

**Technical Paper: Upper Hutt Operative District Plan 2004  
Proposed Plan Change 45: Signs  
Title – Traffic and Signs**

**Prepared By:** *G Swainson - Director Asset Management & Operations*  
**Date:** *18 April 2018*

---

## **1.0 Purpose**

The purpose of this technical paper is to inform and respond to “Proposed Plan Change 45 – Signs” to the Upper Hutt Operative District Plan 2004.

This paper forms part of the Resource Management Act 1991 Section 32 analysis.

## **2.0 Objective**

The objective of “Proposed Plan Change 45 – Signs” to the Upper Hutt Operative District Plan 2004 is to update and consolidate the existing provisions relating to signs which are spread throughout the plan into a General Rules Chapter.

This will simplify the search for these provisions and make them easier to read alongside the revision of the signs bylaw (Control of Advertising Signs which is currently being drafted).

## **3.0 General – Traffic Signage**

The primary functions of traffic signage within the road corridor are to ensure the safe and efficient operation of that space for all users taking into account a wide range of needs and demands.

Nevertheless, traffic signs are signs in the road corridor (the space administered by the Road Controlling Authority<sup>1</sup>) and serve one of the primary purposes:

- (a) **“regulatory”** (including speed limit and parking signs), that is, it instructs road users by requiring or prohibiting specified actions in using a road;
- (b) **“warning”**, that is, it informs road users of hazards or of other features requiring a safe response on or near a road;
- (c) **“advisory”**, that is, it provides road users with information or guidance (including information about destinations, routes, amenities, distances, street name signs and place names).

## **4.0 Regulatory Framework – Traffic Signage**

The powers and responsibilities of a Road Controlling Authority are derived from a number of sources:

### **Land Transport Act 1998 (and subsequent amendments)**

---

<sup>1</sup> For the local road network the road Controlling Authority is the Upper Hutt City Council and for the state highway it is the New Zealand Transport Agency.

*Includes the definition of a road, definition of a road controlling authority, definitions of traffic controlling devices, procedures around the management of parking and a range of offences and penalties. It also gives the Minister power to make rules.*

**Land Transport Management Act 2003 (and subsequent amendments)**

*Has the stated purpose of ensuring an effective, efficient and safe land transport system that is in the public interest. It includes high level strategy, planning and process to deliver the its purpose.*

**Local Government Act 1974**

*Part 21 includes a detailed definition of a road as well as miscellaneous powers that councils have including the ability to close a road.*

**Land Transport Rule:-Traffic Control Devices 2004 (and subsequent amendments)**

*Covers traffic signs in detail including purpose, location and design. Is approved by the Minister and has the force of "regulation".*

**Land Transport Rule: Setting of Speed Limits 2003 (and subsequent amendments)**

*Outlines the process to impose or amend a speed restriction*

This list is incomplete but covers the major relevant documents which form the legislative framework.

In addition to which, the Crown and the local government sector have signed up to an agreement with Austroads which is regarded as the peak organisation of Australasian road transport and traffic agencies. Through this forum a bilateral agreement is in place to ensure consistent standards (including traffic signage) exist within Australia and New Zealand.

**Traffic Signs - Commentary**

1. Road corridors fulfil specific functions in specific ways as mandated by legislation. The processes for their management are comprehensive and well regulated. There would appear to be little value in duplicating them through other avenues available to council.  
*Rationale: Legislated objectives and processes for managing the road corridor should be consistent and applied consistently across the national road network.*
2. Similarly the frameworks for traffic signage are well established and nationally consistent. It is therefore unnecessary to reference them in "local" documents. The maintenance of consistency avoids contravening the legislative intent and inconsistent interpretation and/or application of rules and process.  
*Rationale: Legislated objectives for managing road corridor could be compromised leading to uncertainty.*
3. The objective/opportunity for District Plan or Bylaw intervention is therefore to put in place controls and process over non-traffic signs. However any such opportunities must take into account:
  - a. The powers of a road controlling authority and how they can be exercised; and
  - b. The legislative framework; and
  - c. The intent and purpose of the legislation; and

d. National standards.

*Rationale: Subject to appropriate controls signs non traffic signs within the road corridor can be permitted in specified locations and/or for specified purposes.*

4. It is clear that Proposed Plan Change 45 doesn't amend or interfere with the established national traffic signage framework and nor does it limit the rights or obligations of the Road Controlling Authority to effectively manage the road corridor.

*Rationale: Proposed Plan Change 45 – Signs is unlikely to compromise the objectives and functioning of Council as a Road Controlling Authority in the safe and effective management of the road corridor.*

## 5.0 Non Traffic Signs (within the corridor)

There are a number of reasons why it may be desirable to have non-traffic related signs to be erected within or be visible to users of the road corridors.

However given that road corridors are already a heavily controlled and regulated environment the process of permitting the installation of signs within these corridors needs to be driven by the value that such signage brings to the broader (greater good) community utilisation of that space and not merely for the benefit of a few.

That said the **consenting** and controls regime imposed through the “New Zealand Transport Agency (Signs on State Highways) Bylaw 2010” is an approach which is adaptable to the Upper Hutt circumstance. This can be found at <https://www.nzta.govt.nz/assets/About-us/docs/oia-2015/OIA-2104-Bylaw-2010-New-Zealand-Transport-Agency-Signs-on-State-Highways-Bylaw.pdf>

For example, the approval or rejection of a sign can be evaluated by the road controlling authority on the basis that considers that the colours, wording, legend or siting of the sign will not:

- (i) Obscure or cause confusion with any official road sign or any traffic sign;
- (ii) Cause alarm or unduly attract the attention of people operating vehicles in the road corridor;
- (iii) Create or contribute to a traffic hazard; or
- (iv) In any other way compromise the safe and efficient operation of the road corridor.

Furthermore the Signs Bylaw provides detail on the format of signs in speed zones under 70km/hr and over 70km/hr recognising that the potential impact of driver distraction at higher speeds is a significantly greater risk. Apart from speed consideration could also be given to traffic volume using the nationally established hierarchy of roads as a proxy.

The one exemption to this is signs on business verandas. Veranda's in most instances overhang the pedestrian zone and in so doing intrude into the road corridor. Within defined business zones/precincts (where speeds are generally lower and locational reference is important) these should be a permitted activity subject to (and as stated in the Urban Design Report 10 April 2018 from Urban Edge Planning Ltd):

- Free standing signs located over a pedestrian pathway should have a minimum clearance of 2.5m when measured from the ground level below;
- Signs should not obstruct the line of sight for drivers entering and exiting driveways and intersections;
- Signs should be appropriately set back to ensure no part of the sign overhangs a road;
- Signs for advertising that do not relate to the site they are located on should be located at controlled locations to avoid confusion or the impression that commercial activities are occurring on a site when they are not;
- Signs should not obstruct or result in confusion with any directional signage;
- Signs should be designed so that do not create glare.

## 6.0 Non Traffic Signs (visible from but not located within the corridor)

Particularly in low speed, multi-mode sections of road corridor, the demand for external facing signage is likely to be greater. This need could be either temporary or permanent.

From a traffic management perspective the key issue is to ensure that such signage doesn't create driver/corridor user distraction noting that in lower speed environments the consequences of an error of judgement will generally be less severe.

Nevertheless any regime should be one in which the outcome is consented or subjected to a permit so conditions to mitigate adverse effects/risks can be imposed.

Under this regime conditions should have regards to:

- (a) The proximity of any official road sign or traffic sign; and
- (b) The proximity of any other sign authorised this regime; and
- (c) Obscure or cause confusion with any official road sign or any traffic sign;
- (d) Cause alarm or unduly attract the attention of people operating vehicles in the road corridor;
- (e) Create or contribute to a traffic hazard; or
- (f) In any other way compromise the safe and efficient operation of the road corridor.

The alternative to having a consenting regime, which some will see as overly restrictive, is to have signs as permitted activities (within specified zones) which comply with a defined set of criteria (such as those above) which include mitigation of traffic impacts. Those other criteria to be mitigated outside the scope of this paper could include impact on urban form, aesthetics, lighting etc....

### Non Traffic Signs - Commentary

1. All non-traffic related signs within the road corridor need to be managed so as not to compromise the safe and efficient use of the road corridor for transport purposes. This is best achieved through a combination of District Plan Rules and Bylaws. Signs within this space such as on verandas outside businesses can be a permitted subject to appropriate criteria.

*Rationale: Legislated objectives for managing road corridor can be easily compromised but the balance between permitted activity and requiring resource consent based upon location and environment is achievable.*

2. Non-traffic related signs located beyond but visible from the road corridor could be permitted as of right (subject to standards and conditions) with the ability to assess and consent those outside of the permitted rules subject to conditions. This can be done through a combination of District Plan Rules and Bylaws.

*Rationale: In specified environments the use of standardised criteria for signage would not compromise the objectives for corridor management and issues outside of that could be addressed on a case by case basis.*

## **7.0 Proposed Plan Change 45 – Specific Comments**

The context for commentary is the need to obtain alignment between “Proposed Plan Change 45 – Signs” to the Upper Hutt Operative District Plan 2004, the revision of the signs bylaw (Control of Advertising Signs) and various external related documents including legislation, regulation and the “New Zealand Transport Agency (*Signs on State Highways*) Bylaw 2010”

There are no specific comments however there are some generalised points to be made:

- A. It is recommended that for clarity where “official traffic signs” are referred to that this be expanded to include “whether they are for regulatory, warning or advisory purposes”. This makes it clear that there are a range of “official traffic signs” each having a specific function or purpose.
- B. It is important that the Plan Change acknowledges the underlying potential safety and transport/traffic efficient issues that can arise from within signage in or adjacent to road corridors. The safe and efficient movement of people, goods and services through the road corridor is its primary function and caution is needed for measures which may bring about compromise.
- C. Temporary signs within road corridors warrant further mention. Temporary signs located inappropriately at or near intersections can become hazards to the safe use of the road corridor.
- D. When it comes to safety “temporary” doesn’t imply any special status as so rules around the specific location of these signs is important. Even a temporary sign, placed inappropriately has the potential to increase risk and cause harm. It is likely that detail on rules related to temporary signs within the road corridor can/will be included within the accompanying Bylaw but they should not imply any lower duty of care or responsibility.

## **8.0 Consistency with other Council Documents**

A review of the signs bylaw (Control of Advertising Signs) is concurrently underway. Although it is only in draft form the opportunity has been taken to ensure that there is alignment between the two documents.

## **9.0 Proposed Plan Change 45 – Conclusions**

“Proposed Plan Change 45-Signs” is supported because:

- 1. It is consistent with the revision of the signs bylaw (Control of Advertising Signs) and various related external documents including legislation, regulation and the “New Zealand Transport Agency (*Signs on State Highways*) Bylaw 2010”; and
- 2. It doesn’t undermine the Council responsibilities as a Road Controlling Authority delivering its responsibilities of providing a safe and efficient transport network; and
- 3. It allows for signs (with conditions) as a permitted activity in appropriate locations and provides the ability to manage signs outside of those approved locations.