

RM number: RM210432
Date: 05/10/2021
Applicant: G J B Berge
Agent: Urban Edge Planning Limited
Address: 4 Hutt Road, Petone
Attention: Matt Youl

Brianne Peters
Environmental Consents
T 027 284 7506
Brianne.Peters@huttcity.govt.nz
Our reference: RM210432

APPROVAL OF RESOURCE CONSENT FOR A SIGN AT 4 HUTT ROAD PETONE 5012 PT SEC RWY SO 24491

Council granted consent for the following reasons:

- The proposed sign is of a scale and character considered appropriate within the surrounding commercial environment.
- Given the transient nature and low amenity of the surrounding area being opposite a rail corridor and roundabout, amenity effects generated by the proposal are considered acceptable.
- The proposal is consistent with the policies and objectives of the city's District Plan.
- Council has given due regard to the New Zealand Coastal Policy Statement, any national, regional or proposed regional policy statement and any other regulations in reaching its decision. Council considers there are no other relevant matters that need to be dealt with.
- The proposal is consistent with the purposes and principles of Part II of the Resource Management Act 1991.

1. PROPOSAL

The applicant has provided the following proposal description which I adopt:

The applicant is seeking resource consent to erect new 'billboard' signage at 4 Hutt Road in Petone. Two separate sign faces are proposed, which will be attached at the sides to form a 'V' shape. The signage will be oriented towards Hutt Road, with one sign face facing in a roughly north-east direction and the other facing in a roughly north-west direction. Each sign face will have a height of 3m and a width of 6m, with a 2.2m high supporting structure and a resultant total height of 5.2m. Both signs are intended to advertise the activity occurring on the subject site, which is known as VanMan and provides home and office relocation services. The cumulative sign face area on the site will consequently be 36m²; comprising two 18m² signs.

2. SITE DESCRIPTION

The applicant has provided the following site description which I adopt:

The application site, 4 Hutt Road, comprises 425m² of commercial land on the southern side of Hutt Road, near to the corner with The Esplanade. The site is roughly triangular in shape, effectively flat with an imperceptible gradient, and mostly sealed with the exception of the western corner which contains sparse, self-seeded vegetation. The southern side of Hutt Road, which contains the application site, contains similarly scaled commercial activities, while the opposite side of the road contains a railway line as opposed to commercial or other activities.

The site is located within the Area 2 of the Petone Commercial Zone of the Operative Hutt City District Plan. The site is not subject to any designation, heritage protections, identified natural hazards or significant natural, cultural or archaeological resources under the District Plan. The site is also not identified as contaminated under the GWRC Selected Land Use Register (SLUR).

The application site is legally described as Part Railway, held in Record of Title WN13B/1161. There are no restrictions or interests registered on the Record of Title which would affect the proposal.

3. RELEVANT PLANNING RULES AND REGULATIONS

District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the Petone Commercial Area 2, which this proposal falls within, are contained in chapters 5B – Petone Commercial and 14 – General Rules.

The proposal requires resource consent for the following District Plan non-compliances:

5B 2.2.3 (a) – Discretionary Activities

Except where states in the general rules, any restricted discretionary activity which fails to comply with any of the relevant permitted and restricted discretionary conditions or relevant requirements of chapter 14 – general rules is a discretionary activity.

The proposal does not comply with 14B2.1.5 (c) (iii) as the proposed sign is to be erected on the roof of the building.

14B2.4 (a) – Discretionary activities

In all activity areas excluding the Petone Commercial Area 1, any permitted, controlled or restricted discretionary activity which does not comply with any of the permitted activity conditions is a discretionary activity.

The proposal does not comply with 14B2.1.5 (c) (iii) as the proposed sign is to be erected on the roof of the building and will have a total face area of 36m². This is 16m² larger than the total surface of a permitted sign face.

I consider the proposal to be a discretionary activity under rule 5B2.2.3 (a) and 14B2.4 (a).

National Environmental Standards

The proposal does not require assessment under any National Environmental Standards.

4. PERMITTED BASELINE

The permitted baseline allows a consent authority to disregard any adverse environmental effects that could arise from a compliant development on the application site.

The permitted baseline for signage in Petone Commercial Area 2 allows for signage to be erected on the exterior of the building if it does not exceed 30% of the area of the wall in any one direction, the maximum face area of a free standing sign is 20m² or less, if illuminated to be constantly illuminated and now flashing, and may not project above the highest point of the highest building on site by more than 20%. The permitted baseline is of relevance to this assessment as either sign could be proposed as a permitted activity, but not both. The permitted baseline is thereby considered of some relevance.

5. NOTIFICATION ASSESSMENT

Council must assess any resource consent application under section 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 details a four step process that must be followed, and triggers or precludes notification of applications in certain circumstances. The sections below follow the four step process for public notification (under section 95A) and limited notification (under section 95E).

5.1 - PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to section 95A of the Resource Management Act, this section follows the 4 step process to determine if public notification is required.

Step 1 - Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances.

Has the applicant requested public notification?	No
Is public notification required under s95C?	No
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act?	No

Public notification is not mandatory under step 1.

Step 2 - Public notification is precluded in certain circumstances

If public notification is not required under step 1 it may be precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? ▪ A controlled activity ▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status	No

Public notification is not precluded under step 2.

Step 3 - Public notification is required in certain circumstances

Step 3 sets out criteria where public notification must be undertaken in certain circumstances.

If public notification is not precluded under step 2, public notification may be required in certain circumstances.

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?	No (see assessment below)

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?

Public notification is required under step 3 if the activity will have or is likely to have adverse effects on the environment that are more than minor.

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. I have therefore disregarded the effects on the persons who own or occupy properties in making an assessment under s95D:

- 9 The Esplanade
- 3 The Esplanade Eastbound
- 5 The Esplanade Eastbound
- 7 The Esplanade Eastbound
- 8 Rail Way

The proposed sign will be freestanding, located toward the front of the application site facing the road. While the sign is relatively large, it does not intrude into the footpath and the colour palette and type of advertisement is compatible with the existing signage in the near area. Further, the sign will be erected in an area considered of a low amenity value, being on a road passage and main roundabout, where persons in this space will be largely transient and in motor vehicles.

The text on the sign is neat and legible, and in a font size that is easy to read, thus it is not considered the text cause undue distraction to passing motorists on Hutt Road. There is no illumination, movement or flashing proposed.

While the sign exceeds the maximum face area in total, the V-shape of the sign splits the overall face area, so that passing persons will only read one side of the sign. With this in mind, persons who view the sign will technically be viewing a sign of a size and shape comparable with a permitted sign which meets the District Plan standards, given only one side is visible in each direction.

All persons who will be viewing the sign are in passing, as the primary visibility will be from the road where motorists and pedestrians are transient. The sign is considered to be an appropriate design and size in terms of face and text, and does not include illumination or moving parts. As the sign is a V shape and only one face is visible at any one time, it is considered the individual sides are comparable to a permitted sign in the Petone Commercial area, and effects are thus less than minor on persons and the environment.

Public notification is not required under step 3.

Step 4 – Public notification is required in special circumstances

If public notification is not required under step 3 it may still be warranted where there are special circumstances.

Do special circumstances exist that warrant public notification?	No
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Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. The application is for a sign in the Petone Commercial Area 2, which is an area intended for commercial activities and advertising (as demonstrated by the relatively permissive signage provisions for this activity area). The proposal is considered to be of an expected nature within this area, promoting relocation services for home and office furniture. The design and text on the sign is neat and legible, making it visible and easy to read in passing. The District Plan is considered to provide clear policy direction and assessment matters with regard to the specific breaches occurring as a result of the proposal. Public notification would not reveal any new information relevant to determination.

On this basis, it is not considered necessary to publically notify the application due to special circumstances.

Conclusion

Public notification is not required.

5.2 - LIMITED NOTIFICATION STEPS - SECTION 95B

As determined in section 5.1, public notification is not required. Pursuant to section 95B of the Resource Management Act, a 4 step process must therefore be followed to determine if limited notification is required.

Step 1 – Certain affected groups/persons must be notified

Limited notification is mandatory for certain groups/persons.

Are there affected customary rights groups?	No
Are there affected customary marine title groups (for accommodated activities)?	No
Is the proposal on or adjacent to, or may affect, land that is subject to a statutory acknowledgement and whether the person to whom the statutory acknowledgement is made affected under section 95E?	Yes

The proposal does not involve any earthworks or works that could result in effects such as sedimentation into the sites of statutory acknowledgement. The sign will be free standing and works will create amenity value contrary to the existing sites. It is considered the proposal will affect acknowledged parties in a less than minor way.

Limited notification is not required under step 1.

Step 2 – Limited notification is precluded in certain circumstances

Limited notification to any other persons not referenced in step 1 is precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for the following, but no other activity: ▪ A controlled activity (other than a subdivision) under the District Plan	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified

Step 3 sets out criteria where limited notification must be undertaken in certain circumstances.

If limited notification is not precluded under step 2, limited notification is required for any persons found affected under s95E.

Are any of the following persons 'affected' under s95E? ▪ For 'boundary activities' an owner of an allotment with an 'infringed boundary'	No (see below assessment)
For all other activities, are there any affected persons in accordance with s95E?	No (see below assessment)

In accordance with s95E are there any affected persons?

In accordance with section 95E, I have considered whether the proposal could adversely affect any other persons. The following persons have been considered:

- 9 The Esplanade
- 3 The Esplanade Eastbound
- 5 The Esplanade Eastbound
- 7 The Esplanade Eastbound
- 8 Rail Way

I consider there to be no affected persons as the potential environmental effects will be less than minor for the following reasons:

- Persons at 3, 5 and 7 The Esplanade Eastbound are situated behind the application site. The common boundary shared with the south boundary of 4 Hutt Road is situated with buildings along the edge of the boundary line for all adjacent parties. It is considered the existing structures are of a bulk that would limit any adverse viewing of the rear of the proposed sign, and relative to the size of the sign are not considered to adversely affect viewing or privacy where windows are situated on the existing adjacent buildings. Effects are thus less than minor on persons at 3, 5 and 7 The Esplanade Eastbound.
- 8 Rail Way is the site on the opposite side of Hutt Road to the application site. There are no persons who permanently occupy the site, as it is a railway line hence persons utilising this space are doing so in a transient fashion for transport-related purposes. As such, effects on persons at 8 Rail Way are less than minor.
- The proposed sign will be 10m from the common boundary at the south of the site and 20m from the common boundary at the east of the site at 9 Hutt Road. Given the sign will face outward to the street, from each boundary the rear of the sign will be visible from a distance. The additional height and area of the sign, relative to the existing surroundings of existing signage along the street (at 10-14 Hutt Road) will not create amenity effects out of character with the existing area. As such, the separation distance and relative scale of the proposal will have less than minor effects on persons at 9 Hutt Road.
- I consider all other persons to be sufficiently screened or setback in that adverse effects are considered less than minor.

Limited notification is not required under step 3.

Step 4 – Limited notification is required under special circumstances

If limited notification is not required under step 3, limited notification may still be warranted where there are special circumstances.

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
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For the reasons outlined under step 4 in section 5.1 above I do not consider there to be any special circumstances that warrant limited notification of this proposal.

Conclusion

Limited notification is not required.

5.3 - NOTIFICATION DECISION

In accordance with the notification steps identified in section 5.1 and 5.2 the application shall proceed on a non-notified basis.

6. DETERMINING THE APPLICATION

Section 104 requires, when considering a resource consent application, that Council must, subject to Part 2, have regard to any actual or potential effects on the environment; any measure agreed or proposed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any negative effects; any relevant provisions of a National Environmental Standard; other regulations; a National Policy Statement; a New Zealand Coastal Policy Statement; a Regional Policy Statement or proposed Regional Policy Statement; a plan or proposed plan; and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.1 - ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT UNDER S104(1)(A)

The proposed sign will be freestanding, located toward the front of the application site facing the road. While the sign is relatively large, it does not intrude into the footpath and the colour palette and type of advertisement is compatible with the existing signage in the near area. The opposing sites are a railway corridor and roundabout which is considered a low amenity environment, given persons here are transient and the environment is not intended for amenity value that reflects that of a residential or highly privacy area. The proposed sign parallels the commercial nature of the area, promoting a relocation service for homes and offices.

The text on the sign is neat and legible, and in a font size that is easy to read, thus it is not considered the text cause undue distraction to passing motorists on Hutt Road. There is no illumination, movement or flashing proposed.

While the sign exceeds the maximum face area in total, the V-shape of the sign splits the overall face area, so that passing persons will only read one side of the sign. With this in mind, persons who view the sign will technically be viewing a sign of a size and shape comparable with a permitted sign which meets the District Plan standards, given only one side is visible in each direction.

All persons who will be viewing the sign are in passing, as the primary visibility will be from the road where motorists and pedestrians are transient. The sign is considered to be an appropriate design and size in terms of face and text, and does not include illumination or moving parts. As the sign is a V shape and only one face is visible at any one time, it is considered the individual sides are comparable to a permitted sign in the Petone Commercial area, and effects are thereby acceptable.

Conclusion

I consider the actual or potential effects on the environment to be acceptable for the reasons outlined above.

6.2 - ASSESSMENT OF THE RELEVANT PROVISIONS OF THE DISTRICT PLAN UNDER S104(1)(B)

Objectives and policies of the District Plan

I consider the proposal is consistent with the relevant District Plan objectives and policies identified below:

5B1.1.2A Area 2 – Petone Mixed Use

Objective

To provide for a mixed use activity area within Petone which caters for a range of complementary commercial, small-scale or low intensity light-industrial, business and service activities, residential and large format retail activities, increasing the number of residents and workers in Petone, and avoiding or mitigating adverse effects so that amenity values and character of the area, neighbouring areas and the overall environment are maintained or enhanced.

Policy

1. Provide for a range of residential, commercial, small-scale or low intensity light industrial, business and service activities, and large format retail activities, provided their effects are compatible with each other and the character and amenity values of the area.
2. Manage larger scale retail activities to ensure they do not detract from the vibrancy and vitality of Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City's Central Commercial Activity Area and create an attractive and public focused environment.
3. Restrict smaller scale retail activities to ensure they do not detract from the vibrancy and vitality of the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City's Central Commercial Activity Area.
4. Provide for residential activities which have quality living spaces for residents, meet the service needs of this type of activity, and adopt on-site measures to mitigate potential incompatibility issues with other activities.
5. Restrict residential activities at ground floor level along Jackson Street, thereby retaining retail and commercial activities along the Jackson Street pedestrian focused frontage.
6. Restrict activities, including heavy industrial or late-night activities, which may be incompatible with residential and other activities and/or degrade the character and amenity values of the Petone Mixed Use Area.
7. Ensure that effects likely to be generated by each activity, such as noise, dust, odour and traffic, are managed to avoid or mitigate adverse effects on the amenity values and character of both the area and properties within the mixed use area and in nearby Residential Activity Areas.
8. Ensure that effects likely to be generated by each activity are managed to avoid or mitigate any adverse effects causing harm or damage to the receiving environment.
9. Manage the effects of development on the supply and demand of local infrastructure, including drainage infrastructure, to ensure that development is within capacity limits or the infrastructure capacity is upgraded.

Assessment: The proposal is considered to be consistent with the objectives and policies, as the sign is of a scale and promotes a business that is synonymous with the existing environment to which it will be constructed and displayed. The sign will not cause distraction to transient motorists, nor will it create adverse amenity effects to the surrounding area.

6.3 - ASSESSMENT OF THE RELEVANT PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS UNDER S104(1)(B)

I consider that there are no other relevant provisions of national environmental standard, other regulations, national policy statement, New Zealand Coastal Policy Statement or regional policy statement or proposed regional policy statement that regard must be had.

6.4 – PURSUANT TO S104(1)(C) ARE THERE ANY OTHER MATTERS RELEVANT AND REASONABLY NECESSARY TO DETERMINE THE APPLICATION?

I consider there are no other matters relevant and reasonably necessary to determine the application.

6.5 - PART 2 OF THE RESOURCE MANAGEMENT ACT

I consider the proposal meets Part 2 matters of the Resource Management Act 1991.

6.6 - SUBSTANTIVE DECISION

In accordance with s104B I have considered the application for a discretionary activity and have decided to grant the application subject to conditions under s108 and s220.

7. CONDITIONS OF RESOURCE CONSENT

In accordance with s108 of the Resource Management Act, resource consent has been granted subject to the following conditions:

1. That the proposal is carried out substantially in accordance with the information and approved plans (Plans mock up of sign location, date unknown) submitted with the application and held on file at Council.

Note: This condition addresses an essential administrative matter.

Processing Planner:



Brianne Peters
Resource Consents Planner

Peer reviewer:



Alicia Todd
Senior Resource Consents Planner

Application lodged: 19 August 2021

Application approved: 05/10/2021

No of working days taken to process the application: 32

S37 extension: 7 days

8. NOTES:

- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.
- The consent lapses, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years, that is, by 05/10/2026.
- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.
- The proposal has been assessed against the requirements of the city's District Plan. Bylaws may apply to the proposal that may require separate approval from Council before starting any site works. See huttcity.govt.nz for a full list of bylaws.
- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.
- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.
- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.
- Advice note from Heritage New Zealand: The property has, or is likely to have been occupied prior to 1900. Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.

- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: beforeudig.co.nz or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.
- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information contact the Transport Division via (04) 570 6881 or click the following link: huttcity.govt.nz/Services/Roads-and-parking/Vehicle-crossings/