

Submission on Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council - Planning Unit

Date received: 15/12/2022

Submission Reference Number #:47

This is a submission on the following proposed plan (the **proposal**): Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Submitter:

ANSTAR Limited - Rob Anderson

Address for service:

ANSTAR Limited
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New Zealand

Email: sam@townplanning.co.nz

Submission on behalf of:

ANSTAR Limited, Robert Anderson

Attachments:

2932-22 ANSTAR Limited - Submission FINAL.docx

2932-22 ANSTAR Limited - Submission FINAL.docx

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **No**

Submission points

Point 47.1

Section: SIGN – Signs

Sub-section: Rules

Provision:

SIGN-R4	Any signs not otherwise address in the Rules section of this chapter	
1.	Activity status: Permitted	Activity status where compliance not achieved with PER-3 or PER-4: Restricted Discretionary
Commercial and mixed use zones	<p>Where:</p> <p>PER-1 The sign is not an off-site sign; and</p> <p>PER-2 The sign must not be flashing or moving; and</p> <p>PER-3 The sign must comply with the height in relation to boundary requirements for the Zone; and</p>	<p>Matters of discretion are restricted to:</p> <p>1. the matters of discretion of any infringed standard.</p> <p>Note:</p> <p>Where compliance with PER-3 is not achieved, the matters of discretion for the zone requirements apply.</p> <p>Activity status where compliance not achieved with PER-2: Discretionary</p> <p>Activity status where compliance not achieved with PER-1: Non-complying</p>
Residential zones		
Rural zones		
Māori Purpose Zone	<p>PER-4</p> <p>The activity complies with all the Standards of this chapter.</p>	
2.	Activity status: Permitted	Activity status where compliance not achieved with PER-3 or PER-4: Restricted Discretionary
Open space and recreation zones	<p>Where</p> <p>PER-1</p> <p>The sign:</p> <ol style="list-style-type: none"> 1. is not an off-site sign; or 2. is an off-site sign which: <ol style="list-style-type: none"> a. is for commercial sponsorship of a recreation activity; and b. will not be visible beyond the site; and <p>PER-2</p> <p>The sign is ancillary to a recreation activity; and</p> <p>PER-3</p>	<p>Matters of discretion are restricted to:</p> <p>1. the matters of discretion of any infringed standard.</p> <p>Note: Where compliance with PER-4 is not achieved, the matters of discretion for the zone requirements apply.</p> <p>Activity status where compliance not achieved with PER-2: Discretionary</p> <p>Activity status where compliance not achieved with PER-1: Non-complying</p>

<p>3.</p> <p>General Industrial Zone</p> <p>Port Zone</p>	<p>The sign must meet the height to boundary requirements for the Zone; and</p> <p>PER-4</p> <p>The activity complies with all the Standards of this chapter.</p> <p>Activity status: Permitted</p> <p>Where</p> <p>PER-1</p> <p>The sign is not an off-site sign; and</p> <p>PER-2</p> <p>The sign must comply with the height in relation to boundary requirements for the Zone; and</p> <p>PER-3</p> <p>The activity complies with all the Standards of this chapter.</p>	<p>Activity status where compliance not achieved with PER-2 or PER-3: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. <p>Note:</p> <p>Where compliance with PER-2 is not achieved, the matters of discretion for the zone requirements apply.</p> <p>Activity status where compliance not achieved with PER-1: Non-complying</p>
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Sentiment: Oppose

Submission:

OPPOSE SIGN-R4 as it does not provide for off-site signs and does not provide for appropriate effects-based assessment as a permitted activity within Industrial, Commercial or Mixed-Use Zones despite their effects being manageable and comparable to on-site signs, and cumulative effects being avoidable.

OPPOSE Non-complying activity status when compliance not achieved as most permitted activity rules default to restricted discretionary activities on the basis that there is no effects-based planning rationale to justify managing off-site signs differently to other signs.

ANSTAR **opposes** rule SIGN-R4, in that it does not provide for off-site signage including billboards as a permitted activity with appropriate activity standards, in Industrial, Commercial or Mixed-Use zones.

ANSTAR considers that the environmental effects of off-site and billboard signage in these zones are able to be appropriately managed such that adverse cumulative effects are avoided, and are of a comparable nature to that of site related signage.

ANSTAR is also concerned that the rule as drafted would mean that any off-site would default to non-complying activity status, when any other permitted activity not complying with the same rules would only trigger a restricted discretionary or discretionary activity resource consent. There is no effects-based reason to treat off-site signs any differently to other signs.

ANSTAR seeks that the rule is **amended** to remove any reference to off-site signage so that on-site and off-site signage are treated the same and assessed based on the effects.

Relief sought

enable off-site signage (billboards) to be established as a permitted or controlled activity (supported by suitable criteria), and if that criteria is not met to fall to a Restricted Discretionary Activity.

That **SIGN-R4** be **amended**:

To **remove** any reference to off-site signage; and

To **remove** the activity status of non-complying within all zones and treat on-site and off-site signage the same and assess based on effects of the sign if standards are not complied with.

Such further or other or consequential relief to the Proposed Plan to enable this relief to be implemented, including but not limited to, the maps (including overlays, zonings and urban demarcation boundaries), issues, objectives, policies, rules, controls/discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission, and enable a clear, efficient, cost-effective consenting process to achieve off-site signage on the property.

Amend Rule SIGN -R4 to read as follows:

SIGN-R4 – Any signs not otherwise address in the Rules section of this chapter

1. Commercial and mixed use zones, Residential zones, rural zones maori purpose zone

Activity Status: Permitted Where:

PER-1

The sign is not an off-site sign; and

PER-2

The sign must not be flashing or moving; and

PER-3

The sign must comply with the height in relation to boundary requirements for the Zone; and

PER-4

The activity complies with all the Standards of this chapter.

Activity status where compliance not achieved with PER-3 or PER-4: Restricted Discretionary Matters of discretion are restricted to:

1. the matters of discretion of any infringed standard.

Note:

Where compliance with PER-3 is not achieved, the matters of discretion for the zone requirements apply.

Activity status where compliance not achieved with PER-2: Discretionary

Activity status where compliance not achieved with PER-1: Non-complying

2. Open space and recreation zones Activity status: Permitted

Where:

PER-1

The sign:

1. is not an off-site sign; or
2. is an off-site sign which:
 - a. is for commercial sponsorship of a recreation activity; and

b. — will not be visible beyond the site; and

PER-2

The sign is ancillary to a recreation activity; and

PER-3

The sign must meet the height to boundary requirements for the Zone; and

PER-4

The activity complies with all the Standards of this chapter.

Activity status where compliance not achieved with PER-3 or PER-4: Restricted Discretionary

Matters of discretion are restricted to:

1. the matters of discretion of any infringed standard.

Note: Where compliance with PER-4 is not achieved, the matters of discretion for the zone requirements apply.

Activity status where compliance not achieved with PER-2: Discretionary

Activity status where compliance not achieved with PER-1: Non-complying

3. General Industrial Zone, Port Zone Activity status: Permitted

Where:

PER-4

The sign is not an off-site sign; and

PER-2

The sign must comply with the height in relation to boundary requirements for the Zone; and

PER-3

The activity complies with all the Standards of this chapter.

Activity status where compliance not achieved with PER-2 or PER-3: Restricted Discretionary

Matters of discretion are restricted to:

1. the matters of discretion of any infringed standard.

Note:

Where compliance with PER-2 is not achieved, the matters of discretion for the zone requirements apply.

Activity status where compliance not achieved with PER-1: Non-complying

Point 47.2

Section: SIGN – Signs

Sub-section: Policies

Provision:

SIGN-P3 Off-site Commercial advertising signs

Avoid new off-site commercial advertising signs not provided for under SIGN-P4, unless:

1. it can be demonstrated it will not establish a precedent or result in similar applications to request equivalent treatment; and
2. it will not create cumulative adverse effects; and
3. it meets the requirements detailed in SIGN-P1 and SIGN-P2.

Sentiment: Oppose

Submission:

ANSTAR **opposes** policy SIGN-P3 in that it seeks to limit, manage, and avoid off-site signage in relation to specific zonings rather than in relation to the transport environment.

There is no effects-based reason to single out off-site signs including billboards from any other signs from a traffic safety perspective, provided that effects are managed by appropriate rules.

The policy comes from a starting point that off-site signs somehow create an effect that should be limited, managed, and avoided.

The proposed policy seeks to avoid off-site signs in all zones other than open space and recreation zones – traffic safety is not a zone related issue.

Point 2 and point 3 of the policy is able to equally apply to any signage and point 1 is unnecessary from a traffic safety perspective, and a resource management perspective as each application shall be treated upon its own merits.

There is no effects-based reason to limit off-site signs per-se on the basis of transport safety. The effects of off-site signs are able to be managed such that effects are comparable to those of on-site signs.

ANSTAR **opposes** the proposed policy to avoid off-site signs, as there is no environmental effects-based reason to do so. It is considered that the effects of off-site signage can be managed, rather than simply limiting them with no other justification.

Relief sought

Remove Policy SIGN-P3 in its entirety.

Point 47.3

Section: Definitions

Sub-section: Definitions

Provision:

means any device, character, graphic or electronic display, whether temporary or permanent; which

- a. is for the purposes of—
 - i. identification of or provision of information about any activity, property or structure or an aspect of public safety;
 - ii. providing directions; or
 - iii. promoting goods, services or events; and
- b. is projected onto, or fixed or attached to, any, structure or natural object; and

SIGN

- c. includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.

Sentiment: Support

Submission:

ANSTAR **supports** the definition of sign in that it:

Provides for a clear understanding of what is defined as a sign; and

Provides clear direction that the sign includes the frame, supporting device and ancillary equipment that functions to support the message or notice.

Relief sought

Retain the definition of "Sign" as notified

Point 47.4

Section: SIGN – Signs

Sub-section: Objectives

Provision:

SIGN-01 Signs

Signs contribute to the social, cultural and economic wellbeing of the Timaru District while:

1. supporting the needs of business, infrastructure and community activities;
2. maintaining or enhancing the character and amenity values of the surrounding area; and
3. maintaining public safety.

Sentiment: Support

Submission:

ANSTAR**supports** Objective SIGN-01 in that it acknowledges that signs provide for the District's economic and community well-being without compromising transport safety, character and amenity values, landscape values, natural values or heritage values.

ANSTAR considers that billboards are able to be provided in appropriate locations and with appropriate controls that ensure that this objective is met.

Relief sought

Retain Objective SIGN-01 as notified

Submission on a Publicly Notified Plan

Proposed Timaru District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

To: **Timaru District Council** (“Council”)

Name of Submitter: **ANSTAR Limited**

Introduction

1. This submission is made in accordance with Clause 6 of Schedule 1 of the Resource Management Act 1991 (“RMA”) in the prescribed form (Form 5).
2. The Proposed Timaru District Plan (**Proposed Plan**) was notified on 22 September 2022.
3. This submission is on the Proposed Plan. The submitter has an interest in the Proposed Plan as a whole, and as such, this submission relates to the Proposed Plan in its entirety, including the general provisions, district-wide matters, and area specific matters.
4. Without derogating from the generality of the above, this submission specifically relates to the property located at 180-184 Hilton Highway in Washdyke, Timaru. The site is legally described as Lot 2 DP 43716 as held in the Record of Title CB22F/21 with a land area of 4384 square metres more or less (**the property**).
5. Under the Proposed Plan, the property is zoned *General Industrial Zone*. The property is indicated in the figure below.

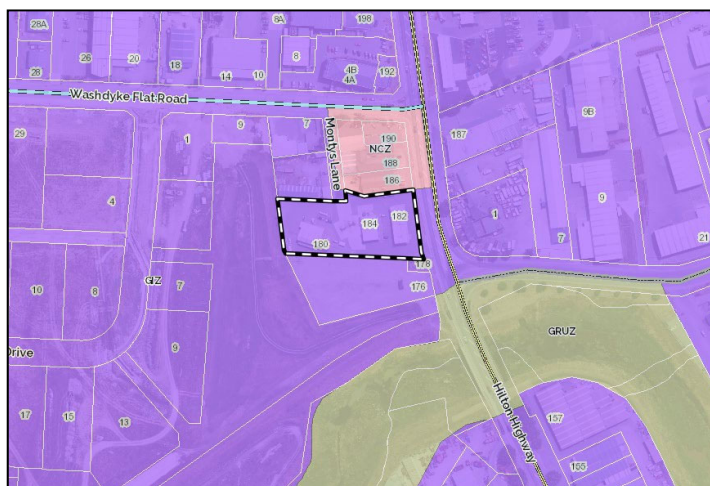


Figure 1: 180-184 Hilton Highway (Timaru Proposed District Plan)

6. The submitter has applied to the Timaru District Council for consent to establish a digital billboard on this site. The application has not been determined and a hearing of the application and the single submission opposing it (Waka Kotahi) is scheduled for January 2023. The submitter may also identify other sites in the district which present opportunities for off-site signage to be placed.

7. The submitter could not gain an advantage in trade competition through this submission.

Submission Overview

8. Off-site billboard advertising provides a positive contribution to social and economic wellbeing, by enabling businesses to advertise their products. They are an accepted part of the urban environment throughout New Zealand. The environmental effects of billboard advertising are able to be appropriately managed through design and location controls in a way that adverse effects are avoided or appropriately minimised.
9. The potential adverse environmental effects of billboard advertising relate to:
- a) Adverse effects on traffic safety;
 - b) Adverse visual / urban amenity and lighting effects; and
 - c) Cumulative effects.
10. The majority of billboards comprise of reinforced printed PVC, laced, stapled or affixed in a number of ways to frames and structures, either wall mounted or free standing. Digital billboards are also being increasingly used, and the environmental effects of these are now well known to the point where Council's throughout New Zealand have provided for them in District Plans, and common activity standards have been adopted in many cases.
11. The submitter therefore supports the position embedded in the Proposed Plan that recognises that its land is within a "area primarily containing industrial activities having significant economic benefits and provides a range of ancillary and other activities generally compatible with industrial activities" (Introduction - Proposed General Industrial zone.)
12. In their current form, the objectives, policies and rules of the Proposed Plan and the proposed General District Wide Matters relating to Signs are lacking detail and do not provide consistency between on-site signage and off-site signage effects, ultimately leading to an inefficient and uncertain outcome in terms of Section 32 of the Resource Management Act 1991 (**RMA**).
13. The provisions as notified require off-site signage to obtain consent as a non-complying activity. That activity status, alongside restrictive policies that seek to avoid any off-site signage being erected would effectively prevent off-site signage being established. This outcome would be inefficient, unreasonable and would not serve to achieve a resource management purpose. The costs and uncertainty of advancing a non-complying consenting process are a significantly negative factor in terms of Section 32.
14. In particular, the submitter **opposes**:
- (a) **SIGN-R4** as it does not provide for off-site signs and does not provide for appropriate effects-based assessment as a permitted activity within Industrial, Commercial or Mixed-Use Zones despite their effects being manageable and comparable to on-site signs, and cumulative effects being avoidable.
 - (b) **Non-complying activity status** when compliance not achieved as most permitted activity rules default to restricted discretionary activities on the basis that there is no effects-based planning rationale to justify managing off-site signs differently to other signs.

15. The submitter therefore seeks amendments to the Proposed Plan to enable off-site signage to be erected within sites in the General Industrial Zone, in particular 180-184 Hilton Highway, either as a permitted or controlled activity (supported by suitable criteria), and if that criteria is not met to fall to a Restricted Discretionary Activity.

16. The submitter considers that its property is appropriately located in a zone that is suitable to situate off-site signage and also provides a logical site that reduces the risk to road safety and would provide the same effects as an on-site sign that is permitted by the Proposed District Plan and can be established under the Plan framework.

Relief sought:

17. The submitter requests as primary relief:

(a) Grant the relief sought as outlined in this submission to enable off-site signage (billboards) to be established as a permitted or controlled activity, as generally set out in the amended provisions contained in **Attachment 1**.

18. The submitter requests as secondary relief:

(a) That SIGN-R4 be amended:

- To remove any reference to off-site signage; and
- To remove the activity status of non-complying within all zones and treat on-site and off-site signage the same and assess based on effects of the sign if standards are not complied with.

(b) Such further or other or consequential relief to the Proposed Plan to enable this relief to be implemented, including but not limited to, the maps (including overlays, zonings and urban demarcation boundaries), issues, objectives, policies, rules, controls/discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission, and enable a clear, efficient, cost-effective consenting process to achieve off-site signage on the property.

19. Providing for the relief sought will:

(a) result in a consistent and resource management focused approach in assessment of signage for all zones throughout the district;

(b) enable development of signage to follow the logical area in which advertising should be located without discrimination between on-site and off-site signage;

(c) contributing to social and economic well-being of communities and meet reasonably foreseeable needs for future signage within the district;

(d) meet the reasonably foreseeable needs of future generations;

(e) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the

provisions relative to other means;

- (f) give effect to the Canterbury Regional Policy Statement and National Policy Statement for Urban Development.
 - (g) promote the sustainable management of natural and physical resources, will be consistent with Part 2 of the Resource Management Act 1991 and ultimately achieve its purpose.
20. The suggested revisions contained in this submission do not limit the generality of the reasons for the submission.
21. The submitter wishes to be heard in support of its submission.
22. If others make similar submissions, the submitter will consider presenting a joint case at any hearing.

DATED 15 December 2022



Samantha Kealey
On behalf of ANSTAR Limited

The Submitter's address for service is c/- Town Planning Group, PO Box 35, Christchurch.

Documents for service on the submitter may be sent to that address for service or may be emailed to sam@townplanning.co.nz. Service by email is preferred, with receipt confirmed by return email.

Attachment One – Submission Details

General Relief Sought

ANSTAR Limited seek the amendments to the Proposed Timaru District Plan as detailed in the table that follows, and including any alternate and/or consequential amendments to the issues, objectives, policies, rules, maps and other methods required to give effect to the relief sought.

Provision	Submission	Relief Sought
Part 1 Introduction and General Provisions – Interpretation - Definitions		
Sign	<p>ANSTAR supports the definition of sign in that it:</p> <p>Provides for a clear understanding of what is defined as a sign; and</p> <p>Provides clear direction that the sign includes the frame, supporting device and ancillary equipment that functions to support the message or notice.</p>	Retain the definition of “Sign” as notified
Part 2 – District-Wide Matters – General District-Wide Matters – SIGN - Signs		
Objective SIGN-O1	<p>ANSTAR supports Objective SIGN-O1 in that it acknowledges that signs provide for the District’s economic and community well-being without compromising transport safety, character and amenity values, landscape values, natural values or heritage values.</p> <p>ANSTAR considers that billboards are able to be provided in appropriate locations and with appropriate controls that ensure that this objective is met.</p>	Retain Objective SIGN-O1 as notified
Policy SIGN-P3 Off-site Commercial advertising signs	<p>ANSTAR opposes policy SIGN-P3 in that it seeks to limit, manage, and avoid off-site signage in relation to specific zonings rather than in relation to the transport environment.</p>	Remove Policy SIGN-P3 in its entirety.

	<p>There is no effects-based reason to single out off-site signs including billboards from any other signs from a traffic safety perspective, provided that effects are managed by appropriate rules.</p> <p>The policy comes from a starting point that off-site signs somehow create an effect that should be limited, managed, and avoided.</p> <p>The proposed policy seeks to avoid off-site signs in all zones other than open space and recreation zones – traffic safety is not a zone related issue.</p> <p>Point 2 and point 3 of the policy is able to equally apply to any signage and point 1 is unnecessary from a traffic safety perspective, and a resource management perspective as each application shall be treated upon its own merits.</p> <p>There is no effects-based reason to limit off-site signs per-se on the basis of transport safety. The effects of off-site signs are able to be managed such that effects are comparable to those of on-site signs.</p> <p>ANSTAR opposes the proposed policy to avoid off-site signs, as there is no environmental effects-based reason to do so. It is considered that the effects of off-site signage can be managed, rather than simply limiting them with no other justification.</p>	
<p>SIGN-R4 Any signs not otherwise address in the Rules section of this chapter</p> <p>1.</p> <p>Commercial and mixed use zones</p>	<p>ANSTAR opposes rule SIGN-R4, in that it does not provide for off-site signage including billboards as a permitted activity with appropriate activity standards, in Industrial, Commercial or Mixed-Use zones.</p>	<p>Amend Rule SIGN -R4 to read as follows:</p> <p><u>SIGN-R4 – Any signs not otherwise address in the Rules section of this chapter</u></p>

<p>Residential zones Rural zones Maori Purpose Zone 2. Open space and recreation zones 3. General Industrial Zone</p>	<p>ANSTAR considers that the environmental effects of off-site and billboard signage in these zones are able to be appropriately managed such that adverse cumulative effects are avoided, and are of a comparable nature to that of site related signage.</p> <p>ANSTAR is also concerned that the rule as drafted would mean that any off-site would default to non-complying activity status, when any other permitted activity not complying with the same rules would only trigger a restricted discretionary or discretionary activity resource consent. There is no effects-based reason to treat off-site signs any differently to other signs.</p> <p>ANSTAR seeks that the rule is amended to remove any reference to off-site signage so that on-site and off-site signage are treated the same and assessed based on the effects.</p>	<p><u>1. Commercial and mixed use zones, Residential zones, rural zones maori purpose zone</u></p> <p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> The sign is not an off-site sign; and</p> <p><u>PER-2</u> The sign must not be flashing or moving; and</p> <p><u>PER-3</u> The sign must comply with the height in relation to boundary requirements for the Zone; and</p> <p><u>PER-4</u> The activity complies with all the Standards of this chapter.</p> <p><u>Activity status where compliance not achieved with PER-3 or PER-4: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>the matters of discretion of any infringed standard.</u> <p><u>Note:</u> <u>Where compliance with PER-3 is not achieved, the matters of discretion for the zone requirements apply.</u></p>
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		<p><u>Activity status where compliance not achieved with PER-2: Discretionary</u></p> <p><u>Activity status where compliance not achieved with PER-1: Non-complying</u></p> <p><u>2. Open space and recreation zones</u> <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> The sign:</p> <ol style="list-style-type: none"> 1. is not an off-site sign; or 2. is an off-site sign which: <ol style="list-style-type: none"> a. is for commercial sponsorship of a recreation activity; and b. will not be visible beyond the site; and <p><u>PER-2</u> The sign is ancillary to a recreation activity; and</p> <p><u>PER-3</u> The sign must meet the height to boundary requirements for the Zone; and</p> <p><u>PER-4</u> The activity complies with all the Standards of this chapter.</p> <p><u>Activity status where compliance not achieved with PER-3 or PER-4: Restricted Discretionary</u></p>
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		<p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"><u>1. the matters of discretion of any infringed standard.</u> <p><u>Note:</u> <u>Where compliance with PER-4 is not achieved, the matters of discretion for the zone requirements apply.</u></p> <p><u>Activity status where compliance not achieved with PER-2: Discretionary</u></p> <p><u>Activity status where compliance not achieved with PER-1: Non-complying</u></p> <p><u>3. General Industrial Zone, Port Zone</u></p> <p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> The sign is not an off-site sign; and</p> <p><u>PER-2</u> <u>The sign must comply with the height in relation to boundary requirements for the Zone; and</u></p> <p><u>PER-3</u> <u>The activity complies with all the Standards of this chapter.</u></p>
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		<p><u>Activity status where compliance not achieved with PER-2 or PER-3: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none">1. <u>the matters of discretion of any infringed standard.</u> <p><u>Note:</u> <u>Where compliance with PER-2 is not achieved, the matters of discretion for the zone requirements apply.</u></p> <p><u>Activity status where compliance not achieved with PER-1: Non-complying</u></p>
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