



# Shaping Whanganui

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## Whanganui District Council District Plan Review Phase Six

# Section 32AA Report –

## Proposed Plan Change 42 (Signage Provisions) **Revised report for Decisions**

Dated:

July 2016

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# 1. INTRODUCTION

## 1.1 PLAN REVIEW PROCESS

Section 79 of the Resource Management Act 1991 (the Act) requires Council to commence a review of its plans at least every 10 years. Recent amendments to the Act clarify that whole plans need not be reviewed. A Council may choose to review plans in part.

The existing provisions have been developed at different times and under different scenarios. There are some provisions that have been in the Plan since it was first developed but others have been operative for a shorter period of time. Others have been included in recent plan changes. The intention of the review is not to meet a specific deadline under section 79 but to ensure the provisions in the plan are efficient and effective in managing the resources in the district and ensuring that Council's obligations under the Act are met.

The Act does not detail how a Council must review its plans. However consideration of the efficiency and effectiveness of existing provisions is considered the first step. Section 32AA of the Act requires Council to carry out an evaluation of options before deciding on a proposed plan change. These matters are discussed throughout this report. The efficiency and effectiveness of the provisions in achieving the stated objectives is analysed in this report, as are the various options that were considered.

## 1.2 STATUTORY AND LEGISLATIVE FRAMEWORK FOR THE REVIEW

### 1.2.1 Resource Management Act 1991

Section 74 of the Act requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the Act:

*31 Functions of territorial authorities under this Act*

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*

...

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined:

*5(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:*

- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the Act.

### **1.2.2 Regional Policy Statement**

In addition, the Act requires District Plan provisions give effect to the Regional Policy Statement (section 75(3)). The Regional Policy Statement (RPS) is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context, and in this regard, guides the development of lower tier plans, including the District Plan.

The Manawatu-Wanganui Regional Council (Horizons) combined the Regional Policy Statement and six Regional Plans into one document called the One Plan. The One Plan became operative on 19 December 2014.

With regard to the One Plan, there are no provisions which are of particular relevance to advertising and which fall under Whanganui District Council’s jurisdiction. Therefore, for the purposes of this evaluation, it is considered that the proposed District Plan provisions relating to signage have given regard to the regional documents.

### **1.2.3 Other Plans & Strategies**

Another matter to which Council must have particular regard is other management plans and strategies. Those which are relevant to signage matters are discussed below. They have informed the preparation of this section 32 analysis.

### Signage By-law 2015

The Signage By-law was made operative 12 October 2015. It was developed alongside the District Plan review of the advertising provisions to reduce the number of Council documents that referred to signage and to provide a cohesive approach to managing signs. The by-law deals with signs on Council land as well as signs that are offensive or have the potential to be a traffic hazard. The by-law replaced the following Council resolutions, the majority of which were in conflict with the District Plan provisions:

- a. Erection of Election Signs Policy Local Government and Central Government Elections Policy 2014;*
- b. Approve Entranceway Signage – Prohibition of Gang Insignia Bylaw Notice 2009;*
- c. Smokefree Policy in Parks and Open Spaces 2006;*
- d. Directional Signs Policy 2002;*
- e. Encroachment in Airspace on Road Reserves 2002;*
- f. Wanganui in Bloom – Extension of Time for Building Consent 1997;*
- g. Election Signs 1993;*
- h. Illegal Advertising Signs – Roads and Footpaths 1993;*
- i. Use of Streets for Signboards – Central Business District 1992;*
- j. Electioneering 1986; and*
- k. Sign Boards at Entrance of City 1984.*

This proposed Plan change takes into account and is generally consistent with Council's direction for managing signage included in the By-law.

### Arts Policy; Public Art Strategy Guidelines

The Council promotes the use of art within the District. Recognising that art works (even with sponsors) will enhance the amenity of the area, the definition of sign is proposed to be amended as part of this Plan change, to specifically remove art as a type of sign, to allow more of these installations to occur. Art in public places still will need to be approved by the Art Steering Group and all art will be subject to the performance standards (including structure rules) in the District Plan.

### Plaques and Memorials Policy

The Council promotes the use of memorials and plaques within the District. Recognising that historical features are part of the amenity and economic viability of our community, the definition of sign is proposed to be amended as part of this Plan change, to specifically remove plaques and memorials on public land as a type of sign, to allow more of these

installations to occur. Plaques and memorials will still be subject to the Signage By-law to control pedestrian/pram/wheelchair/mobility scooter safety and the District Plan performance standards (including structure rules) in the District Plan.

### Parks and Open Spaces Strategy

The Council under this strategy installs and maintains signs in public spaces which inform local and international visitors. Such signage is for public enjoyment and safety; the limits for 'property identification' signage and 'tourist publicity' signage are proposed to be part of this Plan change where this will have no adverse effects on the environment.

## **2. PART 1 – PROPOSED PLAN CHANGE**

### **2.1 BACKGROUND RESEARCH**

Signage is an essential part of many activities. However there is the potential through inappropriate size and location for signage to cause adverse effects on traffic safety and local amenity.

Signs are controlled through a number of mechanisms. Electoral signs are controlled through the Election Act 1993. Signs on state highways are controlled through the New Zealand Transport Agency Signs on State Highways Bylaw 2010.

Signs on Council owned land or those likely to be deemed a traffic safety risk are to be controlled primarily through the Signage By-law 2015. This By-law was written in conjunction with the proposed Plan change for signage to ensure consistency and to replace Council's numerous resolutions relating to signage.

The proposed Plan change for signage primarily focuses on the effects of signage on or affecting private property.

The requirement to manage signage is set out in the Act. There is a need to update the signage requirements for the District as shown by the number of consents issued over the past 5 years and the lack of complaints received over that same timeframe:

**Table 1: Consents granted and complaints received for signage rules between 2008-2013**

District Plan Provision	Number of Consents	Number of Enforcement Issues	Comments
Advertising	27	35	Most resource consents relate to commercial signage or an event that requires yearlong advertising. Most complaints come from signage on the road blocking driver visibility and breaching the rules.

Council determines approximately 110 resource consents per year. Signage equates to about 4% of consents processed each year.

Council typically receives 28 complaints per year relating to the Act (excluding noise). Of those, 21% relate to signage. This data suggests an issue with the effectiveness and efficiency of the current signage rules. It is intended that the proposed By-law will resolve some of these issues and combined with a review of the District Plan rules, the number of consents and complaints should drop, without a loss of amenity or traffic safety.

It is intended that the Plan will be more targeted in its management of signage to reduce the incidence of unnecessary regulation, but also to ensure clear guidance and tighter regulation of signage that creates more significant adverse effects.

## 2.2 CONSULTATION AND OUTCOMES

In 2014 the Whanganui District Council began consultation with members of the public to identify potential issues with the existing signage provisions.

Date	Location	Comments
<b>02/09/2014</b>	Have your say page, Council Website	A background document and survey on the current District Wide provisions (including signage) was posted online.
<b>6-7/09/2014</b>	Home and Living Show, Springvale Park	Introduced the review of the District Wide rules (including signage) at Council's stall, and promoted the survey. 9000 people attended the event.
<b>19/09/2014</b>	Letter to stakeholders	A letter was sent to stakeholders (identified based on commentary provided during previous plan changes) advising them of the review and recommending participation in the survey.

<b>23/09/2014 &amp; 14/10/2014</b>	Council Offices & Mainstreet Offices	Two discussions of the current District Wide provisions (including signage). Suggestions to expand signage provisions for heritage buildings to all buildings in display frontage streets. Also to specifically separate 'art' from signage to allow more installations. Recommended not to provide for banner signs as it is an advertising method that is on the decline due to cost of construction.
<b>22/10/2014</b>	Community Link Page, Online & Midweek paper	Promoted the survey and background information to the general public.
<b>October 2014</b>	Email Consultation	Consulted with Heritage New Zealand and New Zealand Transport Agency over proposed signage changes. Minor changes to language suggested.
<b>13/03/2015</b>	Business Group Presentation	A presentation to people with business interests in Whanganui to discuss the topics and gather feedback on the District Plan changes that could affect them.
<b>27/03/2015</b>	Shaping Whanganui – Phase 6  Council Website	Draft versions of the proposed provisions went online for comment. Response due 14 April 2015.
<b>28/03/2015</b>	Rivertraders Market	Introduced the proposed District Wide rules at Council's stall and requested feedback. Promoted website to see the draft text and maps.
<b>1/04/2015</b>	Email/Letter to stakeholders and owners	Letters sent to identified stakeholders and owners with link to draft provisions and 14 April 2015 deadline to respond.

Feedback from the community via the survey and the meetings mentioned a range of signage issues which are addressed within this report. Specifically, the signage issues raised are summarised as:

- Relationship to other signage documents needs to be clear.
- Wanted an increase in signage for community activities and real estate in Residential Zone.
- Wanted no more billboards for rent as they affected visual amenity.
- Wanted less signs at intersections as the ad hoc installation adversely affected amenity as well as being a traffic safety issue.
- Wanted to exclude art & memorials from signage provisions in order to encourage more within the District.
- Wanted clearer provisions for Health and Safety signage.
- Clear advice notes on when to contact the New Zealand Transport Agency



## 2.3 DESCRIPTION OF THE PROPOSED PLAN CHANGE

- 2.3.1 Proposed Plan change 42 (signage) would remove the existing advertising provisions which are scattered throughout the zones and combine the new provisions into a Signage chapter. The proposed new standards for each zone would be based on a review of the existing provisions and the feedback received through consultation. They are intended to be read in conjunction with the Signage By-law 2015.

Amendments are proposed to reflect current business practices by providing for temporary construction signs, signs on heritage buildings and health and safety signage.

Objectives and policies relating directly to the issue of signage are proposed to strengthen the understanding of the effects and the potential for mitigation. The references to signage in the zone policies are proposed to be retained to help provide context about what is the appropriate signage for each area.

- 2.3.2 Council is completing a phased review of the District Plan. Section 70 of the Act requires that where provisions have been reviewed and no changes are proposed, the existing provisions must still be publicly notified as if it were a change. For this reason the existing Plan rules relating to signage form part of Plan Change 42.
- 2.3.3 The relevant objectives and policies for specific zones were reviewed in 2012-15. A copy of these, are included here for completeness and are not subject to the Plan change process. The rules that relate specifically to signage are open to submission as part of proposed Plan Change 42.

## 3. PART 2 – SECTION 32AA EVALUATION

### 3.1 REQUIREMENT TO MAKE AN EVALUATION

The Act requires that when a Council undertakes a plan change it must produce a report evaluating the proposed provisions. This is known as a Section 32 Report. This report contains an evaluation of the proposed Plan change, prepared in accordance with section 32 of the Act (as amended 2013).

*The evaluation examines:*

- *the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (to promote the sustainable management of natural and physical resources), and*
- *whether, the provisions are the most appropriate way to achieve the objectives by*
  - *identifying other reasonably practicable options for achieving the objectives; and*

- *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- *summarising the reasons for deciding on the provisions; and*
- *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the proposal.*

*For the purposes of this examination, the evaluation must:*

- *Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions including the opportunities for –*
  - *economic growth that are anticipated to be provided or reduced; and*
  - *employment that are anticipated to be provided or reduced; and*
- *if practicable, quantify the benefits and costs referred to above; and*
- *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

## 3.2 CONSIDERATION OF METHODS

3.2.1 While the use of non-regulatory methods such as Council resolutions, strategies, policies, by-laws, education and information provisions have been taken into account, as a primary option these were not considered to be an appropriate stand-alone option for achieving the objectives of the Plan or the Act. Council resolutions, strategies and policies would only relate to Council owned land and not address the whole issue. By-laws (and associated permits) only look at the individual signs and are restricted when it comes to considering the effects on the wider environment or the activity being advertised.

It is therefore deemed most appropriate to maintain non-regulatory methods as supplementary to regulatory approaches. In investigating the best regulatory method of achieving the objectives of the proposed Plan change, three options were identified and considered.

3.2.2 The options considered are as follows:

	Options	Explanation
<b>Option 1</b>	Maintain the Status Quo – Do nothing.	Leave Plan as it is – no substantial changes made apart from formatting to be consistent with the rest of the Plan.
<b>Option 2</b>	Reduce regulation in the Plan by making all signage permitted unless listed.	Currently only the signage stated in the Plan is permitted. This option would reverse the status quo and state only the signage the community does not want in

	certain areas. All other signage would be permitted.
<b>Option 3</b>	Review current rules which state all signage is discretionary unless listed in the Plan. Allow for signage not currently covered in the Plan.
	Update the provisions to give effect to relevant documents and new signage types available since the Plan was last reviewed. Additional types of signage provided for as a result of review and consultation.

Each of these identified options is discussed in detail below.

One of the aims of Section 32 analysis is to identify a preferred approach as being more efficient and effective approach than other options in achieving the objectives of the Whanganui District Plan and the Act. The benefits and costs of each option are illustrated below.

	Benefits	Costs
<b>Option 1 – Status Quo/ Do Nothing</b>	<p>Least financial cost in processing the Plan change due to less research.</p> <p>Retain familiarity with the existing objectives, policies and rules.</p>	<p>Cost of Plan change process.</p> <p>No ability to consider new types of signage available since Plan was last reviewed.</p> <p>Continued conflict with other Council documents on the management of signage.</p> <p>Increased risk of legal liability due to insufficient objectives and policies.</p> <p>Cost of compliance with permitted activities and consent conditions requiring ongoing monitoring and enforcement.</p> <p>Council not fulfilling obligations under the Act.</p>
<b>Option 2 – Reduce regulation in the plan by making all signage permitted unless listed.</b>	<p>Statutory obligations of Council fulfilled.</p> <p>Provides for flexibility in the future by permitting by default new signs.</p>	<p>Cost of Plan change process.</p> <p>Potential for signs not listed to cause clutter and safety issues due to lack of controls.</p> <p>Cost of compliance with permitted activities and consent conditions requiring ongoing monitoring and enforcement.</p>
<b>Option 3 - Review current rules which states all</b>	<p>Statutory obligations of Council fulfilled.</p>	<p>Cost of Plan change process.</p> <p>Restriction on future types of signage.</p>

<b>signage is discretionary unless listed in the Plan. Allow for signage not currently covered in the Plan.</b>	More certainty for developers and owners on the type of work permitted and how applications will be assessed.  Plan effectiveness and efficiency addressed.	Potential to impose on private property rights by increasing regulatory protection in some areas.  Cost of compliance with permitted activities and consent conditions requiring ongoing monitoring and enforcement.
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### 3.2.3 Analysis of Options

#### Option 1: Maintain the Status Quo (Do nothing)

Maintaining the status quo is an option that needs to be considered. This would simply involve the retention of the existing District Plan provisions. This option ignores new types of signage developed since the Plan was written.

Maintaining the status quo would also result in a situation where any non-compliance with the District Plan would result in an unnecessary consent, when it complies with other Council documents. For example, no signs are permitted on the footpath under the current District Plan, although a Council resolution permits them.

As a result of these findings and taking into account the risk of acting or not acting it is considered that maintaining the status quo would not provide sufficient protection for the District's amenity and traffic safety near signage. Therefore, it is not considered to be the best method available.

#### Option 2: Reduce regulation in the plan by making all signage permitted unless listed.

Since the adoption of the last District Plan new forms of signage have been developed. It is likely further forms will be developed in the future. This option would see new methods permitted and those signs that cause issues today listed as requiring consent. All other signage would be permitted.

If Council was to proceed with this option, there would be no control over new signage in the future which could cause adverse effects on traffic safety and/or amenity. It would also be less clear than the status quo and would not follow best practice in regards to writing plans which recommends explicitly managing an activity over silent approval.

This option is not therefore considered to be an efficient and effective approach for addressing current and future signage issues and meeting the statutory obligations of the Act.

#### Option 3: Review current rules which states all signage is discretionary unless listed in the Plan. Allow for signage not currently covered in the Plan.

This method would build on options 1 and 2 by addressing the shortcomings of not using best practice when writing plans and updating the status quo.

This option would re-format the Plan and update the restrictions for the contemporary environment and issues raised through research and

consultation. Provision for signage covered under by-laws will also become a permitted activity.

It will restrict future types of signage, however new signage options will be able to be considered through the resource consent process. This option will be easier to understand and enforce than option 2 as there will be performance standards for specific types of signs.

Therefore, option 3; Updating and re-formatting the existing provisions and providing for signage in by-laws is recommended because it is considered to be the most efficient and effective way to protect the environmental values identified, with the best outcomes in terms of the environmental, social/cultural and economic costs and benefits.

### **3.2.4 Appropriateness of the Plan Change**

Whether or not the Plan change is necessary or appropriate is directly linked to Sections 5, 6 and 7 of the Act. This Plan change is considered necessary to achieve the purpose and principals of the Act because it meets the following:

*Section 7 Other Matters:*

*(c) the maintenance and enhancement of amenity values:*

The proposed objective recognises the need to provide for residential and commercial environments where the visual amenity of the areas are not degraded through the proliferation of signs. This meets the purpose and principals of the Act, specifically Section 7(c).

### **3.2.5 Conclusion and Recommended Option**

Various council staff and the community have been involved in undertaking a significant amount of work and consultation to ensure that Council has sufficient information to prepare a Plan Change. The Council has not relied on any uncertain or insufficient information, but has undertaken research and site visits to ensure the subject is adequately understood and recommendations are wisely founded.

It is considered that the reviewed objectives, policies and rules combined with the Signage By-law 2015 are the most efficient and effect means available to Council to preserve and enhance the amenity and traffic safety within Whanganui District.

The proposed Plan change is the most appropriate way to achieve the purpose of the Act.

## **3.3 PROPOSED ISSUES**

Although not required by the Act, the identification of resource management issues is generally provided for in most District Plans. It

provides a base to develop suitable objectives and policies that are relevant to the local circumstances or context.

The following amendments (highlighted grey) are proposed as a result of consideration of the submissions and further submissions:

<b>16.1.1</b>	Inappropriate design, scale, number and location of signage can adversely affect the amenity values of the surrounding environment and/or the safe and efficient operation of the transport network.
Comment	The proposed issue identifies the need to manage signage effects produced by activities.
Summary of benefits	Effects produced by signage can be managed to a level that does not adversely affect traffic safety or amenity values.
Summary of costs	No direct cost implications although the community will be in a position to make better informed assessments.
Effectiveness	The new issue is effective as improved understanding will support better informed decision making.
Efficiency	The new issue is efficient as improved understanding will support better informed decision making which recognises inherent levels of affecting people.
Appropriateness	The proposed issue identifies that it is only larger signage or in certain locations that generally create adverse effects. It recognises that signage is an inherent part of the environment and strikes an appropriate balance between the need for signage and the effects on the surrounding environment.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	It is vital for the Council to demonstrate that it is managing the effects of signage. The risk of not acting could result in a significant reduction in the safety of people and the amenity of the District. There is sufficient information available via research papers, NZTA documents and AA documents of the effects of signage on driver safety. The number of complaints received about signage have a strong emphasis on the amenity effects caused by non-complying signage.

### 3.4 PROPOSED OBJECTIVES

#### COMMERCIAL ENVIRONMENT

##### 5.2.3 To ensure that development and activities in the central city area, maintain or enhance the high quality amenity of the area.

...

The characteristics, or distinguishing qualities, that contribute to the amenity of **the central city area** include:

...

- Provision for noise associated with commercial activities are tolerated
- Provision for commercial signs relating to the onsite activities;

<p>○ ...</p> <p><b>16.2.1</b> Signage that maintains or enhances the amenity values and heritage values of the environment in which it is located.</p> <p><b>16.2.2</b> That the safety and efficiency of the transport network including footpath traffic is not adversely affected by signage causing distraction or physical or visual obstruction.</p>	
Comment	Signage is an activity or part of an activity that is an intrinsic part of the environment. The proposed objectives identify that the signage that is wanted in the District will not adversely affect amenity values or cause potential traffic safety effects.
Summary of benefits	The improved awareness of what is the preferred outcome of signage issues will allow for more robust consideration of applications. The safety of transport corridors will be improved by clear access ways and less driver distraction. The amenity and heritage values will be improved through less clutter and signs more appropriate for the area.
Summary of costs	No increased cost implications although the community will be in a position to make better informed decisions on what signage rules are designed to achieve.
Effectiveness	The new objectives are effective as improved understanding will support better informed decision making.
Efficiency	The new objectives are efficient as improved understanding will support better informed decision making.
Appropriateness	The proposed objectives are appropriate as they recognise that signage is part of the everyday environment. The objectives seek only to restrict signage that devalues the amenity of the area or is a risk to the community. Objectives that clearly state these issues are appropriate as to provide transparency and certainly on what is trying to be achieved.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	It is vital for the Council to demonstrate that it is managing unwanted effects of signage in accordance with the requirements of the Act.

### 3.5 PROPOSED POLICIES

#### **4.3.2 To ensure activities in the Residential zone that:**

- e. Avoid or mitigate visual amenity and safety problems from advertising;

#### **5.2.3 To ensure that development and activities in the central city area, maintain or enhance the high quality amenity of the area.**

...

The characteristics, or distinguishing qualities, that contribute to the amenity of **the central city area** include:

...

- o Provision for commercial signs relating to the onsite activities;

#### **5.3.2 Define a Central Commercial zone with the following characteristics:**

...

- f. Provision for commercial signs associated with onsite activities.

#### **5.3.3 Define Outer Commercial zone with the following characteristics:**

- b. protection for the amenity values of neighbouring residential areas;
- c. safe urban design (including pedestrian and vehicle safety);

#### **5.3.4 Define an Arts and Commerce zone with the following characteristics:**

...

- f. Provision for commercial signs associated with onsite activities.

#### **5.3.5 Define a Riverfront zone with the following characteristics:**

- g. Provision for commercial signs associated with onsite activities.

#### **5.3.14 To define a Neighbourhood Commercial zone where the following characteristics are maintained:**

...

- i. address the effects at the zone boundaries from noise, light spill, vibration, visual amenity and advertising.

#### **6.3.5 To define manufacturing areas where the following characteristics are maintained:**

...

- c. protection for the amenity values of neighbouring areas;
- d. safe urban design (including pedestrian and vehicle safety);

#### **16.3.1 To enable signs to be erected where the safe and efficient operation of the transport network including footpaths is maintained.**

#### **16.3.2 To ensure the design and location of signage on or near Heritage structures or within Display Frontage Streets is sensitive to and protects the historic features and the architectural character of the surrounding environment.**



<p><b>16.3.3</b></p>	<p>To ensure that any signs erected are appropriate within the context of the environment in which they are placed specifically that:</p> <ol style="list-style-type: none"> <li><u>In all parts of the district, the</u> location, scale and design of signs shall ensure they are incidental to and not dominant structures <u>in the context of the surrounding environment</u></li> <li><u>In the Rural and Residential Environments, the</u> content and scale of signs should be consistent with the <u>surrounding</u> environment</li> <li>The number of signs shall be kept to a minimum in order to maintain the character and amenity values of the <u>surrounding</u> environment</li> <li><u>In the Commercial, Industrial and Natural Environment, signs</u> should be of an intensity and scale that implies a sense of vibrancy but not dominate the streetscape or the buildings to which they are attached</li> </ol> <p><b>16.3.4</b></p> <p>To enable the erection of signs that provide Community Messages provided they are consistent with the Signage By-law 2015 and include:</p> <ol style="list-style-type: none"> <li>Matters of public Health and Safety</li> <li>Election signs</li> <li>The location of destinations, routes, distances and public facilities and the names of settlements, streets and features</li> <li>Site characteristics or features of historical, cultural, spiritual, aesthetic, environmental, scenic or scientific significance</li> </ol>
<p><b>Comment</b></p>	<p>These policies recognise that signage is an adherent part of the environment and activities, but should be avoided or mitigated through best practice methods and locations. The increase in specific policies for signage as opposed to the status quo which relies on the zoning policies, will allow for better guidance when considering applications.</p>
<p><b>Benefits</b></p>	<ul style="list-style-type: none"> <li>The policies provide for appropriate signs by location to protect amenity values and not compromise transport safety.</li> <li>They promote increased road safety for all users.</li> <li>There is flexibility in adopting the best measures to address visual amenity and road safety matters by looking at the surrounding environment through the consent process. This is a benefit as it provides for future methods of advertisements.</li> </ul>
<p><b>Costs</b></p>	<ul style="list-style-type: none"> <li>Cost of compliance and education</li> <li>May slightly reduce economic potential of some land</li> <li>Cost of new operations/facilities of resource consent process</li> </ul>
<p><b>Effectiveness</b></p>	<p>These policies are effective as they create more precise guidance for decision makers.</p>
<p><b>Efficiency</b></p>	<p>These policies are efficient as they create more precise guidance for decision makers.</p>
<p><b>Appropriateness</b></p>	<p>These policies are appropriate as they create more precise guidance for decision makers. They are in</p>

	accordance with the relevant documents and current research.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	Council considers there is sufficient information regarding the subject matter of the above policies. The risks of not establishing a policy framework outlining what the adverse effects are and when they would occur will result in any development occurring with no consideration of the long term amenity or traffic safety effects.

### 3.6 PROPOSED RULES

The following methods have been identified as being suitable for achieving the relevant objectives and policies outlined above.

#### 3.5.1 Rules

A review of the existing rules applying within the zones was completed. The rules are proposed to be updated to reflect current local practices as well as be combined into one chapter of the Plan for ease of use. This is considered the most appropriate way to achieve the objectives and purpose of the Act.

##### 16.4.1 Permitted Activities.

The following are permitted activities throughout the District:

- a. Signs that comply with:
  - i. The Performance Standards for signage in 16.5; and
  - ii. The Performance Standards for structures that apply in the underlying zone.
  - iii. The Signage By-law 2015.
- b. Official signs.

##### 16.4.2 Restricted Discretionary Activities.

The following activities are restricted discretionary activities throughout the District:

- a. Any permitted sign that exceeds the m<sup>2</sup> limits for its zone as set out in performance standards in 16.5 shall be a restricted discretionary activity

In exercising its discretion the Council will be restricted to the following matters:

- i. The location and size of the sign in relation to the surrounding environment
- ii. The design and appearance of the sign
- iii. The effects of the sign on the movement of people and goods in relation to visibility, health and safety
- iv. The nature and content of the sign
- v. The nature, size and number of other signs in the immediate environment

- b. Any sign on a Heritage building or a building in a Display Frontage Street that does not comply with 16.5.1(d).

In exercising its discretion the Council will be restricted to the following matters:

- i. The extent to which any sign including supporting structures detracts from the heritage significance or values of a heritage building or object.
  - ii. Whether any sign detracts from the architecture of the building including decorative detailing, structural divisions, windows or doorways.
  - iii. Whether additional signs will result in clutter.
  - iv. The extent to which the quality of the design of the sign and the standard of graphics complement the building or object.
  - v. Whether the means of fixing the sign to a listed building or object including associated cabling or wiring for illuminated signs will adversely affect the heritage fabric and heritage values of the listed building or object.
  - vi. The extent to which signs comply with the City Centre Design Guide.
- c. Any Identification and/or Health and Safety signage that does not comply with 16.5.1(e).

In exercising its discretion the Council will be restricted to the following matters:

- i. The location and size of the sign in relation to the surrounding environment.
- ii. The nature and content of the sign.
- iii. The requirement for the sign.

#### **16.4.3 Discretionary Activities.**

The following activities are discretionary activities throughout the District:

- a. Any sign on road reserve, street furniture or public places that does not comply with the signage by-law.
- b. Any sign (excluding permitted activities) that is advertising a business or product that is not on the property.
- c. Any sign that contains moving animation, flashing or optical illusions.
- d. Any other sign not provided for as permitted or restricted discretionary.

### **16.5 PERFORMANCE STANDARDS**

#### **16.5.1 General.**

- a. Signs shall only be located on the site of the activity to which they relate. Signs provided for under by-laws or health and safety are exempt from this standard.

- b. No sign shall obstruct or detract from any official sign, sign beacon or structure for aviation purposes or shall obstruct driver visibility along the road and at intersections, level crossings and driveways.
- c. Temporary construction signs advertising the parties involved with the project in any zone provided that:
  - i. It must be on the same site as the construction or demolition.
  - ii. No individual sign shall exceed 3m<sup>2</sup> total area.
  - iii. The total area of all temporary construction signs on a site shall not exceed 4m<sup>2</sup>.
  - iv. No temporary construction sign shall be displayed for more than 30 days before commencement of construction or demolition; and all signs shall be removed from the site within 3 days of termination of construction or demolition.
- d. Signs in Display Frontage Streets and on heritage buildings listed in the Plan shall:
  - i. Not obscure any architectural feature of any building, including but not limited to windows, columns, mouldings, cornices and balustrades, except that signs may be located on ground floor windows if contained within the face of the windows.
  - ii. Signs affixed to the façade of a building shall not extend above the façade.
  - iii. Signs shall not be located on the roof of any building.
  - iv. Signs shall not be located on the roof of a verandah.
  - v. Signs under verandahs shall not exceed 600mm in height and shall be located perpendicular to the building façade.
  - vi. Signs on the front edge of the verandah shall not exceeding 600mm in height.
- e. Identification and/or health and safety signs in association with the infrastructure to which they relate not exceeding 0.5m<sup>2</sup> and attached to the corresponding infrastructure or immediate vicinity when infrastructure is underground.
- f. Signs shall not protrude above any ridgeline.
- g. No sign shall be flashing, contain reflective materials, moving animation or cause glare.
- h. No sign visible from a Residential zone shall be illuminated more than 8 lux measured at the vertical plane of a window of any dwelling within that zone.
- i. Signs shall be maintained to a tidy standard and shall be removed within one week of the activity ceasing on the site unless provided for sooner by a by-law or the Plan.

### 16.5.2 Performance Standards specific to the Reserve and Open Space Zone.

Sign/ Performance standards relating to specific signs	Property Identification	Tourist Publicity	Sponsors Signs	Real Estate Sign
Reserves and Open Spaces	Permitted	YES if related to subject site	As long as it's not visible from a Residential Zone	1 per street frontage

### 16.5.3 Performance Standards specific to the Rural and Residential Environments.

Sign/ Zones	Property Identification	Real Estate Sign* <small>see note below</small>	Tourist Publicity/Schools /Churches	Home Occupation/ Retail Activity
Rural Production	1x 3m <sup>2</sup> total area	2m <sup>2</sup> per agency total area	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area
Rural Lifestyle	1x 1m <sup>2</sup> total area	1per agency per road frontage no more than 2m <sup>2</sup> total area per agency	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area
Rural General	1x 3m <sup>2</sup> total area	2m <sup>2</sup> per agency total area	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area
Rural Settlement	1x 3m <sup>2</sup> total area	1per agency per road frontage no more than 2m <sup>2</sup> per agency	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area
Residential	1x 1m <sup>2</sup> total area	1per agency per road frontage no more than 2m <sup>2</sup> total area per agency	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area
Coastal Residential	1x 0.5m <sup>2</sup> total area	1per agency per road frontage no more than 2m <sup>2</sup> total area per agency	1 per street frontage no more than 2m <sup>2</sup> total area each frontage	1x 0.5m <sup>2</sup> total area

Note: The limit on Real Estate signs does not apply to sites that do not share a boundary with Road Reserve, or only do so via Right of Way or Access Strips, excluding sites that are separated from Road Reserve only by way of Segregation Strip or other similar instrument. For these properties, up to three signs totalling no more than 2m<sup>2</sup> per agency are permitted.

### 16.5.4 Performance Standards specific to the Commercial and Industrial Environments.

Sign/ Commercial Zones	Property Identification	Verandah signage over road reserve	Advertisement of products/ businesses onsite	Real Estate Sign
Manufacturing	Permitted	n/a	Permitted	One per agency per street frontage
Airport Enterprise	1x 3m <sup>2</sup> total area	n/a	Permitted	One per agency per street frontage
Arts and Commerce	Permitted	Permitted	Permitted	One per agency per street frontage
Riverfront	Permitted	Permitted	Permitted	One per agency per street frontage
Central Commercial	Permitted	YES, except where provided for under Rule 16.5.1		One per agency per street frontage
Outer Commercial	Permitted	Permitted	Permitted	One per agency per street frontage
Neighbourhood Commercial	Permitted	Permitted	Ground floor only	One per agency per street frontage

#### Comment

The rules are extracted from each zone chapter and combined into the Signage chapter. Election sign provisions and written approval from Council was removed as they are not Act matters. These have been incorporated into the proposed Signage By-law. The additional rules for temporary construction signs and signs on heritage buildings provide transparency on what is acceptable.

Rule 16.5.1(b)(i) is also proposed to be altered as the intention behind expanding the rule (relating to traffic safety) was to make it clearer to plan users what adverse traffic safety effects could include, but the result was beyond the scope of the Plan change and restricted and advertising for corner

	properties. Therefore reverting the rule back to its original form will retain the intention to provide for the safety of the community without unduly restricting businesses.
<b>Benefits</b>	<p><b>Environmental</b> – Natural landscapes and heritage buildings maintain their unique character as signs are regulated to protect amenity and heritage values.</p> <p><b>Economic</b> – Allows a wide range of signs which have minimal adverse effects, thereby enhancing economic efficiency and wellbeing by reducing costs and timeframes.</p>
<b>Costs</b>	<b>Environmental &amp; Economic</b> – Minimal as this is a continuation of the status quo with updated provisions to reflect current practices with developers and community expectations.
<b>Effectiveness</b>	The proposed rules will be an effective method to achieve the relevant objectives because the benefits identified above far outweigh the costs. Rules are targeted to manage specific effects and activities are only restricted where necessary to achieve objectives and purpose of the Act.
<b>Efficiency</b>	Enabling signs that do not impact the surrounding environment is efficient and avoids unnecessary consent processes. The Plan change is efficient as the small cost of the review has updated the provisions to more appropriately manage adverse effects and achieve objectives.
<b>Appropriateness</b>	The rules allow for signage while ensuring that environmental effects are avoided, remedied or mitigated. This is considered to be an appropriate approach. It will work in conjunction with the By-law and associated Council policies relating to signage.

### 3.7 PROPOSED ACILLARY CHANGES

With the proposed changes to the rules, the Definitions will need to be altered to be consistent. The following changes have been identified as being suitable for achieving the relevant objectives and policies outlined above.

**Community Message Sign:** means a sign that is not put up for Commercial purposes and contains information on the following:

- a. The District;
- b. The District boundaries;
- c. Attractions within the District;
- d. Election information;
- e. A public health or safety message; or
- f. A government message.

**Official sign:** means any regulatory traffic or other sign approved by a road controlling authority or provided for under any legislation and which is erected on a legal road. This includes signs that inform road users of an approaching traffic hazard.

**Property identification sign:** means a device whose sole purpose is to identify the name of the location or building on which the sign is situated. This includes schools, hospitals and business names.

**Sign:** means boards, flag signs, placards, hoardings, banners or other similar devices or advertising matter, whether consisting of a specially constructed free standing device, structure, erection or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected on to, placed or otherwise fixed to or displayed upon any land, building, wall, fence, rock, tree or other structure or object (including parked vehicles or trailers where such a vehicle or trailer is parked specifically for the purpose of attracting attention), with or without illumination.

This does not include:

- a) sponsored art installations where the sponsors take up 1m<sup>2</sup> or 25% or less of the total area of the installation, whichever is lesser; or
- b) memorials and plaques on public land approved by the Public Arts Committee.

**Temporary Construction Sign:** means a sign used to advertise the parties actively involved in the development on a site.

<b>Comment</b>	The definitions section provides transparency by defining the current practices used to control signage.
<b>Benefits</b>	<b>Environmental &amp; Economic</b> – The Plan is clear and enables people to make clear decisions based on an established set of signage constraints.
	<b>Social &amp; Cultural</b> - continuation of a clear message in the Plan about how to achieve compliance. The definitions are in line with other council documents in order to reduce confusion for the public.
<b>Costs</b>	<b>Environmental &amp; Economic</b> – Existing costs for owners in the form of loss of advertising potential are retained with the Plan Change. However in reality the owners still have a duty to avoid traffic safety issues, so the proposed rules will help them achieve this.
	<b>Social &amp; Cultural</b> – There will be less confusion as the definitions are improved to include current working practices.
<b>Effectiveness</b>	Better definitions and consistency with other council documents will make this Plan more effective as there will be less confusion.
<b>Efficiency</b>	Better definitions avoid unnecessary consent processes and ensures that resources are efficiently targeted to the signage with implications for amenity or traffic safety.
<b>Appropriateness</b>	This approach is mirrored in plans throughout the country as well as in the proposed by-law and Council policies. Therefore it is considered appropriate.
<b>Principal Alternative</b>	The main alternative to these definitions would be the status quo which leaves the public more confused as to their rights and a legal uncertainty which could prove costly to Council should an enforcement action be challenged.