



WANGANUI DISTRICT COUNCIL SIGNAGE BYLAW 2015

1 PRELIMINARY CLAUSES

- 1.1 This Bylaw shall be known as the “Wanganui District Council Signage Bylaw 2015”.
- 1.2 This Bylaw shall come into force and take effect on Monday 12 October 2015.
- 1.3 This Bylaw applies to the Wanganui District.
- 1.4 This Bylaw is made under sections 145 and 146 of the Local Government Act 2002.
- 1.5 This Bylaw shall be reviewed by 12 October 2020.

2 APPLICATION

- 2.1 This Bylaw shall be read in conjunction with the Wanganui District Plan. In the event of a conflict between this Bylaw and the provisions of the District Plan, the District Plan shall prevail.
- 2.2 Nothing in this Bylaw limits the application of:
 - a. The Resource Management Act 1991, the Building Act 2004, or any enactment passed in amendment or substitution thereof;
 - b. Any other applicable Acts of Parliament, regulations or rules;
 - c. Any other Wanganui District Council Bylaw; and
 - d. Any other requirements imposed by Horizons Regional Council.

3 PURPOSE AND OBJECTIVES

- 3.1 The purpose of this Bylaw is to:
 - a. Ensure that advertising Signs on any Public Place are displayed, erected, fixed, placed, located and maintained in a way that does not present a hazard or danger to public safety; and
 - b. Maintain aesthetic standards and preserve visual amenity values in the District.
- 3.2 This Bylaw also recognises the need to advertise businesses and promote commerce, activities and events in the District.

4 INTERPRETATION

For the purposes of this Bylaw the following definitions shall apply unless context requires otherwise:

“**Act**” means the Local Government Act 2002.

“**Authorised Council Officer**” means any Person authorised in writing by the Chief Executive and holding a valid warrant to undertake and enforce the provisions of Council Bylaws.

“**Bylaw**” means the Wanganui District Council Signage Bylaw 2015.

“**Community Activity**” means any land and/or building used, or intended to be used, as a recreational facility, place of assembly, healthcare facility, day-care facility, community policing centre, educational facility or marae.

“**Chief Executive**” means the person appointed as the Chief Executive of Council or such officer as he or she delegates to act on his or her behalf.

“**Council**” means the Wanganui District Council or any Person delegated or authorised to act on its behalf.

“**District**” means the area within the territorial boundary of the Wanganui District Council.

“**District Plan**” means the operative Wanganui District Plan.

“**Election Hoarding**” means a Temporary Sign not more than three metres squared in size that promotes the election of a candidate or party for local or central government.

“**Footpath**” means part of any Road laid out or constructed primarily for pedestrians and includes edging, kerbing and channelling.

“**Good Condition**” means a Sign that is structurally stable and does not pose a danger to the public or to property.

“**Mobile Sign**” means a Sign visible from a Public Place and displayed on, affixed to, resting on, or in any way attached to or incorporated with a vehicle, trailer, or other means of transportation, and includes (but is not limited to) any frame, supporting device or ancillary equipment.

“**Offence**” means any act or omission in relation to this Bylaw or any part thereof for which any Person is liable for prosecution.

“**Official Sign**” means traffic signs as detailed in Schedule 1 to the Land Transport Rule: Traffic Control Devices 2004.

“**Permit**” means a written authority from Council with or without prescribed conditions and charges.

“**Person**” includes a natural person, a corporation sole, and a body or persons whether incorporated or not.

“**Portable Signage**” means a Sign that can be readily moved and includes a sandwich board, flag, banner pole and any similar device.

“Public Place” means an outdoor place or part of an outdoor place that at any time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place.

“Real Estate Sign” means a Sign displayed for the purpose of advertising a building, or part of a building, land or other real property for auction, sale or lease.

“Road” means the same as in section 315 of the Local Government Act 1974, and includes all land within the legal road reserve.

“Roadway” means that portion of any Road which is constructed so as to be available for the passage or parking of vehicles, whether or not that portion is sealed.

“Sign” means boards, placards, hoardings, flag signs, 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 vehicle or trailer is parked specifically for the purpose of attracting attention), with or without illumination.

But does not include:

- a. Sponsored art installations where the sponsor takes the lesser of one metre squared or 25% of the total area of the art installation; or
- b. Memorials and plaques,
on public land approved by Council’s Public Art Steering Group.

“State Highway Road Reserve” means any part of the Road held within the State Highway designations of the District Plan.

“Temporary Sign” means any Sign temporarily displayed for the purpose of:

- a. Advertising a local or central government election, or candidates for any such election;
- b. Advertising any forthcoming Community Activity;
- c. Advertising any Real Estate Sign; or
- d. Promoting the District, District boundaries and attractions within the District, a public health or safety message or government message.

“Tourist Facility” means any land, building or other structure which attracts and provides for transient domestic or international visitors and includes camping grounds, games venues, viewpoints, information kiosks, parking and rest areas, vehicle parking, toilets, and visitor accommodation.

Note: In this Bylaw, unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular.

5 SCOPE

5.1 Inclusions

This Bylaw applies to Signs displayed on or visible from any Public Place, including, but not limited to, Signs displayed on:

- a. Council owned premises;
- b. Council Footpaths;

- c. Council Roads, including areas of State Highway Road Reserve over which control of Signs has, by agreement with the New Zealand Transport Agency, been delegated to Council; and
- d. Council parks and reserves.

5.2 Exclusions

This Bylaw does not apply to:

- a. Signs on private premises: this Bylaw requires any Sign displayed on any private premises which is visible from a Public Place within the District is to comply with Part 3 clause 12 of this Bylaw. Otherwise, this Bylaw does not apply to any Sign on any private premises. The District Plan controls the size, content and other requirements for Signs displayed on private premises in the District.
- b. Any Official Sign displayed by Council, or the New Zealand Transport Agency.
- c. Signs displayed within the State Highway Road Reserve where control of Signs has not been delegated by the New Zealand Transport Agency to Council.
- d. Signs indicating hazardous substances used at a hazardous facility.
- e. Signs permitted under the District Plan.
- f. Signs lawfully displayed pursuant to any resource consent.
- g. Signs lawfully displayed pursuant to any statute or regulation.
- h. Signs lawfully exempted by Council in accordance with Part 2 clause 11 of this Bylaw.

PART 2 – GENERAL CLAUSES

6 GENERAL REQUIREMENTS

- 6.1 No Person shall display or erect any Sign in such a position as to be on, or projected over, any Public Place, unless the Sign is:
- a. Authorised by this Bylaw; or
 - b. Displayed in accordance with a Permit issued under this Bylaw; or
 - c. Excluded from this Bylaw pursuant to Part 1 clause 5.2 above; or
 - d. Exempted by Council pursuant to Part 2 clause 11 below.

6.2 Signs that do not comply with this Bylaw or are not permitted under the District Plan will require resource consent to be lawfully displayed.

7 CONSTRUCTION AND MAINTENANCE OF SIGNS

7.1 Any Person that has displayed a Sign must maintain that Sign at all times in Good Condition.

7.2 All Signs and their supporting structures must, in the opinion of Council, comply with the requirements of the Building Act 2004 (or any subsequent corresponding enactment), and the Building Code (or any subsequent corresponding Code), including withstanding wind and seismic loads.

8 CONTENT OF SIGNS

8.1 A Person must not display a Sign on a Public Place which does not comply with the latest Code of Ethics and any relevant Code of Practice issued by the New Zealand Advertising Standards Authority.

8.2 If the New Zealand Advertising Standards Complaints Authority upholds a complaint in relation to the content of any Sign on a Public Place, the owner, occupant or manager of

any property or premises on which the sign is displayed and the Person who is responsible for the sign must take such steps as are necessary to give effect to the decision of the New Zealand Advertising Standards Complaints Authority within two working days.

9 EXISTING SIGNS

9.1 Where a Sign lawfully existed prior to the coming in to force of this Bylaw, but it does not comply with the requirements of this Bylaw, it may remain in place subject to it being kept in Good Condition, provided that such work does not alter its physical size or otherwise affects its non-compliance with this Bylaw.

10 FEES AND CHARGES

10.1 Any Sign requiring the approval of Council will be subject to an application and payment of appropriate fees, as prescribed in Council's current Consent Fees and Charges document.

10.2 Council may also by resolution, prescribe fees in relation to an application to erect a sign, including fees to process the permit or to inspect signage.

11 EXEMPTIONS

11.1 Any Person may on the payment of the prescribed fee make written application to Council for an exemption to this Bylaw with respect to either the duration that a Sign may be displayed or the size of a Sign as prescribed under this Bylaw.

11.2 Where the Chief Executive or delegated Authorised Council Officer is satisfied that compliance with any requirements of this Bylaw would be unreasonable or impracticable, having regard to the circumstances of the case, an exemption from compliance with this Bylaw may be granted in whole or in part, with such modifications or conditions as are appropriate in the circumstances.

11.3 In making a decision whether to exempt a Sign from the provisions of this Bylaw, the Chief Executive or delegated Authorised Council Officer shall have regards to the:

- a. Size of the Sign; and
- b. Duration the Sign will remain displayed.

PART 3 – PROHIBITED SIGNS

12 SIGNS AFFECTING TRAFFIC SAFETY

12.1 No Sign shall be displayed, or permitted to remain where, in the opinion of Council (or the New Zealand Transport Agency in the case of State Highway Road Reserves) that Sign would:

- a. Distract unduly or be likely to distract unduly the attention of a road user;
- b. Obstruct or be likely to obstruct the view of any corner, bend, safety zone, driveway, Official Sign, traffic signal, or intersection;
- c. Resemble or be likely to be confused with any Official Sign;
- d. Invite road users to turn so close to a turning point that there is no time to signal or turn safely; or
- e. Otherwise constitute or be likely to constitute in any way a danger to road users.

12.2 Illumination of Signs

No Sign shall be displayed, or permitted to remain where, in the opinion of Council (or the New Zealand Transport Agency in the case of State Highways) that Sign contains reflective

materials, internal or external illumination, or moving animation that may interfere with a road users' vision.

13 OTHER PROHIBITED SIGNS

13.1 Offensive and Discriminatory Signs

No Person may display any Sign which explicitly or implicitly:

- a. Is objectionable within the meaning of the Films, Videos and Publications Classifications Act 1993;
- b. Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993;
- c. Is offensive, threatening, defamatory or insulting; or
- d. Incites or counsels any Person to commit any offence.

PART 4 – AUTHORISED TEMPORARY SIGNS

14 GENERAL REQUIREMENTS FOR TEMPORARY SIGNS

14.1 Temporary Signs which are displayed in Public Places for the purpose of electioneering, the selling or leasing of real estate, advertising a forthcoming Community Activity, or promoting a community message are permitted provided such Temporary Signs comply with this Bylaw, including, but not limited to:

- a. Part 2 - General Provisions;
- b. Part 3 - Prohibited Signs;
- c. Temporary signs clauses below; and
- d. Schedule 1 of this Bylaw.

14.2 Any other form of temporary signage will not be permitted on a Public Place, unless:

- a. Specifically exempted by Part 1 clause 5.2; or
- b. Otherwise exempted by Council pursuant to clause 11.

14.3 Temporary Signs, excluding Real Estate Signs, are only permitted to be displayed on the sites listed in Schedule 1 of this Bylaw.

14.4 All Temporary Signs displayed on a Public Place are to clearly display the name and contact details of the Person responsible for displaying the sign. For Election Hoardings, the Electoral Act 1993 (or any subsequent corresponding enactment) specifies the format of this contact information.

15 ELECTIONEERING AND COMMUNITY EVENT SIGNS

15.1 Permits

An application must be made to Council for a Permit before erecting or displaying Temporary Signs for the purpose of:

- a. Electioneering (as specified in Part 4 clause 15.2 below);
- b. Advertising a forthcoming Community Activity (as specified in Part 4 clause 15.3 below); or
- c. Promoting a community message (as specified in Part 4 clause 15.4 below).

Note: see Part 6 clause 25 below for further details regarding Permits.

15.2 Election Hoardings

The display of Election Hoardings or any other Signs permitted by the Electoral Act 1993 (or any subsequent corresponding enactment) within the District are permitted provided such Election Hoardings or Signs comply with the Electoral Act 1993 (or any subsequent corresponding enactment).

15.3 Temporary Event Signs

Any Temporary Sign advertising a Community Activity shall only be permitted where:

- a. It pertains to a community, cultural, sporting or other public event; and
- b. It is not in excess of 2.4 metres in height or does not have a display area that exceeds 2.88 metres squared; and
- c. It is not displayed for more than 2 months in advance of the event to which the sign relates; and
- d. It is not displayed for more than 2 working days following the completion of the event to which it relates; and
- e. It is displayed on one of the Council's designated permanent base structures for Temporary Event Signs, within an area identified in Schedule 1 of this Bylaw or a trailer which complies with clause 16 below.

15.4 Community message signs

A Sign may be temporarily displayed on one of Council's designated permanent base structures within an area identified in Schedule 1 of this Bylaw for up to 2 months if, in the opinion of Council, it promotes:

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

16 MOBILE SIGNS

16.1 A Person may display a Mobile Sign that is on a Road or Roadway and visible from a Public Place PROVIDED, such Mobile Sign:

- a. does not overhang the base of the trailer or vehicle;
- b. is parked within a designated parking space (if any); and
- c. is located at least 40 metres from any Road corner or intersection.

17 REAL ESTATE SIGNS

17.1 Any Real Estate Sign must only be displayed:

- a. For the purpose of advertising the auction, sale or lease of any building, part of a building, land, or other property; and
- b. On the building, land or property which is the subject of the advertised auction, sale or lease.

17.2 Real Estate Signs authorised by this Bylaw may be displayed for the duration that the related building or part of the building, land or property is for sale or available for lease, but must be removed within 10 working days of the related building or part of the building, land or property being sold, leased or withdrawn from the market.

17.3 Real Estate Signs are only permitted within the Road reserve to advertise an open home or auction for a period commencing no earlier than one (1) hour before and ending one (1) hour after an open home or auction takes place.

18 SIGNS ON FOOTPATHS

18.1 Businesses are permitted a maximum of two offsite Signs, one of which may be displayed at a corner or an intersection.

18.2 Any Sign displayed on the Footpath must:

- a. Advertise only the services and products of the business;
- b. Be displayed so as to retain a clear 1.8 metre pedestrian, mobility scooter, wheelchair or pram access way along the Footpath;
- c. Be set back no more than 1 metre from the Road kerb;
- d. Not interfere with street furniture or fittings, or with the opening of car doors;
- e. Not exceed 1.2 metres in height and 0.8 metres in width for sandwich boards;
- f. Not exceed 2.2 metres in height and 0.7 metres in width for flag signs.

18.3 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.

Best Practice: Council recommends that businesses as a matter of courtesy advise homeowners whose property is located at a corner or intersection where they intend to display a Sign of their intention to do so.

PART 5 – AUTHORISED SIGNS

19 SIGNS OVERHANGING FOOTPATHS

19.1 All Signs displayed under verandah's overhanging Roads (including Footpaths) within the Commercial Environment Chapter of the District Plan must:

- a. Advertise only businesses, services and products located on the site of the Sign;
- b. Be no closer than 2.5 metres to the Footpath beneath the sign; and
- c. Be set back at least 0.5 metres from the Road kerb.

Note: Refer to the operative District Plan rules.

20 DIRECTIONAL SIGNS

20.1 Directional Signs may be displayed to direct the general public to significant Community Activities or Tourist Facilities within the District. Directional Signs are generally displayed on the nearest major Road at the intersection with the Road on which the Community Activity or Tourist Facility is located.

20.2 Directional Signs must:

- a. Be specific to the type of Community Activity or Tourist Facility and must not include the individual name of a particular operator of the Community Activity or Tourist Facility; and
- b. Not exceed 1.2 metres in length and 0.225 metres in height per activity.

20.3 The cost of displaying and maintaining the Sign will be borne by the Person requesting the Sign or Signs.

20.4 Council retains the right to remove any Sign relating to a Community Facility or Tourist Attraction which ceases to operate in the location identified by the Sign.

PART 6 - ENFORCEMENT

21 OFFENCES

21.1 It is an offence under section 239 of the Act to breach a bylaw.

21.2 Every Person breaches this Bylaw, and commits an Offence, who:

- a. Does, or allows anything to be done, which is contrary to this Bylaw or any part of it; or
- b. Does anything which this Bylaw prohibits; or
- c. Fails to do, or allows anything to remain undone, which ought to be done by him or her within the time and in the manner required by this Bylaw or any part of it; or
- d. Fails to comply with any notice given to him or her under this Bylaw or any part of it or any condition that is part of any notice granted by Council; or
- e. Obstructs or hinders any Authorised Council Officer in performing any duty or in exercising any power under this Bylaw.

21.3 The penalties outlined in Part 6 clause 22 are in addition to, and not in substitution of, any action Council might take pursuant to any other enactment to address breaches of this Bylaw.

21.4 Notwithstanding Part 6 clauses 21.1 and 21.2, nothing in this Bylaw prevents Council from exercising its powers under the Resource Management Act 1991 to abate or infringe a nuisance without notice.

Notes:

No Person shall do anything or cause any condition to exist for which a Permit from Council is required under this Bylaw without first obtaining that Permit. The failure to do so shall constitute a breach of this Bylaw.

No application fee for a Permit from Council and no payment of or receipt for any fee paid in connection with such Permit shall confer any right, authority or immunity on the Person making such application or payment.

22 PENALTIES

22.1 In accordance with section 242 of the Act, every Person who commits an Offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.00.

22.2 In accordance with section 162 of the Act, Council may apply to the District Court for an injunction to restrain a Person from committing a breach of this Bylaw.

22.3 In accordance with section 163 of the Act, Council may remove or alter any Sign or other work or thing that is or has been constructed in breach of this Bylaw. Council may recover the cost of removing or altering the Sign, work or thing that is in breach of this Bylaw from the Person who committed the breach. Payment of this cost does not relieve the Person of liability for the breach of this Bylaw.

22.4 In accordance with sections 164 and 165 of the Act, Council may seize and impound property if it is materially involved in the commission of an Offence.

22.5 In accordance with sections 167 and 168 of the Act, Council may return or dispose of property seized and impounded. (Any Sign removed by Council may be released to the owner of the Sign upon payment of the costs incurred in its removal and storage.)

23 NOTICES

23.1 Council may by notice in writing require the owner or legal occupier of any property on which any non-complying Sign is displayed to repair or remove such Sign within a period stated in such notice.

23.2 Every notice to which Part 6 clause 21 above applies shall specify:

- a. The purpose of the notice;
- b. The action required to be undertaken;
- c. The time period in which the required action must be undertaken;
- d. The statutory authority for entry on land or premises, if intended;
- e. The rights of appeal (if any) to the matters referred to in the notice; and
- f. The name and phone number of the Authorised Council Officer to whom enquiries in respect of the notice may be made.

23.3 Where the owner of a Sign, or the owner or legal occupier of land on or over which a Sign is displayed, receives a notice given under Part 6 clause 23.1, that Person must comply with the requirements of the notice within the time period specified in the notice.

23.4 Where any Person has been requested to repair or remove any Sign, that Sign must not be altered or replaced unless the altered or replaced Sign complies with this Bylaw, in accordance with Part 2 clause 9.

23.5 Any notice issued pursuant to this Bylaw must be in writing and may be served by:

- a. Delivering it personally to the Person to who it is addressed to; or
- b. Sending it by post in a letter addressed to the Person, or leaving it at his or her usual or last known place of residence.

23.6 If a notice is sent to any Person by way of post, then for the purposes of this Bylaw it is deemed to have been received by the intended recipient at the time at which the letter would have been delivered in the ordinary course of postal delivery.

24 APPEAL PROCESS

24.1 Any Person who is dissatisfied with a decision made by Council may appeal in writing against that decision or conditions to Council within 14 days of receiving written notice of the decision or conditions.

24.2 On hearing the appeal brought under this Bylaw, Council's Statutory Management Committee may uphold, rescind or amend the decision or conditions made by the Authorised Council Officer. The decision of Council's Statutory Management Committee on the appeal shall be final.

24.3 The right of appeal is in addition to any other statutory right made available to the appealing party.

25 CONSENT, LICENCES AND PERMITS

25.1 Where any activity under this Bylaw requires a consent, licence or Permit from Council, the Person must:

- a. Complete the required application form;

- b. Pay the applicable application fee (if any); and
- c. Comply with any conditions of that consent, licence or Permit.

25.2 A Permit is personal to the applicant and is not transferable.

25.3 A Permit may be revoked by Council at any time.

25.4 A Permit may include, in addition to conditions incorporated by this Bylaw, conditions that Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw, and minimise the risk of nuisance.

25.5 Every Person relying on a Permit must comply with the conditions of the Permit.

25.6 All Permits may be revoked by Council for a breach of this Bylaw or for a breach of any of the conditions contained in the Permit, or, in the event of change of circumstances relating to the premises, the owner or occupier thereof.

SCHEDULE 1

Maps

Map 1 - Cornmarket Reserve.

Map 2 - London Street roundabout.

Map 3 – Anzac Parade – opposite Hakeke Street.

Map 4 - Anzac Parade - opposite Georgetti Road.

Map 5 - Corner of Liffiton Street and Carlton Avenue.

Map 6 - Corner of Bamber Street and Cornfoot Street.

Map 1 - Cornmarket Reserve

Sign to be at least 10m from the kerb and channel

Available area for signs in red



Original Sheet Size:
Scale: 1:1000

Projection: NZGD49 / New Zealand Map Grid
Bounds: 2685177.30996182,6140486.82219987

2685377.76828338,6140718.82897593

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If the information is relied on in support of a resource consent it should be verified independently.

Map 2 - London Street roundabout

Sign to be at least 10m from the kerb and channel

Available area for signs in red



Original Sheet Size:
Scale: 1:500

Projection: NZGD49 / New Zealand Map Grid
Bounds: 2683305.6481362,6139336.70070109

2683523.4019142,6139455.53264731

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Map 3 – Anzac Parade – opposite Hakeke Street

Sign to be at least 10m from the kerb and channel

Available area for signs in red



Original Sheet Size:
Scale: 1:500

Projection: NZGD49 / New Zealand Map Grid
Bounds: 2685793.71092242,6141864.87785495

2685905.19924978,6141925.71893445

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Map 4 - Anzac Parade - opposite Georgetti Road

Sign to be at least 10m from the kerb and channel
Available area for signs in red



Original Sheet Size:
Scale: 1:500

Projection: NZGD49 / New Zealand Map Grid
Bounds: 2686008.63210652,6139575.46270936

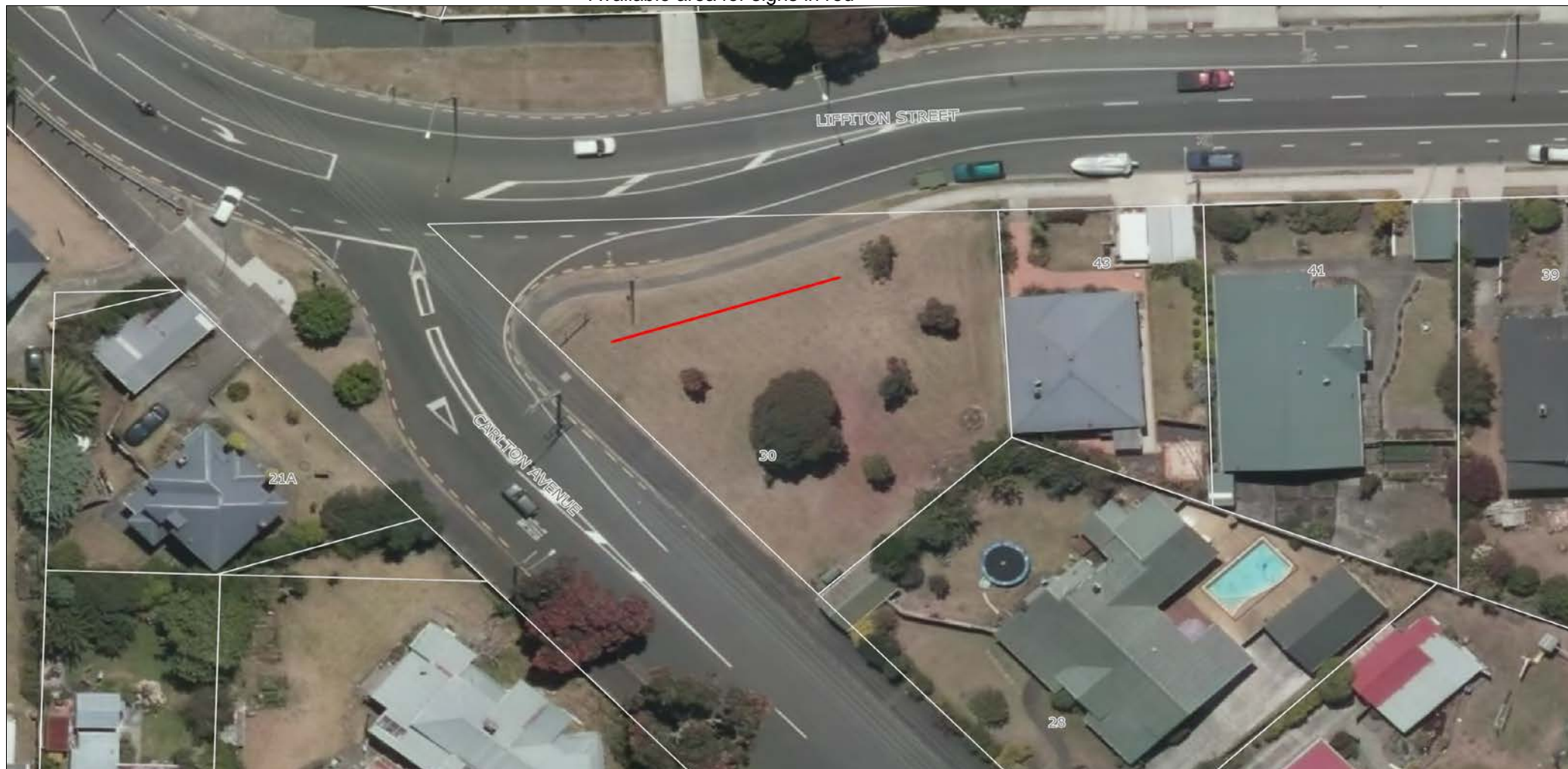
2686200.04921588,6139679.92228684

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Map 5 - Corner of Liffiton Street and Carlton Avenue

Sign to be at least 10m from the kerb and channel

Available area for signs in red



Original Sheet Size:
Scale: 1:500

Projection: NZGD49 / New Zealand Map Grid
Bounds: 2684199.22791468,6138456.79993317

2684310.43501012,6138517.48753963

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Map 6 - Corner of Bamber Street and Cornfoot Street

Sign to be at least 10m from the kerb and channel

Available area for signs in red



Original Sheet Size:
Scale: 1:500

Projection: NZGD49 / New Zealand Map Grid
Bounds: 2679572.8295964,6138663.7405383

2679752.5206568,6138761.8010111

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If the information is relied on in support of a resource consent it should be verified independently.

The Common Seal of Wanganui District Council was hereunto affixed this day of October 2015 in the presence of:

.....
MAYOR ANNETTE MAIN

.....
CHIEF EXECUTIVE KEVIN ROSS