

# SUBMISSION FORM FOR PROPOSED PLAN CHANGE 45 AND SIGNS BYLAW



## Have your say

Please submit this form no later than **5.00 pm Wednesday, 18 July 2018.**  
Please note that your submission will be made public—including your  
name and physical address (unless you want them withheld).

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Upper Hutt City Council  
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### \* Terms of making a submission

Upper Hutt City Council is collecting personal information on this form as part of the consultation process. Your name and address will be made public alongside your submission unless you request that your information remain private. Personal information collected will be securely stored by Upper Hutt City Council and only accessed by Council officers who need to access it for the purposes of their role. By submitting this form you agree to these terms.

TITLE Ms FIRST NAME Allison SURNAME TINDALE

AGENT OR ORGANISATION REPRESENTATIVE \_\_\_\_\_

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DO YOU WANT YOUR NAME AND ADDRESS TO BE WITHHELD FROM OUR PUBLIC SUBMISSION DOCUMENTS (SEE TERMS ABOVE)? YES  NO



# Proposed Plan Change 45 – Signs

Tell us what you think of the provisions in the proposed Plan Change (PC45).

THE SPECIFIC PROVISIONS OF PC45 THAT MY SUBMISSION RELATES TO ARE AS FOLLOWS:

see attached

I SUBMIT:

Overall support to purpose of plan change.  
Suggestions to wording are suggested to improve clarity

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE ATTACH ADDITIONAL PAPER IF REQUIRED.

I SEEK THE FOLLOWING DECISION FROM UPPER HUTT CITY COUNCIL:

PLEASE USE PRECISE DETAILS AND USE ADDITIONAL PAPER IF REQUIRED.

DO YOU WANT TO PRESENT TO COUNCIL ON PC45 IN PERSON? YES / NO

Undecided - see note

(IF "YES" WE WILL CONTACT YOU TO SCHEDULE A HEARING TIME)

IF OTHERS MAKE A SIMILAR SUBMISSION ON PC45, DO YOU WANT TO MAKE A JOINT CASE AT THE HEARING? YES / NO

COULD YOU GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION? YES /  NO IF "YES" PLEASE COMPLETE THE STATEMENT BELOW.

I AM /  AM NOT DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT:

(A) ADVERSELY AFFECTS THE ENVIRONMENT; AND (B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

SIGNATURE

M. Z. [Signature]

DATE

5/7/18

(SIGNATURE OF SUBMITTER OR PERSON AUTHORISED OF BEHALF OF SUBMITTER)

A SIGNATURE IS NOT REQUIRED IF MAKING YOUR SUBMISSION ELECTRONICALLY. FOR MORE INFORMATION, GO TO [CONSULTATION.UPPERHUTTCITY.COM](http://CONSULTATION.UPPERHUTTCITY.COM)

# Proposed changes to the Bylaw

Tell us what you think of the proposed changes to the Control of Advertising Signs Bylaw.

DO YOU SUPPORT THE ADOPTION OF THE CONTROL OF TEMPORARY SIGNS BYLAW 2018?  YES / NO

I SUBMIT:

PLEASE ATTACH ADDITIONAL PAPER IF REQUIRED.

DO YOU WANT TO PRESENT TO COUNCIL ON THE BYLAW IN PERSON? YES /  NO

(IF "YES" WE WILL CONTACT YOU TO SCHEDULE A HEARING TIME)

## Submission on Upper Hutt Council's Plan Change 45 – Signs

The following is my formal submission on the above plan change. In addition to being an Upper Hutt resident, I am a full member of the New Zealand Planning Institute. Although I am not directly affected by the proposed plan change, I have decided to make a submission in the interests of promoting good planning practice.

I am undecided as to whether I wish to make a verbal submission. I would not wish to require the Council to hold a hearing with its associated costs, just to hear my own submission. However, should a hearing need to be arranged as a result of submissions from other parties, I would consider making a verbal submission.

It is also possible that my issues may be satisfied at a later date, through the Council's response to submissions.

### General comment

The Council's intentions in relation to the proposed plan change is supported.

The creation of a new chapter within the District Plan for signage is supported.

The split of regulatory functions for signage between the District Plan and Bylaws is supported.

The creation of specific policies and objectives for signage, which apply in multiple zones is supported.

The engagement of an urban designer to assist in the Council's review of signage is commended.

Nevertheless, it is requested that consideration be given to a revised layout and rewording of specific provisions to improve their clarity and precision. As well as making it easier for the public to use the District Plan. Some additional planning standards and matters of consideration are also recommended.

I acknowledge that signage provisions have generated a low number of resource consents and that few signs have been identified as having an unacceptable effect. Nevertheless, the rolling review process for updating District Plan provisions, does provide an opportunity to improve upon existing provisions. The Council needs to consider the future potential of harm under the existing and proposed provisions, not just whether existing provisions have led to harm. This is because, few landowners undertake permitted activities to the full extent that they are allowed.

Whilst Territorial Authorities in the Wellington region have a variety of approaches to signage, it is considered that the compatibility of the proposed provisions with the decisions of Kapiti Coast District Council in November 2017 regarding signage in the Proposed Replacement Kapiti District Plan, should be specifically reviewed with commentary given as to why a similar approach is or is not appropriate. My understanding is that this represents the most recently reviewed signage provisions in the Wellington region.

It is suggested that matters of consideration or discretion for Restricted Discretionary activities, that is, signs which do not comply with permitted standards be relocated to a separate heading titled Restricted Discretionary Activities. It is more common to find a list of matters of consideration under the relevant activity status, rather than under permitted standards.

Specific comments

Objective 8A.3.2.1

This objective is supported. It refers to key issues related to signage.

Policies 3A.3.3.1 and 3A.3.3.2

The intent of the policies is supported.

Policy 8A 3.3.3

The general intent of the policy is supported. Reference to the following is particularly supported:

- Appropriate scale of signage;
- Does not result in additional visual clutter;
- Does not dominate the skyline;
- Integrates with the façade of buildings (where signs are attached to buildings); and
- Limits signs which are not sited on the site to which they relate.

Reason: It is considered beneficial to provide details as to the types of outcomes sought, which go beyond the more generic references to the maintenance or enhancement of amenity.

Subsection (d)

Requested relief – the word ‘residential’ is deleted.

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

Reason: The proposed provisions appear to seek to protect more than just residential amenity and seek to manage wider visual impacts on the streetscene in a variety of zones.

Subsection (e)

Requested relief – Relocate matters of consideration for resource consents for signs which are not sited on the site to which they relate out of the policy section and into the rule section of the plan.

Reason: It is confusing to list matters of consideration for particular types of resource consent, in the policy section of District Plans. It is more appropriate for the policy section to refer to the outcomes sought or effects to be avoided and move matters of consideration to the rule section of the District Plan. Such as under the heading of matters of consideration for resource consents with a Restricted Discretion or Discretionary activity status.

The following policy wording is suggested.

limits 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 values 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 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.~~

There are multiple types of signage which are commonly located away from the site to which they relate. It is arguable that all see a need to be located off-site<sup>1</sup>, although some arguments are stronger than others. For example, there is generally less concern over advance or directional signage for a specific business (e.g. café entrance 50m).

The Council may wish to be more specific about the types of signage it wishes to minimise or discourage. It is assumed that signage of higher concern would be for the advertisement of general products, rather than a specific business – e.g. billboard advertisement of a type of ice-cream/drink which is available for purchase at multiple locations. However, even some of these signs can have positive effects, such as rental income from the display of adverts at public bus stops and contributing to a sense of colour and activity in commercial areas. The ability to display general advertising at sport and recreation facilities could represent an important source of funding to a local sports club.

#### Policy 8A.3.3.4

Requested relief: Minor changes of wording to:

- (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.

Reason: the words 'limited set' are superfluous. Larger duration is poor grammar. It is preferably to specify the criteria which trigger resource consent for temporary signs.

#### Policy 8A.3.3.5

The policy is supported. It is important that signs maintain road safety.

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<sup>1</sup> It makes no sense to submit a consent for a sign which is not needed. However, need could cover the need for sales revenue and higher public awareness.

#### Rules 8A.3.4.

It is suggested that consideration be given to the placement of limitations on illuminated signs which are 'static' in design, particularly in Residential and Rural zones where illumination is less expected. Under the proposed activity list, 'static' illuminated signs are a permitted activity.

Section 3.1 of the UrbanEdge Planning Ltd. Urban Design Report commissioned by Upper Hutt City for the proposed plan change, states under Section 3: Urban Design Principals for Signage that

"Flashing, illuminated, reflective or animated signs should not adversely affect the amenity values of neighbouring areas, especially residential areas and at night." (emphasis added).

Section 5 of the report recommends that "No illuminated, flashing or animated signs" be used in the residential zones.

Proposed policy 8A.3.3.3 also specifically refers to managing illuminated signs.

Requested relief: Illuminated signs (including static and flashing signs which are either externally and internally illuminated) are a Restricted Discretionary or Discretionary activity in Residential and Rural zones.

Consideration is given to requiring resource consent for illuminated signs in Open Space, Business and Industrial zones which are sited less than 10m from a residential zone.

#### Comment on Discretionary Activity Status

Whilst no in-principle objection is raised to the use of a Discretionary activity status for signs which incorporate movement, changing content, digital content or are located away from the site to which they relate; it is unclear why the matters of discretion listed for signs with a Restricted Discretionary activity status or those suggested in policy 8A.3.3.3 are not sufficient to cover the relevant matters of discretion for these types of signs.

A Discretionary Activity Status principally differs from the Restricted Discretionary status, because the Council is able to consider a wider range of matters than that specifically referred to in the plan, including the full list of policies in a District Plan. It is not inherently a tougher test for resource consent applications than the Restricted Discretionary status. Applications likely to pass the assessment criteria for restricted discretionary matters for signage are also likely to pass the test for Discretionary matters.

Nevertheless, there may be a valid argument that these types of signs have been relatively uncommon in the Upper Hutt District and that few signs of this nature are anticipated.

Consequently, it may be more cost-effective to deal with these as a Discretionary activity, rather than spending more resources on developing a more specific management regime for these types of signs at the current time.

#### Permitted standard 8A.3.4.9

Concern is raised that the permitted limit on signs in the residential and open space zones is overly restrictive, for those sites where non-residential activities (particularly commercial or community use) have been lawfully established. For example, it is common for residential zones to contain uses such

as community halls and child-care centres. It is reasonable for a childcare centre to have multiple signs which are visible from the road frontage, such as a sign attached to the fence and a sign on the front elevation of the building.

It is also reasonable for some types of home-occupations (e.g. hairdresser/accountant), B&B's/guest houses and commercial uses in rural zones (e.g. boarding kennels, equestrian activities and paintball) to also have more than one sign.

Concern is also raised over the term "visible in any one direction" in subsection a) and c). It is considered that this phrasing is imprecise and invites debate as to whether multiple signs are visible in more than one direction or not. 'Direction' has the potential to be narrowly or more widely interpreted, for example it could describe facing or non-facing traffic travelling along a road or each angle on a compass.

It is preferable to group all permitted standards which relate to the same type of sign or signs in the same zone together, even when this leads to some repetition. It is recommended that provisions for signs in Open Space zones be separated from Residential and Rural zones. The suggested rewording and format is considered to be simpler for District Plan users to read. It also clearly identifies that particular types of signs are not permitted activities.

The suggestion provides for a more realistic number of signs on properties within the Residential and Rural zone, whose principle purpose is non-residential, such as child-care centres.

It is unclear what is the need to place a permitted limit of 2m<sup>2</sup> on the size of signs in the Open Space one which are used for interpretation or identification, given other proposed limits on the size of signs attached to buildings and free-standing signs. Council's also have alternative means of control over advertising in Open Space zones, such as through reserve management plans and lease agreements, and are often the landowner of this type of land.

The reference to signs on buildings not covering windows in the residential zone is confusing. Is this intended to prevent the loss of residential features (e.g. board placed over the entire window frame) or is it intended to prevent the advertisement of products/events in windows visible to the public? As the placement of signage in shop front windows is commonplace in commercial areas, it is unclear what is the harm that the Council is seeking to prevent. The provision appears to prevent a community hall/theatre in the residential zone from placing notices of future events within windows. The provision as worded is overly restrictive.

The size limits for signs in Open Spaces which are directly visible from public roads or residential zoned areas, also appear reasonable for those which are not. The resource consent process would provide an avenue for approving larger sizes, which have acceptable impacts. It is also noted that page 14 of the urban design report identifies that:

*"The existing District Plan provisions allow painted signs on a wall, fence or roof of a building to cover 10% of the wall, fence or roof area. There is also no restriction on signs that are internal to the site and are not visible from any public roads or residential boundaries. These provisions are considered to be overly generous, given the aesthetic value of open space areas..." (emphasis added).*

The following wording is suggested

Signs in Residential and Rural Zones are permitted activities for:

- (a) ~~In Residential Zones 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 1.5m<sup>2</sup> in Residential zones
- (iii) No larger than 3.0m<sup>2</sup> 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

- i. Have no changing content;
- ii. Are not in a digital format
- iii. Are situated on the site to which the sign relates
- iv. Are not illuminated within 10m of a Residential zone
- v. No larger than 3m<sup>2</sup> for signs attached to buildings
- vi. No larger than 0.5m<sup>2</sup> for signs used for marking tracks
- vii. No more than one free-standing sign per 100m of road frontage
- viii. No larger than 4.5m<sup>2</sup> for free-standing signs or signs attached to walls/fences
- ix. Free-standing signs up to 3 metres above ground level or have a width up to 2m.
- x. 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.

Requested relief: Consideration is given to the suggested rewording and reformatting and any consequential adjustments are made to the proposed provisions.



#### Permitted standard 8A.3.4.10

It is suggested that the wording of the provision be amended to improve clarity. It is unclear what is the difference between free-standing signs and signs for the direction of traffic. That is, it is anticipated that signs for the direction of traffic are a type of free-standing sign. Consequently, it is suggested that permitted standards in this standard be combined with 8A.3.4.12.

It is considered that a limit should be placed on the use of illuminated signs within close proximity to a residential zone. This would allow for the assessment of any effects on neighbour amenity from the use of illumination.

The following is suggested

#### Free-Standing Signs in Business Commercial Zones, Business Industrial Zones, and Special Activity Zones

- (a) one free-standing sign for sites with a road frontage less than 50m;
  - (b) two free-standing signs for sites with a road frontage of more than 50m;
  - (c) maximum height of free-standing signs above ground level is
    - (i) 8m in Business Commercial Zones.
    - (ii) 9m in Business Industrial and Special Activity Zones.
  - (d) Free-standing sign of up to 2m width.
  - (e) Maximum area used for advertising on a free-standing sign is no more than 7.5m<sup>2</sup>.
  - (f) Free-standing signs higher than 4m above ground level in the Business Industrial Zone are located a minimum of 15m apart.
  - (g) Signs located over a pedestrian pathway have a minimum clearance of 2.5 metres above ground level.
  - (h) The above limits on the number of free-standing signs along the road frontage, does not apply to signs for the direction of traffic, providing:
    - (i) The maximum height of the sign (excluding frame) is 1m
    - (ii) The maximum area used for advertising on the sign is 0.5m<sup>2</sup>.
    - (iii) The content of the sign is limited to directions
  - (i) Have no changing content;
  - (j) Are not in a digital format
  - (k) Are situated on the site to which the sign relates, except for signs for the direction of traffic.
  - (l) Are not illuminated within 10m of a Residential zone
- m) 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, except for one free-standing sign at the road entrance
  - (ii) Maximum area used for advertising on a free-standing sign is no more than 20m<sup>2</sup>.

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.

Requested relief: Consideration is given to the suggested rewording and reformatting and any consequential adjustments are made to the proposed provisions.

#### Permitted standard 8A.3.4.11

Signs on buildings and other structures in Business Commercial Zones, Business Industrial and Special Activity Zones

It is suggested that the provision is reworded as follows.

- a) Signs are no higher than building/structure to which they are attached
- b) The maximum area of any sign is
  - i) 5m<sup>2</sup> for Business Commercial and Special Activity Zones;
  - ii) 10m<sup>2</sup> for Business Industrial Zone.
- (c) the total area of all combined signs does not exceed 30% of the total area of that building façade or structure.
- (d) A minimum horizontal separation distance of 5 metres between signs on the same floor level, except for the ground floor.
- (e) Any sign located on the parapet of a building shall not exceed an area of 5m<sup>2</sup>, 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 0.6 metres.
- (h) Signs below verandas which overhang pedestrian pathways, have a minimum clearance of 2.5m above ground level.
  - (i) Have no changing content;
  - (j) Are not in a digital format;
- (k) Are situated on the site to which the sign relates.
- (l) Are not illuminated within 10m of a Residential zone
- (m) 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 7.5m<sup>2</sup>.

Reason: The suggested wording is considered to provide better clarity.

It is not clear why a sign above 10m<sup>2</sup> would be needed on side and rear elevations of the Business Industrial Zone, and the exemption suggested for these elevations is of awkward wording. If this exemption is needed, the exemption should be more explicitly worded.

A standard requiring a maximum horizontal separation between first floor signs makes little sense. Although this provision is taken from page 12 from the design report, the last paragraph on this page is considered to be internally inconsistent. The comment:

*“As such, when viewing the building from a moving vehicle, a separation distance between signage allows the driver to process each sign more clearly and safely. It also reduces the visual clutter on the building when viewed from a distance, where the level of detail is less likely to be seen.”*

makes more sense for minimum rather than maximum separation distances. It should be checked if the author had intended to use the word ‘minimum’ rather than ‘maximum’.

The proposed provision regarding height of signs on fascia is considered unclear and simplification is suggested.

Subsections a) and f) are inconsistent. A sign is either allowed to project from the façade of the building or it is not.

It is unclear what is the need to prevent signage on the façade of buildings facing Eastern Hutt Road in Appendix 3, as signage on business/industrial premises is generally expected. Provisions relating to free-standing signs on this site, should be relocated to 8A.3.4.10.

Requested relief: Consideration is given to the suggested rewording and reformatting and any consequential adjustments are made to the proposed provisions.

#### 8A.3.4.13 – Traffic safety

Whilst no objection is raised to the content of the standards, the standards generally apply to signs in road corridors/verges.

It is therefore suggested that the heading be changed to ‘standards for signs in road corridors’. If it is considered that one or more of these provisions also needs to apply on private land (such as height clearances for signs below verandas), it is suggested that the relevant standard be incorporated with other standards relevant for that zone.

#### Matters of Discretion 8A.3.4.14

Matters of discretion are generally supported. They are considered to be relevant considerations. They allow for the consideration of positive and negative effects.

Subsection (b) could be alternatively worded to a more neutral fashion e.g.

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 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.

It is suggestion that subsection (e) be divided into two points, as it raises two separate issues.

For example

- (e) Whether there are any special circumstances or functional need for proposed signage including operational, directional or safety reasons;
- (f) Whether vegetation or landscaping is proposed to improve the appearance of the site.

Requested relief: Consideration is given to the suggested rewording and reformatting and any consequential adjustments are made to the proposed provisions.

#### 8A.3.4.15 Matters for consideration for transport safety

The matters for consideration are supported. These are relevant considerations. They allow for the consideration of positive and negative effects.

#### 8A.3.4.16 Matters of consideration for temporary signs

It suggested that matters of consideration include the impact of signage on streetscene character and amenity, rather than just residential amenity. Signs are more likely to affect the visual quality of streets, than directly harm the amenities of neighbouring properties. These could be similar to those used for permanent signs.

For example:

Whether the sign is compatible with the visual character of the area in which it is situated.

Whether the sign results in additional clutter of signs on the site or road corridor.

New matters of consideration for signs not located on site to which they relate

It is suggested that the following considerations are relocated from the policy section to the matters of discretion section.

- 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 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.