
Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report – Signs

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The signs chapter addresses the following issues:</p> <ul style="list-style-type: none"> Inappropriately placed or designed signs including those with small lettering and cluttered messages, may cause driver distraction and thus adversely affect the safe and efficient operation of the transport network. The adverse effect that signs may have on the visual appearance or character of an area. Inappropriately placed or designed signs may have adverse effects on heritage values, including cumulative effects. Enables signs to support economic activity, identify important infrastructure and community activities, and where signs are necessary for achieving other statutory purposes, direction, and safety. In terms of sign related issues these are the main points considered when drafting the chapter: <ul style="list-style-type: none"> Making adequate provision for signs – including interpretive signs on scheduled sites and features etc. Proliferation of tear drop flags on some sites that cause driver distraction and visual clutter. Offsite signs in general rural zone that may cause driver distraction, visual clutter and do not maintain or enhance the rural character and amenity of the zone. Future proofing signs – making provision for digital signs, as there may be demand for these in the future. 	<p>Section 5 RMA Signs assist the social and economic well-being of people and communities by identifying key community facilities and increasing economic activity through branding and site identification. Signs (particularly official signs) are important for people's health and safety.</p> <p>Section 6 RMA A number of section 6 matters are relevant to this chapter.</p> <p>Section 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.</p> <p>Signs may have an operational or functional need to be located or partially located within outstanding natural features and landscapes. This matter sets a direction that these areas must be protected from inappropriate use and development, including in relation to signs.</p> <p>Section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>There may at times be requirements for signs within areas of significant indigenous vegetation or significant habitats of indigenous fauna or may have an operational or functional need to be located or partially located within such areas. This matter sets a direction that these areas must be protected.</p> <p>Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p> <p>Signs may have an operational or functional need to be located or partially located within sites or areas of significance to Māori. The relationship of Māori and their culture and traditions to these sites must be recognised and provided for in these instances.</p> <p>Section 6(f) the protection of historic heritage from inappropriate subdivision, use, and development There may at times be requirements for signs within areas or sites with historic heritage values. This matter sets a direction that these sites or areas must be protected.</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> New Zealand Coastal Policy Statement 2010 NPS for Electricity Transmission 2008 NPS for Renewable Electricity Generation 2011 NPS for Freshwater Management 2020 NPS on Urban Development 2020 NPS for Highly Productive Land 2022 <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> NES for Air Quality 2004 NES for Sources of Human Drinking Water 2007 NES for Telecommunication Facilities 2016 NES for Electricity Transmission Activities 2009 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 NES for Plantation Forestry 2017 NES for Freshwater 2020 NES for Storing Tyres Outdoors 2021 <p>The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) relates to the management of existing electricity transmission lines. Clauses 23 and 24 set out permitted and restricted discretionary standards for signs affixed to transmission line support structures. There is a note in the signs chapter overview which explains that the NESETA manages the size and area of signs on a transmission line support structure of an existing transmission line to identify the structure or its owner, or to help with safety or navigation.</p> <p>No other National Policy Statements or National Environmental Standards are relevant to this chapter.</p> <p>Relevant case law considered There is no case law relevant to this chapter.</p>	<p>Neither of the Regional Policy Statements specifically address signs, however signs contribute to the amenity and character of an area. The most relevant objectives are contained in the Waikato Regional Policy Statement, which states that the qualities and characteristics of areas and features, which are valued for their contribution to amenity, are to be maintained and enhanced.</p> <p>There are numerous objectives and policies relating to the protection of section 6 matters including outstanding natural landscapes and features, areas of significance to Maori, the natural character of the coastal environment, wetlands, lakes and rivers, and historic heritage etc. In order to protect the values of these features and items, signs need to be limited in size and location.</p> <p>Manawatū-Whanganui One Plan has been reviewed for relevant provisions in relation to signs.</p>	<p>The Waikato Tainui Environment Management Plan 2018 (WTEP)</p> <p>The WTEP has been reviewed and does not contain any explicit policy guidance or outcomes in respect of managing the effects of signs in the sense of seeking controls or direction on the size, number, and location of signs.</p> <p>Policy 23.3.1.1(h) to manage the effects on amenity values of an area due to contaminants, dust, odour, light, or noise. Particular areas of amenity value include, but are not limited to:</p> <ul style="list-style-type: none"> The Waikato River and its tributaries, banks, and immediate environs; Marae and papakāinga; Sight lines to important features in the landscape, water bodies, wāhi tapu and other sites of significance; and The coastline. <p>While this policy does not particularly mention signs, signs have the potential to affect these areas of amenity due to size, location and illumination.</p> <p>The WTEP also identifies areas with special values such as landscape and the coast Policy 24.3.4.1). The proposed signs provisions respond to these objectives and policies by only allowing illuminated signs in commercial, tourism and industrial zones. In addition, only one small sign is permitted on scheduled features or sites.</p> <p>It is considered that the WTEP provisions have been appropriately taken into account.</p>
<p>OPERATIVE WAITOMO DISTRICT PLAN</p>			<p>IWI MANAGEMENT PLANS</p>	<p>OTHER RELEVANT PLANS OR LEGISLATION</p>
<p>There is a specific chapter for signs in the Operative District Plan (ODP) and this focuses on controlling signs to maintain visual amenity, character and heritage values. The provisions also recognise that signs can detract from the safe and efficient operation of roads.</p> <p>The rules have a different approach for residential, business, rural and industrial zones, with signage being the most permissible in business and industrial zones. The signs permitted in all zones are:</p> <ul style="list-style-type: none"> One freestanding double sided sign for each frontage of a site and one sign on a building that is located in conjunction with an activity on that site. Official traffic directional and information signs. 	<p>Section 7 RMA The following clauses are relevant in section 7: Section 7(c) - the maintenance and enhancement of amenity values; and Section 7(f) - maintenance and enhancement of the quality of the environment.</p> <p>The potential and actual effects associated with signs include adverse effects on amenity values and the quality of the environment.</p> <p>Section 8 There are no section 8 matters relevant to this chapter.</p>		<p>Maniapoto Environmental Management Plan 2018 (MEMP)</p> <p>We are required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority. While there are no specific provisions relating to signs, there are provisions relating to significant cultural, spiritual natural and ecological landscapes, features or locations which need to be protected from inappropriate development. Signs have the potential to adversely affect such features if they are in the wrong location, are too large or are illuminated.</p> <p>For this reason, only one small sign is permitted on scheduled features or sites.</p>	<p><u>Traffic control devices manual (2011)</u> New Zealand Transport Agency</p> <p>The Traffic control devices manual (TCD manual) prepared by Waka Kotahi NZ Transport Agency (NZTA or the Agency) intended to provide guidance and indicate best practice to the transport industry and practitioners on the use of traffic signs. It contains a number of parts, with some published and other identified as planned. The relevant published parts include:</p> <ul style="list-style-type: none"> 1. General requirements for signs; 2. Direction, service and general guidance signs; 3. Advertising signs; 6. Speed management; 8. Code of practice for temporary traffic management;

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<ul style="list-style-type: none"> • Temporary signage including electoral signage. • "Sandwich Board" signs. <p>All flashing or animated signs located on a state highway require consent.</p> <p>Standards that apply to each zone include:</p> <ul style="list-style-type: none"> • Must not cause a nuisance. • 3 months duration for temporary signs. • Maximum number of characters and letters. • Height of sign letters dependent on the traffic speed environment. • Distance for visibility. • Obstruction of official roading signs and driver visibility at road intersections and entranceways. 			<p>It is considered that the proposed provisions have appropriately taken into account and respond to the objectives and policies in the MEMP.</p>	<ul style="list-style-type: none"> • 9. Level crossings; • 10. Motorways and expressways; and • 13. Parking control. <p>Parts 1, 2, 6, 8, 9, 10 and 13 are relevant to 'official signs' as defined in the Planning Standards.</p> <p>'Part 3 Advertising signs' supersedes Road and Traffic Standard Part 7 Advertising signs and road safety. The document is intended to help provide guidance and indicate best practice on the use of advertising signs to the transport industry, territorial authorities (TAs), practitioners and private operators. In particular, it considers both the safety and environmental or urban design issues that concern TAs or road controlling authorities (RCAs) when dealing with the effects of advertising signs. Relevant recommendations for roadside signs apply to the following topic areas:</p> <ul style="list-style-type: none"> • Typical requirements for real estate signs; • Billboards; • Footpath mounted signs; • Signs on buildings and other structures; • Freestanding signs; • Billboards; • Vehicle mounted signs; • Location and visibility of signs; • Sign density; • Sign design; • Illumination and glare from signs; and • Digital signs. <p><u>Waitomo District Council Public Places Bylaw 2009</u></p> <p>Section 145 of the Local Government Act 2002 enables Council to enact bylaws to control matters that give rise to public nuisance or safety concerns. The use of bylaws to control signs displayed in public places such as footpaths, parks, and pedestrian malls or squares is common throughout New Zealand.</p> <p>Section 8 of this bylaw relates to advertising signs and covers issues such as:</p> <ul style="list-style-type: none"> • Traffic safety • Reflective material that distracts drivers • Signs on Council property or public places • Signs, notices and placards on vehicles • Condition and maintenance of signs • Unsightly or dangerous signs <p>If a sign fails to conform to the bylaw, after being served with a notice in writing it is the responsibility of the occupier to remove the sign.</p> <p><u>Signs in Legislation</u></p> <ul style="list-style-type: none"> • Local Government Act 2002 - includes the ability for councils to enact bylaws; • Reserves Act 1977 - provides for the preparation of Reserve Management Plans, which can include restrictions on signs located within reserves; • Hazardous Substances and New Organisms Act (1996) - has associated obligations on signs where such substances are stored or used;
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<p>SCALE & SIGNIFICANCE s32(1)(c)</p>				
<p>The assessment is based on eight factors outlined in Ministry for the Environment’s guidance on section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: Problem / Issue: 2 Degree of Shift from Status Quo: 2 Who and How Many Affected, Geographic Scale of Effects: 2 Degree of Impact on or Interest from Maori: 1 Timing and Duration of Effects: 2 Type of Effect: 2 Degree of Risk or Uncertainty:1</p> <p>Total (out of 40): 12</p>				
<p>STRATEGIC DIRECTION</p>				
<p>The following objective from the Strategic Directions chapter of the PDP are relevant to this topic:</p>				
<p>SD-05: Compatible activities with similar effects and functions are zoned together and new development is directed towards the appropriate zones to ensure that land use and subdivision:</p> <ol style="list-style-type: none"> 1. Are consistent with the anticipated character and amenity values of the areas where they are located; and 2. Efficiently use natural and physical resources in order to meet the community’s and the environment’s needs both now and in the future; and 3. Recognise existing lawful activities and protect their ongoing operation from incompatible activities. <p>SD-010: The buildings, structures, sites, areas, ecosystems, natural landscapes and features identified as having special qualities and values and which contribute to the district’s sense of place and identity, are protected.</p> <p>SD-011: The components of the coastal environment including outstanding landscapes and features, natural character and ecosystems, together with the cultural and spiritual values accorded by mana whenua, are recognised and protected.</p>				
<p>UNCERTAINTIES AND RISKS s32(2)(c)</p>				
<p>The degree of risk and uncertainty is low, as the subject matter is well known, and the effects are also well understood. It is considered that there is certain and sufficient information on which to base the provisions as:</p> <ul style="list-style-type: none"> • There is no evidence that the amended provisions will place a high cost on the community or fail to sustainably manage resources. • While the proposed provisions are a departure from the status quo, they do not represent a significant change. Instead, the provisions provide greater clarity and certainty and are more responsive to the character and amenity of each zone. 				

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OBJECTIVE(S) s32(1)(a)	
<p>Relevance – The proposed objectives address the identified issues. It acknowledges that the adverse effects of signs need to be managed while providing for signs that meets the needs of the community. The proposed objectives are consistent with section 31(1)(a), the management of the effects of use, development or protection of land, which is inclusive of roads and the transport system. The proposed objectives achieve the purpose of the RMA by balancing the need for signs to meet community wellbeing with mitigating adverse effects on the environment, especially section 6 matters. It includes a directive to consider positive effects under section 104 where signage contributes to community well-being.</p> <p>Usefulness – The proposed objectives outline where, how and what type of signs can occur which will guide decision-making. The objectives clearly articulate an outcome and is drafted in plain english and active language. The objective is also measurable for monitoring purposes.</p> <p>Reasonableness – The objective does not create unjustifiably high costs on the community. Direct costs such as resource consent fees will be reduced because of the clear articulation of where and what type of signs can be erected. There is sufficient information to support this objective and its implementation should not create undue risk for the Council and community.</p> <p>Achievability – The proposed objectives are consistent with the PDP’s Strategic Objectives and will help achieve these.</p> <p>Are the objectives the most appropriate way to achieve the Purpose of the Act? The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objectives are the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> • Are more effective and efficient means of addressing the primary resource management issues identified within this section 32 report than the alternative status quo option of. • More appropriately reflects Council’s obligations under section 31 of the RMA than the alternative option, and gives effect to the relevant Part 2 matters, namely section 7(b), 7(c) and 7(f). • Gives effect to higher level documents, by enabling signs that contribute to economic and community activity but restricting them where a scheduled site or feature is present. • Aligns with the relevant Strategic Objectives by enabling signs as an integral component of business and community activities. 	
PROVISIONS s32(1)(b)	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)	ALTERNATIVES s32(1)(b)(i)
<p>Benefits Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • Maintains character and amenity values, appropriate to zone function and context. • Where resource consents are required, ensures that the potential adverse effects of relevance are considered, including effects on character, amenity and transport safety. • Avoids a proliferation of signs across the District. <p><u>Economic</u></p> <ul style="list-style-type: none"> • Provides clarity for business, infrastructure providers, and community groups regarding the scale and nature of signs that are expected in various zones. • The permitted number and size of signs in commercial and industrial zones has generally increased from the ODP, thereby better enabling such activity and reducing compliance costs. • For the government agencies, network utility operators, and important infrastructure providers removes or lessens the costs associated with obtaining signs consents. • Enables signs that contribute to economic growth in commercial zones <p><u>Social</u></p> <ul style="list-style-type: none"> • Reflects a more common sense approach by providing for the types of signs that people would expect to be established in the various zones. • Maintains anticipated levels of amenity in sensitive environments and where people have their homes. • Temporary signs for temporary activities such as community events are enabled subject to meeting standards. • Ensures signs needed for health and safety are permitted. • Ensures safety of the transport network. • Recognises the character and amenity of each zone / precinct. Direct social benefits will be generated through the protection of the amenity values of the environment, which supports the wellbeing of people and communities. • Indirect social benefits may be generated through the allowance for temporary type signs, which may encourage the promotion of community events in the District where currently there are barriers, which require permission from Council through a consenting regime. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • less likely to affect the cultural values of a scheduled site, while still enabling identification and interpretation <p>Costs Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • No environmental costs are identified <p><u>Economic</u></p> <ul style="list-style-type: none"> • Potentially constrains and restricts areas where signs can be established, especially within the Residential and general rural zones (i.e. off-site signs). • Potential consenting costs in some instances. <p><u>Social</u></p> <ul style="list-style-type: none"> • No adverse social costs are anticipated. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • No adverse cultural costs are anticipated. <p>Economic growth opportunities While the provisions will support economic growth and development, they will not directly lead to economic growth.</p>	<p>For the purpose of this evaluation, the Council has considered the following potential options:</p> <ol style="list-style-type: none"> 1. The proposed provisions; and 2. The status quo. 3. The use of bylaws <p>The ODP provisions are not considered to be efficient or effective in achieving the objectives.</p> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> - Reviewed other relevant district plan provisions for signs; and - Sought feedback from elected members through workshops.

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<p>Employment opportunities The provisions are unlikely to generate additional employment opportunities, but they may indirectly lead to increased employment opportunities by supporting the success of local businesses.</p>	
<p>QUANTIFICATION OF BENEFITS & COSTS s32(2)(b) Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic.</p>	
<p>EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii)</p>	<p>REASONS FOR PROVISIONS s32(1)(b)(iii)</p>
<p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> The provisions will be efficient at achieving the objectives by allowing signs with minor or no effects as a permitted activity and requiring those with the potential for greater adverse effects to obtain consent. The provisions explicitly enable signs that are required by legislation such as health and safety and avoid duplication of process.</p> <p><u>Effectiveness</u> The proposed provisions are considered to be the most effective method for meeting the objectives as they best recognise and provide for temporary signage, protect amenity values through better management of sign effects at zone interfaces and maintain the safe operation of the transport network through appropriate standards. The proposed provisions will achieve the objectives as together they will:</p> <ul style="list-style-type: none"> • give effect to the higher order policy documents, and the relevant Strategic Objectives for the PDP. • enable the Council to fulfil its statutory obligations, including section 31 of the RMA and gives effect to the relevant Part 2 Matters, namely sections 7(b), 7(c) and 7(f). • ensure that adverse effects associated with signs are managed by requiring compliance with applicable activity and built form performance standards and the assessment of potential effects as part of a resource consent process where the standards are not met. • enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 	<p>Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions: The suite of provisions are the most appropriate approach to achieve the objectives, since it best recognises and provides for the positive effects of signs, whilst minimising their adverse environmental effects. This is achieved through a regulatory regime that clearly defines and manages a range of signs, with rules and standards to minimise their adverse effects including using consent conditions.</p>