

Proposed Amendments:

In the following District Plan Provisions:

Text that is struck through and in bold (**example**) is to be deleted from the District Plan
Text that is underlined and in bold (**example**) is to be inserted into the District Plan

1. Amend permitted activity rule SIGN-R2 as follows:

SIGN-R2	Election <i>signs</i> (local body/ national) in all zones.
Permitted Activity	<p>Standards</p> <ol style="list-style-type: none">1. The total area of election signage per person or party (whichever is the lesser) on an approved <i>subject site</i> or on private property must not exceed 23.0m². <p>Note: A list of approved <i>subject sites</i> is included in the Council's Candidate Information Handbook a copy of which is available from the Council's Service Centres or on the Council's website.</p> <ol style="list-style-type: none">2. Election <i>signs</i> must be single faced i.e. one display face only, not 'V' or other multi-faced <i>signs</i>.3. Election <i>signs</i> must not exceed 1.8 metres in <i>height (above original ground level)</i>.4. Election <i>signs</i> must meet the requirements of the Electoral (Advertisements of a Specified Kind) Regulations 2005.5. Election <i>signs</i> must only be erected and displayed during the period beginning 2 months before polling day and ending with the close of the day before polling day. <p>Note: This rule only applies outside the timeframes specified in Section 221B (1) of the Electoral Act 1993 and Regulation 4 of the Electoral (Advertisements of a Special Kind) Regulations 2005.</p>

Kāpiti Coast District Plan Change 1K Election Signage Provisions

Section 32 Evaluation Report

June 2022

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1. Introduction

This evaluation report has been prepared, in accordance with section 32 of the Resource Management Act 1991 (RMA), to support Proposed Plan Change 1K (the Plan Change) to the Operative Kāpiti Coast District Plan 2021 (the District Plan). The Plan Change is focussed on amending signage provisions (specifically permitted activity rule SIGN-R2) to align with the election advertisement requirements of the Electoral (Advertisements of a Specific Kind) Regulations 2005 (the Electoral Regulations).

Standard 1 of rule SIGN-R2 in the District Plan permits electoral signs up to 2.0m² in size per person or party, while the Electoral Regulations permit electoral signs of 3.0m² in size¹.

The purpose of the Plan Change is to remove conflict between the electoral signage provisions of the District Plan by aligning them with the permitted size requirements for electoral signage as specified in the regulations for election advertisements. It is noted the electoral signage requirements of the Electoral Regulations override the District Plan provisions only during the electoral timeframes specified in the regulations, but outside of these timeframes the District Plan provisions apply.

2. The Issue

Currently the District Plan rules relating to election signage allow a smaller signage area for both local and national election signage than the sizes authorised under the Electoral Regulations. This creates confusion about signage requirements during election (local/national) periods.

3. Strategic Directions

The following objectives from the Strategic Directions chapter of the District Plan are relevant to this issue:

DO-011	Character and Amenity Values
<p>To maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:</p> <ol style="list-style-type: none"><li data-bbox="252 1272 1398 1373">1. relaxed, unique and distinct village identities and predominantly low-density residential areas characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities;<li data-bbox="252 1391 1398 1458">2. vibrant, lively <i>town centres</i> supported by higher density residential and mixed use areas;<li data-bbox="252 1476 1398 1543">3. neighbourhood <i>centres</i>, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;<li data-bbox="252 1561 1398 1628">4. productive rural areas, characterised by openness, natural landforms, areas and corridors of <i>indigenous vegetation</i>, and <i>primary production activities</i>; and<li data-bbox="252 1646 1398 1736">5. well managed interfaces between different types of land use areas (e.g. between living, working and rural areas and between potentially conflicting land uses, so as to minimise adverse <i>effects</i>).	

¹ Electoral (Advertisements of a Specified Kind) Regulations 2005. Clause 3 – Interpretation.

This strategic direction outlines how the Council will manage character and amenity values to ensure they're appropriately maintained and enhanced for residents and visitors to the District.

DO-14	Access and Transport
<p>To ensure that the transport system in the District:</p> <ol style="list-style-type: none"> 1. integrates with land use and urban form and maximises accessibility; 2. improves the efficiency of travel and maximises mode choice to enable people to act sustainably as well as improving the resilience and health of communities; 3. contributes to a strong economy; 4. avoids, remedies or mitigates adverse <i>effects</i> on land uses; 5. does not have its function and operation unreasonably compromised by other activities; 6. is safe, fit for purpose, cost effective and provides good connectivity for all communities; and 7. provides for the integrated movement of people, goods and services. 	

This strategic direction addresses how Council addresses access and transport in the District, specifically for this issue, the function and operation of other activities.

4. Response to the Issue: Plan Change 1K

The Plan Change proposes to resolve the issue by increasing the permitted electoral sign size in Standard 1 of rule SIGN-R2 of the District Plan to align with the Electoral Regulations.

The proposed District Plan amendments are contained in Attachment 1 to this report.

5. Section 32 Requirements

Section 32 of the RMA requires, broadly, that before advancing plan provisions a Council must evaluate whether the proposed provisions are the most appropriate way to achieve the purpose of the RMA.

Section 32 (1)(a) of the RMA requires that an evaluation must examine the extent to which any proposed objectives are the most appropriate way to achieve the purpose of the RMA. No new objectives, and no changes to existing District Plan objectives, are proposed by the Plan Change. The relevant District Plan objectives for character and amenity values, and access and transport remain appropriate.

Section 32 (1)(b) of the RMA requires an evaluation of whether the provisions proposed by the Plan Change are the most appropriate way to achieve the District Plan objectives. Section 32 (3) clarifies that, for a plan change, this evaluation must consider both the objective of the plan change (the purpose of the plan change) and the District Plan objectives, to the extent that those objectives remain relevant. The evaluation is required to:

- identify and consider other reasonably practicable options for achieving the objectives (s. 32 (1) (b) (i)); and
- assess the efficiency and effectiveness of the proposed provisions in achieving the objectives (s. 32 (1) (b) (ii)) and this is most usefully done by comparison with the reasonably practicable alternative options.

The assessment of efficiency and effectiveness required by s. 32 (1) (b) (ii) is required to identify and assess the benefits and costs of the environmental, economic, social and cultural effects anticipated from implementing the proposed provisions. This must include consideration of opportunities for economic growth and employment that are anticipated to be provided or reduced. Benefits and costs are to be quantified, if practicable. The s. 32 (1) (b) (ii) assessment is also required to assess the risk of acting or not acting, if there is insufficient information about the subject matter of the provisions. The evaluation is required to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects anticipated from implementing the proposal.

6. Purpose of the Plan Change

The Plan Change is an ‘amending proposal’ for the purpose of section 32. This evaluation is required to consider the objective or purpose of the Plan Change, in addition to the objectives of the District Plan.

Signs are an important and established means of communicating information during the election period (local/national). The size, shape, colour, illumination, and line spacing for electoral advertisements during the election period, 9 weeks prior to polling day of a general election, are legislated in the Electoral Regulations. Outside of this 9-week period, the District Plan provisions apply and must be complied with².

Currently, the District Plan rules relating to electoral signage (specifically rule SIGN-R2) and the regulations do not align in relation to the maximum size of the advertisement. This plan change seeks to align the District Plan with the regulations.

7. Relevant Part 2 Considerations

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management ‘means managing the use, development, and protection of natural and physical resources to enable 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’.*

In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

There are no Section 6 matters relevant to this issue.

The Section 7 matters that are relevant to this issue are:

Section	Relevant Matter
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² Electoral (Advertisements of a Specified Kind) Regulations 2005, Clause 4 (c).

s7(c)	<p>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—</p> <p>(c) the maintenance and enhancement of amenity values.</p>
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The above matter is relevant when considering the management of election signage and that their placement and use is provided for in a manner that avoids, remedies, or mitigates adverse effects on the environment. Election signage would have an effect on the physical quality and characteristics of an area, while in place, which would contribute to people’s appreciation of an area’s pleasantness and aesthetic coherence attributes. However, the effects associated with the increase in size of election signage would be limited to the election period and this increase in size matches that which the national regulations provide for³. In addition, the election regulations contain requirements intended to manage the adverse effects associated with the placement of election signs on amenity values⁴ which candidates are required to adhere to.

There are no Section 8 matters relevant to this issue.

7.1 RMA Section 86B - Legal effect of proposed provisions

Under section 86B(1) of the RMA the rules will not have legal effect until a decision on submissions relating to the rule are made and publicly notified under clause 10(4) of Schedule 1 of the RMA.

8. Relevant Higher-order Statutory Instruments

Under section 75(3) of the RMA, a district plan must give effect to:

- (a) any national policy statement; and
- (b) any New Zealand Coastal Policy statement (the NZCPS);
- (ba) any national planning standard; and
- (c) any regional policy statement.

The relevance of the higher-level statutory planning documents to the amendments proposed by the Plan Change are discussed below.

8.1 National Policy Statements

There are five National Policy Statements (NPSs) currently in force:

- New Zealand Coastal Policy Statement 2010;
- NPS for Electricity Transmission 2008;
- NPS for Renewable Electricity Generation 2011;
- NPS for Freshwater Management 2020;
- NPS on Urban Development 2020.

There are no NPSs relevant to election signage.

³ Electoral (Advertisements of a Specified Kind) Regulations 2005, Clause 4 (b).

⁴ Electoral (Advertisements of a Specified Kind) Regulations 2005, Clause 4-8.

8.2 New Zealand Coastal Policy Statement

The purpose of the NZCPS is to state objectives and policies in order to achieve the purpose of the RMA in relation to the protection and enhancement of the coastal environment of New Zealand. The NZCPS 2010 took effect on 3 December 2010.

There are no NZCPS provisions relevant to the size of election signage.

8.3 National Planning Standards

The Council amended the District Plan in June 2021 to give effect to the *National Planning Standards*.

The proposed amendments to the District Plan are consistent with the requirements of the National Planning Standards.

8.4 National Environmental Standards

There are nine National Environmental Standards (NESs) currently in force:

- NES for Air Quality 2004;
- NES for Sources of Human Drinking Water 2007;
- NES for Telecommunication Facilities 2016;
- NES for Electricity Transmission Activities 2009;
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
- NES for Plantation Forestry 2017;
- NES for Freshwater 2020;
- NES for Marine Aquaculture 2020;
- NES for Storing Tyres Outdoors 2021.

There are no NESs relevant to election signage.

8.5 Wellington Regional Policy Statement

The Operative Wellington Regional Policy Statement 2013 (RPS) provides an overview of the resource management issues in the Wellington Region, and the ways in which integrated management of the region's natural and physical resources will be achieved.

There are no objectives or policies in the RPS directly related to signage or election signage.

9. Other Relevant Council Plans

9.1 Long Term Plan

The Council's Long Term Plan (2021-2041) addresses four aspects of wellbeing: social, cultural, economic, and environmental wellbeing. The overall goal is for a vibrant and thriving Kāpiti with healthy, safe, and resilient communities.

Underlying all the outcomes for wellbeing is the outcome that Mana Whenua and Council have a mutually mana-enhancing partnership.

The stated outcome for community wellbeing is that '*communities are resilient, safe, healthy and connected. Everyone has a sense of belonging and can access the resources and services they need*'. This is explained as meaning that:

‘Our communities (groups and individuals) have access to services and facilities necessary to meet their basic needs to cope with the demands of, and unforeseen disruptions to, their daily lives. They have access to adequate permanent shelter; necessary health services; food; water; education; transport options and networks (roading, rail, cycle, sea and air); telecommunications; and social networks, that they may prosper and thrive to fulfil their potential. ‘

Plan Change PC-1K contributes positively to the achievement of the community outcomes and the overall vision, as the changes proposed will ensure clarity and understanding around election signage which in turn supports governance.

Council plays a role in governance in our community to facilitate public participation in the democratic processes. A key activity is managing electoral processes, including representation reviews, local body elections and referenda. Council is mandated under the Local Government Act 2002, with the purpose of enabling *‘democratic local decision-making and action by, and on behalf of local communities, and to promote the social, economic, environmental and cultural wellbeing of communities in the present and future.’*

Plan Change PC-1K contributes positively towards the role Council play in governance in our community to facilitate public participation in the democratic process by ensuring clarity and consistency relating to election signage, allowing this aspect of the election process to operate effectively.

10. Planning Documents Recognised by Iwi Authorities

There are four documents recognised by iwi authorities in the Kāpiti Coast District. These comprise:

- Ngātu Raukawa Ōtaki River and Catchment Iwi Management Plan 2000;
- Nga Korero Kaupapa mo Te Taiao: Policy Statements Manual for Kapakapanui: Te Runanga o Ati Awa ki Whakarongotai Inc;
- Te Haerenga Whakamua – A Review of the District Plan Provisions for Māori: A Vision to the Future for Kāpiti Coast District Council District Plan Review 2009-12 – 2012; and
- Whakarongotai o te moana Whakarongotai o te wā: Kaitiakitanga Plan for Te Ātiawa ki Whakarongotai 2019.

There are no specific provisions in these documents relevant to election signage.

11. Other Relevant legislation or regulations

The following additional legislative/regulatory requirements are also relevant to this topic:

Legislation/Regulation	Relevant Provisions
Electoral (Advertisements of a Specified Kind) Regulations 2005	The Electoral Regulations are the primary regulations for managing electoral signage in New Zealand. These regulations seek to provide national consistency for candidates and political parties around size, shape, colour, illumination and size and line spacing for electoral advertisements (such as posters and billboards) during the 9 weeks before polling day of a general election.
Electoral Act 1993	This act regulates the New Zealand elections. Section 221(B) relates to the display of advertisements of a specified kind.

Kāpiti Coast District Council 2017 Public Places Bylaw	<p>Clause 9 of this bylaw regulates the erection of Hoardings, Posters, Notices and Sandwich boards in a public place. The written approval from the Council is required before erecting any hoarding in a public place unless it is erected in a permitted area already approved by the Council for this purpose.</p> <p>District Plan provisions take precedence over this bylaw.</p>
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12. Engagement and Feedback

Council identified the inconsistency relating to the size of election advertisement during the implementation of the election signage provisions during the local elections in 2019 and the general election in 2020, when providing advice on signage provisions to electoral candidates who wished to erect election signs.

Discussions with relevant Council staff in December 2021 and January 2022 resulted in the identification of a relatively simple amendment to the District Plan that would bring the District Plan electoral signage provisions in line with the Electoral Regulations.

Consultation was also undertaken with iwi through the wider Omnibus Plan Change process during 2021.

In addition, a local body electoral candidate contacted a Kāpiti Coast District Council Electoral Officer in July 2019, seeking clarification of signage restrictions and the inconsistency between the District Plan and the Regulations.

A review of four resource consents issued by Kāpiti Coast District Council for election signage from 1998-2004 was undertaken. All consents included a condition specifying that the size of any signs erected under these consents were restricted to is 3m². This is consistent with the government regulations.

Council made available to the community a draft version of PC-1K on 20 April 2022 and invited feedback by 11 May 2022. No feedback was received by Council relating to the draft version of PC-1K.

13. Scale and Significance

Having regard to the relevant District Plan objectives and the relevant provisions of the higher order documents, strategies and other relevant documents discussed in Sections 8 to 11 of this report, this section evaluates the scale and significance of the effects of the Plan Change.

The proposed amendments:

- affect the entire district due to the nature of the advertising on the election signs (national and district elections) therefore having wide scale implications during the pre-election period;
- would align the district plan rules with government regulations;
- do not change the intention of the rules relating to election signage;
- are a minor amendment to eliminate conflict between the two regulatory requirements; and
- relate to a matter which is not identified in any higher-level statutory planning document.

Overall, the scale and significance of the proposed amendments is low.

14. Reasonably Practicable Alternatives

Other options considered by Council included to retain the current rule SIGN-R2 as worded (status quo), or to remove any maximum total area requirements from that rule.

Neither of these options is considered to be 'reasonably practicable'. Failure to amend the status quo wording of Standard 1 of rule SIGN-R2 would likely lead to ongoing confusion and compliance issues. The Removal of any maximum size standard from that rule would likely create a new mis-alignment problem, potentially encouraging election signage to be erected that exceeded the national maximum area requirements, leading to potential future compliance issues with those regulations.

The proposed amendment to the election signage provisions will eliminate confusion about signage requirements during election (local/national) periods and bring the provisions in line with Electoral Regulations. Accordingly, it is considered the only reasonably practicable option.

15. Evaluation of Plan Change

Plan Change (recommended)	Amend the signage rules to align with the Electoral (Advertisements of a Specific Kind) Regulations 2005.
Benefits and Costs: Environmental	Neutral: there are no environmental costs or benefits.
Benefits and Costs: Economic	Benefit: Electoral candidates who have signage prepared in accordance with the size requirements of the Electoral Regulations will not require resource consent if they wish to erect the signage before the pre-election time periods specified in the Electoral Regulations. Benefit: Saving Council compliance resources in addressing potential complaints with respect to the size of electoral signs.
Benefits and Costs: Social	Neutral: there are no social benefits or costs.
Benefits and Costs: Cultural	There are no cultural benefits or costs.
Economic Growth and Employment Impacts	There are no economic growth and employment impacts.
Risk of Acting/Not Acting	Neutral: this is minimal risk There is reputational risk to Council of not addressing a known resource management issue that results in confusion and potential economic costs to electoral candidates every three years
Scale and Significance	District-wide scale and low significance.
Efficiency	Changing the wording of the signage provisions would result in District Plan rules being aligned with regulations and therefore eliminating confusion around the electoral sign size requirements.
Effectiveness	Will effectively achieve the objective of the plan change by aligning District Plan electoral sign size requirements with those of the Electoral Regulations.

<p>Overall Evaluation</p>	<p>This evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the plan change having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA.</p> <p>The evaluation demonstrates that this plan change is the only reasonably practicable option as it:</p> <ul style="list-style-type: none"> (i) Best gives effect to the higher order statutory planning documents (ii) Is the most efficient and effective way to achieve the purpose of the RMA, the District Plan objectives, and the objectives of the plan change (iii) Addresses the identified issue.
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