



PALMERSTON NORTH CITY COUNCIL

AGENDA

PLANNING & STRATEGY COMMITTEE

9AM, WEDNESDAY 8 SEPTEMBER 2021
AUDIO-VISUAL MEETING

MEMBERS

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

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

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

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

Heather Shotter

Chief Executive | PALMERSTON NORTH CITY COUNCIL

PLANNING & STRATEGY COMMITTEE MEETING

8 September 2021

ORDER OF BUSINESS

1. Apologies

2. Notification of Additional Items

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

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

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

3. Declarations of Interest (if any)

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

4. Public Comment

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

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

5. **Confirmation of Minutes** Page 7
 "That the minutes of the Planning & Strategy Committee meeting of 11 August 2021 Part I Public be confirmed as a true and correct record."

6. **Annual Section 10A Dog Control Act 1996 Report** Page 15
 Memorandum, presented by Kerry-Lee Probert, Head of Environmental Protection Services.

7. **Draft Support and Funding Policy - Approval for Consultation** Page 31
 Memorandum, presented by Julie Macdonald, Strategy & Policy Manager.

8. **Draft Stormwater Bylaw - approval for consultation** Page 65
 Memorandum, presented by Julie Macdonald - Strategy & Policy Manager.

9. **Committee Work Schedule - September 2021** Page 115

10. **Exclusion of Public**

To be moved:

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

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

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

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

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

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

PALMERSTON NORTH CITY COUNCIL

Minutes of the Planning & Strategy Committee Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 11 August 2021, 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 Orphée Mickalad.

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

Apologies: The Mayor (early departure on Council Business), and Councillors Lew Findlay QSM and Bruno Petrenas.

Note: Councillor Billy Meehan attended the meeting remotely.

Councillor Lew Findlay entered the meeting at 11.04am during consideration of clause 26. He was not present for clauses 20 to 25 inclusive.

20-21 Apologies

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the Committee receive the apologies.

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

For:

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

21-21 The Future Use of 17 Summerhays Street - Hearing of Submissions

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the Planning & Strategy Committee hear submissions from presenters who indicated their wish to be heard in support of their submission.

2. That the Committee note the Procedure for Hearing of Submissions, as described in the procedure sheet.

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

For:

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

The following persons appeared before the Committee and made oral statements in support of their submissions and replied to questions from Elected Members, the additional points being:

Mr Jim Owen (28):

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

Manawatu Community Housing Trust (40):

Ms Margaret May, Chairperson, spoke to the Manawatu Community Housing Trust's submission and made no additional comments.

Mrs Marilyn and Mr Bruce Bulloch (39):

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

- For many years their main concern has been the loss of public green space in the city.
- The loss of private green space from people's back and front yards needs to be counter-balanced by the provision of easily accessed and locally available parks and reserves.
- Dogs and their walkers need easily accessible local areas to exercise.
- There is a vision that the existing Bowling Club Rooms could be used as an art centre.

Mrs Beverley Greene and Mr Donald McIntyre Campbell (42):

Mrs Greene and Mr McIntyre Campbell spoke to their submission and made the following additional comments:

- The green space could also include community gardens.

Sport Manawatū (41):

Mr Brad Cassidy, General Manager Partnerships, and Mr Trevor Shailer, Chief Executive, spoke to Sport Manawatū's submission and made no additional comments.

Ms Jackie Little (56):

Ms Little spoke to her submission and made the following additional

comments:

- The existing club rooms building could be retained and repurposed as a therapy centre and a common shared space for residents' use.

22-21 The Future Use of 17 Summerhays Street - Summary of Submissions

Memorandum, presented by Michael Duindam, Acting City Planning Manager, and Keegan Aplin-Thane, Planner.

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the Summary of Submissions attached to the memorandum titled 'The Future Use of 17 Summerhays Street: Summary of Submissions' presented to the Planning and Strategy Committee on 11 August 2021, be received.

Clause 22-21 above was carried 14 votes to 0, the voting being as follows:

For:

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

The meeting adjourned at 10.10am.

The meeting resumed at 10.29am.

23-21 Confirmation of Minutes

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RESOLVED**

1. That the minutes of the Planning & Strategy Committee meeting of 30 June 2021 Part I Public be confirmed as a true and correct record.

Clause 23-21 above was carried 14 votes to 0, the voting being as follows:

For:

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

24-21 Review of the Waste Management and Minimisation Bylaw - \$155 Determinations

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

In discussion an additional motion was passed requesting that the Chief Executive report back to the Committee on the impact of Council's

licensing, regulatory and service options on minimising waste to landfill.

Moved Brent Barrett, seconded Aleisha Rutherford.

The **COMMITTEE RESOLVED**

1. That pursuant to s.155(1) of the Local Government Act 2002 the Council determine that a bylaw is the most appropriate way of addressing the perceived problems of maximising the diversion of waste to beneficial uses; regulating and managing the operation of kerbside waste and recycling collection activities; and minimising the potential for waste to create a nuisance in public places.
2. That pursuant to s.155(2)(a) of the Local Government Act 2002 the Council determine that a standalone bylaw is the most appropriate form of bylaw.
3. That pursuant to s.155(2)(b) of the Local Government Act 2002 the Council agree that it is not anticipated that a revised Waste Management and Minimisation Bylaw would give rise to implications under the New Zealand Bill of Rights Act 1990.
4. That the Chief Executive be instructed to draft a revised Waste Management and Minimisation Bylaw which addresses the perceived problems of maximising the diversion of waste to beneficial uses; regulating and managing the operation of kerbside waste and recycling collection activities; and minimising the potential for waste to create a nuisance in public places.

Clauses 24.1-21 to 24.4-21 above were 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 Orphée Mickalad.

Moved Brent Barrett, seconded Aleisha Rutherford.

5. That prior to consulting on the draft Waste Management & Minimisation Bylaw, the Chief Executive report to Planning & Strategy Committee on:
 - (1) how licensing, regulatory and service provision options can be used to cost-effectively minimise waste to landfill, and
 - (2) how Council provision of waste and recycling services influences our commercial sector licensing and regulatory options to minimise waste to landfill.

Clause 24.5-21 above was carried 13 votes to 1, 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 and Orphée Mickalad.

Against:

Councillor Lorna Johnson.

25-21

Draft Trade Waste Bylaw - Approval for Consultation

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

Moved Aleisha Rutherford, seconded Patrick Handcock ONZM.

The **COMMITTEE RECOMMENDS**

1. That the draft Palmerston North Trade Waste Bylaw 2022 Consultation Document, included as attachment one to the report titled 'Draft Trade Waste Bylaw – approval for consultation' presented to the Planning and Strategy Committee on 11 August 2021, be amended as follows:

Section 1.3(h) of Appendix 2 of the Administration Manual to read: 'Radioactive material, unless the material is discharged in accordance with the Code of Practice for Unsealed Radioactive Material published by the Ministry of Health.'

2. That the Council approve the draft Palmerston North Trade Waste Bylaw 2022 Consultation Document, included as attachment one to the report titled 'Draft Trade Waste Bylaw – approval for consultation' presented to the Planning & Strategy Committee on 11 August 2021 (as amended), for consultation with the public.
3. That the Mayor and Deputy Mayor be authorised to approve minor amendments to the consultation document prior to publication.

Clause 25-21 above was carried 14 votes to 0, the voting being as follows:

For:

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

26-21

Mitigating East Street Traffic Safety Concerns

Report, presented by Sandra King, Acting Transport & Infrastructure Manager.

Councillor Findlay QSM entered the meeting at 11.04am.

Moved Aleisha Rutherford, seconded Lorna Johnson.

The **COMMITTEE RECOMMENDS**

1. That the Council provide additional funding (up to \$24,000) to install temporary safety treatments in East Street in Financial Year 2021-22 (Year 1) immediately, and proceed to install permanent safety

treatments as planned in Financial Year 2023-24 (Year 3).

Clause 26-21 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, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

Abstained:

Councillor Lew Findlay QSM.

27-21

Committee Work Schedule - August 2021

In discussion it was agreed to bring forward the due date of Item 8 of the Committee Work Schedule in consideration to June 2022.

Moved Rachel Bowen, seconded Leonie Hapeta.

The **COMMITTEE RESOLVED**

1. To amend the Planning & Strategy Committee Work Schedule dated August 2021 to change the due date of Item 8 to June 2022.

Clause 27.1-21 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, Zulfiqar Butt, Vaughan Dennison, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Billy Meehan, Karen Naylor and Orphée Mickalad.

Against:

Councillor Aleisha Rutherford.

Moved Aleisha Rutherford, seconded Rachel Bowen.

2. That the Planning & Strategy Committee receive its Work Schedule dated August 2021, as amended.

Clause 27.2-21 above was carried 13 votes to 2, 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, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Billy Meehan and Orphée Mickalad.

Against:

Councillors Lorna Johnson and Karen Naylor.

The meeting finished at 12.05pm

Confirmed 8 September 2021

Chairperson

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 8 September 2021

TITLE: Annual Section 10A Dog Control Act 1996 Report

PRESENTED BY: Kerry-Lee Probert, Head of Environmental Protection Services

APPROVED BY: Chris Dyhrberg, Chief Customer Officer

RECOMMENDATION(S) TO COUNCIL

1. That the report of the Dog Control Policy and Practices for the Palmerston North City Council pursuant to Section 10A of the Dog Control Act 1996 for the period 2020/21, as attached to this memorandum titled 'Annual Section 10A Dog Control Act 1996 Report' presented to the Planning & Strategy Committee on 8 September 2021, be received.
-

1. ISSUE

The Dog Control Act 1996 ("the Act") requires the Council to produce an annual report on the administration of its Dog Control Policy and Practices. This is the Palmerston North City Council report for the 2020/21 year.

2. BACKGROUND

The Act requires the following information to be provided:

- (a) The number of registered dogs in the territorial authority district;
- (b) The number of probationary owners and disqualified owners in the territorial authority district;
- (c) The number of dogs in the territorial authority district classified as dangerous;
- (d) The number of dogs in the territorial authority district classified as menacing;
- (e) The number of infringement notices issued by the territorial authority;
- (f) The number of related dog complaints received by the territorial authority in the previous year and the nature of those complaints; and,

(g) The number of prosecutions taken by the territorial authority under this Act.

Attached is the report on the Council's administration of its Dog Control Policy and Practices for 2020/21.

The total number of complaints or investigations bucked the downward trend with an increase of 1.5% on the 2019/20 totals. This is attributed to an increase in dog ownership during level 3 and 4 of Covid-19.

Barking dog complaints saw a reduction, while rushing dog notifications increased slightly over the previous year but remained lower than the 5-year average, while dog attacks have increased to 5.5% over the 5-year average.

Preferred Owner statistics were incorrectly reported in the 2019/20 annual report. Corrections have been made to the Preferred Owners section, and to Appendix 2 of the current report.

3. NEXT STEPS

The report if received, must be placed on the Council's website and publicly notified.

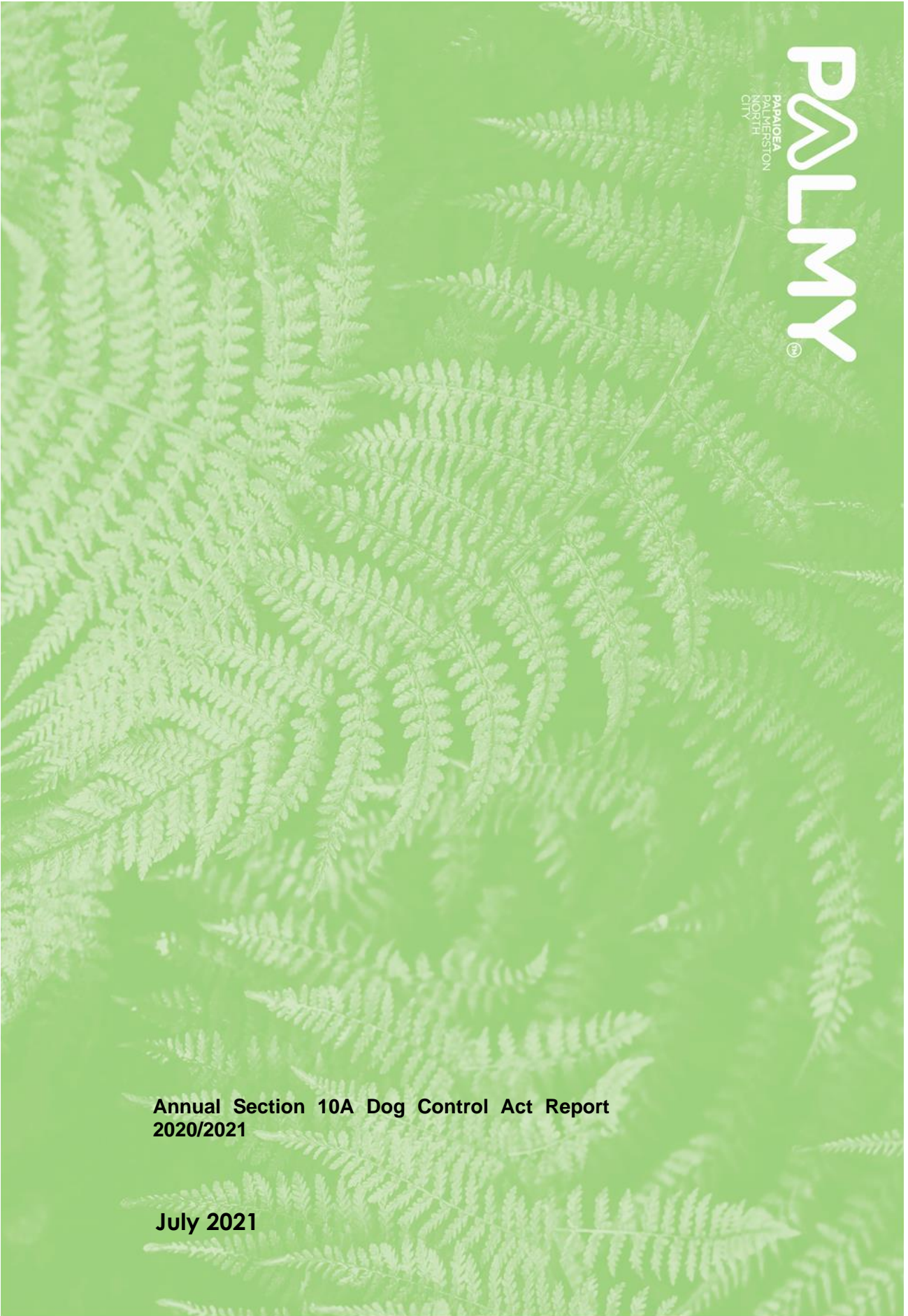
4. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 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 the provision of information, education and enforcement.	
Contribution to strategic	The Council must make the report publicly available and give

direction and to social, economic, environmental and cultural well-being	public notice of the report.
--	------------------------------

ATTACHMENTS

1. Annual Section 10A Dog Control Act Report [↓](#) 



Annual Section 10A Dog Control Act Report 2020/21

This report covering the 2020/21 fiscal year, has been prepared to satisfy the requirements of Section 10A of the Dog Control Act 1996 ('the Act').

1.1 Policy on Dogs

There have been no amendments to the Council's dog control policy or bylaw this year. The policy is due for review in 2023, so preparation for this will start in 2021/22

1.2 Accommodation

The Animal Management Office is in Palmerston North City's central administration building, which is on The Square. The Council Pound is on Totara Road, Palmerston North, at the back of the racecourse and next to the wastewater treatment plant. This facility has kennelling for 36 dogs and six puppies, with a dog exercise area and administration space for two staff.

1.3 Personnel

The Animal Management team is part of the Customer Unit and reports to the Head of Environmental Protection Services. A new Animal Management and Education Team Leader was appointed in April, to lead service efficiency improvements for the benefit of our customers. Supporting the Team Leader are three experienced Animal Control Officers and a Kennel Manager/Education Officer, who is also warranted as an Animal Control Officer.

1.4 Hours of Operation

Officers work on a roster system, which provides an on-duty officer from 8am to 5pm on weekdays. After-hours services are limited to responding to dog attacks, secured dogs, aggressive dogs and roaming dogs.

In February 2021, there was a change in contractor for afterhours service.

The Pound is open to the public Monday to Friday, 8.30am to 9.30am and 2.30pm to 4.30pm. The emergency release of animals outside these hours is available but is subject to an additional fee.

1.5 Fees

The Palmerston North City Council has fee categories for general registration, with a reduced fee for de-sexed dogs, approved preferred owners and rural working dogs. Disability assist and special working dogs do not attract fees.

Under the Dog Control Act 1996, fees and charges are reviewed annually. As of 1 July 2021, there was an increase of 2% to 3.5% across all dog registration fee categories.

Dog registration fees, fines and impound fees contributed 89% of the cost of animal management in Palmerston North City in 2020/21. This is up 12% on the last fiscal year, partly because of changes made to the registration fee structure and officers' efforts to achieve registration compliance through education.

1.6 Dog Registration

There were 9021 dogs registered in 2020/21 to 7281 owners, this is an increase of 3.61% in registered dogs from the previous year.

1.7 Preferred Owner

The financial benefit of being a preferred owner is a reduction in the annual registration fees. In July 2020, changes were made to the structure of registration categories allowing both urban and rural pet dog owners to be eligible for this scheme.

In order to qualify as a preferred owner, the owner must;

- Have had the dog(s) registered for the past 12 months,
- Provide a satisfactory secure environment in respect to fencing, sleeping quarters and exercise space,
- Demonstrate an understanding of basic dog welfare and owners' obligations,
- Have no more than one dog impounded or found roaming in the past 12 months,
- Have no more than one substantiated complaint about their dog(s) in the past 12 months and
- Have paid dog registration fees on time.

In 2018/19 there were 3094 preferred dog owners, which decreased over two years by 5.9% to 2,912 in 2020/21. The number of preferred owners in the 2019/20 Annual Dog Control Report was incorrectly reported, as such the comparison given here is a two-year average. Tighter monitoring of preferred ownership criteria, leading to some losing their status, is believed to be the reason for the decline.

1.8 Complaints

A total of 3,157 complaints or investigations were conducted during the year, which continued the downward trend. The number of reported dog attacks increased by 7% from last year putting this year 5.5% above the five-year average. The most significant source of complaint was about roaming or uncontrolled dogs (43.7%), followed by barking dogs (22.8%). The number of barking dog complaints received by Council increased by 4.8% from the previous year.

1.9 Dog Attacks

There were 103 reported dog attacks during the year, 27 of these were attacks on a person. 21 were assessed as minor, two moderate and four were serious. There were 50 attacks on other dogs, with 37 assessed as minor, 11 as moderate and one as serious. There were 26 attacks on other animals, with 19 assessed as minor, six as moderate and one as serious.

1.10 Impounded Dogs

In 2020/21, 375 dogs were impounded compared with 380 for the previous year. Of these, 243 (64.8%) were returned to their owner, 42 (11.2%) were euthanised and 82 (21.8%) were rehomed or transferred to the SPCA or another rehoming agency. The remaining seven (1.9%) were dogs that were entered in error, with one dog (.3%) having been stolen from the Pound and later recovered.

In comparison with the 2019/20 figures, which saw 13.4% dogs euthanised and 11.8% rehomed with other agencies, euthanasia numbers are down while the number of dogs rehomed has increased.

1.11 Infringements

Council continued to focus on ensuring that all known dogs were registered. Infringements were issued to multiple offenders and in some cases, dogs were impounded.

In 2020/21, 182 infringement notices were issued for unregistered dogs, failing to have a dog under control or confined, or dogs not microchipped. Of the 182 infringements issues, 36 (19.7%) were waived or cancelled for compliance or because of extenuating circumstances.

1.12 Menacing Dog Classification Appeals

During the year, two objections to the classification of dogs under section 33A were heard by Council's Hearing Committee. In both cases the classifications were upheld.

1.13 Prosecutions

There have been no prosecutions brought before the courts in the 2020/21 year.

1.14 Customer Satisfaction

A residents' satisfaction survey for 2021 found 62% satisfied with the control of roaming dogs, while 28% were neutral, and 11% were dissatisfied. On the control of barking dogs, 58% were satisfied, 27% neutral and 16% dissatisfied. The survey had 437 independently selected respondents from across the city.

1.15 Improvement Opportunities

The Code of Welfare amendment for the Temporary Housing of Companion Animals Code came into force in 2018. This meant the current dog pound was identified as not being fit for purpose. A Ministry for Primary Industries audit identified the most concerning matters, which were remedied in June 2020.

A project to build a new animal shelter is under way. Council officers anticipate lodging for consent in October 2021, before procuring a construction contractor.

1.16 Community Outreach and Education

The Animal Management team attended four community events this year, where they engaged with the public about Council's Animal Management programme.

Events attended were:

- Linton Family Day
- Rural Games in the Square
- Esplanade Open Day
- Wacky Water Day

Education

Educational events targeting bite prevention were offered to 43 local schools. Seven schools accepted the offer, and 11 presentations were given. Feedback from participating schools suggests this has been valuable and this service will continue to be offered to more schools in the coming year.

1.17 2021/22 Programme

Some additional points of focus are:

Contributing to the final design and development of the new animal shelter to ensure that it is both fit for purpose and is compliant with the Code of Welfare: Temporary Housing of Companion Animals.

To improve animal welfare, owner behaviour and the public's understanding of how to safely behave around dogs, by continuing to deliver animal management and education.

1.18 Summary

The reporting requirements of the Dog Control Act 1996 for the period 2020/21 are:

- Number of registered dogs
- Number of disqualified owners
- Number of probationary owners
- Number of dogs classified as dangerous under Section 31 of the Act
- Number of dogs classified as menacing under Section 33A of the Act
- Number of dogs classified as menacing under Section 33C of the Act
- Number of dog-related complaints (See Appendix 1 for details)
- Number of prosecutions
- Number of infringements

Attached as Appendix 1 are details of dangerous and menacing dogs.

Attached in Appendix 2 is a comparative summary of Dog Control Statistics for the period 2016/17 to 2020/21. This contains the information above with the addition of a breakdown of types of complaints processed by staff.

Kerry-Lee Probert
HEAD OF ENVIRONMENTAL PROTECTION SERVICES

Appendix A. Dangerous and Menacing Dogs

Dog Control Act 1996 S 31 – Dangerous Dogs

Section 31 requires the territorial authority to classify a dog as a dangerous dog if:

- The owner of the dog has been convicted of an offence in relation to dog attack,
- The territorial authority has reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or,
- The dog owner admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

Dogs within the jurisdiction of Council that were classified as dangerous under S 31 were as follows:

Breed	Number
Alaskan Malamute	1
Siberian Husky	2
German Shepherd	1
Rottweiler	2
Total	6

Dog Control Act 1996 S 33A – Menacing Dogs

Section 33A menacing dogs are dogs that have not been classified as a dangerous dog, but the territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog or any characteristics typically associated with the dog's breed or type.

Dogs within PNCC jurisdiction that were classified as menacing under S33A, were as follows:

Breed	Number
Australian Koolie	1
Bulldog	1
Bulldog, American	5
Collie, Border	1
Greyhound	3
Heading	1
Mastiff	2
Mastiff, Bull	2
Mastiff, Neapolitan	2
Pointer English	1
Retriever, Labrador	10
Rottweiler	8
Shar-pei	3
Shepherd, German	2
Siberian Husky	4
Terrier, American Pit Bull	31
Terrier, American Staffordshire	3
Terrier, Bull	2
Terrier, Staffordshire Bull	5
Whippet	1
Total	88

Note: American Pit Bull Terrier type and Dogo Argentino's are by default classified as menacing under section 33c (breed and breed type) of the Dog Control Act but as the behaviour of some individual dogs was of concern then the classification for menacing was changed to Section 33A (behaviour). This was to ensure that all officers were aware that the dog(s) in question had temperament problems.

Dog Control Act 1996 S 33C – Menacing Dogs

Under section 33CA the territorial authority must classify as menacing any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to one or more of the following breeds or types:

- Brazilian Fila
- Dogo Argentino
- Japanese Tosa
- Perro de Presa Canario
- American Pit Bull Terrier Type

Dogs within the jurisdiction of Council that were classified as menacing under S33C, were as follows:

Breed	Number
Dogo Argentino	4
Terrier, American Pit Bull Type	65
Total	69

Appendix B. Dog Control Statistics 2016/17 to 2020/21

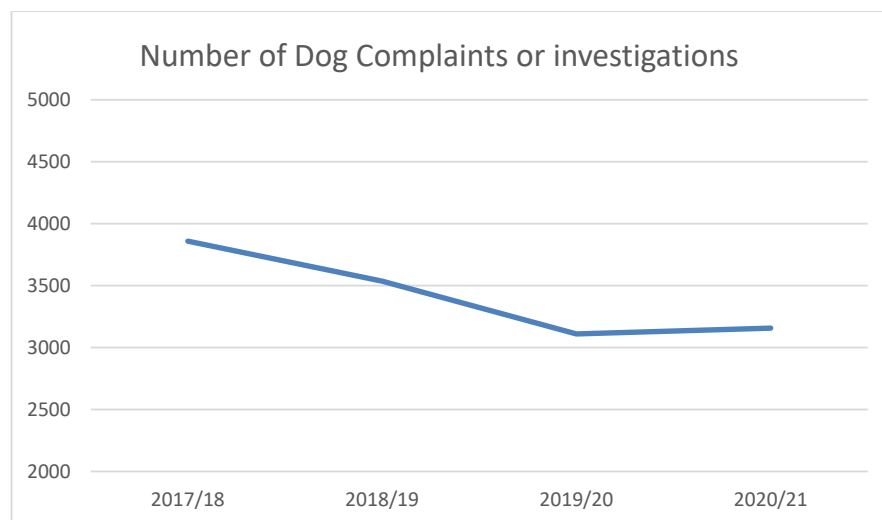
Serial	Topic	2016/17	2017/18	2018/19	2019/20	2020/21
1	Number of Dogs Issued with a Registration Tag (Registered Dogs)	8130	8271	*8738 **8449	*9193 **8695	9021
2	Number of Disqualified Owners	4	4	5	5	2
3	Number of Probationary Owners	0	4	1	1	1
4	Number of Dogs classified as dangerous under S31 of the Act	7	6	5	7	6
5	Number of Dogs classified as menacing under S33A of the Act (Behaviour)	111	104	91	79	88
6	Number of Dogs classified as menacing under S33C of the Act (Breed)	64	79	71	77	69
7	Number of Dog Complaints or investigations initiated by public or ACO. (Refer to below for details)	4257	3859	3536	3110	3157
	7a Aggressive/Rushing Dogs	191	155	133	134	152
	7b Dog Attacks	86	114	88	96	103
	7c Barking Dogs	1155	987	724	758	722
	7d Roaming Dogs	1512	1516	1576	1309	1381
	7e Lost Dogs	431	429	367	327	290
	7f Property Checks	307	289	311	220	85
	7g Other Dog Related Incidents	11	7	24	31	52
	7h Identified/Reported Unregistered dogs	564	362	313	235	305
8	Number of Prosecutions	0	1	1	0	0
9	Number of Infringements	333	162	105	341	182

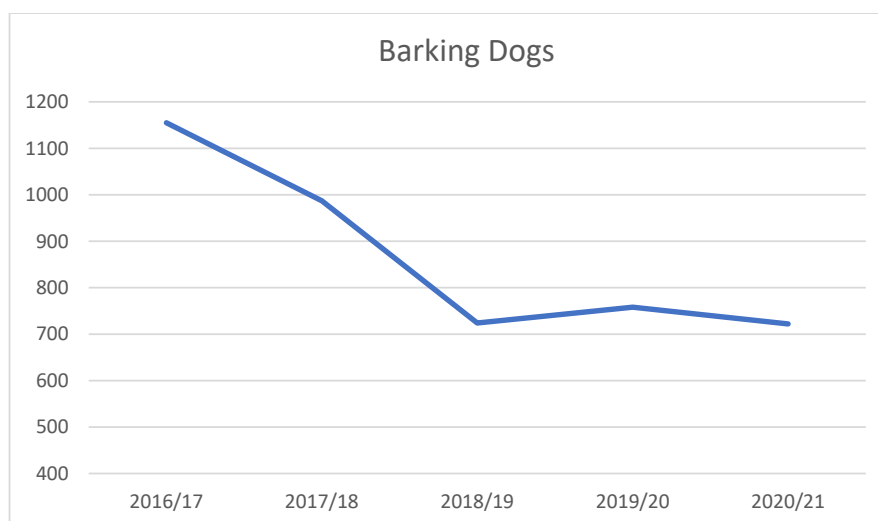
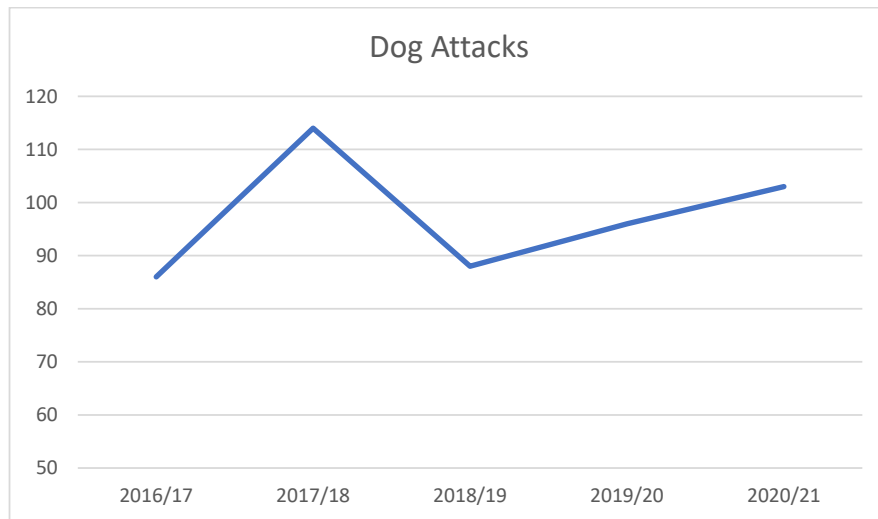
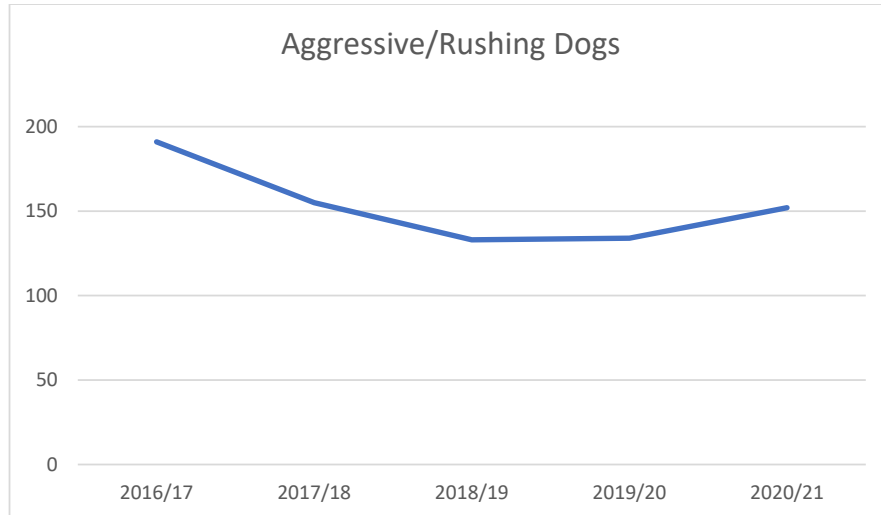
* Incorrectly reported statistics

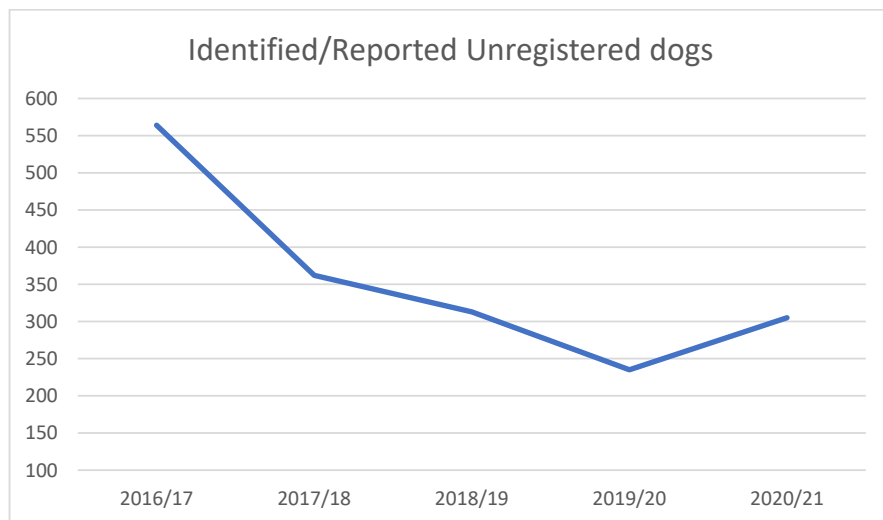
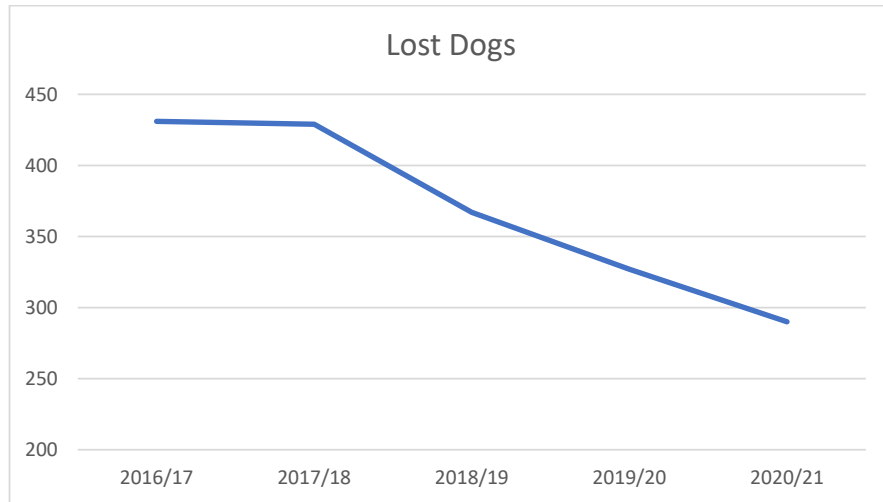
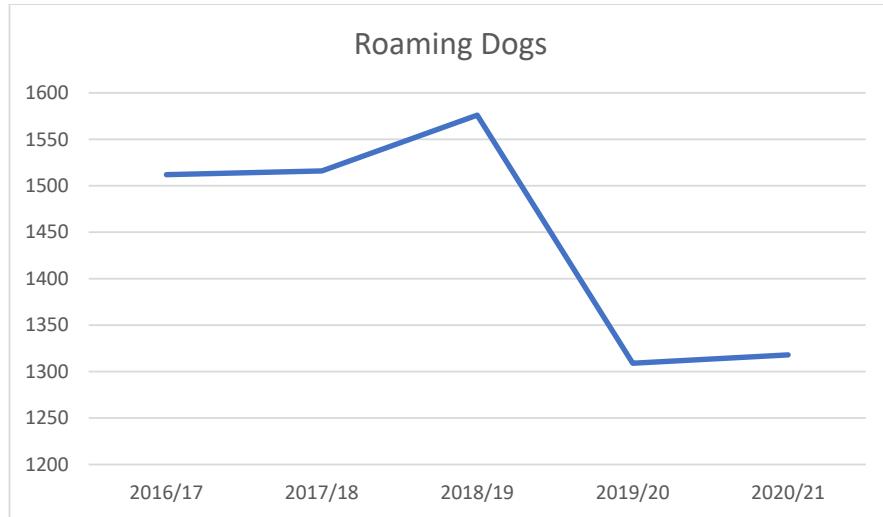
** Corrected Statistics

Comments

- The total number of complaints or investigations bucked the downward trend with an increase of 1.5% on the 2019/20 totals. This is attributed to an increase in dog ownership during level 3 and 4 of Covid-19, and with owners returning to work, it is surmised that this has resulted in an increased number of dog complaints.
- Barking dog complaints saw a reduction, which may in part be attributed to improvements made to Council procedures.
- Rushing dog notifications increased slightly over the previous year but remain lower than the five-year average, while dog attack notifications have increased to sit 5.5% over the 5-year average.
- A change in approach to investigations and registrations saw more compliance through education meaning less infringements were issued.
- With preferred ownership applications attracting an application fee, customers appear to have taken a more considered approach to the lodgement of applications, however the quality of those lodged has been vastly improved.









MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 8 September 2021

TITLE: Draft Support and Funding Policy - Approval for Consultation

PRESENTED BY: Julie Macdonald, Strategy & Policy Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That the Draft Support and Funding Policy 2021, included as an attachment to the memorandum titled 'Draft Support and Funding Policy – Approval for Consultation' presented to the Planning & Strategy Committee on 8 September 2021, be approved for consultation.
 2. That the consultation on the proposed policy seeks community views on the most appropriate mechanisms for providing more financial certainty to strategic partner organisations which provide leadership and co-ordination in the community and voluntary sector.
-

1. ISSUE

- 1.1 The Community Funding Policy 2018 is due for its first review. The purpose of this current policy is to provide a framework to guide funding support to the City's community and voluntary sector, while also ensuring Council's resources are targeted at meeting its strategic outcomes.
- 1.2 The proposed new Support and Funding Policy 2021 (attached) has been developed as an outcome of the usual review, as well as a response to two issues.
- 1.3 The first issue informing the review is the lack of policy direction for the provision of support to for-purpose organisations with exclusive use of Council-owned property through lease arrangements. The Policy for the Use of Public Space, adopted in 2019 to guide decision-making on applications for the use of outdoor public spaces, partly filled this policy gap, but did not include guidance for all types of community occupancy. During the development of the 2018-28 10-Year Plan Elected Members resolved that this kind of support should be more transparent and subject to formally-agreed guidance.
- 1.4 The second issue informing the review is the lack of policy direction guiding the administration of events funding. This issue was identified in the recent

business assurance funding review (reported through the Finance and Audit Committee in May 2021).

- 1.5 The Council was informed of the broadened scope of the review in response to these two identified issues through the Community Development Committee in May 2021 and during the 10-Year Plan 2021-31 deliberations process.
- 1.6 An additional matter was raised through the 10-Year Plan 2021-31 deliberations process for inclusion in this policy review; consideration of entering into contracts for support with some sector leads instead of them being included in contestable funding rounds. This matter is also addressed in this report.

2. BACKGROUND

- 2.1 This is the first standard review of the Community Funding Policy since it was adopted in 2018.
- 2.2 When the current policy was put forward for adoption in 2018 the covering memorandum stated that the next review will consider increasing its scope to include support and funding currently outside the policy (such as community occupancy).

Community occupancy

- 2.3 Council has 34 land and building leases, and 67 land-only lease agreements with a wide range of for-purpose organisations. Most of these leases are on land subject to the Reserves Act 1977 ('Reserves Act'), including recreation and local-purpose reserves. The Reserves Act guides the legal process Council must follow for granting leases for different reserve purposes. Lease agreements enable for-purpose groups to deliver a wide variety of services, programmes or activities to their members and to the wider community.
- 2.4 Council's current operational approach to community occupancy is to apply the rescinded Recreation and Community Assets Rental Policy 1995 (RCARP) and to some extent, the Use of Public Space Policy 2019. RCARP set fixed-fee rentals based on the category of use, the size of land occupied, and quality of the leased building.
- 2.5 Operating under a rescinded policy was noted in the Community Support Plan 2018, along with the acknowledgement that the total value of the support contributed by Council through rents is unknown (because market rental assessments are not undertaken). The plan proposed that: '*Council and community organisations who lease Council facilities, land, or buildings understand the level of financial support they are giving/receiving.*' A specific programme to 'develop and implement a recreation and community assets rental policy' was included within this plan.

- 2.6 In 2020 staff estimated that leaseholders pay a median of 13% of market rent. The estimated difference between the actual rent paid to Council, (approximately \$140K per annum) and an estimated market rent, is \$725K per annum.
- 2.7 The support provided to for-purpose groups enables them to occupy (normally through lease agreements) Council property at nominal rental rates rather than market rates. The material difference between community occupancy rentals and comparable private sector market rentals is a subsidy and form of support. Setting affordable rentals enables for-purpose groups to operate sustainably so they can deliver services, programmes or activities that contribute to community outcomes.
- 2.8 Elected Members' stated purpose for the inclusion of community occupancy in a funding policy was increased transparency, rather than a desire to change the level of support provided. The rationale for inclusion of community occupancy in the policy is therefore to align the support Council provides to for-purpose organisations within an overall funding and support context.
- 2.9 As part of the policy development process staff examined a range of rental models and considered processes and assessment criteria for awarding leases. Some community engagement was carried out with lease holders to inform this policy development and there was a Councillor workshop on this topic.

Sector leads

- 2.10 On 9 June 2021 Council resolved:

That in developing the Community Funding Policy, the option of sector lead organisations in the arts, social and environmental sectors being removed from the contestable funding model and offered a funding contract instead, (similar to the arrangement in place for Sports Manawatu for the sports sector) is explored and reported back to committee when the policy is considered. (To include with their agreement: Community Services Council, Environment Network Manawatu, Manawatu Multicultural Council, Square Edge Community Arts and Creative Sounds (The Stomach)).

- 2.11 All the groups identified in this resolution are recipients of the Strategic Priority Grants ('SPG') and are identified as sector leads (except for Creative Sounds - The Stomach). Each organisation has a long-standing relationship with Council - some dating back decades. These organisations have all been part of many contestable funding rounds and funding agreements over the years.

Other funding

- 2.12 A Business Assurance Review recommended that a policy framework be developed to guide events funding. This Review was received by the Finance and Audit Committee in May 2021.

2.13 The Community Development Committee also received a report in May 2021 which noted that, as a result of Executive Leadership Team ('ELT') consideration of the Business Assurance Review, the proposed policy would include:

- A new Community-led initiatives fund that merged the existing celebrating communities, contestable community events and local initiatives fund;
- Major events fund
- Natural and cultural heritage fund
- Sports event partnership fund

2.14 This principle of inclusion has been extended in this proposed policy to provide the community with confidence that the main forms of support are within the scope of the policy, unless explicitly named as exceptions (see the diagram below).

3. PROPOSED POLICY

3.1 The draft policy adopts a general focus on support and contestable funding, available to individuals, groups and organisations who contribute to achieving outcomes towards Council's vision for the city. This responds to the direction to broaden the policy review from the current focus on funding for the community and voluntary sector. Under the broader focus most of Council's contestable funds come under the draft policy, ensuring a standardisation and transparency for the allocation of funding and other support.

3.2 The proposed changes to the policy to respond to the issues raised are described as follows:

New name, objectives and principles

3.3 To reflect the broadened scope of the policy a new name has been proposed – Support and Funding Policy.

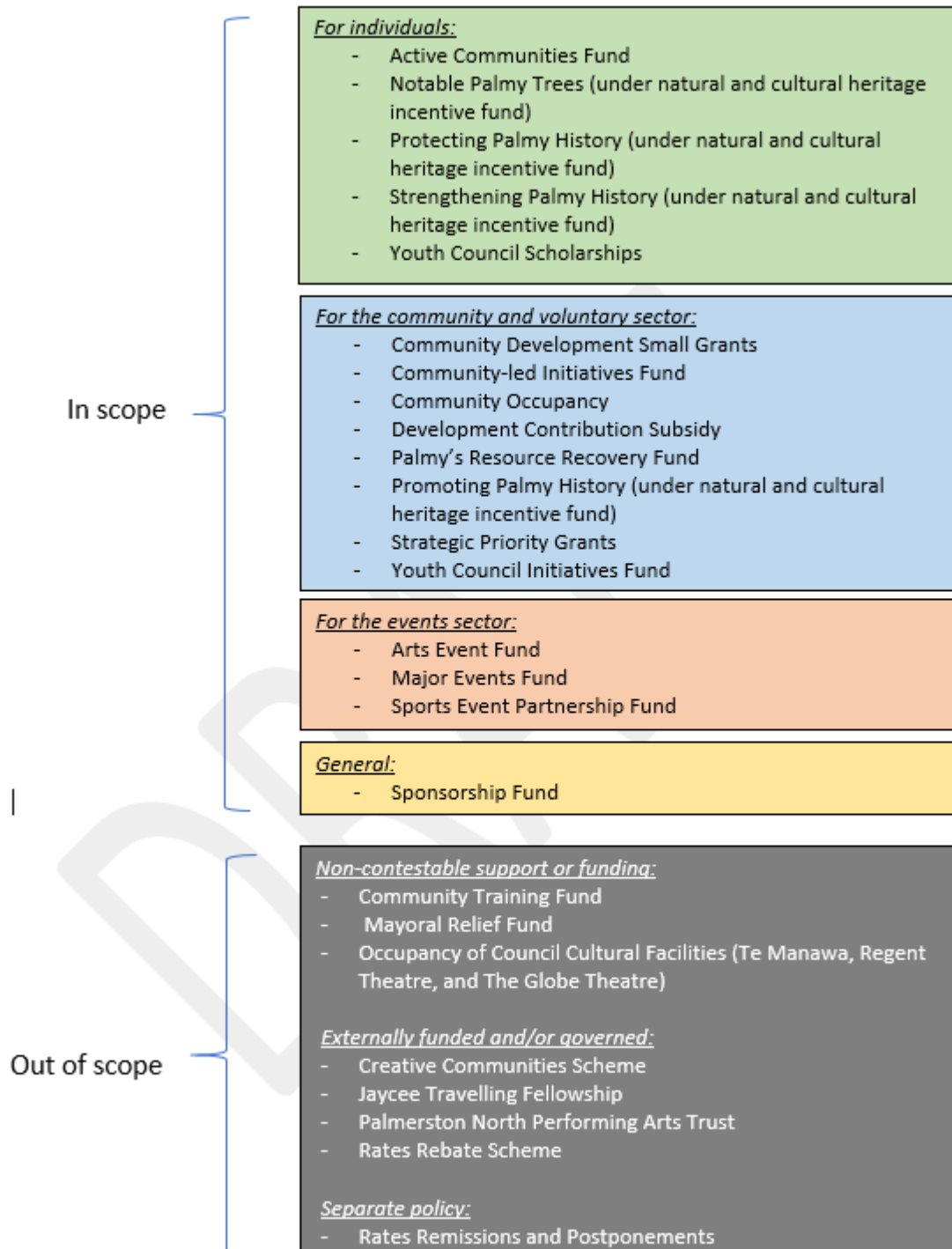
3.4 The objectives have been updated to clearly show the outcomes that the policy seeks to achieve in its implementation.

3.5 The proposed principles synthesise the principles in the current policy. This is to make them relevant to the broadened policy focus and improve their framing.

Scope

3.6 The diagram below shows the support and funding programmes that will be governed by the draft policy and those that remain outside its scope. An

additional 11 support and funding programmes have been included making the total of 19 (including three forms of support for community occupancy).



Guidelines

- 3.7 Each stage of the allocation process (i.e., general eligibility, proposals, decision making, and accountability) is canvassed in the guidelines and the expectations of Council and prospective recipients of support are clearly described.

- 3.8 Process diagrams for allocating support and assessing applications are included in the draft policy. These provide a clear foundation for the next steps administrators will take when developing detailed operational guidelines for delivering support and funding.
- 3.9 The draft policy introduces a new provision (section 5.4.4) to guide the response to proposals that do not meet the requirements for support or funding. This clause responds to the Business Assurance Review recommendation to provide guidelines for situations that may deviate from standard practice.

Types of support and funding programmes

- 3.10 The proposed support priorities (and in turn eligibility and exclusions) of some support and funding programmes have been refined to better capture the distinct purpose of each. The development of this section of the policy highlighted issues with some support and funding programmes. Staff will bring recommendations for a potential future review through the next 10-Year Plan process.

Community-led initiatives fund

- 3.11 The draft policy proposes merging three existing funds into one new fund, incorporating the former Celebrating Communities Fund, Contestable Community Events Fund and Local Initiatives Fund (see 7. in Part B of the proposed policy). The current Celebrating Communities Fund and Contestable Community Events Fund are closely aligned in purpose, in that they provide support to communities of interests to deliver projects, activities and events that help to build connections. The Local Initiatives Fund was designed to provide support for new community initiatives. However, funding under this programme is underutilised due to overly strict criteria (recognised in previous Committee discussions). Combining the funds gives staff more flexibility to allocate funds towards initiatives that are driven by the community - the common purpose of these funds. Applications for new community initiatives can be considered under this fund, while also providing more opportunities to communities who may miss out in the oversubscribed Celebrating Communities Fund.

Community occupancy of Council- owned property by for-purpose groups

- 3.12 The draft policy introduces two processes to guide Council's decision-making on community occupancy of Council-owned properties (see Section 5.5 in Part A of the proposed policy):
 - 1. New community occupancy or renewal of an existing community occupancy;
 - 2. Occupancy opportunities that arise after lapse or surrender of an occupancy agreement (discontinuation of community occupancy).

- 3.13 When Council property becomes vacant due to a discontinuation of an occupancy, it is recommended that Council staff will first conduct a strategic options review to consider whether another community use is appropriate for the land/building. This is a particularly important step as Council is under increasing pressure to look at alternative options to meet land supply requirements for housing (other than in greenfield urban growth areas).
- 3.14 Under these circumstances, and providing that Council has agreed that a community occupancy is desired, the occupancy opportunity will then be publicly advertised in recognition that there may be broader interest for use by for-purpose groups in the community.
- 3.15 The draft policy also introduces reporting accountabilities for for-purpose groups occupying Council property that match the expectations placed on groups receiving other forms of support, such as grants. These expectations reflect the premise of the policy that for-purpose organisations receive support from Council in a variety of ways.

Community rental framework for occupancy of Council property

- 3.16 Given that Elected Members have requested the inclusion of community occupancy within a Support and Funding Policy, it seems appropriate to address the historically ad hoc approach to setting rentals. At present community occupancy leases vary widely, and there is no consistent approach to the rentals set. For this reason, a rental framework is proposed as part of this section of the policy (see 8c. in Part B of the policy).
- 3.17 Staff reviewed several approaches for setting community occupancy rentals. There is a wide variety of models used by other Councils, including methods that subsidise rents based on an assessment of land or capital value. Some local authorities adopt a simple 'set rental' approach for easy administration and this is the approach recommended here.
- 3.18 Two main rental framework options were considered for inclusion in the proposed policy:
- Option One (proposed): A new community occupancy set-rental framework
- Option Two: Simplified RCARP rental framework
- 3.19 Option One: A new community occupancy rental framework proposes that the annual rental rates will be set regardless of the lease area.

Type of occupancy	Annual rentals
Land-only leases	\$250 + GST
Land and building leases	\$500 + GST

- 3.20 Regardless of the size of the lease, the time for processing each community occupancy agreement is similar, but the costs of managing and maintaining a land and building lease is higher than managing a land-only lease. The proposed annual rental rates therefore reflect operational costs for managing the community occupancy (leasing) process and not the value of the property.
- 3.21 Under this proposed option there would be no immediate impact on the for-purpose groups brought under the proposed policy, as the policy would only be applied when a lease is renewed. Under this option, fewer than 10% of the for-purpose groups with leases would face a rental increase of more than \$50 plus GST per annum.
- 3.22 Option Two (not proposed): This option is a simplification of the rental framework used in the RCARP (1995). A simplified framework could be land leases ranging from \$50 to \$1,000+GST and land and building leases ranging from \$200 to \$1,000+GST. This option is not recommended because it is still unnecessarily complex and is based on different rentals for categories of use rather than focused on the benefits of the for-purpose groups as a whole.
- 3.23 There would be no financial impact if there is no change to the rental framework currently being applied (Option Two).
- 3.24 This table summarises the options outlined above:

	Option One Adopt proposed rental framework	Option Two Status quo - Existing rental framework (simplified)
Land lease annual rental	\$250 + GST (per year)	\$50 to \$1,000 + GST (per year)
Land and building lease annual rental	\$500 + GST (per year)	\$200 to \$1,000 + GST (per year)
Determining factors	Land lease Land and building lease	Size Quality of building Group/user category

- 3.25 Option One is recommended as it provides a straight-forward framework for leaseholders and provides better visibility to the wider community. The rental framework would be implemented alongside operational guidance that clarifies other occupancy costs (e.g., compliance, regulatory, maintenance/renewals and operating expenses) that identify which fall to the Council and to the tenant. These responsibilities are then set out in the lease agreement that will ensure a consistent approach for Council as landlord, and to the tenant for-purpose group.

Occupancy of community facilities - Hancock Community House and Community centres

- 3.26 For-purpose groups also use and operate out of Hancock Community House and community centres to provide a range of recreation, community and social services and activities. The programme purpose, specific eligibility requirements, support priorities, and assessment criteria for support to these programmes are included in the proposed policy.
- 3.27 The proposed rental framework for Hancock Community House confirms the current approach.
- 3.28 The proposed policy for community centres is to re-set rents at a consistent \$1,800 per year. This is currently the average rental across the community centres. The proposed rental would mean an increase of \$130 per year for all but one of the community centres.

Sector leads

- 3.29 Following the resolution of Council during the 10-Year Plan 2021-31 process, staff met with the Community Services Council, Environment Network Manawātū, Manawātū Multicultural Council, Square Edge and Creative Sounds to get their feedback on Council's funding models. The feedback was consistent across these groups; while they were grateful for having support from Council, there are limitations in the contestable funding process. They highlighted the following issues:

1. There is no certainty of funding beyond the three-year Strategic Priority Grants period. This uncertainty affects the organisations' ability to plan long term, is disruptive to services, and exacerbates difficulties in finding and retaining skilled staff. By nature, the work of sector leads takes longer to achieve as part of their role is to contribute to the 'sector infrastructure' by supporting other organisations to develop and connect. Secure, long-term funding is an important contributor to supporting a strong community sector.

2. The Strategic Priority Grants Fund is Council's major pool of operational funding to support the community and voluntary sector. Some of the groups noted that competing for the same pool of funding as service delivery agencies within their respective sectors is at odds with having a united and coordinated sector.

3. Organisations which had leases and/or agreements to manage Council facilities advised that Council could maximise benefits by providing direct on-going support to their operations. For example, the Community Services Council, which receives additional funds to manage Hancock Community House, suggested this agreement could be merged into one funding agreement to achieve more effective administration.

4. Some groups found reporting through the results accountability framework did not accurately capture what they were achieving on the ground. They all

mentioned that there was a strong emphasis on quantitative data collection which often meant repeatedly sending surveys out to their respective sectors.

5. Some organisations felt a contestable process with Council did not accurately reflect the goodwill between organisations. They saw themselves as being in partnership with Council and that a direct contract would reflect this more accurately.

3.30 While the organisations named in the Council resolution noted their general support for being contracted outside the available contestable funding, there are some issues for Council to consider. These include:

1. Council was clear in the resolution that not all 'sector leads' may have been identified or considered, yet. Deciding which organisations to directly contract (if any) requires careful consideration and would benefit from wider community input.

2. Appropriate accountability processes will be required if sector lead agencies are funded through direct contracts. It may be that the most transparent way of achieving this would be for such agreements to be covered by the proposed policy in some way.

3. All organisations that staff spoke with in this context noted that they are currently underfunded. Determining the payment for services under any contract arrangement would need to be further explored. If any sector leads were to be 'removed' from the Strategic Priority Grants contestable fund, there would still need to be a process for determining how much of this funding would be reallocated to them and therefore unavailable to other organisations.

3.31 Staff note that only preliminary conversations have been had with the sector lead organisations proposed by the resolution of Council. It would be useful to hear more from these groups, but also to engage with the wider community and voluntary sector to find out the level of support for a new sector lead funding process, which organisations are considered to fit this description, and views about the potential impact on available funds.

3.32 The proposed Support and Funding Policy will provide an opportunity to engage with the sector on this issue and will also allow the Council to respond to these views in the adoption of the final policy. Any changes determined by Council following the consultation on the proposed Support and Funding Policy could then be made through an Annual Plan or other process.

4. CONCLUSION

4.1 The Draft Support and Funding Policy 2021 provides the following guidance:

- A framework to guide events funding.
- A framework to guide community occupancy.

- Standardisation of the allocation process for support and contestable funding available to external groups.

- 4.2 The proposed policy will provide greater transparency in decision-making and clearer guidance for staff and other decision-makers.
- 4.3 The consultation on the Draft Support and Funding Policy will provide an opportunity for Council to hear the views of the community and voluntary sector about the advantages and disadvantages of providing funding for lead agencies through another mechanism.

5. NEXT STEPS

- 5.1 The consultation timeframe of the Draft Support and Funding Policy will depend on the Covid alert levels and the viability of achieving good engagement outcomes. At this stage staff anticipate consultation being open from early October 2021 to early November 2021. Hearing of submissions is planned for late November 2021 and a deliberations/adoption report will follow.
- 5.2 An engagement plan will be developed following the approval to consult on the draft policy. Staff anticipate a wide interest from the many stakeholders who may be affected by the policy, or who have a general interest in Council's policy on support and funding. Particular effort will be made to engage with:
- Current and potential recipients of funding and support programmes
 - For-purpose groups whose community occupancy agreements with Council will be guided by the policy
 - Rangitāne o Manawatū
 - other strategic partners of Council, including sector lead agencies
 - Interest and advocacy groups
 - The wider Palmerston North community

6. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No

Is there funding in the current Annual Plan for these actions?		Yes
Are the recommendations inconsistent with any of Council's policies or plans?		No
The recommendations contribute to Goal 3: A Connected and Safe Community		
The recommendations contribute to the achievement of action/actions in Connected Communities		
The action is: Review the Community Funding Policy.		
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Consultation on the Draft Support and Funding Policy will inform Council decision-making and allow the opportunity to achieve its objective of providing transparent and responsive funding processes.	

ATTACHMENTS

1. Draft Support and Funding Policy September 2021 [↓](#) 



DRAFT SUPPORT AND FUNDING POLICY 2021



Contents

1. Introduction	2
2. Policy purpose and objectives	2
3. Policy principles	2
4. Scope	3
Part A	4
5. Guidelines	4
5.1 <i>Definitions</i>	4
5.2 <i>General eligibility</i>	4
5.3 <i>Decision-making</i>	5
5.4 <i>Accountability</i>	7
5.5 <i>Specific requirements for community occupancy</i>	8
6. Monitoring and review	9
Part B	10
7. Support and funding programmes	10
<i>For individuals</i>	10
<i>For the community and voluntary sector</i>	13
<i>For the events sector</i>	19
<i>General</i>	21

1. Introduction

Council's 10-year plan for 2021 – 2031 is centred on the vision *he iti rā, he iti pounamu small city benefits, big city ambition*. This will be achieved through pursuing five goals:

- Goal 1: He tāone auaha, he tāone tiputipu An innovative and growing city
- Goal 2: He tāone whakaihihi, tapatapahi ana A creative and exciting city
- Goal 3: He hapouri tūhonohono, he hapori haumarū A connected and safe community
- Goal 4: Te tāone tautaiāo An eco-city
- Goal 5: He kaunihera ahunui, whakamana i te iwi A driven and enabling Council

The high-level strategic direction for the city is reviewed as part of the long-term planning process every three years. Communities, industry, and other interested parties take part in this process by helping shape the overall direction for the city.

Council recognises it is only one actor in achieving these ambitious goals, and that there are many groups, organisations and individuals outside Council who are already successful in achieving results towards these goals.

2. Policy purpose and objectives

The purpose of the Support and Funding Policy is to provide a framework for how Council will deliver support and funding to groups, organisations, and individuals to achieve the vision for the city.

In implementing this policy, the Council will work to achieve the following objectives:

- Support and funding decision-making will focus on strategic outcomes;
- Increased capacity and capability of external groups and organisations to deliver initiatives that respond to cultural, economic, environmental, and social wellbeing of the city;
- A transparent, and consistent system for support and funding programmes;
- Shared understanding that Council support is provided through various means, including grants funding, sponsorship, scholarships, subsidies, and community rental rates.

3. Policy principles

The following principles underpin Council's implementation of this policy:

Trust – Council will work in ways that balance its legislative and social obligations to build and maintain trust with Palmerston North residents, Rangitāne o Manawatū, the community and voluntary sector, and industry.

Partnership – Council will be relationship-centred in its actions, in recognition that many others also work to improve community wellbeing.

Equity – Council acknowledges that some experiences disadvantage communities more than others and therefore will work in ways to ensure access and opportunity for everyone.

Outcomes-focused – Council will prioritise understanding how proposals will achieve benefits in cultural, economic, environmental and/or social wellbeing.

4. Scope

In scope	<p><u>For individuals:</u></p> <ul style="list-style-type: none"> - Active Communities Fund - Notable Palmy Trees (under natural and cultural heritage incentive fund) - Protecting Palmy History (under natural and cultural heritage incentive fund) - Strengthening Palmy History (under natural and cultural heritage incentive fund) - Youth Council Scholarships
	<p><u>For the community and voluntary sector:</u></p> <ul style="list-style-type: none"> - Community Development Small Grants - Community-led Initiatives Fund - Community Occupancy - Development Contribution Subsidy - Palmy's Resource Recovery Fund - Promoting Palmy History (under natural and cultural heritage incentive fund) - Strategic Priority Grants - Youth Council Initiatives Fund
	<p><u>For the events sector:</u></p> <ul style="list-style-type: none"> - Arts Event Fund - Major Events Fund - Sports Event Partnership Fund
	<p><u>General:</u></p> <ul style="list-style-type: none"> - Sponsorship Fund
Out of scope	<p><u>Non-contestable support or funding:</u></p> <ul style="list-style-type: none"> - Community Training Fund - Mayoral Relief Fund - Occupancy of Council Cultural Facilities (Te Manawa, Regent Theatre, and The Globe Theatre)
	<p><u>Externally funded and/or governed:</u></p> <ul style="list-style-type: none"> - Creative Communities Scheme - Jaycee Travelling Fellowship - Palmerston North Performing Arts Trust - Rates Rebate Scheme
	<p><u>Separate policy:</u></p> <ul style="list-style-type: none"> - Rates Remissions and Postponements (as determined through the 10-year plan process)

Part A

This part sets out the general guidelines. Further details for each of the specific support and funding programmes are contained in Part B.

5. Guidelines

5.1 Definitions

Community and voluntary sector: Local communities and for-purpose organisations.

Community occupancy: Provision of operational support through the granting of exclusive use of Council property to for-purpose organisations at community rental rates.

Event sector: Event organisers and events.

For-purpose organisations: Charities, social enterprise, incorporated societies and other non-governmental entities that deliver a public benefit and reinvest all surplus funds into achieving their goals. May be a special interest or advocacy group for a particular sector of the community. Membership or participation is available to everyone who wishes to join, and should not impose unreasonable restrictions upon membership (such as setting fees at a level that exclude most people who might want to participate).

Local communities: Local communities of identity (e.g. an ethnic community), interest (e.g. a sports club) or place (e.g. a group of neighbours) who have no formal legal structure.

Social enterprise: Organisations that meets four criteria:

- It operates under a legal structure;
- It has a social, cultural or environmental mission;
- A substantial portion of its income is derived from trade; and
- The majority of its profits/surplus is reinvested in the fulfillment of its mission.

Umbrella organisation: An organisation which has formally agreed to receive and administer grant funds on behalf of a local community applicant.

5.2 General eligibility

5.2.1 Applicants

a) Local communities will be eligible to apply to relevant support and funding programmes as long as they are able to nominate an umbrella organisation.

b) All applicants will be required to provide the following evidence:

- Details of previous Council support or funding, including grants, discretionary funding, rates remissions and/or community occupancy; and
- Statement of financial position including but not limited to audited financial accounts and balance sheet.

c) The following entities are not eligible to apply for any support and funding programmes under this policy:

- Political parties;

- Internal applicants (for example to fund projects, programmes or facilities under the Council);
- Palmerston North City Council CCOs (Council Controlled Organisations);
- Local authorities, government agencies or public sector entities.

Further ineligible parties may also be added to the specific support or funding programme in Part B.

5.2.2 Proposals

- a) Proposals must demonstrate that the project, activity, service or event has been well considered and planned out.
- b) Proposals must be submitted in accordance with the requirements and format specified by the individual support and funding programme.
- c) Incomplete, late, or non-complying applications will not be processed, unless 5.4.4 'Discretionary decision making' applies.
- d) Proposals for a project, activity, service or event are ineligible for support and funding programmes under this policy where they:
 - Are primarily to promote religious ministry, political or fundraising purposes;
 - Have commenced before a funding decision has been made;
 - Are primarily public services that are the responsibility of central government (e.g. core education or primary health care). This does not exclude local communities or for-purpose groups that do receive central government funding (including health and education funding) from submitting an eligible proposal that the government does not specifically fund as part of its contracted activities;
 - Include the following expenditure:
 - o Debt servicing or repayment
 - o Legal expenses
 - o Medical expenses
 - o Purchase of alcohol

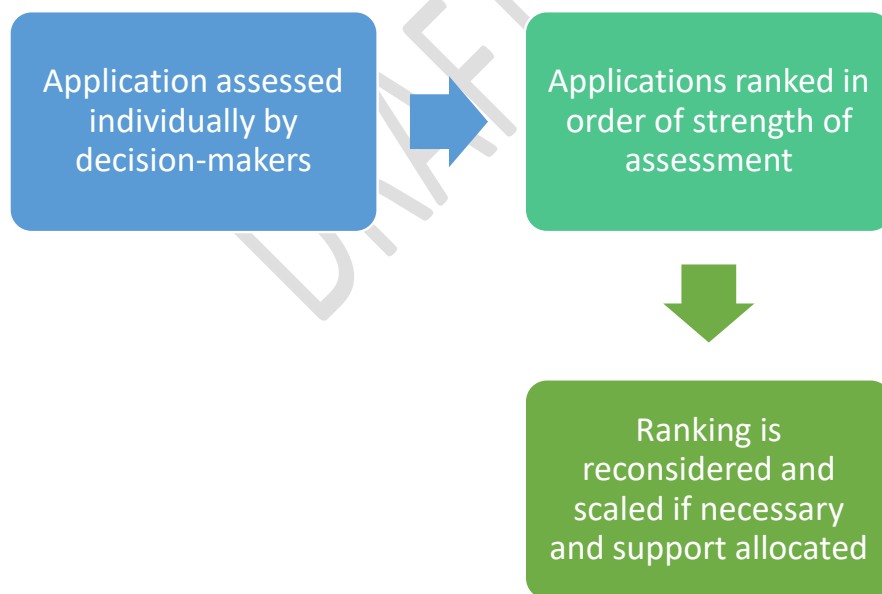
5.3 Decision-making

5.3.1 Process

- a) An applications for support and funding should:
 - Clearly define the purpose of the proposal and the expected outcomes it will achieve;
 - Describe in enough detail the project, activity, service, or event that will be delivered, and have satisfied Council that it is viable;
 - Demonstrate the capability, capacity and experience to deliver the project, activity, service, or event to an appropriate standard, evidenced by a relevant track record of successful delivery;

- Consider how the applicant will measure achievement of the expected outcomes (or for larger support and funding requests, identifies how they will evaluate the success of their project, activity, service, or event);
- Understand who the project, activity, service, or event will benefit and where those people are most likely to come from;
- Demonstrate the necessary experience, networks, or profile to give the applicant credible access to the people who will benefit from the project, activity, service, or event;
- Present a realistic, evidenced-based budget for the project, activity, service, or event, and identifies what parts the applicant would like Council to provide support or funding for;
- Clearly show the applicant's overall financial position, including their ability to support the project, activity, service, or event from their own resources and/or access to grants from other sources;
- Describe the extent to which any committed contributions from Council (including other grants, discretionary funding, rates remissions and/or community occupancy) will enable the project, activity, service or event; and
- Note if the applicant has made any reasonable attempts to access other sources of support and/or funding (i.e. from other funders or fundraising within their community).

b) Applications will be assessed according to the following process:



5.3.2 Decision-makers

a) Each support and funding programme will describe the mode of decision-making, for example staff assessment, allocation panels, peer review or any other mode.

b) In allocating support and funding programmes decision-makers will:

- declare any real or perceived conflict of interest with applications; and
- be excluded from any assessment or decision-making related to those applications.

c) Decision-makers will act with integrity, impartially and in a fair and reasonable manner.

d) All support and funding decisions will be:

- appropriate and transparent;
- made in the knowledge of previous and/or current Council support;
- fair and defensible;
- within budget; and
- free from any real or perceived bias or conflict of interest.

e) Where decision-makers decline an application a full explanation for the decision will be provided if the applicant requests.

f) All decisions made are final.

5.4 Accountability

5.4.1 Agreement

a) Every successful application to a support and funding programme will be formalised in a support and funding agreement.

b) Recipients of support and funding will ensure that the supported project, activity, service or event remains compliant with all relevant legislation and regulations and any other obligations stated in the support and funding agreement.

c) Failure to meet the terms of the support and funding agreement may result in termination of support and funding, decline of future support and funding and/or the repayment of part or all of the allocated support and funding.

5.4.2 Record keeping

a) The Council will maintain comprehensive records of all support and funding applications, assessments and allocation decisions.

5.4.3 Reporting

a) All recipients of support and funding under this policy will provide a report to Council on the outcomes and benefits of the support. Reporting requirements will be proportionate to the level of support provided.

b) For larger support and funding agreements Council will work together with successful applicants to establish a framework for reporting. This will include selecting relevant measures that will help determine whether the project, activity, service or event is achieving what was proposed.

c) Council will annually publish on its website:

- The recipients of support under this policy;
- The support they received; and
- The outcomes of the support.

5.4.4 Discretionary decision-making

a) Where a proposal does not meet the requirements for support or funding, staff may refer the proposal to a committee of Council for a final decision if the following circumstances are satisfied:

- The proposal cannot reasonably be considered within a scheduled support and funding programme round or established criteria;
- Funding would significantly contribute to one or more of Council's strategic goals; and
- Non-supply of support would amount to a significant and quantifiable disadvantage to the city and the Council.

5.5 *Specific requirements for community occupancy*

Council provides support for the granting of exclusive use of Council property at community rates to for-purpose organisations. These guidelines describe the decision-making process for **community occupancy** (see 8c in Part B), depending on the circumstances.

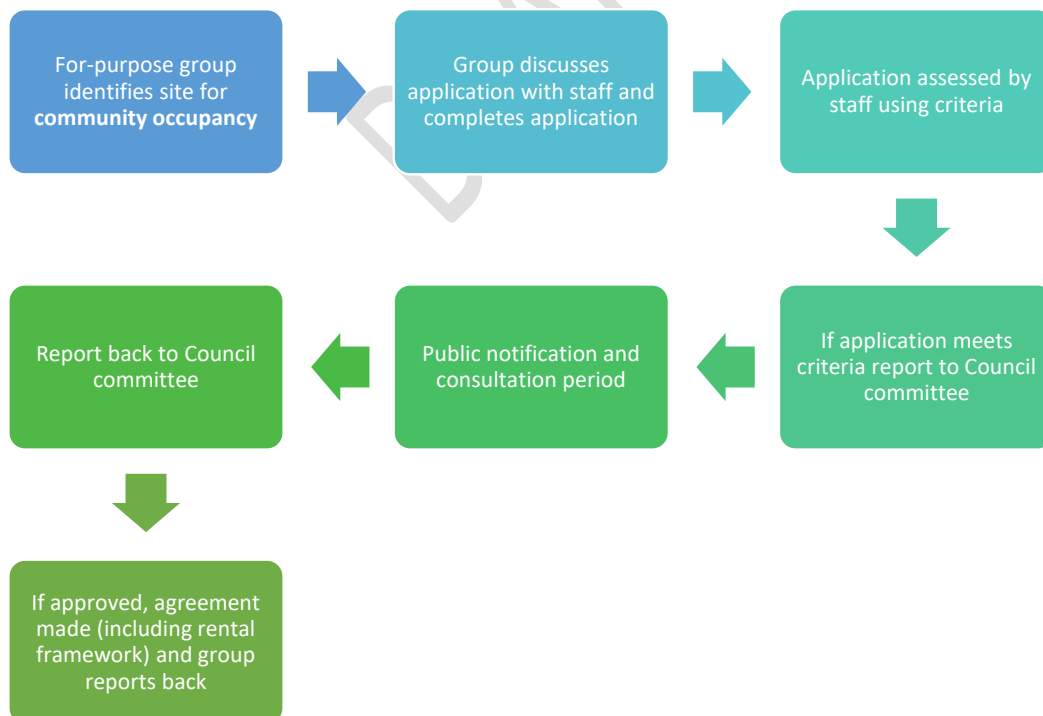
5.5.1 Process

The following provisions describe the circumstances in which Council will enter into a decision-making process in regard to community occupancy as well as the process that will be followed:

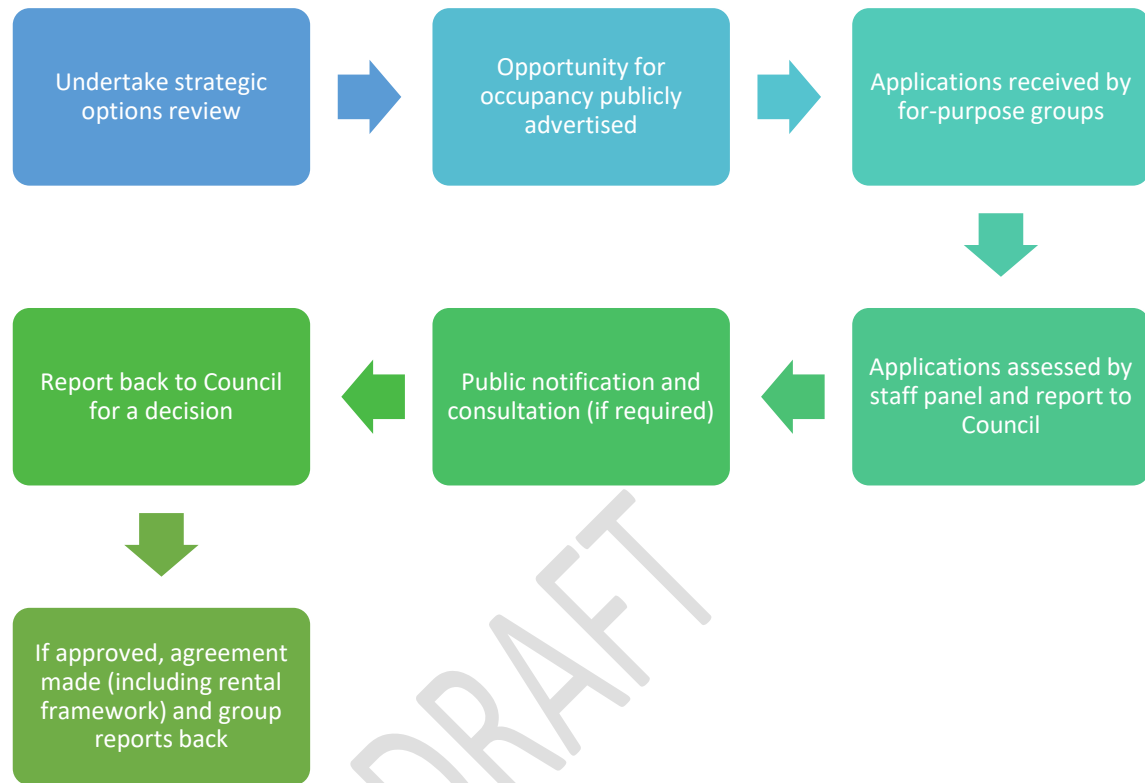
a) When for-purpose groups express an interest for a new occupancy or renewal of existing occupancy in:

- leasing previously unoccupied council-owned property; or
- constructing a new community building on council-owned land; or
- renewing an occupancy at the end of its agreed term.

Council will follow this process:



b) Where there has been a lapse or surrender of community occupancy arrangements Council will undertake due diligence and satisfy legislative requirements in planning for the continued use of the property before community occupancy options are considered. Council will follow this process:



5.5.2 Rental framework

a) Successful applicants for **community occupancy** will pay a community rental rate established in the rental framework (refer to Part B under each of the **community occupancy** categories).

6. Monitoring and review

Council will monitor the ongoing operation of this policy to ensure the objectives are being met.

This policy will be reviewed every three years, or earlier at the request of Council.

Part B

7. Support and funding programmes

The table describes the Council's current support and funding programmes. This table should be read along side the Principles (section 3) and Guidelines (section 5) of this policy.

For individuals	
1 Active Communities Fund	
Purpose	To remove individuals' financial barriers to participation in sport or physical activity and contribute to achieving Council's plan of an active community.
Eligibility	<p>Palmerston North residents whose financial barriers prevents them from participating in sport or physical activity.</p> <p>Applications must be endorsed by a sponsor who is not related to the applicant. The sponsor must be able to answer background information to support the application. A sponsor can be one of the following:</p> <ul style="list-style-type: none"> - School principal or teacher - Youth worker (from a public institution, local community or for-purpose organisation) - Palmerston North City Councillor - Club official (governance board members).
Exclusions	Club officials or service providers sponsoring five or more applicants simultaneously, who would qualify for other funding schemes.
Support priorities	<p>Applications that will achieve one or more of the following outcomes:</p> <ul style="list-style-type: none"> - Create positive lifestyles and habits in sport and physical activity - Reduce financial barriers, and increase the number of families children and youth undertaking regular sport and physical activity - Increase social connectedness of families and community - Increase self-confidence in children and youth <p>Through the provision of:</p> <ul style="list-style-type: none"> - Activity-related costs - Activity-related equipment not provided through a club, social, or activity provider - Activity uniform, clothing or footwear - Facility fees or event costs - Access to one on one small group coaching - Opportunities that support a life-long love of being physically active - Travel related costs to enable participation
Allocation	The fund will open at the start of the financial year until it is fully allocated. Applicants may apply twice a financial year (but not concurrently) and up to a combined maximum of \$500. Applications will be reviewed by an external panel (administered by Sport Manawatu) in consultation with the applicant's sponsor. The independent panel will make the final allocation decision.
2 Notable Trees Palmy – Natural and Cultural Heritage Incentive Fund	

Purpose	To preserve the pre- and post-European settlement places and features in Palmerston North which provide a legacy of cultural and natural heritage of value to Māori and the wider community. Specifically, this fund helps notable tree owners with the costs of minor maintenance and trimming.
Eligibility	<p>Owners of property where a notable tree (protected by the District Plan) is located, and who have successfully obtained a resource consent to carry out trimming or minor maintenance work.</p> <p>Work proposed uses Council's preferred contractors and will be completed according to the maintenance schedule in the tree assessment report (available on the Council website).</p>
Support Priorities	Council recognises that notable trees are of value to the wider community, but the ownership and responsibility to maintain the tree remains with the property owner. The quality of regular maintenance work can have a significant impact on a tree's ability to grow healthily.
Allocation	<p>Notable tree owners can apply for reimbursement of 70 per cent of the arborist's work, up to a total of \$400 for an individual tree and \$1,500 for a group of trees.</p> <p>Funding will be released following confirmation of the approved work, authentication of expenditure and an invoice has been received. Assessment and allocation decisions will be carried out by staff.</p>
3 Protecting Palmy History – Natural and Cultural Heritage Incentive Fund	
Purpose	To preserve the pre- and post-European settlement places and features in Palmerston North which provide a legacy of cultural and natural heritage of value to Māori and the wider community. Specifically, this fund helps owners look after our most significant heritage buildings and sites. It is available for conservation, maintenance, repair, and restoration of scheduled heritage buildings sites.
Eligibility	Projects for maintenance, repair or restoration of privately owned property that is listed, or proposed to be listed, as a building, object or site of cultural heritage value in the Palmerston North District Plan.
Support Priorities	<p>Applications will achieve and or more of the following outcomes:</p> <ul style="list-style-type: none"> - The project will contribute to the ongoing maintenance and usability of the building; - The project will lead to repairs and/or restoration to the building taking place for future preservation of both the building and associated heritage features; - The project will protect the building's heritage status.
Allocation	<p>The amount of funding that is available per successful project will be up to a maximum of:</p> <ul style="list-style-type: none"> - Commercial properties - \$20,000 - Community properties (not subject to rates under the Local Government (Rating) Act 2002) - \$20,000 - Residential properties - \$10,000 - Conservation asset management plans - \$5,000 <p>Council retains the discretion to approve funding above the stated maximums for large or complex projects, or where the fund is not fully allocated. Assessment and allocation decisions will be carried out by staff.</p>

4 Strengthening Palmy – Natural and Cultural Heritage Incentive Fund	
Purpose	To preserve the pre- and post-European settlement places and features in Palmerston North which provide a legacy of cultural and natural heritage of value to Māori and the wider community. Specifically, this fund is targeted at earthquake prone heritage buildings and street character buildings that require strengthening. Grant funding is available for feasibility studies, working drawing and structural works.
Eligibility	Privately owned buildings that are: <ul style="list-style-type: none"> - Identified on Council's list of buildings requiring earthquake strengthening; and - Listed in the District Plan schedule of buildings and objects of cultural heritage value (or are identified as having streetscape value).
Support Priorities	Projects that greatly increase the structural strength of the building to help protect it from seismic events. Funding support for a feasibility study (phase 1) is available for applicants undertaking due-diligence regarding an earthquake prone heritage building that they do not currently own. The feasibility study will be retained by Council should the applicant decide not to purchase the building.
Allocation	Applicants are able to apply for up to a total of \$60,000 per building across the following three phases: <ul style="list-style-type: none"> - Feasibility study (phase 1) - \$20,000 maximum - Working drawings (phase 2) - \$20,000 maximum - Structural works (phase 3) - \$20,000 maximum <p>Council retains the discretion to approve funding above the stated maximums for large or complex projects, or where the fund is not fully allocated.</p> <p>Assessment and allocation decisions will be carried out by staff.</p>
5 Youth Council Scholarships	
Purpose	To contribute to the growth and recognition of active participation, development, leadership and excellence within the community by Palmerston North youth aged 12-24 years.
Eligibility	Palmerston North residents aged 12-24 years, who are pursuing excellence or development in sports, arts, community or academia. Applications may be completed by youth themselves or a nominee seeking to nominate an eligible person.
Support Priorities	Young people who demonstrate one or more of the following: <ul style="list-style-type: none"> - Positive engagement in sports, arts, community endeavours or academia at a level of competency acknowledged to be excellent; - Able to demonstrate a contribution to Palmerston North through active participation and leadership within their given field; - Inspired and show potential in further development with opportunities to explore, acquire skills and experience responsibilities.

	<p>Scholarships will contribute towards the successful applicants endeavours in one of the following areas:</p> <ul style="list-style-type: none"> - Sports - Arts - Academic - Community (community-orientated endeavours that do not fall into the above categories)
Allocation	<p>This support will be allocated through funding rounds each financial year, opening and closing dates for applications will be widely promoted.</p> <p>Allocations will range from \$500 - \$2000 per applicant.</p> <p>Assessment and allocation decisions will be made by the Palmerston North Youth Council with the assistance of Council staff.</p>
<i>For the community and voluntary sector</i>	
<div> <div>6</div> <div>Community Development Small Grants</div> </div>	
Purpose	To provide funding for essential administration expenses to enable local communities and for-purpose organisations to operate.
Eligibility	Open to local communities and for-purpose organisations based in Palmerston North and primarily providing a service, activity, or project to Palmerston North residents.
Exclusions	<p>The following local communities and for-purpose organisations will not be eligible to apply for support under this fund:</p> <ul style="list-style-type: none"> - Sports clubs, sports service providers or those who are primarily focused on sports initiatives; - Applicants who at the time of applying are, or will be, recipients of Council's strategic priority grant; - Applicants whose current assets minus current liabilities are more than two years running costs.
Support Priorities	<p>Services, activities, or projects that demonstrate these factors:</p> <ul style="list-style-type: none"> - Contribute to outcomes to achieve goal 2, 3 or 4 of Council's strategic direction; - Have a need for administration support; and - Do not receive other forms of operational funding and support from Council including rates remissions or community occupancy. <p>Essential administrative expenses include but are not limited to:</p> <ul style="list-style-type: none"> - Audit fees and/or financial review costs - Communication costs - Energy costs - Insurance – public liability and assets - Rent and venue hire - Stationery – printing, postage, photocopying - Volunteer expenses – including training, supervision, travel

Allocation	<p>There will be one funding round each financial year, opening, and closing dates for applications will be widely promoted.</p> <p>A maximum of \$10,000 per successful applicant may be allocated.</p> <p>Assessment and allocation decisions will be carried out by an external panel (administered by Community Services Council).</p>
<p>7</p> <p>Community-led Initiatives Fund</p>	
Purpose	To provide communities with the resources to deliver their own small-scale community-led initiatives, including an activity, event, or project. This fund is to support initiatives provided by the community for the community. The fund gives Council flexibility to support community-led initiatives as they emerge, including co-funding initiatives with other funders.
Eligibility	Open to local communities and for-purpose organisations based in Palmerston North who are in the final stages of planning out an activity, event or project that will primarily benefit Palmerston North communities of identity, place, or interest.
Exclusions	<p>Proposals or expenditure that includes the following will not be eligible for support under this fund:</p> <ul style="list-style-type: none"> - Private functions and events that unreasonably excludes the wider public (i.e. personal or family celebrations); - Commercial initiatives where the main purpose of the initiative is to make a profit; - Ongoing administration costs beyond the proposed initiative; - Prize money.
Support Priorities	<p>Initiatives that demonstrate these factors:</p> <ul style="list-style-type: none"> - Open to the public; - Contribute to outcomes to achieve goal 2, 3 or 4 of Council's strategic direction; and - maximise funding by accessing other contributions, such as volunteer time, fundraising, and donated materials and services. <p>In addition to the above factors, an initiative will receive a greater weighting if it demonstrates either that:</p> <ul style="list-style-type: none"> - It is innovative or yet to be successfully implemented in Palmerston North; and/or - It is delivered by, and will primarily benefit, the following communities: <ul style="list-style-type: none"> o Māori; o Pasifika; o minority ethnic groups; o former refugees; o people with disabilities; o children and young people; or o older people.

Allocation	This fund will open at the start of the financial year and will remain open until it is fully allocated. The allocation will range from \$500 to \$10,000. Assessment and allocation decisions will be made by staff.	
8a Community Centre Support – Community Occupancy		
Purpose	To support for-purpose groups to manage and lease community centres to enable them to provide for a range of community needs in an affordable way.	
Eligibility	Local communities or for-purpose organisations who have a community centre management agreement with Council.	
Support Priorities	Services, projects or activities that will: <ul style="list-style-type: none">- Deliver community outcomes that contribute to goal 2 and/or 3 of Council’s strategic direction; and- Fit with the identified space and maintain or enhance the uniqueness of the space.	
Assessment considerations	Demonstrate the services, programmes or activities will maintain or enhance the uniqueness of the adjoining public space and create a sense of place.	
Allocation	Assessment and allocation decisions are made by staff through a management agreement process.	
Rental Framework	Rents	\$1,800 GST inclusive per annum
	Rent review	Annual CPI adjustment.
	Effective date	1 July 2022
	Implementation	Rents will be adjusted to this rate at the renewal or expiry date.
8b Hancock Community House Support – Community Occupancy		
Purpose	To support the capacity and capability of the voluntary and community sector by co-locating community groups within a purpose-built community house, that also provides meeting/workshop spaces available to the wider community.	
Eligibility	For-purpose organisations in the social services sector who primarily provide a benefit to Palmerston North residents.	
Support Priorities	Services, projects, or activities that: <ul style="list-style-type: none">- Will deliver community outcomes that contribute to goal 3 of Council’s strategic direction; and- are suitable for Hancock Community House; and/or- are provided by a foundation tenant who was involved with the establishment of Hancock Community House.	
Assessment considerations	Suitability of the building for the for-purpose group, in terms of location, physical characteristics, accessibility, and compatibility with other tenants.	
Allocation	Where a tenancy becomes available at Hancock Community House the process to select new occupancies will be: <ul style="list-style-type: none">- Expressions of interest called for by Council;- Council and Palmerston North Community Services Council or holder of the management agreement will make assessment and allocation decisions.	
Rental framework	Rent	Subsidised commercial rental based on a per square metre occupancy rate for each tenant.
	Rent review	Annual CPI adjustment.

8c Occupancy of Council owned property by for-purpose groups – Community Occupancy		
Purpose	The purpose of this support is to allow for-purpose groups to occupy, and operate out of, Council-owned property for sporting, recreational, community/social services, and educational purposes, at community rental rates.	
Eligibility	For-purpose groups providing a service, activity, or project that primarily benefits Palmerston North residents.	
Support Priorities	For-purpose organisations that demonstrate all these factors: <ul style="list-style-type: none"> - Contribute to outcomes to achieve goal 2, 3 and/or 4 of Council's strategic direction; - For-purpose organisations who are jointly seeking a shared space within a Council-owned building; and - Their presence fits with the identified space and will maintain or enhance the uniqueness of the space. 	
Assessment considerations	<ul style="list-style-type: none"> - Consideration of the relevant assessment criteria in the guidelines in the Policy for the Use of Public Space. - Demonstration of need for exclusive use of the land/reserve, including consideration of other options the for-purpose group may have for land and/or buildings and their willingness to share resources and/or space with other compatible for-purpose groups. - The impact on the public's benefit and enjoyment of the land/reserve and any impact on the wider reserve network. - Compatibility with reserve values, purpose/classification and the direction provided in any reserve management plan (if the land is subject to the Reserves Act 1977). - Rangitāne o Manawātū feedback on the proposed activity. - Potential impact of the occupancy and proposed activities on adjoining neighbours, other users, and the wider community. - Suitability of the land and/or building for the for-purpose group, in terms of location, physical characteristics and accessibility. 	
Allocation	Applications for new community occupancies will be considered by the most appropriate committee of Council.	
Rental framework	Rents	Land only: \$250 + GST per annum Land and building: \$500 + GST per annum
	Rent review	Annual CPI adjustment.
	Effective date	1 July 2022
	Implementation	Rents will be adjusted to this rate at the renewals or expiry dates.
9 Development Contribution Subsidy		
Purpose	To provide support to groups that are undertaking development of their facilities, where the payment of a compulsory development contribution fee has been triggered under the Council's Development Contributions Policy.	
Eligibility	Open to local communities and for-purpose organisations based in Palmerston North whose initiatives primarily target Palmerston North residents. The land, building and/or facilities that is subject to a development contribution must:	

	<ul style="list-style-type: none"> - be owned by the local community or for-purpose group and - is integral to its operations.
Support priorities	Applicants who use the land, buildings and/or facilities (that is subject to a development contribution) to deliver community outcomes that contribute to goal 2, 3 and/or 4 of Council's strategic direction.
Allocation	This fund will open at the start of the financial year and will remain open until it is fully allocated. Staff will assess applications and make allocation recommendations to the appropriate Council committee.
10 Palmy's Resource Recovery Fund	
Purpose	To provide funding for projects that align with the objectives of Council's Waste Management and Minimisation Plan.
Eligibility	Open to eligible legal entities with a proposal that will be implemented in Palmerston North for the benefit of local residents.
Exclusions	<p>The following applicants and expenditure will not be eligible for funding:</p> <ul style="list-style-type: none"> - Large corporations; - Ongoing operational costs beyond the life of the initiative; or - Recipients of central government's 'waste minimisation fund'.
Support Priorities	<p>New or upscaling an existing project, activity or service that will contribute to one of the following outcomes:</p> <ul style="list-style-type: none"> - Reduction in the amount of waste being created; - Reuse or upcycle of end of life material; - Recycling waste material; or - Alignment with actions in the Waste Management and Minimisation Plan. <p>In addition to the above, proposals will receive a higher rating if the applicant is either a:</p> <ul style="list-style-type: none"> - Local community; - For-purpose group; or - Locally owned small business.
Allocation	There will be one funding round per financial year. Assessment and allocation decisions will be made by staff. Funding allocations may range from \$2,500 to \$15,000 per application.
11 Promoting Palmy – Natural and Cultural Heritage Fund	
Purpose	To promote the pre- and post-European settlement places and features in Palmerston North which provide a legacy of cultural and natural heritage of value to Māori and the wider community. Specifically, this fund supports community-led education, research, or promotion projects.
Eligibility	Proposals that educate and promote Palmerston North heritage.
Support Priorities	<p>Projects that will either:</p> <ul style="list-style-type: none"> - Identify and document places of potential cultural heritage value in the city; - Describe the history links between people and Palmerston North; or - Educate or inform the public of the cultural resources that exists in the city.
Assessment considerations	<ul style="list-style-type: none"> - Extent of improved opportunities for wider public appreciation of Palmerston's heritage resources; - How the project extends knowledge or the historical connection or relationship between an individual, family, group, culture, and Palmerston North;

	- Degree of assistance it will give to educating the public in methods/techniques to maintain and enhance Palmerston North's heritage resources.
Allocation	Successful applicants may be granted up to 50% of an approved project up to a maximum of \$5000. Assessment and allocation decisions will be made by staff.
12 Strategic Priority Grants	
Purpose	To activate the potential of the community sector to contribute to Council's strategic direction by supporting organisations that are well-led, sustainable, and responsive to community needs and aspirations. The fund will provide multi-year (three years) funding to provide a degree of certainty for the community and voluntary sector.
Eligibility	Open to local communities and for-purpose organisations based in Palmerston North and whose service, project or activity will target primarily Palmerston North residents.
Support priorities	<p>Services, projects, or activities that will contribute to outcomes to achieve one or more of the priorities for goal 2, 3 and 4 of Council's strategic direction:</p> <p>Goal 2: A creative and exciting city</p> <ol style="list-style-type: none"> 1. Create a city that has great places for all people. 2. Celebrate the city's history and diversity, and build on the strength of being a city of many cultures and languages 3. Be a creative city that nurtures and celebrates the arts 4. Develop a national reputation as an exciting city with plenty to do at night and on weekends 5. Be one of the most active communities in New Zealand <p>Goal 3: A connected and safe community</p> <ol style="list-style-type: none"> 1. Develop, provide, support or advocate for services, facilities, and events that create a connected welcoming and inclusive community 2. Ensure the city has a healthy community where everyone has access to healthy, safe and affordable housing and neighbourhoods 3. Support communities to achieve their aspirations 4. Be a city where people feel safe and are safe. <p>Goal 4: An eco-city</p> <ol style="list-style-type: none"> 1. Respect and enhance the mauri of the Manawatū River 2. Work with the community to reduce carbon emissions 3. Regenerate native biodiversity 6. Educate the community, in particular property owners, on the benefits of investing in sustainable building design and green buildings.
Allocation	This fund will open once every three years. Assessment and allocation decisions will be made by staff.
13 Youth Council Initiatives Fund	
Purpose	To support youth-led initiatives (including a project, activity, or event) that contributes to increasing the number of Palmerston North young people positively engaged in sports, the arts, community endeavours and academia at a level of excellence.

Eligibility	Open to local community and for-purpose organisations based in Palmerston North who are in the final stages of planning a youth-led public facing project, activity or event that will benefit young people in Palmerston North.
Exclusions	Proposals or expenditure that include the following will not be eligible for support under this fund: <ul style="list-style-type: none"> - Private functions and events that exclude the wider community (i.e. personal or family celebrations); - Commercial initiatives where the main purpose of the initiative is for profit; - Ongoing administration costs beyond the proposed initiative.
Support priorities	Community-focused initiatives that contribute to outcomes to achieve goal 2, 3 and/or 4 of Council's strategic direction and will increase participation by young people aged 12-24 years in either: <ul style="list-style-type: none"> - Sports; - Arts; - Community; or - Academia
Allocation	This fund will be allocated through a funding round process. Allocations can range from \$500 - \$2000 per application. Assessment and allocation decisions will be made by the Palmerston North Youth Council with the assistance of Council staff.

For the events sector

14 Arts Event Fund	
Purpose	To support operational costs for national and regional art events hosted in Palmerston North that have an economic benefit.
Eligibility	Open to local communities and legal entities (trust, company, or incorporated society) who have a finalised proposal to host a public-facing arts event preferably in Palmerston North (wider Manawātū will also be considered).
Exclusions	<ul style="list-style-type: none"> - Private functions where the public is unreasonably restricted from attending; - Trade shows or conventions; - Capital or equipment costs; - Prize money or awards; and - Full-time or permanent employment.
Support Priorities	<p>Art's focused event proposals that demonstrate these factors:</p> <ul style="list-style-type: none"> - Contribution towards outcomes to achieve goal 1 and 2 of Councils strategic direction; - Promotion of domestic tourism and increases visitor nights (i.e. promoting longer stays and increased tourism activity, and generating visitation in the shoulder or low seasons) - Showcase of Palmerston North's unique story; and - Generation of positive media exposure for the region. <p>In addition to the above factors, proposals will receive a greater weighting if the initiative demonstrates:</p>

	<ul style="list-style-type: none"> - The ability to generate opportunities to leverage the city's profile and/or create long-term legacy for the city; - Contribution to a diverse range of events across the region's wider event landscape; and/or - Contribution to outcomes that achieve goal 3 or 4 of Council's strategic direction.
Allocation	This fund will open at the start of the financial year and will remain open until it is fully allocated. Assessment and allocation decisions will be made by staff.
15 Major Events Fund	
Purpose	To support the attraction, development, and growth of events in Palmerston North, by supporting world class events that drive sustainable growth in domestic visitation and promote Palmerston North's unique identity to a wider audience.
Eligibility	Open to legal entities (trust, company, or incorporated society) who have a finalised proposal to host a public-facing event preferably in Palmerston North (wider Manawatu will also be considered). Multi-year proposals (to a maximum of three years) will be considered.
Exclusions	<ul style="list-style-type: none"> - Private functions where the public is unreasonably restricted from attending; - Trade shows or conventions; - Capital or equipment costs; - Prize money or awards; or - Full-time or permanent employment.
Support Priorities	<p>Event proposals that demonstrate all of these factors:</p> <ul style="list-style-type: none"> - Contribution to outcomes achieve goal 1 and 2 of Council's strategic direction; - Promotion of domestic tourism and increases visitor nights (i.e. promoting longer stays and increased tourism activity, and generating visitation in the shoulder or low seasons); - Showcase of Palmerston North's unique story; and - Generate positive media exposure for the region; <p>In addition to the above factors, proposals will receive a higher weighting if the initiative demonstrates either:</p> <ul style="list-style-type: none"> - The ability to generate opportunities to leverage the city's profile and/or create long-term legacy for the city; - Contribution to a diverse range of events across the region's wider event landscape; or - Contribution to outcomes that achieve goal 3 and/or 4 of Council's strategic direction.
Allocation	This fund will open at the start of the financial year and will remain open until it is fully allocated. A maximum of \$30,000 (per financial year) is available per application. Assessment and allocation decisions will be made by staff.
16 Sports Event Partnership Fund	
Purpose	To support operational costs for sports events hosted in Palmerston North that have an economic benefit and enhance community connectedness and health.

Eligibility	Open to legal entities (association, trust, company, or incorporated societies) and umbrella organisations who have a finalised proposal to host a sports event in Palmerston North.
Support Priorities	Proposals that contribute to outcomes to achieve goals 1 and 2 of Council's strategic direction and can demonstrate the ability to either: <ul style="list-style-type: none"> - Attract and retain national secondary school sports events to the city and region; - Attract sports events that are of significant national and/or international importance, and positively profile the city and region; - Attract and retain sports events that drive a significant economic benefit to the city and region (i.e. events that attract 200+ visitors to the city who stay at least one night); or - Support sports events that enhance community connectedness and health, with an additional focus on supporting new events and those that have the potential to grow. Community-focussed events must be available to large parts of the community and encourage people to get more active, more often.
Allocation	This fund will open at the start of the financial year and will remain open until it is fully allocated. Assessment and allocation decisions will be made an external panel (administered by Sport Manawātū).
General	
17 Sponsorship Fund	
Purpose	For Council to associate itself with initiatives (including an activity, project or event) that improves the city's reputation and national presence.
Eligibility	Open to legal entities (trust, company or incorporated societies) who have a finalised proposal that will positively show-case Palmerston North, and provide quantifiable economic benefits to the city.
Support Priorities	For Council to be associated with an activity, project or event that demonstrates these factors: <ul style="list-style-type: none"> - Contribution to outcomes to achieve goal 1 of Council's strategic direction. - Is innovative, delivering something new or addressing an issue that affects the people of Palmerston North in line with Council's strategic goals; - Is of significant regional or national importance; - Positively profiles the city of Palmerston North; and - Provides a quantifiable economic benefit (e.g. activities, project or events that attract 200+ visitors to the city who stay at least one night).
Allocation	This fund will open at the start of the financial year and will remain open until it is fully allocated. A maximum of \$10,000 is available per application, otherwise staff have the discretion to award up to 50% of total funding to an eligible proposal. Assessment and allocation decisions will be carried out by a panel of staff.

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 8 September 2021

TITLE: Draft Stormwater Bylaw - Approval for Consultation

PRESENTED BY: Julie Macdonald - Strategy & Policy Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That the Council approve the draft Palmerston North Stormwater Bylaw 2022 Consultation Document (as attached as attachment one in the report titled "Draft Stormwater Bylaw – Approval for Consultation" presented to the Planning & Strategy Committee on 8 September 2021) for public consultation.
 2. That the Chief Executive be authorised to approve minor amendments to the consultation document prior to publication.
-

SUMMARY OF OPTIONS ANALYSIS FOR APPROVAL FOR CONSULTATION ON DRAFT STORMWATER BYLAW & ADMINISTRATION MANUAL 2022

Problem or Opportunity	The Stormwater Drainage Bylaw 2015 expired in May 2020 and will be automatically revoked in May 2022 unless the Council adopts a new Stormwater Bylaw before that date. Officers have prepared a revised Bylaw following the S155 determinations made by the Council in September 2020. The opportunity is to approve this draft Bylaw for public consultation.
OPTION 1:	Approve the draft Stormwater Bylaw 2022 for public consultation
Community Views	Some initial feedback from key stakeholders has been received on the scope of potential changes to the Stormwater Bylaw.
Benefits	Consulting on the draft Bylaw will allow the Council to receive submissions on its proposal and progress towards adopting a new bylaw before the current bylaw is automatically revoked.
Risks	No particular risks have been identified.
Financial	Consultation on the draft Stormwater Bylaw will be met within existing budgets.
OPTION 2:	Do not approve the draft Stormwater Bylaw 2022 for public consultation
Community Views	Some initial feedback from key stakeholders has been received on the scope of potential changes to the Stormwater Bylaw. No feedback was received which supported the automatic revocation of the Bylaw.
Benefits	No particular benefits have been identified.
Risks	If the draft Stormwater Bylaw, or alternative draft, is not approved for public consultation, then there will be insufficient time to adopt a replacement Stormwater Drainage Bylaw before the current Bylaw expires in May 2022. Regulation of the matters covered in the 2015 Bylaw would therefore not be possible. These matters include approval of service connections and management of discharges of contaminants into the public stormwater network.
Financial	There would be minor financial implications as Council would not receive fees for stormwater service connections.

RATIONALE FOR THE RECOMMENDATIONS

1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY

- 1.1 The Stormwater Drainage Bylaw 2015 was required to be reviewed within five years of its adoption or it is automatically revoked two years after the date it was due to be reviewed.
- 1.2 Delays caused by the response to the COVID-19 pandemic in 2020 meant that the review was unable to be completed before the end of the five-year review period.
- 1.3 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.
- 1.4 This report presents a draft revised Bylaw, and Administration Manual, for approval for public consultation. The timeframe for consultation has been set to enable the consultation process to be completed and the revised Bylaw adopted before the current Bylaw expires.
- 1.5 The current 2015 Bylaw, prepared under the Local Government Act 2002, enables stormwater to be managed to promote sustainable urban drainage and protect the environment from the impacts of flooding, erosion and environmental pollution. It provides the legal powers for private connections to the public stormwater network, ensures that physical works around services are properly managed, and places controls on the discharge of contaminants to the public 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 public stormwater network.
- 1.6 The Bylaw is one of several mechanisms Council uses to regulate and manage the stormwater activity. The District Plan, prepared under the Resource Management Act 1991, is Council's key regulatory tool to manage stormwater through the provisions in the natural hazards, residential and subdivision chapters. The Engineering Standards for Land Development state the technical standards for the construction of stormwater systems for compliance with the District Plan. These standards contain all the relevant criteria to ensure developers provide all the information necessary when seeking engineering approval for land development. Other stormwater management mechanisms Council uses alongside its regulatory powers are environmental education and the use of legal mechanisms, such as the creation of easements and drainage reserves.
- 1.7 The Statement of Proposal for the consultation on the draft Stormwater Bylaw and Administration Manual is attachment 1.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

Background

- 2.1 The impact of stormwater on the environment is becoming an increasingly important issue. Impacts include both *quantity* effects, such as flooding and erosion, and effects that impact on water *quality*, such as sedimentation, litter and the discharge of contaminants. The regulatory system for stormwater management is complex, with the Bylaw fulfilling only a portion of the overall regulatory powers available to the Council under a number of statutes: the Resource Management Act 1991, Local Government Acts 1974 & 2002, the Land Drainage Act 1908, Building Act 2004, and the Soil Conservation and Rivers Control Act 1941.
- 2.2 Central government regulatory policy developments also provide context for this bylaw review, including the introduction of the National Policy Statement for Freshwater Management 2020 (that seeks to restore and protect the health of waterways) and the Three Waters Reform.
- 2.3 As part of the Government's Three Waters Reform, Taumata Arowai—The Water Services Regulator Bill, creates a new Crown regulatory body (Taumata Arowai) to oversee, administer, and enforce a new drinking-water regulatory system and perform additional functions relating to improving the environmental performance of stormwater and wastewater networks. Sections 10 and 11 of the Bill outline the objectives and general functions of Taumata Arowai that includes oversight of the regulation, management, and environmental performance of stormwater networks. Section 11 of the Bill states that Taumata Arowai's general functions include providing oversight and information to central and local government in relation to:
 - (d)(i) *the development, operation, and effectiveness of standards, regulations, and other statutory requirements for wastewater and stormwater; and*
 - (ii) *compliance with, monitoring of, and enforcement of standards, regulations, and other statutory requirements affecting wastewater networks, stormwater networks, wastewater network operators, and stormwater network operators;*
- 2.4 These legislative changes mean it is likely that the national approach to the regulation of stormwater will change within the timeframe of the next bylaw review.
- 2.5 In addition to the revision of the Bylaw, Council's regulatory framework is also being advanced through the development of a Stormwater Management Framework. This framework will give effect to the Horizons Regional Council's One Plan and the National Policy Statement for Freshwater Management. It will guide land developers to implement best practice stormwater management approaches, set out catchment priorities and provide guidance in respect of design standards and approved solutions for

stormwater runoff, and mitigate flood effects and will inform planned changes to the District Plan in 2023/2024 (see the Stormwater chapter of the Waters Plan 2021).

- 2.6 The scope of activities covered by the proposed Bylaw has not changed significantly since the Bylaw was last reviewed in 2015. Staff responsible for the stormwater activity have, however, identified issues with the increasing number of private stormwater systems (required through subdivision/land development or as part of new building development), specifically that a lack of on-going operation and maintenance of these systems may impact on the public stormwater network. Staff also want the Bylaw to better manage the risks associated with the discharge of contaminants into the public stormwater network.

Previous Council decisions

- 2.7 On 9 September 2020 the Planning and Strategy Committee made the determinations required by s.155 of the Local Government Act 2002 (LGA 2002), namely:
- *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 (s 155(1) of the LGA 2002.)*
 - *the Council determines that a stand-alone bylaw is the most appropriate form for a stormwater drainage bylaw (s 155(2)(a) of the LGA 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 (s 155(2)(b) LGA 2002).*
- 2.8 Staff then proceeded to revise the Stormwater Drainage Bylaw to addresses the perceived problem of providing a reliable and efficient stormwater drainage system that maintains public health and safety and preserves the environment.
- 2.9 The proposed draft Bylaw has been checked against provisions in the New Zealand Bill of Rights Act 1990 with no issues identified.

3. DESCRIPTION OF OPTIONS

- 3.1 The first option is to consult on the draft Stormwater Bylaw and Administration Manual. This would give identified stakeholders and the wider community the opportunity to make formal submissions on the revised Bylaw.
- 3.2 The second option is to not consult on the draft Stormwater Bylaw and Administration Manual. In the absence of any other instructions from the Council no further work would be undertaken on the Bylaw, and the current Stormwater Drainage Bylaw would be automatically revoked on 25 May 2022.

4. ANALYSIS OF OPTIONS

- 4.1 Consulting on the draft Stormwater Bylaw (option one) will allow identified stakeholders and the wider community the opportunity to make formal submissions. This opportunity follows on from the informal engagement already carried out. The timeframe for the consultation process will enable the Council to receive written and oral submissions, deliberate on those submissions and adopt a final Bylaw before the existing Bylaw is automatically revoked in May 2022.
- 4.2 Not approving the draft Stormwater Bylaw for consultation (option two) and allowing the existing Bylaw to be automatically revoked would leave the Council with no means to require approvals for service connections or control the discharge of contaminants into the stormwater network. Option two represents a risk for the Council through potentially unregulated connections and uncontrolled discharge of contaminants into the public stormwater network and into receiving environments (such as waterways). Option two is therefore not recommended.

Proposed changes included in option one

- 4.3 The scope of potential changes to the current Bylaw are:

Part One - Introduction	Explanation
Clause 1 - Title	The word drainage has been removed from the title of the Bylaw to better reflect terminology used for the Council's 'three waters' (water, wastewater and stormwater) activities.
Clause 5 - Definitions	<p>New definitions have been added for:</p> <ul style="list-style-type: none"> • Council infrastructure • Excessive load • Private stormwater system • Redundant private stormwater system • Stormwater Management Plan • Stormwater contamination mitigation plan • Zone of influence <p>Amended definitions for:</p> <ul style="list-style-type: none"> • Public stormwater network • Stormwater <p>These definitions are needed for clarification and interpretation due to the proposed changes to the Bylaw, particularly in parts two and three.</p>

Part Two – Public stormwater network connections	Explanation
Clauses 6.1 – 6.5	These proposed changes are minor and relate to the approval processes for service connections and undertaking work that may impact on the public stormwater network.
Part Three – Protection of stormwater assets and network	Explanation
Clauses 7.1 – 7.3	These proposed changes are minor and seek to protect the public stormwater network from nuisance and damage.
Clause 8.1	These proposed changes broaden the scope from a focus on works near buried services to a consideration of the wider environment to protect the public stormwater network from damage when physical works may be occurring in the vicinity.
Clauses 9.1 – 9.3	<p>These proposed changes introduce new requirements for owners of private stormwater systems to operate and maintain these systems in a way that does not cause nuisance.</p> <p>Proposed clause 9.3 places obligations on owners or occupiers of watercourses, stopbanks, or other defences to water to maintain them in an operational state to ensure the free flow of water.</p>
Clauses 10.1 – 10.2	These proposed new clauses will enable the Council to require owners of private stormwater systems that have become redundant to remove or de-commission that system to prevent damage to the public stormwater network.
<p><u>Comments:</u></p> <p>Land development</p> <p>The overall performance of Council's stormwater network relies heavily on private stormwater systems being properly maintained. Council has encouraged more private on-site attenuation devices through land development but has a limited role to effectively manage private stormwater systems. Although there is some ability through the land development process for these devices to be operated (such as including this requirement on consent notices), the requirement for on-going</p>	

maintenance is not as clear. As a result, Council's legal ability to effectively act where systems are not maintained, is restricted. There is concern that if these private systems are not maintained by owners then more nuisance effects, such as more frequent flooding, will occur. The potential for increased nuisance is exacerbated by the rate of urban growth and intensification of the City. The changes to the proposed Bylaw therefore seek to strengthen Council's powers for private systems constructed as part of land development.

Clarifying the requirement to maintain private systems can be achieved through the Bylaw's proposed clauses and future referencing of the Stormwater Bylaw in consent conditions or consent notices. This in turn will strengthen Council's regulatory approach to follow-up any issues with private stormwater systems. Alongside regulatory improvements, Council plans to complement these new regulations with education programmes covering appropriate maintenance for private devices alongside a more proactive compliance role.

Building Act and Building Code

Under the principles of the Building Act 2004 owners of household units must ensure that maintenance requirements are reasonable and that owners are aware of maintenance requirements (section 4(2)(A)(i) and (ii)). The mandatory provisions for building work are contained in the New Zealand Building Code (NZBC) which comprises the First Schedule to the Building Regulations 1992. The relevant NZBC for Surface Water is E1 and has the objective of safeguarding people from injury or illness, and other property from damage, caused by surface water and to protect the outfalls of drainage systems. The NZBC sets out functionality and performance requirements for drainage systems, including a requirement to provide reasonable access for maintenance and clearing blockages.

Although the Building Act has maintenance as a principle, there is no enforcement of on-going maintenance of buildings post-construction. Council has no legal recourse for unmaintained buildings unless they become dangerous and unsanitary. The proposed Bylaw therefore will 'plug a gap' to take action with building owners where damage or nuisance may be a result of poor maintenance of drainage/private stormwater systems.

District Plan

Future changes to the District Plan to address stormwater detention, water sensitive design and restrict impervious surface, to regulate stormwater, are planned. At the moment there is a high degree of reliance on the Council's Engineering Standards to manage stormwater impacts from land development. These changes to the proposed Bylaw fill a gap until these District Plan changes become operative.

Summary

The proposed changes to the Bylaw regarding nuisance caused by private stormwater systems will enable Council to exercise its powers, including the option to enforce the Bylaw through prosecution, if required.

In part these changes protect the Council for future growth scenarios where the provision of more private on-site stormwater attenuation is forecasted.	
Part Four – Stormwater contamination mitigation	Explanation
Clause 11.1	This proposed change requires that any discharge of contaminants must pass through an approved stormwater treatment measure.
Clauses 12.1- 12.7	<p>Proposed changes to these clauses recognise that there was potential confusion in terminology between Stormwater Management Plans required under the land development process, and the type of plan required under this Bylaw to manage the discharge of contaminants to the network. The type of required under the Bylaw has therefore been renamed as a Stormwater Contamination Mitigation Plan.</p> <p>Proposed new clause 12.2 proposes that in the event of a discharge occurring, the owner or occupier is required to contact Council immediately and follow this up in writing. This change clarifies the expectations in circumstances where there may be adverse effects on people and the environment as a result of the discharge. This clause strengthens obligations to act to contain, divert or terminate the contamination and to put into place temporary measures to prevent recurrence or continuation of the contamination. The proposed changes include that all costs incurred by Council in responding to a contamination event will fall to the owner or occupier.</p> <p>The proposed removal of clause 11.7 from the 2015 Bylaw changes the focus from Council's withdrawal of approval or re-submission of the Stormwater Contamination Mitigation Plan to taking enforcement action.</p>
<p><u>Comments:</u></p> <p>A key issue managed through the proposed Bylaw is the risk associated with the discharge of contaminants into the public stormwater network,</p>	

particularly from heavy industry. Stormwater discharges into the public stormwater are not regulated by the Horizons Regional Council's One Plan (prepared under the Resource Management Act 1991 (RMA)). However, the end-point discharges into the receiving environment by Council's network are regulated by the One Plan through resource consents for stormwater discharges to water. Under the Waters Plan, Council intends that 'City-wide stormwater discharges are consented by Horizons Regional Council by 2024'. Council therefore needs to ensure that it has made its regulatory expectations clear around discharges of contaminants to the public stormwater network and mitigating any effects should they enter waterways.

5. CONCLUSION

- 5.1 Approving the draft Stormwater Bylaw and Administration Manual for public consultation (option one) is recommended. This will allow the process of making a new bylaw to proceed and be adopted in April 2022 before the current Bylaw is automatically revoked. The scope of the proposed changes has been limited by time constraints but does address issues identified through the review process. Formal consultation will provide the opportunity to receive submissions on the proposal. Further revision of the Bylaw may be appropriate following the development of the Stormwater Management Framework and the outcome of the Three Waters Reform.

6. NEXT ACTIONS

- 6.1 If the Council approves the draft Bylaw for public consultation, then the Consultation Document will be finalised for publication and the consultation process will begin.
- 6.2 A consultation plan will be developed and implemented providing opportunities for feedback on the proposal.
- 6.3 The proposed consultation period will run for a month over October and November 2021 (dates to be confirmed subject to Covid-19 alert level implications). The hearing of submissions is planned for December 2021. A final report, with staff advice on the issues raised by submitters, and recommendations on changes to the draft Bylaw and Administration Manual for adoption, will be presented to the Planning and Strategy Committee in March 2022. If the Committee recommends the Bylaw's adoption, then this will be confirmed by Council in April 2022.

7. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

- 7.1 As part of the Bylaw review, limited stakeholder engagement was undertaken with Horizons Regional Council, and Environment Network Manawātū. Initial feedback on the scope of potential changes identified:

- the challenges in understanding stormwater management regulatory mechanisms i.e. Council's Bylaw, the Engineering Standards for Land Development, and the District Plan rules.
- the need for better coherence of the overall stormwater management framework and understanding of how the Bylaw contributes to the overall outcomes for stormwater sought by the Council.
- definitions should reflect those in the RMA/National Planning Standards for consistency.
- support for adding maintenance obligations as there seems to be a gap in the regulatory framework for the region's territorial authorities.
- appreciation that the Bylaw could lead to higher level of enforcement, and 'draws a line' in terms of expected behaviour.
- concern about the increase in impervious surfaces that increase the demand on the network and an increase in contaminants.
- concern about contamination of plastics entering waterways, and how litter traps or modifications to outfalls can catch plastics before they enter waterways.
- provision of more active and appropriate education is required (and less reliance on guidance documents).

7.2 This initial feedback has been considered during the drafting of the Stormwater Bylaw. These comments are also useful to inform other work being undertaken to improve the management and operational processes of Council, including the development of the Stormwater Framework and to inform future changes to the District Plan.

7.3 Staff will continue to work alongside Rangitāne o Manawatū through the bylaw review process and at the monthly meetings.

Formal consultation process

7.4 Under s.156 of the LGA 2002 the Council is required to 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 the Council considers that there is a significant impact on the public due to the proposed Bylaw.


7.5 Based on the assessment of the specific requirements under the LGA 2002 for bylaw making, and taking into account the Significance and Engagement Policy, the special consultative procedure will be used for consultation on the draft Stormwater Bylaw.

7.6 The consultation document provided in attachment one includes the Statement of Proposal, the reasons for the proposal, and a summary of the determinations made by the Council under s.155 of the LGA 2002.

8. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	No
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	Yes
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 4: An Eco City	
The recommendations contribute to the achievement of action/actions in the Waters Plan	
The action is: Complete the review of the Stormwater Drainage Bylaw	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Approving the draft Stormwater Bylaw and Administration Manual for public consultation will progress the review of the Bylaw so that it can be adopted before it is automatically revoked in May 2022.

ATTACHMENTS

- Statement of Proposal - Stormwater Bylaw 2022 [↓](#) 



Palmerston North City Council
Draft Stormwater Bylaw 2022

Statement of Proposal

Introduction

The Council proposes to adopt a Stormwater Bylaw that will replace a current Bylaw that will expire in May 2022. The current Bylaw was adopted in 2015 and was required to be reviewed by May 2021. Delays caused by the response to the COVID-19 pandemic meant that review was not completed.

The proposed Bylaw largely continues the format and scope of the current Bylaw, with some amendments and improvements. The scope of the changes are set out in the following section.

The Proposal

The proposed Bylaw and Administration Manual include a number of changes. Some changes are minor, but a few are more significant, and these are explained below:

Part One - Introduction	Explanation
Clause 1 - Title	The word drainage has been removed from the title of the Bylaw to better reflect terminology used for the Council's 'three waters' (water, wastewater and stormwater) activities.
Clause 5 - Definitions	<p>New definitions have been added for:</p> <ul style="list-style-type: none"> • Council infrastructure • Excessive load • Private stormwater system • Redundant private stormwater system • Stormwater Management Plan • Stormwater contamination mitigation plan • Zone of influence <p>Amended definitions for:</p> <ul style="list-style-type: none"> • Public stormwater network • Stormwater <p>These definitions are needed for clarification and interpretation due to the proposed changes to the Bylaw, particularly in parts two and three.</p>
Part Two – Public stormwater network connections	Explanation
Clauses 6.1 – 6.5	These proposed changes are minor and relate to the approval processes for service connections and undertaking work that may impact on the public stormwater network.
Part Three – Protection of stormwater assets and network	Explanation
Clauses 7.1 – 7.3	These proposed changes are minor and seek to protect the public stormwater network from nuisance and damage.

Clause 8.1	These proposed changes broaden the scope from a focus on works near buried services to a consideration of the wider environment to protect the public stormwater network from damage when physical works may be occurring in the vicinity.
Clauses 9.1 – 9.3	<p>These proposed changes introduce new requirements for owners of private stormwater systems to operate and maintain these systems in a way that does not cause nuisance.</p> <p>Proposed clause 9.3 places obligations on owners or occupiers of watercourses, stopbanks, or other defences to water to maintain them in an operational state to ensure the free flow of water.</p>
Clauses 10.1 – 10.2	These proposed new clauses will enable the Council to require owners of private stormwater systems that have become redundant to remove or de-commission that system to prevent damage to the public stormwater network.
<p><u>Comments:</u></p> <p>Land development</p> <p>The overall performance of Council's stormwater network relies heavily on private stormwater systems being properly maintained. Council has encouraged more private on-site attenuation devices through land development but has a limited role to effectively manage private stormwater systems. Although there is some ability through the land development process for these devices to be operated (such as including this requirement on consent notices), the requirement for on-going maintenance is not as clear. As a result, Council's legal ability to effectively act where systems are not maintained, is restricted. There is concern that if these private systems are not maintained by owners then more nuisance effects, such as more frequent flooding, will occur. The potential for increased nuisance is exacerbated by the rate of urban growth and intensification of the City. The changes to the Bylaw therefore seek to strengthen Council's powers for private systems constructed as part of land development.</p> <p>Clarifying the requirement to maintain private systems can be achieved through the Bylaw's proposed clauses and future referencing of the stormwater bylaw in consent conditions or consent notices. This in turn will strengthen Council's regulatory approach to follow-up any issues with private stormwater systems. Alongside regulatory improvements, Council plans to complement these new regulations with education programmes covering appropriate maintenance for private devices alongside a more proactive compliance role.</p> <p>Building Act and Building Code</p> <p>Under the principles of the Building Act 2004 owners of household units must ensure that maintenance requirements are reasonable and that owners are aware of maintenance requirements (section 4(2)(A)(i) and (ii)). The mandatory provisions for building work are contained in the New Zealand Building Code (NZBC) which comprises the First Schedule to the Building Regulations 1992. The relevant NZBC for Surface Water is E1 and has the objective of safeguarding people from injury or illness, and other property from damage, caused by surface water and to protect the outfalls of drainage systems. The NZBC sets out functionality and performance requirements for drainage systems, including a requirement to provide reasonable access for maintenance and clearing blockages.</p>	

Although the Building Act has maintenance as a principle, there is no enforcement of on-going maintenance of buildings post-construction. Council has no legal recourse for unmaintained buildings unless they become dangerous and unsanitary. The proposed Bylaw therefore will 'plug a gap' to take action with building owners where damage or nuisance may be a result of poor maintenance of drainage/private stormwater systems.

District Plan

Future changes to the District Plan to address stormwater detention, water sensitive design and restrict impervious surface, to regulate stormwater, are planned. At the moment there is a high degree of reliance on the Council's Engineering Standards to manage stormwater impacts from land development. These changes to the proposed Bylaw fill a gap until these District Plan changes become operative.

Summary

The proposed changes to the bylaw regarding nuisance caused by private stormwater systems will enable Council to exercise its powers, including the option to enforce the Bylaw through prosecution, if required. In part these changes protect the Council for future growth scenarios where the provision of more private on-site stormwater attenuation is forecasted.

Part Four – Stormwater contamination mitigation	Explanation
Clause 11.1	This proposed change requires that any discharge of contaminants must pass through an approved stormwater treatment measure.
Clauses 12.1 - 12.7	<p>Proposed changes to these clauses recognise that there was potential confusion in terminology between Stormwater Management Plans required under the land development process, and the type of plan required under this bylaw to manage the discharge of contaminants to the network. The type of required under the Bylaw has therefore been renamed as a Stormwater Contamination Mitigation Plan.</p> <p>Proposed new clause 12.2 proposes that in the event of a discharge occurring, the owner or occupier is required to contact Council immediately and follow this up in writing. This change clarifies the expectations in circumstances where there may be adverse effects on people and the environment as a result of the discharge. This clause strengthens obligations to act to contain, divert or terminate the contamination and to put into place temporary measures to prevent recurrence or continuation of the contamination. The proposed changes include that all costs incurred by Council in responding to a contamination event will fall to the owner or occupier.</p> <p>The proposed removal of clause 11.7 from the 2015 Bylaw changes the focus from Council's withdrawal of approval or re-submission of the Stormwater</p>

	contamination mitigation plan to taking enforcement action.
<p><u>Comments:</u></p> <p>A key issue managed through the proposed Bylaw is the risk associated with the discharge of contaminants into the public stormwater network, particularly from heavy industry. Stormwater discharges into the public stormwater are not regulated by the Horizons Regional Council's One Plan (prepared under the Resource Management Act 1991 (RMA)). However, the end-point discharges into the receiving environment by Council's network are regulated by the One Plan through resource consents for stormwater discharges to water. Under the Waters Plan, Council intends that 'City-wide stormwater discharges are consented by Horizons Regional Council by 2024'. Council therefore needs to ensure that it has made its regulatory expectations clear around discharges of contaminants to the public stormwater network and mitigating any effects should they enter waterways.</p>	

There are several minor and consequential changes throughout the proposed Bylaw and Administration Manual. Examples are updating dates, minor changes to definitions and re-ordering of content.

The proposed bylaw already enables authorised delegated persons to specify forms and procedures for the effective administration of the Bylaw and so the form has been removed.

Reason for the Proposal

The main reason for the proposal is that the current Bylaw has expired and will be automatically revoked on 25 May 2022 unless it is replaced earlier. The proposed Bylaw will therefore replace the current Bylaw so that the Council can continue to regulate particular aspects of stormwater.

S155 Determination

Under S155 of the Local Government Act 2002, the Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem. A report on these determinations is required to be included in this Statement of Proposal.

On 9 September 2020 the Planning and Strategy Committee received a report that detailed the perceived problems for stormwater. The report also evaluated whether a bylaw was the most appropriate way of addressing the perceived problems, considered whether the form of the bylaw was the most appropriate form, and whether any such bylaws would be likely to give rise to concerns under the Bill of Rights Act 1990.

As a result of that report, the Committee made the following determinations in respect of stormwater:

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."

Consultation process

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

This Statement of Proposal, and the submission form can be found at:

- Palmerston North City Council website:
<http://www.pncc.govt.nz/yourcouncil/consultations-initiatives-andprojects/consultations/>
- Customer Service Centre, Palmerston North City Council, Te Marae o Hine The Square, Palmerston North; and
- Central Library, The Square, Palmerston North, and the libraries at Ashhurst, Awapuni, Roslyn, Linton and Te Pātikitiki/Highbury.

You are 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 a Committee meeting likely to be held in December 2021. 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 Guardian newspapers.

To get your submission to us, either:

Submit online: <http://www.pncc.govt.nz/yourcouncil/consultations-initiatives-andprojects/consultations/>

Mail to: Draft Stormwater Bylaw 2022 Submissions, Democracy and Governance Team, Palmerston North City Council, Private Bag 11034, Palmerston North 4442

Deliver to: Palmerston North City Council Customer Service Centre, 32 Te Marae o Hine The Square, Palmerston North

Email to: submission@pncc.govt.nz (subject "Draft Stormwater Bylaw 2022")

Phone: 06 356 8199

Fax to: 06 355 4115

The submission period runs from **XX October to 4pm XX November 2021.**

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 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.

- Draft Stormwater Bylaw for consultation
- Draft Administration Manual for consultation



PALMERSTON NORTH CITY

PALMERSTON NORTH
STORMWATER ~~DRAINAGE~~ BYLAW ~~2015~~
2022

Contents

PART ONE – INTRODUCTION	3
1 Title.....	3
2 Purpose.....	3
3 Commencement.....	3
4 Repeal	3
5 Definitions	3
PART TWO – PUBLIC STORMWATER NETWORK CONNECTIONS.....	11
6 Connections to the public stormwater network	11
PART THREE – PROTECTION OF STORMWATER ASSETS AND THE PUBLIC STORMWATER NETWORK.....	12
7 Protection of the public stormwater network	12
8 Working in close proximity to the public stormwater network	13
PART FOUR – STORMWATER CONTAMINATION MITIGATION	15
11 Discharge of contaminants to the public stormwater network	15
12 Requirement to prepare a Stormwater Contamination Mitigation Plan	15
PART FIVE – ENFORCEMENT.....	18
13 Offences and Penalties.....	18
PART SIX – BYLAW ADMINISTRATION.....	19
14 Delegations	19
15 Permits	20
16 Approvals	20
17 Fees and Charges	21

PALMERSTON NORTH STORMWATER ~~DRAINAGE~~ BYLAW ~~2015~~ 2022

PART ONE – INTRODUCTION

1 Title

- 1.1 The title of this Bylaw is the Palmerston North Stormwater ~~Drainage~~ Bylaw ~~2022~~15.

2 Purpose

- 2.1 This Bylaw is made under the authority of the Local Government Act 2002 for the purpose of ensuring that the stormwater system is managed by Palmerston North City Council in such a manner that it promotes a sustainable urban drainage systems (SUDS) approach, while safeguarding public health, property, and the environment in order to minimise the impact of flooding, erosion and environmental pollution.

3 Commencement

- 3.1 This Bylaw comes into force on ~~1 July 2015~~ 24 May 2022.

4 Repeal

- 4.1 The Palmerston North ~~Trade Waste and~~ Stormwater ~~Drainage~~ Bylaw ~~2008 2015 Part 4: Clause 26~~ is repealed at the commencement of this bylaw. ~~with effect from midnight on 30 June 2015.~~

5 Definitions

~~For the purpose of the Bylaw and Administration Manual, unless inconsistent with the context, In this Bylaw, unless the context requires otherwise,~~ the following definitions apply:

Administration manual means the Administration manual for the Palmerston North Stormwater ~~Drainage~~ Bylaw ~~2015~~ 2022 as approved by the Council when the Palmerston North Stormwater ~~Drainage~~ Bylaw ~~2015~~ 2022 was made and as amended from time to time by delegated authority under the Bylaw.

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

Authorised officer/agent	means an officer or an agent appointed by the Council and given powers to perform duties and functions under this Bylaw, and includes an enforcement officer appointed under section 177 of the Local Government Act 2002.
Bylaw	means the Palmerston North Stormwater Drainage Bylaw 2015 <u>2022</u> .
Catchment	means the area of land within which stormwater flows (whether by gravity, pumping, piping or otherwise) to a given point.
Catchment management plan	means a plan prepared by or for Council for the understanding, control and management of stormwater and stormwater related hazards within a catchment.
Certificate of Title	means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.
Commercial premises	means: <ul style="list-style-type: none"> (a) Any premises used or intended to be used for any commercial, industrial or trade purpose; (b) Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; (c) Any other premises from which a contaminant is discharged in connection with any industrial or commercial process; or (d) Any other premises discharging other than domestic sewage; and includes any land or premises wholly or mainly used for agricultural or horticultural purposes, including composting organic materials.
Council	means the Palmerston North City Council and includes any person or Committee acting under authority duly delegated by the Palmerston North City Council.

Contaminant	<p>includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms but excluding precipitation) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat—</p> <p>(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or</p> <p>(b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; <u>or as described in the Resource Management Act 1991.</u></p>
<u>Council infrastructure</u>	<u>any physical assets owned by Council, either above ground or buried, for the purpose of providing services e.g. water, wastewater, stormwater.</u>
Customer	means a person who has obtained permission from the Council to connect their premises to the public stormwater drainage network.
Development	in relation to any land means altering the stormwater runoff characteristics of that land including by stormwater drainage works, building work, subdivision or change of use or ground cover.
Dwelling	includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the ground or not, used wholly or partly for human habitation, and includes the land accessory to a dwelling.
Engineering Standards for Land Development	means the current version of the Council's engineering standards detailing the standards to be achieved when carrying out land development.
<u>Excessive load</u>	<u>means total volume or peak flow discharges to the network which exceeds the proportion of the available capacity within the network available to the site based on the impermeable site area.</u>

Flood plain	means a low-lying area which is expected to or predicted to flood in a storm event usually described as an Average Return Interval (ARI) 20-year event.
Flood risk area	means an area which may be at risk of flooding in an (ARI) 20-year event.
Memorandum of Encumbrance	means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rent charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.
Nuisance	<p>has the same meaning as Section 29 of the Health Act 1956 and includes a person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort or convenience of another person; and in the context of this Bylaw also includes but is not limited to:</p> <ul style="list-style-type: none"> (a) danger to life; (b) danger to public health; (c) flooding of any building floor or sub-floor, or public roadway; (d) damage to property; (e) damage to the public stormwater drainage network; (f) erosion or subsidence of land; (g) long- or short-term adverse effects on the environment; (h) adverse loss of riparian vegetation; (i) wastewater overflow to land or water; (j) anything that causes a breach of any stormwater discharge consent condition binding the Council, (including an accumulation of chemicals causing a breach).
Occupier	means any person or company who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner's agent.

Overland flow path	means a path along or across any land where surface water is predicted or observed to flow and is likely to cause flooding of more than a minor nature.
Person	includes a corporation sole and a body of persons, whether incorporated or not.
Point of connection	means the boundary between the public stormwater drainage network and a private stormwater system drain . The point of connection is the point on the public stormwater drainage network which marks the boundary of responsibility between the owner of the premises and the Council, irrespective of property boundaries to the maximum distance of 30 metres from the relevant property boundary.
Premises	include the following: <ul style="list-style-type: none"> (a) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; (b) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; (c) land held in public ownership (e.g. reserve) for a particular purpose; (d) individual units in buildings which are separately leased or occupied.
Private Drain	means that section of drain between the premises and the point of connection to the public stormwater drainage network, being a pipe or channel or other method of conveying stormwater from the premises. This section of drain is owned and maintained by the owner of the premises.

Private stormwater system

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

Public stormwater drainage network

means~~includes~~:

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

Permit

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

Redundant private stormwater system

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

Road Controlling Authority

In relation to a road:

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

Service opening

means a manhole, or similar means for gaining access for inspection, cleaning or maintenance of a public stormwater ~~drainage~~ network.

Soakpit

means an underground storage compartment designed for the on-site retention of stormwater or other surface water flows that is emptied by soakage to the underlying material.

Stormwater Management Plan

~~means:~~

~~(a) for residential premises, a plan of the site that shows the location of private drainage pipes and/or other private drainage elements such as soakpits;~~

~~(b) for commercial premises, a plan of the site and its immediate catchment that shows how the drainage of all stormwater will be managed, including pipe layout and surface stormwater management measures."~~

means the plan required as a condition of subdivision consent which details specific management approaches and measures and/or devices to be constructed to mitigate both stormwater quantity and quality effects within the catchment and receiving environment.

Stormwater

~~means all surface water run-off resulting from precipitation.~~

means run-off that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any structure, as a result of precipitation and includes any contaminants contained within.

**Stormwater
contamination
mitigation plan**

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

**Stormwater attenuation
measure**

means any measure or device step ~~such as a retention pond or rain garden~~ designed to ~~retain~~ or attenuate stormwater on the premises and limit its peak outflow or volume or both from the premises into the public stormwater ~~drainage~~ network.

**Stormwater treatment
measure**

means any measure or device step designed to remove contaminants from stormwater on the premises prior to its discharge to the public stormwater network.

Zone of influence

means waterway area or any overland flow path leading to or from the public stormwater network.

PART TWO – PUBLIC STORMWATER ~~DRAINAGE~~ NETWORK CONNECTIONS

6 ~~APPLICATION TO CONNECT~~ Connections to the public stormwater network

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

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

7 Protection of the public stormwater network

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

- (a) Stop, obstruct, alter, interfere with or divert any stormwater drain or any part of the public stormwater ~~drainage~~-network in a manner that may cause blockage or nuisance to the public stormwater network;
- (b) Alter, interfere with or divert any stormwater via any private pipe, drain or overland flow path such that the discharge enters the public wastewater system;
- (c) Erect any defence, structure or stopbank, grow any vegetation, deposit any rubbish or other debris in any public stormwater drain, flood plain, flood risk area or overland flow path identified by the Council, or carry out any activity in a place or manner that affects the functioning of or causes nuisance to the public stormwater ~~drainage~~-network;
- (d) Obstruct any overland flow paths identified by the Council or flood plains with any material or structures such as buildings, fences, retaining walls and rock gardens;
- (e) Deposit or permit any material, hazardous material, chemical, rubbish, litter or other substance, likely to cause a nuisance on entering the public stormwater drainage network, to be located or stored in such a manner that it could enter the public stormwater drainage network (directly or indirectly) in any storm event, unless it has first passed through an industry standard oil separation or treatment device;
- (f) Carry out any of the above with the consequence that it adversely affects land or buildings including other land and buildings on other land.

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

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

78 Working in close proximity to the public stormwater network AROUND BURIED SERVICES

8.1 A person must obtain approval from Council before:

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

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

8.3 Any person proposing to carry out excavation work must first view the as-built information on Council records concerning the location of Council infrastructure to establish whether ~~or not~~ Council infrastructure is located in the vicinity.

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

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

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

9 Operation and maintenance of private stormwater systems

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

10 Removal of redundant private stormwater systems

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

PART ~~FOUR~~ ~~THREE~~ – STORMWATER CONTAMINATION MITIGATION POLLUTION PREVENTION

8.11 Discharge of contaminants to the public stormwater network ~~PROTECTION OF NETWORK AND ENVIRONMENT~~

11.1 No person may discharge or permit any contaminant to enter the public stormwater drainage network unless that discharge is approved by the Council. ~~permitted by this bylaw or prior written permission has been obtained from the Council.~~

11.2 ~~No person may discharge, deposit or permit any contaminants, material, chemical, rubbish, litter or other substance, likely to cause a nuisance on entering the public stormwater network, unless that discharge has passed through an approved stormwater treatment measure.~~

~~8.11.3~~ 11.3 No person may store raw material, products or waste containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the stormwater stream in the public stormwater drainage network, may:

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

9.12 Requirement to prepare a Stormwater ~~contamination mitigation plan~~ ~~Management Plans~~

~~9.12.1~~ 12.1 If any existing commercial, industrial, trade or other premise discharges contaminants to the public stormwater ~~drainage~~ network in a manner that may damage the public stormwater ~~drainage~~ network, the environment or adversely affect the health and safety of Council staff and the public, the owner or occupier must verbally advise ~~the~~ Council staff immediately and as soon as practically possible in writing thereafter. ~~in writing as soon as practically possible.~~

12.2 ~~The owner or occupier must make every effort to immediately contain, divert and/or terminate the contamination and put in place temporary measures to prevent a recurrence or a continuation of the contamination. The owner or occupier shall be responsible for any costs incurred by Council in responding to and following up on the contamination.~~

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

9.312.4 The Stormwater contamination mitigation Management Plan must include:

- (a) A suitably scaled drawing showing the site layout, boundaries, all private stormwater and wastewater drainage including the point or points of connection to the public stormwater drainage network, relevant buildings and outdoor spaces (including their use);
- (b) A site assessment identifying all actual and potential sources of stormwater contamination;
- (c) Methods in place to prevent contamination of the public stormwater drainage network;
- (d) Methods and timeframes proposed to control contamination of the public stormwater drainage network;
- (e) A description of the maintenance procedures in place and proposed; and
- (f) Spill prevention and spill response procedures.

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

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

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

9.712.8 The Council may require that any Stormwater contamination mitigation Management Plan be revised where there have been

significant changes in the facility concerned or its operational procedures.

~~9.8 If the requirements of a Stormwater Management Plan are not complied with, the Council may at any time give 5 working days' notice withdrawing its approval for that Stormwater Management Plan, and may require that a new Stormwater Management Plan is submitted to the Council for approval.~~

PART ~~FIVE~~ **FOUR** – ENFORCEMENT

~~10.13~~ Offences and Penalties

~~10.1~~ **13.1** Every person who:

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

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

~~10.2~~ **13.2** The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under Section 259 of the LGA Act 2002. The Council may exercise any other statutory remedies available to the Council.

PART ~~SIX FIVE~~ – BYLAW ADMINISTRATION

~~11.14~~ Delegations

~~11.14.1~~ 14.1 The following people are authorised delegates under this Bylaw:

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

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

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

~~(f) —.~~

~~11.214.3~~ 14.3 The Council by resolution may amend the Administration Manual. Before amending the Administration Manual, the Council must consult appropriately and in accordance with the Local Government Act 2002 with any person that it considers may be affected by the proposed amendments and give those persons a reasonable opportunity to provide feedback on the proposed amendments before they come into

effect. The Council must have regard to that feedback before making any final decision on the proposed amendments.

~~11.3~~14.4 All ~~forms~~, specifications, conditions or methods for this Bylaw must be in writing and kept in the Administration Manual for this Bylaw called the Stormwater ~~Drainage~~ Bylaw Administration Manual (except those contained in the Engineering Standards for Land Development) and shall be available to the public.

~~11.4~~14.5 Every exercise of a power of delegation under this clause must be reported to Council if not exercised by Council by resolution provided that failure to report does not invalidate the exercise of the delegate's power.

~~12~~15 Permits

~~12.1~~15.1 Where an activity under this Bylaw requires a permit from the Council, the person seeking a permit must:

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

~~12.2~~15.2 A permit may include, in addition to conditions incorporated by this Bylaw, conditions that the Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw and minimise the risk of nuisance. A permit is only for the activity or work detailed in the application, subject to any limitations or controls set in conditions.

~~12.3~~15.3 The Council may grant a permit for an activity that would otherwise contravene this Bylaw.

~~12.4~~15.4 A permit is personal to the applicant and is not transferable.

~~12.5~~15.5 An authorised officer may revoke or suspend any permit issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the authorised office may consider appropriate in the circumstances to protect public health and safety or to minimise nuisance.

~~13~~16 Approvals

~~13.1~~16.1 Where approval from the Council is required under this Bylaw, any application for such approval will be considered, and a decision

made, within 15 working days, unless a different timeframe is explicitly provided for in the Bylaw.

~~13.2~~16.2 Where further information is required to enable the application to be considered and a decision made, but is not supplied at the time of application, then the timeframe for making the decision will be suspended until such time as the information requested is supplied.

~~14.1~~17 Fees and Charges

~~14.1~~17.1 The Council may set fees and charges in accordance with section 150 of the Local Government Act 2002 for the connection of stormwater and related services.

~~14.2~~17.2 All fees and charges payable under this Bylaw shall be recoverable as prescribed by sections 57 to 82 of the Local Government (Rating) Act 2002.



PALMERSTON NORTH CITY

**PALMERSTON NORTH
STORMWATER ~~DRAINAGE~~ BYLAW**

202215

Administration Manual

Contents

Part One – Introduction.....4

Part Two – Standard conditions for stormwater connections5

~~Appendix 1 – Application for stormwater drainage connection10~~

DRAFT FOR CONSULTATION

Document control

Version No.	Reason for amendment	Date
1.0	Adopted by Council	25 May 2015
2.0	Updating Service Connection Form	28 November 2017

Authorisation

	Name	Signature	Date
Prepared by			
Reviewed by			
Authorised by			

PART ONE – INTRODUCTION

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

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

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

PART TWO – STANDARD CONDITIONS FOR STORMWATER CONNECTIONS

1 APPLICATION FOR CONNECTION

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

- 1.6 The cost of ~~the all~~ stormwater ~~system drainage~~ for the purpose of land development will be at the landowner's cost unless the Council agrees in writing to share costs.

~~1.7 When the stormwater arising from a new connection is such that it exceeds the defined level of service for the Council's stormwater network, Council may require the installation or construction of private stormwater attenuation measures to retard the flow of stormwater or to limit the volume of extra stormwater produced from new connections or developments. Any such attenuation measures must be constructed at the land owner's expense. The land owner must also meet the costs of the required maintenance and servicing program.~~

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

2 ACCESS

- 2.1 The owner or occupier of a premises must allow the Council, or its agents, together with any necessary equipment, access to any ~~affected~~ area of ~~at their~~ premises served by or contributing stormwater to a public stormwater system and about the point of connection for the purposes of:

- (a) monitoring, testing, and maintenance work between 7.30 am and 6 pm on any day.
- (b) ascertaining whether non-complying connections have been constructed.~~made~~
- (c) ascertaining whether any non-compliant activities are impacting on the public stormwater network. ~~the drains are being misused~~
- (d) ascertaining whether overland flow paths have been compromised in any way.

- 2.2 The Council will give 24 hours' notice to the owner or occupier ~~customer~~ of the intended entry.

- 2.3 Under emergency conditions the owner or occupier ~~customer~~ must allow the Council free access to ~~and about~~ the point of connection at any time ~~hour~~.

3 WORKS OVER OR NEAR PUBLIC STORMWATER ~~DRAINAGE~~ NETWORKS

3.1 Building or loading over the public stormwater ~~drainage~~ network, or excavation near such networks, is controlled by this section.

3.2 Buildings may be ~~constructed built~~ over ~~stormwater pipes in the piped sections of the~~ public stormwater ~~drainage~~ network with the permission of the Council ~~provided and on~~ the following ~~requirements are met~~~~terms unless varied~~:

- (a) Sufficient investigation is undertaken to accurately determine the stormwater location and depth, and to establish that the stormwater pipe ~~is in a condition where it~~ has a remaining life of at least 50 years. To verify the remaining life of the pipe the Council will require a CCTV video inspection to be undertaken at the applicant's cost;
- (b) ~~Where, or carry out remedial work or relaying of the stormwater pipe is assessed to have a life of less than to achieve a 50 years remaining life the applicant will be required to renew the pipe at their cost. Council will commission a condition video inspection of the pipe at the applicants' cost;~~
- (c) Bore piling the building to a minimum 1.0 metre clear distance either side of the pipe to below the invert and ensuring that no building loads are transferred to the stormwater pipe and that it is possible to excavate down to the stormwater pipe without threat to the building;
- (d) Providing two service openings into the pipe between 2.0 and 3.0 metres from the edge of the building at the point it enters and leaves the building (unless there is an existing service opening within 10 metres), provided that the stormwater pipe lies in a straight line and that there are no connections between these service openings;
- (e) Carrying out all work on and around the public stormwater ~~drainage~~ network in accordance with Council's Engineering Standards for Land Development; and
- (f) Identifying and protecting the Council's interest in the stormwater pipe by a Memorandum of Encumbrance and Deed of Covenant against the Certificate of Title.

3.23.3 The requirements of sections 3.2 (d) and (e) may be relaxed for the construction of light weight buildings such as single car garages or utility sheds subject to the written approval of Council.

3.33.4 No person may cause the crushing load imposed on a public stormwater pipe to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by NZ Transport Agency Bridge Manual).

3.43.5 No person may place any additional load exceeding 2000 kg of material over or within 1 metre of a public stormwater drainage network without prior written Council approval.

3.53.6 No person may cover any service openings without prior written Council approval. The removal of any covering material or adjustment to service the openings as a result of covered materials may be at the land owner's expense.

3.63.7 No person shall excavate, or undertake piling or similar work within 1 metre of a stormwater pipe or culvert, without prior Council approval.

3.73.8 Other restrictions may be applied by the Council for the protection of the public drainage network, including overland flow paths or natural drainage features, after consideration of proposed work methods, depth of excavation, soil physical properties, and other site-specific factors.

4 POINT OF CONNECTION

4.1 Unless otherwise approved there shall only be one point of connection to the public stormwater ~~drainage~~-network for each premises, and any private stormwater system drain shall not be extended by pipe or any other means to serve another premises unless it is a common private stormwater system drain.

4.2 For single dwelling units the point of connection must be located at the boundary or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be obtained in writing from the Council and recorded on the site drainage plan.

4.3 Where a private stormwater connection drain discharges into the public stormwater ~~drainage~~-network on the ~~that~~ same private property, the point of connection shall be the downstream end of the pipe or channel which forms the junction with the public network.

4.4 For multiple dwelling units or if more than one point of connection is required the point of connection for the different forms of multiple ownership of premises or land shall be as follows:

- (a) For company share/block scheme (body corporate) - as for single ownership in section 4.2;
- (b) For Leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate). Where practicable each owner shall have an individual drain with the point of connection determined by agreement with the Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement;
- (c) Recorded on the site drainage plan;

- 4.5 For stormwater connections in existence prior to this bylaw coming into effect ~~of this bylaw~~, the point of connection shall be the existing point of connection;
- 4.6 Common private ~~stormwater systems drains~~ cannot serve more than a maximum of five single dwelling units, and must also have only one point of connection (in common). Common ~~stormwater systems drains~~ must be covered by a certificate recording the rights of each party, which ~~shall be~~ is registered against the certificate of title for each property.

5 LIABILITY

- 5.1 The Council shall not be liable for any losses, damages expenses or inconvenience including any consequential losses whatsoever and however caused which the customer may sustain as a result of any defects, deficiencies or inadequate capacity in the public stormwater drainage network including where this interrupts stormwater drainage or causes surface flooding.

COMMITTEE WORK SCHEDULE

TO: Planning & Strategy Committee

MEETING DATE: 8 September 2021

TITLE: Committee Work Schedule - September 2021

RECOMMENDATION(S) TO PLANNING & STRATEGY COMMITTEE

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

ATTACHMENTS

1. Committee Work Schedule September 2021 [↓](#) 

PLANNING & STRATEGY COMMITTEE

COMMITTEE WORK SCHEDULE – SEPTEMBER 2021

Item No.	Estimated Report Date	Subject	Person Responsible	Current Position	Date of Instruction/ Point of Origin
1.	September 2021	Draft Support and Funding Policy – Approval for Consultation	Chief Planning Officer		Community Development Committee 12 May 2021 Clause 16-21
2.	October 2021	The Future Use of 17 Summerhays Street: Deliberations on Submissions	Chief Planning Officer		11 August 2021 Clause 22-21
3.	October 2021	The Future Use of Huia Street Reserve – Update Report	Chief Planning Officer		14 October 2020 Clause 40-20
4.	TBA	Transport Portfolio	Councillor Brent Barrett		
5.	December 2021	Draft Trade Waste Bylaw – Hearing and Summary of Submissions	Chief Planning Officer		11 August 2021 Clause 25-21
6.	February 2022	Draft Procurement Policy targeting social and environmental impact	Chief Financial Officer	Policy with senior management	19 August 2019 Clause 54.3
7.	June 2022	Palmerston North Civic and Cultural Precinct Masterplan	Chief Planning Officer	Project setup	1 April 2019 Clause 16.1 11 August 2021 Clause 27-21
8.	TBC 2022	Licensing, Regulatory and Service Provision Tools for Waste Minimisation, and Impact Council Service Provision has on Commercial Sector	Chief Infrastructure Office / Chief Planning Officer		11 August 2021 Clause 24-21
9.	TBC 2022	Draft Waste Management and Minimisation Bylaw – Approval for Consultation	Chief Planning Officer		11 August 2021 Clause 24-21

Oasis # 13971441