

**NOTICE OF SUBMISSION BY THE OIL COMPANIES: Z ENERGY LIMITED, MOBIL OIL NEW ZEALAND LIMITED AND BP OIL NEW ZEALAND LIMITED TO THE UPPER HUTT CITY COUNCIL PROPOSED PLAN CHANGE 45: SIGNAGE**

**To:** Upper Hutt City Council  
Private Bag 907  
Upper Hutt

Via email: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

**Submitter:** Z Energy Limited  
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*Hereafter, collectively referred to as "the Oil Companies"*

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## **A. INTRODUCTION**

1. The Oil Companies receive, store and distribute refined petroleum products.
2. The Oil Companies core business relates to the operation and management of their individual service station networks, commercial refuelling facilities and bulk storage (Terminal) facilities at ports and airports. The Oil Companies also supply petroleum products to individually owned businesses. Hydrocarbons are the principal substance managed by the Oil Companies.
3. Within Upper Hutt City, the Oil Companies own, operate and/or supply service stations and truckstop and supply various commercial activities.
4. Proposed Plan Change 45 to the Upper Hutt District Plan (*PPC45*) seeks to update and consolidate the signage provisions for the District. In general the Oil Companies support the control of signage through the District Plan, and restricted or discretionary activity status for signage not meeting the permitted activity controls. This submission is focused on those issues the Oil Companies perceive may inappropriately restrict or limit their existing and future operations.

## **B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN CHANGE THAT THE OIL COMPANIES SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:**

5. This submission relates to PPC45 (Signs).
6. The specific provisions submitted on, the rationale for the Oil Companies submission on each of these matters, and the relief sought is contained in the following table. Changes sought to the provisions are indicated by deletions being shown in strikethrough and additions in underline. Such changes are provided as one means of addressing the identified concern: in all cases, necessary consequential changes or alternative ways of achieving the same outcome are supported.

### **7. THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION**

### **8. IF OTHERS MAKE SIMILAR SUBMISSIONS THE OIL COMPANIES MAY BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING.**

### **9. THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**

### **10. THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF SUBMISSION THAT –**

- (I) ADVERSELY AFFECTS THE ENVIRONMENT; AND
- (II) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

Dated at AUCKLAND this 17<sup>th</sup> day of JULY 2018

Signature on behalf of the Oil Companies:

A handwritten signature in black ink, appearing to read 'John McCall', written in a cursive style.

John McCall

Authorised to Sign on Behalf of the Oil Companies

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| <b>Chapter 2 – Definitions</b>   |                                  |  |  |
|----------------------------------|----------------------------------|--|--|
| <b>Definition – Sign/Signage</b> | Support in part / Oppose in part | The proposed definition of ‘Sign/Signage’ is appropriate and is supported in part, except to the extent that the definition is exceptionally broad and could be read to include any face of a building or structure that is painted in recognisably “corporate colours” and also any sign necessary for traffic direction or instruction within a site (e.g. a sign identifying accessibility parking, opening hours inscribed onto a shop door or signs limiting parking to, say 120 mins, or internal traffic signs). While there could be an argument that some such signage is “health and safety signage” the extent to which that is the case is not clear (please see separate submission on the definition of “health and safety sign”). Furthermore the test of “visibility” from outside the site is too restrictive: the test should relate to whether the signage is directed to and clearly legible to people outside the side. | <p>Retain the definition of signage subject to an amendment so that it does not include corporate colour schemes on buildings and/or signage that is designed to provide instruction to persons within the site. This could be achieved by making amendments along the following lines:</p> <p><i>Means any device or facility, graphics or display that is <del>visible</del> <u>directed to and legible to person from</u> outside the site, for the purposes of: identification of, or provision of information about any building, activity, site; providing directions; or promoting goods, services or events. Signage may be part of, attached, or projected onto any building, site, or structure, or other object. Any sign may be illuminated and may contain moving content, including changing content and digital signage. <u>A building or structure that is painted in corporate colours does not, of itself, constitute signage.</u></i></p> |

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| <b>Chapter 8A.3 – Signs</b> |                 |  |   |
|-----------------------------|-----------------|--|---|
| <b>Objective 8A.3.2.1</b>   | Support         | Objective 8A.3.2.1 recognises the potential adverse effects of signage on amenity values and the safety and efficiency of the land transport network, whilst appropriately recognising the benefits signage provides to communities and businesses.  | Objective 8A.3.2.1 should be retained without modification, as follows:<br><i>Signage in the district:</i><br><i>(a) supports the needs of the community and business to identify and advertise businesses and activities; and</i><br><i>(b) maintains the local character and amenity values, and the safe and efficient functioning of the transport network.</i> |
| <b>Policy 8A.3.3.1</b>      | Support         | Policy 8A.3.3.1 recognises that the placement of signs can have adverse effects on zones that are generally considered more sensitive to amenity effects, and therefore seeks to manage new signage in these zones.  | Policy 8A.3.3.1 should be retained without modification, as follows:<br><br><i>Manage the number, size and design of signs in the Open Space Zones, Rural Zones, and Residential Zones to maintain the character and amenity values of these zones.</i>   |
| <b>Policy 8A.3.3.2</b>      | Support in part | Policy 8A.3.3.2 recognises the potential for adverse amenity effects to be generated by signage on sites located at the interface with a more sensitive zone, but does not clarify what an adverse effect might be. Mere visibility of signs does not in itself, for example, equate to an | Retain Policy 8A.3.3.2 subject to an amendment to clarify how, and to what degree, the ‘amenity value of the adjoining residential zone’ might be adversely affected (or alternatively protected). This could be achieved by making amendments as follows:  |

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|                            |                           | adverse effect. Policy 8A.3.3.2 needs to be amended to clarify how, and to what degree, the 'amenity value of the adjoining residential zone' might be adversely affected (or alternatively protected).  | <p><i>Provide for a range of signs in the Business Zones, and Special Activity Zones that support business identification and advertising, while:</i></p> <ul style="list-style-type: none"> <li><i>(a) maintaining the character and amenity values of these zones; and</i></li> <li><i>(b) ensuring that <u>signs on sites adjoining residential zones do not detract from the character and amenity values of those adjoining residential zones through inappropriate placement, size, illumination or imaging</u> <del>are not adversely affected by signs in these locations</del>; and</i></li> <li><i>(c) allowing the consolidation of signs to convey information about multiple businesses to tenancies</i></li> </ul> |
| <b>Policy 8A.3.3.3 (b)</b> | Support in part.          | Policy 8A.3.3.3(b) requires proposed signage to maintain the character and visual amenity of the site to which it will be erected. The inclusion of the word 'maintains' in Policy 8A.3.3.3(b) implies that the visual amenity and character of a site will not be altered / changed as a result of the proposed location and design of signs erected at | Retain Policy 8A.3.3.3(b) subject to an amendment to acknowledge that the erection of signage will alter the visual amenity and character of a site, but that any such change should not detract from the character and amenity of the site and surrounding area. This could be achieved by making amendments as   |

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|                      |                           | <p>that site. However, it is considered that any signage erected at a site will inherently alter the visual amenity and / or character of that site.</p> <p>Accordingly, the Oil Companies consider it more appropriate to amend the policy to minimise the potential adverse effects on by not detracting from the character and visual amenity of the site and surrounding area, rather than to ‘maintain’ the existing level of amenity at the site.</p> | <p>follows:</p> <p><i>Ensure that the location and design of signs is provided for in a way that:</i></p> <p>...</p> <p><i>(b) <del>maintains</del> <u>minimises the potential to detract from</u> <del>effects on</del> the character and visual amenity of the site and surrounding area, and does not result in additional visual clutter or dominate the skyline; and</i></p> |
| <b>Rule 8A.3.4.1</b> | Support                   | The Oil Companies support a dedicated permitted activity rule for health and safety signage without any associated performance standards.   | <p>Rule 8A.3.4.1 should be retained without modification, as follows:</p> <p><i>Any health and safety sign = Permitted</i></p>  |
| <b>Rule 8A.3.4.5</b> | Support                   | The Oil Companies support a restricted discretionary status for signs (other than temporary signs) which do not comply with one or more of the permitted activity standards.  | <p>Rule 8A.3.4.5 should be retained without modification, as follows:</p> <p><i>Any sign (other than a temporary sign) which does not comply with one or more of the permitted standards at 8A.3.4.9 – 8A.3.4.13</i></p>  |
| <b>Rule 8A.3.4.7</b> | Support                   | The Oil Companies support a discretionary   | Rule 8A.3.4.7 should be retained without  |

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|  |                           | activity status for a sign (other than a temporary sign) which is not situated on a site to which the sign relates.   | modification, as follows:<br><br><i>Any sign (other than a temporary sign) which is not situated on a site to which the sign relates.</i>  |
| <p><b>Rule 8A.3.4 (b)</b></p> <p><i>Exemptions</i></p> | Support in part           | <p>The Oil Companies support the exemption of signs indicating hazardous substances used at a hazardous facility. However, the Oil Companies consider that such signage (and all signage required by HSNO / WorkSafe, for example) will fall under the permitted activity Rule 8A.3.4.1 - which the Oil Companies support and seek to be retained without modification. If further clarification of what is considered as ‘health and safety’ signs is required then a definition that includes any signs required by other legislation, should be adopted.</p> | <p>Delete exemption (b) insofar as signage indicating hazardous substances used at a hazardous facility is considered to already be a permitted activity pursuant to Rule 8A.3.4(b). This could be achieved by making amendments as follows:</p> <p><i>Exemptions:</i></p> <p style="text-align: center;"><del><i>(b) Signs indicating hazardous substances used at a hazardous facility.</i></del></p> <p>If necessary, include a new definition of “health and safety” sign which includes any signs required by legislation. This could be achieved by making changes along the following lines:</p> <p><i>Health and Safety sign means any sign necessary to meet other legislative requirements (e.g. HSNO / Worksafe).</i></p> |



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| <p><b>Rule 8A.3.4.10</b></p> <p><i>Free-Standing Signs in Business Commercial Zones, Business Industrial Zones, and Special Activity Zones</i></p> | <p>Support in part /<br/>Oppose in part</p> | <p>The Oil Companies support in part the rules pertaining to free-stranding signs in Business Commercial zones, Business Industrial zones and Special Activity zones.</p> <p>Additionally, the Oil Companies seek an amendment to clause (d) of Rule 8A.3.4.10 to permit prime signs at service station sites. The proposed amendment seeks to increase the maximum permitted area from 7.5m<sup>2</sup> to 16m<sup>2</sup> at service stations only. Clause (b)(ii) and (c) of Rule 8A.3.4.10 permits free standing signs in Business Commercial Zones and in Business Industrial and Special Activity Zones to a height of 8m and 9m respectively and a width of 2m (i.e. 16m<sup>2</sup> and 18m<sup>2</sup>). Therefore the Oil Companies consider it appropriate to extend this permitted area to sanction prime signs at service station sites – noting a prime sign is a standard feature of those sites, that they are a integral to and consistent with the development on site and that they are important to ensuring the safe and efficient movement of traffic.</p> | <p>Retain Rule 8A.3.4.10 subject to an amendment to increase the maximum permitted area from 7.5m<sup>2</sup> to 16m<sup>2</sup> or 18m<sup>2</sup> (zone dependent) at service stations only. This could be achieved by making an amendment along the following lines:</p> <p><i>Free-Standing Signs in Business Commercial Zones, Business Industrial Zones, and Special Activity Zones</i></p> <p>(a) <i>The number of free-standing signs on a site visible in any one direction shall not exceed:</i></p> <ul style="list-style-type: none"> <li><i>i. One sign per site on sites with road frontages less than 50m; or</i></li> <li><i>ii. two signs per site where the road frontage exceeds 50m</i></li> </ul> <p>(b) <i>The maximum height of any part of a free-standing sign above ground level shall not exceed:</i></p> <ul style="list-style-type: none"> <li><i>(i) 8m in Business Commercial Zones</i></li> <li><i>(ii) 9m in Business Industrial and Special Activity Zones</i></li> </ul> |

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|   |                               |   | <p>(c) <i>The maximum width of any free-standing sign shall not exceed 2m.</i></p> <p>(d) <i>The maximum area of any free-standing sign, visible in any one direction shall not exceed 7.5m<sup>2</sup>. <u>In the case of service stations, the maximum area shall not exceed 16m<sup>2</sup> in Business Commercial Zones and 18m<sup>2</sup> in Business Industrial and Special Activity Zones.</u></i></p> <p>(e) <i>In Business Industrial Zones, free-standing signs greater than 4 metres in height on any site must be located a minimum distance of 15m from any other free-standing sign that is greater than 4m in height on an adjoining site; and</i></p> <p>(f) <i>Signs on land identified in the Business Zone in Appendix Business 2 of Chapter 20 one free-standing sign per site visible in any one direction with a maximum area of 7.5m<sup>2</sup>.</i></p> |
| <p><b>Rule 8A.3.4.12</b></p> <p><i>Signs for direction of</i></p> | <p>Support <u>in part</u></p> | <p>The Oil Companies support Rule 8A.3.4.12 relating to signs for direction of traffic in Business Commercial zones, Business Industrial zones and Special Activity zones. However, the Oil</p> | <p>The Oil Companies seek that Rule 8A.3.4.10 is retained, subject to a minor grammatical correction to ensure consistent referencing within the rule, and an increase to the</p>   |

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| <p><i>traffic on a site in Business Commercial, Business Industrial Zones and Special Activity Zones</i></p> |                           | <p>Companies seek a minor grammatical amendment to align the Rule with Rule 8A.3.4.1 (insofar as to include the word 'zones').</p> <p>Additionally, the Oil Companies seek an amendment to the maximum permitted area of a directional sign. It is considered 1m<sup>2</sup> is an appropriate size to clearly convey direction to vehicles navigating a service station site.</p>            | <p>maximum permitted area of a directional sign to 1m<sup>2</sup> visible in any one direction. This could be achieved by amendment the rule along the following lines:</p> <p><i>Signs for direction of traffic on a site in Business Commercial <u>Zones</u>, Business Industrial Zones and Special Activity Zones</i></p> <p>(a) <i>The maximum vertical dimensions of the sign shall not exceed 1m.</i></p> <p>(b) <i>The maximum area of the sign, visible in any one direction, shall not exceed <del>0.5</del><u>1</u>m<sup>2</sup></i></p> <p>(c) <i>The content of the sign must be limited to directional purposes.</i></p> |
| <p><b>Rule 8A.3.4.13(f)</b></p> <p><i>Traffic safety – All signs</i></p>                                     | <p>Support in part</p>    | <p>The Oil Companies support condition (f) of Rule 8A.3.4.13 relating to signage visible from State Highways. The Oil Companies note the condition is consistent with the New Zealand Transport Agency Signs Bylaw (2010), Second Schedule.</p> <p>However, the Oil Companies propose an amendment to clause (iii) of Rule 8A.3.4.13(f) to clarify the nature of the 'view' that shall be</p> | <p>Rule 8A.3.4.13(f) should be retained, subject to an amendment to clarify that the intent of clause (iii) is to ensure the placement of signage does not obstruct motorists' view of the road. This could be achieved by making changes as follows:</p> <p><i>Traffic safety – All signs</i></p>  |

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|   |                           | unrestricted for motorists. It is considered the intent of clause (iii) is to ensure the placement of signage does not obstruct motorists' view of the road, and an amendment to clarify that is required.          | ...<br><br><i>(f) Where any sign is visible from the State Highway and the speed limit is 70km/hr or greater, the sign shall:</i><br><i>i. Have a minimum letter height of 160mm;</i><br><i>ii. contain no more than six words and no more than 40 characters; and</i><br><i>iii. Be located so as to provide an unrestricted view <u>of the road</u> to the motorists for a minimum distance of 180 metres.</i>  |
| <p><b>Rule 8A.3.4.14(e)</b></p> <p><i>Matters of discretion</i></p> | Support                   | The Oil Companies support Rule 8A.3.4.14.(e) insofar as it appropriately retains the Council's discretion to consider whether there is a functional need for a sign to exceed the permitted size and / or location. | The Oil Companies seek Rule 8A.3.4.14(e) is retained without modification, as follows:<br><i>All signs other than temporary signs</i><br>...<br><i>(d) Whether there are any special circumstances or functional need for an increase in sign size, or different location of the sign including for</i><br><i>i. operational, directional or safety purposes; or</i><br><i>ii. any mitigating features of the site which would lessen the impact of the</i> |

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|           |                           |                                 | <i>sign, such as vegetation or landscaping.</i>  |