



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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FUTURE NAPIER COMMITTEE

Open Agenda

Meeting Date: Thursday 30 July 2020

Time: Following the Sustainable Napier Committee

Venue: Large Exhibition Hall
Napier War Memorial Centre
Marine Parade
Napier

Livestreamed to Council's Facebook via Zoom

Committee Members Mayor Wise, Deputy Mayor Brosnan (In the Chair), Councillors Boag, Browne, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor and Wright

Officer Responsible Director City Strategy

Administration Governance Team

Next Future Napier Committee Meeting
Thursday 10 September 2020

ORDER OF BUSINESS

Apologies

Councillor Chrystal

Conflicts of interest

Public forum

Nil

Announcements by the Mayor

Announcements by the Chairperson including notification of minor matters not on the agenda

Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

Announcements by the management

Confirmation of minutes

That the Minutes of the Future Napier Committee meeting held on Thursday, 18 June 2020 be taken as a true and accurate record of the meeting.41

Agenda items

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Minor matters not on the agenda – discussion (if any)

Public Excluded

Nil

AGENDA ITEMS

1. DISTRICT PLAN REVIEW - POLICY APPROACH OF THE DRAFT PLAN

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	945299
<i>Reporting Officer/s & Unit:</i>	Dean Moriarity, Team Leader Policy Planning

1.1 Purpose of Report

- a. The purpose of this report is to follow up on the recent series of seminars held with Council between 19th March 2020 and the 25th June 2020 regarding the review of the District Plan; and
- b. For Council to approve the recommended policy approach for specific chapters so that officers can draft plan provisions within an agreed framework.

Officer's Recommendation

The Future Napier Committee:

- a. Endorse the recommended policy approach in the report, for preparing the Draft District Plan for the purposes of undertaking consultation and engagement with all interested parties within Napier.

1.2 Background Summary

Officers have previously presented a paper to Council in August 2018 which showed a recommended strategic direction for the review of the District Plan consisting of 'Outcomes', 'Key Principles', and 'Strategic Objectives'. These cascade down from each other to create an overall strategic direction for the District Plan review. The strategic direction was endorsed by Council at the time.

Subsequently a paper was presented to Council in June 2019 which identified how those outcomes, key principles and strategic objectives would be taken into account in drafting specific chapters of the District Plan focussing primarily on the main overall theme/s to achieve the strategic direction.

Subsequently a series of seminars were held with Council between 17th December 2019 – 5th March 2020. These seminars recommended policy positions for the work streams as a starting point for the purpose of engagement with key stakeholders and members of the public who may be directly affected by (draft) District Plan regulation from these policy positions. The results of that feedback will be reported back to Council in September.

Between 19th March and 25th June a further series of seminars have been held with Council to confirm the preferred policy approach for some of the provisions of the District Plan that potentially impact more generally across the city and therefore will be consulted

on more broadly as part of the Draft Plan itself. These policy positions are outlined in **Appendix A**.

1.3 Issues

Provisions of the District Plan which impact more generally across the city are best consulted with as part of the Draft Plan as it is difficult to identify all potentially affected or interested parties.

1.4 Significance and Engagement

The Draft Plan will provide an opportunity for any interested party to lodge comments in an informal way prior to preparing the Proposed Plan.

The District Plan potentially impacts every person, business and property owner in Napier. A full review of the District Plan typically only occurs once every 10-15 years and provides a unique opportunity for the community to input their views into its development.

Given the magnitude of the District Plan review, separate engagement/consultation plans have been developed for those work streams impacting on certain property owners more than the general public and may continue to be done at appropriate times. The results of this engagement will be reported back to Council separately.

1.5 Implications

Financial

There is currently budget set aside for the District Plan review and at this stage progress aligns with the budgetary expectations. Should additional funding be required separate application would be made to Council through the normal budgeting processes.

Social & Policy

The review is a rare opportunity for Council to ensure that the District Plan fully aligns with all of its current strategic priorities, plans and policies. Officers have identified a list of these that may impact on the District Plan and will endeavour to align the regulatory provisions of the District Plan with the adopted priorities, plans and policies.

Risk

The risk with this project is that should Council decide not to adopt an agreed draft policy position the scope, complexity, time and resourcing required to deliver the project may expand significantly. This could potentially compromise the quality of the final product.

1.6 Options

The options available to Council are as follows:

- a. Adopt the recommended policy approach for preparing the Draft District Plan.
- b. Not to adopt the recommended policy approach for preparing the Draft District Plan.

1.7 Development of Preferred Option

The preferred option is for Council to adopt the recommended policy approach for preparing the Draft District Plan for the purposes of undertaking consultation and engagement with all interested parties within Napier.

1.8 Attachments

- A Summary of District Plan Review Recommendations (March - June 2020) (*Under Separate Cover*) [⇒](#)

2. DISTRICT PLAN REVIEW - DRAFT CHAPTER: SPECIAL ZONE: TE WHANGANUI-A-OROTŪ (AHURIRI ESTUARY) ECOLOGY AND STORMWATER PARK

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	933479
<i>Reporting Officer/s & Unit:</i>	Yvonne Legarth, Policy Planner

2.1 Purpose of Report

To obtain the agreement of Council to remove the existing two zones that apply to land at Lagoon Farm in the operative district plan, and include a single special zone in the draft District Plan that implements a policy approach to achieve stormwater improvement and outcomes for the water quality and ecology of Te Whanganui-a-Orotū (Ahuriri Estuary).

The policy approach will then form part of the draft district plan and, subject to Council resolution, will proceed to public consultation.

Officer's Recommendation

The Future Napier Committee:

- a. Endorse the replacement of the two zones that currently apply to land at Lagoon Farm in the operative district plan, with a single special zone in the draft District Plan that implements a policy and regulatory approach that controls activities to:
 - i. achieve stormwater treatment and water quality improvements; and
 - ii. ecological outcomes for the Te Whanganui-a-Orotū (Ahuriri Estuary); and
 - iii. provides for recreation and controls limited commercial activities to ensure these are compatible with the ecological values of the estuary.

2.2 Background Summary

Background reports and advice

There have been a number of reports prepared that deal with the Ahuriri Estuary, its tributaries and its margins. These include the Ahuriri Estuary and Coastal Edge Masterplan adopted by Council on 7 August 2018, and a Strategic Land Use report that council has commissioned from Boffa Miskell.

The provisions being recommended for inclusion in the draft district plan special zone over the land at lagoon farm are consistent with the key objectives in the Masterplan for:

A healthy flourishing estuary supporting habitat, ecology and recreation.

A collection of diverse recreation spaces linked by a network of pathways.

A memorable arrival experience into Napier celebrating the unique estuary and inner harbour.

A vibrant mixed-use estuary interface and urban environment that takes responsibility for water quality.

The approach in the draft district plan special zone is generally consistent with the Strategic Land Use report prepared by Boffa Miskell. The key difference is that Boffa Miskell's Strategic Land Use report includes a proposal for a residential area on the site. The draft district plan special zone does not envisage residential activities and has a significant consenting hurdle for residential development. This is because of the potential cost of infrastructure, and the inconsistency with Council's strategic approach of 'Greenfield Growth in the Hills'.

A seminar was held with Councillors on 30 April 2020 covering the cultural background, ecological values and the Council's stormwater bylaws and stormwater project. At this seminar, Councillors indicated a willingness to explore the option of removing the existing zones and replacing them with a special zone that promotes the outcome of a Premier Regional Park by including:

- specific objectives and policies that:
 - place a priority on protecting the values of the estuary and its margins,
 - provide for stormwater collection and treatment in a reinstated / created wetland,
 - manage recreation and control small scale commercial activities to ensure these are compatible with the estuary values
- rules that enable conservation and restoration activities
- rules that impose tight controls and require resource consents for all other activities so that the effects on stormwater treatment capacity, cultural and estuary values can be assessed

A Special Zone for Lagoon farm

This report recommends inclusion in the draft district plan of a special zone applying to the land that is held by Napier City Council, known as Lagoon farm.

The zones in the operative district plan that apply to Lagoon farm must be changed from a business / industrial zone and rural conservation zone, and be replaced with a zone that is consistent with the MFE National Planning Standard.

The National Planning Standard¹ provides for a special zone where the area meets certain criteria, being:

An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

a. are significant to the district, region or country

¹ National Planning Standard at page 36

<https://www.mfe.govt.nz/sites/default/files/media/RMA/national-planning-standards-november-2019.pdf>

b. are impractical to be managed through another zone

c. are impractical to be managed through a combination of spatial layers.

The land held by the Council and known as Lagoon farm has unique characteristics, which include being adjacent to a high value estuary and the regional airport, a high ground water table and a vulnerability to natural hazards.

An appropriate zone should recognise the Council's strategic outcomes, the site constraints and opportunities, and importance of the regional airport; as well as limitations and costs of providing adequate infrastructure.

Therefore it is recommended that Council include a chapter in the draft District Plan that replaces the two zones² in the operative district plan with a special zone that focuses on ecological and water quality improvements; and stormwater retention and treatment for Council held land adjacent to Te Whanganui-a-Orotū (Ahuriri Estuary).

The special zone also envisages passive recreational use such as walking and cycling and limited commercial activities that are compatible with the natural hazard constraints, stormwater treatment and improved ecology.

Outside of the district plan, other tools that Council can use contribute to outcomes for the community and the Ahuriri Estuary. These include the Stormwater Bylaw, the projects in the Ahuriri Estuary & Coastal Edge Masterplan, supporting the wider park concept at the estuary (regional park), and encouraging the ecosystem services and ecological outcomes associated with a wetland.

2.3 Issues

The Lagoon Farm site has a number of constraints for development, and has unique characteristics. These include the location of the site adjacent to the Ahuriri Estuary, the lack of water and waste infrastructure, and proximity to the regional airport and associated noise contours.

There are also strategic opportunities to be part of a wider recreation park concept; and to explore the creation of a wetland and utilise the site to achieve water quality improvements in the estuary by improving and treating stormwater discharges in a wetland.

The Council's growth strategy directs residential development away from hazard areas, and into the hills.

The Regional Industrial Strategy suggests that the land currently zoned as Business Park / industrial Zone is not required for that purpose.

2.4 Significance and Engagement

The Council's Significance and Engagement Policy prepared pursuant to the Local Government Act is not triggered by the draft district plan.

² Operative District Plan Business Zone (Industrial Environment Chapter); Rural Conservation Zone (Rural Environment Chapter)

Schedule 1 of the RMA prescribes the statutory process that must be used to prepare and review a district plan. The process includes notification, submissions and hearings in respect of the proposed district plan. There is no legal requirement to prepare or seek comments on a draft district plan.

2.5 Implications

Financial

This report deals with draft district plan provisions. The financial implications associated with the implementation of stormwater infrastructure projects, earthworks, any removal and replacement of the stopbank, realignment of the cycleway, planting and maintenance are matters for the Long Term Plan and Annual Plans. These are separate to the costs of a review of the District Plan.

Social & Policy

N/A

Risk

There are potential environmental consequences with not having a zone in place that meets Council's future aspirations for stormwater treatment and ecological enhancement on the site. The district plan review is an opportunity to put in place a special zone that aligns with the outcomes envisaged for the site.

2.6 Options

The four main options available to Council are as follows:

Option 1: Industrial zone

Change the existing Business Zone that applies to part of the site to an Industrial Zone, retaining the current controls over development on the site. Provisions in the operative District Plan Business Zone allow all industrial activities if the industrial activity complies with the permitted activity conditions in the plan. Conditions include:

- a. development setback of 150m from 'the boundary of the Ahuriri Estuary' and 50m of the airport noise control boundary¹;
- b. 6m from a watercourse or drain²; buildings can cover 65% of the site³;
- c. services are to be provided at the landowner (which is the Council) or developers cost⁴;
- d. prior to the commencement of operation of any development in excess of 97,500 m² gross floor area specified roading projects must be completed and operational⁵.

An Industrial Zone is not the recommended option because the initial findings in the draft Regional Industrial Strategy is that industrial land will not be needed in this location during the life of the district plan. Where a future industrial hub is best located can be determined closer to the time should the need arise. Indications are that in the long term (30+ years), a new industrial "hub" area may be required for the region. The costs of providing suitable infrastructure that can deal with water and waste from industrial activities on the site is costly, and there are risks from natural hazards that would need to be addressed. In order for this option to be progressed, there would need to be a financial commitment made to address these matters in the Council's Long Term Plan.

Other types of zones on land that has no services include open space, rural land use, and large lot residential. Residential activities are not recommended in this location due to the site constraints and inconsistency with the Heretaunga Plains Urban Development Strategy (HPUDS), the Regional Policy Statement and more recently promoted as a District Plan outcome of 'Greenfield Growth in the Hills' to increase resilience for the community of Napier in the face of risks associated with natural hazards.

Option 2: Rural Zone

A rural zone is consistent with the current land use on the Lagoon Farm site. A rural zone recognises the site constraints and lack of infrastructure. The type of activities that are allowed in the rural zone should be set back from the estuary edge to ensure the values of the estuary are maintained. A rural zone would not facilitate the Council's preferred strategic direction for this land.

Option 3: Residential Zone

A residential zone is considered to be inappropriate because of the vulnerability to natural hazards; residential development is inconsistent with council's strategic direction for greenfield growth on the hills, and is potentially incompatible with the strategic opportunity to improve water quality and environmental outcomes by using the site for stormwater retention and treatment.

Option 4: Special Stormwater Treatment and Ecology Zone

A special zone recognises the Council's strategic outcomes, the site constraints and opportunities, and importance of the regional airport; as well as limitations and costs of providing adequate infrastructure.

The operative District Plan contains an existing designation for stormwater, and area set aside to receive floodwaters for a 1 in 50 year flood event from a large portion of Napier's existing urban development. The mapping of site constraints indicate there is limited opportunity for development of the site.

There is a strategic opportunity to contribute to the 'regional park' concept, to improve water quality, stormwater discharges and the ecology of the Ahuriri Estuary; as envisaged in the Ahuriri Estuary and Coastal Edge Masterplan.

Option 5: No action

The Business and Rural Conservation zones are not included in the National Planning Standard and those zones cannot be retained in a district plan without change.

2.7 Development of Preferred Option

A brief analysis of the four main options for zoning of the Council held land at Lagoon farm is set out in the table below. The recommended option is Option 4:

	Options	Advantages	Disadvantages
1	Industrial Zone	In the very long term (30 years) the potential for industrial growth is available.	Industrial Zones includes provision for a wide range of Industrial development that is incompatible with the

			lack of infrastructure and a location near the estuary
2	Rural Zone	No advantages have been identified	Rural Zones include provision for development such as rural processing that are incompatible with the location near the estuary
3	Residential Zone	Sale of the land would provide income	A residential zoning may signal future sale of the land to provide security of tenure, and is inconsistent with council strategy to locate growth in the hills; and incompatible with the site constraints (including flooding areas) and generally incompatible with a lack of infrastructure.
4	Special Zone	Contributes to the delivery of strategic outcomes around the stormwater treatment and ecological outcomes	Results in a change of land use from existing low impact rural activities that are cost neutral
5	No change	No advantages have been identified	Inconsistent with National Direction and Council's strategic objectives.

2.8 Attachments

A Draft District Plan Ahuriri Estuary Special Zone (*Under Separate Cover*) ➡

3. ADOPTION OF NAPIER CITY MOBILE SIGN BYLAW

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	942786
<i>Reporting Officer/s & Unit:</i>	Yvonne Legarth, Policy Planner Rachael Horton, Manager Regulatory Solutions

3.1 Purpose of Report

To seek Council confirmation and adoption of the reviewed Mobile Sign Bylaw.

Officer's Recommendation

The Future Napier Committee:

- a. Note the information in the previous report to Council Meeting on 7 May 2020 that dealt with the need to review the Mobile Sign Bylaw 2013.
- b. Note that no submissions have been received on the proposal to continue the Mobile Sign Bylaw 2013 without amendment.
- c. Confirm, in accordance with Section 155 of the Local Government Act 2002, that a Mobile Sign Bylaw 2020 is the most appropriate way of addressing the problems that mobile signs can have on:
 - i. public and traffic safety
 - ii. maintenance of aesthetic standards
 - iii. control of offensive material on mobile signs
- b. Confirm that the Mobile Sign Bylaw is currently the most appropriate form of bylaw.
- c. Agree that the Mobile Sign Bylaw is not inconsistent with, or have any implications under the New Zealand Bill of Rights Act 1990.
- d. Confirm that a further review of the Mobile Sign Bylaw 2020 is to be undertaken as part of the process to prepare a consolidated Napier City Council Urban Environment Bylaw.
- e. Adopt the Mobile Sign Bylaw 2020

3.2 Introduction

The Council considered the review and consultation on the Mobile Sign Bylaw at its meeting on 7 May 2020.

The purpose of the Mobile Sign Bylaw (Bylaw) is to ensure that signs or visual messages and notices displayed for information or advertising purposes are not a danger to public safety, and do not compromise aesthetic or community standards. The Bylaw only applies to signage that is on or attached to a vehicle, trailer or other means of

transportation. The Bylaw includes general and specific requirements, and has provision for Council to authorise exemptions.

The Bylaw must be reviewed within 5 years, or it is revoked two years after the date of review under section 160A of the Local Government Act.

A review of the Bylaw has been undertaken. No comments or submissions have been received on the proposal to retain the existing Bylaw without amendment. It is recommended that the Bylaw be adopted without amendment.

3.3 Issues

As set out in the report that was considered on 7 May 2020; the Local Government Act requires a number of specific decisions to be made by Council in respect of a review of the Mobile Signs Bylaw. Each of the decision points Council is required to make are included as separate recommendations in this report, and are:

- i. Whether the bylaw is still the most appropriate way of addressing the perceived problem; and if the answer is yes, whether the Bylaw:
- ii. Is the most appropriate form of bylaw; and
- iii. Gives rise to any implications under the New Zealand Bill of Rights Act 1990

The Mobile Sign Bylaw falls into low significance under the Council's Engagement Policy and unlikely to affect individual rights under the New Zealand Bill of Rights Act 1990

3.4 Significance and Engagement

Council has undertaken consultation with the public in accordance with the principles of sections 82 and 82A of the Local Government Act. The review was made publicly available and comments or submissions were invited from the public via Council's website. No comments or submissions were received.

Officers also looked to identify any interested parties from previous comments or complaints received. There were no records of these.

As set out in the report that Council considered on 7 May 2020; we are not aware of any issues with the existing Bylaw that would mean the continuation in its current form would have, or likely have, any significant impact on the public.

In this instance, the Council is not required to utilise the special consultative procedure under s83 of the Local Government Act. The Bylaw does not concern a matter that is identified or addressed in the Council's Engagement Policy, and the subject matter would likely fall in the "low" significance category when considered against the significance criteria in Schedule 3 of that Policy.

3.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

If the Bylaw is not continued the Council would be unable to control mobile signs, and the associated risks for public safety and amenity.

3.6 Options

The options available to Council are as follows:

- a. To adopt the review of the Mobile Signs Bylaw without making changes
- b. To resolve not to adopt the Mobile Sign Bylaw

3.7 Development of Preferred Option

Continue the Bylaw without modification

It is recommended that Council resolve to adopt the Mobile Signs Bylaw 2020 (attached).

Review of the Bylaw

The Local Government Act includes requirements for decision-making. A local authority must, seek to identify all reasonably practicable options for the achievement of the objective of a decision; and assess the options in terms of their advantages and disadvantages. The table below summarises the advantages and disadvantages.

	Options	Advantages	Disadvantages
1	Adopt the review of the Mobile Signs Bylaw without change	Can proceed with limited consultation before the Bylaw expires Retains the Bylaw so mobile signs can be controlled	Comprehensive consultation may identify issues that could be addressed by amending the Bylaw
2	Resolve not to adopt the Mobile Signs Bylaw	No advantages have been identified	Mobile signs cannot be controlled and there is potential for risks to public safety and concerns about of effects on visual amenity

3.8 Attachments

A Draft Mobile Sign Bylaw 2020 [↓](#)



MOBILE SIGN *Draft Bylaw*

2020



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1.0 Scope

The purpose of this bylaw is to ensure that vehicle and trailer advertising signs are erected, maintained, positioned and displayed in such a manner that they do not present a hazard or a danger to public safety. The bylaw also seeks to maintain aesthetic standards.

1.2 Authority

This bylaw is made pursuant to Part 8 of the Local Government Act 2002.

2.0 Definitions and Interpretations

2.1 Definition of Mobile Sign

For the purposes of this bylaw MOBILE SIGN means a visual message or notice conveyed to the public and visible from a public place painted on, affixed to, resting on, or in any way attached to or incorporated with, a vehicle, trailer or other means of transportation that:

- (a) is displayed to advertise or identify a product, business, or service, or to inform or warn the public; and
- (b) includes any frame, supporting device and associated ancillary equipment.

2.2 Interpretation

For the purposes of this Part of the Bylaw the word 'shall' refers to practices that are mandatory for compliance with this Bylaw, while the word 'should' refers to which are advised or recommended.

2.3 Exclusions

This bylaw does not apply to:

- (a) traffic, direction, information and naming signs erected by or with the approval of the Council or any other relevant road controlling authority;
- (b) signs indicating hazardous substances used at a hazardous facility or being transported;
- (c) signs erected pursuant to any statute or regulation;
- (d) signs painted on or affixed to a vehicle where the vehicle is not being used primarily for the purpose of exhibiting the sign; or
- (e) signs authorised by a resource consent or specified as a permitted activity in the operative District Plan.

3.0 General Requirements for Mobile Signs

3.1 General restrictions

No person shall:

- (a) Display or erect any mobile sign which does not comply with this part of this bylaw, except where:
 - (i) An exemption to the requirements of this part of this bylaw has been granted by the Council or an authorised officer, or
 - (ii) The mobile sign is exempted by 2.3 of this part of this bylaw.
- (b) Place or allow to remain in place any mobile sign which explicitly or implicitly:
 - (i) Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993;
 - (ii) Is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993;
 - (iii) Is offensive, threatening or insulting; or
 - (iv) Incites or counsels any persons to commit any offence.

3.2 Fees

The Council may prescribe fees for the assessment of any application for a dispensation for any mobile sign that is otherwise required to, but does not comply with this part of this bylaw.

4.0 Mobile Signs Left On or Over Roads, Footpaths and Public Places

Except as otherwise provided by this bylaw no person shall place or leave any mobile sign in such a position as to be on, or project over any road, private street, or public place unless the prior permission of the Council or an authorised officer has been obtained.

5.0 Mobile Signs Affecting Traffic Safety

No mobile sign shall be placed or be allowed to remain where in the opinion of the Council or an authorised officer that sign would:

- (a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal; or
- (b) Distract unduly or be likely to distract unduly the attention of road users; or
- (c) Resemble or likely to be confused with any traffic sign or signal; or
- (d) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective materials that may interfere with a road user's vision; or
- (e) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely; or

- (f) Constitute or be likely to constitute in any way a danger to road users.

6.0 General Requirements for Construction and Maintenance of Mobile Signs

Mobile signs (including those covered by a dispensation under 8.2 or excluded 2.3(1)(d)) and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the mobile sign owner and the owner of the land, building, or thing on which the mobile sign is placed.

7.0 Mobile Signs on Vehicles

No person shall display any mobile sign on a vehicle, whether stationary or moving, on a road, where the vehicle is being used primarily for the purpose of exhibiting the mobile sign.

8.0 Exemptions

8.1 Non-compliant Mobile Signs

A mobile sign that does not comply with the requirements of this Bylaw shall be removed or otherwise made to comply within 1 month of adoption of this part of the bylaw.

8.2 Dispensations

Where the Council, or the Regulatory Solutions Manager, is satisfied that compliance with any requirements of this part of this bylaw would be unreasonable or impracticable, having regards to the circumstances of the case, a dispensation may be granted in whole or in part, with such modifications or conditions as are appropriate in the circumstances. In circumstances where there is contention over a decision with regard to a mobile sign the matter may be referred to the Hearings Committee.

9.0 Repair or Removal of Mobile Signs

9.1 Notice to Repair or Remove

The Council may, by notice in writing, require the owner, of any vehicle, trailer or other means of transportation on which any unsightly, non-complying, unsafe or unauthorised mobile sign is located, to repair or remove such mobile sign within a period stated in such notice.

9.2 Compliance With Notice

Where the owner or user of a mobile sign, or the owner of the vehicle, trailer or other means of transportation on which a mobile sign is located, receives a notice given under 9.1, that person shall comply with the requirements of the notice within the time specified in the notice.

Where any person has been requested to pull down, alter or remove any non-complying, unsafe, or unauthorised mobile sign, that mobile sign shall not be altered or replaced unless the altered or replacement mobile sign complies with this bylaw.

9.3 Removal By Council

Where any person fails to comply with any requirement to pull down, alter or remove any mobile sign, the Council may have the mobile sign pulled down, altered or removed. The cost incurred in pulling down, altering or removing the mobile sign shall be recoverable as a debt against the owner of the mobile sign.

9.4 Return of Signage

Any mobile sign removed by the Council shall be released to the owner upon payment of the costs incurred in its removal and storage.

9.5 Unclaimed Signage

Any mobile sign that remains unclaimed for a period exceeding one month or is not released for a period exceeding one month may be sold or otherwise disposed of by the Council. Where such a mobile sign is sold, the proceeds of the sale shall be applied first towards the payment of the costs referred to above. Any balance shall be paid to the owner on application.

9.6 The offences and penalties provisions of the Introductory Bylaw apply in this bylaw so far as they are applicable, and are not contrary to the provisions of this bylaw.

This bylaw was adopted by the Napier City Council at a meeting of the Council on2020

Sealed with the Common Seal
Of the Napier City Council
In the presence of:

_____ Mayor

_____ Chief Executive

_____ Date

4. CIVIC PRECINCT PROJECT UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	944857
<i>Reporting Officer/s & Unit:</i>	Fleur Lincoln, Strategic Planning Lead

4.1 Purpose of Report

This report is to provide an update on progress made, and next steps for the Civic Precinct Project.

Officer's Recommendation

The Future Napier Committee:

- a. Receive the update provided on the Civic Precinct project
- b. Endorse the process to develop a Masterplan for the Precinct

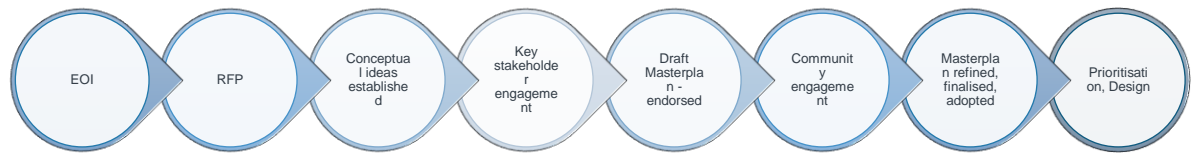
4.2 Background Summary

On the 9th April 2020, Council resolved to accept in principle the recommendation to pursue the development of a new Library on the Station Street site, and to endorse the formation of a Civic Precinct Steering Group and its Terms of Reference. A memo outlining the progress made to date is attached as Appendix A to this report, and is also uploaded on the Hub, along with the relevant documents.

Council, through the Chair of the Civic Precinct Project, has engaged The Building Intelligence Group (TBIG) to assist the Steering Group and Working Group in the creation of a Civic Precinct Masterplan, which will guide decision-making and development for this precinct, and also to provide strategic and technical support for the project. The Hawke's Bay Regional Council have indicated that they would like to be part of the Steering Group given their proximity to the site, and the possibility of sharing services, facilities, and securing office accommodation in the new premises. Mana whenua representative Chad Tareha will also be a new member on the Steering Group. Chad Tareha, Ngāti Pārau, is a mana whenua representative on the Napier Recovery Plan, and is also Chair of the NCC Maori Committee. With the Civic Precinct project being a key Recovery project, Chad's input will provide continuity to both projects. An invitation has also been extended to the Youth Council to provide a representative to participate on the Working Group.

A workshop is planned with the Project Steering Group and Working Group to create a framework that sets the vision and principles of the Precinct, and geographically define the extent of the Precinct. This framework will then inform the Masterplan, which is primarily focussed on identifying and prioritising the placement of activities within the Precinct. The workshop will also set direction and agree on timeframes to complete the masterplan.

The Civic Precinct Masterplan process is outlined below:



The Expression of Interest (EOI) process will enable the narrowing down of suppliers (consultants) who are capable of delivering the Masterplan to three contenders, who will then be directly approached to submit a more detailed proposal. From these three proposals, Council will select the preferred supplier.

Like the development of all Masterplans, this will be an iterative process, with involvement from the Steering Group throughout the process. Council Officers will be primarily responsible for stakeholder and community engagement.

This project presents an opportunity to approach our procurement strategy differently, with a focus on social, cultural and environmental outcomes, and to support local businesses in their recovery post-Covid. The Civic Precinct project is a substantial investment in our city centre and a key recovery project that would both provide employment for consultants and the construction industry, but would also activate the southern edge of the city, bringing footfall to areas of the city currently experiencing a downturn, and stimulating business activity. This project is also the precursor for the development of a new Library, a much-loved service, and key contributor to social and cultural wellbeing.

4.3 Issues

NA

4.4 Significance and Engagement

The development of the Masterplan will require engagement with both key stakeholders and the wider community. An Engagement Plan will be prepared that will outline how and when engagement will occur.

4.5 Implications

Financial

The development of the Masterplan will require funding. Council has lodged a submission on this year's Annual Plan to fund this project.

Social & Policy

NA

Risk

NA

4.6 Options

The options available to Council are as follows:

NA

4.7 Development of Preferred Option

This report is primarily an update to Council on progress made to date and the next steps in the Civic Precinct project.

4.8 Attachments

A Civic Precinct Update Memo 2020-06-15 [↓](#)

Memo

To:	Civic Precinct Project Working Group		
Cc:	[CC Names...]		
Date:	15 June 2020	File Ref:	[File Number]
Subject:	CIVIC PRECINCT PROJECT – PROJECT STATUS UPDATE		

This memo is to provide a status update summary for all the components that make up the Civic Precinct project, including the two former Council office buildings (the Library Building and the Civic Building), the future Council offices, the future Napier Library, and the originally proposed hotel.

More detailed documentation associated with the summary provided below is provided in both the NCC Hub (for Councillors) and in Infosource.

Topic	Status update
Seismic assessment for both buildings	<p>In June 2017, Strata Group carried out a seismic assessment on both the Civic Building and The Library Building. The Civic Building was found to be 10% NBS, while the Library building was found to be 15% NBS. With these results, both buildings were deemed earthquake prone, and over the following months, all staff relocated to alternative office and library spaces.</p> <p>This seismic assessment was reviewed by Aurecon. It concluded that the approach taken was according to current best practice and Aurecon confirmed that the rating for the buildings was in line with the assessment carried out.</p> <p>Link to docs Seismic Assessment of CAB and LB https://v4app.bigtincan.com.au/#story/1065196665</p>
Cost to strengthen and refurbish each building	<p>Various options have been explored and costed at prices as at August 2017, with cost escalations added to the estimated completion date at the time of 2021. These costs below are therefore out of date and represent Rough Order Block Costs only:</p> <ul style="list-style-type: none"> • Strengthen and refurbish existing Civic Building including new chambers and entry but excluding Library -\$30m • Strengthen and refurbish existing Civic Building including new chambers and Library -\$40m • New Build Civic Building (Excluding Library)- \$43m • Strengthen and refurbish existing Library Building, demolition of single storied Library

	<p>section. New Chambers and Entry/Customer Services. No Library - \$44m</p> <ul style="list-style-type: none"> Strengthen and refurbish existing Library Building, demolition of single storied Library section. New Chambers and Entry/Customer Services plus extension to accommodate Library - \$49m <p>It is important to note that in strengthening and refurbishing the Library Building the existing façade would be replaced with new curtain walls, substantially therefore updating the look of the building.</p> <p>The options above to strengthen and refurbish the existing Civic Building both with or without a Library would be unacceptable as the initial test fits were extremely cramped and they would not comply with updated space requirements. They really do not represent viable options.</p> <p>In summary a new shortlist of options needs to be revisited, including updated space requirements, and costed in today's terms. This would form the basis of a revised business case to determine the best option to accommodate a Library, Office accommodation, Customer Services and Governance requirements.</p> <p>Link to docs PWC Civic Admin Business Case https://v4app.bigtincan.com.au/#story/1065196665</p>
Demolition costs	<p>\$1.3m to demolish the Civic Administration Building</p> <p>\$1.311m plus GST to demolish the Library Building (as at January 2019)</p>
Status of Dalton House	<p>Council investigated a number of options for staff office accommodation and associated Council services, as well the potential to sub-lease to external organisations. One such option was Dalton/Vautier House.</p> <p>As part of due diligence, both a Mechanical Services condition report along with a Building condition report were commissioned. These highlighted that mechanical services were required to be completely replaced plus the reports highlighted serious issues with the state of the building.</p> <p>Due to due diligence concerns and potential costs to refurbish and make compliant, Council therefore withdrew from negotiations to buy.</p>

Status of Civic Building demolition	<p>This project has been put on hold due to the impacts of Covid-19 and the need to divert funds to more pressing matters.</p> <p>If Council were to restart this process, it would take approximately 10 weeks from the approval to release the RFP to market, to the engagement of a preferred contractor. Demolition is expected to take a further 12-16 weeks.</p>
Status of hotel negotiations	<p>Following an Expression of Interest process, Council entered into negotiations with preferred hotel provider company Estilo. Using a prefabricated structure with units built off-shore, Council have been working with Estilo and MBIE to determine how the structure components can be signed off as meeting the NZ building standards before being shipped to NZ. This has been done elsewhere in NZ and so there is a pathway which can be used to progress this.</p> <p>On the 15th June 202, Esilo notified NCC that they would not be pursuing a hotel development on this site.</p>
Library site selection outcome	<p>A Library Site Selection Steering Group made up of three Councillor representatives and eight staff was formed to ensure a robust process was followed to consider multiple sites for the new Napier Library and ultimately recommend one site.</p> <p>Sixteen CBD-based sites were initially considered using a weighted multi-criteria analysis process. Of these, three were short listed for further investigations. These investigations found that only one site was viable from a legal, process, functionality, and cost standpoint, and it was recommended to Council that the former site of the Napier Library, 22 Station Street, be put forward to the public as the site of the new Napier Library.</p> <p>On 9th April 2020, Council decided to pursue the development of the new Library on the Station Street site.</p> <p>Link to docs 2019-11-12 Council update memo Minutes of Council Meeting 9th April 2020 https://v4app.bigtincan.com.au/#story/1065196665</p>
Annual Plan/Long Term Plan funding	Library

4

	<p>\$15.8m over the next four years (\$60k spent to date)</p> <p>Station Street and Civic Space upgrade \$1.2m across 21/22 and 22/23, with most funds sitting in the second year</p> <p>Civic Administration Building Demolition No allocated funding. This is to be funded through the proceeds of the sale of the land</p> <p>Strengthening and refurbishment of Library Building (Council offices) No funds allocated.</p>
External funding availability	None available/sort yet

If you require any further information, please don't hesitate to get in touch with one of the team.

Annette Brosnan

CIVIC PRECINCT PROJECT STEERING GROUP CHAIR, DEPUTY MAYOR

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5. ANNA SPENCER STATUE

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	946459
<i>Reporting Officer/s & Unit:</i>	Fleur Lincoln, Strategic Planning Lead

5.1 Purpose of Report

The purpose of this report is to obtain approval for the installation of the Anna Elizabeth Jerome Spencer statue within road reserve of Napier's CBD.

Officer's Recommendation

The Future Napier Committee:

- a. Approve the acceptance of the gift to Napier City Council of the statue from the New Zealand Women's Institute in perpetuity.
- b. Approve the installation of the Anna Elizabeth Jerome Spencer statue within road reserve on the corner of Cathedral Lane and Shakespeare Road, as well as a small storyboard detailing who Miss Spencer was, and her contribution to society.

5.2 Background Summary

In August 2019, members of the NZ Women's Institute approached Napier City Council to enquire as to the possibility of erecting a bronze statue of Miss Anna Elizabeth Jerome Spencer, the founder of the Women's Institute in New Zealand who resided in Napier. The statue would be erected to mark the centenary of the Women's Institute in February 2021.

After convening with a number of Council Officers and hearing about Miss Spencer's achievements and contributions to the people of Napier, and more widely New Zealand, it was decided that a site would be selected for the statue that would be easily accessible to the public, and would have some form of connection to her life in Napier.

Several site options were considered, with one meeting unanimous approval from Council Officers, the Chief Executive, and the Women's Institute. The site selected is on the corner of Cathedral Lane and Shakespeare Road, tucked into a newly created garden as indicated below.

Miss Spencer was a dedicated member of the congregation of the Anglican Cathedral, which sits opposite the selected site, was an early principal of Napier Girls' High School, and also resided on Napier Hill. The site is located in close proximity to all three of these touch points.



Image 1: Approximate location of statue



Image 2: Photograph of site selected for bronze statue

The statue would be constructed in bronze and would depict Miss Spencer walking in period clothing. A small information board would likely accompany the statue, highlighting why Miss Spencer was an important figure, and what her achievements were.

The statue would be approximately 1670mm high and rest on a plinth measuring 350mm-500mm in height. The plinth would measure 1 metre wide and 650mm deep (see attached diagram in **Attachment A**).

The photograph below shows the clay model of the statue, created before a rubber moulding was created for the bronze cast.



Image 3: Clay model of Miss Spencer statue

5.3 Issues

Consideration of the appropriateness of statues of colonial-era figures, the history of the NZ Women's Institute and its inclusion of Māori women was researched. The NZ Women's Institute was, and still is, firmly non-sectarian and open to all the women of the community. Efforts to include Māori women were made through a shared interest in craft and the performing arts. Despite this, many Māori women preferred to belong to parallel Māori institutes, including Te Awapuni set up at Kohupātiki in 1929. No other issues have come to light.

5.4 Significance and Engagement

This is not a matter to be considered under the Significance and Engagement Policy.

The Art Deco Trust have been advised of the gifting of this statue.

5.5 Implications

Financial

The NZ Women's Institute will pay for the statue and its installation in its entirety. Council will then maintain the statue for its normal life.

Social & Policy

There is no current adopted Policy that provides direction to Council on the accepting of donated art and sculpture. The Draft Parks and Reserves Donations and Memorials Policy is not yet adopted, but is the best policy to turn to for direction on how best to manage donated work. It sets out the following relevant clauses:

1. Council officers have delegated authority to accept and action all donations of items such as park furniture, trees, plants, money for specific projects (up to the value of \$10,000) or any other similar small item considered suitable. Any monetary donation to the City above \$10,000 will be reported to the Chief Executive for their approval to accept.
2. Any donation/memorial that is an ornamental feature, fountain, sculpture or statue will be referred to the Arts Advisory Panel for a recommendation to be considered by the Napier People and Places Committee for approval.
3. Donations and memorials to the City that commemorate an individual, group, or a specific event, such as a visit by Royalty, Head of State and other dignitaries, commemoration of international, national or local events, anniversaries of community organisations and other events of a civic nature will only be considered when the person or event are of outstanding significance to the Napier.
4. No new memorial or plaque will be considered which commemorates a person, event or occasion already memorialised.
5. Any person wishing to donate any item shall cover all costs associated with purchase and installation. These costs will include the purchase of the stock item or plant, freight, preparation work (such as a concrete pad for a seat), staff costs associated with planting or installation and the cost of producing and affixing an acknowledgement plaque.
6. Any donated item will be maintained by Council during the normal life of that item (refer to points 12, 13 and 14 below). Council will not accept any donation which is likely to require excessive ongoing maintenance and repair.
7. No donated item will be considered to be a feature of any Park or Reserve in perpetuity. Once the natural life expectancy of that item has been reached, Council accepts no obligation for replacement. Any replacement which Council may undertake will no longer be considered as being associated with the original donation.

Council Officers have opted to follow this policy directive. The value of the statue is approximately half a million dollars, requiring Chief Executive approval. This has been obtained. The Arts Advisory Panel unanimously approved the statue and its gifting to Napier City Council on Monday 13th July 2020. Approval is sought from Council a matter of urgency (to provide certainly to the NZ Women's Institute), and therefore this item is

before the Future Napier Committee instead of the Napier People and Places Committee (which is not proceeding until September 2020 due to the timing of Council's Annual Plan hearings and deliberations). The donated statue is consistent with the remaining clauses.

This matter is also relevant to the Arts Policy, which seeks to provide high quality art in public places that the Napier community and visitors can engage in. The gifting of the Anna Spencer statue is consistent with the relevant objectives and policies of this Policy.

Risk

Risk is negligible. The owner of 21 Browning Street, which sits adjacent to this site, will be notified upon approval from the Napier People and Places Committee.

5.6 Options

The options available to Council are as follows:

- a. Do not accept the gifting and approve the installation of the Miss Spencer bronze statue
- b. Do accept the gifting and approve the installation of the Miss Spencer bronze statue

5.7 Development of Preferred Option

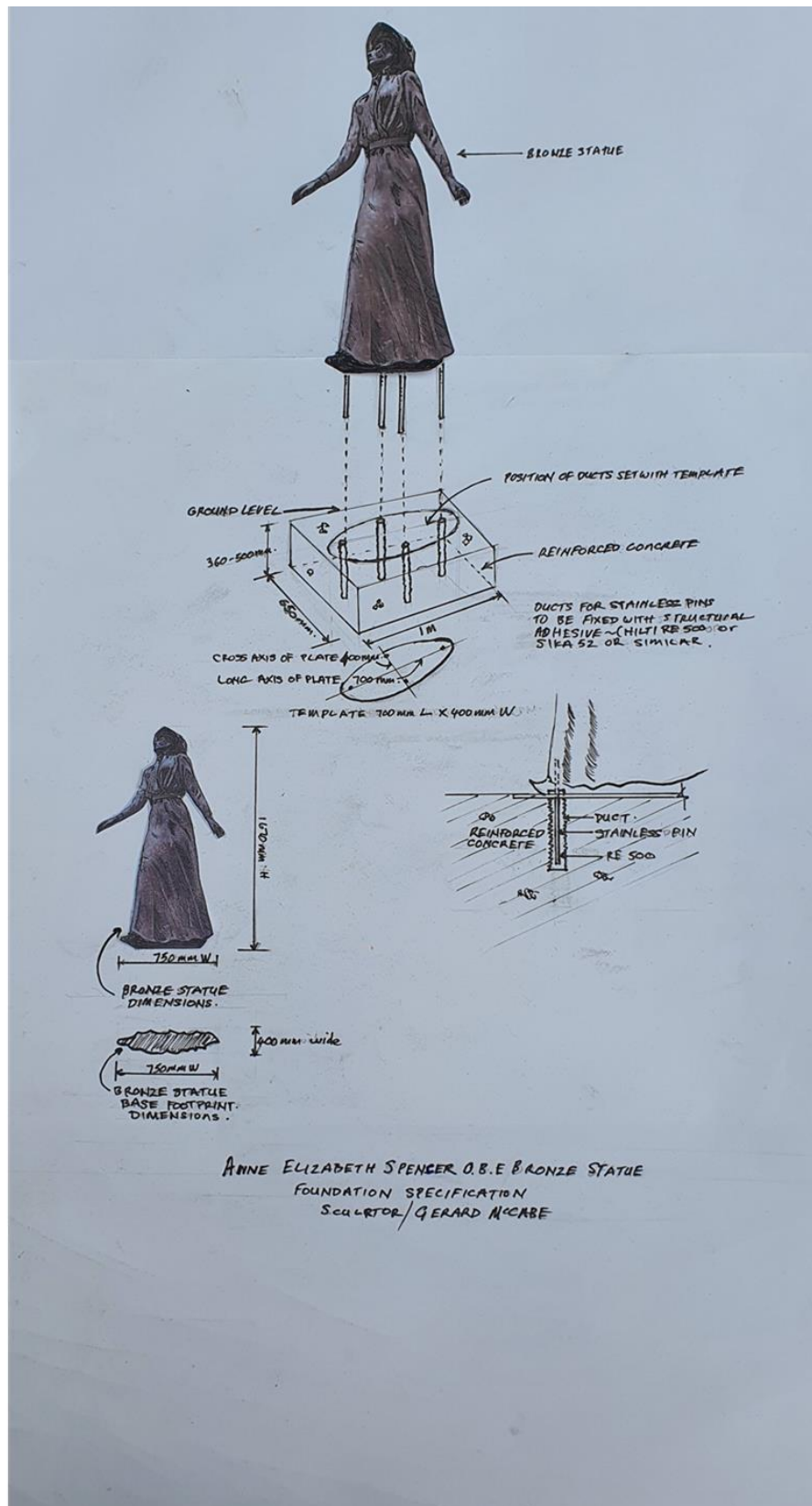
The donation of the Miss Spencer bronze statue is seen as an asset to Napier City Council. Miss Spencer was instrumental in bringing education to the girls of Napier in a time when this was not common. Her founding of the NZ Women's Institute brought friendship, learning, and support to many women throughout the country. Miss Spencer was a woman of influence who fought for equal rights and opportunity, and who can still be seen as an inspiration for people today.

The site chosen was unanimously approved by Council Officers and the Chief Executive, and is appropriate in terms of her connections to Napier. The quality of workmanship is already clear. The NZ Women's Institute have selected a well-renowned sculptor (Gerard McCabe of Bronzeart) for this work, and have already paid for this work to be completed.

The addition of the sculpture will provide increased opportunities for locals and visitors to connect with the richness of history that Napier has (in addition to the earthquake and subsequent rebuild). The site chosen is on the Art Deco guide trail and will give visitors another point of interest.

5.8 Attachments

- A Statue dimensions [↓](#)



6. NAPIER RECOVERY FUNDING

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	942991
<i>Reporting Officer/s & Unit:</i>	Michele Grigg, Senior Advisor Policy Dean Prebble, Economic Development Manager

6.1 Purpose of Report

To provide an update on two funds established to progress the aims of the Napier Recovery Plan.

Officer's Recommendation

The Future Napier Committee:

- a. Note the information on two recovery funds recently established, those being:
 - Recovery Projects Fund
 - Te Puawaitanga – Green Communities Together Fund

6.2 Background Summary

The vision for Napier's recovery post Covid-19 is to restore and enhance vibrancy, innovation and wellbeing in our community now and into the future. This is articulated in the Napier Recovery Plan (the Plan), which sets out the framework for recovery.

In recognition of the broad reaching impacts of the pandemic, the framework takes a holistic view and is designed to be agile and responsive as the situation evolves over time. The framework is supported by Te Pou o Te Rāngai Haumanu (to revive and restore health/wellbeing) and three pillars which weave through the Plan's recovery goals.

The six wellbeing goals in the Plan are:

1. Everyone has access to safe drinking water, food and housing
2. We are healthy and active
3. Our businesses and not-for-profit organisations are resilient and innovative
4. Our city centre and local centres are vibrant and sustainable
5. Our community is safe, fair, connected, and resilient
6. Renewal of our city respects, protects, and celebrates our cultural heritage and environment.

Two funds have been established to support projects and initiatives that will positively influence Napier's recovery and renewal:

- Recovery Projects Fund
- Te Puawaitanga – Green Communities Together Fund.

Recovery Projects Fund

This fund aims to assist with building resilience and encouraging innovation. It has a particular focus on collective benefit. Projects that support one or more of the six Recovery Plan goals and have a focus on accelerating recovery of Napier's community and/or economy are encouraged.

Priorities for the fund include:

- Alignment with the goals and contribute to the indicators of the Plan
- Address issues and opportunities identified in the Plan
- Encourage innovation
- Incorporate collaboration and/or partnership approaches
- Positively impact on the Napier economy and/or community
- Have the potential to generate new revenue, stimulate jobs and/or support business growth
- Strengthen community connectedness/community resilience
- Celebrate community spirit.

Applications are welcome from a range of sectors and from across Napier. This fund is open to registered legal entities who operate within Napier – such as businesses, community organisations, groups, and social enterprises.

The fund opened on 1 July 2020. A total of \$500,000 is available for distribution and it is anticipated grants will range from under \$5,000 to over \$30,000. This is not a contestable fund, which means applications are being assessed as they are received until the fund is allocated or within 12-months, whichever comes first.

Applications are made online. Projects valued at \$30,000 and over will follow a two-stage application process – stage one invites Expressions of Interest (EOI). Short-listed EOI applicants will be invited to submit a full proposal for consideration (stage two).

More information about the fund is available on Council's website:

www.napier.govt.nz/our-council/about-this-site/recovery-projects-fund/

Te Puawaitanga – Green Communities Together Fund

This fund encourages fresh, simple ideas to help Napier environments flourish. Projects that emphasise one or more of the following are encouraged:

- Green streets
- Planting and ecology
- Flora and fauna (eg, attracting birds, bees, native plantings)
- Pest and weed control
- Community gardens/Maara kai
- Fruit forests
- Art installations
- Clean, green spaces and waterways.

Applications are welcome from formal and informal groups in Napier neighbourhoods and communities. Successful applications will incorporate the following factors:

- Innovation – an idea for ‘greening Napier’ which can be easily implemented and fits one or more of the priority areas
- Community team – a group of residents who may already be part of an existing network or who may come together specially to implement their project
- Energy and enthusiasm – a ‘can do’ attitude and interest in being involved in both the implementation and maintenance of the project
- Community guardians/kaitiaki – ongoing guardianship of the project
- Open dialogue – open to working in partnership with and receiving advice from Napier City Council staff and other potential providers.

This fund also opened on 1 July 2020. A total of \$200,000 is available for distribution and grants may range from \$500 to over \$5,000. This is not a contestable fund, which means applications are being assessed as they are received until the fund is allocated or within 12-months, whichever comes first.

Applications are made online using an Expression of Interest form. Shortlisted groups will be invited to work with Council staff to develop their project plan in order to receive funding. Council’s Community Strategies Team will act as navigators by liaising between the projects and other parts of Council and external parties to facilitate project implementation.

More information about the fund is available on Council’s website:

www.napier.govt.nz/our-council/about-this-site/te-puawaitanga-green-communities-together-fund/

Status of Applications to Date

The following table shows the number of applications received to date and their status (as at 21 July 2020, the time of writing this paper).

Fund	Number of applications received	Total value of applications	In progress	Full proposal invited (\$30k+)	Approved	Declined
Recovery Projects	10	\$290,393.43	6	3	3	1
Te Puawaitanga	3	\$11,320	2	N/A	1	0

6.3 Issues

The impact of Covid-19 on Napier’s recovery in the medium to longer term is largely unknown. It is envisioned that projects supported through these two funds will collectively assist with Napier’s recovery. This will be assessed by establishing a set of indicators under each recovery goal, and using a data dashboard approach to monitor progress. Specifications for building a fit-for-purpose data dashboard are currently being developed.

6.4 Significance and Engagement

The funds are being actively promoted in the community as follows:

- Social media (Facebook)
- Council website
- Community newspaper advertisements

- Radio advertising and promotion (Te Puawaitanga)
- Māori networks
- Pasifika networks
- Community organisations
- Business Associations
- Napier Neighbourhood Support network.

6.5 Implications

Financial

Fund expenditure was approved by the Recovery Working Group in the development of the Napier Recovery Plan.

Social & Policy

The two funds aim to positively influence Napier's recovery and renewal by encouraging a focus on the intent of the six recovery goals.

Risk

It is unknown at this time if the funds will be under- or over-subscribed. Ongoing promotion will ensure community awareness is maintained.

6.6 Options

The options available to Council are as follows:

- a. Note the content of this report.

6.7 Attachments

Nil

7. RESOURCE CONSENT ACTIVITY REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	943179
<i>Reporting Officer/s & Unit:</i>	Luke Johnson, Team Leader Planning and Compliance

7.1 Purpose of Report

This report provides an update on recent activity within the resource consenting team. The report is provided for information purposes only for elected members, so that there is visibility of major projects and an opportunity for elected members to understand the process.

Applications are assessed by delegation through the RMA; it is not intended to have application outcome discussions as part of this paper.

This report only contains information which is lodged with Council and is publicly available.

Officer's Recommendation

The Future Napier Committee:

- a. Note the resource consent activity update.

7.2 Background Summary

The following is an outline of recent activity within the Resource Consent Team.

While the number of resource consent applications decreased during COVID-19 restrictions, there has been an upswing in the number of applications received since moving to Level 1. We have received 34 applications for this period, which is only a small decrease on the 39 applications received for the same period last year. We are encouraged by the fact that these recent numbers have continued to increase. Further, the Resource Consent Team have continued to achieve at or below the legislated processing timeframes for determining resource consent applications.

The below outlines the current resource consenting activities in Napier and the status of these for information purposes. Whilst this is not an entire list of all applications currently being assessed or having been determined, they are significant or noteworthy applications of which details are being provided to Council for information purposes.

Summary Table

Address	Proposal	Current Status	Update
16 and 38 Willowbank Avenue, Meeanee	Proposed Lifestyle Village	The application remains on-hold until the applicant decides	Previously reported to Future Napier Committee

		whether to proceed with notification	No further update
170 Taradale Road, Pirimai	- Proposed Commercial/Retail Multi-unit Development	Final stages of consenting. Decision expected within seven days	Previously reported to Future Napier Committee No further update
35 Kenny Road, Te Awa	Commercial Development/Proposed Licenced Premise	Section 127 approved 24 June 2020 Resource Consent granted to establish the cafe as a licenced premise	Previously reported to Future Napier Committee Additional detail provided below
27 White Street, Taradale	Residential Care Facility	Resource Consent approved 17 June 2020	Received since last report. Detail provided below

35 Kenny Road, Te Awa - Commercial Development (approved 24 June 2020)

This application was previously reported to Future Napier Committee 18 June 2020.

A section 127 has been granted for the variation to the recently approved resource consent over 35 Kenny Road, Te Awa. The purpose of the variation was to modify access around the childcare facility, hours of operation of the café, floor areas of two tenancies and increase car parking.

A revised acoustic assessment was submitted as part of the variation demonstrating compliance with District Plan. Comments from Transport Development Engineer indicated the proposed changes were considered positive and will result in greater safety outcomes.

Extending the cafes hours now correlates directly to the approved closing time of the supermarket. Additionally, under a separate application, the café has been granted resource consent to be established as a licenced premise.

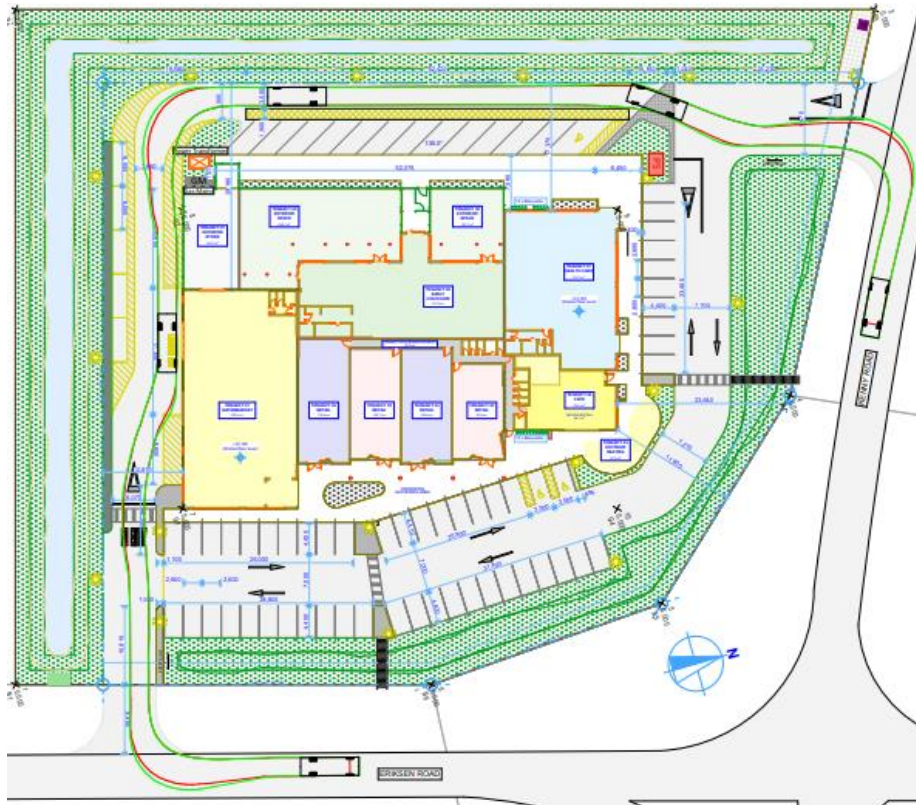


Figure 1. 35 Kenny Road, Te Awa - Commercial Development

27 White Street, Taradale - Residential Care Facility (approved 17 June 2020)

This application was in support of establishing three new detached buildings comprising a total of eight bedrooms for the purpose of providing Residential Care Facility for up to 8 clients. The Hohepa Homes Trust Board provide care facilities for those in the community with intellectual disabilities.

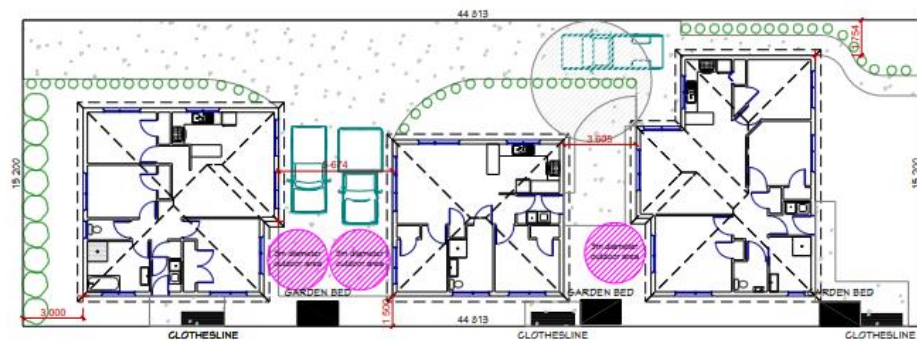


Figure 2. 27 White Street, Taradale - Residential Care Facility

7.3 Attachments

Nil

FUTURE NAPIER COMMITTEE

Open Minutes

Meeting Date: Thursday 18 June 2020

Time: 10.00am – 11.00am

Venue Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Zoom livestreamed to Council's Facebook page

Present Mayor Wise, Deputy Mayor Brosnan (In the Chair), Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor and Wright

In Attendance Interim Chief Executive, Director Corporate Services, Director Community Services, Director Infrastructure Services, Director City Strategy, Manager Communications and Marketing
Team Leader Planning and Compliance
Principal Resource Consents Planner
Manager Building Consents

Administration Governance Team

Apologies

Nil

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Nil

Announcements by the Chairperson

Nil

Minor Matters

Nil

Announcements by the management

The new Team Leader Planning and Compliance, Luke Johnson, was introduced to the Council. The Director City Strategy noted that there has been a small realignment in the planning and compliance area and Luke will lead the resulting team. Luke has joined Council having moved from Australia.

Confirmation of minutes

Nil

AGENDA ITEMS

1. BUILDING ACT CHANGES

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Building Act 2004
<i>Document ID:</i>	932415
<i>Reporting Officer/s & Unit:</i>	Malcolm Smith, Manager Building Consents

1.1 Purpose of Report

To advise the Future Napier Committee on the potential implications on Council from proposed changes to the Building Act exempt work provisions.

At the Meeting

The Manager Building Consents spoke to the report, noting that while the changes to the Building Act have not yet been implemented, a review has been undertaken to assess any potential impacts for Council. A small revenue loss is theoretically possible but unlikely to be realised. The intended changes to the Building Act were briefly reviewed.

In response to questions from Councillors it was clarified that:

- People still have the option to apply for building consents even for exempted work. Where the work is undertaken by licensed practitioners there is little increase in risk.
- Once any updates to a property have been made, documentation should be provided to Council so that these can be lodged on the property file.
- While there may be less consenting required under the Building Act, resource and or planning consent still may be required, so it will be important to ensure that all required consents are still sought.
- Any easements are listed on a title so the owner should be aware of their existence, but there may still be a small risk that these are built over with a consent- exempt structures.
- There is already a variety of work that is exempt and people do still tend to liaise with Council around these for surety.
- The changes to the Building Act were unexpected, although it is believed that COVID-19 may have brought forward the timing of an update to the Act that was already intended. There have been a number of initiatives at a national level as a response to the impacts of COVID-19 to help facilitate recovery.
- Council provide a large amount of information to people in relation to their building projects, but also link to the MBIE website to ensure that the most up-to-date information from the lawmakers is directly available to all.

The Manager Building Consents then spoke to the resource that the Building team provides to another AlphaOne Council (there are 16 other Councils that use this system across the Country).

In 2018 it was proposed to a forum of the AlphaOne-using Councils that Napier could provide resourcing to help support their building consent processing. In early 2020, Napier started providing support in this manner to Selwyn Council as a trial. Selwyn experienced a growth in the number of consents during lockdown and Napier was able to help manage the peak. The trial has been assessed as a success by both Councils and it is proposed to test expansion of the offering to other Councils.

To further the initiative the Napier building team must be in a position to be able to resource the offering with correctly accredited personnel. The revenue from the other Councils funds new positions in Napier, meaning that the offering is cost-neutral for NCC. It was noted that the building industry is an aging one and Napier is building a young and skilled team which places the Council in a strong position to manage Napier's consenting while also providing support to other Councils.

In response to questions from councillors it was clarified that:

- Most Councils struggle to recruit in this area, and the pool of recruits tends to be an aging one; often Councils choose to use contractors for peak periods at higher cost.
- Napier made a conscious decision a number of years ago to recruit and develop a younger team, and to date have been able to recruit to expand the team as required. Napier is therefore in a strong position as a young skilled team to provide processing support in a beneficial way to all Councils involved.
- Further extrapolations to how this support could be provided to other Councils and the risks and benefits will be considered by Council through the Long Term Plan process.

Committee's recommendation

Councillors Brosnan / Browne

The Future Napier Committee:

- a. Note that the proposed changes to the Building Act will have minimal implications for Council.
- b. Direct Officers to explore the possibility of growing the Building Team further to process applications for AlphaOne Councils.

Carried

2. RESOURCE CONSENT ACTIVITY

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	936789
<i>Reporting Officer/s & Unit:</i>	Paul O'Shaughnessy, Principal Resource Consents Planner

2.1 Purpose of Report

This report provides an update on the status of major developments applying for resource consent in Napier.

At the Meeting

The Chair noted that, moving forward, this will be a standing item on the agenda of the Future Napier Committee.

The Principal Resource Consents Planner spoke to the report, noting that the intention is to provide Council with an update of activities where the information is in the public arena.

Some key consents were touched on briefly, including:

- A new 5-level hotel proposed for 161 Marine Parade. It was originally approved in 2018 but as is often the case with large developments, some changes to the design meant a new updated application was required; this was approved in June 2020.
- Developments in the Te Awa area, including a suburban commercial shopping centre and future residential development.
- A number of applications still being processed include a large site in Taradale which is intended to hold 16 commercial and 1 hospitality tenancy. Impact analysis on this proposal is currently underway.
- An application for a large development on Willowbank Road. There has been some discussion in relation to the design of this development (which is proposed to be gated) as there will be impacts on how much public asset (roading and other reticulation) can be vested in Council depending on the approach taken.

In response to questions from Councillors it was clarified that:

- The proposed licensed premises will be subject to the standard rules for liquor license applications but currently their focus is on the resource consent requirements.
- There are a number of lifestyle villages/ gated communities across the country; however the current application needs to be assessed against Napier's District Plan.
- Most retirement villages have an internal road which is private; however in these instances the property is owned by one holder, as opposed to a gated community where the properties will be owned by multiple people.
- A public road cannot be gated so public assets on a private road are complex and potentially unviable integrate.
- The Willowbank application has yet to be notified.

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- When applications are received from Kainga Ora these could be reported on, but it was noted that not all applications from this agency include resource consents.
 - The District Plan review process incorporates multiple conversations with elected members in relation to the rules and guidelines that help shape the city's growth, and will also include an extensive consultation process.
 - The current District Plan sets the criteria that all applications are assessed against and drives all decisions on these. Assessing applications is a very 'cut and dried' process.

ACTION: Some criteria will be put in place as to the types of consents that will be brought through to Council in this report, for example where social housing is involved. It will continue to include publicly available information only.

Committee's recommendation

Councillors Wright / Crown

The Future Napier Committee:

- a. Receives the report.

Carried

The meeting closed at 11.00am

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

Chairperson

Date of approval