council increase the budget of programme 1219 by \$1,126,573 taking the total programme budget from \$4,859,959 including GST to \$5,986,532 including GST. This will enable the completion of Stage 2 noting that this will increase the total number of units from 48 to 78 as previously approved by Council in the 2019/20 annual budget. This excludes the development of a communal tenant lounge and gardens.
2. That Council considers options for Stage 3 Papaioea Place development as part of the 2020/21 Annual Budget considerations.

**66-19 The Future Use of Huia Street Reserve - Statement of Proposal**

Memorandum presented by David Murphy, City Planning Manager.

The **COMMITTEE RECOMMENDS**

1. That the Future Use of Huia Street Reserve (corner of Park Road and Fitzherbert Avenue) Statement of Proposal – October 2019, including the Potential Housing Development Scenarios, be approved for public consultation.
2. That the consultation on the Future Use of Huia Street Reserve Statement of Proposal – October 2019 be for a period of at least one month, beginning from a date to be determined by the Chief Executive.
3. That the Chairperson and Deputy Chairperson of the Finance and Performance Committee be authorised to make minor amendments to the Future Use of Huia Street Reserve (corner of Park Road and Fitzherbert Avenue) Statement of Proposal – October 2019.

**67-19 Recommendation for Adoption 2018/19 Annual Report**

Memorandum presented by Stuart McKinnon, Finance Manager.

The **COMMITTEE RECOMMENDS**

1. That the 2018/19 Annual Report and 2018/19 Summary Annual Report be adopted.
2. That Council note that an Auditor's "opinion" from Audit New Zealand would be expected to be received immediately following recommended adoption by Council on 23 September 2019 and Council signing of the reports.
3. That delegated authority is given to the Chairperson and Deputy Chairperson of the Finance and Performance Committee to make minor amendments to the 2018/19 Annual Report and 2018/19 Summary Annual Report.

**ATTACHMENTS**

Nil



## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 23 September 2019

**TITLE:** Presentation of the Part I Public Sport and Recreation Committee Recommendations from its 16 September 2019 Meeting

Set out below are the recommendations only from the Sport and Recreation Committee meeting Part I Public held on 16 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

### 54-19 Ashhurst Domain - Function Centre lease proposal

Report, presented by Aaron Phillips, Senior Parks Planner.

#### The COMMITTEE RECOMMENDS

1. That the Committee considers there to have been an insufficient opportunity for consultation with the wider community about the proposal. As such, that the Chief Executive be instructed to undertake a further round of public consultation, following which the decision regarding the Function Centre Lease Proposal will be made by the new Council.
2. That the desirability of hospitality services in the Ashhurst Domain be referred to the process underway to review the Ashhurst Domain Reserve Management and Development Plan.

### 56-19 Additional Information - Potential Lease of 51 Amberley Avenue

Memorandum, presented by Bryce Hosking, Manager - Property.

#### The COMMITTEE RECOMMENDS

1. That the Memorandum dated 17 May 2019 and titled "Potential Lease of 51 Amberley Avenue" be uplifted from the table.
2. That Council receives the report titled "Additional Information – Potential Lease of 51 Amberley Avenue" dated 29 July 2019 for information to be considered in conjunction with the report titled "Potential Lease of 51 Amberley Avenue" that was presented to, and left on the table by, the Sport and Recreation Committee on 10 June 2019.
3. That Council as the administering body under the Reserves Act 1977, on

## PALMERSTON NORTH CITY COUNCIL

behalf of the Minister of Conservation, approves the lease of land at 51 Amberley Avenue, Palmerston North, to Palmerston North Judo Club Incorporated for a recreation activity.

4. That Council agree to execute a new three (3) year lease (with a right of renewal) between Palmerston North City Council and Palmerston North Judo Club Incorporated for 51 Amberley Avenue, Palmerston North.
5. That the Chief Executive ensures Council officers work with Highbury Mixed Martial Arts to try to find an alternative venue.

**ATTACHMENTS**

Nil