

**NOTICE OF FURTHER SUBMISSION BY THE OIL COMPANIES TO PROPOSED PLAN CHANGE 45 TO
THE UPPER HUTT DISTRICT PLAN PURSUANT TO CLAUSE 8 OF THE FIRST SCHEDULE OF THE
RESOURCE MANAGEMENT ACT 1991**

To: Upper Hutt City Council
Private Bag 907
Upper Hutt

Via email: planning@uhcc.govt.nz

Submitter:



Z Energy Limited
PO Box 2091
WELLINGTON 6140



BP Oil NZ Limited
PO Box 99 873
AUCKLAND 1149



Mobil Oil NZ Limited
PO Box 1709
AUCKLAND 1140

Hereafter, collectively referred to as “the Oil Companies”

Address for Service: 4SIGHT CONSULTANTS
201 Victoria Street West
AUCKLAND 1010

Attention: John McCall

Phone: (022) 684 6882
Email: johnm@4sight.co.nz
File ref: 18/024

- 1 The Oil Companies' specific further submission points are as contained in the attached Table.
- 2 The Oil Companies' interest in the proposed plan is greater than the interest of the general public.
- 3 The Oil Companies wish to be heard in support of this further submission.
- 4 If others make similar submissions, the Oil Companies would be prepared to consider presenting a joint case with them at any hearing.

Dated at AUCKLAND this 23rd day of October 2018



John McCall

Authorised to sign on behalf of the Oil Companies

BURTON PLANNING CONSULTANTS LIMITED

Now part of 4Sight Consulting Ltd

Submission	Relief Sought By Submitter	Position of Oil Companies	Reason For Support / Opposition
<p>2.6 Allison Tindale</p>	<p>Policy 8A.3.3.3</p> <p>Subsection (d) the word ‘residential’ is deleted:</p> <p><i>manages any moving, digital or changing signage, and illuminated signage to protect residential amenity and to not compromise the safety of road users; and</i></p> <p>Subsection (e) Relocate the matters of consideration for resource consent for signs which are not on the site to which they relate out of the policy section and into the rules section of the plan.</p> <p>The following policy wording is suggested:</p> <p><i>limit signs which are not situated on the site to which they relate, <u>except where</u>,</i></p> <p><i>- <u>there is a need for off-site signage; and</u></i></p> <p><i>- <u>the design and location of signs contributes to the maintenance of the character and amenity of the surrounding area</u></i></p> <p><i>- and when considering proposals for such signs have regard to the following:</i></p> <p><i>(i) The need for the sign to be located away from the site, including any constraints relating to the location of the businesses, which creates a need for off site signage, and</i></p> <p><i>(ii) The capacity for the site and surrounding environment to accommodate the sign, and for the character and amenity values to be maintained; and</i></p> <p><i>(iii) Any adverse effects on transport safety or efficiency, or transport benefits in providing for the sign to be located away from the site.</i></p>	<p>Oppose</p>	<p>The submission (2.6) is opposed.</p> <p>The Oil Companies do not support the deletion of the word ‘residential’ from Policy 8A.3.3.3 (d). Clause (b) of Policy 8A.3.3.3 provides for the maintenance of the broader character and visual amenity of the site and surrounding area (which does not result in additional visual clutter or dominate the skyline) for any proposed signage Clause (d) of Policy 8A.3.3.3 specifically addresses the protection of residential amenity due to the sensitive nature of this activity (with regards to moving, digital or changing and illuminated signage). Therefore it is considered appropriate to retain the word ‘residential’, for this clause of the policy not to apply to business and industrial zones where activities are less sensitive and a lower standard of amenity is generally acceptable.</p> <p>In the context of this particular plan change, the Oil Companies do not support the changes to the policy as proposed. While the matters included in the policy do read as assessment criteria, off-site signs require full discretionary activity consent and, as such, the Council is not specifically restricted to considering matters of assessment or discretion) as set out in the rules. Accordingly, it is considered that the policy should be retained as proposed, unless the activity of off-site signs is changed to a restricted discretionary activity.</p>

<p>2.11 Allison Tindale</p>	<p>Rule 8A.3.4.10</p> <p>It is suggested that the wording of the provision be amended to improve clarity. It is unclear what the difference is between free-standing signs and signs for the direction of traffic. That is, it is anticipated that signs for the direction of traffic are a type of free-standing sign. Consequently, it is suggested that permitted standards in this standard be combined with 8A.3.4.12, as follows:</p> <p>Free-Standing Signs in Business Commercial Zones, Business Industrial Zones, and Special Activity Zones</p> <ul style="list-style-type: none"> a) <u>one free-standing sign for sites with a road frontage less than 50m;</u> b) <u>two free-standing signs for sites with a road frontage of more than 50m;</u> c) <u>maximum height of free-standing signs above ground level is:</u> <ul style="list-style-type: none"> (i) <u>8m in Business Commercial Zones.</u> (ii) <u>9m in Business Industrial and Special Activity Zones.</u> d) <u>Free-standing sign of up to 2m width.</u> e) <u>Maximum area used for advertising on a free-standing sign is no more than 7.5m².</u> f) <u>Free-standing signs higher than 4m above ground level in the Business Industrial Zone are located a minimum of 15m apart.</u> g) <u>Signs located over a pedestrian pathway have a minimum clearance of 2.5 metres above ground level.</u> h) <u>The above limits on the number of free-standing signs along the road frontage, does not apply to signs for the direction of traffic, providing:</u> <ul style="list-style-type: none"> (i) <u>The maximum height of the sign (excluding frame) is 1m</u> (ii) <u>The maximum area used for advertising on</u> 	<p>Oppose</p>	<p>The submission (2.11) is opposed.</p> <p>While it is accepted that a sign for direction could also be a free standing sign, the Oil Companies consider it is clear what the difference between a sign for direction (whether it be free-standing or attached to a building) and a free-standing sign is (i.e. any other sign not attached to a building or used for the direction of traffic). Rule 8A.3.4.12 specifically requires the content for signs for direction of traffic to “be limited to directional purposes”.</p> <p>Therefore the Oil Companies support the Council’s approach to provide two separate performance standards for ‘free-standing signs in Business Commercial Zones, Business Industrial Zones and Special Activity Zones’ and ‘signs for direction of traffic on a site in Business Commercial, Business Industrial Zones and Special Activity Zones’ (Rule 8A.3.4.10 and 8A.3.4.12 respectively). It is not considered appropriate or necessary to combine these performance standards, as proposed by the submitter, as this will restrict development on sites with road frontages less than 50m to only erecting one directional sign or one free-standing (such as a sign advertising the activity onsite) as a permitted activity, for example.</p> <p>Directional signage ensures the safety of both vehicles and pedestrians navigating to and from, or within, a site. A District Plan should not create a framework that restricts development to providing either directional signage or freestanding signage as a permitted activity - rather the framework should encourage directional signage, as a permitted activity, irrespective of the other free-standing signage standards. This will ensure developments can erect directional signage without foregoing free-standing signs.</p>
--	---	---------------	---

	<p><u>the sign is 0.5m2.</u></p> <p>(iii) <u>The content of the sign is limited to directions</u></p> <p>i) <u>Have no changing content;</u></p> <p>j) <u>Are not in a digital format</u></p> <p>k) <u>Are situated on the site to which the sign relates, except for signs for the direction of traffic.</u></p> <p>l) <u>Are not illuminated within 10m of a Residential zone</u></p> <p>m) <u>In the Business Industrial zone on Eastern Hutt Road identified in Appendix 3 of Chapter 20 – Business Zone Rules:</u></p> <p>(i) <u>No sign shall be located within 6m of Eastern Hutt Road, except for one free-standing sign at the road entrance</u></p> <p>(ii) <u>Maximum area used for advertising on a free-standing sign is no more than 20m2.</u></p> <p><u>Note: Calculations of maximum signage area is based on each side of a sign, rather than the addition of one or more sides of a sign.</u></p>		
<p>4.4 Powerco Limited</p>	<p>Proposed Definition</p> <p>Add a definition for “Health and Safety Sign”, to provide clarity for what meets the criteria for a permitted activity under Rule 8A.3.4.1, as follows:</p> <p><u>Health and Safety Sign:</u> <u>A sign affixed to a network utility, or any other asset or structure for the purpose of providing a health and safety warning, identification or as a requirement of other legislation.</u></p>	Support	<p>The submission (4.4) is supported.</p> <p>The Oil Companies primary submission also sought a definition for a “health and safety” sign. The wording of the definition sought by the submitter is different to that sought by the Oil Companies but the intent is the same. The Oil Companies support the intent of the definition proposed by the submitter.</p>
<p>6.5 New Zealand Transport</p>	<p>Rule 8A.3.4.1</p>	Oppose	<p>The submission (6.5) is opposed.</p>

Limited	Amend the rule to ensure all health and safety signage visible from State Highway 2 be permitted only where the sign complies with permitted performance standards 8A.3.4.8 to 8A.3.4.13.		<p>The Oil Companies primary submission sought to retain the dedicated permitted activity rule for health and safety signage without any associated performance standards. It is not considered appropriate to require consent for the erection of signage required by legislation. Performance Standard 8A.3.4.9(a) permits a maximum of one sign per site, visible in any one direction. It is not appropriate to apply this maximum to health and safety signage, which is required by law. The submitter does not provide enough justification as to why health and safety signage be subject to all performance standards contained within 8A.3.4.8 to 8A.3.4.13, when the concern is the potential for “poorly designed and located” health and safety signs. If permitted health and safety signage is restricted to that required by law, then it follows that the signage is more likely than not reasonably located and designed.</p> <p>Furthermore, mere visibility from State Highway 2 is an inappropriate threshold to apply to any such rule. Health and safety signage is generally directed to persons within a site, ensuring their health and safety, and the context of such signage is as directed by law.</p>
6.10 New Zealand Transport Agency	<p>Rule 8A.3.4.6</p> <p>Seeks the inclusion of the two below rules from the Proposed Dunedin District Plan (or similar provisions to the same effect), as the standards are consistent with the Transport Agency’s Traffic Control Devices Manual Part 3: Advertising signs, as follows:</p> <p><u>General</u></p> <p>(a) <u>Temporary signs visible from a public place must meet all of the following performance standards:</u></p> <p>(b) <u>Temporary signs must not be illuminated (internally or externally), digital, or projected; and</u></p>	Oppose in part	<p>The submission (6.10) is opposed, in part.</p> <p>The submitter seeks to incorporate a number of standards. The changes that are sought do not seem to only apply to that part of a sign which is digital but to the sign itself. It should not be applied to, for example, the digital part of the prime sign that can change to show the price of petrol. If it is, then it should only be applied to that part of a sign that is digital (i.e.: the balance of the prime sign should not be restricted by the standards relating to digital signage).</p>

	<p>(c) <u>Signs must also comply with:</u></p> <p>(i) <u>Rule 6.7.2 ; and</u></p> <p>(ii) <u>Rule 6.7.3, where visible from the road.</u></p> <p><u>Signs Visible from Roads</u></p> <p>(a) <u>The minimum letter height of signs designed to be read by passing motorists must be:</u></p> <p>(b) <u>120mm where the speed limit is less than 70km per hour; and</u></p> <p>(c) <u>160mm where the speed limit is greater than 70km per hour.</u></p> <p>(d) <u>No sign shall be of a design or form such that it resembles or conflicts with traffic signs.</u></p> <p>(e) <u>Illuminated and digital signs must:</u></p> <p>(f) <u>have the sign's light source shielded so that its glare does not extend beyond the sign;</u></p> <p>(g) <u>not use images that are flashing or animated;</u></p> <p>(h) <u>have a minimum display time of 10 seconds per image; and</u></p> <p>(i) <u>have a maximum luminance (cd/m²) of:</u></p> <p>(j) <u>2000 where the sign has an illuminated area of up to 0.5m²;</u></p> <p>(k) <u>1600 where the sign has an illuminated area of above 0.5m² to 2m²;</u></p> <p>(l) <u>1200 where the sign has an illuminated area of above 2m² to 5m²;</u></p> <p>(m) <u>1000 where the sign has an illuminated area of 5m² to 10m²; and</u></p> <p>(n) <u>800 where the sign has an illuminated area above 10m².</u></p> <p>In addition to the above recommended standards, the submitter seeks for the following (or similar) good practice performance standards to be included within PC45.</p> <p>(a) <u>The dwell time must be a minimum of 15 seconds</u></p>		
--	---	--	--

	<p><u>between images and appropriate for the applicable road environment.</u></p> <p>(b) <u>Dwell times should also be set to ensure that approaching motorists are not exposed to more than one transition of an image;</u></p> <p>(c) <u>Transition time between static images must be 0.5 seconds;</u></p> <p>(d) <u>Image content must be static and not include any animation or flashes;</u></p> <p>(e) <u>Include an automatic diming system based on an ambient light level sensor to achieve the above luminance requirements;</u></p> <p>(f) <u>Default to a white or black screen in the event of a malfunction.</u></p>		
<p>6.13 New Zealand Transport Agency</p>	<p>Rule 8A.3.4.13(c)</p> <p>Insert the following new rule:</p> <p><u>Rule 8A.3.4.13(h)</u></p> <p>(i) <u>Within road environments with a posted speed limit of , 70 km/h no signs shall be located 100m from an intersection and/or permanent regulatory or warning or advisory sign and/or traffic signal, and/or pedestrian crossing.</u></p> <p>(ii) <u>Within road environments with a posted speed limits of > 70km/h no signs shall be located 200m from an intersection and/or a permanent regulatory or warning or advisory sign and/or traffic signal, and/or pedestrian crossing.</u></p>	<p>Oppose in part</p>	<p>The submission (6.13) is opposed, in part.</p> <p>The Oil Companies recognise that no sign shall be located so that it obstructs or obscures any traffic sign or signal, or any official road sign, whether they are for regulatory, warning or advisory purposes in accordance with Rule 8A.3.4.13(a). The submitter does not propose to delete Rule 8A.3.4.13(a), rather include a new rule with the same intent. It is noted that the proposed rule by the submitter specifically applies to signs ‘within road environments’ however it is considered Rule 8A.3.4.13(a) already applies to any sign regardless of whether the sign is located within the site or the road reserve. The term ‘road environment’ is not defined and the submitter does not propose to include a definition. To ensure consistency with PC45, the Oil Companies consider the term ‘road reserve’ is more appropriate than ‘road environment’ and may be neutral if the proposed rule applied to the ‘road reserve’ rather than the ‘road environment’ dependent on wording and if NZTA can justify its inclusion by identifying a gap in the regulatory framework that needs to be addressed, given that Rule 8A.3.4.13(a) already restricts signage from</p>

			obstructing or obscuring any traffic sign or signal, or any official road sign, whether they are for regulatory, warning or advisory purposes.
--	--	--	--