

Recommendations to Council from the Statutory Management Committee

Date: 19 May 2016

Councillors

WHANGANUI DISTRICT COUNCIL

Subject:	Plan Change 42 – Signage
	Decisions on Submissions
Meeting Date:	29 October 2015

1.0 INTRODUCTION

- 1.1 Council is presently reviewing the District Plan in phases. This Plan Change is part of Phase 6 District Wide as it relates to every part of the District.
- 1.2 This report records the public notification and hearing process in relation to Plan Change 42. It records the Statutory Management Committee's recommendations and Council's decisions on submissions.
- 1.3 For details of the deliberations discussion refer to the formal Council Minutes of the meeting.

2.0 PROCEDURAL MATTERS

- 2.1 The Committee was convened to hear submissions on 29 October 2015. No submitters attended. The Committee reviewed tabled evidence from submitters and listened to the reporting officer's recommendations before deliberating on submissions.
- 2.2 The Committee members were: Independent Commissioner Alan Taylor (Chair), Councillors Hamish McDouall, Jenny Duncan, Helen Craig and Independent Commissioner Jenny Tamakehu.
- 2.3 Submitters who tabled information to support their submissions were:
 - Burton Planning Consultants Limited on behalf of Powerco Limited
 - Beca Ltd on behalf of Transpower New Zealand Limited
- 2.4 PC42 was publicly notified in accordance with Clause 5 of the 1st Schedule of the Resource Management Act 1991 (the Act) on 30 May 2015, with the period for submissions closing on Tuesday 30 June 2015.
- 2.5 A total of nine submissions, were received at the close of submissions.
- 2.6 All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the Act. The further submission process closed on Friday 31st July 2015. Three further submissions were received.

3.0 SCOPE OF THE PROPOSED PLAN CHANGE

- 3.1 This Plan Change is one of a series of changes proposed as part of Phase 6 of the wider District Plan review which address district wide matters.
- 3.2 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.
- 3.3 As well as the District Plan, signs on Council land are managed through the Signage By-law 2015. The Signage By-law was adopted by Council on 6 October 2015. The changes to the notified version of the by-law impact this Plan Change and therefore provisions relating to footpath signs needs to be altered. This alteration is provided for in submission 8 (Whanganui District Council) which requests alteration to the footpath rules in order to achieve compliance with the by-law.
- 3.4 Other relevant documents include the New Zealand Transport Agency (Signs on State Highways) By-law 2010 which relates to signs viewable from the State Highway network and the Electoral Act 1993 which controls election sign dimensions and timing.
- 3.5 The purpose of PC42 is to identify types and sizes of signs that cause no adverse effect on the different environments and activities. It also limits signs on heritage buildings and on ridgelines in order to preserve the amenity of these features and the locality.

4.0 STATUTORY AND LEGISLATIVE FRAMEWORK

4.1 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.*
 - b. *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - i. *the avoidance or mitigation of natural hazards*
2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

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

- 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.*

In accordance with Section 5 of the RMA, PC42 has been developed with a focus on providing for the community's safety whilst avoiding or mitigating any adverse effects of activities on the environment, including people and property.

Section 7 matters to which particular regard shall be had in assessing this Plan change are:

(c) the maintenance and enhancement of amenity values:

Plan change 42 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).

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

5.0 RELEVANT POLICY STATEMENTS AND PLAN PROVISIONS

5.1 National Policy Statements and Environmental Standards

There are no National Policy Statements or National Environmental Standards relevant to this Plan change.

5.2 Regional Policy Statement and Regional Plan (the One Plan)

Sections 75 (3) and (4) of the Act require that a district plan must give effect to any regional policy statement and must not be inconsistent with any regional plan.

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.

6.0 SUMMARY OF SUBMISSIONS

- 6.1 Refer to Appendix 1 to this report for a summary of each submission and Council's decision and reasons for each decision.

7.0 PRINCIPAL ISSUES IN CONTENTION

- 7.1 Submitters identified the following concerns in relation to PC42:

- Inadequate real estate sign provisions.
- NZTA's advice note.
- Minor corrections for grammatical and usability reasons.
- Signs within the National Grid.
- Illuminated signs.

8.0 SUMMARY OF EVIDENCE HEARD

- 8.1 Key evidence presented by submitters is summarised below:

Powerco (Sub 5)

- Submitter pointed out that an additional sentence was removed when doing the track changes to the introduction of Chapter 16 – Signage. They wished it was reinstated as it provided additional clarity.

Transpower (Sub 7)

- Submitter requested a minor change to the introduction of Chapter 16 to emphasise the need to use the structure rules in the zones when determining the location of signs near the National Grid.

- 8.2 Officer's Right of Reply is summarised below:

- The officer supported the comments made by Powerco and Transpower and recommend they were adopted.
- The Officer stands by the comments and recommendations of the S42A report.

9.0 MAIN FINDINGS ON PRINCIPAL ISSUES

- 9.1 The Committee considered each submission and confirmed a decision for each.

Refer to Appendix 1 for the decisions on individual submissions.

- The Committee accepted the recommendations of the reporting officer in respect to the majority of the issues raised in relation to PC42, the evidence tabled and officer's reply to the evidence presented.
- The Committee questioned the wording around restricting illuminated signs near residential properties. It developed an alternative wording that meets the objectives of health and safety and amenity, but was more enforceable and easier to apply.
- The Committee accepted the Officer's assessment that the S.32 evaluation had been completed appropriately.

10.0 SECTION 32 REPORT EVALUATION

No further evaluation for the S.32 report was required as no significant amendments were made to the Plan change as a result of Council's Decision on Submissions. The S32 report is attached as Appendix 3.

11.0 STATEMENT OF DECISIONS AND REASONS

Refer to Appendix 1 to this report for the Council's decision and reasons relating to each submission. Refer to Appendix 2 for the complete version of the Plan change maps and text.

12.0 APPENDICES

- 1: Decisions on Submissions and Reasons for Decisions
- 2: Marked- Up Version of Plan Change 42 following Decisions on Submissions
- 3: Section 32 Evaluation

Signature of Chairman



Independent Commissioner Alan Taylor

Dated: 20/5/2016

APPENDIX 1 – Decisions on Submissions and Reasons for Decisions

The following are the summary of submissions received and decisions of Council on each submission following consideration of the evidence.

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Submitter Name: LJ Hooker Wanganui

Submission No: 1.1pc42

Summary:

Support the proposed Plan change. However would like an exemption to the 1 sign for Real Estate per agency in relation to rear section properties. Additional signage is required in order to see from both directions that a property is for sale/lease and to indicate which property up the driveway is available.

Decision Sought:

Amend Rule 16.5.3 to allow additional (3) Real Estate signage for rear section properties.

Council Decision:

That Submission 1 from LJ Hooker be **accepted**.

The following amendment is added to Rule 16.5.3:

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 2m2 per agency are permitted.

Council Reasons for Decision:

1. The purpose of limiting the number of Real Estate signs is to prevent a proliferation of signs detracting from the amenity of an area and distracting traffic. What was proposed by the submitter will maintain the amenity as the additional signs are not able to be viewed together from a single point. The traffic safety may even be enhanced as it will be easier to identify the property in question.

Submitter Name: Heritage New Zealand

Submission No: 2.1pc42

Summary:

Support the proposed Plan change, particularly those provisions aimed at minimising adverse effects on the heritage values of scheduled heritage buildings. The proposed provisions applying to signs on other sites will protect the amenity values and heritage values of the environment in which they are located.

Decision Sought:

Retain proposed Plan change 42 provisions as drafted.

Council Decision:

That Submission 2 from Heritage New Zealand be **accepted in part**.

No amendments are made as a result of this submission.

Council Reasons for Decision:

1. The support of Heritage New Zealand is noted and appreciated. Minor changes to the proposed provisions have been made as a result of the submissions received, however the particular provisions relating to heritage have been maintained and the intent behind the provisions have not changed.

Submitter Name: Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited (*Collectively referred to as the Oil Companies*)

Submission No: 3.1pc42

Summary:

Opposed in part. The introduction of the signage chapter makes reference to the NZTA's by-law and the need for NZTA's written approval for a structure visible from the state highway. Both these references should be advice notes only.

Decision Sought:

1. That the reference in the introduction of Chapter 16 to the NZTA's written approval be an advice note.
2. That the reference in the introduction of Chapter 16 to the NZTA's by-law be an advice note.

Submitter Name: NZ Transport Agency

Submission No: 4.1pc42

Summary:

Support the proposed Plan change the introduction of Chapter 16 (Signage) as well as issue 16.1.1, objective 16.2.2 and policy 16.3.1 as they relate to the NZ Transport Agency and the safety and efficiency of the transport network.

Decision Sought:

Retain as drafted the introduction of Chapter 16 (Signage) as well as issue 16.1.1, objective 16.2.2 and policy 16.3.1.

Submitter Name: Transpower New Zealand Limited

Further Submission No: 3.1pc42

Summary:

Supportive in part submission 4 in relation to objective 16.2.2 and policy 16.3.1. While acknowledging the importance of these provisions in the context of the State Highway and Railway network, Transpower's submission sought that the provisions apply more broadly to all regionally and nationally important infrastructure networks, inclusive of transportation.

Decision Sought:

That objective 16.2.2 and policy 16.3.1 is amended to include infrastructure networks, instead of only transport networks. (Submission 7)

Council Decision:

That Submission 4 from NZ Transport Agency and Further Submission 3.1 from Transpower New Zealand Limited be **accepted in part** and Submission 3 from the Oil Companies be **accepted**.

The following amendments are made to the Introduction to Chapter 16:

Signage including any structure on which signage is affixed or forms part of, is controlled via the zone rules for location and the signage chapter for number and size.

Notes –

1. Where there are inconsistencies with provisions in the by-laws, the District Plan regulations shall prevail. It should be noted that the erection of any structure, such as a sign, viewable from a state highway is likely to require the NZ Transport Agency's written approval as an affected party pursuant to section 95E of the Resource Management Act 1991.
2. The written approval of the NZ Transport Agency may be required for signage adjacent to the State Highway Network that breaches a District Plan rule.
3. The written approval of New Zealand Transport Agency will be required for any sign located within the State Highway Road Reserve pursuant to the New Zealand Transport Agency (Signs on State Highways) By-law 2010. Note: It is unlikely that any sign other than an official road sign will be approved unless it is of a temporary nature and is for a community event.

Council Reasons for Decision:

1. The support of the NZ Transport Agency and Transpower New Zealand Limited and the opposition of the Oil Companies is noted and appreciated.
2. The purpose of the introduction to Chapter 16 is to make the Plan user aware of the other requirements for signage. As it is not an objective, policy or rule, its enforceability and use is similar to an advice note. Clarifying that the comments relating to the Transport Agency's by-law will achieve the same purpose. The Committee accepted that the information be provided as an advice note and will not apply in every circumstances. The Committee choose to keep the Transport Agency's comments in the introduction of the Chapter as opposed to going under the Rule 16.4 as the introduction is where the rest of the non- RMA requirements for signage are noted.
3. The NZ Transport Agency's reference in the introduction to Chapter 16 will be retained, but with the emphasis on the fact that it is an advice note, not a requirement to get written approval as part of a resource consent for signage visible from a State Highway.
4. The Committee chose to make no changes to Objective 16.2.2 and Policy 16.3.1 to extend the scope to all infrastructure instead of specifically relating to the transport network, because there is a clear relationship between excessive and/or badly placed signs causing safety issues through distraction or

obstruction. Therefore while the usage of the general term 'infrastructure' is usually used in objectives and policies (to prevent multiple versions of the same objectives and policies), in the case of signage, it is more appropriate to be specific to the transport network.

5. The Committee did note that as structures, signs have the ability to impact the National Grid (as a fire or lighting risk), however this is controlled through the structure rules applied in each zone and which require a setback from the facility. Therefore the Committee adopted the additional comment provided by Transpower in their written evidence to emphasise this point in the Introduction.

Submitter Name: Powerco Limited

Submission No: 5.1pc42

Summary:

Support in Part. The relationship between Chapter 16 of the District Plan and the sign by-law, policy 16.3.4, rule 16.4.1, performance standard 16.5.1(e) and the definition of “Community Message Sign” is supported. Part of the Introduction to Chapter 16, policy 16.3.3, rule 16.4.2(c) and performance standard 16.5.1(a) are supported, but require amendments for clarity reasons.

Decision Sought:

1. Retain paragraphs 4 and 8 of the Introduction to Chapter 16.
2. Amend paragraphs 6-7 of the Introduction to Chapter 16 which relate to the requirement to get written approval of NZTA for signs visible from a state highway and make them an advice note.
3. Amend Policy 16.3.3 by condensing the policy in order to increase the efficiency and readability of the Plan.
4. Retain Policy 16.3.4 without modification.
5. Retain Rule 16.4.1 without modification.
6. Amend Rule 16.4.2(c) to clarify that asset identification signs are included as a restricted discretionary activity.
7. Amend Performance Standard 16.5.1(a) for grammatical reasons.
8. Retain Performance Standard 16.5.1(e) without modification.
9. Retain the definition of ‘Community Message Sign’ without modification.

Council Decision:

That Submission 5 from Powerco Limited be **accepted**.

The following amendments are made to Chapter 16:

Chapter 16 – Signage

Notes –

1. Where there are inconsistencies with provisions in the by-laws, the District Plan regulations shall prevail.

Policies

16.3.3 To ensure that any signs erected are appropriate within the context of the environment in which they are placed specifically that in the:

Rural Environment

- a. In all parts of the district, the ~~The~~ location, scale and design of signs shall ensure they are incidental to and not dominant structures in the context of the surrounding environment within the rural landscape
- b. In the Rural and Residential Environments, the ~~The~~ content and scale of signs should be consistent with the surrounding rural environment
- c. The number of signs shall be kept to a minimum in order to maintain the character and amenity values of the surrounding rural environment

Residential Environment

- ~~a. The location, scale and design of signs shall ensure they are incidental to and not dominant structures within the streetscape~~
- ~~b. The content and scale of signs should be consistent with the residential environment~~
- ~~c. The number of signs shall be kept to a minimum in order to maintain the character and amenity values of the residential environment~~

Commercial Environment

- ~~a. The location, scale and design of signs shall ensure they are incidental to and not dominant structures within the commercial environment or the neighbouring zones~~
- ~~db. In the Commercial, Industrial and Natural Environment, signs Signs 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~~

Industrial Environment

- ~~a. The location, scale and design of signs shall ensure they are incidental to and not dominant structures within the manufacturing environment or the neighbouring zones~~
- ~~b. Signs 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~~

Natural Environment

- ~~a. The location, scale and design of signs shall ensure they are incidental to and not dominant structures within the natural environment or the neighbouring zones~~
- ~~b. Signs 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~~

16.4.2 Restricted Discretionary Activities.

The following activities are restricted discretionary activities throughout the District:

- 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.*

Council Reasons for Decision:

1. The support of Powerco Limited is noted and appreciated. All submission points regarding the retention of provisions without modification (or for minor corrections) are accepted.
2. The NZ Transport Agency's reference in the introduction to Chapter 16 will be retained, but with the emphasis on the fact that is an advice note, not a requirement to get written approval as part of a resource consent for signage visible from a state highway.
3. Amending Policy 16.3.3 to improve readability and efficiency is accepted.

4. Rule 16.5.1(e) refers to 'Identification and/or health and safety signs' yet the restricted discretionary activities (16.4.2(c)) refers only to 'health and safety signage that does not comply with 16.5.1(e). Including asset identification signs in 16.4.2(c)) is consistent and was adopted by the Committee.
5. The Committee also agreed with Powerco's tabled evidence that an additional sentence was removed from the Introduction of Chapter 16 and it was reinstated.

Submitter Name: KiwiRail Holdings Limited

Submission No: 6.1pc42

Summary:

Support the proposed Plan change. KiwiRail is supportive of policy 16.3.1 and performance standard 16.5.1(b)(i) as they relate to the safe and efficient operation of the transport network. A minor correction to the performance standard is requested to consistent with the rest of the District Plan provisions.

Decision Sought:

1. Retain policy 16.3.1 as drafted.
2. Amend performance standard 16.5.1(b)(i) to state 'level crossing' instead of 'train crossing'.

Submitter Name: Transpower New Zealand Limited

Further Submission No: 3.2pc42

Summary:

Supportive in part submission 6 in relation to policy 16.3.1. While acknowledging the importance of these provisions in the context of the State Highway and Railway network, Transpower's submission sought that the provisions apply more broadly to all regionally and nationally important infrastructure networks, inclusive of transportation.

Decision Sought:

That policy 16.3.1 is amended to include infrastructure networks, instead of only transport networks. (Submission 7)

Council Decision:

That Submission 6 from KiwiRail Holdings Limited and Further Submission 3.2 from Transpower New Zealand Limited be **accepted in part**.

The following amendments are made to the text:

Chapter 16 – Signage

Introduction

Signage including any structure on which signage is affixed or forms part of, is controlled via the zone rules for location and the signage chapter for number and size.

16.5.1 General.

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. This is achieved by:

~~i. Signs are not visible at the approach to, or from an intersection, pedestrian crossing or train crossing.~~

~~ii. Signs shall be elevated above the height of vehicles as to not draw the gaze of drivers away from forward roadway.~~

Council Reasons for Decision:

1. The support of the Kiwirail Holdings Limited and Transpower New Zealand Limited is noted and appreciated.
2. Policy 16.3.1 specifically relates to the transport network because there is a clear relationship between excessive and/or badly placed signs causing safety issues through distraction or obstruction. This relationship does not occur with other infrastructure networks and signage, as other infrastructure networks are not directly interacted with by the public. Therefore while the usage of the general term 'infrastructure' is usually used in objectives and policies (to prevent multiple versions of the same objectives and policies), in the case of signage the Committee concluded that it is more appropriate to be specific to the transport network.
3. As structures, signs have the ability to impact National Grid (as a fire or lighting risk, however this is controlled through the structure rules of the zones which requires a setback from the facility. The Committee adopted the alteration in Transpower's tabled evidence to clarify this relationship.
4. Performance Standard 16.5.1(b) was a rule that was brought over from the operative provisions and was amended by Plan Change 42 to clarify how signs can obstruct driver visibility. However the additions to the standard (i and ii) have instead prevented all signs near intersections (private and public property), instead of just those that constitute a hazard. The Committee has therefore deleted (i) and (ii) and inserted the word 'level crossing' into 16.5.1(b), as this will achieve the intention of the rule.

Submitter Name: Transpower New Zealand Limited

Submission No: 7.1pc42

Summary:

Support with amendment. Transpower requests that objective 16.2.2 and policy 16.3.1 are amended to better give effect to policies 10 and 11 of the NPSET.

Decision Sought:

That objective 16.2.2 and policy 16.3.1 is amended to include infrastructure networks, instead of only transport networks.

Council Decision:

That Submission 7.1 from Transpower New Zealand Limited be **rejected**.

No amendments are made as a result of this submission.

Council Reasons for Decision:

1. The support of Transpower New Zealand Limited is noted and appreciated.
2. Specific objectives and policies are not required for each type of signage permitted by the Plan. The types of signs required by infrastructure facilities are categorised as identification and health and safety and are assessed against the impact they have on the amenity of the environment in objective 16.2.1 and policy 16.3.3.
3. Objective 16.2.2 and policy 16.3.1 specifically relate to the transport network because there is a clear relationship between excessive and/or badly placed signs causing safety issues through distraction or obstruction. This relationship does not occur with other infrastructure networks and signage, as other infrastructure networks are not directly interacted with by the public. Therefore while the usage of the general term 'infrastructure' is usually used in objectives and policies (to prevent multiple versions of the same objectives and policies), the Committee concluded that in the case of signage it is more appropriate to be specific to the transport network.
4. As structures, signs have the ability to impact the National Grid (as a fire or lighting risk), however this is controlled through the structure rules applied in each zone and which require a setback from the facility. This is noted in the introduction to the chapter.

Submitter Name: Transpower New Zealand Limited

Submission No: 7.2pc42

Summary:

Opposed to the proposed Plan change in respect to the lack of activity status for signs which may compromise the safe and efficient operation and maintenance of regionally and nationally important infrastructure.

Decision Sought:

That a new non-complying activity status is included for signage exceeding 2.5m in height and is within or restricts access to a National Grid asset.

Council Decision:

That Submission 7.2 from Transpower New Zealand Limited be **accepted in part**.

The following amendments are made as a result of this submission.

Chapter 16 – Signage

Signage including any structure on which signage is affixed or forms part of, is controlled via the zone rules for location and the signage chapter for number and size.

Council Reasons for Decision:

1. The opposition of Transpower New Zealand Limited is noted.
2. Transpower New Zealand Limited requested a non-complying status for signs within the National Grid Yard or prevents access to a National Grid asset. This is already provided for in the zone chapters where any structure within the National Grid Yard is a non-complying activity. Repeating the same rule in Chapter 16, where it states that all signs must comply with the zone rules (Rule 16.4.1(a)(ii) is unnecessary and would require a double up of consent processes for breaching two rules that manage the same effects.
3. As a result of Transpower's written evidence, the Committee included additional wording to the introduction of the chapter to clarify the relationship between the National Grid rules in the zones and the signage provisions.

Submitter Name: Whanganui District Council

Submission No: 8.1pc42

Summary:

Support with amendment the performance standard 16.5.4(a) relating to footpath signs. It is requested that the wording is altered to match the signage by-law in order to be consistent.

Decision Sought:

That the wording of performance standard 16.5.4(a) matches section 17.2 of the proposed Signage By-law.

Council Decision:

That Submission 8 from the Whanganui District Council be **accepted**.

The following amendments are made to Performance Standard 16.5.4:

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	<u>Footpath signs</u> <u>See 16.5.4(a) for standards</u>
Manufacturing	Permitted	n/a	Permitted	One per agency per street frontage	<u>1 sign</u>
Airport Enterprise	1x 3m ² total area	n/a	Permitted	One per agency per street frontage	<u>n/a</u>
Arts and Commerce	Permitted	Permitted	Permitted	One per agency per street frontage	<u>1 sign</u>
Riverfront	Permitted	Permitted	Permitted	One per agency per street frontage	<u>1 sign</u>
Central Commercial	Permitted	YES, except where provided for under Rule 16.5.1		One per agency per street frontage	<u>1 sign</u>
Outer Commercial	Permitted	Permitted	Permitted	One per agency per street frontage	<u>1 sign</u>
Neighbourhood	Permitted	Permitted	4.5m ²	One per agency per	<u>1 sign</u>

Commercial			Ground floor only	street frontage	
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- ~~a. Footpath signs that are permitted must comply with the following:~~
- ~~i. be displayed directly outside the business to which the Sign relates;~~
 - ~~ii. advertise only businesses, services and products located on the site of the Sign;~~
 - ~~iii. be displayed so as to retain a clear access for mobility scooters, wheelchairs, prams and pedestrians along the Footpath;~~
 - ~~iv. not interfere with street furniture or fittings, or with the opening of car doors;~~
 - ~~v. not exceed 1 metre in height and 0.6 metres in width for sandwich boards;~~
 - ~~vi. not exceed 2.2 metres in height and 0.7 metres in width for flag signs;~~
 - ~~vii. Any Sign displayed by any business on a Footpath at the start of any trading day must be removed from that Footpath by that business at the close of that trading day.~~

Council Reasons for Decision:

1. That the submission from the Whanganui District Council is noted and appreciated.
2. The operative Signage By-law 2015 permits footpath signs in all zones, subject to design and place. Therefore there is no need to reference them in the District Plan and to do so may result in conflict in the future as the documents get reviewed at different times.
3. Removing the provisions for footpath signs will result in no difference in environmental effects (as they are provided for under the By-law which means they are permitted) and will reduce the potential for conflict of documents in the future.

Submitter Name: Adrian Dixon

Submission No: 9.1pc42

Summary:

Opposed to proposed Plan change for the following reasons:

1. The benefits of option 2 in the section 32 report are understated and it does not reflect a true independent assessment.
2. Sections 5.2.3, 5.3.4 and 5.3.5 (Objective and policies for Commercial zones) refer to signage relating to onsite activities. A property owner may wish to place signage on their building, including selling advertising space. This should be a permitted activity.
3. Section 16.4.3 (Discretionary Activities) states that signs that are advertising a business or product that is not on the property requires consent. This is a removal of a property right.
4. Performance Standard 16.5(g) states that no sign shall be flashing, illuminated, contain reflective materials, moving animation or cause glare. For a community proud of our arts sector we have created a policy that will ensure our signs lack artistic merit.

Decision Sought:

1. That signage on buildings should be a permitted activity where amenity and other effects are not caused by the sign, no matter if the product or business is sold or operating from the site.
2. That signs are permitted to be flashing, illuminated or contain reflective materials or moving animation.

Submitter Name: Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ

Limits (*Collectively referred to as the Oil Companies*)

Further Submission No: 1.1pc42

Summary:

Supportive in part to submission 9 as illuminated signage should not require consent in all instances, particularly in commercial and industrial zones. The reference to illuminated signs should be removed and reliance instead placed on the balance of the performance standards to ensure signage is in accordance with the policy framework.

Decision Sought:

That the restriction on illuminated signage is removed.

Submitter Name: NZ Transport Agency

Further Submission No: 2.1pc42

Summary:

Opposed to submission 9 as illuminated, flashing signage or signs with reflective material or moving animation may have significant implications on the safety and efficiency of the State Highway network.

Decision Sought:

That the restriction on illuminated signage is retained as notified.

Council Decision:

That Submission 9 from Adrian Dixon and Further Submission 2.1 from NZ Transport Agency are **accepted in part** and Further Submission 1.1 from the Oil Companies is **accepted**.

The following amendments are made to Performance Standard 16.5.1(g):

16.5.1 General.

- g. *No sign shall be flashing, ~~illuminated~~, 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.*

Council Reasons for Decision:

1. The submissions from Mr Dixon, the Oil Companies and NZ Transport Agency are noted and appreciated.
2. The Committee did not agree with Mr Dixon's comments regarding unlimited signage. Demand for services in Whanganui is finite, albeit perhaps not yet at its limit. There is only ever a certain amount of demand – particularly in small areas like Whanganui. Signage can re-direct that demand, but will not increase total demand only the allocation of it, and only until their competitors advertise. Unlimited signs result in increased advertising costs and not necessarily more profit.
3. To be effective signage relies on being visible and distinct. Signage clutter reduces the effectiveness of the message.
4. Signage can also have a detrimental effect on the amenity of the surrounding area. There is a balance to be struck between:
 - a. signage clutter adversely affecting amenity and enjoyment of the environment; and
 - b. enabling businesses to use signs to attract clients.
5. Tourism is important to Whanganui's economy, and enjoyment of our environment is an important component to attracting tourists. Council has an obligation to the entire community to maintain the environment. Discretionary activity status for signage that is not located on the site to which it relates, is a roll-over of the existing situation and does not remove existing property rights.
6. Flashing, reflective and animated signs detract from the amenity of an area and cause traffic safety effects. However illuminated or lit signs when not visible from a residential environment allow people to find these businesses

(particularly at night) in a safe manner without detracting from the amenity of an area. The Committee determined that the limit suggested by the Reporting Officer would be practical on a flat site, but not given the variety of topography of Whanganui. Therefore a lux limit was adopted so that light from these signs would be effective, but not at a level that would adversely affect residential properties.