



Proposed Plan Change 45: Signs

Council Hearing Report

(Pursuant to Section 42A of the RMA)

File Number: 351/12-051
To: The Hearing Panel
From: Brett Osborne (Consultant Planner)

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Introduction

1. This report analyses and makes recommendations on submissions received on Plan Change 45 Signs (the Plan Change).
2. The purpose of this Plan Change is to update signs-related provisions and consolidate into a new chapter (Chapter 8A.3). These changes improve District Plan navigation, reduce repetition, improve usability of the provisions and integrate with the recent changes to temporary signs within the updated Signs Bylaw.
3. The scope of the Plan Change includes the signs provisions (objective, policies, rules, and definitions) in the zone chapters. In order to achieve this purpose, changes are required to the following parts of the operative District Plan:
 - o Chapter 2 (Definitions)
 - o Chapter 4 (Residential Zone) – policies
 - o Chapter 8A.3 (General Rules) – new chapter
 - o Chapter 15 (Environmental Quality)
 - o Chapter 18 (Residential) - rules
 - o Chapter 19 (Rural) – rules
 - o Chapter 20 (Business) – rules
 - o Chapter 21 (Open Space) – rules
 - o Chapter 22 (Special Activity Zone) – rules
 - o Consequential amendments.
4. Although this report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, (including the process undertaken, related issues and the submissions received) can be gained from the following documents, available from the Councils website¹:
 - the Section 32 Report and associated Plan Change documents as publicly notified 6th June 2018;
 - the Summary of Decisions Requested (Summary of Submissions and Further Submissions); and
 - the full set of submissions received.

Statement of Experience

5. This report has been prepared by Brett Osborne.
6. I am an independent planning consultant. My qualifications are a Bachelor of Social Sciences (Resources and Environmental Planning) (Hons) and a Post Graduate Diploma Resources and Environmental Planning from the University of Waikato. I am a full member of the New Zealand Planning Institute (NZPI). I have over 19 years' experience in planning both within New Zealand and the United Kingdom and specialise in processing resource consent applications and preparing plan changes for territorial authorities in accordance with Schedule 1 of the RMA.
7. I confirm that I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this evidence. Other than when I state that I am relying on the advice of another person, this evidence

¹ <https://upperhuttcity.com/planning/pc-45-signs/>

is within my area of expertise. I have not omitted to consider material facts that might alter or detract from the opinions expressed.

Plan Change Background

8. This section of the report provides the background information on the consultation process, purpose of the Plan Change and approach to integration within the operative district plan.

Consultation process

9. Section 5.0 of the section 32 report provides a detailed summary of the consultation that was undertaken prior to the notification of the Plan Change. This consultation can be summarised as follows:
 - Letters were sent to the identified Clause 3(1) and 4A parties² prior to the notification of PC45 in order to provide the opportunity to discuss and review the draft plan change content.
 - A small number of stakeholder meetings were held in 2017 and 2018, which included representatives from commercial land-owners, real estate agents and developers, and sign manufacturers. These meetings helped refine the issues and drivers for sign design and preparation.
 - Two workshops were held with Councillors, one in December 2017 and one in March 2018 to identify the issues and provide direction on the overall scope and approach to management of signs through the Signs Bylaw and the District Plan.
 - Proposed Plan Change 45 was publicly notified on 6th June 2018 with the submission period closing on 18th July 2018. Six submissions were received.
 - Further Submissions for Proposed Plan Change 45 opened on 10 October 2018 and closed on the 25 October 2018. Four further submissions were received.
 - No pre-hearing meetings have been held. However, contact with some submitters was undertaken during the preparation of this s42A report in order to clarify some submission points. This included;
 - clarifying the relief sought by the NZTA on the illumination of signs and controls for digital signs;
 - clarifying the view the Councils Parks and Reserves team have on proposed signage within the councils reserves; and,
 - further guidance from The Oil Companies and PowerCo on what types of signs they are commonly required to erect under health and safety legislation. This was in relation to the relief sought for a health and safety definition.
10. Consultation was also undertaken on the Signs Bylaw in July 2018. The by-law was adopted by Council on 26 September 2018 and made operative on 3 October 2018.

Summary of Proposed Plan Change 45

11. The reasons for undertaking the proposed Plan Change are summarised as follows:

² These parties are identified in section 5.0 of the section 32 report for this plan change.

- The provisions were due to be reviewed and updated as they have not been reviewed since the District Plan was made operative.
- Reviewing the signs provisions together with a review of the Council’s Control of Advertising Bylaw (Signs Bylaw) ensure a comprehensive and integrated review of methods which manage signs within the District.

12. The Plan Change proposes to amend and update the following parts of the District Plan:

Chapter Number	Chapter Title	Proposed Change
Chapter 2	Definitions	Amended definition of sign and new definition of temporary sign.
Chapter 4	Residential Zone	Remove Policy 4.4.8
Chapter 8A.3	General Rules (New Chapter)	The insertion of the new 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 consolidating into this chapter).
Chapter 15	Environmental Quality	Remove 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.

13. Overall, the Plan Change ensures that the proposed District Plan provisions (namely the proposed definitions, objectives, policies and rules (including standards and matters of discretion)):

- comply with the Council’s statutory responsibilities both in terms of Section 31 of the RMA and in terms of giving effect to the Greater Wellington Regional Council’s Regional Policy Statement (“RPS”)
- have been tested in terms of section 32 of the RMA and the provisions selected are considered the best way of meeting the purpose of the RMA

14. **Appendix 1** to this report provides a consolidated summary of the objectives, policies and rules that are proposed as part of this Plan Change (this list includes the suggested changes to the definitions, objectives, policies, rules (including standards and matters of discretion) as a result of submissions). Note only Chapter 2 (Definitions) and Chapter 8A (General Rules) are included in Appendix 1 as no changes are proposed to the balance

of chapters (namely Chapters 4, 15, 18, 19, 20, 21 & 22) as notified with the s32 report and available on the councils website <https://upperhuttcity.com/planning/pc-45-signs/>.

Submissions

15. The submission period for this Plan Change opened on 6th June 2018 and closed on 18th July 2018. Further submissions opened on 10th October 2018 and closed 25th October 2018.
16. In total six submissions were received. The submitter number is based upon the order they were received.

Submitter number	Submitter name
1	Woolworths New Zealand Ltd C/ - Zomac Planning Solutions Ltd
2	Allison Tindale
3	Z Energy Limited, BP Oil NZ Limited & Mobil Oil Ltd ("The Oil Companies") C/ - 4Sight Limited
4	PowerCo Limited C/ - Simon Roche
5	Kiwirail Holdings Limited Attn: Pam Butler
6	NZ Transport Agency ("NZTA") C/ - Aaron Hudson

17. The following further submissions were also received:

Submitter
Powerco dated 17 October 2018.
The Oil Companies dated 23 October 2018.
NZTA dated 25 October 2018.

KiwiRail dated 25 October 2018.

18. Copies of all submissions and further submissions to the Plan Change are attached as **Appendix 2**.

Late Submissions

19. No late submissions were received.

Legal issues

20. Legal guidance on the scope of submissions and the proposed definition for 'Health and Safety' signs was sought (attached as **Appendix 3**). This was in order to address the relief sought by submitters and is addressed in further detail within the analysis section of this report.

Relationship to the Control of Temporary Signs Bylaw 2018

21. The Upper Hutt City Council Control of Temporary Signs Bylaw 2018 (the "Signs Bylaw") was updated and adopted by the Council on 3rd October 2018. The Signs Bylaw provides for temporary signs up to 3 m² in size and up to a maximum duration of two months to be erected within (or visible from) public places without need for Council permission, provided the requirements of the bylaw are satisfied. The Signs Bylaw generally covers short term events, community activities and information including election signs, sporting events and real estate signage. It does not cover signage outside the definition of temporary or for signage outside the defined scope (section 4 of the Bylaw).
22. The District Plan (and proposed Plan Change 45) is different to the Sign Bylaw in that the district plan regulates all signage, with resource consent required where the permitted standards are not complied with. Plan Change 45 proposes the same duration limit for temporary signage (two months) and expressly excludes real estate signs from control so that it does not duplicate the Sign Bylaw.

Analysis of submissions and recommendations

23. This report considers six submissions (at the time of the preparing this report), with four further submissions. The submissions received have been summarised both by submitter in order of receipt, and by the proposed amendments and provisions to which they specifically relate. The summary of submissions is attached as **Appendix 4**.
24. For efficiency and in accordance with Clause 10(3) of the First Schedule of the RMA, the following evaluation has been undertaken by grouping the relevant submissions on an issues and provisions-based approach.
25. To assist with addressing the submission points, further advice has been sought from a Urban Designer, Ms Jaime Devereux. References to that advice is included in the following analysis of submissions. A full copy of the advice is attached as **Appendix 5**.
26. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Reference numbers to identify the submission points have been included and where further submission points have been made these have been referenced specifically. Where I concur with the relief sought and rationale for that relief, I have noted my agreement and provided my recommendation.

27. Where I recommend changes to the Proposed Plan Change provisions, these are shown in **Appendix 6**. Proposed new or amended text is **single-underlined and highlighted green**. Text recommended to be deleted in response to submissions is **single strikethrough and highlighted green**.

Summary of Key Submission Issues

28. The scope of the submission points and relief sought include changes to the proposed permitted standards as well as the addition of new standards to support the proposed rule framework. The extent of those changes are assessed in detail within this report. However, the submissions also highlight issues that have not been fully addressed within PC45 and seek relief to resolve those matters, these include;
- Temporary signage needing clearer definition;
 - Health and Safety signs requiring a definition for scope;
 - Illumination of signs to be addressed;
 - relative to the zone;
 - at the appropriate activity status; and,
 - for all signs (temporary and permanent).
 - Illumination standards for digital signs;
 - Traffic Safety standards clarified and the permitted standards applied to both temporary and permanent signs.
29. These matters necessitate amendments to the rule framework and definitions to address the relief sought by submissions. For clarity, the evaluation of the submission points is structured by issues in the following manner;
- Definitions
 - Objectives
 - Policies
 - Rules
 - Standards
 - Matters of Discretion
 - Other Matters

Definitions

30. The proposed plan change (as notified) includes new definitions for “signs” and “temporary signs”. The scope and clarity of the definitions are fundamental to supporting the proposed policy and rule framework. A number of submissions raised issues associated with these definitions and specifically the lack of definition for “health and safety signs”. These submissions points are considered in detail below and propose changes that affect the following definitions in the proposed plan change;
- Signs
 - Health and Safety Signs

Amend Definition – “Sign”

31. **Submission:** Two submissions relate to the proposed definition for signs. The first is the Oil Companies submission (3.5) which supports the definition, except to the extent that it is exceptionally broad and could be read to include any face of a building or structure that is painted in recognisably “corporate colours” and also any sign necessary for traffic direction or instruction within a site. The submission also seeks the addition of “directed to

and legible to a person” to provide clarity. The oil companies seek the following amendment, or similar, to provide the relief sought;

***Sign:** Means any device or facility, graphics or display that is ~~visible~~ directed to and legible to a person from outside the site, for the purposes of: identification of, or provision of information about any building, activity, site; providing directions; or promoting goods, services or events. Signage may be part of, attached, or projected onto any building, site, or structure, or other object. Any sign may be illuminated and may contain moving content, including changing content and digital signage. A building or structure that is painted in corporate colours does not, of itself, constitute signage.*

32. **Analysis:** The intention of the sign definition is not to capture buildings painted in a corporate colour. Accordingly, the requested amendment is supported for clarity. However, the additional term ‘directed and legible’ as sought by the Oil Companies would introduce subjectivity and a level of uncertainty to the definition. As such, the term ‘directed and legible’ would not improve clarity for plan users and therefore the requested addition to the definition is not supported.

33. **Recommendation:** In relation to the above submission points, this report recommends;

- **Accept in part** the submission by The Oil Companies (3.5) to amend the definition of ‘Sign’ to clarify buildings painted in a corporate colour are excluded; and,
- **Reject** the insertion of the additional terms “directed to and legible to a person...”.

34. Based on the above it is recommended to amend the definition of sign as follows:

***Sign:** Means any device or facility, graphics or display that is visible from outside the site, for the purposes of: identification of, or provision of information about any building, activity, site; providing directions; or promoting goods, services or events. Signage may be part of, attached, or projected onto any building, site, or structure, or other object. Any sign may be illuminated and may contain moving content, including changing content and digital signage. A building or structure that is painted in corporate colours does not, of itself, constitute signage.*

New Definition: “Health and Safety Sign”

35. **Submission:** Powerco (4.4) and The Oil Company (3.8) seek the insertion of a new definition for a ‘Health and Safety Sign’ to provide clarity on what meets the criteria for a permitted activity under Rule 8A.3.4.1. The Oil Companies submission considers the scope should include all signage as required by relevant legislation such as the Hazardous Substances and New Organisms Act 1996 (“HSNO”) and Worksafe regulations³. Adding a new Health and Safety sign definition was also supported through further submissions by NZTA and KiwiRail.

36. **Analysis:** It is agreed that a definition is required to provide clarity for plan users on what signage is included in order to support the Permitted Activity Rule 8A.3.4.1. However, given the close integration with the permitted activity rule, and to avoid duplication of the analysis, the detailed assessment and recommendation on this matter is deferred to the latter section of this report which analyses Rule 8A.3.4.1 and makes a recommendation on the proposed wording of the definition.

³ Health and Safety at Work Act 2015.

37. **Recommendation:** This report recommends that the submission of The Oil Companies (3.8) and Powerco (4.4) and further submissions of NZTA and KiwiRail in support of a new definition for 'Health and Safety Signs' be accepted and the definition be amended as recommended in the latter section of this report under 'Rule 8A.3.4.1.'

Objective

Objective 8A.3.2.1

38. All six submissions expressed support for the proposed objective, generally stating it is appropriate and captures the key resource management issues for signs. Only Powerco (4.3) and NZTA (6.8) sought minor changes to the objective as part of their supporting submissions.
39. **Submission:** Powerco (4.3) sought the addition of "Network Utility Operators" to the identified activities in Objective 8A.3.2.1(a). No further submissions were made on this point.
40. NZTA (6.8) sought changes to the wording of Objective 8A.3.2.1(b) to clarify that while it is important that signage maintains local character and amenity, the intent of signage is to regulate, warn, and advise, including providing clear wayfinding. The requested change is to add "while ensuring" in reference to the 'safe and efficient functioning of the transport network'. No further submissions on this point were made.
41. **Analysis:** Adding reference to network utility operators within the objective is supported as it is relevant to this sector through the signage regulation requirements including health and safety signs, which is also included in the rule framework. The addition is therefore consistent with the plan change objective. The addition of "while ensuring" does not alter the purpose and retains the balance of the overall intent of the objective and therefore is supported.
42. **Recommendation:** This report recommends that the submission point of PowerCo (4.3) and NZTA (6.8) are **accepted** and the following changes made to Objective 8A.3.2.1(a) and (b):
- ... (a) supports the needs of the community, **network utility operators** and businesses, to identify and advertise businesses and activities; and
- ... (b) maintains the local character and amenity values, **while ensuring** and the safe and efficient functioning of the transport network.

Policies

Proposed Policy 8A.3.3.1

43. Support for this policy was received from Woolworths (1.2), Alison Tindale (2.3) and The Oil Companies (3.2). No submissions to amend this policy were received.

Proposed Policy 8A.3.3.2 (b)

44. **Submission:** Support for this proposed policy was received from Woolworths (1.2) and Alison Tindale (2.3). The submission from the Oil Companies (3.6) also supported subject to an amendment to clarify how, and to what degree, the "...amenity values of the adjoining residential zones..." might be adversely affected (or alternatively protected).
45. **Analysis:** The purpose of the policy is to provide for signs in Business and Special Activity zones while ensuring the character and amenity of the interfacing residential zones are not adversely affected. The relief sought by the Oil Companies submission is based on the

concern the “mere visibility of signs” could be considered an effect. This concern is not supported for a number of reasons, primarily because the rule framework provides for a permitted level of signs on Business and Special Activity Zone land without the need for resource consent. This sets a permitted baseline for a range of signage including freestanding signs, signs on buildings, and the direction of traffic. Therefore visibility of the sign alone is not the starting point for assessment. Signs that fail to meet the permitted standards are elevated to Restricted Discretionary Activity status under Rule 8A.3.4.5. The matters of discretion relevant to this Rule are identified at 8A.3.4.14 in which (f) specifically addresses the circumstances on how signage may impact residential amenity through “...location, design or proximity...”. Consequentially, it is not considered necessary to amend the policy to define the scope of matters given the submission point is addressed via the proposed rule framework.

46. **Recommendation:** This report recommends that the Oil Companies submission point (3.6) is rejected for the above reasons.

Proposed Policy 8A.3.3.3

47. A number of specific amendments were raised through several submissions in relation to this proposed policy. These specific points are addressed below. It is also noted support for the policy was received from Woolworths (1.2) and the NZTA submission (6.2) also confirmed support for clause (d) of the proposed policy.

48. **Submission:** Alison Tindale (2.6) supports the general intent of Policy 8A.3.3.3, subject to two specific amendments. The first is an amendment to Policy 8A.3.3.3 (d) to delete “residential” in order to expand the scope wider than just residential, as follows;

“manages any moving, digital or changing signage, and illuminated signage to protect residential amenity and to not compromise the safety of road users;...”

49. The second amendment requests deleting (i) to (iii) from Policy 8A.3.3.3 (e) and shifting these to the relevant rule as matters of discretion, as follows;

‘limit signs which are not situated on the site to which they relate, except where,
- there is a need for off-site signage; and
- the design and location of signs contributes to the maintenance of the character and amenity of the surrounding area
~~*—and when considering proposals for such signs have regard to the following:*~~
~~*(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*~~
~~*(ii) The capacity for the site and surrounding environment to accommodate the sign, and for the character and amenity values to be maintained; and*~~
~~*(iii) Any adverse effects on transport safety or efficiency, or transport benefits in providing for the sign to be located away from the site.*~~

50. A further submission by the NZTA was received in support of the above amendment, while a further submission by The Oil Companies opposed the requested changes on the basis that the residential area is more sensitive and therefore should not be removed from Policy 8A.3.3.3 (d). Furthermore, the Oil Companies submission stated that shifting (i) and (iii) of Proposed Policy 8A.3.3.3 (e) would only be appropriate if the status of Rule 8A.3.4.7 was a Restricted Discretionary Activity (rather than a Discretionary Activity).

51. **Analysis:** Removing “residential” in order to broaden the scope of the policy is not supported due to the distinction, as highlighted by the further submission by the Oil Companies, with residential activities being more sensitive than other zones (such as

commercial zones), which would result through broadening the scope. The proposed wording of the policy as notified is therefore clearer in its purpose while the effects of signage on the wider area in general is addressed under Policy 8A.3.3.3 (b).

52. As regards the second submission point; the matters (i) and (iii) of Policy 8A.3.3.3 (e) are relevant to the purpose of Rule 8A.3.4.7 when determining applications for signs not related to the site they are situated on. Rule 8A.3.4.7 is a full Discretionary Activity and as such provides for the identified policy matters to be considered as opposed to Restricted Discretionary Activities which are specifically listed because the Councils discretion is restricted.
53. Accordingly, the point raised by the Oil Companies further submission is supported in that the amendment should only be accepted if the activity status is changed to a Restricted Discretionary Activity. In this case the activity remains as a Discretionary Activity and therefore reference to the policy matters is appropriate. As such the deletion of those matters from the policy would reduce the clarity at a policy direction level. Consequently, the requested amendment is not supported.
54. **Recommendation:** On the basis of the above, it is recommended to;
- **Reject** the submission seeking deletion of “residential” to broaden the scope of Policy 8A.3.3.3 (d);
 - **Reject** the submission to delete the matters (i) and (iii) from Policy 8A.3.3.3 (e) and add to matters of discretion for the full discretionary activity Rule 8A.3.4.7.
55. **Submission:** The submission by the Oil Companies (3.7) seeks an amendment to proposed Policy 8A.3.3.3 (b) from “... maintains the character and visual amenity of the site and surrounding area...” to “... minimises the potential to detract from...” The reason is to acknowledge that the erection of signage will alter the visual amenity and character of a site, but that any such change should not detract from the character and amenity of the site and surrounding areas. No further submissions on this point were made.
56. **Analysis:** The use of the term “maintains” is in reference to the surrounding context and therefore is not unduly restrictive or inflexible as would be the case with use of stronger avoidance terms such as ‘prevent’ or ‘protect’. The rule framework also provides a permitted baseline for comparison so that the requested amendment would be unnecessary and could result in lowering the intent of the policy. The term “maintains” refers to the surrounding context and as such the amendment is not supported.
57. **Recommendation:** Reject the requested change in terminology within Policy 8A.3.3.3 (b) for the above reasons.
58. **Submission:** The KiwiRail submission (5.3) seeks an amendment to Proposed Policy 8A.3.3.3 (d). The submitter considers that restricting the policy to road users potentially excludes other transport modes, including the railway corridor and thus recommends widening the scope of the policy by using the more inclusive term ‘transport network’ as follows;
- ‘manages any moving, digital, or changing signage, and illuminated signage to protect residential amenity and to not compromise the safety of road transport network users’*
59. **Analysis:** The suggested amendment by KiwiRail (5.3) provides further clarity to the policies and the terminology is also consistent with the proposed objective for the PC45 and thus is supported.

60. **Recommendation:** The submission point by KiwiRail (5.3) is **accepted** as proposed.
61. **Submission:** The NZTA submission (6.9) seeks an amendment to Policy 8A.3.3.3 (e)(ii) to recognise that poor sign location and design can affect both safety and efficiency of the region's land transport system. The submission suggests adding 'and' as follows:
- 'Any adverse effects on transport safety **and**/or efficiency...'*
62. **Analysis:** The suggested amendment by NZTA (6.9) provides further clarity to the policy and is supported.
63. **Recommendation:** The submission point by NZTA (6.9) is **accepted** as proposed.

Policy 8A.3.3.4

64. **Submission:** The Alison Tindale submission (2.7) seeks amendments to Policy 8A.3.3.4 in order to improve clarity of the policy direction and more clearly specify the criteria linked to the resource consent matters for temporary signs, as follows:
- (a) *Enable temporary signs which meet ~~a limited set of standards~~ as a permitted activity; and*
- (b) *Provide for the consideration of temporary signs of longer than two months a larger duration or above (3m2) in size through the resource consent process, where amenity values are maintained and the safety of road users is not compromised.*
65. This submission was supported in the further submission from NZTA in that it provides more clarity to plan users.
66. **Analysis:** This policy provides direction to the temporary sign rules within PC45. The intent of the policy is provided in paragraph (b) which clarifies the consideration centres around size and duration. The maximum size and duration is defined within the permitted standards, with consideration of increased size and duration assessed as a matter of discretion under Rule 8A.3.4.16. Therefore the requested amendment would be consistent and result in clearer direction to the associated rule. It is not considered necessary to specify the resource consent process would be the method for determining this.
67. **Recommendation:** The submission is **accepted in part** so that Policy 8A.3.3.4 is amended as follows;
- (a) *Enable temporary signs which meet ~~a limited set of~~ standards as a permitted activity; and*
- (b) *Provide for the consideration of temporary signs of longer than two months a larger duration or above 3m2 in size where amenity values are maintained and the safety of road users is not compromised.*

Policy 8A.3.3.5

68. A number of submissions supported this policy with no amendments sought.

Rules

8A.3.4.1 – Health and Safety Signs & Exemption (b)

69. **Submission:** A number of submissions referenced proposed Rule 8A.3.4.1 which provides for Health and Safety Signs as a Permitted Activity. Submissions 3.3 and 4.2 expressed support for the proposed rule, while the submission from the NZTA (6.5) opposed the rule

unless such signs were required to meet the permitted activity standards in order to control the design and location of the signs.

70. Some of the submissions also identified a relationship or duplication with the exemption provision (b) listed under the Activity Status Table of chapter 8A.3.4 which expressly excludes "*Signs indicating hazardous substances used at a hazardous facility*". The submission from the Oil Companies (3.8) stated that exemption (b) is supported but unnecessary as the signage for hazardous substances will fall within the scope of permitted activity Rule 8A.3.4.1 and therefore can be deleted. This submission further highlighted that, if necessary, a definition for a "Health and Safety Sign" could be added to clarify what signs were included, suggesting any sign as required by legislation such as Hazardous Substances and New Organisms Act 1996 ("HSNO") or Worksafe.
71. The primary submission from PowerCo (4.4) also seeks a definition for Health and Safety signs to provide clarity to plan users on what meets the criteria for a permitted activity under Rule 8A.3.4.1. A further submission from PowerCo supported the Oil Companies submission (3.8) on this matter.
72. Further submissions were also received on the need of requiring a definition, with NZTA, Kiwirail and the Oil Companies all expressing support to the proposed definition for Health and Safety signs as proposed by the PowerCo primary submission.
73. **Analysis:** The absence of a definition or any permitted activity standards to support Rule 8A.3.4.1 leave this provision open to interpretation and would result in uncertainty for both plan users and administrators when attempting to apply the provisions. Accordingly, the insertion of a definition for a Health and Safety Sign is supported as it would provide clarity on the purpose and scope of the permitted provision.
74. In terms of the implications for the rule framework, the definition would not result in any unintended outcomes subject to the definition clarifying it is distinct from the definition of "sign" and is limited to legislative requirements only. As such, any health and safety sign that included additional advertising would become subject to the permitted activity performance standards 8A.3.4.9 to 8A.3.4.13.
75. The Council has sought legal guidance on this matter and considers the wording of the proposed definition suggested by PowerCo (4.4) to be sufficient starting point to draft the definition subject to adding the further direction as provided by the Oil Companies submission (3.8) with reference to HSNO/Worksafe' requirements. Furthermore, clarification that a health and safety sign cannot contain any other advertising or branding to avoid duplication or crossover with the temporary and permanent sign provisions within PC45. The addition of a sentence to the "sign" definition would further support this by expressly excluding "health and safety signs" while avoiding any unintended consequences or changes to the "signs" definition as notified.
76. It is also agreed, following the above, that exemption (b) would become largely unnecessary and could be adequately captured by Rule 8A.3.4.1. This exemption clause could therefore be deleted as hazardous signage would fall within the scope of the HSNO requirements captured by Rule 8A.3.4.1.
77. The primary submission by NZTA (6.5) seeks a requirement for health and safety signs to be subject to the performance standards 8A.3.4.9 to 8A.3.4.13. Further submissions from PowerCo and the Oil Companies opposed this submission point on the basis that health and safety signage is required by law and if the performance standards were applied the limitations of the standards (such as 8A.3.4.9(a) which limits one sign per site) could result

in fundamental conflicts. Furthermore the effects of health and safety signage on traffic safety are clarified in the NZTA submission. I concur with the further submission points and therefore do not support the requirement for health and safety signs to meet the performance standards as this could elevate them to require resource consent (under Rule 8A.3.4.5) when they are legally required. The addition of an exemption under the Table 8A.3.4 can clarify this.

78. **Recommendation:** For the above reasons, it is recommended to;

- **Accept (in part)** submissions 3.8 and 4.4 to insert a new definition for Health and Safety signs into PC45 to address the relief sought by the submissions, to read as follows;

- **"Health and Safety Sign: A sign affixed to a structure or building for the sole purpose of providing a health and safety warning or identifying hazardous substances that is required by legislation or the regulations made under those Acts. This includes but is not limited to the Health and Safety at Work Act 2015 and the Hazardous Substances and New Organisms Act 1996. A health and safety sign excludes any additional advertising or content not required by the relevant legislation (which would be assessed as a 'sign' and those provisions would apply) and is not directly illuminated, digital or contains changing content."**

- **Reject** submission 6.5 to require Rule 8A.3.4.1 to meet the permitted activity standards 8A.3.4.9 to 8A.3.4.13; and
- **Accept** submission 3.8 to delete exemption (b) under Table 8A.3.4 as a consequence of inserting the 'health and safety sign' definition and add the following exemption clause and express exclusion to the "signs" definition;

- **The permitted activity standards 8A.3.4.8 to 8A.3.4.13 do not apply to Health and Safety Signs under Rule 8A.3.4.1.**

- Add the following to the definition for "Signs";

- **"This definition excludes 'Health and Safety' signs."**

79. **Submission:** Submission 6.3 by NZTA supports the proposed exemption. The KiwiRail submission (5.4) also supports but recommends expanding exemption (d)⁴, under Table 8A.3.4, from simply "traffic" to "transport network" in order to include all relevant transport network signs, such as railway network signs which also have a functional safety need and are occasionally installed to respond to site work projects, disruptions or incidents. The relief sought would amend the exemption as follows;

(c) Any official regulatory or ~~traffic~~ transport network sign.

80. **Analysis:** The amendment would recognise all transport network signage and is consistent with the terminology used elsewhere within PC45, including the proposed objective as notified. The amendment is therefore supported and would not conflict with the submission in support (6.3) by NZTA on this matter.

81. **Recommendation: Accept** submission 5.4 by amending the wording to exemption (c), as follows;

"(c) Any official regulatory or transport network sign."

⁴ Note that the reference in PC45 to "(d)" is a typographical error and should be "(c)".

Rule 8A.3.4.3 - Illuminated signs and effects on Residential and Rural Zones.

82. **Submission:** The submission by Alison Tindale (2.8) notes static illuminated signs are permitted and seeks placement of limitations on illuminated signs (including static and flashing signs which are either externally or internally illuminated). The relief specifically requests illuminated signs to be identified as a Restricted Discretionary or Discretionary Activity within Residential and Rural zones.
83. The submission also seeks that consideration is given to requiring resource consent for illuminated signs within Open Space, Business Commercial and Industrial zones which are sited less than 10m from a residential zone. This is to address illumination impacts on the amenity of residential and rural zones.
84. The primary submission from the Oil Companies (3.3) supported the Restricted Discretionary Activity status. No further submissions were received in relation to this rule.
85. **Analysis:** As identified by the submission, section 3.1 and section 5 of the Urban Design Report (Appendix 2 of PC45) advises *inter alia* that illuminated signs should not adversely affect the amenity values of neighbouring areas especially residential areas at night and recommends no illuminated signs within residential areas. Section 5.4 also advises that flashing signs in the rural area could result in safety issues particularly at night given the general lack of street lighting in rural areas.
86. The proposed policy framework (as notified) provides some direction in terms of illumination, notably as part of Policy 8A.3.3.3 (d) which states “Ensure that the location and design of signs is provided for in a way that ... manages any... illuminated signage to protect residential amenity...”. The rule framework however does not expressly exclude illuminated signage from the permitted activity standards and while Rule 8A.3.4.6 identifies any signage that incorporates movement or changing content and digital signage as a Discretionary Activity, it does not identify illumination. This is compounded by the inclusion of “illumination” within the proposed definition for “Signs” which, when coupled with the lack of permitted standard to exclude “illumination”, would result in static illuminated signs being a permitted activity pursuant to Rule 8A.3.4.3 within the residential and rural zones.
87. The proposed relief sought by submission 2.8 is considered generally consistent with the intent of PC45 and the proposed policy direction. Glare from illuminated signs can adversely affect residential amenity as identified within the Urban Design assessment. While this can be controlled by identifying maximum lux standards, the submission does not propose any⁵, and as such the scope of the submission is limited to exclusion of illuminated signs (and digital signs with reference to submission 2.10) within residential and rural zones.
88. Amendments to the rule framework are necessary to address this issue. However, rather than insert a new (additional) Restricted Discretionary Activity rule as requested by submission 2.8, it is instead recommended to amend the permitted standards. This is because the rule framework for PC45 addresses signs based on typology (i.e.

⁵ It is noted the NZTA submission (6.12), as addressed later in this report, supports permitted activity standards for managing luminance of traffic signs. However, the standards are designed for traffic safety, not residential amenity, and therefore cannot be generally applied outside the permitted standards 8A.3.4.13 (Traffic Safety).

freestanding, fixed to buildings etc) and manages them via a zoned-based approach. Therefore capturing (or excluding) illuminated signs at the permitted activity level can be managed on a zoned based approach. In this case via the permitted standards under 8A.3.4.9 which address signs within the Residential, Rural and Open Space zones. The addition of a new standard "(i)" would expressly exclude 'illumination' of signs in the Residential and Rural zones.

89. The above amendment will elevate such proposals to Rule 8A.3.4.5 as a Restricted Discretionary Activity. The relevant matters of discretion will also require an amendment to capture assessment of the illumination effect. This can be achieved through incorporation within 8A.3.4.14 (f), which assesses the effect of signage on residential amenity.
90. Submission 2.8 also seeks consideration for illuminated signs within Business Commercial, Business Industrial and Open Space zones where located within 10m of a residential zone to require resource consent. A review of the relevant zone interfaces within the district has identified a number of 'spot' commercial zones within otherwise predominantly residential zones, including numerous examples of shared boundaries at the zone interface (see **figure 1** below for an example of this relationship). Accordingly, there is potential for illuminated signs positioned adjacent to residential properties to result in adverse amenity effects and thus controls to manage this via the requested 10m buffer is supported.

Figure 1: Example of zone interfaces:



91. To achieve this a similar approach to that proposed for capturing illuminated signs within residential and rural zones is recommended. This would involve inserting a new standard "(g)" to the permitted activity standards 8A.3.4.10 (Freestanding signs within Business Commercial, Business Industrial and Special Activity zones) specifically excluding illuminated signs in Business Commercial and Business Industrial zones where positioned within 10m of a residential zone boundary. A similarly worded exclusion would be required to 8A.3.4.11 (Signs on buildings and other structures in Business Commercial, Business Industrial and Special Activity Zones) could be added as standard "(l)". To capture illuminated signs within Open Space zones, an amendment to the permitted standard 8A.3.4.9 would be required (due to the zone based framework) by adding the exclusion standard for signs within 10m of a residential zone boundary.
92. These amendments would elevate such proposals from a Permitted Activity (Rule 8A.3.4.3) to a Restricted Discretionary Activity (Rule 8A.3.4.5). The relevant matters of discretion at 8A.3.4.14 would not require any further amendment as the assessment of the illumination effect on adjacent residential properties would already be captured through the recommended amendment above (which address illuminated signs within Residential and Rural zones). The recommended changes, including those within the Business Commercial and Industrial zones, would address the relief sought by submission 2.8 yet would not unduly effect all illuminated signs within the commercial zones as the elevation to require resource consent would only occur where the sign was located within 10m of the residential boundary.
93. **Recommendation:** For the above reasons it is recommended submission 2.8 be accepted (in part) and the relief sought addressed through the amendments as described above (and detailed within the attached amendments to Chapter 8A as in **Appendix 1** and also tabled within **Appendix 6**).

- Residential, Rural and Open Space Zones:
 - Add a new standard to 8A.3.4.9 as "(i)" to expressly exclude 'illumination' (internal or external) of signs in the Residential and Rural zones.
 - Add a new standard to 8A.3.4.9 as "(j)" to expressly exclude 'illumination' (internal or external) of signs in the Open Space zone.
 - Add to the matter of discretion 8A.3.4.14 (f) "including any effects of illumination or glare".
- Business Commercial, Business Industrial and Special Activity zones:
 - Add a new standard to 8A.3.4.10 (freestanding signs) as "(g)" to expressly exclude illumination (internal or external) of signs in the Business Commercial and Business Industrial zones within 10m of a residential zone boundary.
 - Add a new standard to 8A.3.4.11 (signs attached to buildings) as "(l)" to expressly exclude illumination (internal or external) of signs in the Business Commercial and Business Industrial zones within 10m of a residential zone boundary.

Rule 8A.3.4.6 - Any sign (other than a temporary sign) which incorporates movement or changing content, and digital signage.

94. **Submission:** The primary submission on this rule from Alison Tindale (2.9) questioned the full Discretionary Activity status identified by the rule framework and whether the activity could be more adequately addressed as a Restricted Discretionary activity.

95. The NZTA submission (6.10) supports the full Discretionary status but seeks addition of standards to control luminance and animation of digital signage where visible from a state highway or road in the interests of traffic safety and also so there is guidance on what is appropriate (which is based on the NZTA guidance manual for advertising signs). Submission 6.10 also requests that these standards should equally apply to temporary signs as well as permanent signs.
96. In relation to the above issue, the NZTA submission (6.6) opposes the permitted activity standards for temporary signs on the basis there is a lack of guidance for luminance and refers to the standards and relief sought in submission point 6.10. Furthermore, the NZTA submission states (submission point 6.12) support for the permitted activity standards for all permanent signs at 8A.3.4.13 (Traffic Safety), but request luminance standards be added to the permitted activity standard for clarity and in the interests of ensuring traffic safety.
97. In short, the NZTA submission supports the permitted standards for signs (both permanent and temporary) subject to illumination standards (for 8A.3.4.8 and 8A.3.4.13) to address effects on road safety, but does not support a permitted starting point for digital signs, which thereby supports the proposed PC45 position of identifying such signs as Discretionary (and thus no permitted baseline) for digital signs. However, in the interests of addressing luminance, glare and distraction effects of digital signs on road users, the NZTA submission seeks the incorporation of similar luminance standards for digital signs.
98. **Analysis:** The purpose of Rule 8A.3.4.6 is to control digital signs. The proposed policy framework includes Policy 8A.3.3.5 to ensure signs visible from the road corridor do not interfere with the safe and efficient operation of the road network. The proposed rule framework principally addresses this through the permitted standards 8A.3.4.13 for all signs (not temporary) under Rule 8A.3.4.3. The standards do not however address illumination and more simply identifies digital signage (and that which incorporates movement or changing content) as a Discretionary Activity. It is agreed that this leaves no standards for guidance and omits control over temporary digital signs.
99. Submission 6.10 does not specifically address how the luminance standards should be integrated for digital signs. However, given the submissions on this rule support the Discretionary (and/or Restricted Discretionary) activity status as a starting point (that is, no submissions sought this reduced to a Permitted Activity status), then it is considered appropriate to address at the assessment level. That would be best achieved at a Restricted Discretionary Activity status where the matters of discretion can be identified which is not possible as a Discretionary Activity without introducing a permitted standard - which equally is not what the submissions intended (only in respect to illumination of signs which is distinct from digital signage).
100. Notwithstanding the above, the matters of guidance in submission 6.10 are detailed and taken from a permitted activity standard (Dunedin City Plan) which are not appropriate for matters of discretion for a discretionary activity rule. Therefore, the detail standards as requested could not be added verbatim, but a matter of discretion in relation to illumination could be added to guide the assessment. A note providing further reference to the tabled illumination standards (as requested by the submitter as submission 6.12) for traffic signage could be added, although would not include the additional standards such as dwell time (as they were not requested in relation to that permitted standard – see paragraph 162 of this report).
101. Accordingly, it is recommended to accept submission 2.9 by changing the activity status of Rule 8A.3.4.6 to a Restricted Discretionary Activity. This enables the issue of digital

signage to be addressed through the matters of discretion at 8A.3.4.14 (all signs other than temporary) and 8A.3.4.15 (traffic safety) which in turn can include a specific matter of discretion and guidance via reference to the traffic permitted standards proposed by submission 6.12.

102. In order to capture temporary (digital) signs it is recommended to amend Rule 8A.3.4.6 in the following manner to apply to both temporary and permanent digital signs;

- **Rule 8A.3.4.6** - Any sign (~~other than a~~ **including** temporary signs) which incorporate movement or changing content, and **and** digital signage. **RD.**

103. It is also recommended to add an additional exclusion "(d)" for digital signs to the permitted standard 8A.3.4.8 for Temporary Signs to support a clear escalation to the matters of discretion for traffic safety (8A.3.4.15). Equally the addition of a permitted exclusion standard "(g)" to 8A.3.4.13 (Traffic Safety) should be added to also provide a clear link for permanent digital signs to the Restricted Discretionary Activity (Rule 8A.3.4.6) and the relevant matters of discretion (8A.3.4.15).

104. **Recommendation:** For the above reasons, it is recommended to accept submissions 2.9 and 6.10 by undertaking the following amendments;

- Amend the activity status of Rule 8A.3.4.6 to Restricted Discretionary Activity;
- Amend the wording of Rule 8A.3.4.6 to ensure digital signs are captured for both Temporary and Permanent signs as follows;
 - Rule 8A.3.4.6 – "Any sign (~~other than a~~ **including** temporary signs) which incorporate movement or changing content, and **and** digital signage. **RD.**"
- Amend standard 8A.3.4.8 by adding exclusion standard (d) as follows;
 - "**(d) Is not a digital sign or incorporates movement or changing content**"
- Amend standard 8A.3.4.13 by adding exclusion standard (g) as follows;
 - "**(g) Is not a digital sign or incorporates movement or changing content visible from a state highway or road**"
- Amend the Matters of Discretion at 8A.3.4.15 (Traffic Safety) by inserting reference to assess the matter of illuminated digital signs;
 - **(i) The illumination effect from digital signs or glare resulting in distraction to road users (note: see standard 8A.3.4.13 (i) for guidance on illumination levels);**
 - **(ii) The potential for obstruction, confusion or distraction in the observance of traffic directions, controls or conditions; and**
 - **(iii) The potential for obstruction to sightlines to intersections, corners, bends in roads and vehicle and pedestrian entrances.**

105. **Submission:** A further submission by the Oil Companies opposed the NZTA submission (6.10) in so far as the standards it seeks to be added for control luminance from digital signs should not be applied to the Oil Companies service station 'prime signs' which include the digital petrol prices. The submission further states that if the standard is applied then it should not control the rest of the prime sign if it is not digital.

106. **Analysis:** The further submission by the Oil Companies is somewhat unclear as to what relief is sought. However, it appears the Oil Companies further submission accepts the standards could apply to the digital component of the sign. The proposed rule capturing digital signs (8A.3.4.6) states "Any sign... which incorporates..." and therefore the assessment of the proposal would then refer to the proposed matters of discretion (as amended above) which do not expressly distinguish the balance of the sign which may

or may not be digital. In practice it is unlikely the provisions would be applied that far, but in any case the purpose of the rule is to manage the effects of the digital element of the sign and it will be that component that is assessed with respect to the impact of the digital element of the sign. The non-digital components of the sign will be subject to the relevant permitted standards. To avoid confusion an 'Advice Note' can be added below table 8A.3.4 to clarify only the 'digital' elements of the sign will be assessed for purposes of Rule 8A.3.4.6.

107. **Recommendation:** Accept the submission in part by adding the following advice note below table 8A.3.4;

- *"For the purposes of Rule 8A.3.4.6, only the digital components of the sign will be subject to the rule."*

Rule 8A.3.4.7 - Any sign (other than a temporary sign) which is not situated on a site to which the sign relates.

108. **Submission:** Two primary submission points were received in relation to this rule which identifies signage not related to the site it is located on as a Discretionary Activity. The Alison Tindale submission (2.9) questions the proposed activity status as a Discretionary Activity, when the matters of discretion or those in Policy 8A.3.3.3 are sufficient to address the issues with these signs. The Oil Companies submission (3.3) supported the proposed rule and activity status. A further submission by NZTA expressed support for the Oil Companies submission point. No other submissions on this issue were received nor any changes requested.

109. **Analysis:** As a Discretionary Activity, the criteria within Policy 8A.3.3.3 (e) are applicable and can be considered as part of the assessment for any sign that falls under this rule. The intent of the status is to enable the Council to consider all potential effects, beyond those anticipated, and does not prevent reference to any restricted discretionary matters of discretion if relevant. Submission 2.9 does not expressly seek any relief (although noting a separate submission point (2.16) does seek the relocation of the policy criteria to the matters of discretion at 8A.3.4.14) and the only other submissions supported the rule and status without change.

110. **Recommendation:** For the above reasons, it is recommended the submission by the Oil Companies (3.3) and the associated further submission by NZTA are accepted. No change is recommended to the rule or activity status and as such it is recommended the submission point by Alison Tindale (2.9) is consequently rejected.

Permitted Activity Standards

Standard 8A.3.4.8 - Temporary signs all zones

111. **Submission:** NZTA (6.6) opposes the lack of standard addressing illumination of temporary digital signs in which control is otherwise left to the Councils Signs Bylaw under section 7(d).

112. **Analysis:** Digital signs are specifically identified as discretionary activities and thus excluded from the permitted standards within PC45. Digital signs that contain movement or illumination have been captured through the recommended change (above) to capture all signs (temporary and permanent) that are digital or comprise changing content. This is to address the relief sought under submission point 6.10 by the submitter.

113. Potential adverse effects on road safety has been assessed separately in this report (see paragraph 160) in response to the submission point 6.12 which seeks standards to control luminance effects on the safety of the road network. This report recommends addressing that submission by amending the permitted standard 8A.3.4.13 (traffic safety – all signs) to include a table of luminance standards. However, as the rule framework distinguishes temporary signs from all other signs and has separate permitted activity standards, then this could lead to confusion over whether the permitted traffic safety standards at 8A.3.4.13 would apply to temporary signs.
114. Therefore to ensure the permitted standards for illumination of signs visible from the road network also includes temporary signs then it is recommended a reference is added to 8A.3.4.8 to require the 8A.3.4.13 (i) luminance standards to also apply where visible from the road. This will address a potential gap while providing relief to the submission point by ensuring effects of glare and distraction to drivers are managed through the luminance standards as per the NZTA submission point (6.10), regardless of the sign being temporary or permanent. For completeness it is noted the existing permitted rule elevates to Restricted Discretionary Activity which references the matters of discretion for traffic and temporary signs which, subject to the earlier recommended amendment, will appropriately address the relevant matters.
115. **Recommendation:** This report recommends that the submission by NZTA (6.6) be accepted in part by adding standard to 8A.3.4.8 to reference the luminance standards at 8A.3.4.13 (i) as follows;

(e) The sign complies with the luminance standards at 8A.3.4.13 (i) where visible from the road network.

Standard 8A.3.4.9 - Signs in Residential Zones, Rural Zones, and Open Space Zones

116. **Submission:** One submission was received in relation to this permitted standard. The submission, from Alison Tindale (2.10), raises the following five key issues;
1. Standards for signage in residential, rural and open space areas are overly restrictive, particularly for non-residential activities in these areas;
 2. The 'visibility in any one direction' in subsection (a) and (c) is open to debate;
 3. It would be preferable to group all permitted standards relating to the same type of sign(s) in the same zone together;
 4. The need for a permitted standard of 2m² for interpretative signs in the Open Space is unclear; and,
 5. 'Signs not covering windows' is unclear and could prevent community notices being displayed within the residential area.
117. The submission seeks relief through reformatting the structure of the permitted standards for 8A.3.4.9 and includes amendments to address the above points, principally by;
- Increasing the permitted number of signs from one to three signs on a Residential, Rural or Open Space zoned site if it comprises a non-residential activity;
 - Exclusions of illuminated, or digital signage;
 - Deletion of the 'visible in any one direction' terminology; and,
 - Deletion of the 2m² interpretation sign with the Open Space area standards.

The proposed reformatting of the Standard for Permitted Activities 8A.3.4.9 as requested is included below for reference;

"Signs in Residential and Rural Zones are permitted activities for:

(a) In Residential and Rural Zones, a maximum of one sign per site, unless the principal use of the site is non-residential visible in any one direction.

(b) A maximum of three signs per site, where the principle use of the site is non-residential.

Permitted standards:

(i) one free-standing sign per site;

(ii) No larger than 1.5m² in Residential zones

(iii) No larger than 3.0m² in Rural zones

(iv) Free-standing signs up to 3 metres above ground level or have a width up to 2m.

(v) Signs attached to buildings, do not extend beyond the facade and are no higher than the roofline of the building, to which it is attached.

(vi) Non-illuminated:

(vii) Have no changing content:

(viii) Are not in a digital format:

(ix) Are situated on the site to which the sign relates

Suggested Permitted standards for signs in Open Space Zones:

(ii) Have no changing content;

(iii) Are not in a digital format

(iv) Are situated on the site to which the sign relates

(v) Are not illuminated within 10m of a Residential zone

(vi) No larger than 3m² for signs attached to buildings

(vii) No larger than 0.5m² for signs used for marking of tracks

(viii) No more than one free-standing sign per 100m of road frontage

(ix) No larger than 4.5m² for free-standing signs or signs attached to walls/fences

(x) Free-standing signs up to 3 metres above ground level or have a width up to 2m.

(xi) Signs attached to buildings, do not extend beyond the facade and are no higher than the roofline of the building, to which it is attached.

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."

118. A further submission from NZTA opposes the Alison Tindale submission (2.10) on the basis the relief sought in paragraph (b) (to increase the maximum number of permitted signs from one to three signs) could lead to a proliferation of signage, which could confuse or distract drivers.

119. **Analysis:** The request to increase the permitted number of signs within the Residential, Rural and Open Space zones for non-residential activities is not supported. No evidence has been provided to confirm this is an issue and no submissions were received from owners of non-residential activities within these zones raising this as unduly restrictive or seeking an increase.

120. The provisions of one sign per site up to 1.5m² in area within the Residential Zone is an existing permitted standard within the operative District Plan (as are the Rural and Open Space permitted standards). A review of all the resource consent applications received by the Council between 2007 to 2017 shows only nine applications involved a breach of the maximum number of on-site signs permitted and of those, none were residential

zoned properties and only one was within the Rural Zone⁶. As such, the records show this is not an issue generating significant demand or consenting pressure and therefore it is recommended the existing provision can be simply carried over as part of the consolidation of signage rules within the district plan to which no other submissions were made raising a concern on this standard.

121. Furthermore, an increase in the permitted number of signs for non-residential activities in residential areas would conflict with the intent of the proposed policy framework within PC45 which seeks to maintain the character and amenity of the residential zone. This direction is clearly expressed in Policies 8A.3.3.1 and 8A.3.3.2 (b). This is consistent with the wider policy direction within the operative district plan which generally identify non-residential activities within the residential area as requiring resource consent (noting some small scale home occupation is permitted). Operative Policy 4.3.3 (Residential Zone) recognises some activities can locate in the residential area but that they should not adversely affect the character or amenity of the residential environment. Discretion for such activities is focused on a range of matters including appearance of the building and the size, number, location and appearance of signs.
122. Accordingly, it is not considered appropriate to increase the number of permitted signs within PC45 as this would conflict with the wider direction of the plan and the policy direction of PC45 by emphasizing non-residential activities rather than maintaining the established residential character and amenity of the residential area.
123. In regard to issue 2, the submitters request for 'visibility in any one direction' to be changed or deleted is not supported. This wording is currently in the operative district plan as an existing measure for signage and has been carried through as part of the proposed plan change's consolidation of sign provisions. A review of the Council's resource consent records back to 2007 and the last five years of compliance monitoring records reveals there is no record of this terminology creating any interpretation issues. The reason for including it is to recognise that the sign structure may include the advertising material on both sides when positioned perpendicular to the front boundary which is often the case. This is acceptable subject to the maximum area standard being complied with. In any case the restriction of "one sign per site" establishes a clear metric which is not ambiguous.
124. In regard to issue 3, a preference is expressed to group all the permitted standards relating to the same type of signs in the same zone together. The logic for this is understood although the format leads to some repetition through applying the same standards across the different zones. Given the provisions are clear in terms of which zone they are associated to, and that the reformat would have little net gain in terms of simplifying the request is considered more preferential. Accordingly, it is recommended to retain the structure as notified.
125. Issue 4 of the submission questions the need for the interpretation sign standard. The provision is intended to provide better scope for the range of signs required within the districts Open Space areas which are mostly public reserves and parks. The need for a range of directional and information signs to assist the community with wayfinding, enjoyment and use of these spaces results in a number of signs being required particularly

⁶ Five applications were sites within the Business Zone, three in the Special Activity Zone and one in the Rural Zone.

near the public access points. However, most of the spaces are large and can accommodate signs without detracting from the amenity of the site or surrounding area. A review of the Council's compliance monitoring record for the last five years confirms there has been only one complaint related to signage within the Open Space Zone, which involved a business erecting unrelated signs on the subject site. The signs were removed following contact and as such no other complaints regarding the visual impact of signs in these spaces have been recorded by the Councils compliance team. The Councils asset manager for public reserves, Mr Brett Latimer, has confirmed the interpretative sign standard provides a sufficient area and is similar to examples currently in place at Trentham Park. Mr Latimer therefore supports the standard.

126. Issue 5 questions the intent for controlling the coverage of windows by signs in the residential zone. The Councils Urban Design advisor has clarified this (**Appendix 5**) is to prevent the loss of residential features. Thus the purpose of the standard is to maintain the established character of the residential zone. The submission raises a concern that this would prevent community notices being displayed within the window. However, the council Signs Bylaw provides for temporary signage with a specific focus on enabling community advertising for local events which would address this concern.
127. The proposed reformatted standards by submission 2.10 also include standards excluding illumination of signs as a permitted activity. This issue has been addressed on a previous submission point (see submission 2.9 and the analysis of Rule 8A.3.4.3 above) and it is considered the recommended amendments would achieve the relief sought. Equally all digital signs are expressly identified as a Discretionary Activity so that they do not need to be also excluded within the permitted standards.
128. **Recommendation:** This report recommends that the Alison Tindale submission 2.10 be rejected for the above reasons.

Standard 8A.3.4.10 - Freestanding Signs in Business Commercial Zones, Business Industrial Zones, and Special Activity Zones.

129. **Submission:** Two submissions were received in relation to the permitted standards for freestanding signs identified within standard 8A.3.4.10.
130. The Woolworths submission (1.4) opposes standards (c) and (d) relating to maximum width and area (correspondingly) for freestanding signs. The opposition is based on both the area and width being too restrictive or small for modern pylon monolith signs used by Countdown. The submission seeks an amendment to increase the permitted standard to 20m² in area and a maximum width of 3m.
131. The Oil Companies submission (3.9) also seeks an increase to the maximum permitted area for freestanding signs for service stations based on the underlying zoning. Accordingly, an increase up to 16m² for sites within the Business Commercial Zone and 18m² for sites within the Business Industrial and Special Activity Zones.
132. No further submissions were received in relation to these submission points.
133. **Analysis:** The Councils Urban Design advisor, Ms Devereux, has provided further guidance in response to this issue (attached as **Appendix 5** to this report). Ms Devereux advises that signs of the scale and area as sought by the submitters may be appropriate in some areas and particularly larger urban city environments, which have better capacity to accommodate such scale and therefore the permitted activity thresholds can be set higher. However, the urban and commercial environment within Upper Hutt does not

have the same ability to so readily absorb signs of that scale and therefore it would be inappropriate to set the permitted threshold so high when in fact they would benefit from some assessment through a resource consent process. There are a number of small pockets of commercial and industrial zoned land in close proximity to residential areas (see **Figure 1**) which further supports the need to consider signage of a larger scale. Ms Devereux concludes that identifying free standing signs of this scale as permitted activities could result in adverse effects on the character of the surrounding area and adjacent residential amenity.

134. I agree with the advice of Ms Devereux and note that the provisions would still allow consideration of larger signs on a site by site basis. However, given the urban context of Upper Hutt and the numerous pockets of commercial zoned land within otherwise predominantly residential zoned areas, then setting the permitted threshold so high could result in inappropriate signage or potential adverse effects in some cases. This is especially so as the purpose of the provisions is to address all commercial zoned land and freestanding signs, not just that owned and operated by the submitters. Accordingly, the requested changes sought by submissions 1.4 and 3.9 are not supported.
135. **Recommendation:** For the above reasons, it is recommended that the submission by Woolworths (1.4) and the Oil Companies (3.9) are rejected.
136. **Submission:** The submission by Alison Tindale (2.11) seeks clarity on the distinction between freestanding signs and traffic signs (under 8A.3.4.12). The submitter also seeks a limit on illuminated signs near residential properties to maintain amenity.
137. The Oil Companies further submission opposed 2.11 on the basis the difference between a sign for direction (whether it be free-standing or attached to a building) and a free-standing sign (any other sign not attached to a building or used for the direction of traffic) is made clear within PC45. Furthermore Rule 8A.3.4.12 specifically requires the content for signs for direction of traffic to “be limited to directional purposes”. The Oil Companies submission also notes that in combining the standards this would restrict sites with less than 50m of road frontage to only one directional sign or one freestanding sign as a permitted activity which is unduly restrictive.
138. **Analysis:** I agree with the comments raised within the Oil Companies further submission and for those reasons do not support combining the standards as sought by submission 2.11. The request for illumination of signs near a residential boundary has been addressed elsewhere within this report.
139. **Recommendation:** This report recommends that the submission by Alison Tindale (2.11) be rejected.

Standard 8A.3.4.11 - Signs on buildings and other structures in Business Commercial Zones, Business Industrial and Special Activity Zones.

140. **Submission:** Woolworths (1.5) seeks an increase to the maximum area of a sign on a building to 15m² and states there is a disconnect with the maximum percentage (30%) of permitted signage which would lead to a proliferation of smaller signage.
141. The submission by Alison Tindale (2.12) also raises a concern with the extent of signage permitted on a building and identifies a number of provisions that are considered unclear or conflict with Urban Design advice informing the plan change. The submission seeks a reformatting with consequential changes based on the following key issues summarised as;

- It is unclear why a sign above 10m² is necessary on the side and rear of a building in the Business Industrial Zone;
 - The horizontal distance between signs above ground floor should be corrected to “minimum” not “maximum”;
 - The standard for height of signs positioned on a fascia is unclear;
 - The standards (a) and (f) regarding projecting signs are inconsistent with each other; and,
 - It is unclear why signage on a facade facing Eastern Hutt road is excluded.
142. **Analysis:** It is agreed there is a lack of clarity in terms of the maximum area of signage permitted on a building façade. Appendix 1 – ‘Business Zone Diagram’ as attached to the plan change attempts to illustrate the range of provisions. Nevertheless, the provisions within 8A.3.4.11 do appear to confuse these standards.
143. Further advice from the Councils Urban Design advisor has been sought in addressing the issues raised by the two submissions including clarity of the provisions. The advice has clarified some aspects including the use of the terms “façade” which is not expressly defined within PC45. The ordinary dictionary definition states the meaning as the front elevation of a building but is not exclusive and can also refer to other elevations. Accordingly, to improve clarity the terminology it is recommended to use the word “elevation” rather than façade and “front elevation” where that is the intention within the standards. Those amendments are included in my recommendation below.
144. In terms of the concern regarding proliferation and the apparent disconnect between the maximum area (5m²) and the 30% coverage, the Councils Urban Design advisor has confirmed the provisions are linked with the minimum 5m separation standard for signs above ground floor level. The provisions are therefore intended to be applied together. When done so, the number of signs possible at each level (above ground floor) are limited by a minimum separation of 5m, the total 5m² area and in context of the front façade a maximum overall 30%. This is to address the issue of proliferation and of clutter. It is appreciated the standards may not convey this within the proposed structure. Accordingly, the increase to 15m² is not supported but the proposed reformatting sought by submission 2.12 is supported as it is agreed this would assist better clarity for plan users.
145. Submission 2.12 questions why 10m² area is available for buildings in the Business Industrial Zone on the side and rear elevation. The provision does not provide for this. In any case the recommended change to the wording above to use “elevation” rather than “façade” will clarify this issue.
146. It is agreed the horizontal distance between signs above ground floor should be corrected from “maximum” to “minimum” to reflect the original intent of the standard based on urban design advice.
147. Submission 2.12 raises a concern that standard 8A.3.4.11 (g) is unclear (regarding the permitted height of signs attached to a veranda fascia). It’s not clear what the uncertainty is but it is noted that as part of the submission relief the reformatting includes an additional standard for signs suspended underneath the veranda to maintain a minimum 2.5m height. This provision is supported as it was omitted from the notified version. Accordingly it is agreed it should be included within the standards.
148. With regard to the conflicting standards (a) and (f) for projecting signs; this extent is illustrated on the Appendix 1 diagram and would be better clarified by combining the standards and providing a linking statement to the exemption as follows;

- (a) No sign shall extend beyond the elevation façade of the building or beyond the height of the structure to which it is to be attached to, or extend above the roofline of the building, except where:
 - (f) Any sign which is projecting from the façade of a building must be:
 - (i) The sign is positioned at 90 degrees to the front elevation façade of the building; and
 - (ii) must not extend from the wall by more than 1m.

149. The exclusion of signage on facades facing Eastern Hutt Road is an existing operative standard within the district plan and forms one of the many provisions carried through into PC45 as part of consolidating the signage provisions into one chapter. The owners or occupiers of this identified site have not submitted on the plan change and there is no record of applications for signs in relation to the site. The operative sign provisions were drafted in recognition of the underlying zoning but undeveloped nature of the area and provide for a consolidated 20m² sign at the entrance in order to avoid proliferation along the road frontage. As such, the site is somewhat distinct from other developed industrial zoned land and it is considered the carrying over of the provision is acceptable as part of the overall consolidation of existing sign standards.

150. **Recommendation:** For the above reasons it is recommended the submission by Woolworths (1.5) is rejected. It is recommended the reformatting of the standards sought by submission 2.12 is accepted in part together with the agreed consequential amendments as follows;

“8A.3.4.11 Signs on buildings and other structures in Business Commercial Zones, Business Industrial and Special Activity Zones

(a) No sign shall extend beyond the elevation façade of the building or beyond the height of the structure to which it is to be attached to, or extend above the roofline of the building, except where:

- (i) The sign is positioned at 90 degrees to the front elevation façade of the building; and
- (ii) must not extend from the wall by more than 1m.

(b) The maximum area of any single sign on a building façade or structure shall not exceed 5m², other than in the Business Industrial Zone, where the maximum area of any sign on a front façade or structure shall not exceed 10m².

(b) The maximum area of any single sign is

- i) 5m² for Business Commercial and Special Activity Zones;
- ii) 10m² for Business Industrial Zone.

(c) For signs on any building façade or structure, the total area of all combined signs shall not exceed 30% of the total area of that building façade or structure.

(c) the total area of all combined signs does not exceed 30% of the total area of the that building elevation façade or structure.

(d) For signs located above a building’s ground floor level there shall be a minimum maximum horizontal separation distance of 5 metres between signs on the same floor level.

(e) Any sign located on the parapet of a building shall not exceed an area of 5m², or an area of 30% of the total area of the parapet, whichever is the lesser.

(f) Any sign which is projecting from the façade of a building must be:

- (i) positioned at 90 degrees to the façade of the building; and
- (ii) must not extend from the wall by more than 1m.

(g) The maximum height of any sign located on the fascia of a veranda must not exceed a height of:

- (i) 0.6 metres; or
- (ii) where the height of the fascia is 0.6m or greater, an additional 25% of the fascia height.

(g) Signs below verandas which overhang pedestrian pathways, must have a minimum clearance of 2.5m above ground level.

(h) Signs must:

(i) not have changing content;

(ii) not be in a digital format;

(iii) be situated on the site to which the sign relates; and,

(iv) not be illuminated within 10m of a Residential zone.

i) In the Business Industrial Zone on Eastern Hutt Road identified in Appendix 3 of Chapter 20 – Business Zones Rules:

(i) no sign shall be located within 6m of Eastern Hutt Road.

(ii) no sign shall be located on the façade of any building facing Eastern Hutt Road.

(iii) there shall be a maximum of one free-standing sign which may be located at the road entrance to the Business Industrial Zone and it shall not exceed a face area of 20m² visible from any one direction; or be more than 9m above ground level.

j) On land identified in the Business Commercial Zone at Riverstone Terrace in Appendix Business 2 of Chapter 20, the area of any signs attached to buildings shall not exceed a total area of 7.5m².

Standard 8A.3.4.12 – Signs for direction of traffic on a site in Business Commercial, Business Industrial Zones and Special Activity Zones

151. **Submission:** The Woolworths submission (1.6) opposes the permitted standard controlling the dimension and face area of the sign and refers to the typical consented directional signs and the importance of easily read wayfinding signs in supermarket customer carparks. The submitter requests a 1.2m vertical dimension and 0.8m² area in relation to signs that direct traffic.

152. The Oil Companies submission (3.10) seek a minor correction to add the word “Zones” for completeness and also seek an increase in the maximum area of a sign to 1.0m².

153. **Analysis:** The requested changes represent relatively minor increases to the height and face area of the sign. The Councils Urban Designer has advised no concern with the requests. From a traffic safety perspective the 1.2m height is consistent with maintaining driver visibility splays when entering a road. Accordingly the increase of height to 1.2m and 1m² is supported.

154. **Recommendation:** For the above reasons it is recommended the submissions are accepted and the standard amended as follows;

8A.3.4.12 Signs for direction of traffic on a site in Business Commercial **Zones**, Business Industrial Zones and Special Activity Zones

(a) The maximum vertical dimension of the sign shall not exceed **1.2m**.

(b) The maximum area of the sign, visible in any one direction, shall not exceed **0.5 1**m².

Standard 8A.3.4.13 - Traffic safety - All signs

155. **Submission:** A submission from Woolworths (1.3) supports the standard and associated matters of discretion at 8A.3.4.14 where the permitted standards are not met.

156. The Alison Tindale submission (2.13) supports the standards but submits that the standard generally applies to signs in road corridors/verges. The relief sought comprises;

1. The heading be changed to ‘standards for signs in road corridors’.

2. That one or more of these provisions also needs to apply on private land (such as height clearances for signs below verandas), therefore the relevant standard should be incorporated with other standards relevant for that zone.

157. **Analysis:** A further submission from NZTA and KiwiRail oppose the Alison Tindale submission. The reasons are similar in that the scope is considered sufficiently broad to assess the effects of signs in all zones and the change would alter the intention and reduce the scope of consideration for safety effects on the transport network.
158. **Recommendation:** For the reasons above, it is recommended the Alison Tindale submission (2.13) is rejected.
159. **Submission:** The Oil Companies submission (3.11) supports the standard with a minor amendment sought to the wording of (f)(iii) as follows;
- (iii) Be located so as to provide an unrestricted view of the road to the motorists for a minimum distance of 180 metres.*
160. A further submission by NZTA opposes this requested change on the basis it narrows the scope of the standard and seeks the wording is retained as notified without further change.
161. **Analysis:** It is agreed the insertion of the words 'of the road' could result in an unintended narrowing of the scope by excluding other components such as visibility splays from driveways. As such the change is not supported.
162. **Recommendation:** For the above reason the submission of The Oil Companies (3.11) be rejected.
163. **Submission:** The primary submission by NZTA (6.11, 6.12 & 6.13) states partial support of permitted standards at 8A.3.4.13 (Traffic Safety) subject to amendments as follows;
1. To include consideration of flashing and/or revolving lights, as they can distract road users, and can be mistaken for emergency vehicles/roadworks and result in a driver incorrectly taking evasive action. Relief sought: Insert new standard as 8A.3.4.13(g) – no sign shall include any flashing lights.
 2. Insertion of the illuminance standards to ensure all illuminated and/or digital signage is stringently controlled, and that luminance is consistent with best practice standards. Relief sought: Insert new rule 8A.3.4.14(h) to control luminance and glare (table).
 3. There is a specific lack of best practice guidance on safe separation distances between signs and traffic signs, signals and intersections which could result in the safe and efficient operation of the region's land transport system being compromised by inappropriately located signs. Relief sought: In relation to standards for 8A.4.3.13(a) and (c), insert new 8A.3.4.13(h) that adds standards for location etc to both >70km roads and < 70km roads.
 4. The submitter supports the proposed advice note but suggests that plan users are not aware that signage within Upper Hutt is subject to both the District Plan and the Upper Hutt City Council Control of Advertising signs Bylaw 2005. Relief Sought: Insert an additional advice note to explicitly highlight the UHCC Bylaw provisions also relevant.
164. The Oil Companies oppose the NZTA submission points, noting that 8A.4.3.13(a) is clear enough that insertion of a new standard as 8A.3.4.13(h) is unnecessary duplication.
165. **Analysis:** In terms of the relief by the NZTA within points 1 and 2 above. These are related to the safety and operation of the road network and would introduce clarity to the standards as well as setting maximum standards for luminance. For those reasons the requested relief is supported. No other submissions were made on these points.

166. As regards the request by NZTA within point 3 above for the insertion of a new standard addressing minimum distances from intersections. It is recognised the Oil Companies oppose this relief on the grounds it duplicates the intention of standard 8A.3.4.13 (a). I disagree there is a duplication as standard (a) is more generally applicable to obscuring signs whereas the requested insertion provides specific clarity in terms of distances in relation to intersections which is currently referenced by 8A.3.4.13 (c). It is my view this is more precise and would improve certainty for plan users. Therefore it is recommended the standard be accepted and rather than inserted as a new standard, incorporated with (c).

167. **Recommendation:** For the above reasons the submission by the Oil Companies is rejected and the relief sought by the NZTA submission is accepted as follows;

- **Add** the following to **8A.3.4.13 (c)**;
 - o (c) No sign may restrict the line of sight to any intersection, bend or corner on a road, and;
 - o "(i) Within road environments with a posted speed environment of <70km/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"
 - o "(ii) Within road environments with a posted speed environment of >70km/h no signs shall be located 200m from an intersection and/or permanent regulatory or warning or advisory sign and/or traffic signal, and/or pedestrian crossing"
- **Add** "No sign will include any flashing and/or revolving lights" as **8A.3.4.13 "(h)"**
- **Insert** the following luminance standards to **8A.3.4.13 as "(i)"**;
 - o "(h) All illuminated and digital signs visible from a road must be designed, installed and maintained to ensure they do not exceed the following luminance standards;

o Table: Maximum luminance (cd/m² of illuminated advertising device)

Illuminated Area (m ²)	Areas with street lighting	Areas without street lighting
Up to 0.5	2000	1000
0.5 to 2.0	1600	800
2.0 to 5.0	1200	600
5.0 to 10	1000	600
Over 10.0	800	400

Matters of Discretion

Matters of Discretion 8A.3.4.14 - All signs other than temporary signs

168. **Submission:** The submissions by Woolworths (1.3) and The Oil Companies (3.4) both support the proposed matters of discretion and seek no changes.

169. The Alison Tindale submission (2.14) generally supports the proposed matters of discretion. However, the submission requests that subsection (b) could be alternatively worded to a more neutral fashion and that subsection (e) be divided into two points as it raises two separate issues.

170. **Analysis:** The proposed rewording of the matter of discretion (b) is supported as it will neutralise the assessment criteria while still retaining the intent and scope of relevant matters. The proposed splitting of the matter of discretion (e) into two parts is supported. It is noted this would involve removal the "different location" element. However, the corresponding rule is a full Discretionary Activity (8A.3.4.7 for any sign that is not related to

the site it is positioned on), and therefore would not directly refer to Restricted Discretionary matters at 8A.3.4.14 in any case, but rather the policy (8A.3.3.3). As such the requested change does not remove the intent or cause issue with the rule framework and therefore is supported. The proposed wording of splitting (e) is slightly amended from that sought by submission 2.14 to retain the focus on the 'sign' rather than widen the scope to the 'site' more generally.

171. **Recommendation:** On the basis of the above, it is recommended the submission by Alison Tindale is accepted and the matters of discretion at 8A.3.4.14 be amended as;

8A.3.4.14

(b) Effect of the sign on the appearance of the building to which it is attached due to:

- (i) *The proportion of the sign to the building façade; and*
- (ii) *The location of and design of the sign, including the colour, display, materials, and how the sign relates to any architectural features on the building; and*
- (iii) *The number of signs on the building.*

(e) Whether there are any special circumstances or functional need for proposed signage including operational, directional or safety reasons:

(f) Whether vegetation or landscaping would mitigate the visual impact of the sign.

Matters of Discretion 8A.3.4.15 - Transport Safety – All signs

172. It is noted the submissions from Allison Tindale (2.5) and the NZTA (6.4) support these Matters of Discretion. No other submissions were received on this matter.

Matters of Discretion 8A.3.4.16 - Temporary signs

173. **Submission:** Alison Tindale (2.15) considers that signs are more likely to affect the visual quality of the street scene than directly harm the amenities of neighbouring properties. As such, the submitter seeks the inclusion of additional matters to better reflect the impact on the visual quality of streets. These are similar to those used for permanent signs.

174. **Analysis:** The ability of temporary signs to have an adverse impact on the character or streetscape amenity of an area is principally limited by the duration of two months as a Permitted Activity. Durations beyond that would be assessed through the matters of discretionary at 8A.3.4.16.

175. Ideally sign duration would not be a discretionary standard, but instead set by the definition so that proposals for signs longer than two months would, by definition, be subject to the permanent signs provisions of PC45 in which the character impacts are assessed. However, the notified framework provides discretion on the duration (but without specifying an upper limit). In cases where the duration is only marginally longer than two months then it would in my view be unnecessary to require assessment of character as the short duration and removal of the sign would address the matter. However for longer durations it may become a reasonable assessment factor. This is particularly so given the total permitted area of all temporary signage on a site is 4.5m² while the permitted area for a permanent sign is 1.5m².

176. One option is to define the duration for Temporary Signs in the definition as two months so that proposals for durations longer than that become subject to the permanent sign

standards and matters of discretion (8A.3.4.14) which address character effects. Unfortunately this is considered outside the scope of the submission point which leaves the alternative being the insertion of additional criteria requiring assessment of the effect the temporary sign on the surrounding character.

177. In the absence of a definition, the relief sought by the submitter would enable assessment of the effect on the streetscape character for signs of longer duration.
178. **Recommendation:** The submission from Alison Tindale (2.15) is accepted in part by including reference to the requirement for character assessment where longer duration is sought as follows;

"(e) Whether the sign is compatible with the visual street scene character of the area in which it is situated."

New Matter of Discretion

179. **Submission:** The Alison Tindale submission (2.16) requests a new matter of discretion be inserted to address the assessment of signs not related to the site (transferred from Policy 8A.3.3.3 (e) (i) & (ii)).
180. **Analysis:** It is not considered appropriate to add a new matter of discretion to 8A.3.4.14 because the relevant rule is a full Discretionary Activity and does not refer to the restricted matters of discretion at 8A.3.4.14. Instead the policy criteria are relevant and form part of the assessment as a Discretionary Activity. A further submission from the Oil Companies opposed the requested change on similar grounds and request the policy remain unchanged.
181. The current format of the UHCC district plan limits the structure of the rule sets for Discretionary Activities. This plan change seeks to remain consistent with the structure. However, it is recommended that in order to highlight the relevance of the Policy 8A.3.3.3 (e) criteria to this rule, that an advice note can be added under the table to clarify the relevance of the criteria for proposals made under Rule 8A.3.4.7.
182. **Recommendation:** The submission from Alison Tindale (2.16) is rejected (in part) and an advice note is added under Activity Status Table (8A.3.4) as;

"Advice Note: Proposals for signs under Rule 8A.3.4.7 must include an assessment against the relevant policies including, but not limited to, the criteria of Policy 8A.3.3.3 (e)."

Other matters

Appendix 1 - Business Zones Diagram

183. **Submission:** Woolworths (1.7) considers some of the sign areas within the diagram do not reflect modern trends for supermarkets. Furthermore, the submitter states the free-standing sign in the diagram encourages poor urban design outcomes and makes no allowance for monolith type signs, which the submitter considers to be well designed and integrated with other signage. The submitter seeks changes to the diagram reflect the relief sought in submission points in 1.4 and 1.5.
184. **Analysis:** This report recommends rejection of the relief sought by submission points 1.4 and 1.5. As such, changes to the diagram to reflect those amendments is not supported.
185. **Recommendation:** That the submission of Woolworths (1.7) in relation to the above matter is rejected.

Introduction to Signs

186. **Submission:** It is noted that KiwiRail (5.1) support the introductory statement. The submission from NZTA (6.7) also supports the introduction. However, a minor amendment is sought to ensure the text aligns with the application of the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010.
187. **Analysis:** The relief sought ensures the reference to relevant regulations and bylaws which apply beyond the provisions of the District Plan is accurate and consistent yet does not alter the scope or intent.
188. **Recommendation:** That the submission of NZTA (6.7) in relation to the above matter is accepted, and should be amended as:

*"...For signs located in road corridors, approvals may be needed from the Road Controlling Authority (including the Council), or the New Zealand Transport Agency for signs on **or over** the State Highway. These approvals may need to be sought regardless of whether the sign complies with the provisions of the District Plan."*

Plan Change 45 Generally

189. **Submissions:** The following submissions expressly supported the intent of the proposed plan change, subject to requested amendments; Alison Tindale (2.1), The Oil Company (3.1), Powerco (4.1) and the NZTA (6.1).

Consequential Changes

190. While not raised in the submissions a number of consequential amendments have been made to the plan change. These amendments are also included within the table pursuant to s32AA of the RMA (**Appendix 6**).
191. The consequential amendments include:
- Rule 8A.3.4.6 includes a typographical error: "... *changing content, and **and** digital signage.*" (emphasis added). Its recommended this can be corrected without any unintended consequences;
 - Policy 8A.3.3.3 (e) (ii) includes a typographical error where the sub-criteria under (e) are numbered (i), (ii) and (ii). The third criteria should be corrected to (iii);
 - The list of exemptions under Table 8A.3.4 include an incorrect alphanumeric list which requires correction;
 - Consequential amendments to the Appendix 1 – Business Zones Diagram are necessary as part of addressing the relief sought by submissions.
 - General consequential amendments to the number referencing as a result of the provision amendments.

Decisions on submissions

192. Council is required to issue decisions on submissions. For the reasons outlined in this report, I recommend that the decisions requested by the submitters be rejected, accepted or accepted in part.
193. For the reasons provided within this report, I consider the proposed Plan Change to be consistent with Part 2 of the Act and therefore recommend the plan change can be approved by the Commissioner with the suggested amendments.

Report Prepared by:



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Approved for Release:



Richard Harbord
Director, Planning and Regulatory Services
11th April 2019