

Notice is given that an ordinary meeting of a Resource Consent Hearing will be held on:

Date: Wednesday 24 February 2016
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Commissioner (Resource Consent) Hearing

AGENDA

MEMBERSHIP David Mountfort

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AGENDA

1 OPENING, WELCOME

2 REPORTS

2.1 Allied Petroleum Limited 5

Land Use Consent:

The application seeks the following consent under the Resource Management Act 1991 (the Act):

Land Use consent to erect a 3.9 metre high, double sided (7.8 square metres in total) and illuminated plinth sign in an off-site location (see Attachments 1 and 2).

SUBMISSIONS:

Four submissions were received, all in support of the proposal and all from Christchurch based companies.

Executive Summary:

Land Use consent is sought to for an oversized, double-sided and illuminate plinth sign in an off-site location.

This proposal is a Restricted Discretionary Activity under Rule 16.1.4.2. of the Tasman Resource Management Plan with consideration of the proposed sign being restricted to:

- (1) location and legibility in relation to traffic safety; and*
- (2) any amenity effect on the surrounding area, including size and duration.*

The application is recommended to be **declined** as I consider it will have adverse effects on traffic safety and amenity and is inconsistent with the relevant Objectives and Policies that have informed the above Rule.

2 REPORTS

2.1 ALLIED PETROLEUM LIMITED

Decision Required

Report To:	Commissioner (Resource Consent) Hearing
Meeting Date:	24 February 2016
Report Author:	Mike Mackiggan, Consent Planner
Report Number:	REP16-02
Attachments:	<ol style="list-style-type: none"> 1. 17 Appendix 1: NPI Written Approval 2. 19 Appendix 2: Copy of Notification Report 3. 25 Attachment 1: Proposed Sign 4. 27 Attachment 2: Location of sign in relation to 16 Artillery Place 5. 29 Attachment 3: Example of Poor Legibility and Visual Clutter 6. 31 Attachment 4: Example of Poor Legibility and Visual Clutter on Off-Site Sign 7. 33 Attachment 5: TRMP Allows for this type of off-site sign with consent 8. 35 Attachment 6: TRMP Allows for this type of off-site sign with consent 9. 37 Attachment 7: Coherent Consistent Tenancy Board Example

1 Summary of Proposal

- 1.1 Land Use consent is sought to erect a 3.9 metre high, double-sided (7.8 square metres in total) and illuminated plinth sign in an off-site location, adjacent to the intersection of Lower Queen Street and Sandeman Road, at Richmond. The sign is to direct card-holder fuel users to the Allied Petroleum unmanned truck stop fuelling facility at 16 Artillery Place. That fuelling facility has been authorised in the Light Industrial Zone by consent RM150516.
- 1.2 The initial application for the fuelling facility also sought consent for an off-site sign in the same location, however that element of the proposal was subsequently withdrawn from the application when it was made clear to the applicant that an off-site sign would not be supported and that the application would need to be publicly notified.

2 Site Description

- 2.1 The site of the proposed sign is owned by Nelson Pine Industries and is currently vacant with grass and bush cover and a mature landscaping barrier of some 3 - 4 metres height on the Lower Queen Street frontage.
- 2.2 The legal description of the 2.0129 hectare corner site is Lot 1 DP 18918 and it is situated on the corner of Lower Queen Street and Sandeman Road. The site has no current postal address.

3 Status of Application in Tasman Resource Management Plan

- 3.1 The relevant zoning of the site in the Tasman Resource Management Plan (TRMP) is Light Industrial.
- 3.2 The proposed sign breaches Permitted Activity Rule 16.1.4.1 in the TRMP as follows:
- 16.1.4.1 (a) and (c) - the sign does not have dimensions in accordance with Figure 16.1B which allows for a maximum sign area of 3 square metres as permitted - the sign proposed is double-sided with a total area of 7.8 square metres.
 - 16.1.4.1 (b) - signs must relate to activities undertaken on the site - an off-site sign is being proposed.
 - 16.1.4.1 (f)(i) and (ii) - the sign is not placed only on the site to which it relates, and the sign has a maximum area greater than 3 square metres.
- 3.3 Overall the proposal is a **Restricted Discretionary Activity** under Rule 16.1.4.2 of the TRMP.

Consent may be refused, or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- (1) Location and legibility in relation to traffic safety.
- (2) Any amenity effect on the surrounding area, including size and duration.

4 Public Notification and Submissions

Written Approvals

- 4.1 Prior to notification written approvals were received from:
- Nelson Pine Industries Limited - the owner of the site.
- 4.2 Pursuant to Section 104(3)(a)(ii) of the Act the decision-making panel must not have any regard to any effect on these parties. The location of this party's principal property is shown on the Map in Appendix 1.
- 4.3 The proposed site of the sign is on the vacant lot to the south-east across Sandeman Road, and bordered by Lower Queen Street, Artillery Place, and the rear of the allotments on the north side of Barros Place.

Public Notification

The application was publicly notified and submissions closed on 27 November 2015.

- 4.2 The applicant's consultant, Mr Gary Rae, has stated that, in his view, it was outside of Council's remit to publicly notify the application because the notification report included "incorrect consideration of the relevant planning law on Restricted Discretionary activities" [Email from G Rae to R Cudby Co-ordinator Land Use Consents 28 January 2016].
- 4.3 Sections 95A and 95D of the Act prescribe the public notification decision process as follows:

"95A Public notification of consent application at consent authority's discretion

- (1) **A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.**
- (2) *Despite subsection (1), a consent authority must publicly notify the application if—*
 - (a) **it decides (under section 95D) that the activity will have or is likely to have adverse effects on the environment that are more than minor; or**
 - (b) *the applicant requests public notification of the application; or*
 - (c) *a rule or national environmental standard requires public notification of the application.*
- (3) *Despite subsections (1) and (2)(a), a consent authority must not publicly notify the application if—*
 - (a) *a rule or national environmental standard precludes public notification of the application; and*
 - (b) *subsection (2)(b) does not apply.*
- (4) *Despite subsection (3), a consent authority may publicly notify an application if it decides that special circumstances exist in relation to the application.”*

“95D Consent authority decides if adverse effects likely to be more than minor

A consent authority that is deciding, for the purpose of section 95A(2)(a), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

(a) must disregard any effects on persons who own or occupy—

- (i) *the land in, on, or over which the activity will occur; or*
- (ii) *any land adjacent to that land; and*

(b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and

(c) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and

(d) must disregard trade competition and the effects of trade competition; and

(e) must disregard any effect on a person who has given written approval to the relevant application” [my emphases added].

- 4.4 A copy of the Notification Decision Report for this proposal is attached as Appendix 2. In that report I concluded that the proposed sign would have adverse effects on the environment in relation to amenity and traffic safety that would be more than minor. I also concluded that there were reasons to publicly notify the application - relating to the Objectives and Policies for signs in the TRMP, irrespective of the actual degree of adverse effect that will be caused by the sign proposed by Allied Petroleum Limited.
- 4.5 I also said “yes” to Question 4(b) in the report template as to whether there were “special circumstances” relating to the application per Section 95A(4) of the Act. I acknowledge that TRMP Rule 16.1.4.1 does not have such a provision precluding public notification, and my use of the term “special circumstances” was actually in relation to the reasons why I concluded in this case that Council should exercise its discretion to publicly notify the

application. The environmental outcomes envisaged by relevant TRMP Objectives and Policies can be reason to exercise the general discretion in Section 95A(1), as well as being “special circumstances” in situations where section 95A(4) does apply (as is noted in the notification report template).

- 4.6 I am not aware of any case law or Judicial ruling on the current that prevents consideration of the relevant TRMP Objectives and Policies in decision-making when consent is required for a Restricted Discretionary Activity.
- 4.7 I note that the public notification that has occurred removes any doubt for the decision-maker with regard to Section 104(3)(d), which states that a resource consent must not be granted if the application should have been notified and was not.

Submissions Received

- 4.8 Submissions in support

Submitter	Reasons	Heard?
Hino Distributors (NZ) Ltd (Dave Ching)	“We support the off-site sign proposed to allow adequate notification for any heavy commercial drivers requiring fuel. We sell a number of vehicles into the Nelson region annually and our delivery staff along with company and other drivers often lament the lack of fuel stop signage when in an unfamiliar location.”	Yes
STL Linehaul Ltd (Shane Pearson)	“So my drivers don’t get lost and end up down a dead end street with a 20 mtr truck.”	Yes
TW Transport Ltd (Andrew Wills)	“I support this application as it is difficult for our drivers to find a site without a sign. As all our drivers are Chch based they do not no (sic) the area and it avoids trucks going down incorrect streets and having to turn around causing damage to the roads.”	Yes
Fuel Storage Systems Ltd (Edmund Coughlan Harrison)	“I support the proposal for off site signage as it is essential to provide appropriate direction for truck drivers. As all new trucks entering service require emission controls, this particular site dispenses “Allied Blue” which the network of dispensing is in its infancy. There will be a large number of out of town trucks that require Allied Blue and will stop if they cannot get it due to not knowing where it is.”	Yes

These parties are all based in Christchurch or Ashburton.

Comments on Submissions

- 4.9 The applicant’s agent has confirmed that the facility is for card holders only, and that these card holders would be regularly advised of any new facilities opened through newsletter, website, or email updates.

- 4.10 Modern commercial trucks are most likely to also be fitted with GPS navigation systems to ensure that drivers do not get lost and to assist in recording commercial hours driven, routes, the locations of commercial haulage trucks at any time and so on.
- 4.11 The actual Allied Petroleum Truck Fuelling Facility to be constructed at 16 Artillery Place has standard, on-site plinth signage of sufficient size and illumination to be visible from Sandeman Road.
- 4.12 I do not consider that an off-site plinth sign is required to direct truck drivers already on Lower Queen Street, and already in the immediate vicinity of the Allied Petroleum approved facility.

5 Statutory Considerations

5.1 A decision on this application must be made under Sections 104 and 104C of the Act. The matters in Section 104 to address are:

- Part 2 of the Act (Sections 5, 6, 7 and 8) to the extent they relate to the matters of discretion
- Effects on the environment (positive and adverse)
- Objectives and Policies of the TRMP to the extent they relate to the matters of discretion
- Other relevant matters.

5.2 Section 104C of the Act states:

“104C Determination of applications for restricted discretionary activities

- (1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—
 - (a) a discretion is restricted in national environmental standards or other regulations:
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.
- (2) The consent authority may grant or refuse the application.
- (3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—
 - (a) a discretion is restricted in national environmental standards or other regulations:
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.”

5.3 Restricted Discretionary Rule 16.1.4.2 of the Tasman Resource Management Plan states:

“Consent may be refused, or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- (1) Location and legibility in relation to traffic safety.
- (2) Any amenity effect on the surrounding area, including size and duration.”

6 Part 2 RMA Purpose and Principles

6.1 Section 5 - Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, **sustainable management means 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 effects of activities on the environment.**

6.2 The relevant matters in Section 7 of the Act, to have particular regard to, are:

- Section 7(c) the maintenance and enhancement of amenity values.
- Section 7(f) maintenance and enhancement of the quality of the environment.

7 Objectives and Policies of the TRMP

Matter of Discretion 2 - Any amenity effect on the surrounding area, including size and duration

7.1 The relevant objectives and policies from Chapter 5 “Site Amenity Effects” of the Plan are:

Objective 5.1.2

“Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.”

Policy 5.1.3.9 is to : **“To avoid, remedy, or mitigate effects of:**

(h) buildings and structures; beyond the boundaries of the site generating the effect.”

Objective 5.2.2

“Maintenance and enhancement of amenity values on site and within communities throughout the District”

and the following Policies:

“5.2.3.9 To avoid, remedy or mitigate the adverse effects of signs on amenity values”;

and

“5.2.3.1 To enable a range of signs in commercial and industrial areas, subject to safety and access needs and visual considerations.”

- 7.2 The Plan seeks to maintain and enhance amenity values and avoid adverse effects on these. The Plan states :

“Signs are an important part of the District in their role in giving information and advertising products. However, they affect safety and visual amenity if not properly designed and located, especially at the entrance to townships.

Signs are generally acceptable in the commercial and industrial areas because they are needed to advertise products and services. For this reason there is a more liberal approach to signage in these areas. However, signs on roofs and verandahs are restricted for amenity reasons.

Advertising in rural, recreation and residential areas is often a detractor from the amenity of these areas and in these areas, signs are restricted as to scale and positioning.

*Traffic safety policies for signs are in **Chapter 11**. Signs on Council roads are controlled by Council bylaw. Signs on state highways are subject to controls specified in New Zealand Transport Agency (Signs on State Highways) Bylaw 2010.”*

Matter of Discretion 1 - Location and legibility in relation to traffic safety

- 7.3 Chapter 11 of the Plan deals with “Land Transport Effects”. The relevant objectives and policies from Chapter 11 are:

Objective 11.1.2

“A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

Policy 11.1.3.11 - To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.”

“Signs adjacent to roads have the potential to cause driver distraction. Traffic signs should be easily read. To achieve the highest degree of safety, roadside information directed at road users needs to be kept to a minimum, located in positions with adequate visibility and have clear and concise messages that can be rapidly read by road users.”

<p>8 Matters of Discretion</p>

- 8.1 The subsequent rules and standards of the Plan and hierarchy of activity status including the relevant matters of restricted discretion in Rule 16.1.4.2 are therefore informed by the above Objective and Policies.

Matter of Discretion 1 - Location and legibility in relation to traffic safety

- 8.2 The application is for a 3.9 square metre plinth sign - double sided - so 7.8 square metres of signage in total. The applicant states that whilst only 0.858 square metres of each plinth sign face will be occupied with signage for Allied Petroleum, the remaining surface area of the sign will be made available to other occupants of the Light Industrial Estate who may also wish to apply for resource consent to advertise their business.

- 8.3 There is scope for an additional three (based on similar 1 square metres area) or four other Light Industrial Tenants/Occupants to co-locate on the plinth sign.

- 8.4 These potential advertisers would most likely wish to use their own logos, colours and fonts, and I consider that this mix may result in legibility issues and subsequent traffic safety issues on this stretch of 70kmph Arterial road.
- 8.5 Council's Development Engineer has only been able to comment on the application as presented with the proposed sign as per Attachment 1.
- 8.6 Council's Development Engineer when assessing the initial application advised that he was not particularly opposed to one free-standing sign only on the basis that others were allowed to co-locate on the sign and that no other similar signs were allowed.
- 8.7 Some co-location is possible however as stated above the three or four other business that could possibly advertise on the sign would most likely wish to use their own logos, colours and fonts.
- 8.8 As a planner I consider that this mix may result in legibility issues and subsequent traffic safety issues as well as creating adverse amenity effects (see Attachments 3 and 4 - Examples of Poor Legibility and Visual Clutter).
- 8.9 The proposed sign is being sought due to the locational decisions of the applicant who chose to locate the consented truck fueling facility in a low profile location accessed via Collector Road. Artillery Place and Barros Place are both cul-de-sacs, as is Sandeman Road. All have turning circles that comply with TDC Engineering Standards.
- 8.10 As discussed above I consider that with modern GPS and navigational technology, plus the wide-spread use of smart-phone technology, truck drivers trying to locate the facility for the first time will not encounter undue difficulty or the lack of ability to turn their vehicles around.
- 8.11 If truck drivers from Christchurch have such difficulty in finding locations for the first time, then there are other key intersections and locations where demand could be created for additional off-site signage should this application be granted.
- 8.12 There are 18 allotments in the Light Industrial estate accessed off Sandeman Road. All of those tenants/occupants could claim that they similarly require "confirmation" signage to assist locate their businesses.
- 8.13 Permitting this proposed off-site sign would signal to other businesses district-wide to consider applying for similar off-site signs. A proliferation of off-site signs would have both adverse amenity effects and potential traffic safety effects through the distraction of drivers.
- 8.14 In discussions with the applicant's consultant, Mr Rae, since the initial lodgment of Allied Petroleum's application for the unmanned card-holder only truck fueling facility, it has been suggested that due to the number of Light Industrial allotments in the estate, some form of estate tenancy board might conceivably be considered favorably. An example of such is provided as Attachment 7. This demonstrate a sign with the minimum amount of information

necessary to confirm business location in a clean, coherent, uncluttered and consistent manner.

8.15 Thus, the applicants would be able to provide for their economic wellbeing without the necessity of a permanent off-site plinth sign which I consider would not avoid, remedy or mitigate adverse amenity effects upon the environment and which may create legibility issues and resulting traffic safety issues accordingly.

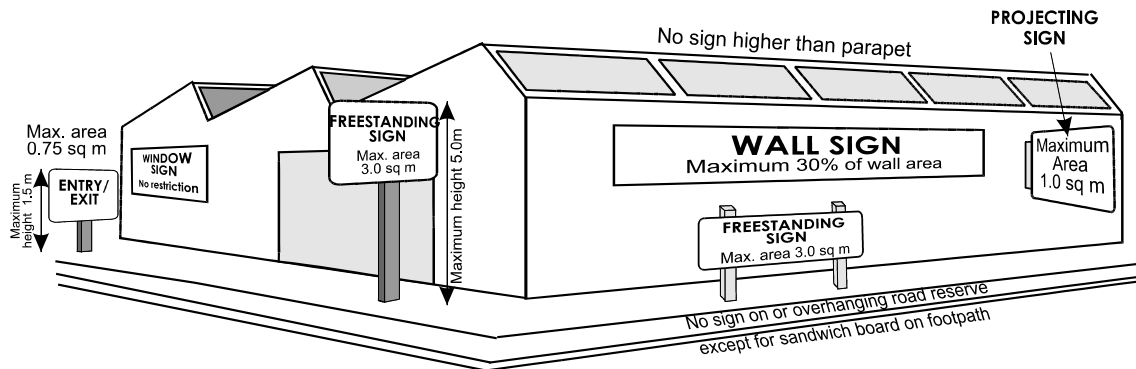
Matter of Discretion 2 - Any amenity effect on the surrounding area, including size and duration.

8.16 Permitted Activity Signage in Light Industrial Zones.

Rule 16.1.4.1 (f)(i) regarding freestanding signs stipulates : **“a freestanding sign is placed only on the site to which it relates.”**

The Light Industrial Permitted Activity maximum Free Standing sign - **located on the site to which it relates** is 3 square metres and as specified in TRMP Figure 16.1B is single sided.

All Industrial Zones



Note : These diagrams are not to scale and do not illustrate all requirements in the rules.

Copy of Part Figure 16.1B

8.17 As can be seen from the relevant diagram in Figure 16.1B there is considerable scope for significant levels of on-site signage, of both free-standing single-sided construction, window or wall signs. Hence the relevant Objective and Policy emphasis informing the Rule is to **avoid, remedy, or mitigate effects of buildings and structures beyond the boundaries of the site generating the effect.**

8.18 Council has historically resisted approving off-site signs and has continual pressure and demand for them from industry and businesses throughout the District.

8.19 The only off-site signs that are generally likely to be supported are the likes of the “Welcome to Richmond” or “Richmond Town Centre” signs as shown in Attachments 5 and 6. The TRMP allows for this type of off-site sign and I contend that this is what is envisaged by the Restricted Discretionary Rule 16.1.4.2.

- 8.20 Only a maximum of four tenants can be accommodated upon the proposed off-site plinth sign resulting in the likelihood that if approved then other signs will similarly be sought in this location with resulting loss of amenity through proliferation of off-site signs. This would in my opinion result in a rapid loss of amenity on this stretch of Lower Queen Street.
- 8.21 I consider that the above Objectives and Policies have shaped Rule 16.1.4.1 (f)(i) regarding freestanding signs which stipulates : **“a freestanding sign is placed only on the site to which it relates.”**
- 8.22 The permitted activity sign rules and standards for Light Industrial Zones are permissive and allow significant levels of on-site signage.
- 8.23 As a direct result, off-site signage is discouraged accordingly as it creates unnecessary additional signage and visual distraction and amenity issues for drivers and pedestrians.
- 8.24 As can be seen from Attachments 3 and 4 illegal and unauthorized signs are untidy, confusing, create visual clutter, and can detract from the enjoyment and use of land. I consider that they do not maintain or enhance amenity values accordingly.
- 8.25 For this reason I consider that the proposed Allied Petroleum over-sized off-site sign will have an adverse amenity effect on the surrounding area, and that such signs should be restricted to the site generating those effects.
- 8.26 To consider approving the proposed off-site plinth sign would not be avoiding, remedying, or mitigating adverse effects on other land beyond the boundaries of the site generating the effect.
- 8.27 The proposed sign will not “Maintain and Enhance” the amenity values as sought by Objective 5.2.2. which informs Restricted Discretionary Activity Rule 16.1.4.2 and I consider that this would be contrary to Part 2 5(c) of the Act.

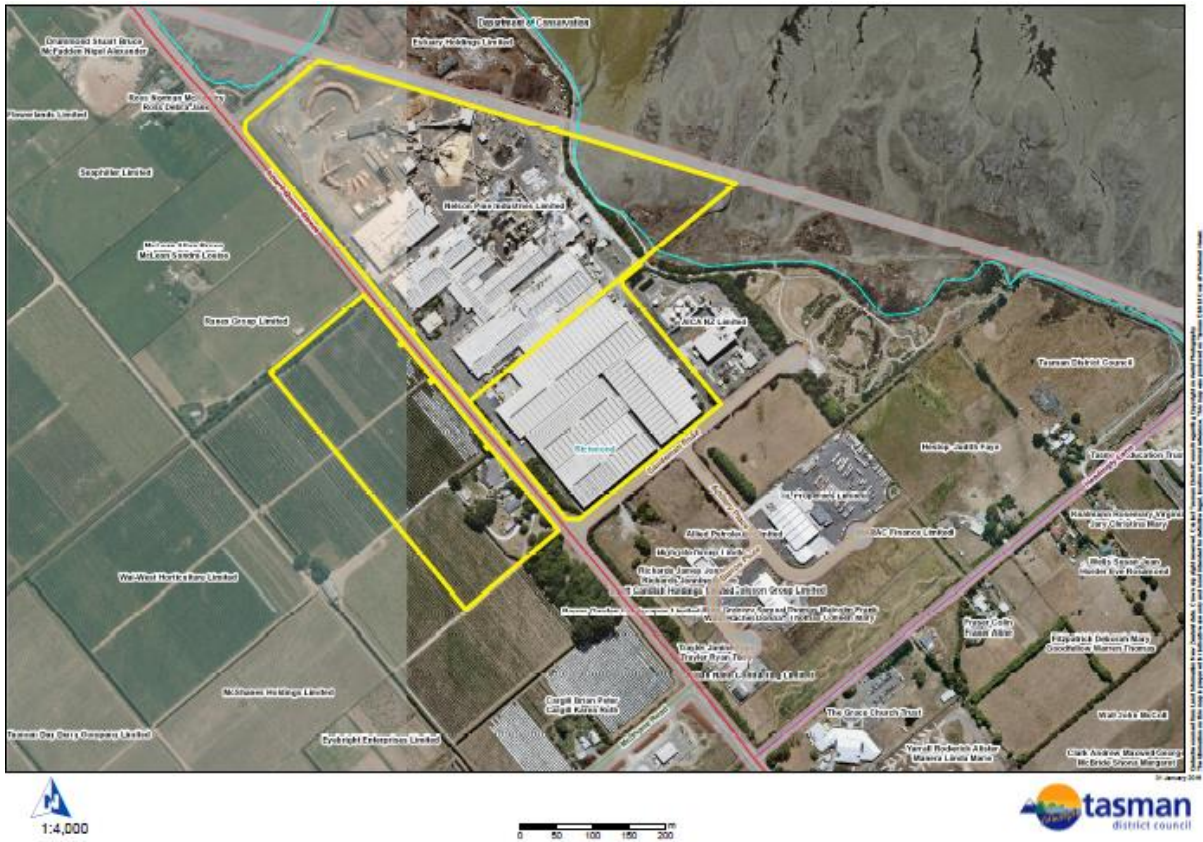
9 Summary of Key Issues

- 9.1 The proposed off-site, double-sided, and over-height plinth sign is considered to create location and legibility issues in relation to traffic safety. It is also considered that it will generate adverse amenity effects on the surrounding area. Additionally, if this sign were to be approved it would leave Council with little or no basis to manage the effects of off-site signs, such as any further applications for additional off-site signs relating to this Light Industrial estate, and for the wider ongoing demand for off-site signs throughout the District. This would result in adverse effects on amenity of a cumulative nature through a proliferation of off-site signs.
- 9.2 The proposed off-site sign is accordingly considered to be inconsistent with the relevant TRMP Objectives and Policies that informed Rule 16.1.4.2 and the matters to which discretion is restricted.

10 Recommendation

- 10.1 As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, I consider that a grant of consent **would not** promote the sustainable management of natural and physical resources and, on balance, I **RECOMMEND** that the application(s) be **DECLINED**.

Appendix 1 – Nelson Pine Industries Written Approval



Item 2.1

Attachment 1

Appendix 2 – Allied Petroleum RM150755 – Notification Report

Notification/Non-Notification Decision Report

Applicant(s): Allied Petroleum Limited
Application Number(s): RM150755
Description of Activity: Erection of an Over-Size and Off-site Plinth Sign for Allied Petroleum, in the Light Industrial Zone at Lower Queen Street, Richmond.

QUESTION 1 Classification of Activity

What type of consent application is being made?

- Controlled **Restricted Discretionary** Discretionary Non-complying

List relevant rules and/or national environmental standards:

The proposed sign does not meet Permitted Activity Standards in Rule 16.1.4.1 as follows:

- 16.1.4.1 (a) – the sign does not have dimensions in accordance with Figure 16.1B by being 3.9m² in area.**
- 16.1.4.1 (b) – the sign does not comply with condition (b) of Rule 16.1.3.1 (as it is off-site and not temporary)**
- 16.1.4.1 (c) – the sign does not comply with the requirements indicated in Figure 16.1B by being 3.9m² in area.**
- 16.1.4.1 (f)(i) and (ii) – the sign is not placed only on the site to which it relates, and the sign has a maximum area greater than 3 square metres.**

Rule 16.1.4.2

The erection of an outdoor sign in the Light Industrial Zone that does not comply with the conditions of Rule 16.1.4.1 is a Restricted Discretionary Activity.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- (1) Location and legibility in relation to traffic safety.**
- (2) Any amenity effect on the surrounding area, including size and duration.**

QUESTION 2 Requirement or Restriction, or Request for Public Notification

Question 2(a)

Has the applicant requested public notification?

- No** → Go to Question 2(b) **Yes** → Go to Step 6(a) (Recommendation to **Publicly Notify**)

Question 2(b)

Does a rule or a national environmental standard require public notification?

- No** → Go to Question 2(c) **Yes** → Go to Step 6(a) (Recommendation to **Publicly Notify**)

Question 2(c)

Does a rule or a national environmental standard preclude notification?

Item 2.1

Attachment 2

- No** → Go to Question 3 **Yes** → Go to Question 4(b) (Are there special circumstances?)

QUESTION 3 Effects on the Environment

Will the activity have, or is it likely to have adverse effects on the environment that are more than minor?

- Notes:**
- 1) Disregard effects on persons who are owners or occupiers of the land in or over which the activity will occur, or of any adjacent land, but consider whether there are other adverse effects on the environment.
 - 2) An adverse effect of the activity may be disregarded if a rule or national environmental standard permits an activity with that effect.
 - 3) In the case of a controlled or restricted discretionary activity, disregard any adverse effect that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion.
 - 4) Disregard trade competition and the effects of trade competition.
 - 5) Disregard any effect on a person who has given written approval to the application.

- Yes** → State reasons in box below, and then go to Step 6(a) (Recommendation to **Publicly Notify**)
- No** → State reasons in box below then go to Question 4(a)

Reasons why this assessment has been made are:

Proposed Activity

The Permitted Activity maximum dimensions for a free-standing on-site sign is a height of 5 metres, and with a maximum area of 3 square metres.

The proposed internally illuminated plinth sign is not placed on the site to which it relates , and whilst it is only 3 metres high it is 1.3 metres wide, making it 3.9 square metres in area.

The applicant states that whilst only 0.858 square metres of the plinth sign face will be occupied with signage for Allied Petroleum, the remaining surface area of the sign will be made available to other occupants of the Light Industrial Estate who may also wish to apply for resource consent to advertise their business.

There is scope for an additional three or four other Light Industrial Tenants/Occupants to co-locate on the plinth sign.

These potential advertisers would most likely wish to use their own Logos, colours and fonts, and it is considered that this mix may result in legibility issues and subsequent traffic safety issues.

Existing Environment

The site of the proposed sign is owned by Nelson Pine Industries and is currently vacant with grass and bush cover and a mature landscaping barrier of some three-four metres height on the Lower Queen Street frontage.

Effects

The proposed off-site sign may result in a proliferation of commercial advertising which will adversely affect the visual amenity of the Lower Queen Street area.

In this current stage of Lower Queen Street Light Industrial development there are 18 allotments in the Artillery Place / Barros Place estate. All of these allotments could argue that they additionally require directional signage to assist their customers to locate them. This could result in a proliferation of off-site signs in this location resulting in reduced amenity for the surrounding area.

Land to the south east of Headingly Lane is zoned as Mixed Business and Area Map 124 of the Tasman Resource Management Plan (TRMP) indicates that this section of Lower Queen Street will have "Retail Frontage".

Thus Mixed Business Buildings and Structures will be able to locate adjoining the road, and be able to have Permitted Activity levels of signage as per the standards in Rule 16.1.4.1 and Figure 16.1B.

There will therefore be a substantial increase in on-site signage in this locale with subsequent amenity effects accordingly. As this will be Permitted Activity on-site signage, there is an even

stronger reason to avoid cumulative adverse amenity effects on the surrounding area from off-site signage as proposed.

Council’s Engineering Services Development Engineer (Dugald Ley) has commented upon the sign as currently proposed and he advises that he is “Not really opposed to this ONE sign but we would not allow any others at this or across the road so any consent for this sign would have to potentially allow others on the sign.”

Some co-location of others on the sign is possible as discussed above, however the implication for additional demand for off-site signs is not supported by Engineering Services. An increase in off-site advertising signage could affect the safety of traffic travelling along this road.

I consider that the activity will have, or is it likely to have adverse effects on the environment that are more than minor.

QUESTION 4 Overall Discretion or Special Circumstances

Question 4(a)

Are there other reasons why the application should be publicly notified?

Note: There is discretion to decide to publicly notify an application per Section 95A(1), unless Section 95A(3) applies.

Yes → State reasons in box below, and then go to Step 6(a) (Recommendation to **Publicly Notify**)

No → Go to Question 5

Question 4(b)

Are there special circumstances relating to the application that justify over-riding the preclusion of public notification in a rule or national environmental standard?

Note: “Special Circumstances” are generally those that are unusual, although they may also include **objectives and policies of plans** or provisions of national environmental standards that give clear indications of expected environmental outcomes relevant to the proposed activity. If what is proposed is specifically envisaged by the Plan, it **cannot** be described as being out of the ordinary. Also, the fact that some persons have concerns about a proposal does not of itself give rise to “special circumstances” but it may be a contributing factor.

Yes → State reasons in box below, and then go to Step 7 (Recommendation to **Publicly Notify**)

No → Go to Question 5

Other Reasons (4(a)) or Special Circumstances (4(b)) to publicly notify are:

The TRMP makes provision for off-site signs in the relevant Principle Reasons for Rules 16.1.20 as follows :

“Signs on the Property they relate to.

This rule prevents the proliferation of commercial advertising throughout the District, including, for example, a supermarket advertising in the rural area distant from its operation. In stated circumstances, off-site or remote signs are provided for.”

“Freestanding Signs near Intersections.

This rule protects visibility to and from intersections and the effectiveness of traffic control signs.”

The standards provide for the high signage requirements of some businesses, such as service stations. Provision for only one freestanding sign per site will encourage co-location of signs associated with complexes of multiple tenancies.

The rules are intended to avoid the proliferation of directional signs, ensuring that those erected are effective without being pure advertising.

These sign rules and standards arise from Chapter 5 of the TRMP : Site Amenity Effects.

The applicant’s AEE has made mention of Objective 5.2.2 without quoting it, as it refers to “Maintenance and enhancement of amenity values on site and within communities throughout the District” (my emphasis) and also then considers the following Policies as relevant:

Item 2.1
Attachment 2

5.2.3.9 To avoid, remedy or mitigate the adverse effects of signs on amenity values; and

5.2.3.1 To enable a range of signs in commercial and industrial areas, subject to safety and access needs and visual considerations.

The applicants AEE neglects to consider Policy 5.2.3.12 relevant:

5.2.3.12 To support the consolidation of information and “welcome to . . .” signs at the entrances to towns (my emphasis).

The applicant’s AEE has neglected to refer to Adverse Off-Site Effects and Objective 5.1.2 :
 “Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.”

Policy 5.1.3.9 is to : “To avoid, remedy, or mitigate effects of: (h) buildings and structures; beyond the boundaries of the site generating the effect.”

It is considered that for the above reasons Rule 16.1.4.1 (f)(i) regarding freestanding signs stipulates : “a freestanding sign is placed only on the site to which it relates.”

The applicants proposal is assessed as being contrary to the above Objectives and Policies, and it is considered that special circumstances exist for TRMP integrity and off-site signage consistency reasons.

QUESTION 5 Limited Notification

Does a rule or environmental standard preclude limited notification of the application?

- No** → Go to Question 6(a) **Yes** → Go to Question 6(b)

QUESTION 6 Affected Persons

Question 6(a)

Will the adverse effects of the activity on any person be minor or more than minor (but not less than minor)?

- Notes:**
- 1) An adverse effect of the activity may be disregarded if a rule or national environmental standard permits an activity with that effect.
 - 2) In the case of a controlled or restricted discretionary activity, disregard any adverse effect that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion.
 - 3) Have regard to relevant statutory acknowledgements.
 - 4) If it is unreasonable in the circumstances to seek a person’s written approval, that person is not an affected person (S95E(3)(b)).
 - 5) For changes or cancellations of resource consent conditions, consider whether any person who made a submission on the original application may be affected by the change or cancellation (Section 127(4)).
 - 6) Consideration of adversely affected persons may result in a mix of “yes” and “no” assessments. When relevant, reasons should be stated as to why persons are not considered to be potentially adversely affected.
 - 7) The RMA regulations require service of notified applications on persons deemed affected per S95E.

- Yes** → If considered relevant, state why any persons are not considered to be affected in the box below, then go to Question 6(b)
- No** → State all relevant reasons why persons are not considered to be affected in the box below, then go to Question 6(b)

Reasons why persons are not considered to be affected by the activity:

The application sites owners are potentially affected , however they have provided their written approval.

There are no specific other persons that can be said to be affected more than the public in general to this current proposal.

Question 6(b)

Are there any persons who are affected order holders?

- Notes: 1) To be an affected order holder (a) the person must be the holder of a customary rights order, and (b) the proposed activity may have adverse effects on a recognised customary activity carried out under the order; and (c) the person has not given written approval to the activity (or has not withdrawn their approval).
 2) Limited notification must be given to any affected order holder even if a rule or national environmental standard precludes public or limited notification of the application.

Yes → Go to Question 6(c) **No** → If the answer in 6(a) is yes, go to Step 6(c), **OR**
 If the answer in 6(a) is no, go to Step 7, **OR**
 If the answer in 5 is yes, go to Step 7

Step 6(c)

Complete the table below, listing the persons who are considered to be affected by this activity (per Questions 6(a) and 6(b)), then go to Step 7.

Name of Affected Person	How are they Affected?	Written Approval Provided? (Y/N)
Nelson Pine Industries	Site Owner	Yes

Note: It is important that only those persons who will be adversely affected by the proposed activity to a minor or more than minor extent, and affected order holders are listed in this table. It should be noted that some applicants submit written approval from persons who will not be adversely affected by the activity. In addition to a completed approval form, the affected person should have also signed any relevant plan.

STEP 7 Recommendation

It is recommended that this application be:

Publicly notified for the reasons stated above.

Processing Officer (*Sign*): _____ Date: 28 September 2015
 Name: Mike Mackiggan
 Position: **Consent Planner – Land Use**

STEP 8 Section 95 Decision

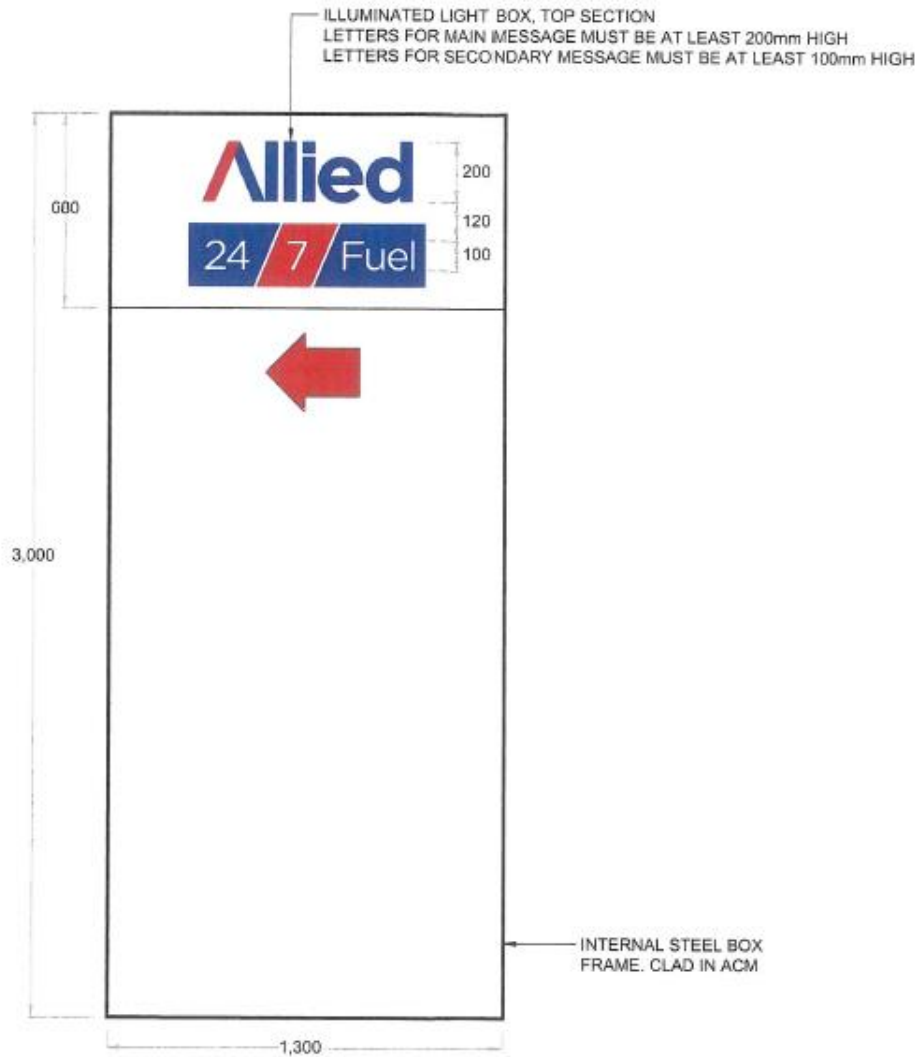
Recommendation accepted under delegated authority of the Tasman District Council by:

(*Sign*): _____ Date: _____
 Rowena Cudby
Acting Resource Consents Manager

Attachment 1 – Allied Petroleum RM150755 – Proposed Sign

Item 2.1

Attachment 3



1	LOWER QUEEN ST PLINTH
500-01	Not To Scale

Attachment 2 – Location in relation to 16 Artillery Place.

DISCLAIMER
The location, the structures, and underground services shown on this drawing are based on information provided by the local authorities, service providers and other sources. Petrotec Services Ltd. and Allied Petroleum accept no responsibility for the accuracy or completeness of this information. The contractor must verify the location, structures, services, and dimensions must be verified on site prior to the commencement of any works.

GENERAL NOTES
Do not scale drawings.
Contractor shall verify and be responsible for all dimensions shown on this drawing. The contractor shall be responsible for any variation between site dimensions and those on the plans. This drawing is to be read in conjunction with the relevant resource consent and other documents. All dimensions are shown in mm (millimeters). All drawings to be printed in colour.

Site Information:
Lot 1
DP 421433
MJ Fraser Logging Ltd

Proposed Sign:
PROPOSED SIGN
SEE DETAIL 5004-02

Proposed Sign Location:
Proposed Sign Location

Other Labels:
Allied Petroleum Truck Stop Site
Artillery Place
Sandeman Road
Lower Queen St
Lot 4
DP 18918
Nelson Pine Industries Ltd
Barros Place

A. For Consent	02/09/2015	Date
D. Description		
DATE	02/09/2015	DATE
CHECKED	RD	SCALE
APPROVED	RD	SCALE
DRAWING NAME: Allied Richmond TS - 500's		
<small>This drawing is not to be reproduced and does not be allowed to be used for any other purpose without the written consent of PETROTEC SERVICES LTD.</small>		
PROJECT: Allied Petroleum Richmond Truck Stop		
DRAWING NO.	Pyon Sign Location - 500-01	ISSUE
For Consent		A

Attachment 3 – Example of Poor Legibility and Visual Clutter



Item 2.1

Attachment 5

Attachment 4 – Example of Poor Legibility and Visual Clutter on Off-Site Signs



Item 2.1

Attachment 6

Attachment 5 – TRMP allows for this type of Off-Site Sign with Consent



Item 2.1

Attachment 7

Attachment 6 – TRMP allows for this type of Off-Site Sign with Consent



Item 2.1

Attachment 8

Attachment 7 - Coherent Consistent Tenancy Board Example



Item 2.1

Attachment 9