

SECTION 32 REPORT

Signs
 May 2022

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1 Executive Summary

Signs provide an important function by conveying information providing direction and promoting goods, services and events. Signs can be animated, moving, illuminated, integrated into development or freestanding. Signs range from conventional two-dimensional signs to flags, painted facades, inflatable signs and larger signs such as billboards or hoardings.

Signs are common within road reserves where they provide information to road users. Notwithstanding this, signs have the potential to distract drivers, in particular where they do not clearly display information or messages, are intermittently illuminated, or include moveable parts. Signs therefore have the potential to pose a risk to the safety of road users.

Signs play an important role in relaying information to the community, they are used to identify places, provide information about community facilities, events and services, convey important health and safety messages and control and direct traffic. Signs also enable businesses to advertise goods and services which is important in supporting economic and social wellbeing of the community.

Signs are currently managed with a dual approach through Chapter 16 of the Operative District Plan (ODP) and the Control of Public Places Bylaw (Bylaw). The Bylaw administers signs (including illuminated signs) and other activities on land owned by Council e.g. road reserves, footpaths and berms, whereas the ODP manages signs and lighting on all other land. Whilst the dual regime provides flexibility to Council in terms of monitoring, enforcement, and controls on activities in different locations of the District, there has been known confusion and uncertainty between the two documents.

The key resource management issues relating to Signs are:

- Amenity and Character; and
- Impacts on Infrastructure

The changes to the Sign provisions are part of the consolidated review of the ODP. The proposed provisions will address the requirements of the Planning Standards as well as provide further clarity between the roles of the District Plan and Bylaw.

2 Introduction and Purpose

2.1 Purpose of report

This report provides an evaluation undertaken by the Far North District Council (**Council**) in preparation of district plan provisions for Signage in the Proposed Far North District Plan (**PDP**). This assessment is required by Section 32 of the Resource Management Act 1991 (**RMA**).

Section 32 of the RMA requires Councils to examine the proposed objectives, associated policies, and other provisions, and to assess the anticipated environmental, economic, social, and cultural effects, benefits and costs of implementing the provisions. Since section 32 evaluations represent an on-going process, this report is only the initial evaluation, with further revisions expected throughout the review process in response to submissions received following notification of the PDP.

2.2 Overview of topic

Signs are generally considered to be any device intended to draw attention to viewers to convey information, provide direction or promote goods, services or events. Signs can be animated, moving, illuminated, integrated into development or freestanding. Signs range from conventional two-dimensional signs to flags, painted facades, inflatable signs and larger signs such as billboards or hoardings.

Signs play an important role in relaying information to the community, they are used to identify places, provide information about community facilities, events and services, convey important health and safety messages and control and direct traffic. Signs also enable businesses to advertise goods and services which is important in supporting economic and social wellbeing of the community.

The scale, design and frequency of signs are often paired with location, activities and what might be anticipated in different environments. For example, signs are generally more accepted and prevalent in commercial areas, where businesses are promoting where they are, conveying information about their goods, services and sometimes there is also directional signage. Compared with residential areas where signs are usually limited to street numbers, property names, community or temporary signs, and some small-scale home business signage.

The current provisions for signs are contained in chapter 16 of the Operative District Plan (**ODP**), which also includes provisions for lighting. The approach to the management of signs is to enable appropriate signs which provide necessary information for the social, economic, and cultural welfare of the District, while managing amenity and heritage values and the safe and efficient operation of infrastructure.

The ODP became fully operative in 2009 and since then, the signage provisions in Chapter 16 Signs and Lighting (**Chapter 16**) have been amended three times¹. The purpose of the changes was to remove unnecessary provisions, make minor amendments and improve clarity and workability of the signs and lighting provisions. Plan Change 19 Signs and Lighting (**Plan Change 19**) was the most recent iteration and was made operative in April 2017. Plan Change 19 was undertaken to resolve the following issues:

- Clarity and workability between the 'Control of the Use of Public Places Bylaw (Bylaw) and ODP provisions;
- Integrated management of signs and lighting; and

¹ Plan Change 5 Definitions and Clarification Amendments 2011, Plan Change 13 Technical Amendments 2013 and Plan Change 19 Signs and Lighting.

- Cumulative effects.

These changes resulted in a move away from purely effects-based rules and introduced several activity tables which were designed to improve interpretation, certainty and clarity for the rules.

Signs are currently managed with a dual approach through Chapter 16 of the ODP and the Control of Public Places Bylaw (**Bylaw**). The Bylaw administers signs (including illuminated signs) and other activities on land owned by Council e.g. road reserves, footpaths and berms, whereas the ODP manages signs and lighting on all other land. Whilst the dual regime provides flexibility to Council in terms of monitoring, enforcement, and controls on activities in different locations of the District, there has been known confusion and uncertainty between the two documents.

The National Planning Standards 2019 (**Planning Standards**) have introduced a prescribed structure of District Plan documents to improve consistency across the country. The new structure requires signs and lighting to be considered and presented separately which refines the scope of the Signs provisions and associated section 32 evaluation reports. The changes to the Sign provisions as part of the consolidated review of the ODP will address the requirements of the Planning Standards as well as provide further clarity between the roles of the District Plan and Bylaw.

3 Statutory and Policy Context

3.1 Resource Management Act 1991

The **Section 32 Overview Report** provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to this topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

“...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 wellbeing, 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.”*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6
- Have particular regard to a range of other matters in section 7
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are directly relevant to the provisions for signs:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:

In particular, inappropriate signage has the potential to impact the special character and amenity of an area, particularly areas with identified heritage, landscape or natural feature values.

The following section 7 matters are directly relevant to the provisions for signage:

- (c) the maintenance and enhancement of amenity values:
- (f) maintenance and enhancement of the quality of the environment:

Section 8 of the RMA requires that all persons exercising functions and powers under it take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments - National Policy Statement (**NPS**), the New Zealand Coastal Policy Statement (**NZCPS**), National Planning Standards (**Planning Standards**), and the relevant Regional Policy Statement (**RPS**). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to signage.

3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to a Planning Standard. The Planning Standards were gazetted in April 2019 and the purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans.

The Planning Standards require that the provisions for signs are set out in a standalone district-wide Signs Chapter. This section 32 report and the associated signs provisions reflect the requirements of the Planning Standards.

The NPS also contains the definitions of 'sign' and 'official sign', which have been adopted in the PDP.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that the District Plan give effect to any NPS. These documents have been actively considered by the District Plan Review.

3.2.3 National Environmental Standard

Section 44 of the RMA requires local authorities to recognise National Environmental Standards (**NES**) by ensuring plan rules do not conflict or duplicate with provisions in a NES.

The NES Electricity specifically provides for the transmissions of electricity and applies regulations with respect to activities which are related to electricity transmission. Regulations 23 and 24 of this NES relate to signs located on a transmission line support structure of an existing transmission line. The regulations permit, subject to conditions, "the installing or modifying a sign on a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation...". The conditions associated with this require that identification signs have combined area of no more than 1m² and safety navigation signs have collective area of no more than 6m². Regulation 24 identifies restricted discretionary activities as those which do not achieve the conditions in regulation 23 and the location of a sign next to a support structure. It is considered that the Signs provisions are consistent with the NES Electricity as there are provisions which provide for official signs associated with transmission lines as permitted activity, subject to conditions and the network utility rules apply.

3.2.4 Regional Policy Statement for Northland

Section 75(3) of the RMA requires the Far North District Plan to 'give effect' to any RPS. The RPS was made fully operative on 14 June 2018. The RPS does not contain any references or objectives specific to signage, however the 'Regional Form Development Guidelines' and 'Regional Urban Design

Guidelines² are strongly represented throughout the RPS provisions. These appendices are designed to ensure appropriate consideration is given at the time of development to the role of the location of existing and planned infrastructure, the appropriateness of an environment (urban or rural) as well as addressing design elements associated with a proposal. There is a relationship between the SI provisions and urban design, amenity values, health and safety, and the vibrancy of town. The following table sets out the sections of the RPS which are relevant for the development of the Sign provisions:

Northland RPS	
Objective 3.6	Economic Activities relates to reverse sensitivity and sterilisation in relation to primary production activities, industrial land uses, mining, existing and planned regionally significant infrastructure.
Objective 3.7	Regionally Significant Infrastructure refers to recognition and protection of regionally significant infrastructure because of its in enhancing Northlands economy and for the purposes of health and safety.
Objective 3.11	Regional Form seeks that Northland has sustainable built environments that effectively integrates infrastructure with subdivision, use and development, a sense of place, identity and a range of lifestyle, employment and transport choices. The explanation associated with this objective acknowledges that rural settings are largely made up of businesses (including but not limited to primary production and their support industries) and the objective seeks development that is compatible with surrounding uses and values, is served by an appropriate level of infrastructure, and is appropriate within the context of the surrounding environment.
Objective 3.14	Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage recognises natural character, outstanding natural features (ONF), outstanding natural landscapes (ONL) and historic heritage. The objective requires that the qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins; the qualities and characteristics that make up outstanding natural features and outstanding natural landscapes; and the integrity of historic heritage are identified and protected from inappropriate subdivision, use and development.

These references to character, amenity and heritage values, the role of economic activities, regionally significant infrastructure and the need to ensure good regional form are broadly relevant to the management of signs within the District.

Signs are integral part of urban development and play a role in supporting the safety, accessibility and viability of towns as well as positively contributing to the vibrancy and legibility of urban areas. In addition, signage plays an important role in supporting the health and safety of communities, warning of hazards and conveying important information.

The proposed SI provisions support the increased emphasis on urban design and regional form that is being sought by the RPS.

² Regional Policy Statement for Northland, 2016, Appendix 2 Regional Development and Design Guidelines.

3.3 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. The operative Northland Regional Plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**. The table below provides an overview of regional plan provisions directly relevant to the signs chapter.

<p>Regional Coastal Plan</p>	<p>Signs are identified in the RCP along with buildings as having a significant visual effect and are noted as needing to be controlled and limited for this reason. Signs are controlled through restrictions on their purpose, type, size, location and whether they are temporary or permanent. Where signs are placed on a consented structure, they need to be regulatory, operational or safety signs or relate to an activity on that site. In most instances they are restricted to an area of 1.25m² per sign. Flashing, reflective or neon signs are not permitted. The SI provisions have been designed to control signs in areas that have sensitive amenity values that require protection.</p>
<p>Proposed Regional Plan</p>	<p>Section C.1.1.5 Signs – permitted activity sets out those signs within the coastal marine area which are permitted. Where a sign does not comply with the requirements of C.1.8 it is proposed to be considered primarily as a discretionary activity. There are additional provisions in Rule’s C.1.1.9, C.1.1.5 and C.1.1.9 that include additional general conditions and signage in area with identified ‘significant values’.</p>
	<p>Chapter C.6.5 relates to the use of agrochemicals and the use of signage to advise others in the immediate vicinity that spraying has commenced.</p>

3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are 14 iwi planning documents accepted by Council which are set out and summarised in the Section 32 Overview Report.

Each plan is comprehensive and covers a range of issues of importance to the respective iwi or hapū. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.

Many of the identified issues within the various management plans relate to concerns over genetically modified organisms, cultural landscapes, sites of cultural significance, indigenous flora and fauna, public access, climate change, minerals, soil, air quality and water quality, particularly with regards to subdivision and development activities. The plans also identify the wellbeing of the environment and its inhabitants as being an important consideration. The objectives and policies refer to the amenity values of the environment, landscapes and features as being important and requiring management.

There are limited references to signage in these Iwi/Hapū Management Plans (IMP). However, the many references to the natural environment, cultural, heritage, and amenity values recognises the relationship between these issues and the role of signage.

3.5 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires council to have regard to management plans and strategies prepared under other Acts to the extent that it has a

bearing on resource management issues of the district. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. This section provides an overview of other strategies and plans directly relevant to the signs chapter.

3.5.1 Local Government Act 2002

The Local Government Act 2002 (**LGA**) enables local authorities to make and implement bylaws. Section 145 of the LGA provides for local authorities to make general bylaws for the purpose of protecting the public from nuisance, protecting, promoting and maintaining public health and safety, minimising the potential for offensive behaviour in public places. Section 146 and 147 provide for the creation of more specific bylaws. The role of bylaws in the management of signs within the district will be further discussed in section 3.5.4 of this report.

3.5.2 Building Act 2004

The Building Act 2004 provides for signs of a certain dimension to be managed under Schedule 1 of the Building Act. Schedule 1 applies to building work for which building consent is not required. Building work in conjunction with a sign is therefore exempt based on dimensions or where the work has been carried out by a chartered professional engineer. Sign exemptions apply to structures or signs associated with network utility operators and Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) Motorways.

3.5.3 Land Transport Act 1998

The Land Transport Act is applicable to the management of structures, lights and signs within road corridors. Section 22AB(y) enables Road Controlling Authorities to make certain bylaws which may regulate, control or prohibit signage in or on any land adjoining any road which is the property of the relevant road controlling authority or where the display is visible from a road or public space.

Section 157 relates to rules controlling roads, it allows road controlling authorities to prescribe signs which are required as a 'traffic control device' and to prohibit the use of reflective material on signs which may interfere with road safety and usability.

It is considered that the Signs provisions are consistent with the Land Transport Act.

3.5.4 New Zealand Transport Agency Bylaw

Waka Kotahi provides further controls on signs through the Signs on State Highways Bylaw 2010 (Waka Kotahi Signs Bylaw). The Waka Kotahi Signs Bylaw applies at a national level and allows Waka Kotahi to have a say when signs adjacent to state highways are being established. Sometimes this means that written approval from Waka Kotahi is needed before a sign can be constructed or erected either within or adjacent to the road reserve. When considering whether to support a sign Waka Kotahi takes into account the design, scale and location of a sign and whether any traffic safety issues will arise.

The Sign provisions have been developed taking into account the role of Waka Kotahi and the Waka Kotahi Signs Bylaw. The provisions are consistent with Waka Kotahi's requirements.

3.5.5 Control of the Use of Public Places Bylaw (Revoked) superseded by the Road Use Bylaw (May 2022)

Pursuant to the powers of the LGA, the Council's Control of the Use of Public Places Bylaw (the Bylaw) came into force 1 April 2010. The purpose of the Bylaw is to regulate the use of public places, to safeguard the health, safety and protection of the public. The Bylaw sets some limits for how public places can be used and it provides a process for when these criteria cannot be complied with. In some circumstances delegations are made to the relevant Community Board to make decisions on applications. The infringement notice process of the LGA provides a quick, inexpensive and seamless enforcement process, particularly for low level breaches. In the context of signs this is a useful tool as, in most cases, the level of breach is relatively minor i.e. more than one sandwich board per business.

The new Road Use bylaw (Road use bylaw) was made operative May 2022 includes sign controls on road and adjoining land that were previously in the Bylaw.

3.5.6 Waka Kotahi Town Betterment Plans

Waka Kotahi in conjunction with the Far North District Council and the communities involved have developed business cases to improve seven settlements based on the Community Plans and an Enquiry-by-design process. These have been developed around the themes of Journey, Landscape and Destination. They reference actions and values of these areas and make explicit reference to providing for road safety and way finding signs.

3.5.7 Community Development Plans

The Far North District Council, in conjunction with its communities, have developed 15 non-statutory Community Plans. These plans are designed to assist both the Council and the community to manage growth within their centres, whilst protecting those characteristics and features that the community values most.

The Community Plans are driven by values and aspirations, with the plans centred on the environmental, spiritual, social, cultural and economic wellbeing of that community. A number of the Community Plans reference signs and the role they play in:

- Contributing to the attractiveness of a place;
- Identifying towns, features and public facilities;
- Directing traffic, pedestrian and highlighting public access routes;
- Promoting responsible behaviour;
- Telling the story of a community, including important information about the environment; and
- In recognising the importance of māori culture through having bilingual signs.

The sign provisions are considered to be relevant to these Community Development Plan's and reflect the social, cultural and economic aspirations of these communities.

3.5.8 Long Term Plan

The LGA requires every council to produce a Long Term Plan every three years. The Long-Term Plan (LTP) outlines Council's activities and priorities for the next ten years and provides a long-term focus for decision making. The latest LTP adopted by the Far North District Council came into effect on 1 July 2021 and covers the period between 2021 to 2031

The LTP acknowledges that one of Council's core functions is to maintain and manage the local road network, which includes signage.

Having reviewed the LTP, it is considered that the proposed Signs provisions are not inconsistent with the outcomes sought in the Long Term Plan.

4 Current state and resource management issues

This section provides an overview of the relevant context for the current approach to manage Signs through the ODP, and key issues raised through consultation. It concludes with a summary of the key resource management issues for Signs to be addressed through the PDP.

4.1 Context

The ODP controls signs on all land not-owned by the Council, while the Bylaw manages all signs located on Council owned land. This is often referred to as a dual-management approach where two regulatory processes are used to manage one activity to ensure there is the right balance of control, intervention and enforcement.

An advantage of including rules for signs in the District Plan is that they are open to public scrutiny and submission and cannot be changed without going through the appropriate planning process. Notwithstanding the above, Bylaws are subject to the Special Consultative Procedure which allows for submissions and hearings. In contrast however, the Bylaw consultation process provides a minute appeal process relative to the RMA schedule 1 process.

District Plan rules also provide flexibility to applicants through the assessment of sign activities on a case-by-case basis. This generally entails a broad perspective of actual and potential effects and an overall broad and balanced judgement. It also allows the ability for any affected parties to have their say on particular proposals. However, this enhanced assessment comes with far greater compliance costs which vary dependant on a range of factors including, for example, the complexity of the application.

The RMA provides a statutory framework for decision making which includes the framework for setting rules, assessing applications, the timeframes and considerations involved and a robust appeal process. However, there are distinct limitations in terms of District Plan rules being responsive, and swift in a response, to a constantly changing environment through the plan change process.

Bylaws are able to respond rapidly to localised issues. In the context of health and safety, access, and the provision of information, this is especially important. In relation to signs, where advancements in technology are constantly developing this is also an important feature. While it is often argued that Bylaws cannot provide a similar level of flexibility or assessment of effects, in most cases, they can provide certainty through the prescriptive nature of their requirements. Compliance costs under this process are fixed and are relatively small when compared to resource consent costs.

From an operational perspective, there are a number of internal and external parties involved. For example, internally, Council monitoring, resource consent, roading, and district facility departments can be involved in permits/consents for signs, with Waka Kotahi also providing feedback and written approval in certain instances i.e. depending on its proximity to the State Highway.

4.2 Operative District Plan Approach

4.2.1 Summary of current management approach

As discussed in sections 4.0 and 4.1 above, signs are currently managed with a dual approach through Chapter 16 of the ODP and the Control of Public Places Bylaw (**the Bylaw**).

In relation to the District Plan approach, the objectives and policies of Chapter 16 seek to maintain and enhance amenity and heritage values while providing for a wide range of sign activities in a number of locations, ensure the safe and efficient operation of the transport and infrastructure network, and minimise the clutter of signage.

Signs are generally provided for as a permitted activity as follows:

- Where the sign is less than 4m in height, including any supporting structures;
- Where the sign does not include any reflective materials, flashing or revolving lights and is not animated;
- Where there is only one freestanding sign per site frontage (except for in the Commercial or Industrial Zones where there are no limits on the number of freestanding signs);
- Where the signs do not interfere with the operation of the transport network; and
- Where the signs do not exceed the maximum sign area per site specified for the Zone (as set out in Standard 16.6.1.3).

Non-compliance with the permitted activity standards is generally a restricted discretionary activity.

4.2.2 Other Methods

In addition to the ODP regulatory approach, the Council uses the Bylaw to manage signs in public places as described above.

4.2.3 Limitation with current approach

The Council has reviewed the current operative district approach, and identified some limitations with the current ODP approach, including:

- The current dual approach towards the management of signage, with the 'Control of the Use of Public Places Bylaw' and the District Plan provisions has created confusion and uncertainty for those seeking interpreting the documents.
- The operative district plan does not currently reflect the requirements of the Planning Standards.

4.3 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the district to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview of the key issues raised through consultation in relation to Signs and a summary of advice received from iwi authorities.

4.3.1 Summary of issue raised through consultation

There was a low level of interest in Signs from the community through consultation and engagement of the PDP. Feedback from consultation relevant to the Signs chapter is summarised below:

- Waka Kotahi – Waka Kotahi generally supported the Draft Plan provisions and sought minor amendment's to the rules for the management of signs on State Highways. The amendments seek to provide a consistent approach to the management of signs on state highways in second generation plans in New Zealand.
- Mobil Oil, BP Oil New Zealand Ltd and Waka Kotahi support the permitted activity status of Official Signs, noting the importance of signage required for public safety and transport network signage.
- A number of people sought changes to restrict the size of signs within Heritage areas, particularly within the township of Russell. It is considered that this is already appropriately dealt with in SIGN-R9, noting that standard SIGN-S1 for Heritage Areas restricts signs within a heritage area to 0.5m². However, an additional matter of discretion to has been added for restricted discretionary signs in heritage areas, which makes specific reference to the consideration of effects on heritage values.

4.4 Summary of Resource Management Issues

Based on the analysis of relevant context and current management approach the key resource management issues for the Signs chapter to be addressed through the PDP are:

- **Amenity and Character** - There is a desire for signage to be designed located across different sites and places so they can be viewed by as many people as possible. This can mean signage doesn't always relate to the activity or place it is located. Directional, information and temporary signs are often located in various locations where there are high volumes of people of view them. Signs can result in a range of adverse effects such as:
 - Detract from the natural character and amenity of a location.
 - Impacts on the qualities and values of areas, places or sites that have established social, cultural or heritage values.

- Proliferation can result in clutter or cumulative effects.
- **Impacts on Infrastructure** - Signs can have a significant impact on the general safety and efficiency of the transport network. Careful consideration is required where potential conflicts of signage with the transport network are increased. Signs can result in a range of adverse effects on the transport network such as:
 - Where located within or adjacent to the road corridor, signs can impact on traffic safety, obstructing sight lines, distracting drivers and obscuring other important official signs because of inappropriate location, design, size or type of sign.
 - Where located in public places or on footpaths, signs may impact pedestrian movement and impede the use of footpaths.
 - Poor location or design could result in important official signs being obscured and not visible to pedestrians, cyclists or drivers.

5 Proposed District Plan Provisions

The proposed provisions are set out in the Signs Chapter of the PDP. These provisions should be referred to in conjunction with this evaluation report.

5.1 Strategic Objectives

The PDP includes a strategic direction section which is intended high level direction for the PDP and guidance on how best to implement the Council’s community outcomes set out in its Long Term Plan.

There are no Strategic Objectives that provide explicit direction regarding the management of signs. Rather, signs form part of the wider outcomes sought through the following Strategic Objectives as an integral component of business, community, and infrastructure activities, where the need for, and benefits of, signs need to be balanced with the amenity and character outcomes anticipated.

5.2 Proposed Management Approach

This section provides a summary of the proposed management approach for signs focusing on the key changes from the Operative District Plan. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and ODP, includes moving from an effects-based plan to a ‘hybrid plan’ that includes effects and activities-based planning and an updated plan format and structure to align with the Planning Standards.

The changes to the Sign provisions as part of the consolidated review of the ODP will address the requirements of the Planning Standards as well as provide further clarity between the roles of the district plan and Bylaw.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for the Signs chapter.

5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 7 and 8 of this report.

5.3.1 Summary of objectives and policies

The proposed management approach for Signs chapter includes objectives and policies that:

- Allow traffic signs and official signs required by legislation, including those for health and safety.
- Manage signs that are potentially incompatible with the character of the zone in which they are proposed.

- Provide for signs that support the social, economic and cultural wellbeing of the community.
- Provide guidance in the assessment of resource consents by listing matters that need to be considered, such as the sensitivity of the environment, the speed zone and any cumulative effects.

5.3.2 Summary of rules

For the purposes of section 32 evaluations, 'provisions' are the "policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change".

The proposed management approach for the Signs chapter includes rules and standards that are more refined and directive than those currently in the ODP.

The proposed new rules are summarised below:

Permitted Activity Rules

- Official, traffic, directional and health and safety signs that are required by legislation.
- Signs that comply with location, height, dimension and scale performance standards in each zone.
- Freestanding signs that co-locate to reduce proliferation in the business zones.
- Temporary signs.

Restricted Discretionary Activity Rules

- Signs that do not meet the permitted activity standards

Discretionary Activity Rules

- Illuminated and animated signs.
- Any sign not listed in the Signs Chapter.

5.3.3 Definitions

The Proposed District Plan contains a number of definitions. Those particularly relevant to signs are as follows:

Sign: means any device, character, graphic or electronic display, whether temporary or permanent; which

- a. Is for the purpose of –
 - i. Identification of or provision of information about any activity, property or structure or an aspect of public safety;
 - ii. Providing directions; or
 - iii. Promoting goods, services or events; and
- b. Is projected onto, or fixed or attached to, any, structure or natural object; and
- c. Includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.

Community Information Sign: means a sign which displays information for a community non-profit association or group.

Freestanding Sign: means a sign which identifies or advertises a minimum or three different businesses, activities, or events (or a combination of) within a single permanent structure with a maximum total area of 6m².

Official Sign: means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.

6 Approach to Evaluation

6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options and assessing the efficiency and effectiveness of the provisions, including an assessment of environment, economic, social and cultural economic benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and the response to that advice through the provisions.

6.2 Evaluation of Scale and Significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for the Signs chapter are evaluated in the table below.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	It is considered that the provisions for signs will not raise any issues in relation to the principles of the Treaty of Waitangi.	Low
Degree of change from the Operative Plan	As described above, there are some changes to the provisions contained within the operative district plan, to address the requirements of the Planning Standards as well as provide further clarity between the roles of the district plan and Bylaw.	Low
Effects on matters of national importance	Signs do not generally have a significant effect on matters of national importance. However, there is potential for signs to generate effects where they are located within areas that are as identified outstanding landscapes or as having natural character values, or historic heritage. It is considered that the management of signs in these locations is able to be managed through the provisions of both the signs chapter and also those chapters that provide explicit direction on Outstanding Natural Landscapes and heritage.	Low

Criteria	Comment	Assessment
Scale of effects – geographically (local, district wide, regional, national).	The effects of signs are primarily related to localised amenity considerations. As such the signs topic does not have regional significance. While it is acknowledged that signs are found throughout the District, it is not a significant resource management issue for the District.	Low
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	The proposal affects the business community who seek to advertise their products and services, and the community who may seek to advertise events. The public are affected in terms of the impact of signage on visual amenity, quality of the environment and the character of zones.	Medium
Scale of effects on those with specific interests, e.g., Tangata Whenua	Those parties with a specific interest in signs are usually industry groups, strategic infrastructure providers, and large-scale commercial land owners. Consideration is given to ensuring that the signs provisions appropriately provide for signs, whilst maintaining a level of amenity appropriate to the surrounding context. As such, there should not be any adverse effects on interested parties.	Low
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	<p>The management of signs is not a significant resource management issue, and is not addressed in detail in any higher order documents.</p> <p>The RPS does not contain any references or objectives specific to signage, however the ‘Regional Form Development Guidelines’ and ‘Regional Urban Design Guidelines’ are strongly represented throughout the RPS provisions. These appendices are designed to ensure appropriate consideration is given at the time of development to the role of the location of existing and planned infrastructure, the appropriateness of an environment (urban or rural) as well as addressing design elements associated with a proposal. There is a relationship between the SI provisions and urban design, amenity values, health and safety, and the vibrancy of town.</p> <p>The changes are in accordance with commonly accepted best practice, and consistent with approaches in other second-generation District</p>	Low

Criteria	Comment	Assessment
	Plans that have been produced in New Zealand.	

6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being low. Consequently, a low level of detail is appropriate for the evaluation of the objectives and provisions for the Signs chapter in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach from the operative district plan - minor changes to provisions for clarification and to reflect new national and regional policy direction are not included in the evaluation in section 7 and 8 below.

7 Evaluation of Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for the Signs chapter is against four criteria to test different aspects of 'appropriateness' as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> Is the objective directly related to a resource management issue? Is the objective focused on achieving the purpose of the RMA?
Usefulness	<ul style="list-style-type: none"> Will the objective help Council carry out its RMA functions? Does the objective provide clear direction to decision-makers?
Reasonableness	<ul style="list-style-type: none"> Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?
Achievability	<ul style="list-style-type: none"> Can the objective be achieved by those responsible for implementation?

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA.

7.1 Evaluation of existing objectives

Existing Objectives:	
16.3.1 To maintain and enhance amenity and heritage values whilst providing for a wide range of sign and lighting activities in a number of locations.	
16.3.2 To ensure that the safe and efficient operation of the road transport and pedestrian network and other infrastructure will not be adversely compromised by sign and lighting activities.	
16.3.3 To minimise the clutter of signs.	
Relevance	Section 7(c) of the seeks maintain and enhance amenity values. The objectives seek to manage adverse effects of signs on heritage and amenity value, while recognising that there is a need to provide for signage to support the wellbeing of the community and does this by enabling a wide range of sign and lighting activities.
Usefulness	The objectives relate to lighting which can no longer be managed in the same chapter as signage. Additionally, changes are required to align with the Planning Standards and for consistency in language and style across the plan.

Reasonableness	The objectives are generally very enabling, and do not highlight the amenity and character issues appropriately.
Achievability	The objectives are generally very enabling and therefore considered to be achievable.
Overall evaluation	
The above objectives do not reflect the Planning Standards and do not adequately manage the amenity and character issues related to signs appropriately.	

7.2 Evaluation of proposed objectives

Proposed Objectives:	
SIGN-01: Signs are consistent with the natural character, amenity, cultural and heritage values of the zone and receiving environment.	
SIGN-02: Signs promote health and safety and do not adversely affect infrastructure, particularly the transport network.	
SIGN-03: Signs contribute to the social, cultural and economic wellbeing of the community.	
Relevance	The purpose of the RMA is to promote the sustainable management 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. Under section 7(c), Council has to have particular regard to the maintenance and enhancement of amenity values. Additionally, signs are directly relevant to promoting and providing for the health and safety of the community which is directly relevant to the purpose of the RMA.
Usefulness	The PDP objectives seeks to ensure signs are compatible with the character and amenity of the receiving environment, are designed and located in a way that does not conflict with the use, efficiency and safety of the transport network, and that they contribute to the social, cultural and economic wellbeing of the community. The proposed objectives anticipate and provide for the utility of signs, while managing potential effects on sensitive environments and the general safety and efficiency of the transport network.
Reasonableness	The objectives are considered reasonable in that they acknowledge that signs play an important communication function by conveying information, directing, identifying, informing, advertising and warning our communities. However, it is also recognised that adverse effects on the environment must also be managed.
Achievability	It is considered that the objectives are achievable as they permit the use of signs within the community while also providing directives to ensure that signs do not adversely affect natural character, amenity, cultural and heritage values
Overall evaluation	
<ul style="list-style-type: none"> • Signs are important to the District’s economy, social vitality and play an important role in informing the community. However, overtime and if they are not managed appropriately, this can impact the overall amenity of the District. • The proposed objectives clearly link to the RMA and are considered appropriate to achieve the purpose of the Act. 	

8 Evaluation of Provisions to Achieve the Objectives

8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This section provides an assessment of reasonably options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in section 8.3 of this report.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs if practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in 6.2 of this report, the scale and significance of the effects of proposed changes for the Signs chapter are assessed as being low. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for the Signs chapter. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions.

8.3 Evaluation of options

8.3.1 Option 1: Proposed Approach

<i>Option 1: Proposed approach – Retain dual district plan and bylaw approach with some revisions</i>		
<ul style="list-style-type: none"> Enhance existing provisions to provide further clarity for signs and their status. Maintain amenity values and recognise the character and function of different zones. Include standards that manage the scale and location of signage in all zones. Manage effects on road safety. Broaden provisions to take into account any features, landscapes, heritage or cultural values that need to be assessed. 		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> All aspects of signage can be considered effectively relative to the objectives in the PDP and their adverse effects. This approach allows a comprehensive consideration of cumulative effects. Both in relation to signs on one site and their relationship to the wider street scape. This approach achieves economic efficiencies in terms of the cost of processing applications under both the Bylaw and the PDP. There are very few resource consent applications processed for breaches to the sign provisions; however, it is acknowledged that this does not necessarily reflect the level of non-compliance that occurs. Monitoring and compliance of signs on Council owned land is efficiently achieved under the powers of the LGA, including those available for the removal of signs. RMA enforcement may not respond as efficiently and has higher compliance costs. The enhanced provisions will improve clarity and make it easier for enforcement action to be taken. 	<ul style="list-style-type: none"> Signage has the potential to generate adverse effects, particularly in sensitive receiving environments. In terms of erecting signage, there are very few numbers of applications processed annually. They are usually associated with establishing commercial activities. With clearer provisions, this may improve efficiency for monitoring, and may trigger compliance costs where breaches of the signage provisions are made and no consents have been made. The provisions recognise that signs play a role in providing for the communities economic, social and cultural wellbeing. However, there may be additional provisions that better provide cultural values that may result in additional resource consent applications. 	<ul style="list-style-type: none"> The risks associated with this option are low as it is predominantly maintaining the existing approach. The proposed changes are designed to achieve efficiencies and improve clarity. The Control of Public Places Bylaw has been revoked. Council maintains powers to control signage on land that it owns, however a new bylaw the Road use Bylaw is operative May 2022

<ul style="list-style-type: none"> Plan users are familiar with this dual approach to signs. The Council owned land vs non-Council owned land makes it very clear which regulatory tool is at play. Revision of the layout and format of the provisions will make further clarifications and improve workability of the existing provisions. 		
<p>Effectiveness</p> <ul style="list-style-type: none"> The use of the PDP and RMA regime to consider those signs which potentially have the greatest impact on amenity while enabling the use of signage on Council owned land through the Bylaw is an effective means of implementing the objectives. 	<p>Efficiency</p> <ul style="list-style-type: none"> This approach is also considered to be efficient as it enables signs to be managed both in terms of approval and compliance in an efficient manner while ensuring that signs which merit a more detailed consideration are subject to this consideration and may be managed through the RMA compliance process. 	
<p>Overall evaluation</p> <p>Option 1 is the preferred option and is considered the most effective and efficient in achieving the objectives.</p> <ul style="list-style-type: none"> Option 1 retains the dual approach with which the District is familiar (an neighbouring districts) and enables the effective management of signs through the PDP and Bylaw to maximise efficiencies in relation to consenting and compliance while ensuring that the regime will achieve the objectives. The benefits of this dual approach are considered to outweigh the potential costs and the risk identified with this option. 		

8.3.2 Option 2: District Plan Only

<p>Option 2: District Plan Only</p> <ul style="list-style-type: none"> Use the District Plan as the only regulatory tool for managing signs on all land, including temporary and permanent signs. Strong resource management tool to deliver objectives and manage impacts on amenity values. 		
<p>Benefits</p>	<p>Costs</p>	<p>Risk of acting / not acting</p>
<ul style="list-style-type: none"> There is only one process to follow. There is no confusion around the framework and the public will understand what rules apply. 	<ul style="list-style-type: none"> Applications to infringe the permitted signage provisions will require a resource consent which generally has a higher 	<ul style="list-style-type: none"> Information relating to this option is clear and sufficient to understand the issues.

<ul style="list-style-type: none"> • The ability to consider all signage and therefore the effects on amenity and on the health and safety of people through one tool with a common regulatory process and objectives would have the potential to achieve a beneficial environmental outcome. • The ability to consider non-compliance in relation to all signs through the RMA process ensures that the outcomes identified in the PDP are achieved, resulting in environmental benefit. • A streamlined regime may enable a more efficient process for both Council and applicants and has the potential economic efficiencies. • People will become familiar with the use of one statutory tool for managing signs, this may assist people with their understanding of where to identify the relevant controls. • The community has a greater opportunity to challenge whether the rules for all sign types and any decisions on resource consent applications are consistent with or promote the objectives of the plan and avoiding, remedying or mitigating adverse effects. 	<p>associated compliance costs.</p> <ul style="list-style-type: none"> • Compliance costs may also be substantial requiring the process for infringement fines and abatement notices to be issued under the RMA as opposed to the ability to seize property and manage temporary and nuisance signage in an efficient manner under the Bylaw. • There is also an associated burden of costs on Council for monitoring and enforcing compliance. While there are means for recovering costs for these processes, the reality is that usually Council do not successfully recover close to full costs. • Plan users will need to familiarise themselves with a new regulatory regime. 	<ul style="list-style-type: none"> • The risks associated with this option are that the community and Council would need to understand a new regime for managing signs within the District. There could also be considerable unknown costs to the Council, particularly as it relates to monitoring and enforcement.
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • The approach of utilising the PDP only has benefits in terms of consistency and achievement of environmental outcomes. Therefore, it is considered to have a relatively consistent level of effectiveness as Option 1. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • This approach is inefficient in its application and may result in considerable costs to administer. The potential for significant economic costs associated with the monitoring, enforcement and compliance with such an approach. On this basis, it is considered that this option is inefficient when compared to Option 1. 	
<p><u>Overall evaluation</u></p> <ul style="list-style-type: none"> • Overall a District Plan only option has a number of issues identified with its application. These issues result in this option being considered neither effective nor efficient and have the risk of over burdening Council with monitoring, enforcement and compliance costs. 		

8.3.3 Option 3: Bylaw Only

<p>Option B: Bylaw Only</p> <ul style="list-style-type: none"> Bylaw as the primary tool for management of signs on all land. 		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> Managing signs through a single tool will have similar benefits to those outlined in Option 2. This may result in a beneficial outcome with the use of a consistent process. As with Option 2, a less complex regime may enable a more efficient process for both Council and applicants. The costs for making an application will be less, typically fees for applications made under a Bylaw are a lot less than those made under the RMA. Compliance and enforcement powers granted under the LGA are considered to be more efficient in terms of expediency. People will become familiar with the use of one statutory tool for managing signs; this may assist people with their understanding of where to identify the relevant controls. 	<ul style="list-style-type: none"> The options for undertaking enforcement are limited compared to those under the RMA and cannot always consider all environmental effects. This may result in potential adverse effects not being considered when signs are erected. The Bylaw is considered to be more of a 'blunt tool', in that considerations and decision making under the RMA typically have a broader scope. This could limit the type and range of signs desired by land and business owners Under the Bylaw, it would limit the ability for community/public participation in decision making processes. This will lessen the public's ability to input or challenge processes around signage. 	<ul style="list-style-type: none"> There is moderate risk associated with the management of signs subject to the Bylaw as a single management tool because of the potential costs associated decision making which is consistent with the objective. Additionally, potential adverse effects of signs on the amenity values and qualities of environment are at risk of not being appropriately managed in accordance with requirements of Part 2 of the RMA.
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> While this approach has some effectiveness in terms of consistency it ultimately the least effective option as it does not allow the consideration of all environmental effects required to give effect to the objectives and relevant part 2 provisions in the RMA. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> This option is inefficient when compared to option 1 and 2 as options for undertaking enforcement and considering effects are limited under the LGA Bylaw process when compared to the RMA. 	
<p><u>Overall evaluation</u></p> <ul style="list-style-type: none"> Overall a Bylaw only option has a number of issues identified with its application. These issues result in this option being considered neither effective nor efficient and will ultimately not allow the appropriate consideration of environmental effects when compared to the process and outcomes achievable available through the overlap with appropriate district plan provisions. 		

9 Summary

An evaluation of the proposed objectives and provisions for the Signs Chapter has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- A separate Signs Chapter provides for a simpler plan structure and reflects the Planning Standards.
- The objectives and policies set a framework to provide for and manage signs across a range of zones, recognising their differing character and amenity values.
- Permitted activity rules and activity standards provide for signs that will not adversely impact on the district or relevant zone or are required under legislation for reasons of health and safety.
- The effects standards reflect and respond to the different types of signs and their associated characteristics, thus applying a more targeted approach to managing potential adverse effects.

Overall, it is considered that the set of proposed provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.