

## 6. VARIATION 55 – DISPLAY OF OUTDOOR ADVERTISEMENTS

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The purpose of this report is to update the Regulatory and Consents Committee as to the outcome and implications of the Commissioner's recommendation on Variation 55 – Display of Outdoor Advertisements.

### BACKGROUND

Concern was expressed by a number of plan users as to the current ambiguity of key definitions and explanations bringing to question the issue of plan clarity and understanding. Although there were a number of references to this section of the Plan before the Environment Court, it was acknowledged that the scope of these references was such that concerns identified could not be directly or adequately addressed through this process. To address these concerns, Council initiated a targeted variation specific to the display of outdoor advertising provisions to address the operational difficulties experienced in administering this section of the Plan. A variation seeking to revisit or 'overhaul' the Display of Outdoor Advertisements section of the Plan was not considered appropriate for a number of reasons. Essentially, the variation comprised of four key areas being; a review of the policy framework with regard to the display of outdoor advertisements, clarification to key rules, terms and definitions, correction of errors and omissions, and additions to address concerns raised by referrers to the Plan.

Variation 55 was publicly notified on 15 September 2001 and received some 97 submissions and 184 further submissions. A hearing for Variation 55 was convened on 15 May 2002 and the recommendation of the Commissioner was presented to Full Council at a meeting held on 27 June 2002.

### COMMISSIONER'S RECOMMENDATION

The Commissioner, on page 2, paragraph 1.4 of his report, states the following:

*"1.4 A comprehensive analysis of Variation 55 and the submissions was prepared by a Council Senior Planner, Mr Sean Elvines, and it has been convenient to use his report as the basis for this document. Essentially, Mr Elvines came to the view after considering the submissions and further submissions that Variation 55 should be modified in some respects, and having considered his report and heard from some of the submitters, I am now recommending some other, mostly minor changes."*

In effect, the rationale behind the changes to the Display of Outdoor Advertisement section of the Plan proposed by way of the variation have remained intact as the Commissioner has generally adopted the changes recommended by the reporting officers. The reporting officers recommendations sought to refine and modify (and in some places delete) some of the changes proposed by the variation in response to issues, queries and suggestions raised by submissions and further submissions. However, it is important to acknowledge that the changes proposed by the Reporting Officers (and adopted Commissioner's recommendation) have not departed from the targeted nature and purpose of the variation and the specific outcomes sought by the Council when initiating the variation being:

- Focussed variation likely to attract less submissions than a full review.
- Processing timeframes likely to be reduced given the limited scale of variation.
- Variation will address immediate 'short-term' administrative difficulties as well as errors/ omissions/discrepancies.
- Variation will not result in additional compliance costs as rules generally remain unchanged.
- Variation will address/resolve a number (but not all) current references to the Plan. It is noted that as a result of this variation, two of the four current referrers to the Plan have withdrawn their respective references.
- Council will be acting in accordance with advice to the Environment Court with respect to references.

### KEY FEATURES OF COMMISSIONER'S RECOMMENDATION

The following is a summary of the key aspects or features of the Commissioner's recommendation.

1. The establishment of a clear and coherent policy framework. The Display of Outdoor Advertisement section of the Plan had no central objective and three relevant policies which were located in different parts of the Plan. This policy framework resulted in administrative and operational difficulties leading to inconsistency and uncertainty with regard to plan administration. The variation sought the introduction of a central guiding objective with regard to outdoor advertising and, further, to rationalise and expand upon the supporting policies. The Commissioner's recommendation supported the proposed policy framework, subject to minor wording changes. This revised overall policy framework will result in clear, consistent and transparent plan administration and decision making, particularly when considering resource consent applications.
2. Expanded explanation and reasons to policies. In addition to establishing a clear and coherent policy framework, the variation sought to introduce more detailed and comprehensive policies and explanation and reasons thereof. The Commissioner's recommendation generally supported the reworked policies, subject to minor wording changes. This is significant as it strengthens previously weak and vague policies. This recommendation will result in clear, consistent, transparent and more effective plan administration and decision making, particularly when considering resource consent applications.
3. Definition of Area of Outdoor Advertisements. The previous definition pertaining to 'area' of outdoor advertising was ambiguous and confusing leading to uncertainty and inconsistent administration. The variation sought to clarify and focus the definition of advertising 'area' on the outdoor advertising itself being letters, symbols and backgrounds that distinguish or highlight. This recommendation will result in reduced compliance costs for plan users and give greater certainty to both plan users and plan administrators.
4. Corrections/Errors. The adoption by the Commissioner of all errors/corrections as recommended by the Reporting Officers will result in a Plan that is more comprehensive and complete and as such the Plan retains its credibility and integrity as a working planning document.
5. Additional Diagrams. A number of additional diagrams to assist in the interpretation of the rules were introduced by way of the variation. The Commissioner has recommended that these be retained which will assist all plan users in the interpretation of the rules.

## **SUMMARY**

The Commissioner's recommendation generally adopted the Reporting Officers recommendation, subject to some minor additions and changes. The Display of Outdoor Advertisements section to the Plan has not been radically overhauled or unduly 'tinkered with' to the detriment of overall plan integrity. Generally, as the bulk and location rules have not been changed (rather they have been added to and strengthened), both internal and external plan users will not experience any administrative or processing shifts or additional compliance costs. It is anticipated that plan users will experience significant and immediate benefits in terms of certainty and clarity resulting in more effective and transparent plan administration and decision making.

Overall, the Commissioner's recommendation will satisfy and achieve the underlying purpose for the variation by addressing operational difficulties experienced in administering this section of the Plan.

### **Staff**

**Recommendation:** That the information be received.

### **Chairman's**

**Recommendation:** That the report be circulated to Community Board for their information.