



PALMERSTON NORTH CITY COUNCIL

AGENDA
PLANNING & STRATEGY
COMMITTEE

9AM, WEDNESDAY 9 SEPTEMBER 2020

ELWOOD ROOM, CONFERENCE & FUNCTION CENTRE,
354 MAIN STREET, PALMERSTON NORTH



MEMBERSHIP

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

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

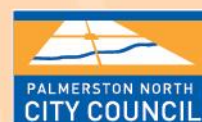
Agenda items, if not attached, can be viewed at:

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

Heather Shotter
Chief Executive, Palmerston North City Council

Palmerston North City Council

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Private Bag 11034, 32 The Square, Palmerston North



PLANNING & STRATEGY COMMITTEE MEETING

9 September 2020

ORDER OF BUSINESS

NOTE: The Planning & Strategy Committee meeting coincides with the ordinary meeting of the Environmental Sustainability Committee. The Committees will conduct business in the following order:

- Environmental Sustainability Committee
- Planning & Strategy Committee

1. Apologies

2. Notification of Additional Items

Pursuant to Sections 46A(7) and 46A(7A) of the Local Government Official Information and Meetings Act 1987, to receive the Chairperson's explanation that specified item(s), which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded, will be discussed.

Any additions in accordance with Section 46A(7) must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

Any additions in accordance with Section 46A(7A) may be received or referred to a subsequent meeting for further discussion. No resolution, decision or recommendation can be made in respect of a minor item.

3. Declarations of Interest (if any)

Members are reminded of their duty to give a general notice of any interest of items to be considered on this agenda and the need to declare these interests.

4. Public Comment

To receive comments from members of the public on matters specified on this Agenda or, if time permits, on other Committee matters.

(NOTE: If the Committee wishes to consider or discuss any issue raised that is not specified on the Agenda, other than to receive the comment made or refer it to the Chief Executive, then a resolution will need to be made in accordance with clause 2 above.)

5. Confirmation of Minutes

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“That the minutes of the Planning & Strategy Committee meeting of 12 August 2020 Part I Public be confirmed as a true and correct record.”

6. Review of the Stormwater Drainage Bylaw - section 155 LGA determination report

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

7. BPO Quarterly Report 2019 - No.4

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

8. Committee Work Schedule

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9. Exclusion of Public

To be moved:

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

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

PALMERSTON NORTH CITY COUNCIL

Information and Meetings Act 1987 for the passing of this resolution are as follows:

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

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

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

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

PALMERSTON NORTH CITY COUNCIL

Minutes of the Planning & Strategy Committee Meeting Part I Public, held in the Elwood Room, Conference & Function Centre, 354 Main Street, Palmerston North on 12 August 2020, commencing at 9.02am

Members Present:	Councillor Aleisha Rutherford (in the Chair), The Mayor (Grant Smith) and Councillors Brent Barrett, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan and Bruno Petrenas.
Non Members:	Councillors Susan Baty, Vaughan Dennison and Karen Naylor.
Apologies:	Councillors Susan Baty (early departure), Lew Findlay and Tangi Utikere (lateness).

Councillor Tangi Utikere entered the meeting at 9.12am during consideration of clause 22. He was not present for clause 21.

21-20 Apologies

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The COMMITTEE RESOLVED

1. That the Committee receive the apologies.

Clause 21-20 above was carried 14 votes to 0, the voting being as follows:

For:

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

22-20 Hearing of Submissions - Future Use of Huia Street Reserve

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

Alec and Lynne Mackay (67):

Mr Alec Mackay spoke to their submission and made the additional following comments:

- As residents of Park Road and Palmerston North, great to see some action by Council.
- The area has been left unattended, uncared for and inaccessible for far too long.
- Traffic is very busy in the mornings around that area.
- Support Options 3 and 4 and are opposed to Options 1, 2 and 5.

- The Huia Street Reserve should be developed for recreational, cultural or community purposes.

Councillor Tangi Utikere entered the meeting at 9.12am.

Railway Land Action Group (6):

Mr Bruce and Mrs Marilyn Bulloch spoke to the submission and made the additional following comments:

- They have been lobbying for the preservation of public green space in Palmerston North since 1992. Too often the public green spaces are seen as being a convenient source of revenue but once you have lost these spaces, they are gone for good and never replaced.
- The reserve used to be part of the Esplanade complex, which once had a use, being the site of the Bowling Club rooms, but due to a deliberate ploy by this Council through its actions and inactions the land is now seen as derelict.
- Five options and analysis were presented for the public to comment on, but the consultation document is highly biased towards the Council's preferred option of enabling the sale or development of the land for housing.
- Many people have commented on the unsuitability of the site for housing given the nature of the extremely congested corner site, congested by both heavy traffic volume and by surrounding houses. They know there is pressure on available land for housing purposes due to many causes, but there should be no reason to sacrifice valuable public parks.

Marilyn & Bruce Bulloch (7):

Mr Bruce and Mrs Marilyn Bulloch spoke to their submission and made the additional following comments:

- Recently visited the reserve on 31 July and found the site as derelict as ever. They noticed the terrible racket from the continuous stream of traffic on the corner of the land adjoining Fitzherbert Avenue. Also an unseen health hazard at this site with the air being polluted from vehicles.
- In their support for Option 4 they envisioned a possible landscaping scenario for the area. They thought the theme of displaying a multitude of Camellia varieties could be carried from the Esplanade Rose Garden through to the Huia Street Reserve as they grow well here and provide shelter.
- The existing Totara trees could be retained along the Park Road boundary to provide shelter and more could be planted. The corner site could be used to plant Heritage roses in plots, which could also be viewed from the roadway.
- The rear of the site could be planted in a more rustic manner, with an emphasis on features that appeal to young children in particular.
- Any sale of this reserve land in this long established neighbourhood would deprive the local residents of an asset.
- People need to be aware that any proceeds from a possible sale of the Huia

Street lots are required by legislation to be spent on acquiring other reserves or for the development of other reserves. Some people think that you can just use this money to cut rates.

Environment Network Manawatu (9):

Ms Stewart Harrex and Mr Alastair Cole spoke to the submission and made the additional following comments:

- There are 47 submissions in favour of obtaining reserve status and public ownership and 29 in favour of housing with two appearing to want both and two wanting neither. This would suggest that those who recognise Huia Street, as no one they have spoken to knows where it was, are sending a clear message to Council. They believed if the land had been called Fitzherbert and Park Road corners there may have been many more submissions.
- People are not happy that since 2002 the land has been neglected.
- Enough reserve land has been whittled away and they have high hopes for the site, as shown in the many suggestions in the submissions.
- They believed the people of Palmerston North will not tolerate any further action towards removing the reserve status.
- They have envisaged an interesting, welcoming and sheltered place suited to rest and discovery that would be fitting to a city of 90,000 people, which identifies as an eco-city.
- Council needs to have faith in the community and in the artistic and talented people in it. The Council could workshop the many ideas that people have and Environment Network Manawatu members would be very pleased to be active in that process.

Manawatu Tenants Union (58):

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

Chris Teo-Sherrell (62):

Mr Chris Teo-Sherrell spoke to his submission and made no additional comments.

Manawatu Lawn Tennis Club (78):

Mr Andy Martin spoke to the submission and made the additional following comments:

- The development of housing could put the tennis club under threat and they would like assurance from the Council that the tennis club lease is secured.
- Suggested an indoor sports centre on the site to use along with other sporting codes, which would provide the tennis club with a long term future.
- If the site was used for housing, the new tenants would be faced with noise, lights and tennis balls and the traffic would get worse.
- Biggest concern is certainty of lease for the tennis club and the potential for them to grow.

Palmerston North Girls High School (75):

Mr Troy Gerbich spoke to the submission and made no additional comments.

The meeting adjourned at 10.35am.

The meeting resumed at 10.55am.

Fiona Wilson (76):

Ms Fiona Wilson spoke to her submission and made the additional following comments:

- Concern was raised about the lack of community consultation who are affected by the proposal.
- Support Palmerston North Girls High School and Environmental Network Group's submissions.
- Big concern with the traffic congestion and any housing development on this corner is only going to add further congestion to the area and fail to see how the risks can be mitigated if it goes ahead.
- Considers the concept of multi-storey apartments to be totally out of kilter with the most attractive entrance to the city. No matter how flash a new apartment building might be, over time they date and look tired.
- Would lose an opportunity for a green space, which we will not get back.

James Owen (25):

Mr James Owen spoke to his submission and made no additional comments.

John Bent (65):

Mr John Bent spoke to his submission and made the additional following comments:

- A consequence of extra housing is extra energy required to supply the needs of the residents of those houses. Why does Palmerston North need more houses? More houses mean more energy required. Where is that extra energy going to come from? So a proposal for housing will impose an environmental disbenefit on New Zealand and the world.
- Housing is not supported by majority of the community of Palmerston North as represented in the submissions.

Moved Aleisha Rutherford, seconded Rachel Bowen.

The COMMITTEE RESOLVED

1. That the Planning & Strategy Committee hear submissions from presenters who indicated their wish to be heard in support of their submission.
2. That the Committee note the Procedure for Hearing of Submissions, as described in the procedure sheet.

Clause 22-20 above was carried 15 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel

Bowen, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor, Bruno Petrenas and Tangi Utikere.

23-20

The Future Use of Huia Street Reserve: Summary of Submissions

Memorandum, presented by David Murphy, City Planning Manager.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The COMMITTEE RESOLVED

1. That the Summary of Submissions attached to the memorandum entitled "The Future Use of Huia Street Reserve: Summary of Submissions" reported to the 12 August 2020 Planning and Strategy Committee be received.

Clause 23-20 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

For:

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

Abstained:

Councillor Lorna Johnson.

24-20

Deputation - Homes for People

Mr Vaughan Dennison and Mr Darren Birch, founder of Homes for People, made a deputation providing a summary of their work for Homes for People.

Darren and Cheri Birch are the founders of Homes for People who have 30 years' experience working and living with people who cannot access the resources required to be a New Zealand homeowner. There is a barrier that many people face with entering the housing market here in the community, both in homeownership and the rental housing market.

Just short of three years ago they dug their first hole, which is thanks to many people in the community:

- Investors;
- Corporate partners who have joined with them, discounted products and supported them;
- Central Energy Trust who had supported them in their first project;
- And many others.

They deliver transitional housing where they are now managing 71 units on behalf of the community including people who are vulnerable and people who have high and complex needs.

Homes for People have now completed 13 new build homes, have 5 homes under construction, 26 homes going through design consent process, about 9

areas of land acquired and 20 plus going through joint venture discussions.

The biggest demand is for one or two bedroom houses so what they offer is market affordable low cost housing under \$350,000 for a two bedroom house.

They would love to work with the City Council, Central Government and Iwi, specifically working with the City Council on the new Whakarongo development for assisted ownership, social housing and whatever way they can assist the Council.

Moved Leonie Hapeta, seconded Patrick Handcock ONZM.

The COMMITTEE RESOLVED

1. That the Planning & Strategy Committee receive the deputation for information.

Clause 24-20 above was carried 14 votes to 0, the voting being as follows:

For:

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

Note:

Councillor Vaughan Dennison declared a conflict of interest and withdrew from discussion and voting on clause 24-20.

25-20

Confirmation of Minutes

Moved Patrick Handcock ONZM, seconded Leonie Hapeta.

The COMMITTEE RESOLVED

1. That the minutes of the Planning & Strategy Committee meeting of 10 June 2020 Part I Public be confirmed as a true and correct record.

Clause 25-20 above was carried 15 votes to 0, the voting being as follows:

For:

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

26-20

Deliberations on Submissions to the Amendment to the Cemeteries and Crematorium Bylaw 2018

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

Moved Aleisha Rutherford, seconded Lorna Johnson.

The COMMITTEE RECOMMENDS

1. That the Council approves the Amendment to the Cemeteries and

Crematorium Bylaw 2018 by specifically revoking clause 11.7 as stated on Attachment 1 to the report titled "Deliberations on Submissions to the Amendment to the Cemeteries and Crematorium Bylaw 2018".

Clause 26-20 above was carried 15 votes to 0, the voting being as follows:

For:

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

27-20

Review of the Trade Waste Bylaw 2015 - S155 Determination

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

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RECOMMENDS**

1. That pursuant to s 155(1) of the Local Government Act 2002, the Council determines that a bylaw is the most appropriate way of addressing the perceived problem of regulating the quality and rate of trade waste discharges.
2. That pursuant to s 155(2)(a) of the Local Government Act 2002, the Council determines that a standalone bylaw is the most appropriate form for a trade waste bylaw.
3. That pursuant to s 155(2)(b) of the Local Government Act 2002, the Council agrees that it is not anticipated that a revised bylaw would give rise to any implications under the New Zealand Bill of Rights Act 1990.
4. That the Chief Executive be instructed to draft a revised Trade Waste Bylaw which addresses the perceived problem of regulating the quality and rate of trade waste discharges.

Clause 27-20 above was carried 15 votes to 0, the voting being as follows:

For:

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

28-20

Transport Portfolio Update (August 2020)

Memorandum, presented by Councillor Brent Barrett.

Moved Brent Barrett, seconded Zulfiqar Butt.

The **COMMITTEE RECOMMENDS**

1. That the Transport Portfolio update report for August 2020 be received for information.

Clause 28.1 above was carried 15 votes to 0, the voting being as follows:

For:

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

Moved Grant Smith, seconded Vaughan Dennison.

2. That a plan to deliver pedestrian network improvements be referred to the 2021 Long Term Plan process.

Clause 28.2 above was carried 15 votes to 0, the voting being as follows:

For:

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

Moved Brent Barrett, seconded Zulfiqar Butt.

Note:

On a motion "That a plan to deliver pedestrian network improvements be developed by the Chief Executive and presented to Council within six months". The motion was lost 4 votes to 11, the voting being as follows:

For:

Councillors Brent Barrett, Zulfiqar Butt, Karen Naylor and Bruno Petrenas.

Against:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Susan Baty, Rachel Bowen, Vaughan Dennison, Renee Dingwall, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan and Tangi Utikere.

29-20 Committee Work Schedule

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The COMMITTEE RESOLVED

1. That the Planning & Strategy Committee receive its Work Schedule dated August 2020.

Clause 29-20 above was carried 15 votes to 0, the voting being as follows:

For:

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

The meeting finished at 12.21pm.

Confirmed 9 September 2020

Chairperson

REPORT

TO: Planning & Strategy Committee

MEETING DATE: 9 September 2020

TITLE: Review of the Stormwater Drainage Bylaw - section 155 LGA determination report

PRESENTED BY: Julie Macdonald, Policy and Strategy Manager

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

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

1. That pursuant to s 155(1) of the Local Government Act 2002, the Council determines that a bylaw is the most appropriate way of addressing the perceived problem of providing a reliable and efficient stormwater drainage system that maintains public health and safety and preserves the environment.
2. That pursuant to s 155(2)(a) of the Local Government Act 2002, the Council determines that a stand-alone bylaw is the most appropriate form for a stormwater drainage bylaw.
3. That pursuant to s 155(2)(b) of the Local Government Act 2002, the Council agrees that it is not anticipated that a revised bylaw would give rise to implications under the New Zealand Bill of Rights Act 1990.
4. That the Chief Executive be instructed to draft an amended Stormwater Drainage Bylaw which addresses the perceived problem of providing a reliable and efficient stormwater drainage system that maintains public health and safety and preserves the environment.

SUMMARY OF OPTIONS ANALYSIS FOR REVIEW OF THE STORMWATER DRAINAGE BYLAW 2015

Problem or Opportunity	The Stormwater Drainage Bylaw 2015 is due for its initial five-year review and will be automatically revoked in May 2022 unless a new or replacement bylaw is made.
OPTION 1:	Determine that a bylaw is the most appropriate way to address the perceived problem of providing a reliable and efficient stormwater drainage system that maintains public health and safety and preserves the environment. (Recommended).
Community Views	Community views on this bylaw have not yet been sought.
Benefits	Making the recommended determination will allow the existing bylaw to be revised and a draft bylaw prepared for public consultation and adoption before the existing bylaw is automatically revoked in 2022. Without a bylaw Council's ability to manage aspects of its stormwater activity would be limited.
Risks	No risks have been identified.
Financial	Costs of the review can be met within current budgets.
OPTION 2:	Do not determine that a bylaw is the most appropriate way to address the perceived problem.
Community Views	Community views on this bylaw have not yet been sought.
Benefits	No benefits have been identified.
Risks	If the s 155 determination on the Stormwater Drainage Bylaw is not made the bylaw will be automatically revoked in May 2022. Council's ability to manage its stormwater drainage activity would be limited which would have effects on the operation of this service.
Financial	Should Council determine that a Stormwater Drainage Bylaw is not required, costs will be incurred in terms of staff time and external legal advice to address the matters previously managed by the bylaw.

RATIONALE FOR THE RECOMMENDATIONS

1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY

- 1.1 The Council is required under the Local Government Act 2002 (LGA) to review the Stormwater Drainage Bylaw 2015 within five years of it being made or it is automatically revoked two years after it was due to be reviewed.

1.2 A bylaw review begins with a determination by the Committee about whether a bylaw is the most appropriate way of addressing the perceived problem. For this purpose, the “perceived problem” is providing a reliable and efficient stormwater drainage system that maintains public health and safety and preserves the environment. Underneath this broad problem statement are a series of more specific problems that form part of this determination report.

1.3 Due to unforeseen delays caused by the response to the COVID-19 pandemic the review deadline was unable to be met before the end of the five-year review period.

1.4 If Council wishes to continue having a Stormwater Drainage Bylaw it must replace the existing Bylaw before it is automatically revoked on 25 May 2022. Before it can do that, however, it must still make the determinations required by section 155 of the Act. This report presents the information needed for Council to make those determinations.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

2.1 The Council adopted the Stormwater Drainage Bylaw on 25 May 2015 as a new bylaw replacing the Tradewaste and Stormwater Bylaw 2008.

2.2 The current bylaw enables Council to ensure that stormwater is managed to promote sustainable urban drainage and protect the environment from the impacts of flooding, erosion and environmental pollution. It provides for improved control of stormwater discharges and formalises an obligation that pre-treatment devices be installed in all commercial/industrial operations that discharge, or have the potential to discharge, contaminants to the stormwater network. It also gives Council the right to protect overland flow paths and stormwater infrastructure from any interference which might impact on the performance of the network.

2.3 The bylaw is one of several mechanisms Council uses to manage the stormwater activity. The District Plan is Council’s key regulatory tool that manages stormwater through the provisions in the natural hazards, residential and subdivision chapters. Other mechanisms include environmental education (that would be carried out in conjunction with the bylaw and other stormwater management methods) and other legal mechanisms such as the creation of easements and drainage reserves.

2.4 There are several related stormwater activity matters that may influence the review of this bylaw including the on-going development of Council’s Stormwater Management Framework that aims to:

- guide developers to implement best practice stormwater management approaches;
- set out catchment priorities and provide guidance in respect of design standards and approved solutions for stormwater runoff;

- mitigate flood effects as well as stormwater treatment;
- give effect to the Horizons Regional Council One Plan and the National Policy Statement for Freshwater Management.

2.5 The National Policy Statement for Freshwater Management 2020 (Freshwater NPS 2020) will provide Council with updated direction on freshwater management under the Resource Management Act 1991. It comes into force on 3 September 2020. In addition, the Three Waters Reform has seen the recent development of new legislation and the creation of Taumata Arowai, the new Water Services Regulator, to oversee and enforce a new drinking water regulatory framework, with an additional oversight role for wastewater and stormwater networks.

3. DESCRIPTION OF OPTIONS

3.1 The primary purpose of this report is for the Committee to determine whether a bylaw is the most appropriate way to address the perceived problem. The options are to determine that a bylaw is the most appropriate way of addressing the perceived problems, or to not make that determination.

3.2 In addition, the determination report considers whether a standalone bylaw is the most appropriate form of bylaw; and that a revised stormwater drainage bylaw would not likely give rise to any implications under the NZ Bill of Rights Act 1990 (NZBORA).

4. ANALYSIS OF OPTIONS

4.1 The determination report is attached to this report as *Attachment 1*. This report further describes the problems and analyses the reasonably practicable options for addressing it.

4.2 Option one is the recommended option to proceed because a bylaw is considered to be the most appropriate way of addressing the perceived problem. The bylaw provides an effective regulatory response for the identified issues rather than the alternatives of reliance on existing legislation, environmental education, or other management tools (as outlined in *Attachment 1* of this report). Council's current Stormwater Drainage Bylaw is, for the most part, working well, and the scope of activity covered by it has not changed substantively since the bylaw was last reviewed in 2015. Continuing with a Stormwater Drainage Bylaw (and providing the opportunity to refine it further through a review process) is the preferred option.

4.3 If the Committee agrees that a bylaw is the most appropriate way of addressing the perceived problem, then there are two consequential determinations to make. The first is that the form of the bylaw is the most appropriate form. The second determination is whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). *Attachment 1* of this report provides

analysis of these matters and recommends that the stand-alone form of bylaw is the most appropriate form, and that the bylaw, when drafted, is unlikely to give rise to any implications under the NZBORA.

- 4.4 If the Committee does not determine that a bylaw is the most appropriate way of addressing the perceived problem, then the Committee will be implicitly revoking the current Bylaw (option two). No further work on the bylaw would be done, and unless a different decision is made later the current bylaw would be automatically revoked in May 2022. Alternative solutions to the issues identified in the attached report would need to be further explored and reported back to Council. This option is not recommended.

5. CONCLUSION

- 5.1 Staff recommend that the Committee determines that a bylaw is the most appropriate way of addressing the perceived problem.
- 5.2 Staff also recommend that the Committee determines that the stand-alone form of bylaw is the most appropriate form of bylaw; that a bylaw addressing stormwater drainage is unlikely to give rise to any implications under the NZBORA; and that staff be directed to proceed with the review process and draft an amended Stormwater Drainage Bylaw for consideration by the Committee.
- 5.3 Once these determinations are made then the review can continue, and staff can establish the scope of possible amendments to the Bylaw to ensure it fully addresses the perceived problem of providing a reliable and efficient stormwater drainage system that maintains public health and safety and preserves the environment.

6. NEXT ACTIONS

- 6.1 If the Committee accepts the recommendations staff will proceed with the review process, including engagement activities that will shape the draft bylaw. A draft bylaw will be presented to the Committee in 2021 for approval for public consultation.

7. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

- 7.1 The following engagement activities are planned:
 - Further engagement with Council's Infrastructure and Planning teams.
 - Engagement with Rangitāne o Manawatū through the bi-monthly meetings or other opportunities.

- Engagement with relevant stakeholders such as Horizons Regional Council, the development community, service contractors and any relevant government agencies.
- Media release will be distributed on the PNCC website and Facebook highlighting the opportunity to raise any issues and capture general community views on the current bylaw.


7.2 Feedback will inform the recommendation of amendments to the current bylaw. A revised Stormwater Drainage Bylaw will be brought to the committee to approve for public consultation. More information on that consultation process will be provided at that time.

COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual Clause 182.2	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 4: An Eco City	
The recommendations contribute to the outcomes of the Eco City Strategy	
The recommendations contribute to the achievement of action/actions in the Three Waters Plan	
The actions are:	
<ul style="list-style-type: none"> • Provide stormwater services that protect buildings from inundation from flooding in major events. • Identify and remedy sources of stormwater entry from private property to the wastewater network. 	
Contribution to strategic direction and to social, economic,	A stormwater drainage bylaw ensures that Council continues to deliver its stormwater drainage activity in line with strategic goals and regulatory requirements.

environmental and cultural well-being	
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ATTACHMENTS

1. Palmerston North City Council Stormwater Drainage Bylaw Review - Section 155 LGA determination report [↓](#) 

Palmerston North City Council
Stormwater Drainage Bylaw Review
2020

S155 LGA Determination Report

Executive Summary

This report recommends that a bylaw is the most appropriate way of addressing the perceived problems related to stormwater activities. The Council is required by the Local Government Act 2002 to determine whether a bylaw is the most appropriate way of addressing these perceived problems. It makes that recommendation after identifying the perceived problems, and then considering the reasonable options for addressing those problems.

This report also considers what form of bylaw is most appropriate and discusses the difference between standalone and combined bylaws. The report concludes that a standalone bylaw is more appropriate, allowing for issues to be addressed independently when they are due for review, and allows for the workload of bylaw reviews to be more effectively staggered.

Finally, this report considers whether the bylaw will give rise to any implications under the New Zealand Bill of Rights Act. While it is too early to determine this specifically, the rights and freedoms affirmed by that Act are unlikely to be impinged by a bylaw addressing stormwater activities.

Purpose of the report

This report provides Councillors with information about the stormwater activity to enable them to make determinations in accordance with S155 of the Local Government Act 2002.

Before a bylaw is made, the Council must determine that a bylaw is the most appropriate way of addressing the perceived problem that the bylaw will address. Therefore, this report describes what the perceived problems are, identifies the reasonably practicable options for addressing those perceived problems, and discusses the advantages and disadvantages of each option. This information is intended to help Councillors to decide whether a bylaw is the most appropriate way of addressing the perceived problem.

This report also provides information on the most appropriate form of bylaw, and whether the bylaw option is likely to give rise to any implications for the New Zealand Bill of Rights Act 1990. These considerations will also be revisited before any draft bylaw is approved for public consultation, as the nature and content of the bylaw option may have changed during the drafting process.

Legislative background

The Local Government Act 2002 requires the Council, before making a bylaw, to consider whether a bylaw is the most appropriate way of addressing the “perceived problem”. To meet this requirement, the Council needs to identify the perceived problem and the options for addressing that problem, assess those options, and then determine formally (via a Council resolution) whether a bylaw is the most appropriate way of addressing the perceived problem. The language used here is important – a bylaw must not only be appropriate in addressing the perceived problem; it must be the **most** appropriate way.

The Council is also required to consider the form of the bylaw, and whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The perceived problem

The Council provides a reticulated stormwater network to facilitate the safe conveyance of surface water and to mitigate urban flooding. The stormwater drainage network consists of 275km of pipes, 9km of culverts, 5,271 manholes, connections to more than 18,500 properties, 90 floodgates, and other structures.¹

Water collected by the stormwater network is untreated and is discharged to natural waterways such as streams and the Manawatū River. Horizons Regional Council controls such discharges via a resource consent, which imposes conditions on the Palmerston North City Council for the quality and volume of that discharge.

For the purpose of this report, the “perceived problem” is providing a reliable and efficient stormwater drainage system that maintains public health and safety and preserves the environment.

Within this overarching problem statement, the stormwater activity has a number of specific perceived problems:

1. Quality of stormwater discharge, including potential contamination from commercial operations.
2. Volumetric increase of stormwater, driven by infill housing/urban intensification and preference for impervious vs permeable surfaces.
3. Confusion over responsibilities for private versus public infrastructure, including point of discharge identification and preventing unauthorised connections.
4. Misunderstanding between Council and lot owners over ownership and maintenance responsibilities of open channels and waterways passing through private lots.
5. Performance issues of Council-approved private stormwater infrastructure on some footpaths or shared rights of way.

There is the potential for some commercial activities to pollute stormwater drains, either inadvertently or deliberately, which impacts on the quality of the stormwater discharge. This has both a regulatory and an environmental impact – Council is liable for compliance with its stormwater discharge consent with Horizons Regional Council, and any untreated wastewater which enters the stormwater system ultimately contaminates local waterways.

Managing the volumetric increase of stormwater is another perceived problem. Potentially higher volumes of stormwater are discharged because of the changes in land use from permeable surfaces such as soils and gravels to impervious surfaces such as concrete and asphalt. These increased volumes are driven in part by increased infill housing and preference for sealed surfaces. Increased volume of piped stormwater can place strain on the infrastructure, while simultaneously starving soils of needed water and irrigation, potentially leading to erosion of natural waterways.

Where the reticulated stormwater system connects with private stormwater pipes, there is a perceived problem of who is responsible for damage or repairs. This issue exists for other reticulated services (drinking water and wastewater) and is commonly identified as the point of supply/discharge,

¹ Palmerston North 2028 10 Year Plan 2018-28; page 171

that represents between the public and private network. Without a defined point of discharge, there is an increased potential for disputes to arise over responsibility for the stormwater network system.

The current city-wide stormwater network discharges to a series of open channels and streams before discharging into the main Kawai and the Mangaone Streams. These channels flow through private residential lots and industrial areas, mostly without allocated drainage reserve protection. Council historically has not maintained these waterways, as the access through private properties is often difficult and challenging. Without a defined set of rules and guidance, some residents hold Council responsible for maintaining the channels (assuming Council-ownership due to the lack of clear boundaries).

Council is often involved in disputes between adjoining landowners, relating to Council-approved infrastructure commonly known as yard sumps and bubble-up sumps. These assets are privately-owned, however poor maintenance can cause nuisance flooding or unpleasant odours and this can have an effect on landowners sharing the same right of way. The rules are unclear whether Council has on-going responsibility for the assets as they were approved by Council, or no obligation once the subdivision is approved.

Options analysis

The Council is required by S155 of the Local Government Act 2002 to determine whether a bylaw is the most appropriate way of addressing the perceived problem. To comply with this requirement, it is necessary to analyse the reasonably practicable alternatives to a bylaw to address the perceived problem. Staff considered whether each identified issue (as outlined previously) is, or could be, adequately addressed by one or a combination of alternative methods.

The alternative methods considered are:

- Existing regulation e.g. District Plan policies and rules, Horizons Regional Council's One Plan stormwater discharge rules.
- Environmental education – carried out in conjunction with the bylaw, any education would support other stormwater management methods.
- Legal mechanisms such as easements and creation of drainage reserves.
- Do nothing – decide that the perceived problem does not require any Council action.

S146(b) of the Local Government Act 2002 allows for a bylaw to protect against damage to infrastructure associated with land drainage, also described as stormwater drainage. The rationale for such a provision is evident – piped stormwater networks are integral to managing the effective flow of stormwater within built-up urban environments, and damage to that network potentially poses damage to those environments in the event of significant rainfall events (leading to flooding and ponding). A bylaw gives the Council power to protect that infrastructure by setting requirements for connection to the stormwater network, precisely defining responsibilities for the infrastructure network, and controlling whether structures can be built over stormwater pipes. A bylaw may also be able to set restrictions on commercial discharges into public stormwater systems to protect waterways from contaminated stormwater.

Existing regulation

The District Plan provides for specific provisions to ensure stormwater is managed in an integrated manner to minimise the effects on the receiving environment both in terms of quantity and quality. The Flood Protection Zone identifies the land within the City which is most susceptible to significant flood hazard risks. Rules control subdivision and development within the Flood Protection Zone and within Flood Prone Areas to avoid or mitigate adverse effects of flooding hazards on people, property, infrastructure and the environment.

The residential zone rules provide a way of managing the amount of impervious surfaces as a result of urban development. Setting restrictions on lot sizes, and the ratio of undeveloped (permeable) surfaces, may be more effective in lowering demand on the piped stormwater network. This could also be improved by other planning policies such as requirements for off-street parking, which is invariably sealed and impervious to rainfall. As the issue is best addressed during development, setting such requirements as part of a resource consent process may be more effective.

The District Plan also has specific provisions to manage stormwater discharge effects in the Whakarongo Residential Area and the North East Industrial Zone.

District Plan rules are supported by standards and specifications such as the Engineering Standards for Land Development (Part 6: Stormwater drainage) and a Stormwater Attenuation Design Guide (Nov 2019). The subdivision section provides both policies and rules on the layout and functioning of the stormwater drainage systems including requirements to link to the existing stormwater drainage network.

Horizons Regional Council's One Plan's Regional Policy Statement provides the overarching resource management framework for the Region. Surface water quality degradation is one of the "Big Four" environmental issues in the region. The Regional Plan contains rules prescribing how activities controlled by the Regional Council under the RMA are regulated including the discharge of stormwater into water.

Environmental education

Behaviour change programmes and promotion of best practice approaches would be examples of educative approaches that could be carried out alongside other options.

Legal mechanisms

Council uses a range of legal instruments such as easements and agreements with private property owners to protect infrastructure or obtain legal access to it. Natural stormwater overland flow paths are present on some of Council's recreation reserves with some of these areas having a dual use for stormwater purposes. In some instances, the creation of drainage reserves may be considered best to facilitate Council's ability to access and manage the stormwater network. Not all matters addressed by the bylaw are easily dealt with through legal mechanisms.

Do nothing

A fourth approach may be to have no bylaw at all. In this approach, there would be no restrictions on the use of Council's reticulated stormwater network, disputes over stormwater connections would be managed on a case-by-case basis, and the Council would have limited control over the quality of stormwater discharges.

Recommendation

A bylaw for stormwater drainage would be the most appropriate way of addressing particular aspects of the perceived problem identified. Choosing not to have a bylaw for such matters is unlikely to be more effective than developing a bylaw; without a bylaw, the Council would have diminished power to control the quality of stormwater discharge, contamination from commercial operations, and assist in the overall management of the stormwater network and infrastructure.

The District Plan, however, may be more effective in managing restrictions on quantities of impervious surfaces, as it can intervene during the land development stage. The Stormwater Management Framework (currently under development) will be incorporated into the District Plan to enable best management practices for stormwater quality and quantity.

The form of the bylaw

Section 155(2) of the Local Government Act 2002 requires that the Council determine whether the proposed bylaw is the most appropriate form of bylaw.

There are principally two forms of bylaw – standalone or combined. A combined bylaw brings together a range of different subjects and issues as a series of chapters within a single document. A standalone bylaw exists independently of other bylaws, and generally relates only to one subject or activity. Councils typically opt for one form or the other, though a few Councils do have both forms of bylaw.

An example of a “combined” form of bylaw is Hastings District Council’s Consolidated Bylaw 2016, which includes ten chapters addressing such diverse subjects as animal control, alcohol bans, and trade waste. The key advantages of this approach are that it provides a single document for people to refer to when looking for Council’s bylaws, and it aids consistency across different subjects for matters such as defined terms and administrative processes. The disadvantages are that it can create a large document which includes much that may not be relevant to people looking for information about a specific subject, and subsequent amendments and reviews can become difficult to manage for a combined bylaw. This last point can cause difficulty. If many bylaw subjects were made into a single bylaw, then all those subjects would be required to be reviewed at the same time. If all Council’s bylaws were incorporated into a single bylaw then whenever the Council is required to review its bylaws (five years initially, then every 10 years) it would effectively bring all bylaws under review.

Palmerston North City Council’s current bylaws are “standalone” bylaws. The key advantages of standalone bylaws are that they enable subjects to be treated with more detail than might be given if the bylaws were incorporated into a single bylaw, and allows for a staggered review of bylaws when required. This last point can also help the community during consultation. A combined bylaw under review puts many subjects before the community for consideration, whereas standalone bylaws reviewed in a staggered fashion allow for distinct issues to be considered separately, with appropriate time for each. Standalone bylaws also have the advantage of being subject-specific, making it simpler for a person to get the bylaw that relates specifically to the subject in which they are interested. The disadvantages of the standalone form of bylaw are that bylaws can potentially become inconsistent with each other, which can be exacerbated by the development of new bylaws several years after earlier bylaws.

Having regard for the advantages and disadvantages of both forms of bylaw, the recommended form of bylaw is the standalone form. The key disadvantage of consistency is addressed largely by comparing specific aspects across all existing and proposed bylaws during the review phase. For example, definitions can be compared across all bylaws, and where the subject permits, uniform definitions are used. The advantage of having all bylaws in a single document (the combined form of bylaw) is minimal and is largely addressed by having all bylaws accessible from a single page on the Council’s website.

NZ Bill of Rights Act

Section 155(2) of the Local Government Act 2002 also requires that the Council determine whether the proposed bylaw gives rise to any implications under the NZ Bill of Rights Act 1990 (NZBORA).

This aspect cannot be fully considered until a bylaw has been drafted for consideration by Council. At that stage, a report will be made as to any concerns that the draft bylaw may create for the NZ Bill of Rights Act. However, a preliminary assessment can be made as to whether bylaws that regulate matters such as water and waste activities may give rise to implications under the NZ Bill of Rights Act.

NZBORA sets out specific rights and freedoms which are protected by legislation. These rights and freedoms include:

- Right not to be deprived of life
- Right not to be subjected to medical or scientific experimentation
- Right to refuse to undergo medical treatment
- Electoral rights
- Freedom of thought, conscience, and religion
- Freedom of expression
- Manifestation of religion and belief
- Freedom of peaceful assembly
- Freedom of association
- Freedom of movement
- Freedom from discrimination
- Rights of minorities
- Right to be secure against unreasonable search and seizure
- Liberty of the person
- Rights of persons arrested or detained
- Rights of persons charged
- Right to justice.

NZBORA states that the rights and freedoms covered by the Act “may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” This is what must be scrutinised when considering whether the bylaws give rise to any implications under the NZ Bill of Rights Act.

It is not expected that the bylaw addressing the perceived problems will give rise to any implications for the rights and freedoms affirmed by NZBORA such as impinging on freedom of association or movement, affecting the rights of minorities, or affecting electoral rights.

When the draft bylaw is presented to the Council for approval before public consultation, a further report on whether the draft bylaw gives rise to any implications under NZBORA will be provided. That report will be able to identify any specific issues that may arise.

Conclusion

This report concludes that a bylaw is the most appropriate way of addressing the perceived problems for the stormwater activity. While some specific elements may be better addressed by education or existing legislation or regulation, these alternative approaches alone are unlikely to be more effective than a bylaw.

The form of the bylaw is a choice between a “standalone” style or a combined style of bylaw. This report recommends that the standalone form of bylaw is the most appropriate form, allowing for the issues to be addressed independently when required for review. It also allows for the workload of reviews to be more effectively staggered over a longer period, rather than reviewing all aspects of a combined bylaw at the same time.

At this early stage of the process, this report does not anticipate that a bylaw addressing issues relating to the stormwater activity is likely to give rise to implications under the NZ Bill of Rights Act. This assessment will be reviewed when a draft bylaw is brought to the Council for approval for consultation.

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 9 September 2020

TITLE: BPO Quarterly Report 2019 - No.4

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

APPROVED BY: Tom Williams, Chief Infrastructure Officer

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

1. That the update for the Wastewater BPO Project as detailed in the report titled 'BPO Quarterly Report 2019 – No.4' presented to the Planning & Strategy Committee on 9 September 2020, be received.

1. REPORT PURPOSE

- 1.1 The purpose of the report is to provide an update to the Planning & Strategy Committee on the achievements of the Wastewater BPO Project for the period ending 31 July 2020. This is the final update report for the 2019/20 financial year.
- 1.2 The quarterly reports are in addition to periodic project workshops with Council undertaken at key milestones and decision points within the Project.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

2.1 Introduction

- 2.1.1 The Council is required to lodge an application for new resource consents for the Best Practicable Option (BPO) for the Totara Road Wastewater Treatment Plant, by 30 June 2022.
- 2.1.2 The BPO Project was initiated in 2017 and has progressed to date, in line with the Project Programme adopted by Council (refer Attachment 1). COVID-19 has impacted on the project programme primarily by delaying for two months the commencement of stakeholder and community engagement.
- 2.1.3 The 2018/28 Long Term Plan confirmed an annual budget of \$1,120,800 for the 2019/20 Financial Year.

- 2.1.4 In late 2019, the 2019/20 FY budget was reviewed, and it was confirmed an increase in budget was required to complete the necessary technical work and communications tasks in order to develop the short list options and effectively communicate and engage with the community and stakeholders on the options. A formal request was made to Council's Finance and Audit Committee in February 2020 for additional budget of \$470,700, which was approved, bringing the total approved budget to \$1,591,500. At the end of the 2019/20 Financial Year technical work and the stakeholder/community engagement was delayed due to COVID-19 restrictions resulted in this phase of the project being extended into the new financial year.
- 2.1.5 The unexpended budget from the 2019/20 Financial Year was not carried forward in line with Council's policy for operating programmes. The allocated budget for the BPO project in the 2020/21 Financial Year is \$1,200,000.

2.2 Identification of BPO Options

- 2.2.1 The Project Team and Project Steering Group (PSG) are delivering the Project in line with the agreed methodology established to determine the Best Practicable Option (BPO).
- 2.2.2 A programme has been adopted for the delivery of the BPO and resource consent by June 2022.
- 2.2.3 After completing a range of initial assessments, a shortlist of 6 options was confirmed in a Council workshop on 17 June 2019. Council endorsed the shortlist on 24th June 2019 and the Project has proceeded with the development of these options.
- 2.2.4 The shortlist options represent the full range of receiving environments and include the following:

Option Description

- Option 1 - R2(b) - All wastewater discharged to the Manawatū River, with increased TP and TN removal
- Option 2 - Dual R + L - Manawatū River discharge at Totara Road and below Opiki Bridge, with some land application
- Option 3 - L + R(a) and (b) - Approximately 97% of the treated wastewater applied to land
- Option 4 - L + R(d) and (e) - Treated wastewater applied to land below intermediate/high flows in the Manawatū River

- Option 5 - GW 2 - Base flow to land application, with remainder to high rate infiltration
- Option 6 - O + L - Most of the treated wastewater discharge to the ocean and some wastewater applied to land.

2.2.5 Technical investigations that cover environmental, archaeological, cultural, social and economic constraints are required to confirm optimal locations for each of the shortlist options. To adequately complete an Alternatives Assessment under the Resource Management Act (RMA), these investigations need to be robust as they have the potential to be challenged in an Environment Court process.

2.2.6 Consultation with the stakeholders and the community is necessary to meet statutory obligations under the RMA and the Local Government Act (LGA). The main consultation phase for the project undertaken in June 2020 is required to inform the development of technical assessments and evaluation of options in late 2020. It is also necessary to complete consultation prior to the LTP consultation phase, given the significance of the BPO in the Council's programme of work for the next 10 years.

3. PROJECT PROGRESS DURING CURRENT QUARTER

3.1 Technical Work Streams

3.1.1 Since June 2019, the Project Team have completed a significant number of packages of work necessary to complete technical assessments and consultation. This information has been outlined in two previous quarterly reports and has also informed information gaps requiring further work to inform the Multi-Criteria Analysis (MCA).

3.1.2 Technical Workshops have continued throughout the quarter, focusing on critically reviewing option scope as well as challenging assumptions for technical assessments completed to date. The Project Team has been working collaboratively across the various technical areas to determine the next steps in the Project. These next steps are outlined further below. The overall Programme has also been reviewed and proposed changes are outlined in Section 3.2 below.

3.1.3 The first step undertaken by the Project Team was the refinement and confirmation of the options to be advanced to the MCA phase. The Project Team adopted an interactive process critically reviewing all technical work received and ensuring the feedback from the stakeholder engagement process was being addressed. The review confirmed the following principles and uncertainties for each option needing work through the next phase of options refinement:

- Options 1 & 2: Key requirement is a treatment process that achieves good environmental outcomes for the River and is affordable for Palmerston North. The selected treatment solution while resulting in significant reduction

in nutrient loads (90%) has a material nutrient discharge to the river. Further work to consider options to further reduce nutrient discharge during summer such as wetland treatment and land irrigation need to be considered. Any land needed should be as close to Palmerston North as possible.

- Option 2: The timing and impact of the river discharge at Opiki requires more detailed consideration to achieve an optimum balance of treatment, land discharge and river discharge. For the land-based discharge the selected land area should be as close to Palmerston North as possible.
- Option 3 and 4: The assessment indicated discharges to the river could occur more than 50% of the time. An alternative with discharge to land for the majority of the time is also to be included. For the land-based discharge, treatment selection will be made based on managing nutrient levels to minimise total land area. For option 3 the selected land area should be as close to Palmerston North as possible.
- Option 5: To be consentable the chosen treatment process needs to achieve effective environmental outcomes for the near river groundwater and be affordable. For this option identified treatment solution was similar to Option 1 with the addition of more phosphorus treatment. This option also required significant provision for land discharge. Based on the significant constraints of a high treatment standard and significant land discharge costs, this option was not considered to provide any advantage over the other short list options. Given the treatment and cost challenges, only limited further assessment will be undertaken to inform consideration of this option as part of the detailed MCA process.
- Option 6: This option requires a treatment process that achieves minimal adverse effects on the coastal receiving waters. An alternative option is being considered comprising a regional scheme, with discharges from Rangitikei and Manawatu District Council's smaller townships being aggregated and discharged via a pipeline and ocean discharge pipe shared with PNCC. This alternative would comprise a 100% direct discharge to the coast without the currently proposed land irrigation component.

3.1.4 The next stage of technical assessment will take Options 1, 2, 3, 4 and 6 from the current conceptual outline to more detailed scopes which address the uncertainties and alternatives noted in 3.1.3. While some information is already available, more detailed investigations have been and will be completed through July, August and September, including:

- Refinement of the preferred treatment solution for each option, including costing.

- Modelling of the Manawatu River flows and expected wastewater discharges to refine the key triggers for starting and stopping discharges to river and land. These impact on treatment selection and land area requirements.
- Confirmation of leaching rates and assumptions for options 2, 3, 4 and 6.
- Estimation of net and gross land areas and costings for options 2, 3, 4 & 6.
- Refinement of treatment levels for coastal options.
- Finalisation of the treatment options report.

3.1.5 A second stream of work running in parallel with the technical work (3.1.3 above), is further development of preferred option selection methodology. A draft methodology has been developed and presented to the PSG for endorsement. Figure 1 of this report depicts the various elements which will be included in the overall evaluation process. Aside from the MCA assessment other elements of the assessment will include:

- Maori Cultural Values Assessment (to be confirmed with Iwi)
- Community & Stakeholder Feedback
- Project Objectives
- Planning Assessment (RMA/Legal advice)
- Eco-City Strategy

3.1.6 A third stream of work underway comprises sampling and testing of wastewater to better understand the nature of the existing trade waste discharges and work to determine the importance of Emerging Organic Contaminants (EOC's) in our wastewater. The work will assist Council in determining future Wastewater Bylaw requirements and identify any challenges for selected treatment processes. The two specific work elements planned include:

- Sampling and testing of both incoming raw wastewater and outgoing treated wastewater at the WWTP for the presence of a suite of EOC's to establish the levels present and the extent to which the current treatment process is effective at removing these.
- Testing of existing trade waste consent holders will be expanded to include a more complete set of contaminants that might be expected to be present within each industry group.

3.2 Programme Review

- 3.2.1 In relation to the above, the Project Team has reviewed the Project Programme and adjusted the timeline in account for the following factors:
- Delayed and extended period of Consultation with stakeholders and the community (due to COVID)
 - Delayed face to face meeting with regional Iwi (Iwi beyond Rangitane's Rohi)
 - Delays to starting the detailed technical assessment of options in order to provide the project team with time to review assessments, challenge assumptions and confirm the options to be taken forward (now underway)
- 3.2.2 Following the delayed commencement of the engagement process (due to COVID), Council officers and elected members have been heavily committed to meeting with and responding to stakeholder and community.
- 3.2.3 The scope of technical work required to refine the options and subsequently deliver a robust alternatives assessment is substantial. Additional time is now needed to allow all outstanding technical assessments to be completed to the required standard to adequately inform the MCA process.
- 3.2.4 Feedback from the consultation process is still being analysed. In response to the feedback Council is considering a second round of engagement with the community prior to confirmation of the preferred option. Given the adjusted timeline, this may occur in December 2020 or January 2021 (to be confirmed).
- 3.2.5 Adjustment to the Programme will allow time to undertake meaningful engagement with Iwi, provide for a short phase of engagement with the community and ensure that all relevant technical work is undertaken to inform the MCA. Without this delay, there is significant risk the alternatives assessment process will be deficient and meaningful engagement to inform the MCA process will not take place with Iwi and stakeholders.
- 3.2.6 For the reasons set out above, the Project Team has recommended to the PSG that the milestone date of December to recommend the preferred option be moved by approximately 2-3 months to February 2021, with a decision by Council to be made soon thereafter. The delay does not put at risk the completion of a resource consent application and lodgement by 30 June 2022.

3.3 Statutory Planning Changes

- 3.3.1 On 22 July 2019, Horizons Regional Council publicly notified Proposed Plan Change 2 to their One Plan. Council made a submission to PPC2 on the basis that the plan change has the potential to impact on the ability of PNCC to discharge treated

wastewater to land (as proposed in five of the shortlisted options). The submission was considered necessary to safeguard Council's position with respect to the future consenting options of the BPO and was prepared using the technical expertise within the Project Team.

- 3.3.2 Council took the lead on preparing and lodging a combined submission, together with Horowhenua, Manawatu, Rangitikei, Ruapehu and Tararua District Councils. Further submissions were received by Horizons Regional Council with some being in support and others being opposed to PNCC's submission.
- 3.3.3 In February 2020, the combined TA's met with HRC PPC2 processing team to discuss each submission. The meeting was called at the request of the Hearings Commissioners appointed to hear submissions and ultimately decide on PPC2. This meeting was useful and allowed each Council to express their concern at the shortcomings of the One Plan in respect of providing clear consenting pathways for municipal infrastructure. There was however resistance from HRC to including the more general infrastructure issues as part of the PPC2 proceedings.
- 3.3.4 The BPO Legal Advisors are continuing to work with the Project Team to determine the best strategy moving forward with HRC on this matter.
- 3.3.5 Since this meeting, expert conferencing has been completed. The Council was represented in two expert areas: RMA Planning and Nutrient Modelling. The outcome of this conferencing is not able to be shared at this time.
- 3.3.6 The Hearings for PC2 will commence in October 2020. At the Hearing we will be delivering expert evidence for Planning and Nutrient Modelling. The advice provided by our legal advisors to date is supportive of our arguments. There continues however to be resistance from Horizons Regional Council in consideration of these matters.

3.4 Stakeholder Engagement

- 3.4.1 Stakeholder Engagement was to commence in February 2020. However due to the impact of government enforced COVID-19 restrictions, a decision was taken to defer engagement in the light of lockdown restrictions and the inability to hold face to face meetings.
- 3.4.2 As COVID restrictions eased, Council initiated a 4-week period of community engagement commencing in early July. During this period, there was feedback from the community that further meetings were necessary in the wider Horowhenua and Manawatu Districts. The Council followed through with these requests and extended the engagement and submission period by an additional 2 weeks, completing formal community consultation on 10 July 2020.

- 3.4.3 Council received over 1500 on-line and written submissions from the community on the Project. Councils elected members and Project Team members attended over 25 meetings across the Region, including public meetings, drop-ins and one on one meetings. Videos and additional technical information were made available on Councils Facebook and dedicated Nature Calls webpage.
- 3.4.4 General feedback from the community ranged from there being adequate information to totally inadequate information on which to base a decision. As a result, the Project Team, working with the communications team, have undertaken to develop further packages of information for the community and stakeholders.
- 3.4.5 There was strong feedback requesting that the community be informed of the outcome of the MCA process. In addition, there was a clearly articulated expectation that Council provide a second opportunity for comment on the preferred option(s) prior to a final decision being made. These requests are supported by the PSG and have been accommodated in the revised Project Programme (refer above).
- 3.4.6 Feedback on the options will be included in the consultation summary report that is currently being prepared.
- 3.4.7 All feedback and consultation information has been collated and captured in specialised designed consultation software, which enables individuals to be easily contacted for further comment and provides a rich database for reporting purposes. A consultation summary report will be prepared for Council as part of the information used in the MCA and the preferred option selection decision-making process.
- 3.4.8 A schematic of the MCA and option decision-making process is included as Attachment 1 to this report.

3.5 Technical & Legal Review

- 3.5.1 All key technical deliverable documents will be reviewed by Mott McDonald. To date the consultants have reviewed 3 out of 5 of the technical documents produced. The remaining documents comprising an assessment of wetland and land passage options and treatment options for each of the shortlist will be reviewed once final versions of the deliverables are completed in late August.
- 3.5.2 Simpson Grierson are continuing to be involved in the review of statutory planning related work, including PPC2 with Horizons Regional Council.

3.6 Financial Update

- 3.6.1 The 2019/20 Project budget of \$1,200,000 has been confirmed. An initial allocation of the budget has been made against the various sub-tasks and deliverables to be

completed. At this stage the allocated budget is considered sufficient for the tasks identified.

4. NEXT ACTIONS

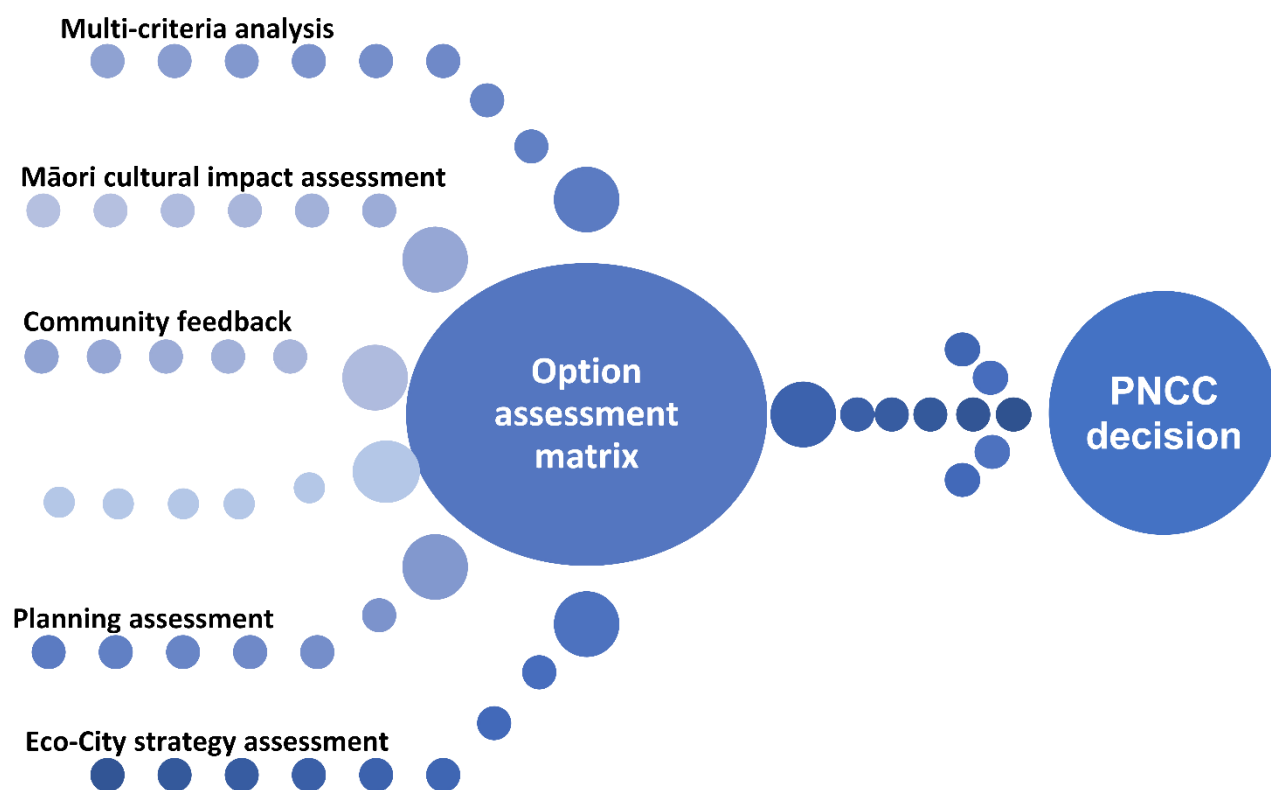
- 4.1 Between August and the end of September 2020, the review of all technical work will continue and the additional investigations necessary to inform the Multi-Criteria Analysis (MCA) are in preparation. Briefing reports which summarise all 5 options are scheduled to be completed by early September.
- 4.2 A Comparative Assessment of all shortlist options will be completed during September with summary documents completed by early October. This work will comprise a series of assessments by technical specialists, similar to those completed in the Traffic Light Assessment phase, however with much greater detail and focused on each of the shortlisted options.
- 4.3 In parallel to this technical work, the following is also underway:
 - Planning Assessment.
 - Community Feedback Report
 - Engagement with Iwi and completion of a Maori cultural values assessment (tbc with Iwi)
- 4.4 The Multi-Criteria Analysis (MCA), programmed to occur over 2 days, is scheduled for late October or early November. The Project Team and PSG are working together to identify who will input into this process and attend the workshop.
- 4.5 Council briefings and workshops are scheduled as follows:
 - A short Council briefing, on 2 September 2020, to detail the revised shortlist options and provide an overview of the proposed MCA and preferred option assessment process.
 - A full day briefing on the MCA process and introduction to the comparative assessment of all options is tentatively booked for the 6th of October. This date may however be shifted to later in the month.
 - 1-2 days to complete the MCA process scheduled for late October/early November.
- 4.6 The revised programme proposes formal endorsement by Council of the BPO (preferred option) by February 2021.

5. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	
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 4: An Eco City	
The recommendations contribute to the outcomes of the Eco City Strategy	
The recommendations contribute to the achievement of action/actions in the Three Waters Plan	
<p>The action is:</p> <p>A best practicable option (BPO) for the treatment and disposal of the city's wastewater is identified to enable an application for the renewal of the Wastewater Treatment Plant resource consents to be lodged by June 2021.</p>	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	The BPO project is informing the Council's decision about the future treatment and discharge of wastewater for the city for the next 35 to 50 years. It is the most significant investment decision the Council will make in the current LTP and is critical to ensuring the future sustainability of the city and its ability to provide wastewater services for current and future residential and commercial properties.

ATTACHMENTS

- Attachment 1 - BPO Assessment Process [↓](#) 



COMMITTEE WORK SCHEDULE

TO: Planning & Strategy Committee


MEETING DATE: 9 September 2020

TITLE: Committee Work Schedule

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

1. That the Planning & Strategy Committee receive its Work Schedule dated September 2020.

ATTACHMENTS

1. Committee Work Schedule - September 2020  

PLANNING & STRATEGY COMMITTEE

COMMITTEE WORK SCHEDULE – SEPTEMBER 2020

Item No.	Estimated Date	Report	Subject	Person Responsible	Current Position	Date of Instruction/ Point of Origin
1.	September November 2020		Draft Procurement Policy targeting social and environmental impact	Chief Financial Officer		19 August 2019 Clause 54.3
2.	October 2020		Draft Auahi Kore Smokefree and Vapefree Policy – Hearing of Submissions	General Manager, Strategy & Planning		
3.	October 2020		Future Use of Huia Street – Final Consideration	General Manager, Strategy & Planning		
4.	November 2020		Draft Auahi Kore Smokefree and Vapefree Policy – Final Consideration	General Manager, Strategy & Planning		
5.	November 2020		Draft Speed Limits Bylaw – Hearing of Submissions	General Manager, Strategy & Planning		
6.	December 2020		Draft Speed Limits Bylaw – Final Consideration	General Manager, Strategy & Planning		
7.	December 2020/ February 2021		Draft Trade Waste Bylaw	General Manager, Strategy & Planning		12 August 2020 Clause 27-20
8.	TBA 2021		Report re consultation on the future of the Summerhays Street bowling green site	General Manager, Strategy & Planning, Chief Infrastructure Officer		Play, Recreation & Sport 18 March 2020 Clause 4.5
9.	TBA June 2021		Palmerston North Civic and Cultural Precinct Masterplan – timeline and costings including library options	General Manager, Strategy & Planning	Councillor Briefing/Workshop held on 19 August 2020	1 April 2019 clause 16.1
10.	TBA		Transport Portfolio	Councillor Brent Barrett		