



NAPIER

CITY COUNCIL

Te Kaunihera o Ahuriri

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STRATEGY AND INFRASTRUCTURE COMMITTEE

Open Minutes

Meeting Date: Tuesday 2 October 2018

Time: 3.00pm-4.08pm

Venue Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
Napier

Present Councillors Price (In the Chair), Councillors Boag, Brosnan,
Dallimore, Hague, McGrath, Tapine, White, Wise and Wright

In Attendance Chief Executive, Director Community Services, Director
Infrastructure Services, Director City Services, Director City
Strategy, Manager Communications and Marketing, Manager
Community Strategies, Marketing Manager, Venues Manager,
Manager Regulatory Solutions/ Manager Business Excellence &
Transformation, Manager City Development, Communications
Specialist, Strategic Māori Advisor

Administration Governance Team

Apologies

Councillors White / Wise

That the apologies from Mayor Dalton, Councillor Taylor and Councillor Jeffery be accepted.

Carried

Conflicts of interest

Nil

Public forum

Dr Robin Gwynn – Easter Sunday Trading Policy [Agenda Item 2]

Dr Gwynn felt significant aspects of the High Court case had not been taken into account in the report to Council, and noted the following points:

- Council had previously considered unions and retailers to be the key stakeholders but the High Court Judgement confirmed that the involvement of Easter Sunday means that churches should also be considered key stakeholders in this matter.
- The officers' report speaks to notifying people and receiving their feedback but fails to reference 'encouragement' which was repeatedly noted in the High Court Judgement.
- It was considered that officers did not actively encourage churches to make a submission; the Judge noted that churches of the Pasifika community specifically had received no encouragement to participate.
- Council's failure to encourage and obtain the views of concerned stakeholders means that the decision was based on insufficient information.
- The 2016/17 survey is quoted in the new Statement of Proposal. Council had approached only one of three key stakeholders meaning the results of this survey are misleading and biased.

Dr Gwynn advised that when Council comes to consider submissions received through the consultative process they need to approach their decision with a new mind, and this cannot be done by considering the 2016/17 survey. He accepted that Council officers had agreed to work with him regarding engagement and appreciated the changes made to the Statement of Proposal.

Council must specify what will happen if Council adopts the Easter Sunday Trading Policy, but they must also be clear about what will happen if they don't. There was considerable confusion from the 2016/17 submissions as to who would be able to open on Easter Sunday if the Policy were not adopted.

Announcements by the Deputy Mayor

Nil

Announcements by the Chairperson

Nil

Announcements by the management

Nil

Confirmation of minutes

Councillors Boag / Wright

That the Minutes of the meeting held on 21 August 2018 were taken as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. AMENDMENT OF RESOLUTION - WAR MEMORIAL CONSULTATION OPTIONS

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Official Information and Meetings Act 1987
<i>Document ID:</i>	636482
<i>Reporting Officer/s & Unit:</i>	Wayne Jack, Chief Executive

1.1 Purpose of Report

To recommend the amendment of the part b of the resolution of Council dated 29 June 2018 regarding the Napier War Memorial consultation options.

At the Meeting

The Chair clarified that his recommendation was for the matter to be open to discussion, and the recommendation noted in the report is incorrect.

A substitute motion was moved by Councillor Wise to include a third option, internal to the War Memorial building, to go out for consultation.

The following points were noted in favour of including the internal option:

- Following the Council decision of 29 June 2018, the Brent Scott design was withdrawn as it is not viable without substantial changes to the current building. It was questioned why this concept was initially included in the design options.
 - As the design brief was signed off by the War Memorial working group, not Council, a Councillor suggested that the process by which the original three design concepts were assessed was flawed.
 - Attendees at a public meeting held on 16 September 2018 were presented with three designs including the internal design prepared by Mr Morley. The majority voted in favour of including an internal option.
 - It was proposed that Mr Morley's option should be included as an internal example in response to the community's wishes as Council has been assured all along that the design concepts are examples for the community to consider.
 - It was noted that Mr Morley had agreed to his design images being used in the consultation process.
 - Providing three different concepts as examples truly gives the community an opportunity to engage in this process; a wide breadth of options should be provided.
 - The community of interest in this matter, although not a majority anymore, must be encouraged to participate in the process. A Councillor stated that we must learn from the Easter Sunday Trading decision and encourage the community's participation.
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It was acknowledged that preliminary costings would be required for the third option to be included in the consultation.

The following points were noted against including a third option:

- The proposed design has not undergone the testing that has been completed for the other two designs.
- Council does not want to prolong the process of returning the War Memorial to the site and Council is ready with a consultation plan now. This consultation process will provide our community with the opportunity to comment on the two designs, as well as submitting other options for Council to consider. These options can be internal and external designs and can include Mr Morley's design as a submission.
- Why should this proposed internal option be included when other members of the community have not had an opportunity to submit their designs?

Officer's recommendation

That the Strategy and Infrastructure Committee:

- a. Amend part b of the Council resolution dated 29 June 2018 to the following:

That Council:

Approve that the following assessed design options go out for public consultation, requesting not only feedback but also feedback into any potential modifications:

- Option Two – Building solution outside of the main Memorial Building
- Option Three – Landscape solution outside of the main Memorial Building

- b. That a **DECISION OF COUNCIL** is required urgently to allow consultation to be initiated as soon as possible.
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Substitute Motion Councillors Wise / Brosnan

That the Strategy and Infrastructure Committee amend part b of the Council resolution dated 29 June 2018 to the following:

- a. That Council approve the withdrawal of the Brent Scott design from the community consultation process and replace this with an internal example/concept, that being the design concept prepared by Craig Morley.
- b. That the following three design options go out for public consultation, requesting not only feedback but also input into any potential alternative designs or modifications:
- a) Option One - Renovation solution Internal to the main Memorial Building
 - b) Option Two – Building solution external to the main Memorial Building
 - c) Option Three - Landscape solution external to the main Memorial Building
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- c. That Council notes the offer of the video and images of Option One from Mr Morley and agrees that these will be sufficient to include in the consultation without needing to incur additional design costs.
 - d. That a **DECISION OF COUNCIL** is required urgently to allow consultation to be initiated as soon as possible.

The division was declared **carried** by 6 votes to 3 votes the voting being as follows:

For: Councillors Boag, Brosnan, Dallimore, McGrath, Tapine and Wise

Against: Councillors Hague, White and Wright

Abstained: Councillor Price

Carried

**Council
Resolution**

Councillors Wise / Brosnan

That Council amend part b of the Council resolution dated 29 June 2018 to the following:

- a. That Council approve the withdrawal of the Brent Scott design from the community consultation process and replace this with an internal example/concept, that being the design concept prepared by Craig Morley.
- b. That the following three design options go out for public consultation, requesting not only feedback but also input into any potential alternative designs or modifications:
 - a) Option One - Renovation solution Internal to the main Memorial Building
 - b) Option Two – Building solution external to the main Memorial Building
 - c) Option Three - Landscape solution external to the main Memorial Building
- c. That Council notes the offer of the video and images of Option One from Mr Morley and agrees that these will be sufficient to include in the consultation without needing to incur additional design costs.

Carried

2. EASTER SUNDAY TRADING POLICY

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	632729
<i>Reporting Officer/s & Unit:</i>	Richard Munneke, Director City Strategy Kim Anstey, Planner Policy/Analyst

2.1 Purpose of Report

A high court decision on 1 August 2018 overturned the current Easter Sunday Trading Policy that allowed shops within the Napier District to open on Easter Sunday. This report is to seek Council approval to re consult on an Easter Sunday Trading Policy. This requires Council to adopt a draft policy, the accompanying Statement of Proposal (**Attachment A**), and to authorise officers to commence the special consultative procedure.

At the Meeting

A substitute motion was moved by Councillor Boag to include a few amendments to the Easter Sunday Trading Policy.

The following points were noted in favour of the substitute motion:

- Pharmacy and souvenir shops should be included in the Policy as they are included under the Shop Trading Hours Act 1990.
- To avoid any confusion it should be made very clear that if the Policy was not adopted following consultation, certain shops as listed in the Policy would still remain open.
- The proposed amendments are required to make the Policy clearer and to reduce the risk of any possible challenges to the decision.
- A full briefing on the High Court ruling by Council's legal representation is requested before submissions received through consultation be considered.

In response to questions from Councillors the following points were clarified:

- The 2016/17 survey was a recommendation from Local Government New Zealand. It was not a statistical survey, but more to understand whether there was any support for undertaking further work.
- It was noted that the full briefing requested in relation to the High Court ruling would need to be a public excluded workshop.
- As Council is identifying communities of interest there is a risk that we may miss another interested group. In this instance, Council has received advice in relation to the groups of interest; there are some 42 churches identified within the Napier area which Council will specifically engage with.
- The information received is that this is a unique situation to Napier, in that other Councils have followed a Statement of Proposal and special consultative process and followed their normal process.

Officer's Recommendation

That the Strategy and Infrastructure Committee:

- a. Approve the draft Easter Sunday Trading Policy and Statement of Proposal; and
 - b. Authorise officers to proceed with public notification through the special consultative procedure as prescribed in Section 83, of the Local Government Act 2002.
 - c. That a **DECISION OF COUNCIL** is required urgently so that public consultation may be initiated as soon as possible.
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Substitute Motion Councillors Boag / Brosnan

That the Strategy and Infrastructure Committee:

- a. Agree the proposed changes to the draft Easter Sunday Trading Policy and Statement of Proposal, as follows:
 1. Include in Reason for Proposal section (page 10):
Pharmacy and Souvenir Shops, as these are also to be open under the Shop Trading Hours Act 1990.
 2. Add in another heading:
What would happen if we do not pass this policy?
We would return to the situation in which some shops listed above could open and others not.
 3. Include in the Religious Beliefs section (page 11):
During consultation with the community in 2016 and 2017 on the previous Easter Sunday Trading Policy, Council received feedback from parts of the community that demonstrated concerns with having a policy that removed one of the few remaining days where shops were not legally able to trade. Council is keen to understand the Napier community's views on this aspect of the policy.
 4. That the survey on page 11 of the proposal be removed.
 - b. Approve the Easter Sunday Trading Policy and Statement of Proposal, with the agreed amendments as set out in Part A.
 - c. Authorise officers to proceed with public notification through the special consultative procedure as prescribed in Section 83, of the Local Government Act 2002
 - d. Officers to prepare an engagement plan that is specifically directed to Christian Churches, Unions, Retail and business organisations.
 - e. Request that council be provided with a full briefing of the High Court ruling by our legal representation
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- f. That a **DECISION OF COUNCIL** is required urgently to allow consultation to be initiated as soon as possible.

Carried

**Council
Resolution**

Councillors Boag / Brosnan

That Council:

- a. Agree the proposed changes to the draft Easter Sunday Trading Policy and Statement of Proposal, as follows:
1. Include in Reason for Proposal section (page 10): Pharmacy and Souvenir Shops, as these are also to be open under the Shop Trading Hours Act 1990.
 2. Add in another heading:
What would happen if we do not pass this policy?
We would return to the situation in which some shops listed above could open and others not.
 3. Include in the Religious Beliefs section (page 11):
During consultation with the community in 2016 and 2017 on the previous Easter Sunday Trading Policy, Council received feedback from parts of the community that demonstrated concerns with having a policy that removed one of the few remaining days where shops were not legally able to trade. Council is keen to understand the Napier community's views on this aspect of the policy.
 4. That the survey on page 11 of the proposal be removed.
- b. Approve the Easter Sunday Trading Policy and Statement of Proposal, with the agreed amendments as set out in Part A.
- c. Authorise officers to proceed with public notification through the special consultative procedure as prescribed in Section 83, of the Local Government Act 2002
- d. Officers to prepare an engagement plan that is specifically directed to Christian Churches, Unions, Retail and business organisations.
- e. Request that council be provided with a full briefing of the High Court ruling by our legal representation

Carried

3. DISTRICT PLAN REVIEW - PRE-ENGAGEMENT STRATEGY

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	634986
<i>Reporting Officer/s & Unit:</i>	Catherine Reaburn, Senior Policy Planner

3.1 Purpose of Report

The purpose of this report is for Council to approve the pre-engagement strategy for the District Plan Review (DPR).

At the Meeting

It was agreed that although pre-engagement is not a legislative requirement, it is worthwhile undertaking this step to ensure that Council engages as many people as possible in the process.

In response to questions, Council officers noted the following:

- The District Plan review is a long process. The three weeks proposed for pre-engagement is a good period of time to gain an initial response and understanding; however, stakeholder engagement will continue well beyond the three weeks.
- This pre-engagement is about sharing Council's proposed outcomes with the community and receiving their feedback on these outcomes. Council is already aware of the key issues and knows who the stakeholders are. Therefore consultation on these issues is an almost separate work stream.
- The plan is to resolve as many issues as possible, in a consultative manner, prior to distributing a draft document. This will then be followed by Council adopting a Proposed District Plan which marks the moment when the legal consultation requirements under the Resource Management Act 1991 commence. This process will ensure most issues have been well worked through with stakeholders and avoid the legal framework being required to resolve issues as much as possible.
- There will be plenty of opportunities to engage with the wider community through the draft document.

Committee's recommendation

Councillors Wright / Wise

The Strategy and Infrastructure Committee:

- a. Endorse the District Plan Review pre-engagement strategy

Carried

4. PARKING CONTROL CHANGE - UPPER TIFFEN CAR PARK

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Parking Control Bylaw 2014
<i>Document ID:</i>	603217
<i>Reporting Officer/s & Unit:</i>	Richard Munneke, Director City Strategy

4.1 Purpose of Report

To seek council approval to convert the upper floor of Tiffen Car Park from pay and display all day casual parking to leased car parking during the week days (Monday to Friday).

At the Meeting

In response to questions, Council officers noted the following:

- It is standard for free parking to be further away from the town centre as a City grows.
- Council needs to provide for working commuters so their parking needs doesn't impinge on the short term casual retail parking supply which is currently congested.
- Alternative parking options have been taken up successfully; the Edwards Street leased parking facility for \$15 per week is now fully let.
- Positive feedback has been received in relation to the park-n-ride option.
- The change made to the Herschell Street parking from two hour to all day parking has been well received.

Committee's recommendation

Councillors Tapine / White

The Strategy and Infrastructure Committee:

- a. Resolve that the Upper Tiffen car park becomes leased car parking (Monday to Friday).
 - i. That the rate be set at \$25.00 per week.
- b. Resolve that the ground level of Tiffen car park becomes \$5 all day casual parking Monday to Saturday

Carried

5. ROAD STOPPING - EDUARDES STREET

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Public Works Act 1981
<i>Document ID:</i>	634953
<i>Reporting Officer/s & Unit:</i>	Bryan Faulknor, Manager Property Jenny Martin, Property and Facilities Officer

5.1 Purpose of Report

To seek a Council resolution to:

- a) Declare the service lane described in the Schedule below as being stopped pursuant to Section 116 of the Public Works Act 1981; and
- b) Deal with the stopped service lane described in the Schedule pursuant to Section 117(3)(b) of the Public Works Act 1981 by vesting the stopped service lane in the adjoining owner, Eastside Enterprises Limited, and amalgamating the stopped service lane pursuant to Section 120(3) of the Public Works Act 1981 with the land in CFR HBV2/563.

At the Meeting

There was no discussion on this item.

Committee's recommendation

Councillors Brosnan / Hague

The Strategy and Infrastructure Committee:

- a. Declare the service lane described in the Schedule as being stopped pursuant to Section 116 of the Public Works Act 1981; and
- b. Deal with the stopped service lane described in the Schedule pursuant to Section 117(3)(b) of the Public Works Act 1981 by vesting the stopped service lane in Eastside Enterprises Limited, and amalgamating the stopped service lane pursuant to Section 120(3) of the Public Works Act 1981 with the land in CFR HBV2/563.

SCHEDULE

Hawke's Bay Land District – Napier City

Area (ha)	Legal Description	Adjoining
0.0233	Section 1 SO 528887	CFR HBV2/563

Carried

The meeting closed at 4.08pm.



Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval