



File: 351/120/050
Ref: CR

1 May 2018

Proposed Plan Change 45 - Signs

Purpose of Report

1. This report seeks the Council's approval to notify proposed Plan Change 45 - Signs to the Upper Hutt Operative District Plan 2004 (The District Plan).
2. Public notification of proposed Plan Change 45 (the Plan Change) would be undertaken in accordance with the prescribed process in the First Schedule of the Resource Management Act 1991 (the Act).
3. Attached to this report are the following documents:
 - a. **Appendix 1:** Proposed Plan Change 45 - Signs - Section 32 Evaluation Report
 - b. Proposed Plan Change 45 -Signs - Amended District Plan Chapters. This is provided as Appendix 1 to the Section 32 Evaluation Report.

Background

4. Plan Change 45 forms part of the Council's rolling review of the District Plan. It seeks to update and consolidate the signs provisions within the District Plan.
5. The reasons for undertaking this review can be summarised as follows:
 - a. The provisions are due to be reviewed and updated as they have not been reviewed since the District Plan was made operative.
 - b. There is a need to update and consolidate the provisions including to implement the new District Plan structure introduced through Plan Change 43 – Introductory Chapters.
 - c. Reviewing the signs provisions together with the review of the Council's Control of Advertising Bylaw (**Signs Bylaw**) ensures a comprehensive and integrated review of methods which manage signs in the district.
6. A section 32 evaluation has been undertaken in preparing the Plan Change (attached at **Appendix 2**). This evaluates the proposal against the requirements of Section 32 of the Act.
7. Amongst the matters identified and assessed in the Section 32 Report (**s32 Report**) are the resource management issues, alternative options to achieve the objective and an assessment of the appropriateness of provisions. The s32 requirements are discussed further under the Statutory Provisions section of this report.
8. Research, consultation and technical assessments have informed this signs review. This has included reviewing resource consents and complaints for signs. Supporting technical reports have informed the

review and these include: a report commissioned by the Council on urban design (Urban Design Technical Report); and paper on the traffic considerations concerning signs (Traffic Paper).

9. The s32 Report identifies the role of non-regulatory advice and assistance in the management of signs. Once the Signs Bylaw and PPC45 are finalised a webpage would be created to provide the public with guidance on the signs management framework. This webpage could include tools such as a flow diagram, checklist and frequently asked questions.

Proposed Changes - Summary

10. The Plan Change seeks to update and consolidate the signs provisions. It includes a new objective for signs and a set of signs policies. Existing signs rules are proposed to be updated and amended. A diagram is introduced to help explain specifications of certain rules. Changes are also proposed to the definitions chapter of the District Plan.
11. The signs provisions are currently dispersed throughout the District Plan. The consolidation and update of content into a new chapter reduces a significant degree of repetition of content throughout the District Plan.
12. The proposed new objective recognises the need for signs and for them to be well managed (in relation to character, amenity and transport safety). The outcomes for signs in this objective are subsequently integrated into policies and rules. The new signs objective and policies for signs address a significant gap in the current policy framework for signs for which there is only limited and very broad policy direction. Five new signs policies are proposed. Existing policies which directly address signs are proposed to be removed (Policy 4.4.8 in the Residential Zone Chapter, and Policy 15.4.5 in the Environmental Quality Chapter). The s32 Report sets out the reason for these proposed changes. In summary, this is to address a significant issue with the objective and policy framework concerning the lack of a clear and specific objective, and existing policies which are not sufficiently specific or directive.
13. The Plan Change maintains the enabling approach of the Operative Plan to how signs are provided for through the rules framework. It recognises the different characteristics of zones in the district and the varied extent of signs across different zones, for example higher concentration of signs in business locations than in residential areas.
14. Plan Change 45 seeks to reduce the number of specific standards in the District Plan for temporary signs. The s32 Report discusses why this approach is proposed, including increased reliance on the Signs Bylaw to manage temporary signs. The Signs Bylaw would contain detailed requirements for temporary signs, including for different types of temporary signs (such as sandwich board signs and real estate signs) as necessary.
15. Conversely the District Plan would be the primary method to manage permanent signs, while retaining some limited standards for signs (i.e. maximum size and duration). This ensures temporary signs with the potential for significant adverse effects on character, amenity and transport are able to be assessed under the regulatory framework of the District Plan (consistent with the outcomes in the signs objective and supporting policy direction discussed above). A report on the review of the Signs Bylaw is provided separately.
16. The amendments proposed to the District Plan chapters, including introducing a new sub-chapter for signs (within a General Rules chapter) are evaluated in the s32 Report.

Proposed Changes – Summary - Amendment to District Plan Chapters

17. The proposed plan change text is attached at Appendix 2. This shows new text to be added, amended or deleted in a 'strikethrough' version.

18. The Plan Change proposes to remove District Plan provisions in a number of chapters with the removed sections shown as strikethrough.
19. The extent of changes is shown in full at Appendix 2. The following table identifies the District Plan chapters amended by the Plan Change.

<i>District Plan Chapter</i>	<i>Part of chapter to be amended</i>
Chapter 2 - Definitions	Amended definition of sign and new definition of temporary sign.
Chapter 4 - Residential Zone	Remove of Policy 4.4.8
Chapter 8A.3 - General Rules (New Chapter)	New objective, policies and rules, including matters of discretion. Changes include: updating and amending existing District Plan content (from other chapters and repositioning them into this chapter).
Chapter 15 - Environmental Quality	Remove of Policy 15.4.5 Remove methods which relate to signs
Chapter 18 - Residential Zone Rules	Remove rules for signs and matters for consideration and matters of discretion relating to signs.
Chapter 19 - Rural Zone Rules	Remove rules for signs and matters for consideration and matters of discretion relating to signs.
Chapter 20 - Business Zone Rules	Remove rules for signs and matters for consideration and matters of discretion relating to signs.
Chapter 21 - Open Space Rules	Remove rules for signs and matters for consideration and matters of discretion relating to signs.
Chapter 22 - Special Activity Zone Rules	Remove rules for signs and matters for consideration and matters of discretion relating to signs.

20. It is noted that the specific rules for signs, other than temporary signs, in the heritage covenant area of the Wallaceville Structure Plan Area are not proposed to be amended.

Statutory Provisions

21. As identified in the Background section of this report a section 32 evaluation has been undertaken, as required under the provisions of the Act.

22. Section 74 of the Act sets out the matters to be considered by territorial authorities when preparing and changing district plans, the functions under section 31 and the provisions of Part 2 of the Act.
23. The s32 Report outlines the statutory framework under the Act. The Act sets out the statutory functions and duties for Councils and provides the framework for preparing and implementing changes to the District Plan, including the process under Schedule 1 and the evaluative requirements under s32 that need to be undertaken before a proposal is notified under Schedule 1.
24. The s32 Report assesses the Plan Change against the s32 requirements. This includes evaluating the objective of the proposal, and the provisions (policies, rules) to achieve the objective. The objective(s) need to be assessed to the extent that they are the most appropriate to achieve the purpose of the Act. The provisions are examined as to whether they are the most appropriate to achieve the objective.
25. The s32 Report identifies other reasonably practicable options to achieve the objective and assesses efficiency and effectiveness and includes an assessment of benefits and costs from implementing the proposal including opportunities for economic growth and employment. An assessment of the scale and significance of the proposal is undertaken. It is considered that the level of detail and analysis in the s32 corresponds appropriately to scale and significance.

Pre-Notification Consultation

26. The Council has carried out consultation with statutory consultees under Clause 3 the First Schedule of the Act. It has invited feedback from Iwi Authorities on the Plan Change (in accordance with Clause 3 and 4A of the Act).
27. This consultation comprised a summary of the key changes considered in the preparation of the Plan Change being provided to statutory consultees. They were invited to comment on the matters identified, and furthermore, to advise if they wished to comment on a draft of the proposed plan change. Consultation was undertaken the New Zealand Transport Agency, and a small number of businesses.
28. The s32 Report summarises the key themes of the comments received. The consultation has helped informed preparation of the Plan Change.

Next Steps – Public Notification

29. Clause 5 of Schedule 1 of the Act prescribes the process for the public notification of a proposed plan change. The Act requires that the closing date for submissions is at least 20 working days after public notification.
30. Officers recommend that the submission period for this plan change be set at six weeks to allow sufficient time for businesses and the community to comment on this proposal. We do not anticipate any issues to result from an extension of the submissions timeframe as proposed.
31. Information would be provided to support the notification describing the requirements for signs under the Signs Bylaw and PPC45. This would help the public understand proposed requirements under the different tools.

Legal and Financial Implications

32. If the Council proceeds to publicly notify the Plan Change this would be undertaken in accordance with the requirements prescribed under the First Schedule of the Resource Management Act. There are no significant financial or legal implications for the Council in notifying the Plan Change beyond the usual costs associated with the Schedule 1 process.
33. There may be significant costs incurred by Council if the decision on this plan change is appealed.

Conclusion

34. The Plan Change seeks to update and consolidate the signs provisions of the District Plan. It ensures that signs are appropriately recognised and provided for in the District Plan and maintains the overall enabling approach to signs in the Operative Upper Hutt District Plan.

Recommendations

1. THAT Council approves Proposed Plan Change 45 to the Upper Hutt District Plan 2004 to be publicly notified as soon as practicable, in accordance with the requirements of Schedule 1 of the Resource Management Act 1991
2. THAT Council approves to notify Proposed Plan Change 45 for a period of six weeks, noting that this is longer than the statutory minimum timeframe of 20 working days under Schedule 1 of the Act
3. THAT Council authorises officers to make any minor changes to the details of Plan Change 45 before notification, should the need arise.

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