



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	Vetlife Ltd
RM reference:	RM140852
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for Land Use Consent to erect 6.7m ² of signage associated with the Vetlife premise.
Location:	2 Balneaves Lane, Wanaka
Legal Description:	Lot 9 DP 349593 contained in Computer Freehold Register 203718
Zoning:	Rural Residential
Activity Status:	Non-Complying
Notification Decision:	Limited Notified
Delegated Authority:	Blair Devlin – Manager, Resource Consenting
Final Decision:	GRANTED SUBJECT TO CONDITIONS
Date Decisions Issued:	15 January 2015

SUMMARY OF DECISIONS

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's TRIM file and responses to any queries) by Blair Devlin, Manager, Resource Consenting, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

The report entitled '*Application for land use consent for signage - Vetlife Ltd - 2 Balneaves Lane, Wanaka - Assessment of Environmental Effects*', prepared by Peter Dymock of Patterson Pitts Group attached as Appendix A, and hereon referred to as the applicant's AEE. A detailed description of the proposal and the site and locality is found in Sections 1-3 of the applicant's AEE. I consider this description is accurate and is adopted for the purpose of this report.

2. NOTIFICATION, SUBMISSIONS AND OBLIGATION TO HOLD A HEARING

The application was publicly notified on 5 November 2014.

A decision under section 100 of the Act to not hold a hearing was made by Mr Blair Devlin (Manager, Resource Consenting) on 13 January 2015.

3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 6 of the S42A report outlines S104 of the Act in more detail.

The application must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 9 of the S42A report outlines Part 2 of the Act.

3.1 RELEVANT PLAN CONSIDERATIONS

The site is zoned Rural Residential and the proposed activity requires resource consent for the following reasons:

- A **non-complying** activity pursuant to rule 18.2.3(b) as the proposal breaches zone standard 18.2.5 in regard to the erection of 6.7m² of signage where a maximum of 0.5m² is specified.

Overall, the application is considered to be a **non-complying** activity under District Plan provisions.

4. SUMMARY OF EVIDENCE HEARD

This is not applicable in this case as there has not been a hearing.

5. PRINCIPAL ISSUES IN CONTENTION

The principal issues arising from the application, section 42A report and content of submissions are:

- Whether the adverse effects of the proposal are appropriate;
- Whether the proposed development is in accordance with the relevant objectives and policies of the District Plan.
- Whether granting consent would serve the purpose of the Act.

The findings relating to these principal issues of contention are outlined in Section 9 of the attached S42A report.

6. ASSESSMENT

6.1 Actual and Potential Effects (s104(1)(a))

Actual and potential effects on the environment have been addressed in Section 8.2 of the S42A report prepared for Council and this provides a full assessment of the application. Where relevant conditions of consent can be imposed under section 108 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

- The signs are generally compatible with the surrounding environment and appropriate in the context of the site, which contains an existing commercial activity. The four signs are clear and concise and use appropriate colours. Existing landscaping provides a background to sign 1 and screening to the other signs when viewed from the surrounding roads.
- The signs are not anticipated to have adverse effects on road or driver safety.

Overall, adverse effects on the environment from the proposed development will be minor and adverse effects of the proposed development on surrounding properties will be less than minor.

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

As outlined in detail in Section 8.3 of the S42A report, overall the proposed development is not contrary to the relevant policies and objectives of the District Plan.

6.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered to be contrary to the relevant policies and objectives of the District Plan. On this basis discretion exists to grant consent for this non-complying activity.

6.4 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 9 of the S42A report.

7. DECISION ON LAND USE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Pursuant to section 104 of the RMA this consent is **granted** subject to the conditions stated in *Appendix 1* of this decision imposed pursuant to Section 108 of the RMA.

8. OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal is not considered a “Development” in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

You are responsible for ensuring compliance with the conditions of this resource consent found in Appendix 1. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the RMA.

If you have any enquiries please contact Sarah Picard on phone (03) 443 0419 or email sarah.picard@qldc.govt.nz.

Report prepared by



Sarah Picard
PLANNER

Decision made by



Blair Devlin
MANAGER, RESOURCE CONSENTING

APPENDIX 1 – Consent Conditions
APPENDIX 2 – Section 42A Report

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

- Number 1 Sign
- Number 2 Sign
- Hanging Sign
- Door sign

stamped as approved on 6 January 2015

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.
3. All signs currently existing on the site, which are not consented to by resource consent or sign permit, shall be removed within 30 days of the date of this decision. This includes all wall signs, the blue vet sign on the building facade, signs affixed to a window and sandwich boards.

APPENDIX 2 – SECTION 42A REPORT

FILE REF: RM140852

TO Blair Devlin- Manager, Resource Consents
FROM Sarah Picard, Planner (Consents)
SUBJECT Report on a limited notified consent application

SUMMARY

Applicant: Vetlife Ltd
Location: 2 Balneaves Lane, Wanaka
Proposal: Application under Section 88 of the Resource Management Act 1991 (RMA) for Land Use Consent to erect 6.7m² of signage associated with the Vetlife premise.
Legal Description: Lot 9 DP 349593 contained in Computer Freehold Register 203718
Zoning: Rural Residential
Limited Notification Date: 5 November 2014
Closing Date for Submissions: 3 December 2014
Submissions: None

RECOMMENDATION

That the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. It is considered that the adverse effects of the activity will be minor.
2. The proposal is not contrary to the relevant objectives and policies of the District Plan.
3. The proposal does promote the overall purpose of the RMA.

1. INTRODUCTION

My name is Sarah Picard. I am a resource consents planner with Queenstown Lakes District Council. I have been employed in this role since September 2014. Prior to this I worked as a Planning Officer for Central Otago District Council from January 2011.

I hold the qualifications of a Bachelor of Arts (Sociology) from Victoria University, Wellington and a Master of Planning from the University of Otago, Dunedin. I am a Graduate member of the New Zealand Planning Institute.

2. PROPOSAL AND SITE DESCRIPTION

I refer to the report entitled '*Application for land use consent for signage - Vetlife Ltd - 2 Balneaves Lane, Wanaka - Assessment of Environmental Effects*', prepared by Peter Dymock of Patterson Pitts Group attached as Appendix A, and hereon referred to as the applicant's AEE. A detailed description of the proposal and the site and locality is found in Sections 1-3 of the applicant's AEE. I consider this description is accurate and is adopted for the purpose of this report.

3. SUBMISSIONS

3.1 NOTIFICATION DETAILS

The application was limited notified on 5 November 2014 and submissions closed on 3 December 2014.

The table and map (Figure 1) below identifies those persons directly notified.

Person (owner/occupier)	Address (location in respect of subject site)
The New Zealand Transport Agency	State Highway 6/State Highway 84
Jbh (2006) Ltd	1 Balneaves Lane WANAKA 9305
Robertson Paul Kingsley & Robertson Sarah Jane Vernall	5 Balneaves Lane WANAKA 9305
Perkins Nigel Brian & Perkins Claire Rose	6 Balneaves Lane WANAKA 9305
Tumaru Sandra Kaye & Wight Michael Glenn	9 Balneaves Lane WANAKA 9305
Whelan Michael John & Whelan Ellena Merris	10 Balneaves Lane WANAKA 9305
Harwood Craig Paul & Harwood Raylene Joy	13 Balneaves Lane WANAKA 9305
Moriarty Kane Andrew	14 -14A Balneaves Lane WANAKA 9305
Duncan Trevor John & Duncan Maria Vivian	17 Balneaves Lane WANAKA 9305

Figure 1: Affected persons property (green diamond) in relation to subject site (blue line)



3.2 SUBMISSIONS

No submissions were received during the notification period.

4. CONSULTATION AND WRITTEN APPROVALS

No written approvals or evidence of consultation have been provided as part of the application.

5. PLANNING FRAMEWORK

5.1 THE DISTRICT PLAN

The subject site is zoned Rural Residential and the proposed activity requires resource consent for the following reasons:

- A **non-complying** activity pursuant to rule 18.2.3(b) as the proposal breaches zone standard 18.2.5 in regard to the erection of 6.7m² of signage where a maximum of 0.5m² is specified.

Overall, the application is considered to be a **non-complying** activity.

6. STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of:
 - (i) A national environmental standards;
 - (ii) Other regulations;
 - (iii) a national policy statement
 - (iv) a New Zealand coastal policy statement
 - (v) a regional policy statement or proposed regional policy statement

- (vi) *a plan or proposed plan; and*
- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

In addition, Section 104D (Particular Restrictions on non-complying activity) states that:

- (1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*
 - (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources. Section 9 of this report outlines Part 2 of the RMA in more detail.

Section 108 empowers the Council to impose conditions on a resource consent.

7. ASSESSMENT

It is considered that the proposal requires assessment in terms of the following:

- (i) Effects on the Environment
- (ii) Objectives and Policies Assessment
- (iii) Other Matters (precedent, other statutory documents)

7.2 EFFECTS ON THE ENVIRONMENT

7.2.1 The Permitted Baseline

When determining the actual and potential effects of an application for resource consent, the 'permitted baseline' may be considered. The permitted baseline test calls for a comparison of the potential adverse effects of the proposal against two classes of activity; first, what is lawfully being undertaken on the land; secondly, what is permitted as of right under the District Plan (provided it is not a fanciful use). A consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect. Activities authorised by a current but unimplemented resource consent form part of the receiving environment.

The building currently has signs erected advertising the vet clinic that includes retail sales. A single sign with an area of 0.5m² is permitted in terms of District Plan. No additional signs were authorised as part of RM060308 that authorises the retail sales and car parking associated with the operation.

There is no relevant unimplemented resource consent for the site.

7.2.2 Actual and Potential Effects on the Environment

I consider the proposal raises the following actual and potential effects on the environment:

- i) Character
- ii) Amenity values
- iii) Views and Outlook
- iv) Streetscape
- v) Driver safety

I consider the proposal will have a minor effect in terms of amenity values, character, streetscape, views and outlook. The freestanding signs are small structures that will be visible within the surrounding area. The door sign and hanging sign are likely to appear small in the context of the area of the building elevation that they are visible within. The signs will be visible but are not anticipated to be prominent.

The signs are not inconsistent with the established character of the site, being an authorised commercial activity that differs from the anticipated character of the surrounding area; however the area of signs exceeds that provided for under the District Plan. The 6.7m² is divided between four separate signs with a consistent design. The message on each sign has been kept clear and concise.

Neutral colours have been chosen that are not bold or contrasting. The existing landscaping will form a backdrop to the freestanding signs that will further reduce any potential prominence. The building is setback and the landscaping provides screening when viewed from the adjoining roads.

At no point are all the signs anticipated to be visible within a single viewpoint. Sign 1 will be readily visible within the wider surrounds, facing south-west towards the state highway. While this sign will be visible from the wider environment the sign is of a modest size, of neutral colours, will not be seen in conjunction with the other proposed signs and will have a back drop of established landscaping. Consent Notice 6498776.4 that is secured on the title imposes the requirement for the landscaping to be maintained. These factors will ensure that the sign is not visually prominent and will not detract from the overall character and amenity of the area.

Sign 2 and the signs on the building façade will be screened when viewed from the surrounding roads by existing bunds that contain established landscape trees and plantings along the western boundary of the site. Sign 2 will only be clearly visible on Balneaves Lane, which is a private road. The properties that use the Right of Way access to Balneaves Lane were served notice of the application and no submissions were received.

The signs are clear of the site access and on site car parking. The signs will not in themselves create traffic generation. Sign 1 is aimed at passing motorists on the State Highway. Any adverse effects in terms of the safe and efficient functioning of the State Highway are managed by the New Zealand Transport Agency (NZTA). NZTA were served notice of the application and did not submit. On this basis it is inferred that NZTA are satisfied that the proposed signage is not likely to adversely effect the safe and efficient function of the State Highway. Overall, any adverse effects on road and driver safety are considered to be less than minor.

Overall, the proposed activity is not likely to have adverse effects on the environment that are more than minor.

7.3 THE DISTRICT PLAN – ASSESSMENT MATTERS AND OBJECTIVES AND POLICIES

The key Objectives and Policies which are relevant to the application are contained within Part 8 *Rural Living Areas*, Part 18 *Signs* and Plan Change 48 *Signs*.

It is noted that Plan Change 48 *Signs* is to replace Part 18 *Signs* of the District Plan. The decision on Plan Change 48 was issued on the 3rd of December 2014 and as such the rules have effect from this date under section 86B of the RMA. The application was received prior to the notice of decision and therefore the Plan Change 48 Rules are not relevant to this application. However under section 86A(2), the Objectives and Policies of Plan Change 48 are to be considered.

The site is within the Rural Residential Zone and as such the Objectives and Policies of Part 8 of the District Plan are of relevance.

Section 8.1.2

Objective 2 – Rural Amenity

Avoiding, remedying or mitigating adverse effects of activities on rural amenity.

Policies:

- 2.1 *Recognise that permitted activities associated with farming in rural areas may result in effects such as smell, noise, dust and traffic generation, which will be noticeable to residents in the rural living areas.*
- 2.2 *Remedy or mitigate adverse effects of activities, buildings and structures on visual amenity.*
- 2.3 *Ensure residential dwellings are set back from property boundaries, so as to reduce adverse effects from activities on neighbouring properties.*
- 2.4 *Avoid the location of buildings and water tanks on skylines and ridges and in the Rural Residential zone at the north of Lake Hayes, on prominent slopes.*
- 2.5 *Avoid the planting and locating of inappropriate tree species so as to reduce the impact of excessive shading and loss of vistas at John's Creek.*

As outlined in 7.2.2 above the signs are not anticipated to have adverse effects in terms of visual amenity requiring remedy or mitigation. The signs are not a building and they are not located on a skyline or ridge. The signs do not indicate the additional retail aspect of the operation.

I consider that the proposal is not contrary to the Section 8.1.2 Policies and Objectives.

Section 18.1.3.1

Objective 1 – Outdoor Signs

Outdoor signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access or on the visual amenities of the District's important landscape, townscape, heritage and water area values.

Policies:

- 1.1 *To ensure the number, size, location and nature of outdoor signs in different areas are in accordance with the character and amenity of those areas and the community's desire to maintain and/or enhance the environment, appearance or visual amenity through attention to:*
 - *lettering design*
 - *site specific locations*
 - *relationship to background surroundings*
 - *the number, area and height of signs*
 - *ensuring signs are designed in sympathy with local amenity, visual and heritage values*
 - *the effect of illumination on adjoining properties and public places.*
- 1.2 *To ensure that waterfront signage only provides essential information and directions for people.*
- 1.3 *To ensure the display of outdoor signs does not adversely affect traffic safety by causing confusion or distraction to, or obstructing the views, of motorists or pedestrians.*

- 1.4 *To ensure all signs are constructed and placed in a manner which does not pose a danger to property or people.*
- 1.5 *To ensure outdoor signs in or over public places or attached to utilities, community facilities or public reserves, other than in business areas, are limited to signs necessary for direction, public information or public safety.*
- 1.6 *To enable a wide range of sign types within commercial areas consistent with public safety, access needs and the overall character of the area.*
- 1.7 *To ensure outdoor signs are limited to those relating to a particular activity, the use of land or buildings, and located on the site of that activity, land or building.*
- 1.8 *To support the establishment of information signs, and lay-bys, at the entrance to the District's settlements, and at sites of natural or historical interest.*

The design of the signs includes the use of neutral colours and a consistent style containing a clear concise message. The effects on amenity and character are anticipated to be minor as discussed in the Assessment of Effects above. All of the signs are located within the subject site that contains the veterinary clinic that they relate to. No off site signs are proposed. The signs are not anticipated to have adverse effects on traffic safety.

I consider that the proposal is not contrary to Section 18.1.3.1 Objectives and Policies.

Plan Change 48

The following are the provisions of Plan Change 48 as notified-

Objective 1 –Signs

Signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access and on the District's important landscape, streetscape, cultural heritage and water area visual amenity values.

Policies:

- 1.1 *To ensure the number, size, location and design of signs in different areas are compatible with the character and amenity of those areas.*
- 1.2 *When located on buildings, to ensure the design and display of signs is consistent with and complementary to the overall design of the building through attention to:*
 - *lettering design*
 - *location on the building*
 - *relationship to the architectural features of the building and any adjacent buildings*
 - *the number, area and height of signs*
 - *ensuring signs are designed in a way that is compatible with and sympathetic to the amenity, visual, heritage and streetscape values of the surrounding area*
 - *the effect of illumination on adjoining properties and public places.*
- 1.3 *To ensure the design and display of signs does not adversely affect traffic safety by causing confusion or distraction to, or obstructing the views of, motorists or pedestrians.*
- 1.4 *To ensure all signs are constructed and located in a manner that does not pose a danger to property and/or obstruction to pedestrians.*
- 1.5 *To ensure signs in or over public places or attached to utilities, community facilities or public reserves, other than in business areas, are limited to signs necessary for direction, public information or public safety.*

- 1.6 *To enable a diversity of sign types within commercial areas that provide for effective communication of business information and enable commercial individuality whilst maintain safety, access needs and the overall character of the area.*
- 1.7 *To ensure signs relating to a particular activity and/or the use of land or buildings are located on the site of that activity, land or building.*
- 1.8 *To support the establishment of information signs and lay-bys at the entrance to the District's settlements and at sites of natural, historical or tangata whenua interest.*
- 1.9 *To support the use of traditional Kai Tahu (tangata whenua) place names within the District.*
- 1.10 *To promote the identification of signage platforms so that signage is considered at the time of building design and to streamline changes in signs associated with changing tenants through the life of a building.*
- 1.11 *To provide, in limited circumstances, for off-site signs where it is not practical to display the sign on the site where the activity and/or the use of land or buildings occurs.*
- 1.12 *To provide, in limited circumstances, for signs on commercial buildings of a size or dimension which exceeds that otherwise anticipated in the area where the increased size is visually compatible with the surrounding environment and the scale and character of the building to which it relates*
- 1.13 *To manage the extent of signage on windows to promote passive surveillance of streets and encourage visual interest for pedestrians.*

The signs breach the anticipated size for the area. Given the existing consented commercial activity, size of the site and scale of the building where the signs are located I consider that the signs are visually compatible with the surroundings and therefore the context provides a circumstance where additional signs are appropriate as provided for by policy 1.12.

Sign 1 is visible from the state highway but does not obstruct visibility within the roading network. The style and design ensure that the signs do not adversely affect roading safety.

The activity is not contrary to this objective and related policies.

Summary of Findings

Overall the proposal is not contrary to the relevant Objectives and Policies of the District Plan.

8. ANY OTHER MATTERS (S104(1)(c))

Precedent

Case law has established that while previous decisions are not presumed to be binding on a consent authority, what can be said is that the granting of one consent may well have an influence on how another application should be dealt with.

The presence of an existing commercial activity within the site is a unique characteristic of this site and differentiates it from any other Rural Residential sites in the area. The proposed signage compliments this established activity and in my opinion these factors will ensure the proposal does not establish a significant precedent effect for further signage to be established within this area.

9. NON COMPLYING ACTIVITIES S104D

Section 104D of the Act requires that a substantive decision can only be made for non-complying activities if the adverse effects on the environment will be minor or, the application is not contrary to the objective and policies of the District Plan.

It has been concluded that the application would not have more than minor adverse effects and that the proposal is overall, not contrary to the relevant objectives and policies of the District Plan. Therefore, a substantive decision can be made on this application.

10. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the RMA details the purpose of the RMA in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

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 well being 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 effect of activities on the environment.*

Each paragraph of section 5(2) - (a), (b) and (c) - are to be afforded full significance and applied accordingly in the circumstances of the particular case so that promotion of the Act's purpose may be effectively achieved.

The proposal promotes development that enables land use in a way that will enable the applicant to provide for their wellbeing whilst avoiding adverse effects arising from the proposed development. As such it is considered that granting the proposal would be in accordance with Section 5 of the Act and therefore the proposal is considered to be consistent with the primary purpose of the Act.

There are no matters of national importance as listed in Section 6 of the RMA that are relevant to the proposal.

With regard to the matters raised in section 7 of the Act, it is considered that, as outlined within this report, the proposal does not significantly detract from existing amenity values or the quality of the existing environment.

Overall the proposed development is in accordance with the relevant sections of Part 2 of the Act.

10. RECOMMENDATION

For the reasons outlined above I recommend that consent be granted.

The proposed activity is not likely to have adverse effects on the environment that are more than minor. The overall effects of the signs are considered to be minor.

The proposed development is not contrary to the relevant objectives and policies of the District Plan.

The proposed development promotes the purpose of the Act.

Report prepared by



Sarah Picard
PLANNER

Reviewed by



Blair Devlin
RESOURCE CONSENT MANAGER

Attachments:

Appendix 1

Applicant's AEE

Report Dated:

13 January 2015

APPENDIX 1 - APPLICANT'S AEE

APPLICATION FOR LANDUSE CONSENT FOR SIGNAGE
VETLIFE LTD – 2 BALNEAVES LANE, WANAKA
ASSESSMENT OF ENVIRONMENTAL EFFECTS

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1.0 The Site

1.1 Location

2 Balreaves Lane, Wanaka. The site is located at the N.E. corner of the turnoff of SH6 to Hawea/West Coast on the outskirts of Wanaka. See attached site plan. The site is accessed via Balreaves Lane, with no direct access from SH6.

1.2 Zoning and Planning History

The site is zoned "Rural Residential" in the Operative District Plan. See Planning Map 18. There is an existing resource consent (RM 060308) for the operation of the applicant's current veterinary practice, kennels for the overnight stay of up to five animals and retail sales ancillary to the vet clinic and the associated infringements to site standards. RM 060308 does not authorise any signage in excess of the permitted activity limit of 0.5m² (in aggregate) in zone standard 18.2.5. The operation of a veterinary clinic in itself is a permitted activity in the Rural Residential zone.

1.3 Legal Description and Ownership

The land is legally designed as Lot 9 DP 349593 (5012m²) being owned in fee simple under CFR 203178 by the applicant, Vetlife Ltd. The title also includes a 1/9th share in Lot 32 DP 349593, the Balreaves Lane common access lot, which is also subject to a right of way easement in favour of Lot 9 DP 349593. The title is subject to a consent notice CONO 6498776.4. The consent notice deals with the following matters:

- Provision for firefighting.
- Wastewater disposal.
- Reverse sensitivity effects on SH6.
- Implementing and maintenance of screening landscaping from SH6.

The title has two private land covenants registered on it. EI 6498876.9 restricts relocatable buildings. EI 6498876.10 deals with the legal arrangements for the private water scheme serving the underlying subdivision. Neither covenant is of relevance to this application. Copies of CFR 203178 and CONO 6498876.4 are appended to the application (appendix 7.2).

1.4 General Site Description/Receiving Environment

See attached site plan (appendix 7.3). The site is flat and consists of a cluster of buildings:

- Veterinary clinic (see attached photo from carpark).
- Dwelling and associated sleep out.
- Shed
- Carpark which is sealed in front of the clinic and gravelled in front of the dwelling.

The site is accessed via the sealed Balreaves Lane and is screened from Balreaves Lane and SH6 by mounded landscaping. The site is part of the "Rockbourne" rural residential subdivision to the S.E. of Mt Iron, an enclave of nine lots, all approximately 4,000m².

2.0 Existing Signage

See attached photo of the frontage of the vet clinic taken from the carpark (appendix 7.4). The current signage is as follows:

- The existing "Vetlife Wanaka" hanging sign simply replaced the sign put up by the previous owner/operator of the vet clinic.
- A blue "VET" sign above the entrance, attached to the building's façade. This was an existing sign when the applicant acquired the site from the previous owners and at present is the only sign visible from outside the site signifying the existence of the business.
- The two "wobble board" signs and the free standing "sandwich board" sign do not form part of this application. Consent for these will be sought in the context of a landuse consent application for an extension to the clinic, that will be lodged shortly.
- Window signs. These are to be replaced by window signage proposed in this application.

3.0 Proposed Signage

3.1 "Hanging " Sign

See sign mock-up appended (appendix 7.4). This is the existing hanging sign of 2300mm x 280mm = 0.64m². See attached "Vetlife" brand guidelines for colours and font details (appendix 7.8).

3.2 "No 1" Sign – "Sign on Corner"

See sign mock-up and photo of location of sign appended (appendix 7.5). The sign will be located on the corner of the site at the Albert Town – Lake Hawea Road/SH6 and the Wanaka-Luggate Highway/SH84. The attached site plan shows the location and orientation of the sign. It will be necessary to remove a shrub from the established landscaping. The sign is 1200mm x 2440mm = 2.93m² and the bottom of the sign will be 1.36m above ground level. The sign supports are 100mm x 100mm "navigator" system and will be brushed silver/white in colour. The sign mock-up has the supports in black so as to see the poles. See attached "brand guidelines" for colour and font details.

3.3 "No 2" Sign – "Sign at Entrance"

This sign will be located at the Balneaves Lane entrance to the site (right hand side). See location plan and photo of sign location (appendix 7.6). This sign is identical to the "No 1" sign, except that it will be double sided.

3.4 Entrance Door Sign

See sign mock-up attached (appendix 7.7). The lettering will be in white, not pink. This sign will be transferred onto the glass entrance door. See attached Vetlife "Brand Guidelines" for colours and fonts (appendix 7.8). Existing signage on the door will be removed. The size of the sign is:

- Vetlife logo 478mm (wide) x 212mm (high)
- Open hours 430mm (wide) x 228mm (high)

Total area = 0.20m².

3.5 Total Proposed Signage Area on Site

The total signage area is:

- | | |
|-----------------------|--------------------------|
| - "Hanging" sign | 0.64m ² |
| - "No 1" sign | 2.93m ² |
| - "No 2" sign | 2.93m ² |
| - Entrance Door" sign | <u>0.20m²</u> |
| | <u>6.70m²</u> |

None of the signs will be illuminated, moveable, flashing, attached to a vehicle or tree or project above a roof line.

3.6 Removal of Existing Sign

It is proposed to remove the existing “VET” sign from the building façade. However, as this is the only sign on-site advising the public of the existence of the business, it will remain in place until this consent is exercised.

4.0 District Plan Matters

4.1 Rules

This application requires consent to a non-complying activity in accordance with Rule 18.2.3 as the zone standard of a maximum site signage of 0.5m² in the Rural Residential Resource area is breached. Although not directly relevant to this application it is noted that if Proposed Plan Change 48 were operative, the permitted activity threshold would be 2m² of signage and this application would be discretionary.

4.2 Objectives and Policies

4.2.1 Objective 1 – Outdoor Signs

Outdoor signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access or on the visual amenities of the District’s important landscape, townscape, heritage and water area values.

It is acknowledged that this application is for a site located at the intersection of two state highways and in a rural-residential environment. Nevertheless, a veterinary clinic business has been granted a resource consent to operate on this site and, like all businesses, needs to inform the public of its existence by means of appropriate signage. It is believed that the signage proposed is low key, tasteful and of an informative/directive nature, rather than advertising.

4.2.2 Policies

1. *To ensure the number, size, location and nature of outdoor signs in different areas are in accordance with the character and amenity of those areas and the community’s desire to maintain and/or enhance the environment, appearance or visual amenity through attention to:*

- *Lettering design*
- *Site specific locations*
- *Relationship to background surroundings*
- *The number, area and height of signs*
- *Ensuring signs are designed in sympathy with local amenity, visual and heritage values*
- *The effect of illumination on adjoining properties and public places*

There are actually only two entirely new signs being applied for – “No 1 Sign” and “No 2 Sign”. The “Hanging Sign” application is to authorise an existing sign and the “Entrance Door Sign” replaces an existing sign that is within the permitted activity limit of 0.5m². It is considered that the colour, style, size and location of the “No 1” and “No 2” signs is in sympathy with the locality rural residential amenity and only advises of the name and nature of the business. The signs are non-illuminated and the colour (beige = CMYK/RGB) is in sympathy with the rural environment.

2. *To ensure that waterfront signage only provides essential information and directions for people.*

The signage is not located on a waterfront.

3. *To ensure the display of outdoor signs does not adversely affect traffic safety by causing confusion or distraction to, or obstructing the views, of motorists or pedestrians.*

NZTA has a number of general criteria for signs on private property adjoining a State Highway which are addressed as follows:

- The "No 1" and "No 2" signs' messages are clear, concise, easily read and will assist drivers to locate entrances and activities on land adjacent to State Highways.
- The lettering on the signs exceeds 160mm in height.
- There is only one word on the "No 1 sign" and two words on the "No 2 sign" and the number of characters is less than 40 (7 and 15).
- The font, style and colours of the signs are not similar to any official traffic signage.
- Reflective material will not be used.
- The signs are not internally or externally illuminated and are not variable, flashing, rotating or animated.
- The signs are located on the site to which they relate.
- The location of the site at an intersection is such that it is impossible not to be less than 100 metres from an official sign or traffic signal.
- The "No 1" sign will not obscure drivers' visibility or access at the intersection as it is located within and will simply replace existing, lawfully established vegetation.
- The configuration of the site at the junction of two State Highways is that the "No 1" sign's proposed orientation, although not at right angles to the highway, is the only practicable one.
- The supporting poles are 100mm x 100mm white painted H4 treated wooden posts set into holes in the ground with rammed earth and comply with NZTA's criteria for "frangibility". See attached extract from "RSMA Compliance Standard for Traffic Signs 2008 Sec 4.3.7 Schedule A (i)", supplied by NZTA (appendix 7.9).
- There is no inclusion of detailed information on the sign such as prices, opening/closing times etc.

4. *To ensure all signs are constructed and placed in a manner which does not pose a danger to property or people.*

See above discussion re NZTA's requirements.

5. *To ensure outdoor signs in or over public places or attached to utilities, community facilities or public reserves, other than in business areas, are limited to signs necessary for direction, public information or public safety.*

The site is not a public place, utility, community facility or public reserve.

6. *To enable a wide range of sign types within commercial areas consistent with public safety, access needs and the overall character of the area.*

The sign is not located in a "commercial" zone, but is within a site legally being used for a commercial activity.

7. *To ensure outdoor signs are limited to those relating to a particular activity, the use of land or buildings, and located on the site of that activity and or building.*

The proposed signs are only related to the use of the site as a veterinary clinic.

8. *To support the establishment of information signs, and lay-bys, at the entrance to the District's settlements, and at sites of natural or historical interest.*

Not applicable to this application.

5.0 Assessment of Environmental Effects

5.1 Description of Proposal

Refer to Sec (3.0) above.

5.2 Alternative Locations and Methods

This application is site specific..

5.3 Actual or Potential Effects on the Environment

These are covered in the discussion of the District Plan's objectives and policies in Sec (4.0) above.

5.4 Hazardous Substances and Installations

Not applicable to this application.

5.5 Mitigation Measures

The adverse environmental effects of this proposal are less than minor, therefore mitigation is not necessary.

5.6 Affected Persons and Consultations

The applicant has not consulted with any other person. There has been some contact with Mr James Coutts of NZTA's Dunedin office over its "frangibility" standards. There has, however, been no consultation with NZTA over the specifics of this application.

The affected persons are identified as NZTA and the owners of Lots 1 – 8 DP 349593 (i.e. those properties that access via Balneaves Lane). In view of the number of potentially affected persons, it is considered that the most efficient and effective way of consultation is via the notification process. It is therefore requested that the application be limited notified to the above persons.

5.7 Monitoring

The limited scale and significance of this proposal is such that it is considered that on-going monitoring, apart from Council's normal consent monitoring, is not required.

6.0 Statutory Considerations

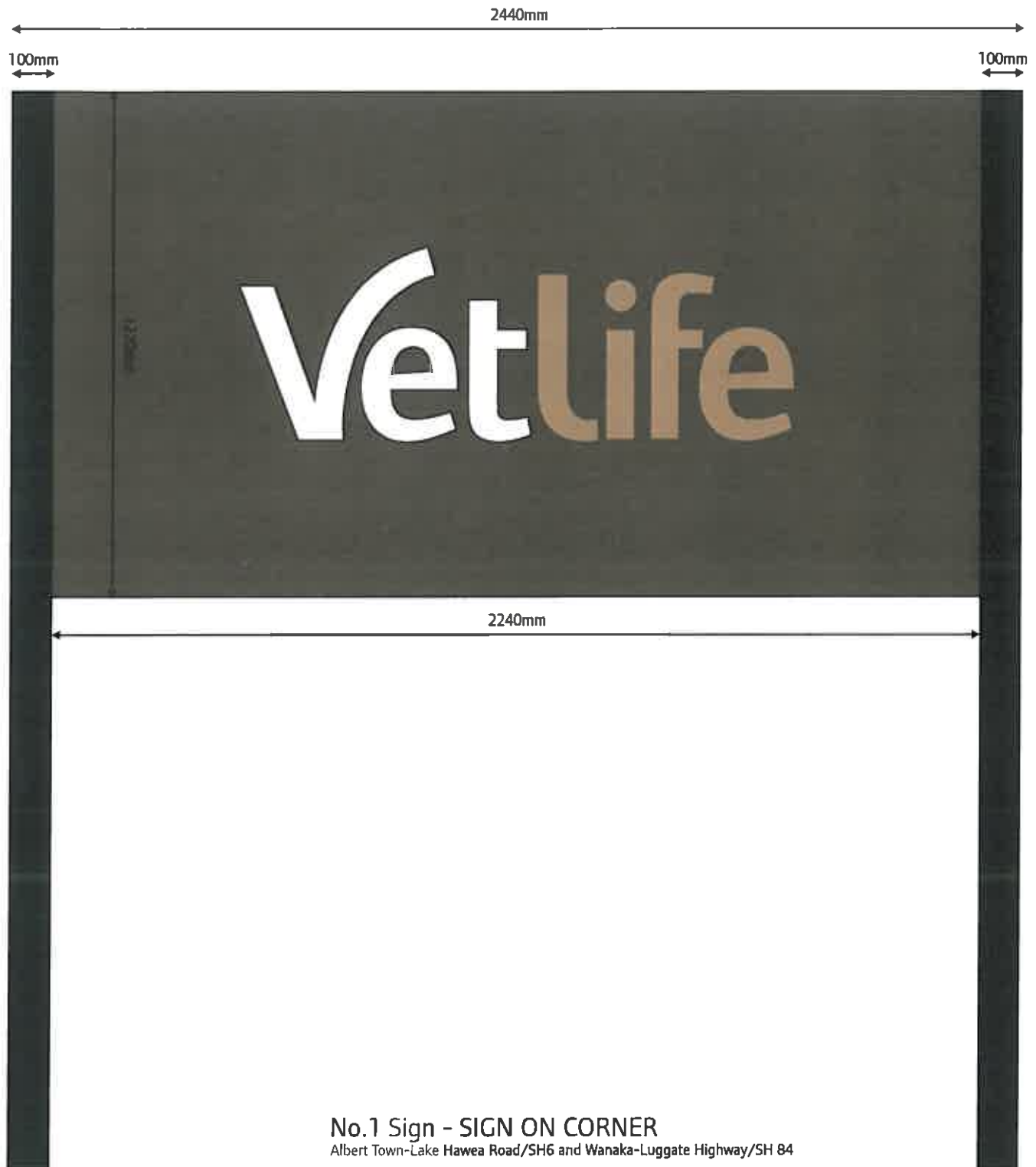
The application is non-complying and must pass the threshold test in Sec 104D RMA91. It is considered that the environmental effects of the proposal are less than minor and that the proposal is not contrary to the objectives and policies of the plan, as explained in Sec 4.2 above of this AEE. The proposal therefore passes both limbs of the gateway test in Sec 104D and can be considered by Council on its merits. It is also pertinent to observe that one of the issues identified in the Plan Change 48 process was that the non-complying nature of the majority of signage applications under the Operative District Plan was "setting the bar too high" and that discretionary status was more appropriate.

7.0 Appendices

- 7.1 Form 9
- 7.2 Certificate of Title and Consent Notice
- 7.3 Site Plan
- 7.4 Hanging Sign and Photo of Location
- 7.5 No 1 Sign and Photo of Location
- 7.6 No 2 Sign and Photo of Location
- 7.7 Door sign
- 7.8 Vetlife Brand Guidelines
- 7.9 Extract from NZTA's "frangibility" standards

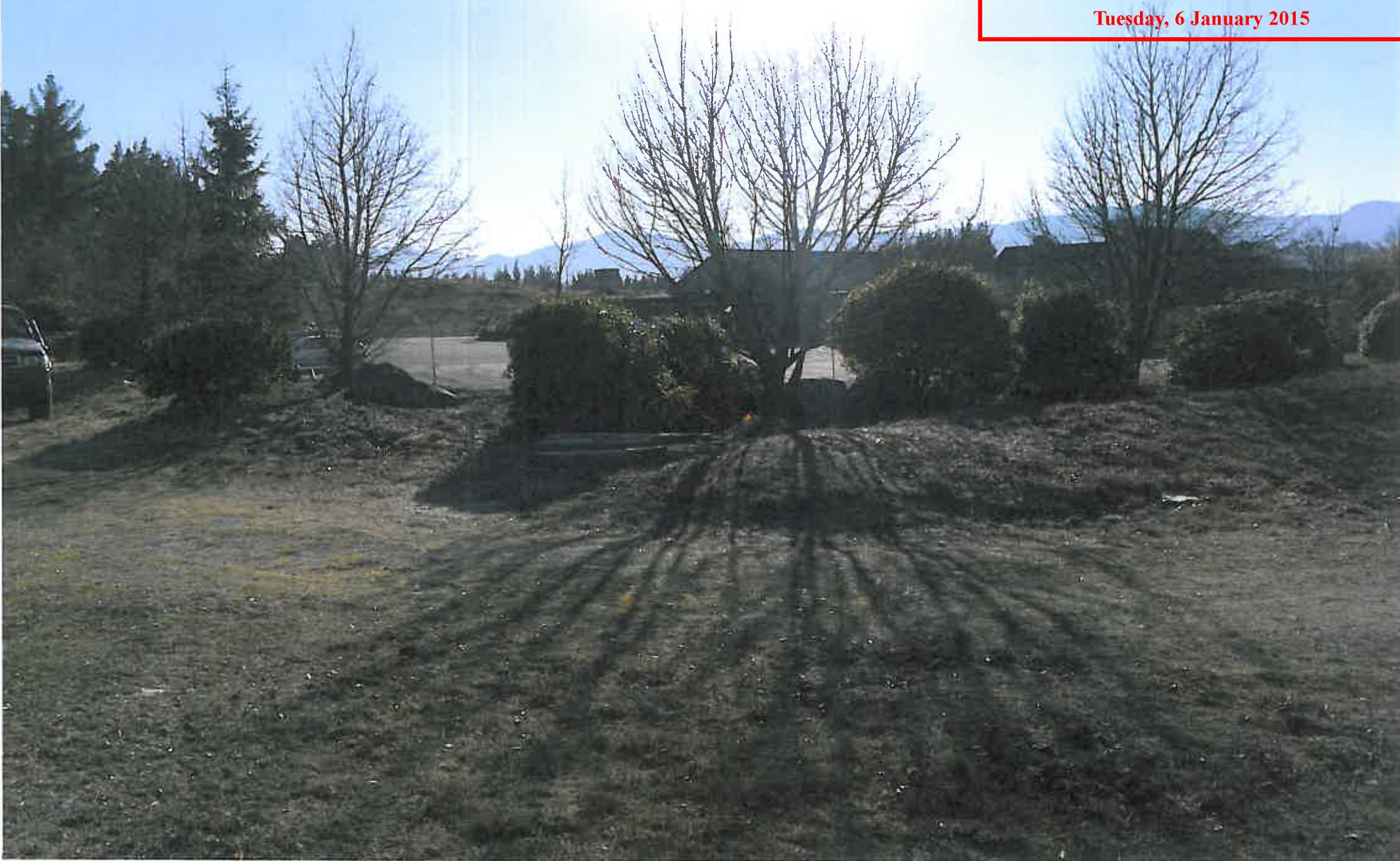
APPROVED PLAN:
RM140852

Tuesday, 6 January 2015



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3.1 Hanging Sign

VetLife

Animal Health Partners

Red = white

Opening hours:

Monday - Friday: 9am - 5.30pm

Saturday: 9.30am - 1pm

24 Hour Emergency Service

Call: 03 443 6409

"Red" = white

APPROVED PLAN:
RM140852

Tuesday, 6 January 2015

