Submission to Plan Change 45 Hearing Panel on Signs.

In response to additional information received, particularly the Council Officers Section 42 report and suggested amendments to the initial set of provisions notified, I thought it would be helpful to identify in writing if this information has had any impact on my previously expressed views. Comments contained in my original submission should still be taken into account, except where indicated otherwise.

I appreciate the opportunity to present my submission to the hearing panel.

I appreciate the time taken by Council and its consultants in responding to submission points.

General point

The proposed provisions do not clearly identify for advertisers/promotors the types of signs which are more or less likely to be favourably considered through the resource consent process.

Rather they generally identify the activity status of signs, any permitted standards which apply and relevant assessment criteria. The plan provision also specifies that for resource consent applications for signs which do not relate to their site, also need to include an assessment of compliance with relevant policies. These items are largely procedural.

Proposed policies and objectives are broadly stated and it is possible that advertisers and Council officers could hold widely different views as to what is the need for a sign and its effect on the visual amenities of the surrounding area. Whilst specialist advice could be obtained to assist with the assessment of effects on signs on traffic safety or the style of particular buildings, the visual effects of signs on local character and amenity are inherently harder to judge and open to considerable subjective judgement. There is no clear scientific method available to reach a decision.

The Council should consider the creation of a non-statutory design guide to provide more specific and user-friendly advice as to the types of signage which are more or less likely to be favourably considered. This should contain pictorial examples of signs which are acceptable and the types of signs which Council would most like to discourage.

Furthermore, it is considered that policy direction regarding the type of signage which it appears most concerned about (reflected in its higher activity status) is relatively weak. This could hinder the ability of the Council to negotiate amendments or decline a sign which it considers to be undesirable. Policy strength is not determined by the activity status of an application or even the theoretical potential for notification, rather it is principally achieved through clear direction as to what an activity needs to achieve (or avoid) in order to be considered acceptable through the resource consent process.

Whilst the Discretionary activity status theoretically allows a Council to consider all possible relevant matters, overseas planning policy in England (National Planning Framework 2019 revision) and Wales clearly identifies that the only relevant considerations for signage is effects on amenity and transport safety.

Policy strength would be greatly improved by being more specific through either District Plan provisions or non-statutory guidance as to what types of signs are considered to maintain or harm the character and amenity values of the surrounding area.

Policy 8A 3.3.3

Subsection (c)

Following the revision of other proposed provisions in the plan change which have replaced the term, 'façade' with elevation, it is wondered whether this change in expression should be applied consistently across the signage chapter.

It would be better for this subsection to make clear whether this policy is intended to apply to the front elevation of a building, all elevations or all visible elevations from a public vantage point (e.g. road/footpath/public space).

Subsection (d)

The wording of this policy provision as identified in the Council officers report is considered satisfactory.

It is acknowledged that visual amenity is specifically referred to in 8A.3.3.3 (b) and amenity is referred to in other policies and objectives.

There is no harm in specifically referring to residential amenity in policies, although it should be recognised that signage rarely affects residential amenity. Effects on residential amenity can generally be controlled through means such as buffers/set-back distances and restrictions on illumination and noise. Concerns by nearby residents are more likely to relate to changes to the visual appearance of residential neighbourhoods, which is not the same as residential amenity. Effects on residential amenity from signage is more of an issue in mixed use neighbourhoods, where commercial premises operate in close proximity to dwellings outside of standard business hours. Upper Hutt does not currently contain mixed use areas.

Subsection (e)

The wording of this section could be improved for greater clarity and policy direction.

New section 18A of the Resource Management Act specifies

"Every person exercising powers and performing functions under this Act must take all practicable steps to:…

b) ensure that policy statements and plans…

ii) are worded in a way that is clear and concise".

The policy contains inconsistent language with

"Ensure that the location and design of signs is provided for in a way that:…

(e) limits signs which are not situated on the site to which they relate…."

The word 'ensure' and 'provide for' has strong positive associations whilst limit has strong negative associations. It is confusing to use these terms in the same policy.

It would be better to provide for subsection (e) as a new policy e.g. 8A.3.3.4

It would also be preferable to provide stronger policy direction on the assessment of resource consents for signage on sites which they do not relate. Rather than simply identifying matters of consideration or assessment criteria for these types of applications, it is better to identify under what circumstances are they are more likely to be favourably considered (e.g. where there is a need for off-site signage, the character and the amenity values of the surrounding area are maintained and there are no adverse effects on transport network).

Policy 8A.3.3.4

The amended wording of the policy contained in the Section 42 report is supported.

Rules 8A.3.4.

No objection is raised to the amended Activity Status Table.

It is advised that the Council check that the wording of subsection 7 does not have any unintended consequences for Open Space. My experience has been is that Council owned land parcels which collectively form larger areas of open space, are often made up of multiple legal land parcels – which can create some confusion as to what is the boundaries of a site.

Please refer to comments under 8A 3.4.15

Permitted standard 8A 3.4.8

Subsection (e)

Please refer to comments under 8A 3.4.13 subsection (i) regarding terminology.

Permitted standard 8A.3.4.9

Earlier comments continue to apply.

Subsection (a)

I have tried to more clearly express my concern with the terminology of "visible in any one direction". I note that I do not recall the use of this terminology in other recently reviewed District Plans such as the

- Auckland Unitary Plan
- Dunedin 2nd Generation District Plan
- Queenstown revised District Plan
- Christchurch Replacement District Plan
- Kapiti Coast Replacement District Plan
- 2018 Review of the signage chapter of the Palmerston North District Plan

Whilst this term forms part of the operative plan provisions, little weight should be given to this consideration given:

- The District Plan was adopted in 2004, with many plans of this era being drafted and notified in the 1990's. Many 2nd Generation District Plans have abandoned the writing styles of earlier plans as no longer appropriate.
- It is unclear what was the level of scrutiny given to this terminology at the time of drafting/adoption. Provisions with attract higher numbers of submissions tend to have higher scrutiny.

Diagrams 1 and 2 show child-care centres in Auckland located in residential areas.

The first childcare centre has signage on

- Front fence facing directly in front of the site
- Free-standing sign adjacent driveway facing both lanes of traffic
- Signage attached to the front elevation of the building

Please clarify whether the signs on the fence and the free-standing sign are considered to face the same direction or not, or whether they are considered to face three separate directions (e.g. north, south and east).

Diagram 2

This childcare centre has

- A free-standing sign adjacent the front property boundary facing both lanes of traffic
- Two signs attached to the front elevation of the building, one below and one above eaves height.

Please clarify whether the company sign attached to the front elevation of the building, faces the same direction or not as the free-standing sign?

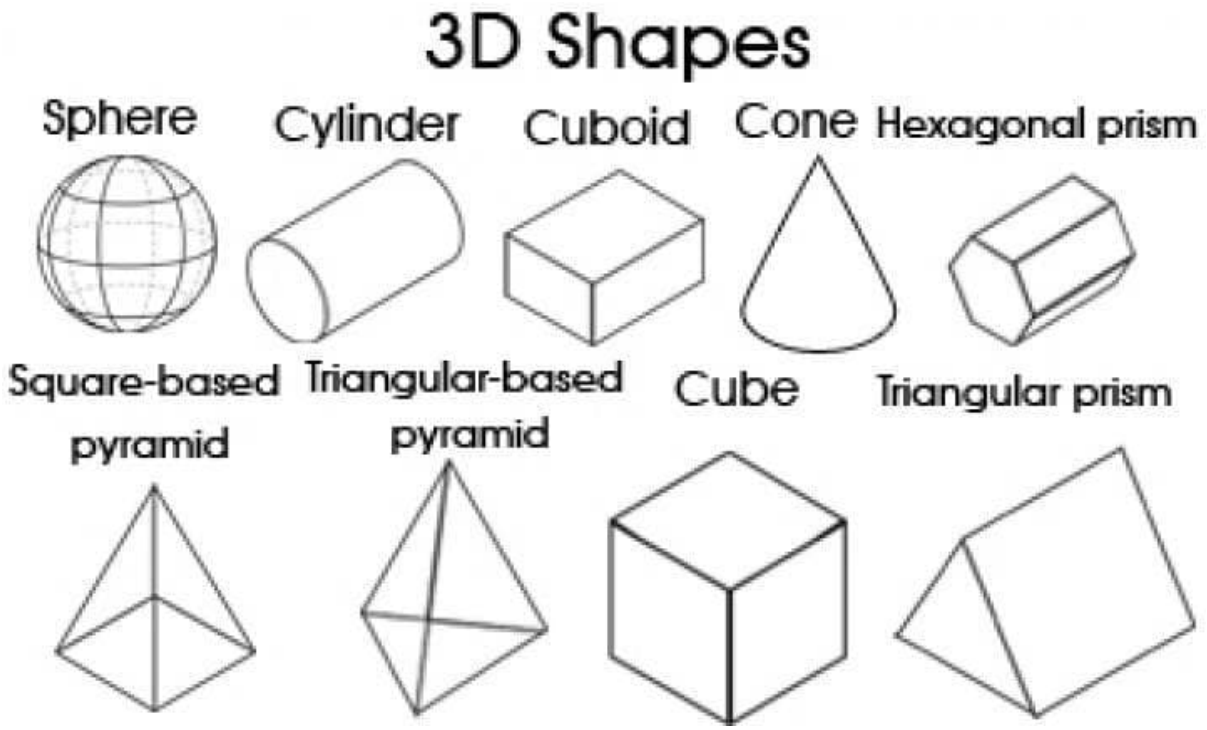
In both cases, I consider there is reasonable grounds to argue that two different sign types (e.g. free-standing and signs attached to the building or fence) face different directions and as a consequence multiple signage of this nature within a residential zone is a permitted activity.

This conflicts with the statement made in paragraph 120 of the Section 42 report that

"The provisions of one sign per site up to 1.5m2 in area within the Residential Zone is an existing permitted standard".

Whilst the intention of rule 8A.3.4.9 may be to restrict signs to one per site, this is not what the rule says. The use of the comma after 'per site' followed by the words 'visible in any one direction', suggests that this numerical restriction only applies to signs which are visible in the same direction and consequentially does not apply to signs which are 'not visible' from the same direction.

Furthermore, not all free-standing signs are designed to be perpendicular to the road. It is theoretically possible for a sign to be attached to a three-dimensional solid shape. Would it be possible for a premise to get around the intended restriction of one sign per residential site (or one free-standing site for each business premise with a frontage of less than 50m) by putting a company name on each face of a hexagonal prism or different arc of a sphere?



Another area of uncertainty is where ground levels vary over a site, such as the large 'Pick a Part' site along Eastern Hutt Road, Taita. Some of the signage on this site is at road level and other signage is on higher land and painted with white lettering onto a wall several metres above the road level. The raised signage is particularly prominent in the surrounding area. Would signs at different ground levels be considered to face the same direction or not?

The stated intention of providing for only one sign as a permitted activity within residential zones is unlikely to meet the business needs of any commercial or community-use operator within a residential zone.

It is acknowledged that it would be possible for commercial operators to address this situation through the resource consent process. However, there is still a risk that some operators may breach the limit without consent. The risk of breach of permitted conditions appears higher for lower value items. It should be recognised that the cost of purchasing signage in some cases, could be similar to or less than the cost of lodging a resource consent (especially if professional help is sought in the preparation of consent documents).

My experience as a planning officer working for Local Councils overseas, was that a number of signs were put up which required planning consent which they had not obtained. Whilst the Council would have the option of pursuing enforcement action if

this occurred, there is little practical benefit in pursuing activities which would have gained resource consent had it been applied for.

Contrary to the comment made by the NZTA, a provision which allowed existing commercial activities within residential zones to have three signs as of right (that is, as a permitted activity) would not lead to a proliferation of signage, as generally only a small proportion of residential zoned properties are used for a principal purpose other than residential accommodation.

Nor is my suggested limit of three signs considered to be detrimental to the character and appearance of residential areas, as in the case of pre-existing commercial activities, the character would already have been affected by the non-residential use of the land and the signage would simply be consistent with this use.

Subsection (g)

Thank you for the clarification regarding windows. This addresses my concern.

Subsection (h)

I have not spotted a response in the Section 42 report to my comment in my original submission that:

"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).

My suggested wording for 8A 3.4.9 in relation to signs in the Open Space zone deliberately excluded the exemption from size limits specified in (c)(iii) for signage not directly visible from any public road or the boundary of any residential zone and suggested a size limit for signage attached to walls/fences.

Subsection (i) and (j)

Support is given to the new permitted standards in 8A 3.4.9 (i) and (j) in the Section 42 report.

Permitted standard 8A.3.4.10

Subsection (a) and (d)

Please refer to comments on the term '*visible in any one direction'* made under 8A 3.4.9

Thank you for the clarification regarding the purpose of rules for free-standing signs and signs for the direction of traffic.

Subsection (g)

Support is given for new subsection (g)

Subsection (h)

This subsection appears to be a repeat of subsection (g)

Permitted standard 8A.3.4.11

Subsection (a) and (b)

Support is given for the revised version outlined in the Section 42 report.

Subsection (c)

Concern is raised over the substitution of the word 'façade' with 'elevation' in this context.

The revised provision suggests that a business premise as a permitted activity could have multiple signs covering the majority of the front elevation (façade) of the building, providing this was balanced out by less signage on less visible side or rear elevations, so that total proportion of signage to building elevations remained under 30%.

It is suggested that the provision be reworded so a limitation is placed on the proportion of signage allowed as a permitted activity along the most visible elevation, so as to not visually dominate the building with signage, consistent with policy 8A 3.3.3 (a).

The suggested wording reflects that it is possible for a front elevation not to face a public road.

For example:

"The total area of all combined signs does not exceed 30% of any elevation facing a public road or 30% of the total area of all elevations of that building/structure."

Subsection (d) and (e)

Support is given for the revised subsection contained in the Section 42 report.

Subsection (h)

It is acknowledged that the revised subjection matches my suggestion in the original submission.

On further reflection, an exemption may be worthwhile for electronic signage which changes relatively slowly, such as once or twice a day, as opposed to several times per hour. For example, Business Open and Closed signs or Vacancy/ No Vacancy signs. Clarification is also requested as to whether provisions are also intended to apply to other items such as time and temperature displays.

Subsection (i)

No objection is raised to this provision.

8A 3.4.12

No objection is raised to the changed sign dimensions referred to in the Section 42 report.

8A 3.4.13

Subsection (c)

Whilst no in-principle objection is raised to this modified provision, it is considered that the restrictions could be more simply expressed. Subsection (i) and (ii) require a minimum setback of signs of 100m from any road intersection, and 200m for higher speed roads. This specification negates the need for the first part of the rule, as the required level of setback should ensure that no obstruction of line of sight occurs.

It is suggested that speed limits are written out in full for easier comprehension.

For example: For roads with a posted speed limit of over 70 kilometres per hour, no signs shall be located within 100m of traffic intersections, permanent road signs, traffic signals or pedestrian crossings…..

Alternatively, it could use the same format as subsection (f) *"speed limit is 70km/hr or greater"*

Subsection (g) and (h)

No objection is raised to these subsections as written in the Section 42 report

Subsection (i)

No objection is raised to the intent of this provision. It is suggested that the use of an abbreviation is taken out of the table heading and replaced by 'Candela per square metre'. Whilst this abbreviation may be common knowledge for lighting professionals, it is not a commonly used abbreviation.

Concern is also raised that the terminology *"visible from a road"* is likely to lead to a debate as to whether the permitted standard applies to a particular sign or not. In less built-up areas with a predominance of low-height buildings and rolling topography, it is theoretically possible for a sign to be visible from a road, when positioned over 100m from the road carriageway.

It would be clearer to either require all illuminated signs to comply with this standard (which would most likely also have advantages in terms of managing visual effects as well) or alternatively specify what distance from the road carriageway an illuminated sign would need to be, to be exempt from the proposed standard.

8A 3.4.14

The proposed modifications to the matters of consideration are supported.

8A 3.4.15

Subsection (d)

Whilst no in-principle objection is raised to new subsection (i), concern is raised as to the phrasing suggested in the Section 42 report. The expression '*resulting in distraction to road users'* has very negative connotations, and it suggested that this subsection be modified to a more neutral and less wordy manner. For example:

(a) Whether there would be…..due to:
    (i) Use of illumination or existence of glare

I am not sure why proposed (a)(i) in the Section 42 report specifically refers to illumination and glare for digital signs only. Adverse illumination effects can occur from other types of illuminated signs as well.

If the purpose of (d)(a)(i) is actually to discourage rather than manage the use of illuminated digital signage adjacent road carriageways, this should be explicitly identified.

A possible solution could be the identification that any illuminated or digital signs which do not comply with performance standard 8A 3.4.13 (i) are a Discretionary or Non-Complying activity in the Activity Status Table.

This would be an appropriate raising of the activity status above the starting point of Restricted Discretionary for all digital signs, for any type of sign specifically identified

as hazardous to road users. The activity status table at present identifies all types of digital signage, regardless of compliance with the proposed illumination standard as a Restricted Discretionary activity.

8A.3.4.16 Matters of consideration for temporary signs

New subsection (e) as written in the Section 42 report is supported.

Allison Tindale

27 April 2019