

QLDC Council
27 November 2014

Report for Agenda Item: 13

Planning & Development

13: Plan Change 48 – Signs – Ratification of Commissioner Decision

Purpose

- 1 To provide the Commissioner recommendation on submissions to Plan Change 48 - Signs (PC48) and to seek ratification as a Council decision for notification.

Recommendation

- 2 *That Council:*
 - a. **Agree** to adopt the Commissioner recommendation as a Council decision and
 - b. Direct staff to notify the decision in accordance with the 1st schedule of the Resource Management Act 1991.

Prepared by:



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11/11/2014

Reviewed and Authorised by:



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13/11/2014

Background

- 3 Council resolved to Notify PC48 in a meeting dated 30 January 2014.
- 4 The purpose of PC48 is to simplify and streamline the signage provisions within the District Plan. The plan change as notified deletes the existing chapter of the Operative District Plan that relates to signage being Section 18: Signs; and inserts a new Section 18 Signs instead.
- 5 PC48 was Notified for submissions on 12 March 2014, and for further submissions on 07 May 2014. Twenty one submissions and four further submissions were received. A Hearing was held on 18 August 2014 and the Commissioner's recommendation was received for technical review on 21

October 2014. Minor technical matters were subsequently addressed through email exchanges.

Comment

- 6 The fundamental matter for the Commissioner to determine is whether PC48 should proceed. Following the Commissioner's consideration of PC48 and the submissions and further submissions (including submissions and evidence presented at the hearing), the Section 32 Analysis and the section 42A report and attachments, **the Commissioner has concluded that the proposed plan change is appropriate, subject to (minor) amendments.**
- 7 The Commissioner acknowledges that:
 - a. PC48 rationalises the control of signs that have previously been subject to two regulatory mechanisms; the Operative District Plan and the Signs Bylaw.
 - b. PC 48 will be efficient as signs will be subject to Section 18 : Signs in the District Plan only. The Commissioner notes that no submissions opposed this fundamental rationalisation.
- 8 The Commissioner considers that a table based format (being proposed Activity Tables 1-4) will provide a more user-friendly format for those who wish to identify the relevant rules relating to signs that apply in any particular zone, or to a specific type of sign across the District.
- 9 The Commissioner also considers that it is appropriate to make provision for Land Development Signs; and to make better provision for Real Estate Signs and Electioneering Signs. Additionally it is necessary to specifically define the term "Hoarding" which means any sign that is for purely commercial brand awareness purposes and which does not relate to land use activity conducted on the site. Hoardings should be a prohibited activity in the context of the Queenstown Lakes District.
- 10 Where appropriate the wording of the provisions of PC48 have been refined and improved as a consequence of the Commissioner's consideration of submissions and PC48 as notified. All such amendments are incorporated into Appendix A to this report.

Summary

- 11 The key outcomes for PC48 are:
 - a. Control of signs through the single mechanism of the District Plan.
 - b. Rules simplified into a table format to facilitate ease of use.
 - c. Use of permitted activity wherever appropriate, combined with the non-notification clause will reduce the number and complexity of consents.

- d. Prohibited activities are clearly stated, this will inform applicants, planners and enforcement officers.

12 The Council has the following two options:

a. Accept the Commissioner recommendation

- The submissions and hearing process gave people the opportunity to either support or oppose the proposal.
- The Commissioner had the benefit of submissions and further submissions as well as professional assistance (in the form of an officer's recommendation) to reach his decision.
- Should Council feel that some aspects of the recommendations are inappropriate, Council remains in the position to undertake a variation to the Plan Change or become a Section 274 party to an appeal (should any be made). As the Council made a submission to the Plan Change it could also appeal the decision in its corporate capacity.

b. Reject the Commissioner recommendation

- Council cannot make changes to the Commissioner recommendation as they have not heard the evidence presented at the hearing or read the submissions. To change the recommendations would not demonstrate fairness or natural justice to the submitters.
- All submitters will need to be re-heard at another hearing.
- Additional Council and submitter resources will be required to rehear the Plan Change.
- There would be delays and additional costs associated with this option.

13 In light of the process that the plan change has followed, Option a. is the recommended option.

Financial Implications

14 The plan change is budgeted for in the 2014 – 2015 financial year.

Local Government Act 2002 Purpose Provisions

15 The ratification of the Commissioner recommendation is considered to be consistent with the LGA purpose provisions (ss10, 11, 11A) summarised as:

- Activity (local democracy, infrastructure, local public services or performance of regulatory functions);
- Quality (efficient, effective and appropriate to present and future circumstances); and, or
- Economic (most cost-effective for households and businesses).

16 The plan change process is consistent with the purpose of local democracy as it has involved public input into the provisions of the District Plan.

Council Policies

17 The following Council Policies were considered:

- Significance Policy - The report recommendation is not significant under the Council's Policy on Significance.

Consultation

18 Plan Change 48 was publicly notified in accordance with the Resource Management Act 1991.

19 All submitters had the opportunity to present their views at a public hearing and all points raised through submissions have been considered in the Commissioner recommendation.

Publicity

20 If Council chooses to ratify the Commissioner recommendation, this will be publicly notified as the Council Decision in accordance with the Resource Management Act 1991.

Attachments

A: Report & Recommendations of Independent Commissioner Plan Change 48 Signs, 21 October 2014