



PAPAIOEA
PALMERSTON
NORTH
CITY

PALMERSTON NORTH CITY COUNCIL

AGENDA

EXTRAORDINARY STRATEGY & FINANCE COMMITTEE

2PM, WEDNESDAY 7 JUNE 2023

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

MEMBERS

Vaughan Dennison (Chair)
Karen Naylor (Deputy Chair)
Grant Smith (The Mayor)

Mark Arnott
Brent Barrett
Low Findlay (QSM)
Patrick Handcock
(ONZM)
Leonie Hapeta

Lorna Johnson
Orphée Mickalad
William Wood
Kaydee Zabelin

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

Waid Crockett

Chief Executive | PALMERSTON NORTH CITY COUNCIL

EXTRAORDINARY STRATEGY & FINANCE COMMITTEE MEETING

7 June 2023

MEETING NOTICE

Pursuant to Clause 21 of Schedule 7 of the Local Government Act 2002, I hereby requisition an extraordinary meeting of the Council to be held at 2pm on Wednesday, 7 June 2023 in the Council Chamber, first floor, Civic Administration Building, 32 The Square, Palmerston North, to consider the business stated below.



MAYOR

ORDER OF BUSINESS

Karakia Timatanga

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.)

5. Hearing of Submissions: Draft Water Supply Bylaw 2023 Page 7

6. Summary of Submissions - Draft Water Supply Bylaw 2023 Page 65

Memorandum, presented by Peter Ridge, Senior Policy Analyst.

7. Opie Reserve: Reclassification from Recreation Reserve to Local Purpose: Community Page 103

Report, presented by Jason Pilkington, Parks Planner and Kathy Dever-Tod, Group Manager - Parks & Logistics.

8. 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].

Karakia Whakamutunga

SUBMISSION FROM CONSULTATION

TO: Strategy & Finance Committee

MEETING DATE: 7 June 2023

TITLE: Hearing of Submissions: Draft Water Supply Bylaw 2023

RECOMMENDATION(S) TO STRATEGY & FINANCE COMMITTEE

1. That the Strategy & Finance 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.

SUBMITTERS WISHING TO BE HEARD IN SUPPORT OF THEIR SUBMISSION

Submission No.	Submitter	Page No.
13	Murray Guy	25
20	Matthew Currie/Kevin Judd (Homewood Property)	34
36	Shane Royal/Greg Carlyon (Te Tūmatakahuki Society Incorporated)	53
37	Robert Elshire	55

ATTACHMENTS

1. Submissions [↓](#) 
2. Procedure Sheet [↓](#) 

MEMORANDUM

TO: Strategy & Finance Committee

MEETING DATE: 7 June 2023

TITLE: Summary of Submissions - Draft Water Supply Bylaw 2023

PRESENTED BY: Peter Ridge, Senior Policy Analyst

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO STRATEGY & FINANCE COMMITTEE

1. That the Committee receive the memorandum titled 'Summary of Submissions – Draft Water Supply Bylaw 2023', presented to the Strategy & Finance Committee on 7 June 2023.
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1. ISSUE

The Council received 40 written submissions on the draft Water Supply Bylaw. Six submitters indicated their wish to make an oral submission. Four of those oral submissions are being heard at this Committee meeting.

This memorandum provides an initial summary of the key issues raised in the written submissions.

2. BACKGROUND

On 5 April 2023 the Council approved the draft Water Supply Bylaw for public consultation. The written submission period was open from 8 April until 8 May 2023. The Council received 40 written submissions during this time. A copy of the submissions are included in the agenda.

The online submission form asked submitters to indicate if they supported, opposed or didn't know/had no opinion on each of the parts of the draft Bylaw and the draft Administration Manual. They were also invited to provide comments in support, as well as having the opportunity to make general comments at the end.

3. SUMMARY OF SUBMISSIONS

The following summary provides a breakdown of the number of submitters in support or opposed to the different parts of the Bylaw. A general summary of the key themes raised by submitters is also provided. This summary should be read in conjunction with the full written submissions and considered alongside the oral submissions presented to the Committee, to create a full picture of the points raised by submitters.

Breakdown of support and opposition

The following table shows the 'raw' number of people who indicated in their submission that they supported, opposed, or didn't know/had no opinion about the indicated parts of the Bylaw.

Analysis of the specific points of support or opposition has not yet been done. This will be completed for the next report to the Committee in August.

Bylaw	In support	Opposed	Don't know/no opinion
Part 1 (Purpose, Commencement, Repeals, Application and Definitions)	12	14	9
Part 2 (Protection of Water Supply)	19	11	5
Part 3 (Connecting to the Network)	14	8	10
Parts 4 & 5 (Enforcement and Administration)	14	7	11
Schedule 1 (Turitea Reserve Controlled Catchment Area)	18	2	12
Schedule 2 (Fees and Charges)	14	6	12
Administration Manual			
Part 1 (Purpose, Application, Interpretation)	15	4	13
Part 2 (Protection of Water Supply)	16	4	12
Part 3 (Standard Conditions of Water Supply)	14	5	12
Appendix 1 (Water Supply Areas map)	19	3	11

Key themes

The most common theme raised by submitters relates to the proposed changes in clause 2.2, which acknowledges tangata whenua as kaitiaki of water, and particularly Rangitāne o Manawatū's role as mana whenua. Nearly half of all submitters commented on this proposed change.

Some of the comments made by submitters on this theme included the following:

- the proposed wording in clause 2.2 is divisive or promotes a 'race-based' approach;
- the proposed clause 2.2 is associated with the government's 'three waters' reforms or is related to co-governance;
- ownership of water should be vested with all people, not with iwi.

This memo does not provide any analysis of these views, but rather just provides a summary of the issues raised by submitters.

Most other issues raised by submitters were not mentioned by multiple submitters, but instead reflect individual concerns. These include:

- Whether hunting permits and access to Turitea Reserve would be issued again once the windfarm has been completed;
- Backflow prevention, and whether commercial customers should be required to have a testable backflow preventer;
- Whether the water supply area map is correct;
- Whether the Bylaw should state maximum as well as minimum pressure;
- Whether all pools over 5m³ should be on a metered water supply;
- Providing a clear position on fluoridation;
- Providing water supply connection to rural sections;
- Concerns that the Bylaw will introduce water meters;
- Recognising Raukawa as mana whenua in clause 2.2 of the draft Bylaw;
- Whether clause 16.5 will make existing water service connections outside the current service area uncertain and susceptible to disconnection.

Social media engagement

Throughout the consultation period there were three social media posts – two on Facebook and one on Instagram. Screenshots of the comments and replies are included in Attachment 1. Many of the themes raised in the comments reflect the themes raised in written submissions.

	Facebook post #1 11 April 2023	Facebook post #2 and Instagram post 12 April 2023
Post impressions ¹	14,341	25,615
Post reach ²	13,951	16,197
Post engagement ³	1,763	n/a

4. NEXT STEPS

Officers will provide analysis of all the issues raised in the written and oral submissions, and provide advice and recommendations to the Committee in August.

5. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	No
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 4: An Eco City	
The recommendations contribute to the achievement of action/actions in Waters	
The action is: Complete the review of the Water Supply Bylaw	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	The hearing of submissions is part of the consultation process, which the Council is required to complete before it can adopt the draft Water Supply Bylaw. The consultation process offers the Council the opportunity to hear a range of views from the community, and consider any suggestions for changes or amendments to the proposals it has made.

ATTACHMENTS

¹ This refers to the number of times the post was viewed. A single person may view the post multiple times.

² This refers to the number of people who saw the post at least once.

³ This refers to the number of times people engaged with the post. This is a combination of views, reactions, comments, shares, and clicks.

1. Draft Water Supply Bylaw - Social Media Post Comments April-May 2023 [↓](#) 

REPORT

TO: Strategy & Finance Committee

MEETING DATE: 7 June 2023

TITLE: Opie Reserve: Reclassification from Recreation Reserve to Local Purpose: Community

PRESENTED BY: Jason Pilkington, Parks Planner and Kathy Dever-Tod, Group Manager - Parks & Logistics

APPROVED BY: Bryce Hosking, Acting Chief Infrastructure Officer

RECOMMENDATION(S) TO COUNCIL

1. That the Council, as the Administering Body of Opie Reserve, applies to the Minister of Conservation to have Opie Reserve (Lot 81 DP 24258) reclassified from its current status as Recreation Reserve to Local Purpose: Community, as per Section 24 (b) of the Reserves Act 1977.
2. That the Council, acting under delegated authority (2013) from the Minister of Conservation, ensures that Sections 119 and 120 of the Reserves Act 1977 were followed during the proposed reclassification of Opie Reserve.

SUMMARY OF OPTIONS ANALYSIS FOR

<p>Problem or Opportunity</p>	<p>A recent proposal for the future use of Opie Reserve included the reserve being used for 'community use'.</p> <p>To consider any community-type proposals for this reserve, the classification of the reserve needs to change from its status of 'Recreation' to 'Local Purpose: Community'.</p> <p>Council consulted with the community on this matter and this report considers the public submissions received.</p>
<p>Community Views</p>	<p>Community views have been sought, and these were presented to the Strategy & Finance Committee on 10 May 2023 in a Summary of Submissions report.</p>
<p>OPTION 1: (Preferred option)</p>	<p>Apply to the Minister of Conservation to have Opie Reserve reclassified under the Reserves Act 1977 from Recreation Reserve to Local Purpose: Community.</p>
<p>Benefits</p>	<ul style="list-style-type: none"> • The reclassification of Opie Reserve will make this space available for a wider range of uses. • Formally reclassifying the reserve is considered good governance and formalises Council's intentions for its use.
<p>Risks</p>	<ul style="list-style-type: none"> • That the Minister does not support the reclassification. To mitigate this risk as much as possible, Officers have engaged with the local office of Department of Conservation on the proposal. • That once reclassified, Council receives a range of proposals for the reserve which will mean some potential uses may miss out. Council can use the provisions of the Support and Funding Policy if this situation arises to make an informed decision on how to consider proposals.
<p>Financial</p>	<ul style="list-style-type: none"> • Approximate costs of \$2,500 – for the application to the Minister and legal costs. This can be accommodated within the existing parks management budget.
<p>OPTION 2:</p>	<p>Status Quo: Retain the current classification of Opie Reserve - Recreation Reserve.</p>
<p>Benefits</p>	<p>Opie Reserve, though underutilised, will be retained as an open green space for the public.</p>
<p>Risks</p>	<ul style="list-style-type: none"> • The majority of submitters support reclassification. The community may consider that the Council is not supporting its wishes if the application to the Minister is not made.

Financial	<ul style="list-style-type: none"> • There are no financial implications associated with this option.
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RATIONALE FOR THE RECOMMENDATIONS

1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY

- 1.1 Council consulted with the community on the proposal to reclassify Opie Reserve from 'Recreation' to 'Local Purpose: Community'.
- 1.2 Consultation on the proposed reclassification of Opie Reserve occurred during February and March 2023, as per Sections 119 and 120 of the Reserves Act 1977 (The Act).
- 1.3 This report considers the public submissions received, including the submitter who spoke to the committee at the hearing on 10 May 2023.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

- 2.1 Council received a proposal from Ngāti Hineaute Hapū Authority Kōhanga Reo to relocate to Opie Reserve. After having received further information from Kainga Ora on their plans for housing in the area, and Ngāti Hineaute Hapū on their aspirations for a marae, the Council resolved to consult with the community on the proposal to reclassify Opie Reserve from Recreation to Local Purpose: Community.
- 2.2 Reclassification of the reserve is a necessary step prior to Council being able to consider leasing all of Opie Reserve to the Ngāti Hineaute Hapū Authority Kōhanga Reo (subject to a Reserves Act Consultation process).
- 2.3 Community consultation on the proposed reclassification of Opie Reserve occurred during February and March 2023, in accordance with Sections 119 and 120 of the Act. The mediums for this consultation are summarised in section 8 of this report.
- 2.4 158 submissions were received during the month-long Opie Reserve – proposal to reclassify period.
- 2.5 Approximately 80 people were present at the Open Day for the talk and questions session.
- 2.6 On 10 May Council received a Summary of Submissions on the proposed reclassification and heard those that wished to speak directly to Council.

3. MATTERS RAISED IN SUBMISSIONS

- 3.1 The Reserves Act requires Council to consider any objections raised to the proposal to remove a reserve status from reserve land before deciding.

3.2 Table 1 below lists the matters raised in submissions and provides officer comment.

Reasons for supporting the proposal	# submitters raising point	Council officer response
Good land for community use.	45	This reflects the findings of the 2012 Property Review.
Necessary to help build te reo/marae.	33	This reflects the reality of building marae when the applicant does not already own land on which to build.
Space for Ngāti Hineaute.	28	Ngāti Hineaute do not have their own Hapū Marae. This statement reflects the reality of the hapū.
Better utilisation.	6	This reflects the findings of the 2012 Property Review.
Great idea.	3	Subjective – no response required.
Reasons for opposing the proposal	# submitters raising point	Council officer response
It's good as a green space.	4	The reclassification will likely result in the loss of Opie Reserve as solely green space. The 2012 Property Review considered this loss not to be significant in the context of overall green space in the locality and the City. Monrad Park is 120m away and contains two playgrounds, a community centre and 8+ ha of open space/playing fields. Marriner Reserve is 500m away and has 8,000m ² of open space.
Already enough land for marae in the City.	1	This does not reflect the views of Ngāti Hineaute and their attempts to secure land for a marae in Palmerston North.
Flood prone land.	1	The area is affected by 1:10 year events or larger – as are the surrounding residential areas. This does not preclude building. The management of stormwater would be considered as part of a consenting process - for example on-site storage and minimum floor levels might be required and access to the site might be restricted in some events.
Hineaute not engaging all the hapū.	1	The Open Day and hearings saw significant numbers of the hapū members turn out in support of the proposal.
No marae.	1	Subjective – no comment required.

Won't be inclusive.	1	The proposal is for an urban marae, which by nature is inclusive. The Kōhanga Reo is open to all families seeking full immersion Te Reo learning.
Build a playground.	1	Monrad Park is 120m away and has sports fields, a community centre and 2 playgrounds. The two playgrounds are 350 and 550m away – this meets the level of service for this community. The development of a Kōhanga Reo at the site is likely to include an outdoor playground – though this is unlikely to be available to the public.
Not in a residential area.	1	This refers to the activity proposed for the site, not the reclassification. The effects of the proposed activity on the surrounding area would be considered under the Palmerston North District Plan during the consenting processes.
Proposal is not representative of Hineaute.	1	The proposal requires further development and members of the hapū could express their views on the detailed proposal during the leasing and resource consent processes.

3.3 157 of the 158 submitters answered the question 'Do you support the proposal?' – to reclassify the reserve. 87% of submitters were in support of the proposal and 13% were opposed.

3.4 The Open Day was roughly split along the same lines as the submissions – with approximately 20% of participants arguing that the proposal did not have support of hapū, with the majority 80% wanting to reclassify so that a new Kōhanga Reo and urban marae could be built.

3.5 One person spoke to their submission on 10 May. The submitter spoke in favour of the proposal to reclassify.

4. DESCRIPTION OF OPTIONS

4.1 Council has two (2) options it can consider:

1. Apply to reclassify the reserve to 'Local Purpose: Community'; or
2. Retain the current classification as 'Recreation'.

5. ANALYSIS OF OPTIONS

Option 1: Apply to the Minister of Conservation to have Opie Reserve reclassified under the Reserves Act 1977 from Recreation Reserve to Local Purpose: Community.

- 5.1 This option enables wider use of the reserve in the future, including for community purposes.
- 5.2 Reclassification of the reserve would enable the Council to consider the proposal from Ngāti Hineaute Hapū Authority to lease part or all the reserve for a Kōhanga Reo and Hapū Marae.
- 5.3 Importantly, reclassification does not commit the Council to the Ngāti Hineaute Hapū Authority proposal or any other community proposal for the reserve now or in the future. Any proposal to lease the land would still be subject to Council's Funding and Support Policy and the Reserves Act and the lease proposal would be publicly notified and considered separately from this report, noting that the proposal would also be subject to the provisions of the District Plan.

Option 2: Status Quo: Retain the current classification of Opie Reserve as Recreation Reserve.

- 5.4 On 13 April 2022, the Planning & Strategy Committee of Council adopted *Option Three* of the November 2021 report titled *Opie Reserve - Change to Reserve Status to Enable Proposed Use by Ngāti Hineaute Hapū Authority*, being exclusive use (Kōhanga Reo) – all of Opie Reserve is leased to the Ngāti Hineaute Hapū Authority Kōhanga Reo.
- 5.5 Council received legal advice that reclassification of the reserve is required before Council can enter a lease for the use of Opie Reserve for a Kōhanga Reo and urban marae.
- 5.6 If the Council does not apply to the Minister to reclassify the reserve, the resolution of the Council to lease Opie Reserve to Ngāti Hineaute cannot be advanced.
- 5.7 This option is therefore not consistent with earlier decisions of the Council.

6. CONCLUSION

- 6.1 Council investigations in the past led to the proposal to reclassify Opie Reserve from Recreation Reserve to Local Purpose: Community.
- 6.2 Reclassification would enable Council to consider community proposals for the land, including leasing.
- 6.3 Officers recommend that the Council apply to the Minister to reclassify the reserve, for the following reasons:

- The proposal has good support from the local community.
- The proposal is consistent with earlier decisions of the Council.

7. NEXT ACTIONS

- 7.1 Provided the recommended option (Option 1) is taken, Council will apply to the Minister of Conservation to have the reserve classified as Local Purpose: Community.
- 7.2 If the request to reclassify the reserve is upheld, and once the classification is changed, Officers will work with Ngati Hineaute Hapū Authority to further develop their proposal.

8. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

- 8.1 As per Sections 119 and 120 of the Act Council:
- Advertised (as per the publication requirements of The Act) and held a one-month consultation period.
 - Completed a letter drop to residents on the proposal.
 - Erected signs at the park describing the proposal and how to submit, etc.
 - Held an Open Day at the reserve.
 - Held hearings where submitters could be heard.
- 8.2 Apply to the Minister of Conservation to have Opie Reserve reclassified as a Local Purpose: Community Reserve.

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 2: A Creative and Exciting City	
The recommendations contribute to the achievement of action/actions in Active Communities	
The actions are:	
<ul style="list-style-type: none"> • The recommendations contribute to the achievement of action/actions in 	

Active Communities .	
<ul style="list-style-type: none"> The actions are: Administration of the Reserves Act 1977. 	
Contribution to strategic direction and to social, economic, environmental, and cultural well-being	Council statutory obligations under the Reserves Act 1977 will be met.

ATTACHMENTS

Nil