



PALMERSTON NORTH CITY COUNCIL

AGENDA

PLANNING & STRATEGY COMMITTEE

9AM, WEDNESDAY 14 SEPTEMBER 2022
COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING
32 THE SQUARE, PALMERSTON NORTH

MEMBERS

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

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

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

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

Chris Dyhrberg

Acting Chief Executive | PALMERSTON NORTH CITY COUNCIL

Te Marae o Hine | 32 The Square
Private Bag 11034 | Palmerston North 4442 | New Zealand
pncc.govt.nz

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NORTH
CITY

PLANNING & STRATEGY COMMITTEE MEETING

14 September 2022

ORDER OF BUSINESS

1. Apologies

2. Notification of Additional Items

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

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

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

3. Declarations of Interest (if any)

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

4. Public Comment

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

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

5. **Confirmation of Minutes** Page 7
 "That the minutes of the Planning & Strategy Committee meeting of 10 August 2022 Part I Public be confirmed as a true and correct record."

6. **Review of the Palmerston North Local Approved Products Policy** Page 13
 Memorandum, presented by Julie Macdonald, Strategy and Policy Manager.

7. **Annual Section 10A Dog Control Act 1996 Report** Page 29
 Memorandum, presented by Jason Rosenbrock, Environmental Protection Services Manager.

8. **Wastewater Discharge Consent Project - Progress Update** Page 43
 Memorandum, presented by Mike Monaghan, Group Manager - 3 Waters.

9. **Committee Work Schedule** Page 53

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	Ground(s) under Section 48(1) for
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		relation to each matter	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 10 August 2022, commencing at 9.00am.

Members Present: Councillors Aleisha Rutherford (in the Chair), Brent Barrett, Rachel Bowen, Zulfiqar Butt, Patrick Handcock ONZM, Lorna Johnson, Bruno Petrenas and Orphée Mickalad.

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

Apologies: The Mayor (Grant Smith) (late arrival) and Councillors Vaughan Dennison, Renee Dingwall (late arrival), Leonie Hapeta (late arrival) and Billy Meehan.

The Mayor (Grant Smith) entered the meeting at 9.28am during consideration of clause 36. He was not present for clauses 33 to 35 inclusive.

Councillor Leonie Hapeta entered the meeting at 9.36am during consideration of clause 36. She was not present for clauses 33 to 35 inclusive.

Councillor Rachel Bowen was not present when the meeting resumed at 11.00am. She entered the meeting again at 11.32am during consideration of clause 38. She was present for all clauses.

Councillor Renee Dingwall was present when the meeting resumed at 11.32am. She was not present for clauses 33 to 37 inclusive.

Councillor Aleisha Rutherford left the meeting at 12.00pm at the conclusion of clause 39. She was not present for clause 40 and 41.

33-22 Apologies

Moved Aleisha Rutherford, seconded Rachel Bowen.

The COMMITTEE RESOLVED

1. That the Committee receive the apologies.

Clause 33-22 above was carried 11 votes to 0, the voting being as follows:

For:

Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Lew Findlay QSM, Patrick Handcock ONZM, Lorna Johnson, Karen Naylor, Bruno Petrenas and Orphée Mickalad.

34-22 Public Comment

Annette Nixon made public comment regarding the Panako Park report, clause 36-22 (item 6 on the Agenda).

Moved Aleisha Rutherford, seconded Lorna Johnson.

The COMMITTEE RESOLVED

1. That the public comment be received for information.

Clause 34-22 above was carried 11 votes to 0, the voting being as follows:

For:

Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Lew Findlay QSM, Patrick Handcock ONZM, Lorna Johnson, Karen Naylor, Bruno Petrenas and Orphée Mickalad.

35-22 Confirmation of Minutes

Moved Aleisha Rutherford, seconded Brent Barrett.

The COMMITTEE RESOLVED

1. That the minutes of the Planning & Strategy Committee meeting of 8 June 2022 Part I Public be confirmed as a true and correct record.

Clause 35-22 above was carried 11 votes to 0, the voting being as follows:

For:

Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Lew Findlay QSM, Patrick Handcock ONZM, Lorna Johnson, Karen Naylor, Bruno Petrenas and Orphée Mickalad.

36-22 Panako Park - Strategic Options Review

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

The Mayor (Grant Smith) entered the meeting at 9.28am.
Councillor Leonie Hapeta entered the meeting at 9.36am.

Moved Lorna Johnson, seconded Lew Findlay QSM.

The COMMITTEE RECOMMENDS

1. That Council instruct the Chief Executive to investigate the level of community demand for recreation and community use with a view to retaining Panako Park and the Girl Guide Hall for community use.

Clause 36-22 above was carried 13 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, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Karen Naylor, Bruno Petrenas and Orphée

Mickalad.

37-22

Palmerston North Integrated Transport Initiative (PNITI)

Memorandum, presented by Vinuka Nanayakkara, Senior Transport Planner and Lisa Malde, Regional Principal Transport Planner – Waka Kotahi Central North Island.

Moved Aleisha Rutherford, seconded Grant Smith.

The **COMMITTEE RECOMMENDS**

1. That Council endorse the Palmerston North Integrated Transport Initiative (PNITI) as a key strategic document to inform future transport and land-use decisions, including future District Plan Changes, Asset Management Plans, Annual Budgets and Long-Term Plans.

Clause 37-22 above was carried 12 votes to 1, the voting being as follows:

For:

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

Against:

Councillor Brent Barrett.

The meeting adjourned at 10.37am.

The meeting resumed at 11.00am.

Councillor Rachel Bowen was not present when the meeting resumed.

Councillor Renee Dingwall was present when the meeting resumed.

38-22

Update on the options and value proposition of providing free bus fares for priority groups

Memorandum, presented by Vinuka Nanayakkara, Senior Transport Planner and Mark Read, Manager Transport Services Horizons Regional Council.

In discussion it was suggested that there should be community feedback on the zero fare urban bus services and that Horizons Regional Council should consider going out for consultation on this.

Councillor Rachel Bowen entered the meeting at 11.32am.

Moved Brent Barrett, seconded Lorna Johnson.

The **COMMITTEE RESOLVED**

1. That the Planning & Strategy Committee receive the report titled 'Update on the options and value proposition of providing free bus fares for priority groups' for information.

Clause 38.1-22 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Karen Naylor, Bruno Petrenas and Orphée Mickalad.

Moved Brent Barrett, seconded Lorna Johnson.

The **COMMITTEE RECOMMENDS**

2. That Council ask Horizons to consider consulting with the community on zero fare urban bus services.

Clause 38.2-22 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Karen Naylor, Bruno Petrenas and Orphée Mickalad.

Moved Karen Naylor, seconded Susan Baty.

Note:

An amendment was made to clause 38.2 to add the words 'ask Horizons to consider' after the word 'Council', add the letters 'ing' to 'consult' and delete the words 'in the Annual Budget 23-24 process'. The amendment was carried 7 votes to 6, with 1 abstention, the voting being as follows:

For:

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

Against:

Councillors Aleisha Rutherford, Brent Barrett, Zulfiqar Butt, Renee Dingwall, Patrick Handcock ONZM and Lorna Johnson.

Abstained:

Councillor Rachel Bowen.

39-22

Te Āpiti Masterplan

Memorandum, presented by Jeff Baker, Senior Planner.

Moved Aleisha Rutherford, seconded Karen Naylor.

The **COMMITTEE RESOLVED**

1. That the Planning & Strategy Committee receive the Te Āpiti Masterplan for information.

Clause 39-22 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Aleisha Rutherford, Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Karen Naylor, Bruno Petrenas and Orphée Mickalad.

Councillor Aleisha Rutherford left the meeting at 12.00pm.

40-22 Election of Chair

Moved Karen Naylor, seconded Brent Barrett.

The COMMITTEE RESOLVED

1. That the Mayor Chair the rest of the meeting.

Clause 40-22 above was carried 12 votes to 0, with 1 abstention, the voting being as follows:

For:

Councillors Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Karen Naylor, Bruno Petrenas and Orphée Mickalad.

Abstained:

The Mayor (Grant Smith).

41-22 Committee Work Schedule

Moved Grant Smith, seconded Rachel Bowen.

The COMMITTEE RESOLVED

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

Clause 41-22 above was carried 13 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta, Lorna Johnson, Karen Naylor, Bruno Petrenas and Orphée Mickalad.

Moved Karen Naylor, seconded Orphée Mickalad.

Note:

On a motion that the work schedule include an update of the Palmerston North Civic and Cultural Precinct Masterplan by November 2022, the motion was lost 4 votes to 9, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Karen Naylor, Bruno Petrenas and Orphée Mickalad.

Against:

Councillors Brent Barrett, Susan Baty, Rachel Bowen, Zulfiqar Butt, Renee Dingwall, Lew Findlay QSM, Patrick Handcock ONZM, Leonie Hapeta and Lorna Johnson.

The meeting finished at 12.16pm.

Confirmed 14 September 2022

Chairperson

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 14 September 2022

TITLE: Review of the Palmerston North Local Approved Products Policy

PRESENTED BY: Julie Macdonald, Strategy and Policy Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATIONS TO COUNCIL

1. That Council agree that the purpose, objectives, guidelines and intended application of the Palmerston North Local Approved Products Policy (LAPP) are appropriate for Palmerston North.
 2. That Council agree that the Palmerston North Local Approved Products Policy (LAPP) continue without amendment.
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1. ISSUE

This memo is to advise of the review of the Palmerston North Local Approved Products Policy (LAPP).

The purpose of the LAPP is:

To determine a clear framework to guide the decisions made by the Psychoactive Substances Regulatory Authority (PSRA) about licence applications for premises to sell approved products in Palmerston North.

Palmerston North City Council (the Council) adopted the LAPP in July of 2014 under section 66 of the Psychoactive Substances Act 2013 (the Act). Section 69(4) of the Act instructs that an LAPP must be reviewed within five years of adoption. The LAPP was accordingly due for review in July of 2019, though section 69(5) of the Act further states an LAPP does not cease to have effect because it is due for review or being reviewed.

Updates or changes to the LAPP can only be made using the special consultative procedure set out in section 83 of the Local Government Act 2002 (LGA).

Council can decide to:

1. Continue the LAPP without amendment;
2. Consult on the LAPP with the community on identified potential updates; or

3. Consult on the LAPP with the community and revoke the LAPP.

Officers have reviewed the LAPP and potential updates have been identified – none of which are significant or necessary to ensure the continued validity of the policy (see attachments, but note that the associated maps reflect the 2014 decision-making). The identified updates would reflect the wording of the current strategic direction, and the distribution of businesses and sensitive sites within the area determined suitable for retail of approved products in the policy.

Officers are satisfied that because the updates identified would not improve or change the intent or validity of the policy, completing a consultation process with the community would not be of value on this occasion.

It should be noted that since the Act was passed in 2013 no psychoactive substances have been approved for sale in New Zealand, and the Act does not require any Council to have an LAPP.

Any LAPP adopted by Council would only be referred to when a psychoactive substance becomes an approved product, and an application is made to the Psychoactive Substances Regulatory Authority (PSRA) for a license to retail that product in Palmerston North.

2. BACKGROUND

The Psychoactive Substances Act commenced in July of 2013 with the purpose of creating a regulated market for the legal sale of approved recreational psychoactive substances (approved products) from licensed sellers. By regulating the market for psychoactive substances, the Act sought to protect the health of, and minimise harm to, users of these products. The Act was a response to increased community concern about the widespread availability and use of “legal highs”, over 300 of which were accessible in 2013 to those over 18 through an unregulated market.

Psychoactive substances include synthetic cannabis, as well as any herbal high or party pills, and are defined in the Act as anything:

- *That is capable of producing a psychoactive effect in an individual who uses the substance (i.e.: affects the mind of the user in any way) AND*
- *Whose primary purpose is to induce a psychoactive effect in an individual who uses the substance or product AND*
- *That is not a medicine, controlled drug, precursor substance, herbal remedy, food, dietary supplement, tobacco product or alcohol.*

Given in section 9 of the Act, a psychoactive substance means:

A substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.

MidCentral District Health Board further describes a psychoactive substance as:

Chemicals that affect the mind by changing brain function and creating alterations in perception, mood, or consciousness. Other names include party pills, herbal highs, synthetic cannabis, or legal recreational drugs.

E-liquids meant for use in vaping devices or e-cigarettes, that may contain nicotine and are used to simulate the act of smoking without burning tobacco, are not psychoactive substances.

An approved product is a psychoactive substance which has been through a pre-market approval process and approved by the PSRA under section 37 of the Act. Psychoactive substances which have been approved by the PSRA are legal to sell, possess, and to use by those over 18.

The aims of the Act (protection of health and minimisation of harm to psychoactive substance users) are achieved by making products that contain psychoactive substances, and which have been clinically tested and proved to have no more than a low risk of harm, available to purchase and use by persons over the age of 18 through a carefully regulated market. Sale of approved products from dairies, convenience stores, grocers and supermarkets, service stations, liquor stores, or premises that are not a fixed or permanent structure (such as a mobile street vendor) is prohibited by the Act.

The Act is administered by the PSRA, which operates as a function of the Ministry of Health. The PSRA is responsible for the evaluation and approval of all psychoactive substances to determine if they meet the required safety standards, if psychoactive substances should be approved for sale, issuing licenses for retailers of approved products, and for enforcing the Act.

The role of Council in the sale of psychoactive substances (approved products) is limited to where approved products may be sold within the city. The Council limits the areas where approved products may be sold by:

1. reference to broad areas of the district,
2. by proximity to other premises where products are being sold, and
3. by reference to proximity to facilities of specific kinds.

Council also has a role in promoting the good health and wellbeing of people in Palmerston North.

The Act does not enable Council to prohibit the sale of approved products, approve products, approve licenses, or enforce the requirements of the Act – these are left to the responsibility of the PSRA. It does give Council the ability to develop and adopt an LAPP in accordance with the special consultative procedure.

Class 1, 2, and 3 drugs are not regulated by the Psychoactive Substances Act. These are regulated through the Misuse of Drugs Act 1975 or the Medicines Act 1981.

3. ANALYSIS

As part of the policy review process, Council considers the effectiveness of the LAPP and determines whether it is still the most appropriate way to address potential negative outcomes resulting from the sale of psychoactive substances (approved products) in Palmerston North.

The objectives of the LAPP are:

- *To provide guidance to the Psychoactive Substances Regulatory Authority as it considers licence applications for retail premises in Palmerston North;*
- *To protect the health of, and minimise harm to, individuals who use psychoactive substances and the wider community; and*
- *To continue to seek safe and practical solutions to problems associated with the regulation of psychoactive substances through advocacy to central government.*

An analysis of the effectiveness of the LAPP against its objectives and stated purpose has been completed. This involved an assessment of the policy and if it responds effectively to the identified problem or issue, if it is appropriate for the policy to continue, if an alternative to a policy should be considered, and if that alternative method would offer a better solution to the problem or issue.

In this instance it is not possible to determine the effectiveness of the LAPP against its stated purpose. This is because the LAPP has not needed to respond to the identified problem or issue since it was adopted, as no psychoactive substances have been approved for retail by the PSRA.

Further to this, the Act works on the premise that all psychoactive substances are prohibited until they are proven to pose no more than a low risk of harm to the user. The 2018 review of the Act found that the regime for approving products used by the PSRA is flawed in such a way that no psychoactive substances are likely to be approved until alternative pre-market clinical testing methods are developed.

What can otherwise be confirmed at this time is that the LAPP adheres to legislative guidelines for:

- *The identification of broad areas of the city that guide where products can be sold from: in Palmerston North this is limited to the inner ring road (the area within and inclusive of Walding/Grey, Princess, Ferguson, and Pitt/Bourke Streets)*
- *The identification of a measure of proximity to other premises where products are being sold from: the LAPP sets this distance at 75m; and*
- *The identification of a measure of proximity to premises or facilities of specific kinds: these are identified and included in the schedule to the LAPP. Locations of retail premises cannot be location within 50m of a sensitive site.*

Adherence to sector best-practice is likewise demonstrated as:

- The guidelines effectively restrict the location of premises where products can be sold to vulnerable people in the community by limiting retailers to the CBD and prohibiting retail in residential areas.
- The guidelines create physical separation of retailers and prevent clustering, ensuring that undesirable outcomes such as normalisation and subsequent uptake of approved product use resulting from the potential congregation of visuals and signage related to approved products does not occur.
- The guidelines protect vulnerable communities by creating a separation distance from sensitive sites where approved products can be retailed.

Should a product be approved for sale in future, the PSRA would be able to interpret and apply the LAPP in its current form as is intended by Council.

Officers consider the existing policy is fit for purpose, though potential updates could be made to more accurately reflect the current strategic direction of Council and locations of sensitive sites in the identified area where approved products could be retailed.

4. UPDATES TO THE LAPP

Through the internal review of the LAPP, potential updates have been identified that could be made to the policy. The identified updates are to the Strategic Alignment section of the LAPP and the maps that are appended to the LAPP.

Updates to the LAPP, significant or otherwise, can only be made using the special consultative procedure. It is not possible for the Council to update the LAPP by resolution only.

The updates to the Strategic Alignment section reflect the vision and goals of Council that were set through the 10YP 2021-31. These are:

Current LAPP	Updated to
Section: Strategic Alignment	Section: Strategic Alignment
This policy supports the Palmerston North City Council Vision:	This policy supports the Palmerston North City Council Vision:
Palmerston North is recognised as a vibrant, caring, innovative, and sustainable city.	He iti ira, he iti pounamu Small city benefits, big city ambition.
This policy is also supportive of the following City Goal:	This policy is also supportive of the following City Goal:
Palmerston North is a socially sustainable city where people want to live because of its safe and easy lifestyle and its many social,	Our goal is for Palmerston North to be a city where everyone feels connected and included.

~~cultural and recreational opportunities.~~

Map 2, attached to the LAPP, could be made to correct business names and locations in the area identified by the policy.

None of the identified updates would change the intent or effectiveness of the policy.

5. DISCUSSION

The following options are available.

Option 1: Status Quo – the LAPP continues without amendment

The LAPP currently adheres to legislative and sector best practice guidelines.

Should a psychoactive substance be approved in future, the PSRA will be able to make an informed decision on whether to license a retailer in Palmerston North based on the current policy.

Option 1 is recommended.

Advantage of Option 1	Disadvantage of Option 1
<ul style="list-style-type: none"> The LAPP provides enough guidance to the PSRA if a product is approved and an application to retail is received. Council has the assurance that the locations for possible retail premises is restricted as per the guidance in the LAPP. Cost advantages as no consultation is required. 	<ul style="list-style-type: none"> The LAPP continues as an unnecessary policy provision given that no products are approved. Potential changes that could be made to the policy remain uncorrected.

Option 2: Consultation on potential amendments to the LAPP

The internal review of the LAPP has identified updates that could be made, none of which change the purpose, effectiveness, or intent of the policy.

Option 2 is not recommended.

Advantage of Option 2	Disadvantage of Option 2
<ul style="list-style-type: none"> The LAPP is up-to-date and reflects 	<ul style="list-style-type: none"> Full consultation with the community on a policy that requires minor

current information.	<p>amendments but does not propose substantial changes in the policy intent or direction is not a good use of officer, Council, and community time, effort, or resource.</p> <ul style="list-style-type: none"> • Consultation could cause community anxiety or misunderstanding that there has been some change to the government regulation of psychoactive substances.
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Option 3: Revoke the LAPP

The Act does not require Council have an LAPP. As there are currently no approved products or applications for approval, the LAPP could be revoked. Should an application for a product to be approved for retail be successful in future, a new policy could be developed and adopted at that time (it takes 18 - 24 months for a product to be approved from the time an application is received).

Option 3 is not recommended.

Advantage of Option 3	Disadvantage of Option 3
<ul style="list-style-type: none"> • Removes unnecessary policy provision as there is no problem needing to be addressed. • Council could rely on existing legislation to control the location of the sale of approved products in the city. 	<ul style="list-style-type: none"> • A product could be approved and there is a risk that if this LAPP is revoked, a new one could not be developed and adopted in time for the PSRA to meaningfully reference it when considering whether to grant a licence. In the instance where no policy is in place to provide guidance, approved products could potentially be sold from anywhere in the City. The health and social wellbeing of the community may negatively change as a consequence. • Consultation could cause community anxiety or misunderstanding that there has been some change to the government regulation of psychoactive substances.

6. NEXT STEPS

Should the Committee decide Option 1 is the preferred option, no further work will be completed on the LAPP. Officers will continue to liaise with the PSRA and be informed of applications being received for product approvals and subsequent licenses in future.

Should the Committee decide that Option 2 is the preferred option, Officers will need to prepare additional material for consultation. That material will be brought back to a future meeting of the Committee for consultation approval.




Should the Committee decide that Option 3 is the preferred option, Officers will need to prepare material to consult on the revocation of the LAPP with the community. That material will be brought back to a future meeting of the Committee to consultation approval.

7. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual		No
Are the decisions significant?		No
If they are significant do they affect land or a body of water?		No
Can this decision only be made through a 10 Year Plan?		No
Does this decision require consultation through the Special Consultative procedure?		No
Is there funding in the current Annual Plan for these actions?		Yes
Are the recommendations inconsistent with any of Council's policies or plans?		No
The recommendations contribute to Goal 3: A Connected and Safe Community		
The recommendations contribute to the achievement of action/actions in Safe Communities The action is: Review the Local Approved Products Policy.		
Contribution to strategic direction and to social, economic, environmental and cultural well-being	<p>The recommendations contribute to fulfilling the actions identified in the Safe Communities Plan by:</p> <p>Maintaining or increasing the perception of safety in Palmerston North.</p> <p>Ensuring that Council has appropriate regulation in place to respond to known risks to safety.</p>	

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ATTACHMENTS

1. Palmerston North Local Approved Products Policy (LAPP) potential updates [↓](#) 
2. MAP 1 - LAPP July 2014 [↓](#) 
3. MAP 2 - LAPP July 2014 [↓](#) 

Palmerston North Local Approved Products Policy

July 2014

Palmerston North Local Approved Products Policy

Purpose

The purpose of the Local Approved Products Policy is to determine a clear framework to guide the decisions made by the Psychoactive Substances Regulatory Authority about licence applications for premises to sell approved products in Palmerston North. This policy is made under the provisions of Section 66 of the Psychoactive Substances Act 2013 and was adopted by the Council on 30 June 2014.

Introduction and Background

The Psychoactive Substances Act ('the Act') came into force on July 18 2013. The purpose of the Act is to "regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances". The Psychoactive Substances Regulatory Authority ('the Authority'), part of the Ministry of Health, is responsible for ensuring psychoactive substances meet prescribed safety standards before they are distributed in New Zealand. The Authority is also responsible for licensing importers, researchers, manufacturers, wholesalers and retailers.

Concern has been expressed by the public health sector about the effects of the sale of psychoactive substances within the Palmerston North community. While the Act has resulted in a general decrease in points of sale throughout the City, there is also public concern about the impact of psychoactive substances, both on those who use them and on sensitive communities within the City.

The Act enables territorial local authorities to develop their own Local Approved Products Policy (LAPP), but does not require them to do so. Territorial local authorities choosing to develop a LAPP must do so in accordance with the special consultative procedure in section 83 of the Local Government Act 2002. LAPPs can provide policy on the location of premises from which approved products may be sold by reference to:

- broad areas in a district;
- proximity to other premises from which approved products may be sold;
- proximity to premises or facilities of a particular kind or kinds within the district.

The Act does not provide for a territorial authority to have a LAPP that prohibits the sale of psychoactive products within the district.

In September 2013 the Palmerston North City Council resolved to develop a local policy.

Policy objectives

The Council's objectives in developing this policy are:

Palmerston North Local Approved Products Policy July 2014

- to provide guidance to the Psychoactive Substances Regulatory Authority as it considers licence applications for retail premises in Palmerston North;
- to protect the health of, and minimise harm to, individuals who use psychoactive substances and the wider community; and
- to continue to seek safe and practical solutions to problems associated with the regulation of psychoactive substances through advocacy to central government.

Scope

This policy applies to any application for a new licence, or renewal of an existing licence, to sell approved products from retail premises. This policy is additional to any requirements or obligations imposed by the Palmerston North City District Plan.

Strategic alignment

This policy supports the Palmerston North City Council vision:

~~*Palmerston North is recognised as a vibrant, caring, innovative, and sustainable city.*~~

~~*He iti ira, he iti pounamu. Small city benefits, big city ambition.*~~

This policy is also supportive of the following City Goal:

~~*Palmerston North is a socially sustainable city where people want to live because of its safe and easy lifestyle and its many social, cultural and recreational opportunities.*~~

~~*Our goal is for Palmerston North to be a city where everyone feels connected and included.*~~

Policy guidelines

The following guidelines are to inform the decisions of the Psychoactive Substances Regulatory Authority.

1.1. The location of premises by reference to broad areas in a district.

- a) The location of premises from which approved products may be sold is restricted to the area within the inner 'ring road' (the area contained within (and inclusive of) Walding/Grey Streets; Princess Street; Ferguson Street and Pitt/Bourke Streets). This area is illustrated in Map 1.

1.2. Location of retail premises in relation to other premises from which approved products may be sold.

- a) Retail premises from which approved products may be sold are not permitted within 75 metres of another retail premise from which approved products may be sold.
- b) For the purposes of 1.2 (a) the separation distance is measured from the legal property boundary of the premise.

1.3. Proximity to premises or facilities of a particular kind or kinds within the district.

- a) Retail premises from which approved products may be sold are not permitted within 50 metres of any sensitive site existing at the time the licence application is made.
- b) For the purposes of 1.3 (a) sensitive sites are any public library, public museum, public art gallery, public transport terminal, public park and sports field, and public playground, community centre, education provider, premise occupied by a social welfare agency such as Work and Income, Child, Youth and Family or similar, place of worship, medical centre, pharmacy, the Palmerston North District Court, hostel or other supported accommodation, or any other organisation providing social services for vulnerable people from its premise. Map 2 illustrates the potential impact of such a buffer, but includes an indicative rather than exhaustive mapping of sensitive sites as defined here.
- c) For the purposes of 1.3 (a) the separation distance is measured from the legal property boundary of the premise.

Advocacy

- a) The Council will advocate to the Authority for the provision of regulations which limit the opening hours of retail premises from which approved products may be sold.
- b) The Council will continue to advocate to the Authority for the development of regulations for psychoactive substances which promote the health of people in Palmerston North.

Review

This policy will be reviewed every five years as required by the Act, or at the request of the Council, or in response to changed statutory requirements.



Map 2

MAP 2 ACCURATE AS AT JULY 2014

Women's Centre

Sports Field

ECE

Bus Terminal

Youth Space

Library

Plunket

Creative Sounds

Tertiary

Hancock Community House

UCOL

The Regent

YOSS

Work & Income

ECE

LUCK

District Court

Place of Worship

Community Corrections

Place of Worship

Ministry of Education

Just Zlich

Square Edge

Pharmacy

Te Manawa

CYFS

Place of Worship

Place of Worship

School

ECE

Place of Worship

Place of Worship

Park

Legend:

- Sensitive Sites
- 50m buffer
- Proposed Road

MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 14 September 2022

TITLE: Annual Section 10A Dog Control Act 1996 Report

PRESENTED BY: Jason Rosenbrock, Environmental Protection Services Manager

APPROVED BY: Kerry-Lee Probert, Acting Chief Customer Officer

RECOMMENDATION TO COUNCIL

1. That Council receive the report of the Dog Control Policy and Practices for the Palmerston North City Council 2020/21, pursuant to Section 10A of the Dog Control Act 1996.
-

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 2021/22 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 2021/22.

The total number of complaints or investigations increased slightly, 0.23% on the 2020/21 totals.

Dog attack notifications have increased to sit 11.5% over the 5-year average. However, rushing and aggressive dog complaints decreased slightly over the previous year.

Barking dog complaints saw a slight reduction compared with 2020/21, which may in part be attributed to improvements made to Council procedures, and efforts to educate owners.

The number of impounded dogs that were euthanised has increased compared with 2020/21. This can be attributed to the increase in dogs handed over or not collected post-attack.

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 Dog Control Report 2021/22 [↓](#) 

Annual Section 10A Dog Control Act Report 2021/22

This report has been prepared to satisfy the requirements of Section 10A of the Dog Control Act 1996 ('the Act').

The report covers the 2021/22 fiscal year.

1.1 Policy on Dogs

There have been no amendments to the Council's Dog Control Policy or Bylaw this year. The Policy and Bylaw is due for review in 2023, preparation for this will start in 2022/23.

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, 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 Environmental Protection Services Manager. The Animal Management Team includes a Team Leader, 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

Normal working hours are 8am to 5pm on weekdays. After-hours services are limited to responding to dog attacks, secured dogs, aggressive dogs and roaming dogs.

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 90% of the cost of animal management in Palmerston North City in 2021/22. This is up 1% on the last fiscal year.

1.6 Dog Registration

There were 9,565 dogs registered in 2021/22 to 7,413 owners, this is an increase of 5.7% in registered dogs from the previous year.

1.7 Preferred Owners

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 2020/21 there were 2,912 preferred dog owners, which decreased by 0.6% to 2,739 in 2021/22. Leniency was extended towards the majority of dog owners this year due to the high number of Covid-19 related hardship requests, this meant that Council elected not to remove preferred ownership from those who struggled to pay on time.

1.8 Complaints

A total of 3,164 complaints or investigations were conducted during the year, this is an increase of 0.23% on last year. The number of reported dog attacks increased by 12% from last year putting this year 11.5% above the five-year average.

The most common complaint was about roaming or uncontrolled dogs 1,135 (35.8%) down 17.5% on the previous year, followed by barking dogs 710 (22.4%), down 1.7% on the previous year.

1.9 Dog Attacks

There were 117 reported dog attacks during the year, 45 of these were attacks on a person. 25 were assessed as minor, 16 moderate, 3 serious and 1 very serious. There were 44 attacks on other dogs, with 28 assessed as minor, 14 as moderate and 2 as serious. There were 28 attacks on other animals, with 12 assessed as minor, 14 as moderate and two as serious.

1.10 Impounded Dogs

In 2021/22, 351 dogs were impounded, compared to 375 from the previous year. Of these, 247 (70%) were returned to their owner, 59 (17%) were euthanised and 38 (11%) were rehomed, with 12 being transferred to the SPCA or another rehoming agency. The remaining seven (2%) are dogs that are awaiting collection.

The number of impounded dogs that were euthanized has increased when compared with the 2020/21 figures which saw 11.2% of impounded dogs euthanised, this can be attributed to the increase in dogs handed over or not collected post attack. The number of dogs rehomed has increased from 8% in 2020/21.

1.11 Infringements

Council continued to focus on ensuring that all known dogs were registered and kept under proper control by their owners. Infringements were issued to multiple offenders and in some cases, dogs were impounded.

In 2021/22, 127 infringement notices were issued, 108 for unregistered dogs, 15 failing to have a dog under control or confined, and 4 for failing to comply with a classification. Of the 127 infringements issues, 15 (11.8%) were waived or cancelled because of extenuating circumstances.

1.12 Menacing Dog Classification Appeals

There were no appeals to any classification made during the 2021/22 year.

1.13 Prosecutions

There were no prosecutions brought before the courts in the 2021/22 year.

1.14 Customer Satisfaction

Council's residents' satisfaction survey¹ for 2022 found 63% of respondents were satisfied with the control of roaming dogs (62% in 2021), while 23% were neutral, and 14% were dissatisfied.

However, only 50% of respondents were satisfied with the control of barking dogs (57% in 2021), 33% neutral and 18% dissatisfied. The most common issue raised in the survey was related to barking dogs which is down 1.7% on the previous year. Educational campaigns and working with dog owners to reduce repeat offending will continue to further reduce the number of barking dog complaints.

1.15 Improvement Opportunities

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

The construction of the city's new animal shelter facility will commence in November 2022 and is due for completion in December the following year. The existing facility will continue to operate during the construction period to allow for continuity of service.

The new facility will meet the requirements of the codes of welfare, while having provision for expansion opportunities to align with the city's animal management needs in the future.

1.16 Community Outreach and Education

No community events were attended during the year as the majority were cancelled or postponed due to Covid restrictions.

¹ The survey had 506 independently selected respondents from across the city.

Two educational events were held at local schools targeting bite prevention, and one dog safety training was provided to a local agency. Feedback from all recipients suggested this was valuable and this service will be offered to additional schools and agencies in the coming year.

There has been a 31.4% increase in property checks. Educational phone calls to dog owners during complaint investigations have increased in an effort to reduce repeat offending, the result of which is seen in the reduction of barking (down 1.7%) and roaming (down 17.8%) complaints when compared to the 2020/2021 year.

1.17 2022/23 Programme

Key focus areas for the 2022/23 year include:

- Contributing to the final design detailing and development of the new animal shelter.
- 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.
- Contribute to the Dog Control Policy and Bylaw review.

1.18 Summary

The reporting requirements of the Dog Control Act 1996 for the period 2021/22 are:

Number of registered dogs	9565
Number of disqualified owners	0
Number of probationary owners	0
Number of dogs classified as dangerous under Section 31 of the Act	10
Number of dogs classified as menacing under Section 33A of the Act	116
Number of dogs classified as menacing under Section 33C of the Act	51
Number of dog-related complaints (See Appendix 1 for details)	3164
Number of prosecutions	0
Number of infringements	127

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 2017/18 to 2021/22. This contains the information above with the addition of a breakdown of types of complaints processed by staff.

Ross McDermott

TEAM LEADER ANIMAL MANAGEMENT AND EDUCATION

Jason Rosenbrock

ENVIRONMENTAL PROTECTION SERVICES MANAGER

Appendix 1: Dangerous and Menacing Dog Details

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 sworn evidence and 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 are classified as dangerous under S31.

Breed	Number
Alaskan Malamute	1
German Shepherd	1
Greyhound	1
Rottweiler	2
Siberian Husky	2
Terrier, American Staffordshire	1
Terrier, American Pit Bull	1
Whippet	1
Total	10

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.

A total of 116 dogs are classified under section 33A, of these, 37 classifications were made in the 2021/22 year.

Dogs within PNCC jurisdiction that are classified as menacing under S33A.

Breed	Number
Akita	1
Australian Koolie	1
Boxer	1
Bulldog	2
Bulldog, American	6
Catahoula Leopard	2
Collie, Bearded	1
Collie, Border	1
Greyhound	3
Heading	1

Mastiff	3
Mastiff, Bull	3
Mastiff, Neapolitan	1
Pointer, English	1
Poodle, Standard	1
Retriever, Labrador	12
Rottweiler	11
Shar Pei	4
Shepherd, German	6
Siberian Husky	3
Terrier, American Pit Bull	36
Terrier, American Staffordshire	4
Terrier, Bull	2
Terrier, Jack Russell	1
Terrier, Staffordshire Bull	9
Akita	1
Grand Total	116

Note: Some dogs that would normally be classified under Section 33C are included above as they have displayed behaviours which better fit a classification under section 33A, this behaviour has been identified and confirmed through customer complaint investigations.

Dog Control Act 1996 S 33C – Menacing Dogs

Under section 33C 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

A total of 51 dogs are classified under section 33C, of these, 8 were newly classified in the 2021/22 year.

Dogs within the jurisdiction of Council that are classified as menacing under S33C.

Breed	Number
Dogo Argentino	3
Terrier, American Pit Bull Type	48
Total	51

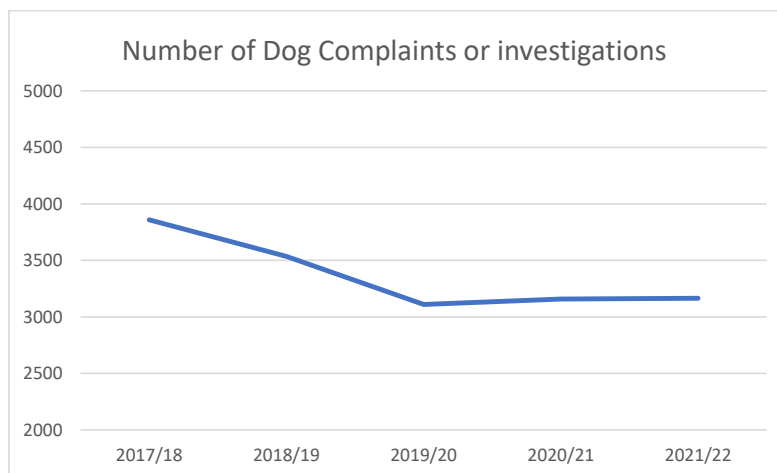
Appendix 2: Dog Control Statistics 2016/2017 to 2021/2022

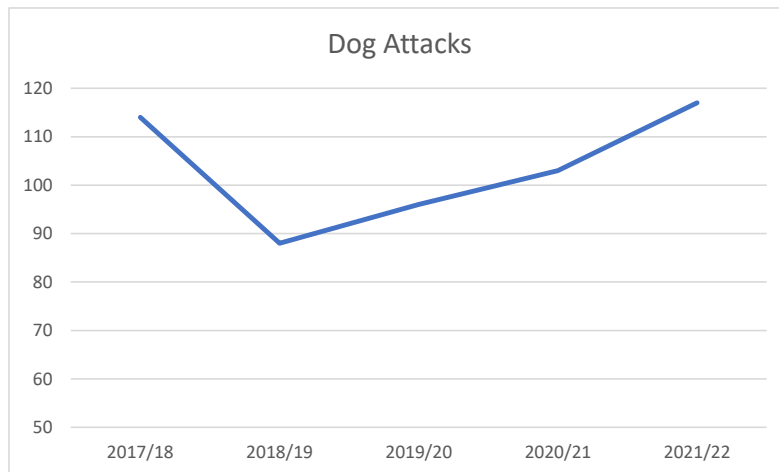
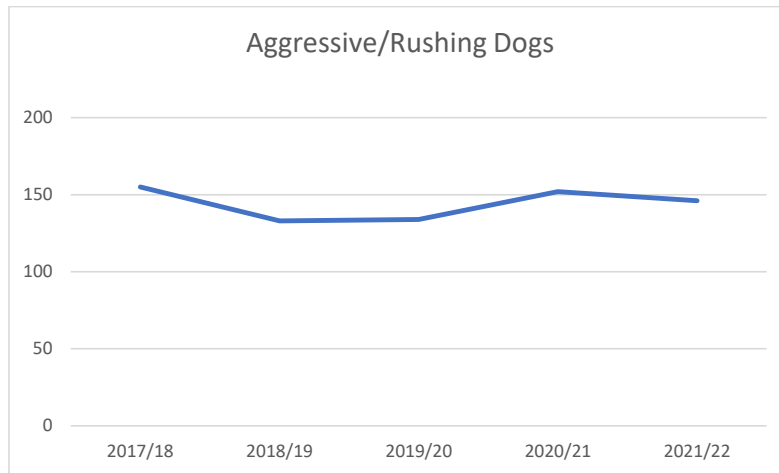
Serial	Topic	2017/18	2018/19	2019/20	2020/21	2021/22
1	Number of Dogs Issued with a Registration Tag (Registered Dogs)	8271	8449	8695	9021	9565
2	Number of Disqualified Owners	4	5	5	2	0
3	Number of Probationary Owners	4	1	1	1	0
4	Number of Dogs classified as dangerous under S31 of the Act	6	5	7	6	10
5	Number of Dogs classified as menacing under S33A of the Act (Behaviour)	104	91	79	88	117
6	Number of Dogs classified as menacing under S33C of the Act (Breed)	79	71	77	69	51
7	Number of Dog Complaints or investigations initiated by public or ACO. (Refer to below for details)	3859	3536	3110	3157	3164
	7a Aggressive/Rushing Dogs	155	133	134	152	146
	7b Dog Attacks	114	88	96	103	117
	7c Barking Dogs	987	724	758	722	710
	7d Roaming Dogs	1516	1576	1309	1381	1135
	7e Lost Dogs	429	367	327	290	244
	7f Property Checks	289	311	220	85	124
	7g Other Dog Related Incidents	7	24	31	52	56
	7h Identified/Reported Unregistered dogs	362	313	235	305	632
8	Number of Prosecutions	1	1	0	0	0
9	Number of Infringements	162	105	341	182	127

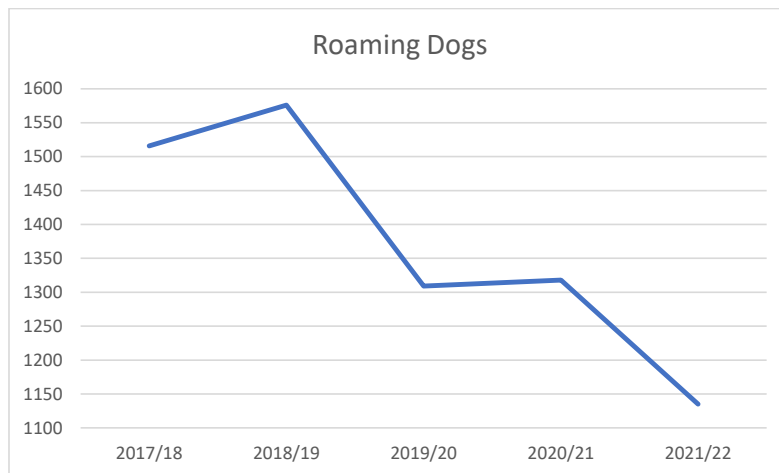
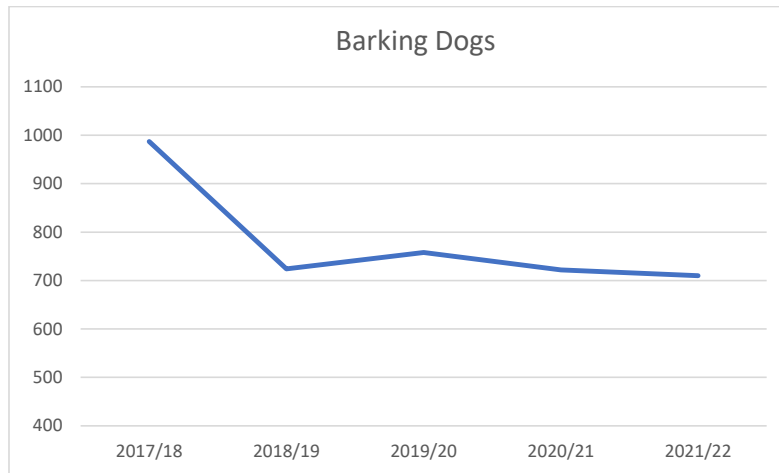
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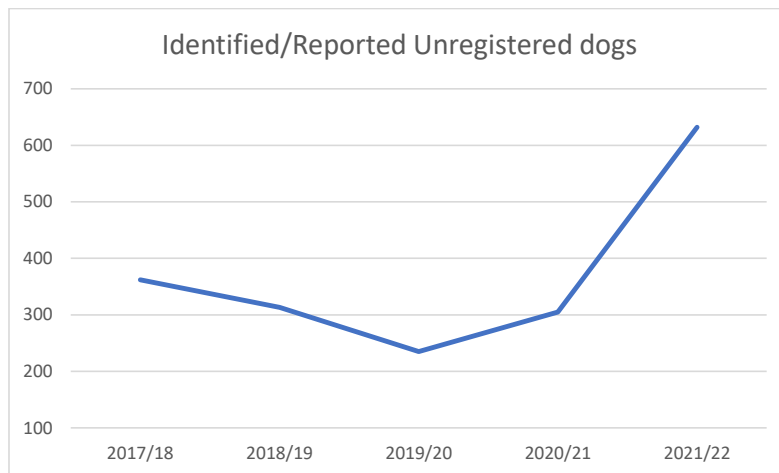
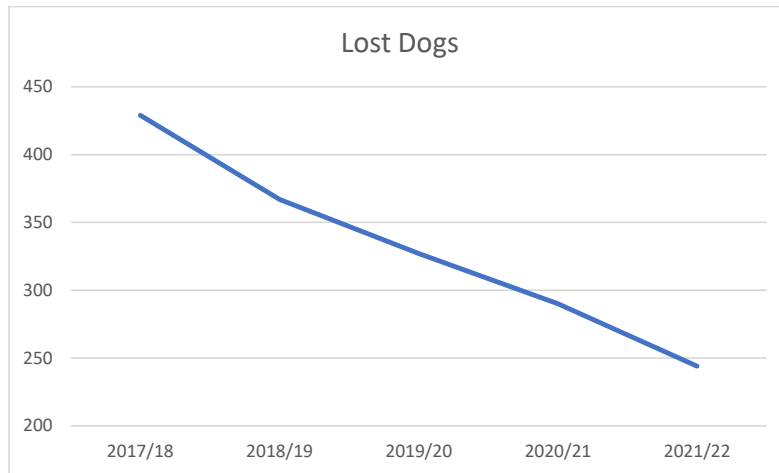
- The total number of complaints or investigations increased slightly, 0.23% on the 2020/21 totals.

- Barking dog complaints saw a slight reduction compared with 2020/21, which may in part be attributed to improvements made to Council procedures, and efforts to educate owners.
- Rushing and aggressive dog complaints decreased slightly over the previous year and sit just over the five-year average. The decrease partially aligns with the increase in attacks.
- Dog attack notifications have increased to sit 11.5% over the 5-year average.
- Roaming dog complaints continue to drop year on year, this is thought to be because it is favourable to advertise on social media over calling council, resulting in owners collecting their dogs without the involvement of council.
- The increase in unregistered dogs can be attributed to the Covid lock down in August / September 2021, follow up and penalty timelines were pushed out to after the lockdown.
- A change in approach to investigations and registrations saw more compliance through education meaning less infringements were issued.









MEMORANDUM

TO: Planning & Strategy Committee

MEETING DATE: 14 September 2022

TITLE: Wastewater Discharge Consent Project - Progress Update

PRESENTED BY: Mike Monaghan, Group Manager - 3 Waters

APPROVED BY: Sarah Sinclair, Chief Infrastructure Officer

RECOMMENDATION TO COMMITTEE

1. That the Committee note the progress update on the Wastewater Discharge Consent Programme.
-

1. BACKGROUND

- 1.1 Council formally adopted the preferred Best Practicable Option (BPO) for the future management of the city's wastewater at its meeting on 15 September 2021. An Adaptive Management approach was adopted as part of this resolution which ensures an enduring focus on limiting the amount of highly treated wastewater that is discharged to both land and river by finding other beneficial uses and by reducing the amount of wastewater generated by the City.
- 1.2 Following the adoption of the BPO, the Project Team are progressing a 'consentable solution'. The PNCC Wastewater Treatment Plant (WWTP) discharge remains authorised by the current discharge consent until 2028. This provides time to seek a new discharge consent and construct the consented solution.
- 1.3 This phase of the project is now known as the 'Wastewater Discharge Consent Programme' (WDCP).

The WDCP will develop and determine –
 - Concept Design of the wastewater treatment plant sufficient to satisfy the information requirements of the resource consent application.
 - Assess the effects of the BPO for land and river discharges.
 - Specify mitigation to be included in the application for new consents.
- 1.4 In December 2021 Council endorsed the recommendations for the Consenting Phase Implementation, including; the approval of a capital programme and

the establishment of a Consent Phase Project Reference Group to facilitate engagement with key stakeholders on the project, including the development of the adaptive management approach.

2. UPDATE ON PROJECT PROGRESS

Technical Workstreams

- 2.1 At the time of writing, the Project Team are finalising work package scopes and additional commissions for the remaining technical advisors.
- 2.2 The workstreams for this stage of consenting are:

Task	What are we trying to determine
Land application areas investigation	To demonstrate that there are suitable sites for the irrigation of the highly treated wastewater
Wastewater flows and loads	To develop future projections of the amount of wastewater and the contaminant loads for the next 50 years, to ensure that the design of the treatment is suitable for future changes in population and water usage.
River modelling	Modelling of the river water quality and ecology, as a baseline of current day, and with future projections of the highly treated in-river discharges to confirm wastewater treatment levels to meet regulatory requirements
Wastewater treatment plant concept design	Further development of the treatment concept, including changes to layout of the existing plant to add new processes to meet required treatment standards
Treated wastewater pipeline concepts	Work to determine options for the location of the wastewater pipelines required to convey the treated wastewater from the plant to the land application areas
Effects investigations – River discharge	Investigations required for the assessment of effects for the resource consent applications. These include <ul style="list-style-type: none"> • Public health risk assessment • Water quality and ecology • Recreation • Water supply protection
Effects investigations - Land	Investigations required for the assessment of effects for the resource consent applications. These include <ul style="list-style-type: none"> • Terrestrial ecology • Groundwater quality • Mapping of known Cultural Areas of

	Interest & Sensitive land uses
	<ul style="list-style-type: none"> Archaeological
Cultural values assessment	This assessment is prepared by tangata whenua and assesses the effects of the wastewater scheme on such matters as the mauri of the river, sites of significance, mahinga kai, kaitiakitanga

- 2.3 These workstreams will lead to the development of the consent application documents, and the assessment of effects on which the consents are based.

Land Application Workstreams.

- 2.4 The critical workstream for the project is the Land Application. This technical workstream is the most complex and difficulties accessing private land for investigations have slowed the progress of this work.
- 2.5 A media release and a letter drop to properties within the spatial area identified for investigation occurred in early May 2022. The letter drop provided a project update to approximately 600 properties. Following the distribution of the letter, the project's Farm Advisor contacted eight properties that had been identified for their differing soil properties to discuss the potential to undertake soil investigations.
- 2.6 Investigations were undertaken on the two properties that provided access to the Project Team in early June 2022. These investigations provided data for the three main soil types in the identified land area. The completion of this testing concludes the Phase 1 Land Application investigations and PDP, the specialist consultant, have now completed this analysis.
- 2.7 The Project Team are now progressing a 'Global Consent' for the discharge area as opposed to identifying specific land parcels. This approach avoids the Council unnecessarily procuring land early and avoids disruption to the farming community approximately 5+ years before any land area would be required to meet the new consent discharges.
- 2.8 The Project Team are aware of concerns in the farming community about identification of land for the irrigation. Discussions within the sector with Food and Fibre and Federated Farmers have highlighted this matter on several occasions.
- 2.9 Communications regarding the soil investigation explains that the testing proposed does not pre-determine that those land parcels are required for the discharge of wastewater for the project. These investigations are required to collect information within a geographical area.

River Discharge workstream

- 2.10 The Project Team have been considering potential discharge locations into the Manawatū River. A key matter discussed at the Technical Team Meetings is the Kakatangiata Masterplan which is immediately downstream of the existing WWTP discharge point. The Project Team have identified four potential discharge locations downstream of Walkers Road. A preferred site has been identified in conjunction with iwi and this is being developed further prior to finalising the location.
- 2.11 Additional work is being undertaken to determine the discharge structure required in the river to facilitate mixing of the treated wastewater into the river. A workshop is planned with the relevant parties in early September to finalise the river location and discharge structure. Following this workshop, the Project Team's ecologists will finalise their assessment of effects in relation to the discharge location and structure.
- 2.12 Output data developed by Stantec for the new WWTP has been provided to Aquanet (freshwater ecology consultant) to undertake river modelling. This modelling demonstrates improvements to the water quality of the Manawatū River resulting in improvements to periphyton growth and other river health indicators. These results are promising and demonstrate the future potential for improvement in the Manawatū River because of the high standard of treatment at the WWTP.

Data Gathering and Monitoring workstream

- 2.13 Data continues to be collected for the monitoring regime required as baseline information to inform the consent application. Ecological information is being collected from the Manawatū River to provide baseline data to be used for the freshwater assessments of impact of the discharge.
- 2.14 Officers continue to seek advice from iwi partners and other experts on the monitoring required at this consent stage.

Design Workstreams

- 2.15 The Design Workstream has progressed and at the time of writing the following design work packages are complete –
 - 1. Flows and Loads – This comprises assessments of inputs into the plant over the next 50 years, including trade waste, and is assumption based.
 - 2. WWTP Design Basis Report – This outlines the parameters that the WWTP will be designed to. The Design Basis Report was peer reviewed in July 2022 by Mott McDonald.
- 2.16 The Project Team are continuing to develop the following Design Workstreams
 - 1. Adaptive Management - this work will develop an Adaptive Management Strategy, Framework, and Implementation Plan. It will

identify potential adaptive management options for including in the strategy and outline further work packages as investigation options.

2. The Biosolids Strategy – this work will outline how the biosolids from the WWTP will be managed. The WWTP will generate two streams of biosolids; those from primary separation and anaerobic treatment (existing), and those from the new tertiary treatment for nitrogen removal through biological treatment. The Biosolids Strategy will address consenting implications, receiving environment options (e.g., land application of biosolids), WWTP technical considerations, social and iwi inputs and considers the key risks and opportunities of potential options. All options developed will be assessed against PNCC's Eco City Strategy and Carbon Footprint.
3. WWTP Concept Design – the Concept Design Report was issued to Council and Mott McDonald (Council peer reviewer) in July 2022. A Review Workshop was held in early August with Council staff and the peer reviewer. A critical path component of the WWTP Concept Design is the wet weather overflow, additional modelling is to be undertaken to assess this. The modelling is underway and is due to be completed in September 2022 to allow the Concept Design Report to be finalised.

Consent Preparation

- 2.17 A Draft Consent Strategy has been reviewed by Council's legal advisors Simpson Grierson. Discussions are underway with Stantec's Planning Lead, Simpson Grierson and the Project Team to develop and confirm the consenting approach. An initial workshop was held with Horizons Regional Council consenting officers on the 23 June 2022 to discuss potential approaches. It is proposed to have a follow-up workshop in August to allow Horizon's input into what is a very complex consent without the added complications of 3 Waters Reform and RMA review.

Project Partner, Iwi and Stakeholder Engagement

- 2.18 The complexity of the work has necessitated a flexible approach, to ensure we work with project partners in a way that works for them and brings best advice to the project team. Whilst a variety of forums and advice groups have been established, one-to-one engagement is also undertaken with project partners and stakeholders.
- 2.19 Separately to the advice elements, some iwi partners are involved in co-design within specific workstreams. This is separate to tangata whenua inputs on the cultural values assessment and strives to bring mātauranga Māori advice into the design process.

Project Reference Group

- 2.20 The Project Reference Group (PRG) continues to meet on the project. Councillor Brent Barrett joined the PRG as an Elected Member representative in 2022. The group meets monthly, and elected members now receive a monthly update approximately one week after the PRG, to reflect the PRG briefing from Councillor Barrett. The focus of the PRG continues to be on updating and informing the group on progress, requesting feedback and the development of Adaptive Management approaches.
- 2.21 The June PRG included a presentation from Stantec's WWTP lead designer, while in July we had a nationally recognised Biosolids expert from Watercare, presenting on Biosolids Management from a National and International perspective.
- 2.22 The August PRG meeting involved a site visit to the PNCC WWTP at Totora Road. During this site visit PNCC's Group Manager for 3 Waters discussed which components of the existing WWTP would change or be removed and how the new WWTP would operate.
- 2.23 In September the Project Team have invited a representative from Hunter H2O, from Australia, to update the group on the uses and opportunities for treated wastewater other than discharge to land/water. We are also scheduling a river modelling session using Aquanet so the PRG have a better understanding of this critical aspect of the work.

Ngāti Whakātere

- 2.24 A Memorandum of Agreement (MoA) has been developed with Ngāti Whakātere, a hapu of Ngāti Raukawa, which recognises the ongoing effects of wastewater discharges into the river on their hapū. The MoA is ready for signing subject to agreement on some subsequent commercial issues they have raised regarding historical costs. This is scheduled to be resolved at a meeting mid-August.
- 2.25 Technical specialists from Ngāti Whakātere will join the Project Technical team to advise on specific interest areas.

Te Tūmatākahuki

- 2.26 Successful meetings have been held between the Project Team and Te Tūmatākahuki (which consists of the Raukawa coastal hapu) representatives and their consultants, resulting in a scope for their consultants being developed. This agreement has been completed and signed and the teams are working together.

Design Consideration Group

- 2.27 Monthly Design Consideration Group (DCG) meetings have been initiated from June with Rangitāne, Te Tūmatākahuki and Ngāti Whakātere. The purpose of this group is to discuss the technical development of the project in partnership

and obtain input on key design aspects. To date these meetings have brought design elements of the project that are under development for discussion and input from the attendees. Recent topics include outputs of the freshwater modelling, river discharge location and structure and the 'global consent' approach.

Other Stakeholders

- 2.28 Discussions have commenced with Fonterra, both as a trade waste customer and as representing some elements of the dairy industry locally. This resulted in the sharing of technical information between both parties including Fonterra's flows and loads data. There is an opportunity for council and Fonterra to work together on both their discharge to water and land projects and opportunities for this will be discussed at subsequent meetings of the technical specialists and the Project Team.
- 2.29 Horizons Regional Council invited PNCC to present on the project, which took place on 15 June 2022.

Public information

- 2.30 Although the consent application development does not have a high level of public engagement required for decision-making, the website has been updated to coincide with the commencement of landowner engagement. The "Nature Calls" branding continues for this consenting stage.

Project Programme

- 2.31 As outlined in the Planning and Strategy Committee report in May 2022, Horizons have acknowledged the December 2022 lodgement date for the consent application. Meeting this timeframe continues to be a challenge.
- 2.32 The Project Team held a challenge workshop on 1 June 2022 to review the design consultant's (Stantec and sub-consultant PDP) work programme. The purpose of this workshop was to focus the Project Team on delivering a 'robust' consent application to Horizons by 31st December 2022. The workshop outcome was to rationalise the work programme to solely focus on work packages required for the consent application. This seeks to mitigate a key project risk as identified in the report presented to the Committee in May 2022.

3. PROJECT BUDGET

- 3.1 A consequence of the later lodgement of the resource consent application is the required carry over of capital funds.
- 3.2 The December 2021 Council paper estimated a spend of \$2.5M for the FY2021/2022 and \$1.8M in FY2022/2023. Due to the later lodgement (anticipated to be June 2022 originally) the budget was reallocated to FY2022/23, by carrying forward \$1.364M. FY2022/23 budget is now \$3.164M, with a spend to date of \$1.196M.

4. PROJECT RISK

- 4.1 High priority risks to the Project are outlined in Table 2. The table outlines the risk with its associated unmitigated probability and consequences, and the risk level after mitigation measures have been applied by the project team

Risk	Unmitigated Likelihood	Unmitigated Consequence	Mitigated Risk Level
Insufficient Budget	Likely	Major	Moderate The recent project challenge workshop identified several work packages that aren't integral to the lodgement of the resource consent. Work has stopped on these work packages to allow sufficient budget and resources to focus on the consent application to Horizons.
Ability to develop 'robust' consent application for December 2022 lodgement	Likely	Major	Moderate The approach to consenting the land discharge area is being confirmed and further workshops with Horizons proposed to discuss detail and reduce risk. Project control group meets weekly to review programme and address issues.
External influences resulting in delays (i.e. COVID-19)	Likely	Moderate	Moderate The Project Team continue to progress through COVID and winter sickness pressures. However, the future risks related to Covid 19 cannot be predicted.

Ability to access land for land discharge area testing	Likely	Major	<p>Moderate</p> <p>Lack of land access has ability to impact technical assessment development for consent lodgement.</p> <p>Soil investigations were reduced to focus on the three main soil types in the land discharge area. This has been completed for this stage of the project. More access will be required for an 'Anchor Site' which will act as the first land discharge area.</p>
Effects on the mauri of the river and Cultural Effects	Likely	Major	<p>Moderate</p> <p>Being addressed through the various Project forums, requires careful consideration to mitigate cultural effects throughout Project development. High treatment levels are a mitigation measure that has been developed to date.</p>
Iwi Relationships	Likely	Major	<p>Moderate</p> <p>Working relationships and agreements being developed. Requires ongoing consideration and management. Project sponsors and senior managers heavily involved in relationship development.</p>

Table 2 – Key Project Risks

4.2 Project risks will be closely monitored through the Project Control Group and will be reported to the Council periodically.

5. NEXT STEPS

5.1 The Project Team will provide quarterly updates to the Council on the development of the consent application.

- 5.2 The Project Reference Group will provide monthly updates to Elected Members.

6. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual (clause 167.2)	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 4: An Eco City	
The recommendations contribute to the achievement of action/actions in Waters	
The action is: A regional resource consent for wastewater discharge is lodged by June 2022 (Revised as December 2022)	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Wastewater discharge consent project enables decision making which will enhance the environmental and cultural wellbeing of the receiving environment.

ATTACHMENTS

Nil

COMMITTEE WORK SCHEDULE

TO: Planning & Strategy Committee

MEETING DATE: 14 September 2022

TITLE: Committee Work Schedule

RECOMMENDATION TO PLANNING & STRATEGY COMMITTEE

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

COMMITTEE WORK SCHEDULE - SEPTEMBER 2022					
	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction & Clause number
1	14 September November 2022	Process and options, including the use of bylaws, to establish and enforce heavy vehicle routes in the city's urban transport network.	Chief Planning Officer	In progress.	Finance & Audit Committee 24 November 2021 Clause 82-21
2	14 September November 2022	Draft Procurement Policy targeting social and environmental impact	Chief Financial Officer	Workshop scheduled for late 2022.	Finance & Audit 19 August 2019 Clause 54.3
3	14 September November 2022	Information relating to the description, timing and quantum of the infrastructure work programmes to enable growth in Aokautere.	Chief Infrastructure Officer	In progress.	9 March 2022 Clause 11.4

4	14 September 2022	Draft Traffic and Parking Bylaw (street racer amendment) approval for consultation	Chief Planning Officer	Due to delays this report will go direct to Council on 5 October 2022	11 May 2022 Clause 24-22
5	December 2022	Update on the engineering solutions and extension of parking restrictions to other areas where street racing occurs	Chief Infrastructure Officer		9 March 2022 Clause 10.3
6	February 2023	Draft Traffic and Parking Bylaw (street racer amendment) hearing	Chief Planning Officer		
7	March 2023	Palmerston North Civic and Cultural Precinct Masterplan – Final Report	Chief Planning Officer		1 April 2019 Clause 16.1
8	March 2023	Licensing, Regulatory and Service Provision Tools for Waste Minimisation, and Impact Council Service Provision has on Commercial Sector	Chief Infrastructure Officer/Chief Planning		11 August 2021 Clause 24.5-21
9	April 2023	Draft Traffic and Parking Bylaw (street racer amendment) deliberations	Chief Planning Officer		11 May 2022 Clause 24-22
10	March 2024	Waste Management and Minimisation Plan	Chief Planning Officer		Terms of reference

11	August 2024	Draft Waste Management and Minimisation Bylaw – Approval for Consultation	Chief Planning Officer		11 August 2021 Clause 24-21
12	Quarterly	Wastewater Discharge Consent Project - Quarterly Update	Chief Infrastructure Officer		11 May 2022 Clause 26-22

ATTACHMENTS

Nil