



DECISIONS OF THE INVERCARGILL CITY COUNCIL
NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104
OF THE RESOURCE MANAGEMENT ACT 1991

Application reference	RMA/2026/79
Applicant	Invercargill City Council C/-Michael Morris
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to temporarily erect hoardings and signs around the Invercargill District.
Location	Within the Invercargill City Council territorial district boundary.
Activity Status	Non -Complying
Decision Date	1 July 2026

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. The decision is made by the Manager – Consenting and Applications on 1 July 2026, under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104B and D of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by the Manager – Consenting and Applications on 1 July 2026, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to erect temporary election signage (hoardings at various locations around the Invercargill district for the 2026 General Election, including signage on trailers. Approval is sought for signage to be erected for a maximum of nine weeks before the day of the election (i.e., 4 September 2026) and to be removed no later than the day before the date of the election (i.e., 6 November 2026). Election Day is 7 November 2026.

2. SITE DESCRIPTION

The signs will be erected on various properties within the district.

3. ACTIVITY STATUS

3.1 District Plan

Land Use

- A **non-complying** activity pursuant to rule SIGN-R5 of the District Plan. This is because the proposed signage will not relate to an activity occurring on site. The signage will also be larger than 1m² as detailed in SIGN-R2(3).

Overall, this resource consent is considered to be a **non-complying** activity.

4. NOTIFICATION ASSESSMENT

Sections 95A – 95F (inclusive) of the Resource Management Act 1991 ('RMA') set out the steps the Council is required to take in determining whether or not to publicly notify an application or notify on a limited basis.

4.1 Public notification – Section 95A

In accordance with section 95A, the following steps have been followed to determine whether to publicly notify the resource consent application:

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

- The applicant has not requested public notification.
- Public notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA.
- The application does not involve exchange to recreational reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are not rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
 - a controlled activity; or
 - a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Step 3 – Public notification is required in certain circumstances

- There are not rules in a plan or National Environmental Standard that require notification.
- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land.
- Trade competition and the effects of trade competition.
- Any persons that have provided their written approval and as such adverse effects on these parties have been disregarded.

There have been no written approvals provided with this application.

The following effects may be disregarded:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect – referred to as the “permitted baseline”. The relevance of a permitted baseline to this application is as follows:

Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In this case the permitted baseline for temporary signage is outlined in SIGN-R2(3) which is as follows:

- The signage is to be in place for no longer than eight months
- The signage is to be limited to a maximum area of 1m² per sign
- The signage is to be removed at the cessation of the activity or situation with which it is associated
- The signage is not illuminated
- The signage relates directly to the site itself or activity taking place on the site
- The signage is stationary with no mobile or rotating parts

In terms of the permitted baseline, as the proposed signage is unlikely to relate to the activity occurring on the sites where they will be located, the proposal does not comply with Rule SIGN-R2.3(e). Additionally, some of the signage may exceed the maximum permitted size of 1m². However, the application partially meets the permitted baseline in that the signs will be temporary, will be removed once the associated event or situation ends, will not be illuminated, and will remain stationary.

Assessment: Effects on the Environment

Taking into account the Effects that must be disregarded, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification.

If the signage were related to an activity carried out on the site, the District Plan would permit varying sign sizes depending on the applicable zone. In some zones, such as the Business and Industrial Zones, the proposed signage may have complied with permitted size provisions. However, as the signs do not advertise an activity occurring on the site where they are to be located, they do not meet the requirements of Rule SIGN-R2.3(e). Consequently, under Rule SIGN-R5 of the Invercargill City District Plan 2019, the proposal is classed as a non-complying activity.

This land use consent is required for the placement of signage associated with the 2026 General Election. Applications of this nature are not uncommon, as temporary signage and hoardings for elections occur on a regular basis.

The placement of election signage is an activity generally anticipated by the public. The Council has existing policies regarding the placement of such signage, and it is anticipated that the signs installed under this consent will adhere to those policies. Conditions will be imposed to ensure compliance with relevant standards, particularly with respect to sign size, placement, and lighting.

It is understood that the signage will primarily face the road to ensure visibility. To avoid potential damage to underground services and to protect public infrastructure, signage should not be placed on berms or legal roads.

Potential environmental effects related to safety and driver distraction can be mitigated through conditions requiring signs to be stationary and prohibiting their placement within 9 metres of an intersection. These measures are considered sufficient to avoid or mitigate any adverse traffic safety effects associated with the signage.

Conclusion: Effects on the Environment

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed activity will not have adverse effects on the environment that are more than minor.

Step 4 – Public Notification in Special Circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

In accordance with section 95B, the following steps have been followed to determine whether to give limited notification of the application:

Step 1 – Certain affected groups or persons must be notified

- There are no protected customary rights groups or customary marine title groups affected by the proposed.
- The proposal is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgment.

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.
- The application is not for a controlled activity (other than for a subdivision of land) under a district plan.

Step 3 – Certain other affected persons must be notified

- Under Step 3, if the proposal is a boundary activity, only the owner/occupier of the infringed boundary can be considered. The activity is not a boundary activity.
- For any other activity, a consent authority must notify an application on any person, if notification is not precluded by Step 2, and the consent authority decides, in accordance with s95E, that the proposed activity will have or is likely to have adverse effects on that person that are minor or more than minor.

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E:

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.
- d) The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

Taking into account the exclusions in sections 95E, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

The adverse effects of the activity on any person are not considered to be more than minor. The signage will be temporary in nature, subject to conditions controlling placement, size, and duration, and will not involve illumination or moving parts that may otherwise exacerbate visual or safety effects.

While the signs may be located near private properties, the scale and temporary nature of the signage, combined with setbacks from intersections and roads, will minimise any potential nuisance or disruption to nearby residents or businesses.

Conclusions: Effects on Persons

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Step 4 – Limited Notification in Special Circumstances

- There are no special circumstances that warrant limited notification of the application.

5. DECISION PURSUANT TO S95A AND 95B OF THE RMA

For the reasons set out above, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

Prepared by



Terence Boylan
Planning Specialist

Decision made by



Gillian Cavanagh
Manager- Consenting and Applications

6. SECTION 104 ASSESSMENT

6.1 Matters for consideration

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity;*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*
- (b) *any relevant provisions of:*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

6.2 Effects on the Environment

Actual and potential effects on the environment have been outlined in the section 95 report. It is considered that the adverse effects on the environment arising from the proposal are less than minor. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

6.3 Relevant Provisions

In accordance with section 104(1)(b) of the RMA, the objectives and policies of the District Plan were taken into account when assessing the application.

There are no relevant National Environmental Standards, other regulations, National Policy Statements, or Coastal Policy Statements directly applicable to this application.

District Plan

The signage policies in the District Plan vary across zones, with each set of policies tailored to protect the specific amenity values and character of that zone. In general, these policies seek to avoid signage that is unrelated to the activity occurring on the site where the sign is located. Additionally, they commonly aim to prevent signage that could create visual clutter, cause nuisance effects, or result in adverse safety impacts, particularly for road users.

The District Plan is generally more permissive of signage within the Port, Business, and Industrial Zones, where signage is typically expected as part of commercial and industrial activity. In contrast, signage is more constrained in Residential, Rural, Otatara, and Hospital Zones, where maintaining visual amenity and reducing potential distractions is prioritised.

Conditions of consent are imposed to ensure that the effects of the proposal are temporary in nature. It is considered that the application is not contrary to the objectives and policies of the District Plan.

6.4 Other Matters

Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.

Approval will need to be obtained from Invercargill City Council's Roding Corridor Team prior to placing any signs within the road reserve. This requirement ensures that Council is aware of the sign locations and that the signage complies with relevant policies, particularly the Invercargill City Council Roding and Traffic Bylaw 2021, specifically clauses 5.1 to 5.6.

Trailer-mounted signs located within the road reserve are also managed by the Roding Corridor Engineer and, in the case of state highways, by New Zealand Transport Agency Waka Kotahi (NZTA). Therefore, separate approval will be required from the relevant authority for any signage on trailers.

6.5 Section 104D Restrictions for Non-Complying Activities

Section 104D of the RMA states that Council may grant consent for a non-complying activity only if satisfied that either the adverse effects of the activity on the environment will be minor, the application is for an activity that will not be contrary to the objectives and policies of the District Plan.

Conditions of consent have been assessed as appropriate to ensure that the signage is temporary and not intrusive or unsafe. The degree of nuisance caused by the signage will be managed through conditions of consent. The overall effects of the activity are therefore considered to be no more than minor within the time frame this consent is to operate. Therefore, due to the potential scale of effects a decision can be made to approve this application. This proposal satisfies both gateway tests under s104D of the RMA. Actual and potential effects have been considered and managed in relation to this application as this is temporary. Adverse effects on the environment will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the District Plan. Therefore, this application can be assessed under the provisions of 1048 of the RMA and a substantive decision made under delegated authority.

7. PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104B of the RMA, consent is **granted** to temporarily erect hoardings and signs around the Invercargill District, subject to the following conditions imposed pursuant to Section 108 of the RMA

RESOURCE CONSENT CONDITIONS

Land use Consent Conditions – RMA/2026/79

Granted Date: 1 July 2026

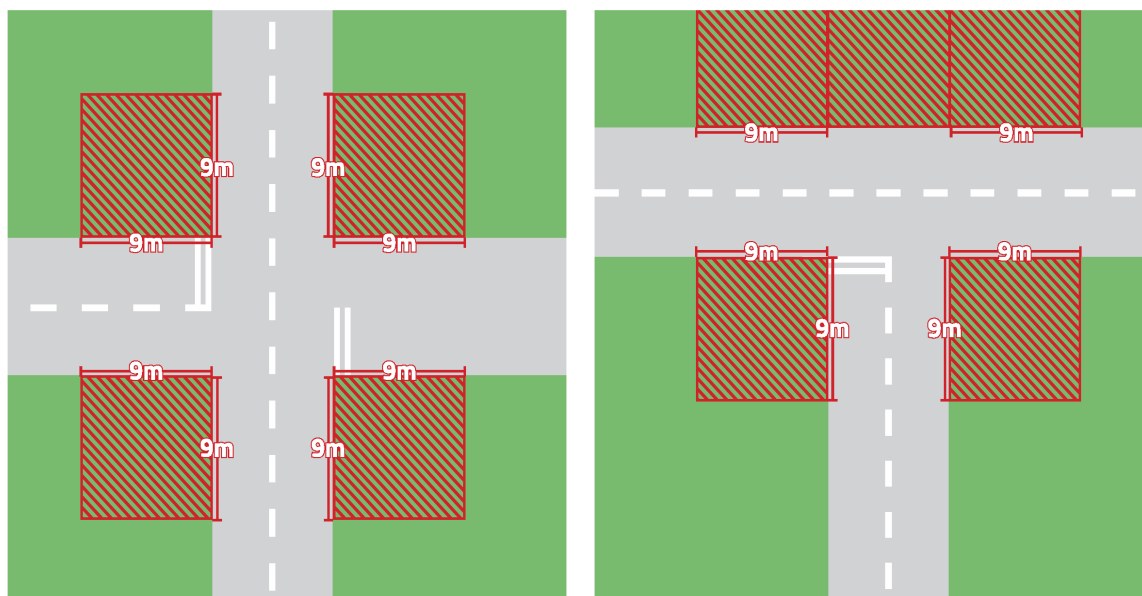
Election signs and hoardings on Private Property

1. No hoarding or sign is to be erected on, or protrude over a public street, footpath or verge.
2. No hoarding or sign is to be erected within nine (9) metres of a street intersection. (Refer Figure 1)
3. No hoarding or sign is to exceed an area of three (3) square metres.
4. All hoardings and signs are to be non-illuminated.
5. All hoardings and signs on private property can only be erected with the landowner's written approval, which candidates must make available to Council Officers if requested.
6. No hoarding or sign shall be erected on Council owned land or buildings. This includes Council reserves.
7. The approval is granted for a period of nine (9) weeks before the day of the election (i.e., from 4 September 2026), and all signs and hoardings are to be removed by 11.59 pm 6 November 2026 the day before Election Day.
8. The Group Manager – Consenting and Environment may arrange for non-complying hoardings and signs to be removed and confiscated without notice.

Election signs and hoardings on Trailers

1. An application (made on the Council's Trailer Advertising form) must be approved by the Council Road Corridor Engineer prior to the trailer sign being located on the road. (email:corridormanager@icc.govt.nz)
2. Trailers shall only be permitted in 50 km/hour speed restriction areas.
3. Trailers shall be sited within a defined parking area, either bordered by a painted edge line or where sufficient carriageway width allows a minimum one (1) metre clearance between the trailer and through traffic.
4. Applicants shall obtain prior consent of adjacent property owners before siting a trailer.
5. The maximum dimensions of a trailer shall be 2.4 metres x 1.5 metres.
6. The advertising sign shall have a maximum height above the trailer deck of 1 metre and shall be securely fixed to the trailer.
7. Trailers shall be sited with a minimum clearance of 2 metres from vehicle crossings and 10 metres from intersections.
8. Sight distances for motorists entering from adjacent side roads shall be checked to ensure that clear lines of visibility between approaching drivers are maintained and not obscured by the trailer or advertising sign.
9. Trailers shall be removed before nightfall.
10. The Acting Group Manager – Infrastructure (or such role in place of this) may arrange for non-complying trailers to be removed and confiscated with notice.

Figure 1: Location where signage is prohibited in relation to a street intersection



Areas where signage is prohibited

Advice Notes

1. It is the consent holder's responsibility to comply with all conditions imposed on this resource consent prior to and during the exercise of it.
2. The Group Manager - Infrastructure may arrange for any non-complying hoardings and signage in the road reserve, including trailers displaying election signs, to be removed and confiscated with notice.

Administrative Matters

The fees have been waived in relation to this application.

If you have any enquiries, please contact the duty planner on phone (03) 211 1777 or email duty.planner@icc.govt.nz.

Prepared by

Terence Boylan
Planning Specialist

Decision made by

Gillian Cavanagh
Manager – Consenting and Applications