



**PAPAIOEA**  
PALMERSTON  
NORTH  
CITY

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# **PALMERSTON NORTH CITY COUNCIL**

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AGENDA

# **COUNCIL**

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**9AM, WEDNESDAY 1 NOVEMBER 2023**

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

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# MEMBERS

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<b>Grant Smith (Mayor)</b>	
<b>Debi Marshall-Lobb (Deputy Mayor)</b>	
<b>Mark Arnott</b>	<b>Leonie Hapeta</b>
<b>Brent Barrett</b>	<b>Lorna Johnson</b>
<b>Rachel Bowen</b>	<b>Billy Meehan</b>
<b>Vaughan Dennison</b>	<b>Orphée Mickalad</b>
<b>Lew Findlay (QSM)</b>	<b>Karen Naylor</b>
<b>Roly Fitzgerald</b>	<b>William Wood</b>
<b>Patrick Handcock (ONZM)</b>	<b>Kaydee Zabelin</b>

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

[pncc.govt.nz](http://pncc.govt.nz) | Civic Administration Building, 32 The Square  
City Library | Ashhurst Community Library | Linton Library

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**Waid Crockett**

**Chief Executive | PALMERSTON NORTH CITY COUNCIL**

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Te Marae o Hine | 32 The Square  
Private Bag 11034 | Palmerston North 4442 | New Zealand  
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# COUNCIL MEETING

1 November 2023

## ORDER OF BUSINESS

**1. Karakia Timatanga**

**2. Apologies**

**3. 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.

**4. 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.

**5. Public Comment**

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

(NOTE: If the Council 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.)

**6. Presentation - Students Against Cuts**

Page 9

**7. Confirmation of Minutes**

Page 11

"That the minutes of the ordinary meeting of 4 October 2023 Part I Public be confirmed as a true and correct record."

**8. Confirmation of Minutes**

Page 23

"That the minutes of the extraordinary meeting of 25 October 2023 Part I Public be confirmed as a true and correct record."

## REPORTS

**9. Proposed Bus Shelter - 742 Pioneer Highway**

Memorandum, presented by Frances Duffin, Intermediate Project Manager and Bryce Hosking, Acting Group Manager - Transport and Development.

[Report for decision, available from 25 October 2023 Economic Growth Committee Agenda \(Item 11, page 163\)](#)

**10. Bunnythorpe Infrastructure Update**

Memorandum, presented by Bryce Hosking, Acting Group Manager - Transport and Development and Mike Monaghan, Group Manager - Three Waters.

[Report for decision, available from 25 October 2023 Economic Growth Committee Agenda \(Item 12, page 171\)](#)

**11. Road Maintenance Contract Six Monthly Update**

Memorandum, presented by Bryce Hosking, Acting Group Manager - Transport and Development.

[Report for decision, available from 25 October 2023 Economic Growth Committee Agenda \(Item 13, page 177\)](#)

**12. Streets for People 6 Monthly Update**

Memorandum, presented by Bryce Hosking, Acting Group Manager - Transport and Development.

[Report for decision, available from 25 October 2023 Economic Growth Committee Agenda \(Item 14, page 185\)](#)

**13. 6-monthly report on International Relations and Education Activities**

Memorandum, presented by Gabrielle Loga, International Relations Manager.

[Report for decision, available from 25 October 2023 Economic Growth Committee Agenda \(Item 15, page 189\)](#)

**14. Definition and application of interests and conflicts of interest** Page 25

Memorandum, presented by Desiree Harvey, Legal Counsel Waid Crockett, Chief Executive.

**15. Wastewater Treatment Plant Discharge Consent Project - Nature Calls Steering Group - Terms of Reference** Page 33

Memorandum, presented by Mike Monaghan, Group Manager 3 Waters.

**16. Annual Meeting Calendar 2024** Page 47

Memorandum, presented by Hannah White, Democracy & Governance Manager.

**17. Council Work Schedule** Page 51

**RECOMMENDATIONS FROM COMMITTEE MEETINGS**

**18. Presentation of the Part I Public Economic Growth Committee Recommendations from its 9 October 2023 Meeting** Page 57

“That the Committee's recommendations be adopted or otherwise dealt with.”

**19. Presentation of the Part I Public Economic Growth Committee Recommendations from its 25 October 2023 Meeting** Page 61

“That the Committee’s recommendations be adopted or otherwise dealt with.”

**20. Presentation of the Part I Public Rangitāne o Manawatū Committee Recommendations from its 18 October 2023 Meeting** Page 63

“That the Committee’s recommendations be adopted or otherwise dealt with.”

**21. Exclusion of Public**

To be moved:

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

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

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
22.	Minutes of the ordinary meeting - Part II Confidential - 4 October 2023	For the reasons setout in the ordinary minutes of 4 October 2023, held in public present.	
23.	Update on Progress of Investment Options for Palmerston North Airport Limited	<p>THIRD PARTY COMMERCIAL: Disclosing the information could harm a company's commercial position.</p> <p>COMMERCIAL ACTIVITIES: This information needs to be kept confidential to allow Council to engage in commercial activities without prejudice or</p>	<p>s7(2)(b)(ii)</p> <p>s7(2)(h)</p> <p>s7(2)(i)</p>

		disadvantage. NEGOTIATIONS: This information needs to be kept confidential to ensure that Council can negotiate effectively, especially in business dealings	
24.	Trustee Appointments to The Regent Theatre Trust Board and Palmerston North Performing Arts Trust	PRIVACY: This information needs to be kept private to protect personal information that is confidential or sensitive. This includes people who are no longer alive	s7(2)(a)
25.	District Licensing Committee Appointments	PRIVACY: This information needs to be kept private to protect personal information that is confidential or sensitive. This includes people who are no longer alive	s7(2)(a)
26.	Minutes of the ordinary meeting - Part IIB Confidential (Elected Members only) - 4 October 2023	For the reasons setout in the ordinary minutes of 4 October 2023, held in public present.	
27.	Part IIB: Chief Executive's Performance Review [Limited circulation]	PRIVACY: This information needs to be kept private to protect personal information that is confidential or sensitive. This includes people who are no longer alive	s7(2)(a)

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

the above table.

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

*[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].



## **PRESENTATION**

**TO:** Council

**MEETING DATE:** 1 November 2023

**TITLE:** Presentation - Students Against Cuts

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

- 1. That the Council receive the presentation for information.**
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### **SUMMARY**

Students Against Cuts representatives will present their concerns about the proposals at Massey University.

### **ATTACHMENTS**

Nil



## PALMERSTON NORTH CITY COUNCIL

### Minutes of the Council Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 04 October 2023, commencing at 9.03AM

**Members Present:** Grant Smith (The Mayor) (in the Chair) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

**Apologies:** Councillors Leonie Hapeta, Billy Meehan and Kaydee Zabelin (early departure).

The Mayor (Grant Smith) was not present when the meeting resumed at 11.36am. He entered the meeting again at 11.53am after the consideration of clause 159. He was not present for clause 159.

Councillor William Wood left the meeting at 12.29pm during consideration of clause 162. He entered the meeting again at 12.36pm after the consideration of clause 163. He was not present for clauses 162 and 163.

Councillor Mark Arnott left the meeting at 12.35pm after the consideration of clause 162. He entered the meeting again at 12.37pm after the consideration of clause 164. He was not present for clauses 163 and 164.

#### **Karakia Timatanga**

Councillor Roly Fitzgerald opened the meeting with karakia.

#### **155-23 Apologies**

Moved Grant Smith, seconded Debi Marshall-Lobb.

#### **RESOLVED**

1. That Council receive the apologies.

Clause 155-23 above was carried 14 votes to 0, the voting being as follows:

#### **For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

## 156-23 Additional Items

Moved Grant Smith, seconded Debi Marshall-Lobb.

### RESOLVED

1. To receive the late item titled 'Approval for in-country (Japan) travel expenses for Cr Dennison to make diplomatic visits to Palmerston North Sister City, Mihara, and the International Pacific University (IPU) in Okayama, Japan'.

**Reason for Lateness:** Received from Cr Dennison after agenda was published.

**Reason for Urgency:** Cr Dennison is travelling before the next ordinary Council meeting.

Clause 156-23 above was carried 13 votes to 0, with 1 abstention, the voting being as follows:

#### For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

#### Abstained:

Councillor Vaughan Dennison.

### Declarations of interest

The Mayor (Grant Smith) declared a conflict of interest in Item 10 'Approval for the Mayor to travel to Le Quesnoy in France to attend the Opening of the New Zealand Liberation Museum - Te Arawhata' (clause 159) and took no further part in discussion or debate on that Item.

Councillor Vaughan Dennison declared a conflict of interest in Item 22 'Approval for in-country (Japan) travel expenses for Cr Dennison to make diplomatic visits to Palmerston North Sister City, Mihara, and the International Pacific University (IPU) in Okayama, Japan' (clause 160) and took no further part in discussion or debate on that Item.

## 157-23 Confirmation of Minutes

Moved Grant Smith, seconded Debi Marshall-Lobb.

### RESOLVED

1. That the minutes of the ordinary meeting of 6 September 2023 Part I Public be confirmed as a true and correct record.
2. That the minutes of the extraordinary meeting of 27 September 2023 Part I Public be confirmed as a true and correct record.

Clause 157-23 above was carried 13 votes to 0, with 1 abstention, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor and William Wood.

**Abstained:**

Councillor Kaydee Zabelin.

## REPORTS

### 158-23

#### **Housing outcomes for 17-19 Summerhays Street**

Report, presented by Bryce Hosking, Group Manager - Property and Resource Recovery.

It was agreed to broaden design options by adding three-bedroom dwellings.

A motion to amend resolution 1 to incorporate 1.f. was passed. The mover stated that a mix of subsidised and non-subsidised social housing would contribute to operational sustainability of the project and provide support to residents who might not have opportunities to access the private rental market.

Elected Members endorsed a layout with a central shared green space to balance the lack of green spaces in proximity of this location.

Moved Grant Smith, seconded Lorna Johnson.

#### **RESOLVED**

1. That Council endorse:
  - a. Social housing outcomes for 17-19 Summerhays Street (Option 1); AND
  - b. Medium density housing outcomes for 17-19 Summerhays Street; AND
  - c. Inclusion of sustainable building practices in the development of future options for 17-19 Summerhays Street; AND
  - d. Inclusion of best-practice urban design practices in the development of future options for 17-19 Summerhays Street; AND

- e. Design options being developed for one-, two- and three-bedroom dwellings within 17-19 Summerhays Street; AND
  - f. The design options include at least one option with a mix of subsidised and non-subsidised social housing.
2. That Council endorse a housing development layout that has:
    - a. Terraced and Duplex Housing with a central shared green space.
  3. That Council instruct the Chief Executive to develop designs for the future development of 17-19 Summerhays Street in accordance with the resolutions above.

Clause 158.1 to 158.3-23 above were carried 14 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

Moved Roly Fitzgerald, seconded Karen Naylor.

**RESOLVED**

4. That it be noted that should the Council look to deliver housing at 17-19 Summerhays Street as community housing and social housing partnerships, the designs are likely to require negotiation with any potential development partner.

Clause 158.4-23 above was carried 14 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

Moved William Wood, seconded Rachel Bowen.

**Note:**

On a motion to amend resolution 1 to add '1.f. The design options include at least one option with a mix of subsidised and non-subsidised social housing', the motion was carried 14 votes to 2, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Brent Barrett, Rachel Bowen, Vaughan Dennison, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

**Against:**

Councillors Mark Arnott and Lew Findlay.

Moved Karen Naylor, seconded Orphée Mickalad.

**Note:**

On a motion to amend resolution 1 to replace 1.a with 'Mixed Social and Private Market Housing outcomes for 17-19 Summerhays Street (Option 3)', the motion was lost 5 votes to 9, the voting being as follows:

**For:**

Councillors Debi Marshall-Lobb, Vaughan Dennison, Roly Fitzgerald, Orphée Mickalad and Karen Naylor.

**Against:**

The Mayor (Grant Smith) and Councillors Mark Arnott, Brent Barrett, Rachel Bowen, Lew Findlay, Patrick Handcock, Lorna Johnson, William Wood and Kaydee Zabelin.

The meeting adjourned at 11.02am.

The meeting resumed at 11.36am.

The Mayor (Grant Smith) was not present when the meeting resumed.

**159-23**

**Approval for the Mayor to travel to Le Quesnoy in France to attend the Opening of the New Zealand Liberation Museum - Te Arawhata**

Memorandum, presented by Waid Crockett, Chief Executive Officer.

Councillor Debi Marshall-Lobb chaired this item.

The mover stated that a leave of absence was appropriate.

Moved Rachel Bowen, seconded Karen Naylor.

**RESOLVED**

1. That Council grant a leave of absence to the Mayor from 7 October 2023 to 17 October 2023.

Clause 159-23 above was carried 13 votes to 0, the voting being as follows:

**For:**

Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

**Note:**

The Mayor (Grant Smith) declared a conflict of interest and was not present during this item.

The Mayor (Grant Smith) re-entered the meeting at 11.53am.

**160-23**

**Approval for in-country (Japan) travel expenses for Cr Dennison to make diplomatic visits to Palmerston North Sister City, Mihara, and the International Pacific University (IPU) in Okayama, Japan**

Memorandum, presented by Councillor Vaughan Dennison.

Moved Grant Smith, seconded Debi Marshall-Lobb.

**RESOLVED**

1. That Council agree to cover up to \$1000 of travel costs associated with Cr. Dennison's visit to Mihara and Okayama in October-November 2023.

Clause 160-23 above was carried 8 votes to 5, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Orphée Mickalad and Kaydee Zabelin.

**Against:**

Councillors Brent Barrett, Rachel Bowen, Lorna Johnson, Karen Naylor and William Wood.

**Note:**

Councillor Vaughan Dennison declared a conflict of interest. He presented the report and answered questions, then withdrew from the discussion and sat in the gallery.

**161-23**

**Turitea Reserve Wind Farm Proposed Change in Purpose**

Report, presented by Mike Monaghan, Group Manager Three Waters.

Moved Grant Smith, seconded Debi Marshall-Lobb.

**RESOLVED**

1. That Council, as the Administering Body of the Turitea Reserve under the Reserves Act 1977, approve the classification under Section 16 of the Reserves Act 1977 (to bring into current legislation) of:
  - a) Sections 17 and 18 Block XIX Mangahao Survey District held in Record of Title 48653 as Local Purpose Reserve (Water Supply).
2. That Council, as the Administering Body of the Turitea Reserve under the Reserves Act 1977, approve the change in classification under Section 24 of the Reserves Act 1977 of:
  - a) Areas A, B, C, and D on draft SO 594888 version dated 9 September 2023 being part of Part Section 2 SO 37039, Part Sections 307, 308 & 309 Town of Fitzherbert, Parts Section 276 & 306 Town of Fitzherbert held in Records of Title WN373/131, WNF4/549 and WNB2/710 from Local Purpose reserve (renewable electricity generation and electricity transmission, water supply and protection of indigenous flora and fauna to Local Purpose reserve (renewable electricity generation and electricity transmission and protection of indigenous flora and



fauna); and

- b) Sections 17 and 18 Block XIX Mangahao Survey District held in Record of Title 48653 from Local Purpose Reserve (Water Supply) to Local Purpose Reserve (renewable electricity generation and electricity transmission, and protection of indigenous flora and fauna).
3. That Council delegate authority to the Chief Executive to sign and publish the gazette notices required to implement these recommendations.

Clause 161-23 above was carried 14 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

**162-23**

**Annual Section 10A Dog Control Act 1996 Report 2022/23**

Memorandum, presented by Aaron Thornton, Acting Environmental Protection Services Manager.

The officer clarified that the number of dogs euthanised during 2022/23 increased 118% compared to 2021/22.

Councillor William Wood left the meeting at 12.29pm.

Moved Grant Smith, seconded Debi Marshall-Lobb.

**RESOLVED**

1. That Council receive the report of the Dog Control Policy and Practices for the Palmerston North City Council pursuant to Section 10A of the Dog Control Act 1996 for the period 2022/23, as attached to this memorandum titled 'Annual Section 10A Dog Control Act 1996 Report' presented to the Council on 4 October 2023.

Clause 162-23 above was carried 13 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor and Kaydee Zabelin.

Councillor Mark Arnott left the meeting at 12.35pm.

**163-23**

**Council Work Schedule October 2023**

Moved Grant Smith, seconded Debi Marshall-Lobb.

## RESOLVED

1. That the Council receive its Work Schedule dated 4 October 2023.

Clause 163-23 above was carried 12 votes to 0, the voting being as follows:

### For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor and Kaydee Zabelin.

Councillor William Wood re-entered the meeting at 12.36pm.

## RECOMMENDATIONS FROM COMMITTEE MEETINGS

### 164-23 Culture & Sport Committee Part I Public - 13 September 2023

Consideration was given to Culture & Sport Committee recommendation stated below.

Moved Rachel Bowen, seconded Grant Smith.

## RESOLVED

That the recommendation from the Culture & Sport Committee meeting of 13 September 2023 be adopted:

### Options to change the Palmerston North City Coat of Arms (clause 34-23)

1. That Council retain the current Coat of Arms.

Clause 164-23 above was carried 13 votes to 0, the voting being as follows:

### For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

Councillor Mark Arnott re-entered the meeting at 12.37pm.

### 165-23 Strategy & Finance Committee Part I Public - 20 September 2023

Consideration was given to Strategy & Finance Committee recommendations stated below.

Moved Vaughan Dennison, seconded Karen Naylor.

## RESOLVED

That the recommendations from the Strategy & Finance Committee meeting of 20 September 2023 be adopted:

### Draft Water Supply Bylaw - Deliberations on Submissions (clause 55-23)

1. That Council adopt the Palmerston North Water Supply Bylaw 2024

and the Palmerston North Water Supply Bylaw Administration Manual 2024 (as shown in Attachments 2 and 3), which will come into effect on 1 February 2024.

#### **Ashhurst and Te Apiti Campervan Dump Station Budget (clause 57-23)**

1. That Council approve an increase to the budget for Programme 1535 – City-wide: Campervan Dump Stations from \$113,595 to \$213,595.
2. That Council note that revenue will be increased by \$100,000 of secured external funding, subject to consultation on the proposed dump station, for Programme 1535 – City-wide: Campervan Dump Stations, which means there will be no rates impact from increasing the budget.
3. That Council note that, as per the condition of the Ministry of Business, Innovation and Employment funding, consultation on the proposed new campervan dump station will be carried out. The consultation results and any subsequent recommendations will be reported back to Council.

#### **Ashhurst Te Apiti Three Bridges Loop Track Investigations Budget & Waka Kotahi Fund Update (clause 58-23)**

1. That Council adds a new operating programme titled 'Ashhurst Te Apiti Three Bridges Loop Track Investigations'.
2. That Council approves an increase in operating revenue and expenditure budget of \$156,875 for the investigations and design phase of the Te Apiti Three Bridges Loop Track programme, this budget to be 100% funded by Waka Kotahi subsidies.
3. That Council instruct the Chief Executive to report back at the conclusion of the Te Apiti Three Bridges Loop Track investigations and design work with a view to applying to Te Ahu a Turanga Recreation Fund for implementation works.

Clause 165-23 above was carried 14 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Ophée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

**166-23**

#### **Community Committee Part I Public - 27 September 2023**

Consideration was given to Community Committee recommendations stated below.

Moved Lorna Johnson, seconded Patrick Handcock.

## RESOLVED

That the recommendations from the Community Committee meeting of 27 September 2023 be adopted:

### **Draft Gambling Venue Policies - Deliberations Report (clause 35-23)**

1. That the Committee recommend the Council adopt the Class 4 Gambling Venue Policy 2023, attachment 2 of this memorandum.

Clause 166.1-23 above was carried 13 votes to 1, the voting being as follows:

#### **For:**

Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Ophée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

#### **Against:**

The Mayor (Grant Smith).

Moved Lorna Johnson, seconded Patrick Handcock.

## RESOLVED

2. That the Committee recommend the Council adopt the TAB Venue Policy 2023, attachment 3 of this memorandum.

Clause 166.2-23 above was carried 14 votes to 0, the voting being as follows:

#### **For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Ophée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

## EXCLUSION OF PUBLIC

### **167-23 Recommendation to Exclude Public**

Moved Grant Smith, seconded Debi Marshall-Lobb.

## RESOLVED

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

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

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
17.	Minutes of the ordinary meeting - Part II Confidential - 6 September 2023	For the reasons set out in the ordinary minutes of 6 September 2023, held in public present.	
18.	Part IIB: Chief Executive's Performance Review [Limited circulation]	PRIVACY	s7(2)(a)

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

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

*Anne Herbert (Streamline HR, Director)*, because of her knowledge and ability to assist the meeting in speaking to the report 'Chief Executive's Performance Review' (Item 18) and answering questions, noting that such person will be present at the meeting only for Item 18.

Clause 167-23 above was carried 14 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

The public part of the meeting finished at 12.41pm

Confirmed 1 November 2023

**Mayor**



## PALMERSTON NORTH CITY COUNCIL

### Minutes of the Extraordinary Council Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 25 October 2023, commencing at 12.02pm

**Members Present:** Grant Smith (The Mayor) (in the Chair) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Lew Findlay, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

**Apologies:** Councillors Vaughan Dennison and Roly Fitzgerald.

#### Karakia Timatanga

Councillor Debi Marshall-Lobb opened the meeting with karakia.

#### 169-23 Apologies

Moved Grant Smith, seconded Debi Marshall-Lobb.

#### RESOLVED

1. That Council receive the apologies.

Clause 169-23 above was carried 14 votes to 0, the voting being as follows:

#### For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Lew Findlay, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

## REPORTS

#### 170-23 Risk & Assurance Committee Part I Public - 18 October 2023

Consideration was given to Risk & Assurance Committee recommendations as stated below.

Report presented by Scott Mancer, Finance Manager.

Officers stated that the Independent Auditor's Report to be included in the Summary Annual Report 2022/23 had been received by the Council moments before the meeting, and will be included in the final Summary

to be published on the Council's website.

It was agreed to amend the 'key achievements' charts in the Summary Annual Report 2022/23 to match the updated content of the full Annual Report 2022/23 as included in the agenda.

Moved Grant Smith, seconded Debi Marshall-Lobb.

### **RESOLVED**

That the recommendations of the Risk & Assurance Committee meeting of 13 September 2023 be adopted (clause 22-23):

#### **Adoption of Annual Report 2022/23**

2. That Council adopt the Annual Report 2022/23 and Summary Annual Report 2022/23.
3. That Council note that, assuming Audit clearance is given, the final Auditor's 'opinion' from Audit New Zealand will be received following expected adoption by Council on 25 October 2023 and Council signing of the reports.
4. That Council delegate authority to the Chief Executive to make minor edits to the Annual Report 2022/23 and Summary Annual Report 2022/23.

Clause 170-23 above was carried 14 votes to 0, the voting being as follows:

#### **For:**

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Lew Findlay, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

#### **Karakia Whakamutunga**

Councillor Debi Marshall-Lobb closed the meeting with karakia.

The public part of the meeting finished at 12.12pm

Confirmed 1 November 2023

**Mayor**



## MEMORANDUM

**TO:** Council

**MEETING DATE:** 1 November 2023

**TITLE:** Definition and application of interests and conflicts of interest

**PRESENTED BY:** Desiree Harvey, Legal Counsel, and Waid Crockett, Chief Executive

**APPROVED BY:** Donna Baker, Acting Chief Executive Unit Manager  
Waid Crockett, Chief Executive Officer

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### RECOMMENDATION TO COUNCIL

1. That Council receive the memorandum titled “Definition and application of interests and conflicts of interest for consideration” presented on 1 November 2023.
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#### 1. ISSUE

- 1.1 On 15 February 2023, Council asked that the Chief Executive provide clarity on the definition and application of interests and conflicts of interest to be included in the Standing Orders, and that this be presented to Council to consider / adopt (Resolution 7-23).
- 1.2 The current Standing Orders do not provide a distinction between an interest in a matter and a conflict of interest. Members have asked what, if any, restrictions should be placed on their ability to engage with official Council business if they believe their interest is short of being a conflict of interest.

#### 2. BACKGROUND

- 2.1 In a city the size of Palmerston North, it is inevitable that Members will have interests in decisions or matters that come before Council. Members need to feel comfortable that if they declare an interest in a matter, they are not perceived to be acting inappropriately in their official capacity.
- 2.2 The current Standing Orders, adopted in February 2023, contemplate financial and non-financial conflicts of interests at clauses 2.5.1 and 2.5.2 respectively. They remain silent on the obligations for Members when they declare an interest in a matter only, as opposed to a conflicting interest.
- 2.3 Where a Member declares a conflict of interest, whether financial or not, they must not vote or take part in any discussion about the matter. If the meeting is

publicly excluded, they should leave the room. Any declarations of conflict of interest must be declared at the start of the meeting and noted in the minutes.

- 2.4 Importantly, both clauses state that it is not for the Chair, nor the meeting, to rule on whether a Member has a conflict of interest in the matter being discussed, but for the Member themselves.

### 3. THE CURRENT FRAMEWORK

- 3.1 A conflict of interest can broadly be categorised into a financial or non-financial conflict of interest.
- 3.2 Rules regulating conflicts of interest exist to preserve the integrity of decision-making; to ensure that decisions made by Members are based on the merits of the proposal and not made because of personal bias, motives or prejudices. They also ensure that people interested in or affected by a decision can have trust and confidence in the process knowing that it has been made without bias or predetermination.
- 3.3 If Members participate in a decision when they have a conflict of interest or a closed mind, public confidence in those decisions will be diminished and the decisions themselves may be exposed to challenge by judicial review. This causes delay, cost and uncertainty. Elected Member conflicts of interests pose a reputational, legal and financial risk to not only the individual Elected Member, but also the Council.
- 3.4 There are existing statutory rules for conflicts of interests that apply to all Members. Under the Local Authorities (Members' Interests) Act 1968, Members cannot benefit from contracts with their local authority if payments made subject to a contract are worth more than \$25,000 in any financial year, whether singular or combined.<sup>1</sup>
- 3.5 Members also cannot participate in matters before their local authority in which they have a financial interest, other than an interest in common with the public (for example, as a general ratepayer of Palmerston North). Determining whether a Member has a financial interest is dependent on whether there is "a reasonable expectation of financial loss or gain" from the decision.<sup>2</sup> The Standing Orders provide that no Member may vote on or take part in discussion about any matter in which they have a direct or indirect financial interest.
- 3.6 Members are also required to declare if they have a non-financial conflict of interest. These will most commonly arise when Members have an interest in an organisation or group that has business before Council. Table 1 explains how

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<sup>1</sup> Members also have disclosure obligations under s54E & 54F Local Government Act 2002 (resulting from the Local Government (Pecuniary Interests Register) Amendment Act 2022)

<sup>2</sup> *Downward v Babington* [1975] VR 872.

a conflict of interest affects participation in decision-making in accordance with the Standing Orders.

**Table 1 How an interest affects a Member’s participation in the Chamber**

	<b>No interest in the item</b>	<b>Interest in an item – but considering it with an open mind without perception of bias or predetermination</b>	<b>Conflict of Interest</b> Member will (or is perceived to) receive a <b>Non-financial benefit</b> from the decision (Member or someone in their household) <b>SO. 2.5.2</b>	<b>Conflict of Interest</b> Member will (or is perceived to) receive a <b>Direct or indirect Financial Benefit</b> from the decision (member or their partner) <b>SO. 2.5.1</b> <b>LAMIA 1968 s6&amp;7</b>
<b>Can a Member be present in the room?</b>	<b>YES</b>	<b>YES</b>	<b>YES (for a Part 1 Item)</b> Member should withdraw themselves from the table	<b>YES (for a Part 1 Item)</b> Member should withdraw themselves from the table
			<b>NO (for a Part II item)</b> Member should leave the room	<b>NO (for a Part II item)</b> Member should leave the room
<b>Can a Member ask a question?</b>	<b>YES</b>	<b>YES</b>	<b>NO</b> Member cannot take part in discussion	<b>NO</b> Member cannot take part in discussion
<b>Can a Member Comment?</b>	<b>YES</b>	<b>YES</b>	<b>NO</b> Member cannot take part in discussion	<b>NO</b> Member cannot take part in discussion
<b>Can a Member Vote?</b>	<b>YES</b>	<b>YES</b>	<b>NO</b> Member cannot vote	<b>NO</b> Member cannot vote
<b>Can a Member chair the item?</b>	<b>YES</b>	<b>YES</b>	<b>NO</b> Member should withdraw themselves from the table	<b>NO</b> Member should withdraw themselves from the table

**4. WHEN DOES AN INTEREST BECOME A CONFLICT OF INTEREST?**

- 4.1 In general, any financial or non-financial interest has the potential to become a conflict of interest.
- 4.2 An Elected Member has a non-financial interest in a matter if they have a relationship, involvement or role with an individual or organisation, or a duty to an individual or organisation (usually separate to their role as an Elected

Member), in circumstances where that individual or organisation is involved in or affected by a matter before the Council.

- 4.3 An interest becomes a conflict of interest where a decision-maker is biased, unable to be impartial, or can be perceived to be any of these things, due to the interest held.

Impartiality and bias

- 4.4 The Supreme Court decision *Saxmere* states the relevant legal test is “would a fair-minded observer reasonably think that a Member of the decision-making body might not bring an impartial mind to the decision, in the sense that they might unfairly hold a particular position due to their interest?”<sup>3</sup>
- 4.5 If a Member believes that a fair-minded observer would reasonably consider that they might not bring an impartial mind to the matter at hand, then they should follow the same procedures in the Standing Orders for conflicts of interests. In applying this test, a fair-minded observer should be taken to understand the practicalities and political context of local government. It is not possible, nor desirable, for local body Elected Members to be in a “scrupulous state of impartiality” when they are making decisions around the Council table given they are part of the political process.<sup>4</sup> They are, however, required to have an open mind to decision-making.

Predetermination

- 4.6 Pre-determination is a type of a conflict of interest. Pre-determination is where a decision is approached with a “closed mind” and, unlike conflicts of interest, is not dependent on the relationships or interests of the decision-maker. It is generally based on the expression of a view or conduct; for example, a Member stating that their mind is made up about a particular matter before having heard all views, or refusing to read or consider reports or submissions presented to Council on the matter.
- 4.7 Pre-determination requires proof of “actual pre-determination or fettering rather than the appearance of the same”.<sup>5</sup> For an Elected Member to have pre-determined a matter, they must have a closed mind. This will be assessed based on evidence which is capable of objective assessment, such as things the Elected Member said or did prior to the decision, or other documentary evidence such as decision papers or advice. A mere statement by an Elected Member after the fact that they did not have a closed mind is unlikely to be sufficient to displace an allegation of pre-determination.
- 4.8 In a local authority context, Elected Members may approach their decision-making with a legitimate predisposition to decide in accordance with

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<sup>3</sup> derived from *Saxmere Company Ltd v Wool Board Disestablishment Company Ltd* [2009] NZSC 72, [2010] 1 NZLR 35 at [37], [80], [89] and [129].

<sup>4</sup> *Rangitira Developments Limited v Sage* [2020] NZHC 1503 at [34].

<sup>5</sup> *Travis Holdings Ltd v Christchurch City Council* [1993] 3 NZLR 32 (HC) at 47.

particular views on certain issues that they have previously articulated. What is critical is that an Elected Member is “prepared, despite predisposition, honestly to consider whether to change” their mind.<sup>6</sup>

- 4.9 This requirement is consistent with guidance from the Office of the Auditor General and the statutory obligations to have an open mind. For example, a principle of consultation under s 82(1)(e) of the Local Government Act 2002 is that a local authority should receive views presented to it with an open mind, and when making a decision, give those views due consideration.

**5. APPLICATION TO STANDING ORDERS**

- 5.1 An opportunity to declare interests is provided at the outset of every meeting in accordance with the Standing Orders. Members should be proactive in declaring any interests they may have and determining whether they could give rise to the perception of bias or predetermination. It is up to the individual to declare an interest and conduct themselves accordingly if the interest is a conflict of interest.

- 5.2 Local Government New Zealand model Standing Orders do not go further than what is provided in Council's Standing Orders. Provided Members have regard to the considerations in this report, Officers do not consider that the Standing Orders need to be amended. There is no prohibition on continued involvement in proceedings or decision-making where an interest is declared, provided there is no actual or perceived conflict of interest, and where a fair-minded observer could reasonably think that a decision-maker is unbiased.

**6. NEXT STEPS**

- 6.1 Elected Members are individually responsible for identifying and managing their own interests in light of the considerations set out in this report. Where there is uncertainty, Members should feel comfortable discussing this with the Chief Executive, Legal Counsel or Democracy and Governance Manager, who can provide guidance as required.

**7. COMPLIANCE AND ADMINISTRATION**

Does the Council have delegated authority to decide?	<b>Yes</b>
Are the decisions significant?	<b>No</b>
If they are significant do they affect land or a body of water?	<b>No</b>
Can this decision only be made through a 10 Year Plan?	<b>No</b>

<sup>6</sup> *Friends of the Turitea Reserve Society Inc v Palmerston North City Council* [2008] 2 NZLR 661 (HC) at [102].

Does this decision require consultation through the Special Consultative procedure?		<b>No</b>
Is there funding in the current Annual Plan for these actions?		<b>No</b>
Are the recommendations inconsistent with any of Council's policies or plans?		<b>No</b>
The recommendations contribute to Goal 5: A Driven & Enabling Council		
The recommendations contribute to the achievement of action/actions in Governance and Active Citizenship		
The action is: N/A		
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Ensuring decision-making is open and transparent and made without bias or predetermination.	

**ATTACHMENTS**

- Office of the Auditor General - Quick Guide to Conflicts of Interest





# Managing conflicts of interest

A conflict of interest is a situation where the responsibilities you have in your work for a public organisation are affected by an interest or relationship you have in your private life.

Having a conflict of interest does not necessarily mean you have done anything wrong. It all depends on how you manage it.

You need to ask yourself not just whether the interest or relationship means you are biased, but also whether someone looking in from the outside could have reasonable grounds to think you might be.

The “rules” for managing conflicts of interest in the public sector are generally stricter than in the private sector. If you work for a public organisation, the public needs to have confidence that any decisions you make:

- are made impartially and for the right reasons; and
- are not influenced by personal interests or ulterior motives.

Any decisions about conflicts of interest should take into account the core public service values:

- integrity;
- impartiality
- trustworthiness;
- respect; and
- responsiveness.



## Tips for managing conflicts

- Make sure you know what rules apply to you, whether in your employment contract, contract for services, terms of appointment, or any internal policies of the entity you work for.
- Declare any interests you have that might pose a conflict. This shows you are being open. It will also help the entity you work for avoid putting you in a situation where a conflict might arise, or to manage a conflict if one arises.
- Follow any rules or guidance provided by the entity you work for when deciding how to manage a conflict.
- As a minimum, declare any conflicts you have as soon as you become aware of them, preferably in writing.
- Think about what else you might need to do to manage the conflict. Get advice if you need to. Talk to your manager, or if you are on a board, the chairperson.
- You need to consider ethics as well as legal rules. Just because it’s not unlawful to participate, that does not necessarily mean it would be appropriate to participate.

**If in doubt, stay out.**



## When you have to make a decision, ask yourself:

### FINANCIAL

- Do you stand to gain or lose financially from the decision?
- Does someone close to you – like an immediate family member – or a business you are involved with stand to gain or lose financially from the decision?

A situation does not need to involve cash changing hands to be considered a financial interest. A financial interest could, for example, relate to an effect on the value of property.

A financial interest might be direct or indirect. In situations that someone close to you or a business you are involved with has a financial interest, you might be considered to share their interest.

Financial interests are generally treated more strictly than other types of interest. If you have a financial conflict of interest, the law presumes you are biased. This is why you should automatically treat a financial conflict of interest seriously, even if it seems trivial to you.

For some entities in the public sector, there are specific statutory requirements that apply to managing the financial conflicts of interest, which you need to be aware of.

### NON-FINANCIAL

- Is someone close to you or an organisation you are involved with likely to be affected by the decision you make?
- If so, is there a risk that you will be seen to be biased in your decision because of this relationship or association?

If you have a conflict of interest, but not one from which you stand to gain or lose financially, the law does not automatically assume you are biased.

This does not necessarily mean a non-financial conflict is less serious than a financial conflict – but there is generally more room for judgement about whether it is acceptable for you to participate.

Questions you need to think about include:

- How close is your relationship with this other person or organisation?
- Will they be directly affected by the decision?
- How seriously will they be affected?

### CONFLICT OF ROLES

Will a second organisation you have a role in (entity B) be affected by the decision you are making for the public organisation you work for (entity A)?

If so:

- Is there a risk that you will be seen to be acting in the interests of entity B rather than entity A?
- If you participate in this decision, is there a risk that you might breach obligations you owe to either entity – for example, a duty of loyalty or confidentiality?

The issue with a conflict of roles is not so much whether you personally have a conflict, but whether the interests of the two organisations conflict.

If you have a conflict of roles, you will need to consider whether it is appropriate for you to participate in the decision-making process “on both sides of the table”. You will also need to think about whether you are going to be in a position to fulfil your obligations to both entities at the same time.



If there is a risk that there might be conflicts at some point during the decision-making process, you should discuss your situation with both entities. This gives each an opportunity to consider the risks from their perspective and decide whether they are comfortable with you participating on both sides.

### PRE-DETERMINATION

Is there anything you have previously done or said that might make people think you are not going to listen fairly to all the relevant information before you make your decision?

It is accepted that people working for public entities will have their own views on many matters, and, in many cases, might already have views on what the “right answer” to an issue is.

You are not required to approach every decision as though you have given it no prior thought, or have no existing knowledge or opinion. However, you are required to keep an open mind, and you must be prepared to change or adjust your views if the evidence or arguments warrant it.

That means you need to take care that what you do or say does not make it look like you have already made your decision before you have considered all the relevant information and evidence.

## Where to read more

FINANCIAL	NON-FINANCIAL	CONFLICT OF ROLES	PRE-DETERMINATION
Paragraphs 3.7-3.11	Paragraphs 3.12-3.24	Paragraphs 3.25-3.31	Paragraphs 3.32-3.40
Scenarios 3, 5	Scenarios 1, 2, 3, 9, 11	Scenarios 8, 10	Scenarios 4, 7
If you are an elected member of a local council, or a member of the governing body of any other entity to which the Local Authorities (Members’ Interests) Act 1968 applies, please also read our Guide on that Act.			





## MEMORANDUM

**TO:** Council

**MEETING DATE:** 1 November 2023

**TITLE:** Wastewater Treatment Plant Discharge Consent Project - Nature Calls Steering Group - Terms of Reference

**PRESENTED BY:** Mike Monaghan, Group Manager 3 Waters

**APPROVED BY:** Chris Dyhrberg, Chief Infrastructure Officer

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### RECOMMENDATION(S) TO COUNCIL

1. That Council endorse the draft Terms of Reference for the Nature Calls Steering Group (Attachment 1).
  2. That Council agree the Mayor's recommendation to appoint The Mayor, Cr Brent Barrett, Cr Vaughan Dennison and Cr Kaydee Zabelin as Elected Member representatives on the Steering Group.
- 

### 1. ISSUE

- 1.1 In November 2022 it was agreed that a new Steering Group for the Nature Calls Project would be established. This Steering Group would replace the Project Reference Group (PRG) that was in place during the consent preparation phase, with a new steering group to be established during the post-lodgement phase of the application until such time a decision is received on the consent for the Project.
- 1.2 It is proposed that the Steering Group be made up of Elected Members, iwi representatives, external stakeholders and officers, with the Mayor to chair the group.
- 1.3 Officers are seeking Council endorsement of the draft Terms of Reference. Input and agreement from key iwi partners and major stakeholders about the final Terms of Reference will be critical to the success of this phase of the project. Once this feedback is incorporated officers will bring back the Terms of Reference for adoption.

### 2. BACKGROUND

- 2.1 The Nature Calls Project has had previous iwi and stakeholder groups through the different phases of the Project. These are outlined below.

### **BPO Steering Group**

- 2.2 A Best Practicable Option (BPO) Steering Group was in place while Council was working through the process to determine the best discharge and treatment option. This group included 4 Elected Member representatives (including the Mayor), 4 Executive Members (including the Chief Executive); Technical consultants and representatives from Rangitāne o Manawatū.
- 2.3 The BPO Steering Group met throughout the development of the BPO and reported through to Council. Once the BPO option was confirmed this Steering Group disbanded.

### **Project Reference Group**

- 2.4 During the consent preparation phase of the project, a Project Reference Group was established in March 2022. The purpose of this group was to:
- (a) inform and brief members on the investigations and assessments being undertaken to refine the treatment and discharge option selected, and understand the effects and how these might be mitigated;
  - (b) seek feedback and input into the preparation of the consents required to implement the Council selected best practicable option;
  - (c) engage in the development of an adaptive management approach to be incorporated into the consent application;
  - (d) provide a forum for issues and concerns to be raised along with consideration of how these might be mitigated or addressed; and
  - (e) facilitate understanding of a range of perspectives and interests as well as trade-offs required in forming the consent application.
- 2.5 Membership of this group included representatives from:
- Rangitāne o Manawatū
  - Ngāti Turanga – Raukawa
  - Rūnunga o Raukawa
  - Te Roopu Taiao o Ngāti Whakaterere
  - Industry and Trade and Commerce representatives
  - Food and Fibre Forum
  - Federated Farmers
  - Fish and Game
  - Department of Conservation
  - Environment Network Manawatu
  - Department of Internal Affairs

Horizons Regional Council were invited to attend and accepted in an observer capacity. Council members included the Project Team, Chief Infrastructure Officer, and Councillor Brent Barrett. The PRG was chaired by David Warburton.

- 2.6 The Terms of Reference (ToR) for the Reference Group were established for the duration of the consent preparation phase and determined that it would cease to exist once the consent application was lodged. This was to allow members of the Group to submit on the application and the ToR set out that membership on the Group did not inhibit members from submitting on the application.
- 2.7 Now the Nature Calls consent application has been lodged and accepted by Horizons Regional Council, a steering group is required to continue engagement with Iwi and key stakeholders.
- 2.8 This steering group will remain active until the consent is granted. Once the consent is granted, this group will cease and an alternative committee (known as the Kete Kīwai Rua Committee) will be established. The details of which have been included in the draft consent conditions, this committee is outlined in further detail below.

**Kete Kīwai Rua Committee**

- 2.9 Kete Kīwai Rua is a name that was given by Rangitāne o Manawatū for the adaptive management steering group that will be formed once the consent is granted. Kete Kīwai Rua refers to "One kete, Two handles" which are held by each party of the Adaptive Management Committee, Palmerston North City Council and Rangitāne o Manawatū.
- 2.10 As outlined in the workshop with Council in November 2022, an exemplar Adaptive Management Strategy (AMS) was included in the consent application that was lodged with Horizons. This AMS is an example only (to show Horizons what such an AMS could look like). The intention is that the Kete Kīwai Rua Committee would prepare the AMS after consent is granted; generally following this exemplar and meeting the objectives as set out in the proposed conditions below:
  - a) The amount of treated wastewater discharged to the Manawatū River from the Palmerston North Wastewater Treatment Plant will be reduced.
  - b) The effects of the treated wastewater discharge on the mauri of the Manawatū River will be appropriately offset through the restoration of a natural awa landscape(s) and other cultural enhancement initiatives identified in the Adaptive Management Strategy. The restoration initiative must aim to ensure:
    - i. taonga and mahinga kai species such as tuna, raupō and harakeke are thriving in the compensation area and provide for cultural harvests
    - ii. safe access is provided to the awa landscape and mahinga kai is safe to consume

- iii. the area subject to the offset is full of Te Wana
  - iv. the area subject to the offset connects to site(s) of significance.
- c) The quality of the treated wastewater will be enhanced over the term of the consent to achieve quality levels over and above those set in the resource consent conditions.
- d) Beneficial uses for the treated wastewater will continue to be identified, investigated, and where proven feasible, adopted.
- e) Sustainable outcomes for the beneficial reuse and resource recovery of biosolids and other WWTP by-products including energy must be achieved.
- 2.11 Rangitāne o Manawatū would be invited to join this Committee along with representatives from Council, even if Council were no longer the consent holder at that point in time.
- 2.12 The Kete Kīwai Rua Committee would invite a representative from Horizons to join the Committee as an observer (no voting rights would be extended to Horizons given their role as the regulator).
- 2.13 The condition proposed in the resource consent application allows for the consent holder to invite Rangitāne o Manawatū representatives to engage with other iwi/Māori in the region using traditional tikanga led approaches on the activities of the Committee.
- 2.14 The Kete Kīwai Rua Committee would not be established until the consent application has been granted by Horizons. Therefore, it is proposed that the Nature Calls Steering Group is established and operates for the period of consent processing.

**3. NEXT STEPS**

- 3.1 The first meeting of the Steering Group is arranged to discuss the draft Terms of Reference included in Attachment 1.

**4. COMPLIANCE AND ADMINISTRATION**

Does the Council have delegated authority to decide?	<b>Yes</b>
Are the decisions significant?	<b>No</b>
If they are significant do they affect land or a body of water?	<b>No</b>
Can this decision only be made through a 10 Year Plan?	<b>No</b>
Does this decision require consultation through the Special Consultative procedure?	<b>No</b>
Is there funding in the current Annual Plan for these actions?	<b>Yes</b>

Are the recommendations inconsistent with any of Council's policies or plans?		<b>No</b>
The recommendations contribute to Goal 4: An Eco City		
The recommendations contribute to the achievement of action/actions in the Waters Plan		
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Establishing a Nature Calls Steering Group is an important part of ensuring strategic engagement with all parties is maintained during the critical phase of the consent application.	

**ATTACHMENTS**

1. Nature Calls draft Terms of Reference [↓](#) 
2. Te Mana o Te Wai - Factsheet [↓](#) 



## NATURE CALLS STEERING GROUP – DRAFT TERMS OF REFERENCE

### 1 BACKGROUND

- 1.1 Palmerston North City Council (**Council**) submitted the resource consent application for the 'Nature Calls' Project to Horizons Regional Council (Horizons) late 2022. This project is the culmination of four years of work developing the Best Practicable Option (BPO) which comprises highly treated wastewater being discharged to the Manawatū River or to land.
- 1.2 During the consent application preparation phase a Project Reference Group (PRG) was established. The PRG were involved in the consideration of adaptive management options during the development of the application.
- 1.3 As part of the consent application that was submitted to Horizons, a draft Adaptive Management Strategy (AMS) was submitted. The objective of this strategy will be to;
  - a) *Reduce the volume of wastewater being discharged to River*
  - b) *Restoration of natural awa, landscapes and cultural enhancement*
  - c) *Enhance the quality of treated wastewater over the term of the consent; and*
  - d) *Consider treatment plant discharge as a resource*

### 2 PURPOSE OF TERMS OF REFERENCE

- 2.1 The Terms of Reference (**ToR**) sets out the purpose of the Nature Calls Steering Group (Steering Group), its code of conduct, membership and key working protocols. The ToR may be altered by the mutual agreement of all the Steering Group Members at any time subject to the agreement of Council.

### 3 PURPOSE OF THE STEERING GROUP

- 3.1 To give effects to the principles of Te Mana o te Wai (refer Attachment 2).
- 3.2 Ensure ongoing engagement with all parties outlined in 6.2 during the consent processing phase of the Nature Calls project.
- 3.3 To develop adaptive management options to meet the objectives of the AMS and to provide updates to Council on the progress of the consent application.

### 4 TERM OF STEERING GROUP

The term of the Steering Group will be for the period the consent is being processed. The Steering Group will cease to exist when the consent decision is issued.

## **5 CODE OF CONDUCT**

- 5.1 Steering Group Members shall commit to actively participate in good faith.
- 5.2 Steering Group Members shall work collaboratively and commit to being respectful of different perspectives and make every effort to find consensus, acknowledging that agreement may not always be possible.
- 5.3 All matters and information provided to the Steering Group Members for consideration or review, and all deliberations of the Steering Group shall be treated as confidential until and unless the information has been approved for public release by Council or by the Chief Executive.
- 5.4 Participation in the Steering Group will not inhibit participants from exercising their rights as a submitter.

## **6 MEMBERSHIP OF THE STEERING GROUP**

- 6.1 The Steering Group shall comprise of representatives from Iwi impacted by the consent and stakeholder groups as endorsed by Council or as subsequently amended by agreement of Council.
- 6.2 Membership of the Steering Group shall include one representative from the following (excluding Council representatives):
  - Rangitāne o Manawatū
  - Te Roopu Taiao o Ngāti Whakatere
  - Te Tūmatakahuki
  - Manawatū Business Chamber
  - Food & Fibre Forum
  - Federated Farmers
  - Environment Network Manawatū
  - Fish and Game
  - Fonterra
  - Industry Representatives (to be confirmed)
  - Te Whatu Ora
  - Mayor (Chair)
  - Elected Members
  - Chief Executive and delegated officers

## **7 FREQUENCY OF MEETINGS**

- 7.1 Bi-monthly or other such frequency as appropriate to consider matters arising.















## MEMORANDUM

**TO:** Council

**MEETING DATE:** 1 November 2023

**TITLE:** Annual Meeting Calendar 2024

**PRESENTED BY:** Hannah White, Democracy & Governance Manager

**APPROVED BY:** Donna Baker, Acting Chief Executive Unit Manager

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### RECOMMENDATION TO COUNCIL

1. That Council adopt the Annual Meeting Calendar 2024 (Attachment 1).
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#### 1. ISSUE

- 1.1 At the end of each calendar year the Council is required to adopt a meeting calendar for the following year. The meeting calendar outlines dates, locations and other related information and is published both in hard copy and on the Council's website.
- 1.2 Meetings are held with the public present and allow for participation of the public in public comment, presentations and submissions. As such it is important that meetings are scheduled in a way that allows members of the public who wish to attend and/or address meetings to be able to do so.

#### 2. BACKGROUND

- 2.1 Elected Members and Appointed Members have been consulted in the drafting of the calendar. The proposed calendar balances legal obligations for adoption e.g. the Long-Term Plan, timeliness of regular reporting and Chairs' expectations re: the frequency of meetings according to committee work schedules and the Mayor's committee structure where Council meets monthly, some committees 6-weekly and others quarterly.
- 2.2 Most regular Council meetings will start at 9am on Wednesday. Committee meeting times are specified in the calendar with some meeting sessions beginning on Wednesdays at 9am, 1pm and 2pm.
- 2.3 Meetings will be held in the Council Chamber with secondary venues listed, should it be needed.
- 2.4 The aim is for the draft Long-Term Plan consultation document to be agreed for audit by 14 February 2024, and the final consultation document to be agreed at latest by 3 April. However, there may be some flexibility needed as

we progress the Long-Term Plan. Should we need to adjust the meeting schedule, we will notify Elected Members and the public.

2.5 If a Council meeting is not needed on 7 February it will be cancelled.

**3. NEXT STEPS**

3.1 The 2024 meeting dates will be loaded into Elected Member diaries and shared with Appointed Members, and the website updated for members of the public.

**4. COMPLIANCE AND ADMINISTRATION**

Does the Council have delegated authority to decide?		<b>Yes</b>
Are the decisions significant?		<b>No</b>
Can this decision only be made through a 10 Year Plan?		<b>No</b>
Does this decision require consultation through the Special Consultative procedure?		<b>No</b>
Is there funding in the current Annual Plan for these actions?		<b>No</b>
Are the recommendations inconsistent with any of Council's policies or plans?		<b>No</b>
The recommendations contribute to Goal 5: A Driven & Enabling Council		
The recommendations contribute to the achievement of action/actions in (Not Applicable)		
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Ensuring the calendar is published in a timely manner allows for effective and transparent governance and is in line with the requirements of the Local Government Official Information and Meetings Act 1987.	

**ATTACHMENTS**

- Proposed 2024 Schedule of Council and Committee Meetings  







## COMMITTEE WORK SCHEDULE

TO: Council

MEETING DATE: 1 November 2023

TITLE: Council Work Schedule

### RECOMMENDATION TO COUNCIL

1. That the Council receive its Work Schedule dated 1 November 2023.

### COUNCIL WORK SCHEDULE 1 NOVEMBER 2023

#	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction & Clause number
1	<del>25 October 2023</del>	<del>Annual Report 2022/23 – Adopt</del>	<del>Chief Financial Officer</del>		Terms of Reference
2	<del>1 November 2023</del>	<del>Standing Orders – Managing conflicts of interests at meetings</del>	<del>CE Unit Manager</del>		15 February 2023 Clause 7-23
3	<del>1 November 2023</del>	<del>Nature Calls Adaptive Management – Agree Terms of Reference and appoint to Steering Groups</del>	<del>Chief Infrastructure Officer</del>		30 November 2022 Clause 168-22
4	<del>1 November 2023</del>	<del>District Licensing Committee – Recommendations for appointment of list members</del>	<del>CE Unit Manager</del>		6 September 2023 Clause 148-23
5	<del>1 November 2023</del>	Featherston Street - Award tender	Chief Infrastructure	<del>Tender closes mid-November</del>	28 June 2023 Clause 104-

#	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction & Clause number
	6 December 2023		Officer	2023	23
6	6 December 2023	Community Spaces Feasibility Study - to include Libraries, Pasifika Hub and community space in Highbury	Chief Customer Officer	From Community Committee Work Schedule. Brought forward to align with Long Term Plan process.	<a href="#">31 May 2023</a> <a href="#">Clause 88.14-23</a>
7	6 December 2023	Palmerston North Airport Ltd - Business Case for extra investment or shareholding opportunities.	Chief Financial Officer		Economic Growth Committee 21 June 2023 Clause 20-23
8	6 December 2023	CEDA - Statement of Expectation 2024/25	Chief Planning Officer		Economic Growth Committee 30 August 2023 Clause 37-23
9	6 December 2023	Hearings Commissioners List 2023-2026 - Recommendations for appointment of external commissioners	CE Unit Manager		6 September 2023 Clause 146-23
10	6 December 2023	Delegations Manual - Chief Executive's Sub-delegation section review	CE Unit Manager		6 September 2023 Clause 147-23
11	6 December	2023 Residents Survey - Action Plan	Chief Planning		6 September 2023 Clause 144-

#	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction & Clause number
	2023		Officer		23
12	6 December 2023	PNAL –Statement of Expectation for 2024/25	Chief Financial Officer		Terms of Reference
13	18 December 2023	Wastewater Discharge Consent Project - Quarterly Update	Chief Infrastructure Officer		11 May 2022 Clause 26-22 Referred from Sustainability Committee
14	6 December 2023	Quarter 1 Economic Report July-Sept 2023	Chief Planning Officer		Terms of Reference From the Economic Growth Committee
15	6 December 2023	Tamakuku Terrace Six Monthly Update	Chief Infrastructure Officer		Terms of Reference From the Economic Growth Committee
16	1 February 2024	Civic and Cultural Precinct Master Plan Steering Group - 6-monthly update	Chief Planning Officer		Council 28 June 2023 Clause 106-23 Terms of Reference of the CCMP Steering Group
17	1 February 2024	Future Development Strategy - Adoption for consultation	Chief Planning Officer		Council 28 June 2023 Clause 109-23
18	1 March 2024	Remits from PNCC for consideration	CE Unit Manager		

#	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction & Clause number
19	Early 2024	CEDA Funding Agreement	Chief Planning Officer		
20	TBC 2024	Food HQ Innovation Limited - Director's company progress report	Chief Infrastructure Officer		6 September 2023 Clause 143-23
21	1 June 2024	Appointment of Trustees on Council Controlled Organisations	CE Unit Manager		
22	1 June 2024	Remits received from other Territorial Authorities	CE Unit Manager		
23	1 September 2024	Annual Review of Delegations Manual	CE Unit Manager		6 September 2023 Clause 147-23

### Proactive Release of Confidential Decisions

Date of meeting	Report Title	Released	Withheld
23 February 2022	Tender Award - Contract 4083 - City Wide Tree Maintenance, Area Two	Redacted Report, Decision & Division	N/A
3 August 2022	Tender Award - Ferguson Street/Pitt Street Intersection Upgrade	Redacted Report, Decision & Division	N/A
3 May 2023	Rating Valuation Services - Awarding contract	Redacted Report, Decision & Division	N/A
14 June 2023	Tender Award - Custom Street Upgrade	Redacted Report, Decision & Division	N/A

<b>Date of meeting</b>	<b>Report Title</b>	<b>Released</b>	<b>Withheld</b>
14 June 2023	Proposed District Plan Change G: Aokautere Urban Growth - Appointment of Commissioner	Report, Decision & Division	Attachment
28 June 2023	Appointments to the Palmerston North Jaycee Trust Assessment Committee	Report, Decision & Division	Attachment
28 June 2023	Candidates for President and Vice-President of Local Government New Zealand	Report, Decision & Division	N/A
16 August 2023	Trustee Appointment to The Globe Theatre Trust Board and Director Appointment to Palmerston North Airport Ltd	Report, Decision & Division	Attachment
16 August 2023	Setters Line South Stage 2: Request for Additional Funding and Award Tender	Redacted Report, Decision & Division	N/A
6 Sept 2023	City Transport Review - Action Plan	Attachment, Decision & Division	Report
6 Sept 2023	Civic Honours Awards 2023	Report, Decision & Division	N/A
6 Sept 2023	Approve list of Code of Conduct Investigators	Report, Redacted Attachment, Decision & Division	N/A
6 Sept 2023	Food HQ Innovation Limited Director nomination	Report, Decision & Division	N/A

All [released confidential decisions](#) can be found on Council's website.





## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 1 November 2023

**TITLE:** Presentation of the Part I Public Economic Growth Committee Recommendations from its 9 October 2023 Meeting

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Set out below are the recommendations only from the Economic Growth Committee meeting Part I Public held on 9 October 2023. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 2.18.1)

**41-23 Proposed Bus Shelter: 201 John F Kennedy Drive**

Memorandum, presented by Frances Duffin, Intermediate Project Manager.

The **COMMITTEE RECOMMENDS**

That the Council dismiss the objection and the Chief Executive proceed with the installation of a bus shelter at this stop.

**42-23 Proposed Bus Shelter: 128 Pacific Drive**

Memorandum, presented by Frances Duffin, Intermediate Project Manager.

The **COMMITTEE RECOMMENDS**

That the Council dismiss the objection and the Chief Executive proceed with the installation of a bus shelter at this stop.

**45-23 Proposed Bus Shelter: 593 Ferguson Street, Terrace End**

Memorandum, presented by Frances Duffin, Intermediate Project Manager.

The **COMMITTEE RECOMMENDS**

That the Council dismiss the objection and the Chief Executive proceed with the installation of a bus shelter at this stop.

**47-23 Proposed Bus Shelter: 278 Featherston Street**

Memorandum, presented by Frances Duffin, Intermediate Project Manager.

The **COMMITTEE RECOMMENDS**

That the Council dismiss the objection and the Chief Executive proceed with the installation of a bus shelter at this stop.

**48-23 Proposed Bus Shelter: 550 Ruahine Street**

Memorandum, presented by Frances Duffin, Intermediate Project Manager.

The **COMMITTEE RECOMMENDS**

That the Council decide not to proceed with the proposal for a bus shelter.

**49-23 Proposed Bus Shelter: 296 Ruahine Street**

Memorandum, presented by Frances Duffin, Intermediate Project Manager.

The **COMMITTEE RECOMMENDS**

That the Council does not proceed with the proposal for a bus shelter.

**50-23 Proposed Bus Shelter: 64 Clarke Avenue**

Memorandum, presented by Frances Duffin, Intermediate Project Manager.

The **COMMITTEE RECOMMENDS**

That the Council does not proceed with the proposal for a bus shelter.

**51-23 Proposed Bus Shelter: 48 Holdsworth Avenue**

Memorandum, presented by Frances Duffin, Intermediate Project Manager.

The **COMMITTEE RECOMMENDS**

That the Council dismiss the objection and the Chief Executive proceed with the installation of a bus shelter at this stop.

**52-23 Proposed Bus Shelter: 61 Albert Street**

Memorandum, presented by Frances Duffin, Intermediate Project Manager.

The **COMMITTEE RECOMMENDS**

That the Council dismiss the objection and the Chief Executive proceed with the installation of a bus shelter at this stop.



## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 1 November 2023

**TITLE:** Presentation of the Part I Public Economic Growth Committee Recommendations from its 25 October 2023 Meeting

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Set out below are the recommendations only from the Economic Growth Committee meeting Part I Public held on 25 October 2023. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

**59-23 Palmerston North Airport Limited - Annual report for 12 months ended 30 June 2023**

Memorandum, presented by Steve Paterson, Strategy Manager - Finance.

Moved Leonie Hapeta, seconded William Wood.

The **COMMITTEE RECOMMENDS**

2. That Council increase the total remuneration for directors of Palmerston North Airport Limited from \$135,000 per annum to 146,000 per annum.



## RECOMMENDATIONS FROM COMMITTEE

**TO:** Council

**MEETING DATE:** 1 November 2023

**TITLE:** Presentation of the Part I Public Rangitāne o Manawatū Committee Recommendations from its 18 October 2023 Meeting

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Set out below are the recommendations only from the Rangitāne o Manawatū Committee meeting Part I Public held on 18 October 2023. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 2.18.1)

### **8-23 Rangitāne o Manawatū Environmental Management Plan**

Memorandum, presented by David Murphy, Chief Planning Officer & Todd Taiepa, Poutoko Aporei - Principal Māori Advisor.

#### The **COMMITTEE RECOMMENDS**

1. That Council hold the Rangitāne o Manawatū Environmental Management Plan as a Council record under section 35A(b) of the Resource Management Act 1991.
2. That Council use the Rangitāne o Manawatū Environmental Management Plan to inform future planning and decision-making, as directed by the Resource Management Act 1991, Spatial Planning Act 2023 and Natural and Built Environment Act 2023.
3. That Council use the Rangitāne o Manawatū Environmental Management Plan to inform the review of direction setting documents such as the Long-Term Plan and Council's supporting strategies, plans, policies, bylaws, master plans and frameworks.