



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Game Over Queenstown Limited
<b>RM reference:</b>	RM150335
<b>Location:</b>	Hawthorne Drive Eastern Access Road Remarkables Park, Frankton Queenstown
<b>Proposal:</b>	Erect signage at the Game Over business
<b>Legal Description:</b>	Lot 7 Deposited Plan 475347 held in Computer Freehold Register 654721
<b>Zoning:</b>	Remarkables Park Special Zone –Activity Area 8
<b>Commissioner:</b>	Commissioner David Clarke
<b>Date:</b>	4 September 2015
<b>Decision:</b>	<b>Granted with Conditions</b>

## **Under the Resource Management Act 1991**

**IN THE MATTER OF** an application by Game Over Queenstown Limited to the Queenstown Lakes District Council for consent to erect signage at Game Over Queenstown

**Council File:** RM150335

### **DECISION OF DAVID CLARKE HEARING COMMISSIONER APPOINTED PURSUANT TO SECTION 34A OF THE RESOURCE MANAGEMENT ACT 1991**

#### **Introduction and Proposal**

1. The application is to erect signage on the east and south façades of a commercial building established in Activity Area 8 of the Remarkables Park zone.
2. The building is one of the first that has been constructed in Activity Area 8. Buildings of a similar scale and use are anticipated in this zone.
3. The building and its activities were approved by resource consent RM130847 (varied by RM140930). The activities undertaken are laser tag and indoor go carting.
4. The application was publically notified on 11 June 2015 and received no submissions.
5. The proposed east elevation sign is a 2.405mx4.165m sign containing an area of 10m<sup>2</sup>. It is to be constructed of LED illuminated acrylic material.
6. The proposed southern elevation sign consist of two wall signs. One is 6.750m x 3.898m, an area of 26.31m<sup>2</sup>. It is to be constructed of ACM with vinyl signage attached. The other sign is 16.6m x 0.614m an area of 10.2m<sup>2</sup>. It is to be constructed cut out lettering fixed to the exterior cladding. The combined signs have an area of 36.51m<sup>2</sup>

#### **Recommendation of the Reporting Planner**

7. Ms Afifi recommended that the application overall as presented, should be declined. She considered the signs would result in potential adverse effects on the environment that would be more than minor and would be contrary to the relevant objectives and policies of the District Plan.

## The Hearing

8. The hearing was convened in Queenstown on Monday 24 August 2015.
9. The applicant was represented by planner, Mr Carey Vivian. In attendance were Mr James Clark from sign writing company Sign it Signs and Mr Kynan Yu from the applicant company, Highland Motorsport Park.
10. Also in attendance from the Queenstown Lakes District Council (QLDC), was reporting planner Ms Hana Afifi and minute secretary, Ms Louise Powell.
11. I am familiar with the site, as prior to the hearing Ms Afifi and I undertook a site visit. We observed the buildings different elevations and observed it in the context of its surroundings. I have read Ms Afifi's planning report, the application and relevant additional information.

## Assessment Framework

12. As stated, the subject site is zoned Remarkables Park Special Zone (Activity Area 8).
13. The purpose of the zone is:  
*'To provide for a comprehensively managed and integrated high density development containing opportunities for a range of supporting and complementary activities. These include open space, visitor accommodation, transport, educational, recreational and commercial facilities.'*
14. Section 18 (Signs) of the District Plan contains the relevant provisions pertaining to this application. Plan Change 48 (PC48) has reviewed the sign provisions in the District Plan but was not fully operative when the application was lodged. Its provisions are taken into consideration however.
15. It is considered a resource consent is required for the following reasons:

## Operative District Plan

- A **non-complying** activity pursuant to Rule 18.2.3 (b) as the proposal breaches zone standard 18.2.5 (ii) in respect to the maximum permitted area of above ground floor signs, being 2m<sup>2</sup>. The signage proposed is located above 3m in height and can therefore be defined as above ground floor signage. The area of the signage proposed is detailed in Section 2 above.

## Operative District Plan as amended by Plan Change 48

- A **discretionary** activity pursuant to Rule 18.2.5 for any activity which is listed as discretionary in Activity Tables 1-4. Standard (6) of Table 1 specifies that Above Ground Floor Signs that cumulatively exceed 2m<sup>2</sup> in area per building or 1m<sup>2</sup> per tenancy, up to a maximum of 3m<sup>2</sup> per floor, are a discretionary activity.
16. Overall, the application is considered to be a **non-complying** activity.

## **Environmental Effects**

### **Permitted Baseline**

17. The signs are 3 metres above the ground therefore are deemed in the District Plan to be Above Ground Floor signs. The definition of an Above Ground Floor sign is a sign attached to a building above the veranda or 3 metres or more above the ground. Above Ground Floor signs should cumulatively exceed 2 m<sup>2</sup> on any façade.
18. Signs erected below 3 metres above ground level are deemed to be in the Ground Floor Area.
19. Signage dimensions that could be located on the Ground Floor Area of the subject building and which do not cumulatively exceed a total area of 15% of the Ground Floor Area are as follows:  
  
Southern façade -18m<sup>2</sup>  
Northern façade- 18m<sup>2</sup>  
Eastern façade- 34.6m<sup>2</sup>  
Western façade- 34.6m<sup>2</sup>
20. The applicant only seeks signs on the eastern and southern facades.

### **Actual and Potential effects on the Environment**

21. Although it has been established that the proposed signs are Above Ground Floor signs, it is recognised that they are to be located on a building with large facades. If this building was to have multiple tenancies it is realistic to expect that there could be multiple Above Ground Floor signs all of 2m<sup>2</sup>.
22. The proposal is for a single business operation and a sign of 2m<sup>2</sup> on each façade of a building of this size is not realistic. The formula pertaining to Ground Floor sign sizes provides a better solution.
23. The Remarkables Park Design Review Board when commenting on the building on 19/11/2013 stated;  
  
*The DRB acknowledged the Signage allowance is minute given the scale of this building and suggested the applicant should seek to drastically increase their signage in their scheme.<sup>1</sup>*
24. It is accepted that large facades can present themselves as being bland if they are of a single colour and constructed of the same material. In this situation signage can be considered on a case by case basis, taking into consideration factors like the location of the premises, sign size, dominance, materials, design and illumination.

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<sup>1</sup> Remarkables Park Design Review Board Report P3

### **Eastern Façade**

25. Ms Afifi considers that the proposed sign on the Eastern façade will not dominate the façade and will not result in any adverse effects that are more than minor. At 10m<sup>2</sup>, the proposed signage is well in excess of the allowable Above Ground Floor allowance, but well below what would be allowed if the sign was on the ground floor. Ms Afifi notes that the sign sits at a relatively low height on the building and does not dominate or impact on traffic or pedestrian safety.
26. The materials and colours to be used are considered appropriate and the illumination of the sign will help with way-finding after dark. Illumination is to be set at no more than 150cd/m<sup>2</sup>.
27. I agree with Ms Afifi's findings regarding the proposed signage on the Eastern façade and find it will result in adverse effects that are no more than minor.

### **Southern Façade**

28. Ms Afifi found that the signage proposed for the Southern façade had adverse effects that were more than minor. The proposed combined area of the two signs area was 36.51m<sup>2</sup>. This was clearly in excess of both the permitted baseline for Above Ground Floor signs and Ground Floor signs. I agree that the signs as proposed were excessive and would have had adverse effects in terms of dominance and visual amenity.
29. At the hearing, Mr Vivian, presented a revised proposal for signage on the Southern façade. On my request the plans were resent after the hearing with an amended date attached to them. (these are the ones attached as Appendix 2 of this decision) The two signs are to be as follows:
30. The larger Game Over sign is to 5700x3292 or 18.76m<sup>2</sup>
31. The smaller Lazer Tag-Indoor Karting-Arcade sign is to be 14100x5215 or 7.35m<sup>2</sup>
32. This is a combined total of 26.11 m<sup>2</sup> which represents a reduction of 10m<sup>2</sup> to 26.5m<sup>2</sup> or 29% over the original.
33. The reduced sign is still clearly above the allowance for Above Ground floor signage on this façade but more compatible with the 18m<sup>2</sup> allowed on the Ground Floor.
34. I find that the adverse effects of the amended proposal are reduced to a level where I can support the proposal in its entirety.

### **District Plan Provisions**

35. As already noted, the signs need to be assessed under Section 18 of the Operative District Plan and Plan Change 48- Signs

### 5.3.1 Operative District Plan

#### Section 18 – Signs

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

### 5.3.2 Plan Change 48 – Signs

The relevant objectives and policies of PC 48 are as follows:

##### **Objective 1 – Signs**

***Signs which convey necessary information and assist in creating a sustainable and vibrant community, 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 *To ensure the number, size, location and design of signs in different areas are compatible with the character and amenity of those areas.*

- 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.*
- 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.*
- 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.*
- 6 *To enable a diversity of sign types within commercial areas that provide for effective communication of business information and enable commercial individuality whilst maintaining public safety, access needs and the overall character of the area.*
- 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.*
- 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.*
36. Ms Afifi has noted that both sets of objectives and policies are similar. I find that the reduced signage, the location of the signage on the building and the sign design is not contrary to the above objectives and policies.
37. Mr Vivian considered that the reporting planner had not given Policy 12 in Plan Change 48 enough weighting. Policy 12 specifically deals with signage on large commercial building. I consider Ms Afifi did take the policy into consideration but found the proposed southern façade signage excessive.
38. This area, due to its zoning, is likely to have additional large buildings and the excessive signage could create a precedent effect. Oversized signage should be assessed on a case by case basis as different 'big box' buildings may have different characteristics and be located in more sensitive locations.
39. At the conclusion of the hearing Ms Afifi agreed to change her recommendation to one of support for the granting of consent based on the revised plan. Her support was conditional on there being no more signage erected on the site and that any free standing entrance sign is not covered by this consent.
40. I concur with this and this is captured in the Conditions of Consent.

## Statutory Requirements

41. Section 104D of the RMA requires that a substantive decision can only be made for non-complying activities if the application is not contrary to the objectives and policies of the District Plan or if the adverse effects on the environment will be minor.
42. The amended proposal is not contrary to the relevant objectives and policies of the District Plan has now been assessed as having effects that are no more than minor and therefore the proposal meets both of gateway tests outlined in section 104D.
43. Therefore, consent can be granted for this non-complying activity under the Operative District Plan.
44. The activity status of the proposal is discretionary under Plan Change 48 provisions. As I have found the amended proposal now satisfies the requirements for granting the activity under its non-complying status and consent can be granted, the application also satisfies the requirements under a discretionary status activity, it is considered that the proposal does not adequately avoid, remedy or mitigate the adverse effects on the environment, and is not fully aligned with the relevant objectives and policies
45. 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.*
46. The amended proposal is not contrary with the above purpose of the Act and the proposal adequately avoids and mitigates adverse effects.
  47. Under Part 2 of the RMA, regard must be had to the relevant matters of Section 7 – Other Matters, including:
    - (c) *the maintenance and enhancement of amenity values:*
    - (f) *the maintenance and enhancement of the quality of the environment:*

48. The proposal in its amended form is not contrary to Section 7.

49. I find the amended proposal promotes the overall purpose of the RMA.

## DECISION

50. Consent is **granted** to the amended proposal, subject to s.104 and Part II of the Act and subject to conditions under s.108 and attached as Appendix 1.



Dated 4 September 2015

A handwritten signature in blue ink, appearing to be 'D Clarke', written in a cursive style.

David Clarke

**INDEPENDENT HEARINGS COMMISSIONER**

**Appendix 1 – Consent Conditions**

**Appendix 2 – Approved Plans**

## **APPENDIX 1 - CONDITIONS – RM150335 – GAME OVER QUEENSTOWN LIMITED**

### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the following four plans dated 28 August 2015

Signage on Building Facades;

- 'East Elevation' and
- 'South Elevation'

Signage Detail;

- 'East Elevation' and
- 'South Elevation'

**stamped as approved on 3/9/2015** and attached as Appendix 2

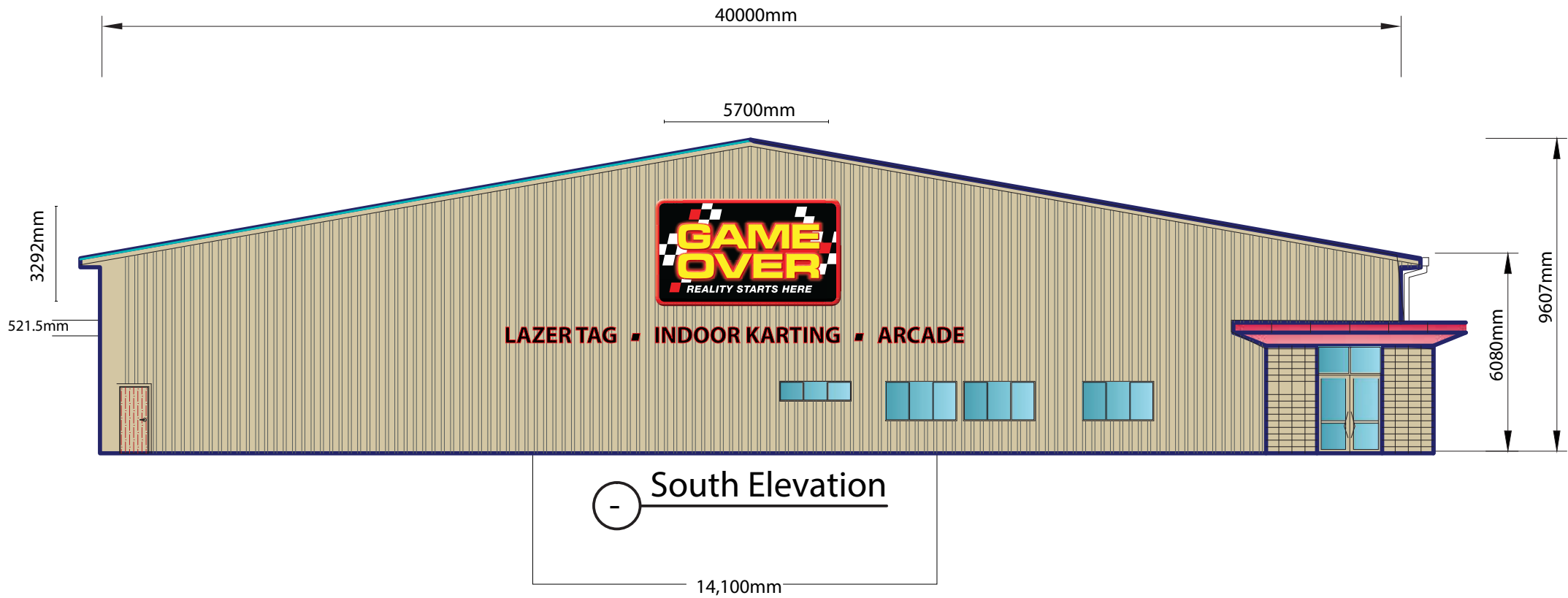
and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 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. The sign on the Eastern façade shall not exceed an illumination level of more than 150cd/m<sup>2</sup>.
4. There shall be no illumination of the signage on the Southern façade of the building.
5. There shall be no further signage erected on site, other than a free-standing entrance sign. N.B. this consent does not approve a free-standing sign.

**APPENDIX 2 - APPROVED PLANS**

APPROVED PLAN:  
RM150335

Friday, 4 September 2015



## Game Over Queenstown

August 28, 2015

Concepts & Designs © Sign It Signs

ITEM: External Building Signage  
Queenstown, New Zealand

Design@signitsigns.co.nz  
(03) 442 2020

Designer: L.Sutherland  
Job Manager: N/A

Quotes & Estimates are based on artwork being supplied print ready - artwork adjustments to make supplied files print ready may incur additional fees.  
Charges for changes to works, unforeseeable aspects, weather, additional labour as required and any sundries will be billed. Design completed billable in 1/4 hour increments at hourly rates.



APPROVED PLAN:  
RM150335

Friday, 4 September 2015



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# South Elevation

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM150335

Friday, 4 September 2015



5700mm

3292mm

Digital Print Applied to 4.5 ACM Panels.  
Screw fixed to Exterior Cladding  
Silicon sealed

20mm Celuca CNC Cut Letters  
2pac painted yellow applied to ACM Panel

Total: 18.76m<sup>2</sup>

14,100mm

521.5mm

**LAZER TAG ■ INDOOR KARTING ■ ARCADE**

Red ACM CNC Cut Letters  
Black Vinyl Applied to Face  
Screw Fixed/Blocked out to Exterior Cladding

Total: 7.35m<sup>2</sup>

## Game Over Queenstown

August 28, 2015

Concepts & Designs © Sign It Signs

ITEM: External Building Signage  
Queenstown, New Zealand

Design@signitsigns.co.nz  
(03) 442 2020

Designer: L.Sutherland  
Job Manager: N/A

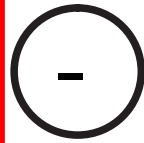
Quotes & Estimates are based on artwork being supplied print ready - artwork adjustments to make supplied files print ready may incur additional fees.  
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM150335

Friday, 4 September 2015



# East Elevation

4165mm

2405mm



Digital Print Applied to ACM Panels  
Round Corners  
Block Mounted 75mm off Exterior Cladding.

LED Illuminated Acrylic Letters  
70mm Extrusion  
Faced in Yellow Translucent Vinyl.

\* Light output to industry standards (lumens)  
luminescence of LED modules T.B.C.

Total: 10m2

## Game Over Queenstown

August 28, 2015

Concepts & Designs © Sign It Signs

ITEM: External Building Signage  
Queenstown, New Zealand

Design@signitsigns.co.nz  
(03) 442 2020

Designer: L.Sutherland  
Job Manager: N/A

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