
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 14/12/2023

Submission Reference Number #:143

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

oOh!Media Street Furniture New Zealand Limited

Address for service:

Kelby Cai
Bentley & Co
PO Box 4492 Shortland Street Auckland 1140
New Zealand

Email: kcai@bentley.co.nz

Attachments:

oOh_Submission on PNDP_141223.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **N/A**

Submission points

Point 143.1

Section: NU - Network utilities

Sub-section: Issues

Sentiment: Support

Submission:

Refer to Attachment.

Relief sought

To Retain Issues:

- NU-I1

- NU-I2

- NU-I3

Point 143.2

Section: NU - Network utilities

Sub-section: Objectives

Sentiment: Support

Submission:

Refer to attachment.

Relief sought

To retain objectives:

- NU-O1

- NU-O2

- NU-O3

Point 143.3

Section: NU - Network utilities

Sub-section: Policies

Sentiment: Support

Submission:

Refer to Attached for explanation of the submission.

Relief sought

To retain policies:

- NU-P1
 - NU-P2
 - NU-P3
 - NU-P4
-

Point 143.4

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Rules Table

Sentiment: Support

Submission:

Please refer to attachment.

Relief sought

To retain Rules:

- NU-R1
 - NU-R2
 - NU-R5
 - NU-R6
-

Point 143.5

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Sentiment: Support

Submission:

please refer to attached.

Relief sought

To retain Standards:

- NU-S1
- NU-S2
- NU-S3

- NU-S4
- NU-S5
- NU-S6
- NU-S7
- NU-S10
- NU-S11

Point 143.6

Section: NU - Network utilities

Sub-section: NU - Network Utilities - Standards Table

Provision:

NU-S9: Signs

All zones and associated precincts

Purpose: *to ensure signage does not adversely affect the safety and efficient operation of other network utilities, or amenity values while recognising the purpose and necessity of signs for network utilities.*

1. Any sign associated with a network utility that is not an official sign must:
 - a. not exceed an area of 1 m², and
 - b. not be attached to a heritage tree, heritage building, or heritage item identified in the District Plan.
2. Any temporary sign associated with the construction, maintenance or upgrading of a network utility that is not an official sign must be:
 - a. installed no more than three months prior to work commencing;
 - b. removed within one month of completion of the works, and
 - c. no greater than 3 m² in area.

Matters of discretion are:

1. The purpose and necessity of the sign (including any illumination of the sign);
2. Effects on the safe and efficient operation and function of other network utilities, and
3. Effects (including cumulative effects) on amenity values.

Refer to assessment criteria NU-AC9.

Sentiment: Amend

Submission:

Please refer to attached.

Relief sought

To amend NU-S9: Sign; to provide for signs directly related to a network utility

NU-S9: Signs

1. Any sign ~~associated with~~ directly related to a network utility that is not an official sign must:
 - a. Not exceed and area of 1m² , and
 - b. Not be attached to a heritage tree, heritage

All zones and associated precincts

Purpose: to ensure signage does not adversely affect the safety and efficient operation of other network utilities, or amenity values while recognising the purpose and necessity of signs for network utilities.

building, or heritage item identified in the District Plan.

2. Any temporary sign associated with the construction, maintenance or upgrading of a network utility that is not an official sign must be:
 - a. Installed no more than three months prior to work commencing;
 - b. Removed within one month of completion of the works, and
 - c. No greater than 3m² in area.
-

Point 143.7

Section: SIGN - Signs

Sub-section: Objectives

Sentiment: Support

Submission:

Please refer to attached.

Relief sought

To retain Objectives:

- SIGN-O1: Signs that meet the needs of the community and do not detract from the visual amenity of the area

- SIGN-O2: Well-designed and appropriately located signage enhances city vibrancy, ensures public and transport safety, and contributes to community wellbeing

Point 143.8

Section: SIGN - Signs

Sub-section: Policies

Sentiment: Amend

Submission:

Please refer to attached.

Relief sought

To insert a new policy for 'signs integrated with network utilities'.

Insert a new policy

SIGN-P12: Signs that are integrated with network utilities

Enable signs where they are an integrated component of network utilities

Point 143.9

Section: SIGN - Signs

Sub-section: SIGN - Signs - Rules Table

Sentiment: Amend

Submission:

Please refer to attached.

Relief sought

Insert a new rule for 'signs that are integrated with network utilities'.

SIGN - Signs - Rules Table

SIGN-RX

Signs that are integrated with network utilities

SIGN-RXA

Activity status: Permitted

All Zones

Where:

1. The sign is not be located within 30m of a scheduled Historic Heritage Place.
2. The sign is no larger than the network utility it is attached to.
3. Illumination complies with Standard SIGN-S4.

SIGN-RXB

Activity status where conditions or standards are not met: **Restricted Discretionary**

All Zones

Matters of discretion are:

1. Any effects (including cumulative) of signs on the amenity values and character of the area;
2. The effects on heritage values;
3. The design and appearance of the sign;
4. The dimensions of the sign;
5. The orientation, strength, intensity and colour of the illuminated sign, and
6. Any hazard, safety risk or obstruction to motor vehicles, vehicular traffic, or pedestrians.

**SUBMISSION ON THE NAPIER CITY PROPOSED DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE
RESOURCE MANAGEMENT ACT 1991**

From: oOh!Media Street Furniture New Zealand Limited

Address: C/- Bentley & Co Limited,
PO Box 4492,
Shortland Street,
Auckland 1140
Attn: Kelby Cai

To: Napier City Council

Address: PO Box 6010, Napier 4142

Submission on: Napier City Proposed District Plan

Introduction

1. oOh!Media Street Furniture New Zealand Limited (“oOh”) was formed in 2018 following the acquisition and merger of Adshel New Zealand Limited (“Adshel”) with oOh!media Limited. oOh acquired the physical assets and advertising rights that were owned by Adshel in New Zealand.
2. oOh is a provider of commercial outdoor advertising on bus and pedestrian shelters within eight regions throughout New Zealand, and has existing contracts with several territorial authorities which enable oOh to provide such services (typically) within the road reserve. oOh underpins its commercial activity through the provision of high quality street furniture supported by an operational function, inclusive of thorough maintenance and cleaning regimes. The model is self-funded by the revenue generated by the sale of advertising space on the national street furniture network, such that the furniture and cleaning and maintenance services are provided at no charge to the Council or ratepayers.
3. Prior to its acquisition, Adshel commenced operations in New Zealand in 1999, and developed a portfolio of over 3,300 advertising panels on the street nationally. The investment involved in the development of this portfolio exceeded \$50 million in infrastructure throughout New Zealand, and an additional \$50 million in operational expense to deliver cleaning and maintenance programs.
4. oOh is regularly involved in plan-making processes under the Resource Management Act 1991 (and the Local Government Act 2002), to ensure that any regulation is workable and will result in good environmental outcomes. oOh is also continually involved in the respective processes involved in obtaining bylaw permissions and

resource consents for road-side street furniture and integrated advertising panels within several districts in New Zealand, and have experience in how the intricacies of the various layers of regulations provide for signage, and how such processes can lead to efficiencies or inefficiencies.

Scope of Submission

5. This submission specifically relates to the following chapters:
 - a. Part 2 – District-wide matters / Energy, Infrastructure, and Transport / NU – Network utilities:
 - i. Issues;
 - ii. Objectives;
 - iii. Policies
 - iv. NU-Network Utilities – Rules Table;
 - v. NU-Network Utilities – Standards Table;
 - b. Part 2 – District-wide matters / General District-Wide Matters / Signs:
 - i. Objectives;
 - ii. Policies; and
 - iii. SIGN – Signs – Rules Table.

Background to Submission

6. oOh is concerned with the proposed provisions of the Napier City Proposed District Plan (“**Proposed Plan**”) as they relate to street furniture (such as transport and pedestrian shelters), utilities and other structures and integrated advertising panels, which are located within the public road reserve.
7. As explained in the ‘General Approach’ chapter of Part 1 of the Proposed Plan (and as shown on the Proposed Plan Maps), all roads have an underlying zone which corresponds to that of the neighbouring land. In general terms, as a consequence of this approach, specific activities which are undertaken within the road reserve will be subject to, or will be influenced by, the provisions of the zone. In most instances, the zone provisions have not been drafted with attention to how the zones will regulate activities in the road reserve.
8. oOh supports that the Proposed Plan includes specific provision for network utilities in the road reserve, and submits that the Proposed Plan must include provisions for advertising displays which are commonly integrated with network utilities. As set out in detail further below, oOh’s submission is that the Proposed Plan should classify such activities as a permitted activity.
9. The road reserve is owned and controlled by the Council. The Council regulates the use of public places (which includes roads) under the Public Places Bylaw 2021. Among other matters, the Public Places Bylaw 2021 regulates the placement of structures and particular forms of signage in the road reserve. In this respect, all persons require the written approval of the Council to undertake such activities.

10. oOh works directly with Councils in terms of integrating the provision of infrastructure within roading and public transport networks. oOh also works directly with Councils in respect of the opportunities to display advertising within the network, which is subject to the Council's discretion and planning of the transport network.

Submission and Reasons

Network Utilities

11. oOh typically installs and maintains shelters at bus stops and pedestrian shelters within footpaths at strategic locations (such as large intersections) to provide weather protection. Signage and advertising device are also commonly integrated with other types of network utilities. Such utilities fit within the Proposed Plan's definition for 'network utility' which is:

Network utility

A project, work, system or structure that is a network utility operation undertaken by a network utility operator.

12. The definition of 'network utility operator' is:

Network utility operator

has the same meaning as in section 166 of the RMA (as below):

means a person who:

- a. undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or*
- b. operates or proposes to operate a network for the purpose of:
 - i. telecommunication as defined in section 5 of the Telecommunications Act 2001; or*
 - ii. radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or**
- c. is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or*
- d. undertakes or proposes to undertake the distribution of water for supply (including irrigation); or*
- e. undertakes or proposes to undertake a drainage or sewerage system; or*
- f. constructs, operates, or proposes to construct or operate, a road or railway line; or*
- g. is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or*
- h. is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or*
- i. undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,*

*and the words **network utility operation** have a corresponding meaning.*

13. The Proposed Plan includes a ‘Network Utilities Chapter’¹, which contains provisions relating to the operation, development, and maintenance of all network utilities. The provisions enable the construction of new network utilities as a permitted activity, subject to compliance with various standards, which are generally appropriate for the range of network utilities that oOh supports, with the exception of Standard NU-S9.
14. Standard NU-S9 relates to signs, and states:
- All zones and associated precincts:*
Purpose: to ensure signage does not adversely affect the safety and efficient operation of other network utilities, or amenity values while recognising the purpose and necessity of signs for network utilities.
1. *Any sign associated with a network utility that is not an official sign must:*
 - a. *Not exceed an area of 1m², and*
 - b. *Not be attached to a heritage tree, heritage building, or heritage item identified in the District Plan.*
 2. *Any temporary sign associated with the construction, maintenance or upgrading of a network utility that is not an official sign must be:*
 - a. *Installed no more than three months prior to work commencing;*
 - b. *Removed within one month of completion of the works, and*
 - c. *No greater than 3m² in area.*
15. It is not clear whether the standard is intended to apply only to signs that are directly related to the network utility or whether it applies to other forms of signage such as integrated advertising displays within a bus shelter.
16. oOh considers that NU-S9 needs to be clarified such that it relates to signage that is directly related to network utilities.

Integrated Advertising Displays

17. Under the Signs chapter, rule SIGN-R1 specifically provides for “any sign within the road reserve that complies with the New Zealand Traffic Control Devices 2004” as a Permitted activity.
18. It is unclear whether this rule is intended to apply to third-party signs in the road reserve.² It is noted that the Traffic Control Devices Manual includes a ‘Part 3’ which relates to advertising signs (including third-party signs), and therefore Rule SIGN-R1 may encapsulate third party signs that comply with this part of the Traffic Control Devices Manual. Alternatively, rule SIGN-R1 may be intended to apply to ‘official signs’ (which relate to the functioning of the road network) which is the primary purpose of the Traffic Control Devices Manual.

¹ Part 2 – District-wide matter / Energy, Infrastructure and Transport / Network Utilities

² Under the Napier City Proposed Plan, SIGN-R24: Third party signs (excluding temporary signs for legitimately established roadside stalls within the Rural Production Zone and Rural Lifestyle Zone) are Discretionary activity.

19. Besides Rule SIGN-R1, there are no directly relevant provisions for advertising displays that are integrated with network utilities (such as street furniture).
20. In oOh's submission, it is more practical, efficient and cost-effective to have specific provisions for third party digital signs in a road reserve to be a permitted activity subject to standards (including a specific set of policies, rules and standards). As with network utilities (eg: shelter infrastructure), the design and operation of signs within the road reserve is most effectively managed by the Council (as the road controlling authority) in conjunction with its commercial partners and contractors.
21. The approach that is sought by oOh in its submission is consistent with the manner in which road based infrastructure and advertising signs are managed in Auckland, in which the Auckland Unitary Plan classifies 'billboards on street furniture' as a permitted activity, with this status being subject to compliance with a particular set of standards (which differ to those standards which are otherwise applied to signs on private property). In Auckland, oOh has a contract with Auckland Transport to provide public transport infrastructure and advertising signs.
22. In this respect, oOh submits that a specific policy and rules should be included in the Proposed Plan to regulate advertising signs which are integrated with network utilities in the road reserve. Where a sign will not meet the permitted activity standards, such an activity should be provided for as a Restricted Discretionary activity. The matters of discretion that oOh submits are appropriate are consistent with those that are otherwise included in other rules of the Proposed Plan for other types of signs that are a Restricted Discretionary activity.

Relief Sought

23. oOh seeks the following relief:
 - a. That the provisions of 'Part 2 – District-wide matters / Energy, Infrastructure, and Transport / Network utilities' that provide for network utilities are retained.
 - b. That NU-S9 which relates to signs associated with a network utility is amended specifically to signs related with network utilities.
 - c. That a specific policy and rules are inserted in 'Part 2 – District-wide matters / General district-wide matters / Signs' to recognise that signs which are an integrated component of network utilities are permitted, and to provide for their consideration/assessment where standards are not complied with; and
 - d. Such further or other consequential relief as may be necessary to fully give effect to the relief sought in oOh's submission.
24. The specific relief that oOh seeks via its submission is set out in **Appendix 1**.
25. oOh wishes to be heard in support of this submission.

26. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.
27. oOh could not gain an advantage in trade competition through this submission.

OOH!MEDIA STREET FURNITURE NEW ZEALAND LIMITED

by their planning and resource management consultants and authorised agents
Bentley & Co. Ltd.

Date: 14 December 2023



Signature:

Kelby Cai
Resource Management Consultant

Address for Service:

Kelby Cai
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PO 4492 Shortland St
AUCKLAND 1140

Email:

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APPENDIX 1 – RELIEF SOUGHT BY OOH!MEDIA STREET FURNITURE NEW ZEALAND LIMITED

Row	Relief sought	Proposed Wording
PART 2 – DISTRICT-WIDE MATTERS / Energy, Infrastructure, and Transport / NU - Network utilities		
Issues		
1	Retain: <ul style="list-style-type: none"> • NU-I1: Essential role of network utilities • NU-I2: Management of adverse effects of network utilities • NU-I3: The impact of activities on network utilities 	N/A
PART 2 – DISTRICT-WIDE MATTERS / Energy, Infrastructure, and Transport / NU - Network utilities		
Objectives		
2	Retain: <ul style="list-style-type: none"> • NU-O1: Essential role of network utilities • NU-O2: Adverse effects of network utilities • NU-O3: Adverse effects on network utilities 	N/A
PART 2 – DISTRICT-WIDE MATTERS / Energy, Infrastructure, and Transport / NU – Network utilities		
Policies		
3	Retain: <ul style="list-style-type: none"> • NU-P1: Essential role of network utilities • NU-P2: Adverse effects of network utilities • NU-P3: Adverse effects of network utilities on protected areas and sites of significance • NU-P4: Adverse effects on network utilities 	N/A

Row	Relief sought	Proposed Wording
PART 2 – DISTRICT-WIDE MATTERS / Energy, Infrastructure, and Transport / Network utilities NU Network Utilities – Rules Table		
4	Retain: <ul style="list-style-type: none"> • NU-R1: Operation, maintenance, replacement, and removal of existing network utilities (that are not regulated by an NES) in all zones and precincts • NU-R2: Minor upgrading of existing network utilities in all zones and precincts • NU-R5: Construction of new network utilities and upgrading of existing network utilities (that are not regulated by an NES) within the National Grid Yard (other than for the reticulation and storage of water for irrigation purposes carried out by a network utility operator) in all zones and precincts • NU-R6: Construction of new 	N/A

Row	Relief sought	Proposed Wording
	<p>network utilities (that are not regulated by an NES) not already provided for in NU-R4 (within the Airport Zone) and NU-R5 (within National Grid Yard) in all zones and precincts, except the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones</p> <ul style="list-style-type: none"> • 	
<p>PART 2 – DISTRICT-WIDE MATTERS / Energy, Infrastructure, and Transport / Network utilities NU Network Utilities – Standards Table</p>		
5	<p>Retain:</p> <ul style="list-style-type: none"> • NU-S1: Setbacks • NU-S2: Height for above ground buildings • NU-S3: Height for above ground structures (other than buildings) • NU-S4: Floor space & dimensions • NU-S5: Sight distances • NU-S6: Noise and vibration • NU-S7: Light spill 	

Row	Relief sought	Proposed Wording								
	<ul style="list-style-type: none"> • NU-S10: Pipelines, cables, conductors, and lines • NU-S11: Removal of derelict above ground network utilities 									
6	Amend NU-S9: Signs to provide for signs directly related to a network utility	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" data-bbox="634 521 1839 581" style="background-color: #cccccc;">Rules for Infrastructure – General</th> </tr> </thead> <tbody> <tr> <td data-bbox="634 581 1035 641">...</td> <td data-bbox="1041 581 1839 641">...</td> </tr> <tr> <td colspan="2" data-bbox="634 641 1839 672">NU-S9: Signs</td> </tr> <tr> <td data-bbox="634 672 1035 1068"> All zones and associated precincts Purpose: to ensure signage does not adversely affect the safety and efficient operation of other network utilities, or amenity values while recognising the purpose and necessity of signs for network utilities. </td> <td data-bbox="1041 672 1839 1068"> <ol style="list-style-type: none"> 1. Any sign associated with <u>directly related</u> to a network utility that is not an official sign must: <ol style="list-style-type: none"> a. Not exceed an area of 1m², and b. Not be attached to a heritage tree, heritage building, or heritage item identified in the District Plan. 2. Any temporary sign associated with the construction, maintenance or upgrading of a network utility that is not an official sign must be: <ol style="list-style-type: none"> a. Installed no more than three months prior to work commencing; b. Removed within one month of completion of the works, and c. No greater than 3m² in area. </td> </tr> </tbody> </table>	Rules for Infrastructure – General		NU-S9: Signs		All zones and associated precincts Purpose: to ensure signage does not adversely affect the safety and efficient operation of other network utilities, or amenity values while recognising the purpose and necessity of signs for network utilities.	<ol style="list-style-type: none"> 1. Any sign associated with <u>directly related</u> to a network utility that is not an official sign must: <ol style="list-style-type: none"> a. Not exceed an area of 1m², and b. Not be attached to a heritage tree, heritage building, or heritage item identified in the District Plan. 2. Any temporary sign associated with the construction, maintenance or upgrading of a network utility that is not an official sign must be: <ol style="list-style-type: none"> a. Installed no more than three months prior to work commencing; b. Removed within one month of completion of the works, and c. No greater than 3m² in area.
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Row	Relief sought	Proposed Wording
PART 2 – DISTRICT-WIDE MATTERS / GENERAL DISTRICT-WIDE MATTERS / Signs Objectives		
7	Retain: <ul style="list-style-type: none"> • SIGN-O1: Signs that meet the needs of the community and do not detract from the visual amenity of the area • SIGN-O2: Well-designed and appropriately located signage enhances city vibrancy, ensures public and transport safety, and contributes to community wellbeing 	N/A
PART 2 – DISTRICT-WIDE MATTERS / GENERAL DISTRICT-WIDE MATTERS / Signs Policies		
8	Insert a new policy for ‘signs integrated with network utilities’.	Insert a new policy: <u>SIGN-P12: Signs that are integrated with network utilities</u> <u>Enable signs where they are an integrated component of network utilities</u>
PART 2 – DISTRICT-WIDE MATTERS / GENERAL DISTRICT-WIDE MATTERS / Signs SIGN – Signs – Rules Table		
9	Insert a new rule for ‘signs that are integrated with network utilities’.	<div style="border: 1px solid black; background-color: #cccccc; padding: 5px; width: fit-content;">SIGN – Signs – Rules Table</div>

Row	Relief sought	Proposed Wording	
			...
		<u>SIGN-RX</u>	<u>Signs that are integrated with network utilities</u>
		<u>All Zones</u>	<u>SIGN-RXA</u> <u>Activity status: Permitted</u> <u>Where:</u> <ol style="list-style-type: none"> 1. <u>The sign is not be located within 30m of a scheduled Historic Heritage Place.</u> 2. <u>The sign is no larger than the network utility it is attached to.</u> 3. <u>Illumination complies with Standard SIGN-S4.</u>
		<u>All Zones</u>	<u>SIGN-RXB</u> <u>Activity status where conditions or standards are not met: Restricted Discretionary</u> <u>Matters of discretion are:</u> <ol style="list-style-type: none"> 1. <u>Any effects (including cumulative) of signs on the amenity values and character of the area;</u> 2. <u>The effects on heritage values;</u> 3. <u>The design and appearance of the sign;</u> 4. <u>The dimensions of the sign;</u> 5. <u>The orientation, strength, intensity and colour of the illuminated sign, and</u> 6. <u>Any hazard, safety risk or obstruction to motor vehicles, vehicular traffic, or pedestrians.</u>