

Section 42A Officer's Report

Hearing Stream 7:	Other Topics
Subjects:	Signs
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2 Introduction

2.1 Purpose of this report

- (1) This report is the Officers Report for the Signs topic for the Proposed Lower Hutt District Plan (the PDP).
- (2) This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:
 - Assist the Hearing Panel in making their recommendations on the submissions and further submissions on the PDP, and
 - Provide submitters with information on how their submissions/further submissions have been evaluated by the reporting officer(s) for this hearing stream, and their recommendations to the Hearing Panel.
- (3) The Hearing Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information provided to them, including evidence provided to them by submitters.

2.2 Scope and structure

- (4) This report addresses submissions on the following chapter of the PDP:
 - SIGN-Signs
- (5) In addition, this report addresses submissions on the following Definitions:

Definitions from the PDP as notified

- Digital sign
 - Official sign
 - Sign
- (6) Some submission points received on the PDP may have some relevance for the Signs chapter but are more appropriately addressed through reports for
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other hearing streams to enable them to be considered alongside similar submission points. This includes submission points on:

- Infrastructure
- Light

2.3 Author

- (7) My full name is Sean Bellamy. I am an Intermediate Policy Planner in the Policy Planning team at Hutt City Council (the Council).
- (8) I hold the qualifications of a Master of Regional and Resource Planning from the University of Otago, and a Master of Earth Science from the University of Waikato. I am an Intermediate Member of the New Zealand Planning Institute.
- (9) I have approximately 13 years' experience in planning and resource management roles in Local Government, covering district plan reviews and resource consent processing. This experience includes processing resource consent applications for Dunedin City Council and Hawkes Bay Regional Council and managing the review of the residential section of the Hastings District Plan.
- (10) I have been involved in the Hutt City Council District Plan Review since 2022, including working on the General Rural Zone, Rural Lifestyle Zone, Quarry Zone, Activities on the Surface Water, Signs and Designation chapters and associated s32 reports.
- (11) Although this is a Council hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct when preparing my written report and I agree to comply with it when I give any oral evidence.
- (12) Other than where I state that I am relying on the advice of another person, this evidence is within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- (13) Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my
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opinion. Where I have set out opinions in my evidence, I have given reasons for those opinions.

2.4 Supporting evidence

(14) Other than the s32 evaluation reports for this chapter, additional supporting documents or evidence for this report, include:

- A specialist review by Mike Smith (Stantec, New Zealand), reference *HCC Signs Chapter – Review of Submissions* (Appendix 4 of this report).

2.5 Glossary and abbreviations

Term or abbreviation	Meaning
HCC	Hutt City Council
KiwiRail	KiwiRail Holdings Ltd
ODP	Operative District Plan
OOHMAA	Out of Home Media Association of Aotearoa
oOH Media	oOH Media Limited
The Fuel Companies	BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd and Z Energy Ltd
PDP	Proposed Lower Hutt District Plan
Petone Historical Society	Petone Historical Society Inc
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991
Seaview Marina	Seaview Marina Limited
TCDM	Traffic Control Devices Manual
Urban Plus	Urban Plus Limited
Waka Kotahi	NZ Transport Agency Waka Kotahi
Woolworths	Woolworths New Zealand Limited
Z Energy	Z Energy Limited

2.6 Procedural issues

- (15) At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the Signs chapter.
- (16) The 'Plan Stop' requirements and the associated exemption for the PDP (discussed in the s42A report for Hearing #1: Opening) are relevant for the Signs chapter of the PDP. This is discussed below in s2.6.1 of this report (The Plan Stop legislation and changes, and the New Planning legislation are covered in the s42A report for Hearing Stream 1: Opening).

2.6.1 Relevance of the PDP exemption for Signs chapters

- (17) In August 2025, the RMA was amended to introduce new plan stop provisions which required councils to stop proposed plan change processes which had not proceeded to hearings. Hutt City Council applied for and was granted an exemption to proceed with the PDP with the following parts withdrawn:
- Historical and Cultural Values chapters, schedules and overlays
 - Natural Environmental Values chapters, schedules and overlays
 - Non-hazard parts of the Coastal Environment chapter and associated schedules and overlays (including coastal natural character)
 - Parts relating to Highly Productive Land.
- (18) With regard to the Signs chapter, provisions for managing the effects of signs on heritage buildings and structures are not within the scope of the exemption. As a result, these provisions will need to be withdrawn to ensure that the Signs chapter remains within the scope of the exemption.
- (19) The provisions of the Signs chapter that will need to be withdrawn are:
- Policy SIGN-P5 (Signs on heritage buildings or heritage structures or in heritage areas)
 - Rule SIGN-R4 (Signs on sites with scheduled heritage buildings, heritage structures, or sites within a heritage area)

- (20) The following seven submissions relate to the above provisions, or request amendments that refer to historical heritage, and are not addressed in this report.
- Heritage New Zealand Pouhere Taonga (248.65 and 248.66),
 - oOh Media Limited (517.34),
 - OOHMAA (413.5),
 - Petone Historical Society Inc (496.41, 496.42, 496.44 496.45 and 496.46),
 - Policy Planning team of the Hutt City Council (440.60)
- (21) As parts of the PDP have been withdrawn, the PDP is no longer a complete replacement of the Operative District Plan. As a result, on the completion of the PDP process, the surviving parts of the PDP will need to integrate with the parts of the Operative District Plan that will no longer be replaced.
- (22) Of relevance for this report, there are provisions in Chapter 14F: Heritage Buildings and Structures, Chapter 4G: High Density Residential Activity Area and Chapter 5B: Petone Commercial Activity Area of the Operative District Plan that correspond to parts of the Historic Heritage Chapters of the PDP that have now been withdrawn. They also relate to the provisions in the Signs chapter that will be consequentially withdrawn. As a result, they will need to be retained and integrated with the PDP on the completion of the PDP process.

3 Chapter summary

3.1 Chapter summary

- (23) The Signs chapter in the PDP manages signs and their effects. Signs fulfil an important social and economic purpose for the community and provision for signs is important.
- (24) The key effects of signage result from their location, size, height, and number. The provisions for this vary depending on the underlying zone. Multiple rules can apply to a particular sign.
- (25) The effects of signs on the safety and efficiency of the transport networks and their users are addressed through a specific standard and are generally included as matters of discretion for restricted discretionary consents.
- (26) Digital signs are treated separately due to the more complex effects relating to illumination, changing messages, glare etc and their potential impact on traffic safety.
- (27) Election signs are treated separately as election signs associated with general elections are managed under the Electoral Act 1993. The Signs Chapter applies the same provisions to local elections and to referendums.
- (28) Signs for temporary events are provided for prior to and subsequent to the event.
- (29) Third party signs are provided for in industrial and commercial zones. However, their use is more restricted in other zones.
- (30) The following chapters, contain provisions that relate to signs:
- Infrastructure chapter
 - Light chapter

- (31) The infrastructure chapter includes provisions for signs associated with operating, maintaining and developing infrastructure. The light chapter has provisions that manage the illumination and glare of signage.

3.2 Statutory and policy context

- (32) The broader context of statutory considerations and national and regional direction as set out in the s32 report for the chapter remains relevant. I have reviewed this section of the s32 report and confirm it is accurate.
- (33) While there have been changes to national and regional policy direction since the PDP was notified, these changes do not relate to the Signs chapter.

4 Discussion of submissions and recommendations

(34) The following sections of this report address submission points on Signs chapter and associated definitions, with my recommendations on decisions requested by submitters.

(35) The sections are:

- Provisions not in dispute,
- General submissions on the Signs Chapter, Introduction, the Signs standards, and
- Specific submissions on:
 - Objectives and policies,
 - Rules and standards, and
 - Definitions.

(36) The key issues section discusses some issues raised in submissions in general terms. However, specific relief requested by submitters, and my recommendations are made at a provision-by-provision level in the later sections.

4.1 Format for consideration of submissions

(37) As noted above, section 4.4 addresses submissions on the Signs chapter. The section steps through the relevant submissions by starting with more general submission points before stepping through relevant provisions in the order that they appear in the chapters.

(38) Each section includes:

- A brief summary of the relevant submission points,
 - A discussion of those points, and
 - My recommendations on the decisions requested or alternative relief.
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- (39) Appendix 1 contains a list of the submissions on the Signs chapter that relate to withdrawn provisions in the PDP.
- (40) Appendix 2 of this report is a ‘tracked changes’ version of the relevant chapters and sections of the PDP, showing my recommended amendments.
- (41) Appendix 3 of this report is a table of the submission points addressed by this report, with my recommendations on each point.

4.2 Key resource management issues

- (42) The key resource management issues raised in submissions are:
- Ensuring signage does not create adverse effects on traffic safety and the efficient and effective operation of state highways and railways.
 - Whether the bulk, location and proliferation standards are appropriate.
 - Whether the standards for signage in the Mixed Use Zone should be the same as the standards for signage in commercial and industrial zones.
 - Inclusion of standards for the Seaview Marina Zone
 - Managing the effects of digital signage, particularly, the number and size of messaging, transition of images and visibility from transport networks.

4.2.1 Traffic safety and the efficient and effective operation of state highways and railways

- (43) The submissions by Waka Kotahi and KiwiRail relate to the safety and efficiency of the transport networks. These include the visibility of signs from the state highways, on ramps and level crossings.

4.2.1.1 Visibility of signs from the state highways, on ramps and level crossings

- (44) Waka Kotahi and KiwiRail are primarily concerned with the obstruction of drivers’ views by signs as they approach intersections with their assets, and the distraction caused to drivers,

4.2.1.2 Number and size of signs

- (45) The number, size and location of signs have a potential impact on the amenity of a zone and safety and efficient use of the transport network. Submissions include requests to reduce the maximum height of signs, the maximum size of signs in residential areas and inclusion of official signs in the standard.

4.2.1.3 Content of signs

- (46) The issues raised primarily relate to the font size, the number of characters that can be included on a sign and presence of logos. The primary issue is driver distraction and the potential impact on safety.

4.2.1.4 Digital signs

- (47) There are a number of issues relating to digital signs that have been raised in submissions. These include:

- Notification
- Rail Crossings
- Applicability of a 70 km/h threshold, or retaining the stated 80 km/h
- State Highway On ramp / Off ramp restriction
- Dwell Time
- Transition method and time
- Luminance Levels

- (48) Most of these issues relate to the safe operation of the transport network. In general infrastructure operators (Waka Kotahi and KiwiRail) has sought to tighten the rules relating to signs near the State Highways and Railways. Whilst sign designers have sought more enabling provisions for digital signs.

4.2.1.5 Luminance

- (49) Submissions on luminance primarily relate to digital signs, but are also relevant to illuminated signs. The issue is complicated as luminance is primarily managed through the Light Chapter. The key issue relates to the ease of interpretation of LIGHT-TABLE3.

4.2.2 Notification of Waka Kotahi or KiwiRail

- (50) Waka Kotahi and KiwiRail have sought to require their notification, where resource consent is required for signs that are visible from a state highway or rail crossing.
- (51) The RMA provides for the determination of affected persons in limited notification as part of the assessment of resource consents. The legislation does not provide for the predetermination of limited notification as rule in the District Plan.

4.2.3 Activity status of signs in the Mixed Use Zone

- (52) There are several submissions relating to the activity status of signage within the Mixed Use Zone.
- (53) The submitters' proposed amendments would mean that digital signage in the Mixed Use Zone would be treated consistently with other commercial and industrial zones, rather than the residential zones.

4.2.4 Activity status of signs in the Seaview Marina Zone

- (54) There are several submissions points relating to the activity status of signs in Seaview Marina Zone. Seaview Marina Ltd has submitted that the PDP does not include provisions for signs in Seaview Marina Zone. They seek to have:
- third party advertising included as a permitted activity in the Seaview Marina Zone in Rule SIGN-R2.1, and
 - digital signs included as a restricted discretionary activity in the Seaview marina Zone in Rule SIGN-R3.1.
- (55) The proposed amendment would mean that digital signage would be treated consistently with Commercial and industrial signs. Third party signs and digital signs in the Seaview Marina Zone were not specifically included in the PDP. The proposed amendments would be consistent with the general approach to signs and result in a more effective and efficient management of the objectives and policies of the PDP.

4.2.5 Third party signs

- (56) There are submissions seeking a more enabling activity status for signs in the Mixed Use Zones. This zone provides for a mix of commercial and residential activity. In other commercial zones third party signs are a permitted activity, whilst those in residential areas a non-complying activity. As a general approach the PDP does not encourage a proliferation of signs in residential areas, as signage impacts on residential amenity,

4.2.6 Election signs

- (57) There are submissions seeking more restrictive provisions for election signs. However, the permitted baseline for national election signs is created by the Electoral Act 1993/ The standards in the PDP reflect this and provide the same baseline for local elections.

4.3 Submissions on Signs chapter – Discussion and recommendations

- (58) The following sections of this report address submission points on the Signs chapter, with my recommendations on decisions requested by submitters and other amendments resulting from these submission points.

- (59) The sections are:

- Provisions not in dispute,
- Submissions on:
 - The whole chapter, Introduction and standards,
 - Objectives,
 - Policies,
 - Rules, and
 - Standards, and
- Submissions on zoning.

4.3.1 Provisions not in dispute

(60) The following provisions only have submissions that are neutral or in support, with no changes sought:

- Objective SIGN-O1 (Signs): supported by Waka Kotahi (385.78), OOHMAA (413.1), Petone Historical Society (496.41) and oOh Media Limited (517.30).
- Policy SIGN-P6 (Impacts of signs on the transport network): supported by the Waka Kotahi (385.81), OOHMAA (413.6) and oOH Media (517.35).

(61) The following provision has not received any submissions:

- Policy SIGN-P2 (Temporary signs, including election signs)

(62) I recommend that the submission points supporting these provisions, as identified above, be accepted.

4.3.2 General submissions

4.3.2.1 Introduction to the Signs chapter

Submission

(63) Waka Kotahi (385.77, opposed by OOHMAA F21.1) requests the following paragraph be added to the introduction to the Signs chapter:

Signs located on, or over, State Highways and State Highway road reserves require approval from the New Zealand Transport Agency, regardless of whether the sign complies with the provisions of the District Plan. Any sign fronting or clearly visible from a State Highway will require affected party approval from the New Zealand Transport Agency.

(64) The submission does not state how this amendment will be included within the existing structure of the Introduction to the signs chapter.

(65) In their further submission, OOHMAA specifically requests the removal of “part of the submission by deleting the last sentence of the requested paragraph” being:

Any sign fronting or clearly visible from a State Highway will require affected party approval from the New Zealand Transport Agency.

Assessment

- (66) I agree with the further submission of OOHMAA (F21.1) that the statement identifying NZTA as an affected party for signage visible from, but not on, the State Highway Network, is inappropriate, as determination of adverse effects, notification and affected parties is specifically identified as a function of the resource consent process.
- (67) In addition, I don't think it is necessary to include a statement in the Introduction specifically on needing approval from NZTA where someone proposes a sign on a state highway or state highway reserve. In this regard, NZTA is effectively a landowner like any other landowner, and it should be taken as a given that someone needs approval from a landowner to undertake an activity on that land.
- (68) The only exception to this is in the case of Council reserves, as it is important to establish the relative roles of the District Plan and Council bylaws.

Recommendation

- (69) I recommend that the relief sought by Waka Kotahi (385.77) be rejected.

4.3.2.2 General: All standards

Submission

- (70) Laura Skilton (314.109) requests the deletion of the following from standards:

"Any positive effects of signs that cannot be achieved while complying with this standard from all the standards in the Signs chapter."

Assessment

- (71) In response to Laura Skilton, I consider there could be potential positive effects relating to non-complying signage. The provision only provides for consideration of positive effects beyond what could not be achieved through

a compliant sign. Whilst these effects may be limited they nevertheless exist and should be considered.

(72) Council must consider the environmental, social, cultural and economic costs and benefits of provisions under section 32 of the RMA. The purpose of the RMA is broad and includes provision for the enabling of people and communities to provide for their social, economic, and cultural well-being and for their health and safety. This includes consideration of positive effects.

(73) I consider there are a range of situations when consideration of the positive effects of a sign could be beneficial. For example, a large interpretation sign explaining the value and protection of an important cultural, historic or archaeological area.

Recommendation

(74) I recommend rejecting the relief sought by Laura Skilton (314.109).

4.3.3 Submissions on objectives and policies in the Signs Chapter

4.3.3.1 SIGN-P1: Signs provided for

Submissions

(75) OOHMAA (413.2) and oOH! Media Limited (517.31) request an amendment to SIGN-P1 to provide for minimisation of visual clutter, rather than its avoidance.

4. They ~~do not result in~~ minimise visual clutter,

(76) Waka Kotahi (385.79, opposed by OOHMAA F21.2) supports SIGN-P1.

Assessment

(77) In response to OOHMAA and oOH Media, I do not support the proposed amendment. I agree with the submission by Waka Kotahi that the change potentially has an effect on the safe and efficient use of the transport network. I agree with the evidence provided by Mr Smith that visual clutter has the potential to increase cognitive load, delay reaction times, and result in

sign blindness and confusion and that is unclear what “minimise” means in this context.

- (78) I am also concerned that visual clutter associated with the proliferation of signage has the potential to adversely affect the amenity and character of the surrounding area.
- (79) I consider that the proposed amendment has the potential to provide for any signage irrespective of its effect. I consider the existing provision provides for circumstances where declining an application for resource consent may be the most appropriate option.

Recommendation

- (80) I recommend that the submission point of Waka Kotahi (385.79) be accepted.
- (81) I recommend rejecting the relief sought by OOHMAA (413.2).
- (82) I recommend rejecting the relief sought by oOH Media (517.31).

4.3.3.2 SIGN-P3: Third-party advertising signs

Submissions

- (83) Petone Historical Society Inc (496.43) supports SIGN-P3 and requests a reference to Overlay and Precincts in the first sentence.
- (84) OOHMAA (413.3) and oOh Media Limited (517.32) request an amendment to SIGN-P3 as follows:

4. ~~Do not result in~~ Manage visual clutter and other adverse cumulative effects.

Assessment

- (85) In response to Petone Heritage Society, I consider the proposed amendment to SIGN -P3 is redundant as it relates to provisions in the Historic Heritage chapter and overlays that have been withdrawn from the PDP.
- (86) I do not agree with the submissions by OOMAA and oOH Media Limited. I believe “manage” is a broad term and potentially provides for any effect. I

consider that purpose should include a statement regarding the level of clutter and cumulative effects of signs. If “*Do not result in*” is considered inappropriate, I would suggest “*minimise*” as a potential alternative.

Recommendation

- (87) I recommend rejecting the relief sought by Petone Historical Society Inc (496.43).
- (88) I recommend rejecting the relief sought by OOHMAA (413.3).
- (89) I recommend rejecting the relief sought by oOh Media Limited (517.32).

4.3.3.3 SIGN-P4: Digital and illuminated signs.

Submissions

- (90) OOHMAA (413.4) and oOh! Media Limited (517.34) supports policy SIGN-P4.
- (91) Waka Kotahi (385.80, opposed by OOHMAA F21.3) supports policy SIGN-P4 but seeks the following amendments:

6. The sign is not visible from a state highway or road with a speed limit of 70~~80~~km/h or more, and

7. Cumulative effects of digital billboards are managed.

- (92) KiwiRail (442.74, opposed by OHMAA F21.13) seek to amend the policy to include management of effects on the rail network. The proposed amendment is:

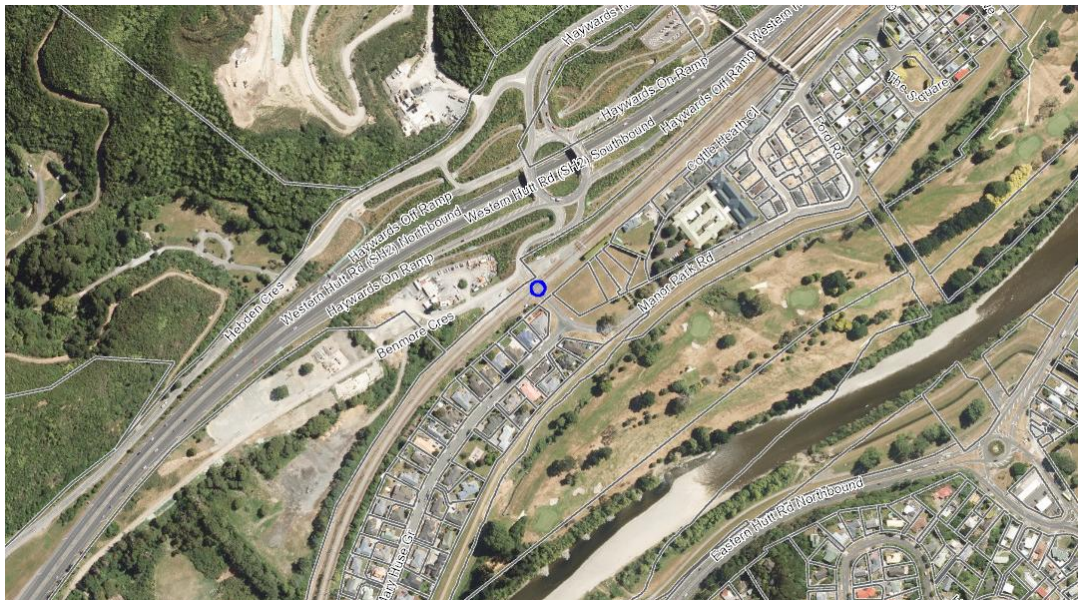
x. The sign is not visible in conjunction with, or located in a manner that it may distract from, warning lights such as those at level crossings, or signals associated with the operation of the rail network.

Assessment

- (93) In response to the Waka Kotahi submission, I agree with their assertion that the reduction in the speed limit will result in an increase in safety and that there is a potential benefit from the proposed amendment.

- (94) I do not agree with the submission that visual clutter and cumulative effects are not managed. I agree with the advice of Mr Smith who considers that visual clutter and cumulative effects are managed through provisions in SIGN-P1.4 and SIGN-P1.6 and associated provisions in the SIGN chapter.
- (95) The relief sought by Waka Kotahi reflects the intent of the Traffic Control Devices Manual (TCDM). The TCDM, Traffic Control Devices Rule (TCDR), and Table 7.1 (Longitudinal location of warning signs) state the minimum sign spacing distances between successive signs, for a given road speed. A review of the National Speed Limit Register reveals that roads of 70 km/hr are best described as peri-urban or rural (e.g. Harcourt Werry Drive) and align in characteristics with that of 80 km/h and above.
- (96) The stretches of road that are affected are:
- Marine Drive and Seaview Drive,
 - Eastern Hutt Road and High Street, Taita,
 - Harcourt Werry Drive, and the Kennedy Street/Good Street Bridge Underpass,
 - Moores Valley Road, including Brookfield Lane and Crowther Lane,
 - Wainuiomata Hill Road, and
 - Coast Road, Wainuiomata.
- (97) I also note that advertising on the road reserve, including displaying vehicles for sale, within the road reserve is managed under Hutt City Council Traffic Bylaw 2017.
- (98) In response to the submission by KiwiRail on standard SIGN-S6, I consider the proposed amendment provides guidance to the safe, efficient and effective management of the railway network.
- (99) OOHMAA opposes the relief sought as it is on the basis that it is overly onerous for signs are not visible in conjunction with rail signals, at all. I concur with the submission by KiwiRail and the evidence supplied by Mr Smith.
- (100) Mr Smith concludes that the relief sought by KiwiRail should be adopted, on the basis of road user safety, where any form of distraction will have significant negative user safety outcomes.

- (101) The placement of a digital billboard has the ability to distract a driver and barrier arms and controls in themselves do not fully prevent driver behaviour of progressing into the rail crossing. He notes that: "... considering the characteristics of a signalised or controlled crossing, a rail crossing is unlike other locations where effective braking could occur, an error by a driver at a rail crossing would result in a [circa] 800 tonne train unable to stop, or take evasive action."
- (102) I note that there is only one level crossing in Lower Hutt, at the intersection with Manor Park Road, Manor Park as shown by the blue circle on the aerial photograph below. The remaining railway lines and roads are separated.



Recommendation

- (103) I recommend that the submission points of OOHMAA (413.4) and oOh! Media Limited (517.34) be accepted, in that I recommend that policy SIGN-P4 be retained, subject to amendments in response to other submitters.
- (104) I recommend accepting the relief sought by KiwiRail (442.74).
- (105) I recommend accepting in part the relief sought by Waka Kotahi (385.80).
- (106) I recommend that policy SIGN-P4 be amended as follows:

Provide for digital signs and illuminated signs where:

1. *The sign is compatible with the character of the zone and any relevant precinct or overlay,*
2. *The sign does not compromise traffic, pedestrian, or cycling safety,*
3. *Digital signs do not cause any area to feel overly dominated by signage and advertising,*
4. *Light spill or glare effects are managed so they do not compromise amenity values,*
5. *Illumination does not compromise views of the night sky, and*
6. *The sign is not visible from a state highway or road with a speed limit of ~~80~~ 70km/h or more.*
7. *The sign is not visible in conjunction with, or located in a manner that it may distract from, warning lights such as those at level crossings or signals associated with the operation of the rail network.*

4.3.4 Submissions on rules and standards in the Signs Chapter

4.3.4.1 SIGN-R1: Signs

Submission

- (107) KiwiRail (442.75, opposed by OOHMAA F21.14) supports rule SIGN-R1 in part, but seeks an amendment adding a clause limiting signs as a permitted activity where they are visible from level crossings and signals associated with the rail network. The proposed amendment is:

ix. is not visible, or oriented to be read in conjunction with warning lights located at a level crossing, or signals associated with the operation of the rail network.

- (108) Waka Kotahi (385.82, opposed by OOHMAA F21.4) supports rule SIGN-R1 in part, but seeks to amend the rule. The submitter seeks to amend SIGN-R1.1.c to include visibility from the state highway networks:

The sign cannot be seen beyond the boundary of a site or from the state highway network, or

- (109) Waka Kotahi (385.83, opposed by OOHMAA F21.5) also requests the following amendment to requiring the limited notification of Waka Kotahi. The requested amendment is:

Notification:

Limited notification to the New Zealand Transport Agency is required for applications under this rule due to a non-compliance with SIGN-R1.1(c), (d, viii and ix).

- (110) Laura Skilton (314.96) requests rule SIGN-R1.2 be amended to remove SIGN-R1.1.b, which is a duplicate of SIGN-R1.d.vii.

~~(b) The sign is an election sign and complies with SIGN-S7: Election signs, or~~

Assessment

- (111) In their submission, KiwiRail specifically raises concerns with the effects of digital billboards. I note that rule SIGN-R1 would not apply to digital billboards. Digital billboards would require resource consent as either a restricted discretionary or non-complying activity under rule SIGN-R3.
- (112) However, Mr Smith agrees with the submitter that digital billboards have the potential to impact on rail crossings and I accept this.
- (113) In response to the submission by Waka Kotahi, I understand the need to ensure the safe and efficient functioning of the state highway network. However, the mechanism in rule SIGN-R1 to ensure impacts on the transport network are considered is the reference to standard *SIGN-S8: Signs and the Transport Network*. In my opinion it is better to keep this single mechanism rather than duplicating it in part through SIGN-R1.1c, and that if any changes are required, those changes should be to SIGN-S8.
- (114) Mr Smith considers that the amendment to clause SIGN-R1.c to include visibility from a state highway network assists in the assessment matters. I therefore support the requested amendment. The proposed change does not mean that signage could not overlook a state highway, but would mean that

they would be considered on a case-by-case basis. This is consistent with policy SIGN-P4.

(115) Waka Kotahi also seeks a note stating that Waka Kotahi is an affected person. I consider this to be ultra vires, as the decision on who is an affected person is a function of Council under the resource consent process. I agree with the further submission by OOHMAA that it is inappropriate to predetermine Waka Kotahi will be an affected person.

(116) With regard to the submission by Laura Skilton (314.96), I agree that SIGN-R1.1b effectively duplicates SIGN-R1.d.vii. To resolve this issue, I recommend SIGN-R1.b be retained, so it is clear that the rule applies to election signs, but that the point be amended to remove the reference to SIGN-S7 (which is covered by SIGN-R1.1.d.vii).

Recommendation

(117) I recommend rejecting the relief sought by KiwiRail (442.75).

(118) I recommend rejecting the relief sought by Waka Kotahi (385.82) regarding rule SIGN-R1.1c.

(119) I recommend rejecting the relief sought by Waka Kotahi (385.83) regarding a note on notification.

(120) I recommend accepting the relief sought by Laura Skilton (314.96).

(121) I recommend that rule SIGN-R1 be amended as follows:

1. Activity status: Permitted

Where:

- a. The sign is an official sign, or
- b. The sign is an election sign ~~and complies with SIGN-S7: Election signs~~, or
- c. The sign cannot be seen beyond the boundary of a site, or
- d. Compliance is achieved with:
 - i. SIGN-S1: Area of a sign,
 - ii. SIGN-S2: Combined area of signs per site,

- iii. SIGN-S3: Number of signs per site,
- iv. SIGN-S4: Height of freestanding signs,
- v. SIGN-S5: Height and placement of signs attached to buildings, structures and verandahs,
- vi. SIGN-S6: Temporary signs,
- vii. SIGN-S7: Election signs,
- viii. SIGN-S8: Signs and the transport network, and
- ix. SIGN-S9: Sign illumination.

4.3.4.2 SIGN-R2: Third-party advertising signs

Submission

- (122) Urban Plus (322.33b, opposed by Waka Kotahi F20.30) opposes rule SIGN-R2, and seeks that the activity status in the Mixed Use Zone is permitted, not non-complying.
- (123) OOHMAA (413.7a and 413.7b) and oOH Media (517.36) support rule SIGN-R2 in part, but request that the rule be amended to apply a discretionary activity status to third party advertising signs in the Mixed Use Zone.
- (124) Seaview Marina Ltd (343.53) opposes rule SIGN-R2, and seeks that the Seaview Marina Zone is included in the list of zones where third-party advertising is permitted.
- (125) Winstone Aggregates (444.36) seek to retain rule SIGN-R2 as notified in the PDP.

Assessment

- (126) The key issues raised by submitters are:
 - The change of the activity status of signs in Mixed Use Zone
 - The inclusion of Seaview Marina in the activity status table.
- (127) Rule SIGN-R2 manages third party advertising signs. Third party signs are also required to comply with SIGN-R1, SIGN-R3 and LIGHT-R1. SIGN-R3 essentially provides for minimisation of signage not associated with the site in rural, residential, mixed use, open space and natural open space zones.

(128) In response to the submissions of OOHMAA (413.7b), oOH Media (517.36) and Urban Plus (322.33b), I consider that a non-complying activity status is appropriate. The Mixed Use Zone often applies to residential areas where the Proposed District Plan provides for a transition to more non-residential uses. However, it does not always provide for this transition as a permitted activity in order to manage the potential effects on the residential properties in the zone. In this sense, the Mixed Use Zone is different to other commercial zones of the PDP.

(129) While there needs to be provision for signs associated with on-site commercial activities, at the same time the additional signage connected to third party advertising has a potential negative impact on residential amenity. A non-complying activity status ensures that the policies and objectives of the Signs chapter and Light chapter are considered as part of the resource consenting process.

(130) In response to the submission by Seaview Marina, I agree that third party signage in the Seaview Marina Zone should be provided for and that the permitted activity status is the appropriate standard.

Recommendation

(131) I recommend rejecting the relief sought by Urban Plus (322.33b), OOHMAA (413.7a and 413.7b) and oOH Media (517.36).

(132) I recommend accepting the relief sought by Seaview Marina (343.53).

(133) I recommend accepting the submission point of Winstone Aggregates (444.36).

4.3.4.3 SIGN-R3: Digital signs

Submissions

(134) Waka Kotahi (385.84, opposed by OOHMAA F21.6) supports rule SIGN-R3 in part, but seeks an amendment to restricted discretionary activity condition SIGN-R3.1.a.iv to reduce the speed limit in the condition to 70km/h (down from 80km/h).

- (135) The submitter requests the following changes to the conditions in SIGN-R3.1a (conditions to be met for a digital sign to be a restricted discretionary activity under that rule):

[The sign:]

...

iv. *Is not visible, or oriented, to be read from a state highway or road with a speed limit of ~~80~~70km/h or more, and*

vii. *Displays images ~~for a minimum of 35 seconds before transitioning to the next~~ for an appropriate dwell time determined so that no more than 5 per cent of drivers are exposed to image changes when visible from a road with a speed limit of ~~80~~ 70km/h or more, and*

...

ix. *Is not visible from, or within 100m of, a State Highway on ramp and/or off ramp.*

x. *Is not located where there are any other digital billboards¹ in a driver's field of vision.*

- (136) Waka Kotahi also requests that the following notification condition be added to SIGN-R3.23 (385.85, opposed by OOHMAA F21.7):

Notification:

Limited notification to the New Zealand Transport Agency is required for applications under this rule due to a non-compliance with SIGN-R3.1(a)(iv, vii, ix, and x).

¹ For this report, I have inferred the reference to digital 'billboards' to be a reference to digital signs in general, as this is the term used in the PDP.

- (137) KiwiRail (442.76, opposed by OOHMAA F21.15) supports rule SIGN-R3 in part, but requests an amendment requiring limited notification of KiwiRail Holdings Ltd. The amendment is:

Notification: Limited notification to KiwiRail Holdings Limited is required for applications under this rule due to a non-compliance with SIGN-R3.1(a)(ix).

- (138) Laura Skilton (314.97) opposes rule SIGN-R3 and requests an amendment to remove the matters of discretion on the *positive effects of the digital sign that cannot be achieved with a sign other than a digital sign* (matter of discretion 7).

- (139) Urban Plus Limited (322.34a and 322.34b, opposed by Waka Kotahi F20.31 and F20.32) opposes Rule SIGN-R3 and requests an amendment to change the activity status of digital signs in the Mixed Use Zone from non-complying activity to restricted discretionary with an associated removal of the requirement for notification.

- (140) Seaview Marina Limited (343.54) opposes rule SIGN-R3 and requests an amendment to include Seaview Marina Zone in SIGN-R3.1 as a restricted discretionary activity (as notified, the rule is silent on the Seaview Marina Zone).

- (141) OOHMAA (413.8, support by Wellington Water F36.30) and oOH Media (517.37) support in part rule SIGN-R3, but oppose some clauses and requests amendments. The requested amendments are:

- Amend rule SIGN-R3 to provide for digital signs in the Mixed Use zone as a restricted discretionary activity (OOHMAA 413.9; oOh Media 517.37).
- Amend rule SIGN-R3.1a to reduce the transition time between images (OOHMAA 413.10, opposed by Waka Kotahi F20.33, supported by Wellington Water F35.45; oOh Media 517.38). Specifically, they request the following amendments to SIGN-R3.1a.vii and viii:

vii. Displays images for a minimum of ~~35~~ 30 seconds before transitioning to the next when visible from a road with a speed limit of 80km/h or more, and

viii. In any other case, displays images for at least ~~15~~ 8 seconds before transitioning to the next,

- Amend restricted discretionary activity condition SIGN-R3.1b to remove the reference to dissolving and add a reference to 'cross-dissolve' as follows (OOHMAA 413.11):

b. Transitions between images take between 0.1 seconds and 0.5 seconds by way of a cross-dissolve, without flashing, blinking, fading, ~~dissolving~~, or wiping.

- Delete restricted discretionary activity condition SIGN-3.1d.ii, that illumination of the sign does not alter the average illuminance of any two successive images by more than 30% (OOHMAA 413.12; oOh Media 517.39).
- Delete matter of discretion 3, on whether the sign will be used for third-party advertising (OOHMAA 413.13; oOh Media 517.40, opposed by Waka Kotahi F20.36).
- Change the activity status for digital signs under rule SIGN-R3.2 from non-complying to discretionary (OOHMAA 413.14; oOh Media 517.41, opposed by Waka Kotahi F20.37).
- Remove the public notification requirement under rule SIGN-R3.3 (oOh Media 517.42, opposed by Waka Kotahi F20.38).

Assessment

(142) The matters of contention from submissions relate to:

- Notification,
- Rail crossings,
- Applicability of a 70 km/h threshold, or retaining the stated 80 km/h,
- State Highway On ramp / Off ramp restriction,
- Dwell Time,
- Transition method and time,
- Luminance levels,
- Activity status for digital signs in the Seaview Marina Zone, and
- Activity status for digital signs.

Notification

- (143) With response to the submissions by Waka Kotahi and KiwiRail that it be written into SIGN-R3 that they be notified as an affected person I consider this to be ultra vires, and that the test for notification is appropriately assessed as part of the resource consenting process.

Rail crossings

- (144) I concur with KiwiRail's submission on the basis that although the rail crossings are limited in Lower Hutt, they represent a significant safety management issue.

- (145) In making my assessment I rely in Mr Smith's assessment, two key points being:

"In assessing the KiwiRail proposal and considering the characteristics of a signalised or controlled crossing, a rail crossing is unlike other locations where effective braking could occur, an error by a driver at a rail crossing would result in a [circa] 800 tonne train unable to stop, or take evasive action."

"It is critical that a driver does not have any form of distraction [at] a rail crossing, as an error on approach will result in catastrophic outcomes. Utilising the Safe System Audit approach, while the frequency of a crash may be unlikely, the consequence of a crash would be serious injury to fatal. This results in a Safe System Risk Assessment of Significant to Serious – both of which require amendment to a design to minimise the risk identified."

Changing the standard for signs visible from roads from a speed limit of 80km/h to 70km/h.

- (146) I agree with Waka Kotahi's request to reduce the speed limit for SIGN-R3.1.iv to 70km/h for the reasons outlined in 4.3.3.3.

- (147) However, I do not agree with Waka Kotahi's requested amendment to SIGN-R3.1a.vii, which relates to dwell times. The requested amendment is:

~~Displays images for a minimum of 35 seconds before transitioning to the next~~ for an appropriate dwell time determined so that no more than 5 per

cent of drivers are exposed to image changes when visible from a road with a speed limit of ~~80~~ 70km/h or more

- (148) Applying this condition would require an additional technical assessment compared to the condition as notified in order to determine the percentage of drivers who would be exposed to image changes, noting that this is likely to vary significantly by time of day or day of week. I prefer the simpler, easier to implement construction of the condition as notified. In addition, the dwell times included in the rule are based on a 80km/h threshold, and these would need to be revisited if the threshold was changed to 70km/h.

On ramp / Off ramp restrictions

- (149) NZTA have further sought relief to include additional assessment matters, being “: Is not visible from, or within 100m of, a State Highway on ramp and/or off ramp”, and “Is not located where there are any other digital billboards in a driver’s field of vision”.

- (150) Mr Smith states that:

“on and off ramps are typically complex intersections that demand full concentration of the driver. They are also locations where driver distraction is often cited as a causative factor in a crash. While a crash may be very unlikely, the resultant injury would be serious to fatal. Utilising the Safe System Audit process as a quantitative measure, this would result in a risk rating of Significant to Serious. This requires remedial action to be undertaken. I therefore assess, based upon this quantitative measure, that the inclusion of digital billboards with 100m of would have effects on user safety that are more than minor.”

Dwell time

- (151) On the matter of dwell time, Mr Smith states:

“Considering the dwell time for roads of a legal speed ≥ 80 km/h, international literature remains inconclusive, however recent research does support the provisions of a rule that limits a driver’s exposure to more than one image when passing a billboard. The relief sought by NZTA would require a specific calculation in the first instance and could be

subject to a poor understanding of the principles that underly the calculation to arrive at a figure. Considering consistency across a wider Wellington Region, OOHMAA and oOH Media present that a reduces value of 30 seconds has been accepted by Wellington City Council. I do not dispute that there may very well be such an acceptance but find no proof of such an acceptance.

It further noted that NZTA seek relief to lower the threshold to 70 km/h, down from 80 km/h, as stated above.

I therefore recommend that the dwell time for roads ≥ 70 km/h be set at a value that is consistent across the greater Wellington Network. This will require the supply of relevant dwell time values for Wellington City Council.

Considering the dwell times for other roads, OOHMAA and oOH Media seek relief to reduce the dwell time from 15 seconds to 8 seconds. A similar argument has been presented by both submitters for consistency across the greater Wellington area.

International research² has presented that dwell times for an image presented to a driver should not be less than 10 seconds.

*Accordingly, I do not accept the relief sought to lower the dwell time for other roads to 8 seconds. Should a change be sought, I could support an **absolute minimum** dwell time for other roads of 10 seconds."*

- (152) The equivalent standard of the Proposed Wellington District Plan is a minimum of 8 seconds for roads with posted speed limits of less than and equal to 80km/h and a minimum of 30 seconds for roads with a posted speed limit of greater than 80km/h (SIGN-S8.2.b).
- (153) Given the advice of Mr Smith, and despite a general preference for regional consistency, I recommend a minimum dwell time of 10 seconds for roads with

² Oviedo-Trespalcacios, O., Truelove, V., Watson, B., & Hinton JA. (2019). "The Impact of Road Advertising Signs on Driver Behaviour and Implications for Road Safety: A Critical Systematic Review." *Transportation Research Part A: Policy and Practice*, 122, April 2019, 85–98.

posted speed limits less than or equal to 80km/h and minimum dwell time of 30 seconds for roads with a posted speed limit greater than 80km/h.

Reduction of the transmission method and time.

- (154) I concur with OOHMAA's submission to change the clause to cross dissolve and as it is the terminology for the type of transition used on most digital billboards in New Zealand. This is also recommended by Mr Smith.

Luminance

- (155) I do not concur with OOHMAA's submission to remove the clause d.iii. on the basis that "The change in luminance is dependent on the content displayed, and Billboard operators do not regulate the content and colouring of messages relative to another party's message."
- (156) Mr Smith advises that *"luminance will have an apparent change in levels, when you consider a display with dark colourings, compared to a display with bright colourings. A sudden change from dark content to light content will give the appearance of a brighter sign."*
- (157) I do not accept the argument that the operator do not regulate the content and colouring of messages relative to another party's message. The issue is whether a digital sign can be designed and located in such a way that the adverse effects on traffic safety are avoided, remedied or mitigated. I agree with Mr Smith that *"the operator can adjust, as far as reasonably practicable, the sequencing of image, and control the variance in luminance between successive displays."* I argue that the provisions provide for management of a traffic safety issue and if they cannot be controlled or managed then this should be factor that is considered when Council decides to grant or decline a resource consent.
- (158) I note that provisions in the LIGHT chapter that will govern overall light spill, including onto pavements and adjacent sites.

Third party advertising

- (159) I concur with the submitters to remove consideration of third party advertising as a matter of discretion in Rule-R3.1. This issue is managed by rule SIGN-R2.

Activity status for signs in the Seaview Marina Zone

- (160) In response to the submission by Seaview Marina (343.54) on Rule SIGN-R3, I concur with the submission. Signs in Seaview Marina Zone are not provided for in the rule and the requested amendment corrects this.

Activity status of digital signs

- (161) I disagree with the submissions by OOHMAA (413.14) and oOh Media Limited (517.41) request a change in the activity status of digital signs in SIGN-R3.2 to a discretionary activity. The submitters argue that a non-complying activity status for a digital sign which does not comply with a relevant standard is unnecessarily onerous.
- (162) The standards are point at which signs are assessed through the resource consent process. Signs are provided for throughout Lower Hutt and generally more enabled in commercial zones than residential zones. In my opinion a non-complying activity status is appropriate for the mixed use zone due to the potential impact of residential activity in the zone.
- (163) I also think it is appropriate for resource consents for digital signs in residential zones, rural zones, the Mixed Use Zone, Natural Open Space Zone and Open Space Zone as a digital sign could result in as significant change to the visual amenity and character of an area, noting that these zones are predominantly residential or rural in nature, or public reserves.

Recommendation

- (164) I recommend accepting the relief sought by Waka Kotahi (385.84) in part, in relation to the reduction of the speed limit in condition SIGN-R3.1.a.iv, visibility of signs from state highway on ramps and off ramps, and no other digital signs being in a driver's field of vision. However, I recommend rejecting the relief sought in part, in relation to the requested amendments to SIGN-R3.1a.vii on dwell times.

- (165) I recommend rejecting the relief sought by Waka Kotahi (385.85) that requests a new notification requirement.
- (166) I recommend rejecting the relief sought by KiwiRail (442.76) that requests a new notification requirement.
- (167) I recommend rejecting the relief sought by Laura Skilton (314.97) that requests removing a matter of discretion relating to positive effects of digital signs.
- (168) I recommend rejecting the relief sought by Urban Plus (322.34a and 322.34b), OOHMAA (413.9) and oOh Media (517.37), that request a change to the activity status of digital signs in the Mixed Use Zone from non-complying to restricted discretionary.
- (169) I recommend accepting the relief sought by Seaview Marina (343.54) that requests that the Seaview Marina Zone be added to SIGN-R3.1 (the restricted discretionary activity rule).
- (170) I recommend that the submission points of OOHMAA (413.8) and oOH Media (517.37) in general support of rule SIGN-R3 be accepted, in that I recommend that the rule be retained subject to amendments in response to other submission points.
- (171) I recommend accepting in part the relief sought by OOHMAA (413.10) and oOh Media (517.38), which relate to the dwelling time provisions in rule SIGN-R3.1.a.vii and viii. I recommend that this conditions be amended as follows:
- vii. *Displays images for a minimum of ~~35~~ 30 seconds before transitioning to the next when visible from a road with a speed limit of 80km/h or more,*
- viii. *In any other case, displays images for at least ~~15~~ 10 seconds before transitioning to the next,*
- (172) I recommend accepting the relief sought by OOHMAA (413.11) on SIGN-R3.1b, which relates to referring to cross-dissolve instead of dissolving. I recommend that this condition be amended as follows:

b. *Transitions between images take between 0.1 seconds and 0.5 seconds by way of a cross-dissolve, without flashing, blinking, fading, ~~dissolving~~, or wiping.*

- (173) I recommend rejecting the relief sought by OOHMAA (413.12) and oOH Media (517.39), which requests deletion of restricted discretionary activity condition relating to illumination of a digital sign.
- (174) I recommend accepting the relief sought by OOHMAA (413.13) and oOh Media (517.40), which relates to removing the matter of discretion on third-party advertising.
- (175) I recommend rejecting the relief sought by OOHMAA (413.14) and oOh Media (517.41) relating to changing the activity status of rule SIGN-R3.2 from non-complying to discretionary.
- (176) I recommend rejecting the relief sought by oOh Media (517.42) relating to removing the public notification requirement from rule SIGN-R3.3.

4.3.4.4 SIGN-S1: Area of a sign

Submission

- (177) Enviro NZ (323.41), OOHMAA (413.15) and oOh Media Limited (517.43) support standard SIGN-S1.
- (178) Waka Kotahi (385.86, opposed by OOHMAA F21.8) support standard SIGN-S1, but request an amendment to add the following matter of discretion for all zones:
- "6. Any adverse effects on the safety and efficiency of the transport network and its users."*
- (179) Laura Skilton (314.98 and 314.99) requests amendments to standards SIGN-S1 to:
- Reduce the maximum size of signs in residential zones under the standard from 2m² to 1m², and
 - Reduce the maximum size of signs in the Hospital and Tertiary Education Zone under the standard from 5m² to 4m².

- (180) Urban Plus Limited (322.35) opposes standard SIGN-S1 and requests that standards for signs in the Mixed Use Zone be grouped with Commercial Zones, the Marae Zone and the Seaview Marina Zone.

Assessment

- (181) In response to Waka Kotahi's submission on Standard SIGN-S1, I consider the requested matter of discretionary unnecessary as a breach of the standard would trigger a resource consent under rule SIGN-R1.2, and policy *SIGN-P6: Impacts of signs on the transport network* is a matter of discretion under that rule.
- (182) In response to Laura Skilton's submissions on Standard SIGN-S1, I consider the notified standard more appropriate.
- (183) The submitter requests a smaller maximum permitted area for signs in residential zones. The requested relief is consistent with the existing provisions in the operative District Plan, but less than the majority of district plans in the Wellington region. I note that a sign area of 2.0m² is at the upper threshold of the equivalent standards.
- (184) The submitter also requests a smaller maximum area for signs in the Hospital Zone and the Tertiary Education Zone. I consider the notified standard more appropriate. Both these zones provide important social functions and information through signage make an important contribution to their efficient and effective functioning.
- (185) In response to the submission by Urban Plus, I consider that there is some merit to including the Mixed Use Zone in the same standard as commercial zones. However, I note that the Mixed Use Zone likely to result in a mix of non-residential and residential sites (or sites that are a mix of the two), and the zone is often located in areas that, while a transition to a mix of uses is provided for, is currently largely residential in character, and the lower threshold provides for consideration of residential amenity.

Recommendation

- (186) I recommend accepting the submission points of Enviro NZ (323.41), OOHMAA (413.15) and oOh Media Limited (517.43).

- (187) I recommend rejecting the relief sought by Waka Kotahi (385.86).
- (188) I recommend rejecting the relief sought by Laura Skilton (314.98 and 314.99).
- (189) I recommend rejecting the relief sought by Urban Plus (322.35).

4.3.4.5 SIGN-S2: Combined area of signs per site

Submissions

- (190) OOHMAA (413.16) and oOh Media Limited (517.44) support standard SIGN-S2.
- (191) Waka Kotahi (385.87, opposed by OOHMAA F21.9) supports SIGN-S2 in part, but seek an amendment to include consideration of the effects on transport networks and their users. The proposed amendment is:

7. Any adverse effects on the safety and efficiency of the transport network and its users.

- (192) Woolworths New Zealand (271.16, supported by McDonalds Restaurants F11.11 and Foodstuffs North Island F17.28, opposed by Waka Kotahi F20.29) opposes standard SIGN-S2 and requests an amendment to SIGN-S2.2 to increase the maximum combined area of signs on a site from 20m² to 70m² in Commercial Zones, the Mixed Use zones, industrial Zone, the Seaview Marina Zone and the Marae Zone.
- (193) Laura Skilton (314.100) opposes standard SIGN-S2 and requests an amendment to SIGN-S2.1 to reduce the maximum combined area of signs per site to 1m² and to remove provisions for official sites from the standards.

Assessment

- (194) In response to Waka Kotahi's submission on Standard SIGN-S2, I consider the requested amendment is not necessary as an assessment of the effects on the transport network is required if SIGN-S2 is breached as an assessment of the matters SIGN-P6 is required under SIGN-R1.2.
- (195) In response to the submission of Woolworths New Zealand, I consider a combined area of 70m² for signs on a site is too high for a permitted activity.

- (196) I consider a resource consent to consider the combined effect of a high amount of signage to be a more appropriate method to balance the need for signage against the adverse effects on adjoining areas.
- (197) In response to the submission points of Laura Skilton, I consider it important to exempt official signs from Standard SIGN-S1. Official signs have a very restricted application under the provisions of the PDP. They are limited to signs that are covered by statutes or regulation or are otherwise related to aspects of public safety. I consider it unlikely that their inclusion will lead to a proliferation of new signage.
- (198) I consider it unnecessary to reduce the maximum area of signs on a site in residential zones to 1m².

Recommendation

- (199) I recommend accepting the submission points from OOHMAA (413.16) and oOh Media (517.44) in support of standard SIGN-S2.
- (200) I recommend rejecting the relief sought by Waka Kotahi (385.87).
- (201) I recommend rejecting the relief sought by Woolworths New Zealand (271.16).
- (202) I recommend rejecting the relief sought by Laura Skilton (314.100).

4.3.4.6 SIGN-S3: Number of signs per site

Submissions

- (203) OOHMAA (413.17 and oOh Media Limited (517.45) seek to retain the standard as notified.
- (204) Laura Skilton (314.101, 314.102a and 314.102b) opposes standard SIGN-S3 in part. The submitter requests the following amendments:

Residential Zones	1. There must be no more than one sign per site (other than official signs and temporary signs).
Rural Zones	...

Hospital Zone	3. There must be no more than two signs per site frontage. For corner sites, each side of the corner counts as a separate frontage.
Tertiary Education Zone	
Quarry Zone	<u>4. There must be no more than one sign per site frontage where that frontage is opposite a site in a Residential Zone, Rural Zone, Open Space and Recreation Zone, or the Marae Zone.</u> ³
Marae Zone	

Assessment

- (205) In response to the submissions by Laura Skilton on Standard SIGN-S3, I consider that there is some merit in the submission. However, there is a need to provide for some flexibility in the Hospital Zone and the Tertiary Education Zone in particular. I consider that SIGN-S3 as notified provides this.

Recommendation

- (206) I recommend that the submission points of OOHMAA (413.17) and oOh Media Limited (517.45) be accepted.
- (207) I recommend rejecting the relief sought by Laura Skilton (314.101, 314.102a and 314.102b).

4.3.4.7 SIGN-S4: Height of freestanding signs

Submissions

- (208) oOh Media Limited (517.46) supports standard SIGN-S4.
- (209) Waka Kotahi (385.88, opposed by OOHMAA F21.10) supports standard SIGN-S4, but seeks to amend the matters of discretion for all zones covered by SIGN-S4 to include effects on the transport network and its users. The requested amendment is:

³ The decision requested by Ms Skilton on this point is not communicated clearly in the Summary of Decisions Requested. The decision requested here is taken from Ms Skilton's original submission (page 61).

5. Any adverse effects on the safety and efficiency of the transport network and its users.

(210) Urban Plus Limited (322.36) supports standards SIGN-S4 in part and seeks an amendment to remove repeated reference to Mixed Use Zone in SIGN-S4.4.

(211) OOHMAA (413.18) seeks to amend standard SIGN-S4.2 and SIGN-S4.3 so the maximum height of freestanding signs in the City Centre Zone, Metropolitan Centre Zone, Local centre Zone, Neighbourhood Centre Zone and Seaview Marina zone is 10 metres. The proposed amendment is:

2. A freestanding sign must not exceed 10 metres in height, ~~or the highest point of the highest building on site, whichever is the lower.~~

3. ~~Where there is no building, must not exceed 6 metres in height.~~

(212) Laura Skilton (314.103) opposes standard SIGN-S4 and requests SIGN-S4.2 be amended to decrease the maximum height to 6m.

2. A freestanding sign must not exceed ~~10~~ 6 metres in height

or, that SIGN-S4.2 and SIGN-S4.3 be merged such that the 6 metre height limit applies. I have interpreted this as follows:

2. A freestanding sign must not exceed 6 ~~10~~ metres in height., or the highest point of the highest building on site, whichever is the lower.

3. ~~Where there is no building, must not exceed 6 metres in height.~~

Assessment

(213) In response to Waka Kotahi's submission, I consider that any adverse effects on the safety and efficiency of the transport network are already required to be considered for any breach in SIGN-S4. The structure of the SIGN-R1 means that if a resource consent is required for the height of a sign, the matters of discretion include the matters outlined in SIGN-S4, as well as matters outlined in SIGN-P1, SIGN-P2 and SIGN-P6. SIGN-P6 provides for consideration of the effects of the height of the sign on safe and efficient use of the transport network, including the scale, design and location of signs, proliferation of signs and visual clutter and the effects of illumination and digital images.

- (214) In response to Urban Plus’s submission, I agree that the second reference to the Mixed Use Zone should be removed.
- (215) In response to OOHMAA’s submission. I consider that 10m is an excessive height to permitted activity as a straight standard. I consider that 6m would be a more appropriate standard if the reference to an existing building were removed.
- (216) In response to Laura Skilton’s submission, the 10m maximum height standard applies to commercial and industrial zones where a relatively high level of built development and a high level of signage and commercial activity is expected. This includes the City Centre Zone, where there is no height limit for buildings and structures, and the Metropolitan Centre Zone, where part of the zone has no height limit. In addition, the standard *tempers* this maximum height standard by further restricting the height to the highest point of the highest building on site (if this height is less than 10m), and where there are no buildings on site, restricting the height to 6m..

Recommendation

- (217) I recommend that the submission point of oOh Media Limited (517.46) be accepted.
- (218) I recommend rejecting the relief sought by Waka Kotahi (385.88).
- (219) I recommend rejecting the relief sought by Urban Plus (322.36).
- (220) I recommend rejecting the relief sought by OOHMAA (413.18).
- (221) I recommend rejecting the relief sought by Laura Skilton (314.103).

4.3.4.8 SIGN-S5: Height and placement of signs attached to buildings, structures and verandahs

Submissions

- (222) OOHMAA (413.19) and oOh Media Limited (517.47) support SIGN-S5.
- (223) Laura Skilton (314.104 and 314.105) requests that standards for S5 be reviewed and potentially amended, and that SIGN-S5.3 be amended as follows:

3. ~~Where signs~~ If signs are attached to a verandah they must be:

Assessment

- (224) Laura Skilton notes that the standard in first row for certain zones, and second row for remaining rows appears to be the same. She believes this may be an error. It is unclear what the submitter is referring to here as a potential error.
- (225) With regard to the requested amendment, I do not think there is a meaningful difference in changing SIGN-S5.3 from "Where signs" to "If signs, and do consider there is a need to make a change.

Recommendation

- (226) I recommend that the submission points of OOHMAA (413.19) and oOh Media Limited (517.47) be accepted.
- (227) I recommend rejecting the relief sought by Laura Skilton (314.104 and 314.105).

4.3.4.9 SIGN-S6: Temporary signs

Submissions

- (228) Waka Kotahi (385.89) supports SIGN-S6 in part, but requests that the times before and after a temporary event a sign may be displayed is reduced, and a condition ensuring a temporary sign cannot be seen from a state highway. The proposed amendment is:

1. A temporary sign must not be displayed more than 7 days ~~3 months~~ prior to the event or activity the sign is advertising.

2. A temporary sign must be removed within 48 hours ~~7 days~~ of the completion or cancellation of the event or activity the sign is advertising.

...

5. The temporary sign must not be oriented to be read from any state highway including on ramps and off ramps".

Assessment

- (229) In response to Waka Kotahi's submission on the restricting the erection of temporary signs prior to, and following an event. I accept that the period is long. This reflects the standard in operative District Plan. This is longer than the standard permitted in other district plans.
- (230) Mr Smith notes that Waka Kotahi's request is consistent with the 7-day minimum requirements of the Local Government Act. Waka Kotahi's point that all temporary signs should be removed within 48 hours of the completion or cancellation of the event or activity the sign is advertising aligns with the Governments Directive to remove all un-necessary signs from a road corridor.
- (231) Mr Smith also notes:
- "The New Zealand Guide to Temporary Traffic Management guides constructors and people undertaking works within a road environment to install signs early enough that a road user could seek an alternate route, should their normal route be affected. While no time frames are typically stated, it requires co-ordination with the relevant road controlling authority."*
- (232) Mr Smith notes that the effectiveness of temporary signs is gained when the sign relates to an activity that is in the immediate future and is diminished where there is a long delay between placement of the sign, and the activity/event. However I note that community events such as Christmas Parades are typically advertised well ahead of the event, outside of the 7-day window sought by NZTA
- (233) I do not concur with Waka Kotahi's submission on the visibility of signs from state highways, including on ramps and off ramps. Temporary signs also need to comply with Rule SIGN-R1. The location and orientation of signs relative to state highways, on ramps and off ramps is subject to a submission on this rule.

Recommendation

- (234) I recommend accepting the relief sought by Waka Kotahi (385.89) in part, and that standard SIGN-S6 be modified as set out below:
-

1. A temporary sign must not be displayed more than ~~7 days~~ ~~3 months~~ prior to the event or activity the sign is advertising.

2. A temporary sign must be removed within ~~48 hours~~ ~~7 days~~ of the completion or cancellation of the event or activity the sign is advertising.

4.3.4.10 SIGN-S7: Election signs

Submissions

- (235) Waka Kotahi (385.90) supports SIGN-S7 in part, but requests an additional standard limiting visibility from state highways. The amendment is:

4. The election sign must not be oriented to be read from any state highway including on ramps and off ramps.

- (236) Laura Skilton (314.106) requests SIGN-S7 be amended to include a limit of 1 sign per site. The proposed amendment is:

4. No more than one election sign per site.

Assessment

- (237) In response to the submissions by Waka Kotahi and Laura Skilton, section 221B of the Electoral Act 1993 prescribes the limits of managing election signage for national elections in the District Plan. This Act provides for 3m² signs to be erected, on public or private land, for a 9 week period prior to polling day for general elections.
- (238) Whilst the issues raised by the submitters are valid, as acknowledged by Mr Smith, the provisions relating to election signage in Electoral Act override the provisions in the District Plan as well as Bylaws. The District Plan applies the same provision to local elections and for referendums. This provides a consistent approach to the management of election signage in the district.

Recommendation

- (239) I recommend rejecting the relief sought by Waka Kotahi (385.90).
- (240) I recommend rejecting the relief sought by Laura Skilton (314.106).

4.3.4.11 SIGN-S8: Signs and the transport network

Submissions

- (241) Waka Kotahi (385.91, opposed by OOHMAA F21.11) support SIGN-S8 in part, but request amendments to reduce the speed limit associated with the condition and to include logos in excluded writing. The suggested amendment is:

4. Signs visible from any state highway or road with a speed limit of ~~80~~70km/h must not:

a. Contain phone numbers, email addresses, web addresses, social media handles, physical addresses (other than the address of the site on which the sign is located), or any other form of contact details, or logos, or...

- (242) KiwiRail (442.77, opposed by OOHMAA F21.16) supports standard SIGN-S8, but requests an amendment to restrict the visibility of signs from, and ensure the safety of, the rail network. The submitter requests the following standard SIGN-S8.x:

x. Any digital sign must not be able to be read in conjunction with flashing warning lights at level crossings or signals associated with the operation of the rail network.

- (243) Laura Skilton (314.107) requests pedestrian crossings be added to SIGN-8.1 standard, as follows:

1. Signs must not obstruct the line of sight of any corner, bend, intersection, vehicle crossing, pedestrian crossing or railway crossing

- (244) OOHMAA (413.20) and oOh Media (517.48) support SIGN-S8 in part, but both request:

- Deletion of SIGN-S8.4b regarding the maximum number of characters for signs visible from any state highway or road with a speed limit of 80km/h or more (413.21 and 517.49, opposed by Waka Kotahi F20.34 and F20.40), and
- Amendment to SIGN-S8.6 to "*The primary message of signs within 10 metres of a legal road or visible from any state highway must comply*

with the following minimum lettering heights" (413.22 and 517.50, opposed by Waka Kotahi F20.35 and F20.41).

Assessment

- (245) In response to Waka Kotahi's submission, I accept that lowering the threshold to 70km/h could result in a decrease in crashes. I consider a precautionary approach is prudent in this circumstance.
- (246) I do not agree with Waka Kotahi's submission seeking to include a restriction on logos. I note that OOHMAA opposes the Waka Kotahi submission, arguing that logos are a common element to signage and do not result in adverse effects on the transport network. I accept Mr Smith's advice that the proposed amendment is unworkable.
- (247) In response to KiwiRail's submission, I acknowledge the potential for signs to impact the safety of the railway network, and I note the opposition from OOHMAA. I support a precautionary approach that provides for potential signage, and address potential safety issues, through a resource consent process.
- (248) In response to Laura Skilton's submission, I accept that signs should not obstruct visibility. Mr Smith supports this position.
- (249) In response to OOHMAA and oOH Media submissions I consider modification of the maximum number of characters in the standard and the restriction to the primary message has the potential to increase the hazard to the transport network and its users.
- (250) I concur with Mr Smith's advice: *"I am of the opinion that this removal of control of all text size restrictions, a large number of characters, or small font, intended or not, creates a longer dwell time by a driver on a message in an attempt to determine if the text is of importance. This increase in dwell time increases the driver's level of distraction and will result in an unsafe outcome to road users. International research limits the total number of elements on an advertising sign, along with a limitation on content including image, text and symbol, disclaimers etc. The literature details that the number of*

elements should be kept to around 10. For clarity, a single word is classified as a single element."

- (251) I consider the resource consent process is the appropriate process to consider proposals for signage that exceed this standard.

Recommendation

- (252) I recommend accepting in part (in relation to a 70km/h speed limit) and rejecting in part (in relation to restrictions on logos) the relief sought by Waka Kotahi (385.91).
- (253) I recommend accepting the relief sought by KiwiRail (442.77).
- (254) I recommend accepting the relief sought by Laura Skilton (314.107).
- (255) I recommend the accepting the submission points from OOHMAA and oOh Media supporting the standard (413.20 and 517.48), but recommend rejecting their requested amendments in relation to the maximum number of characters (413.21 and 517.49) and specific reference to the primary message of a sign (413.22 and 517.50).
- (256) I recommend amending standard SIGN-S8 as follows:
1. *Signs must not obstruct the line of sight of any corner, bend, intersection, vehicle crossing, pedestrian crossing or railway crossing.*
 2. *Signs must not obstruct or obscure the view of any traffic sign, railway sign, traffic signal, or railway signal.*
 3. *Signs visible from any road must not contain any flashing or moving lights or moving parts.*
 4. *Signs visible from any state highway or road with a speed limit of 80km/h 70km/h or more must not:*
 - a. *Contain phone numbers, email addresses, web addresses, social media handles, physical addresses (other than the address of the site on which the sign is located), or any other form of contact details, or*
 - b. *Contain more than 40 characters.*

...

x. Any digital sign must not be able to be read in conjunction with flashing warning lights at level crossings or signals associated with the operation of the rail network.

4.3.4.12 SIGN-S9: Sign illumination

Submissions

- (257) OOHMAA (413.23) and oOh Media (517.51) support standard SIGN-S9.
- (258) Laura Skilton (314.108) requests that the meaning of restricted lighting period needs to be clarified as it relates to SIGN-S9.
- (259) Waka Kotahi (385.92, opposed by OOHMAA F21.12) oppose SIGN-S9 in part and requests it be amended to remove the permitted light levels for zones. The requested amendment is:

2. Illumination of any sign must not result in the illuminance of any roadway ~~by more than 4 lux in a Residential Zone, Rural Zone, Open Space Zone, or Natural Open Space Zone, or 20 lux in any other area.~~

Assessment

- (260) In response to Laura Skilton's submission, I consider that standard SIGN-S9 is adequately applied. The restricted lighting period is defined as the period of time starting at 10pm and ending at either 7am or dawn, whichever is earlier.
- (261) In response to Waka Kotahi, I consider that the proposed amendment does not provide a sufficient balance and is difficult to assess. Signs are also subject to the standards in the Light chapter and I consider that these provisions provide for a more comprehensive of light spill.
- (262) Overall, I consider that the existing standard and the existing framework provides for the efficient and safe management of the traffic network. This is because:
- Digital signs require a resource consent and must consider the effects on the safe and efficient management of the transport network.
 - All signs are subject to the provisions in the Light Chapter.
 - 20 Lux translates to a typical level of road lighting.

- Removing the standard would require a resource consent for all illuminated signs.

(263) All digital signs require resource consent. Digital signs are restricted discretionary or non-complying activities in accordance with Rule SIGN-R3. At a minimum this includes consideration of a wide range of matters of discretion, including the policies SIGN-P4 (Digital and illuminated Signs) and SIGN P6 (The safety and efficiency of the Transport Network).

(264) Digital signs are also subject to the provisions in the Light Chapter. The provisions include standards relating to controlling light spill over boundaries, illuminance in light sensitive areas, sky glow, glare and illuminated. LIGHT-S5 and LIGHT-TABLE3 specifically relate to illuminated surfaces of signs.

Recommendation

(265) I recommend that the submission points of OOHMAA (413.23) and oOh Media (517.51) be accepted.

(266) I recommend rejecting the relief sought by Laura Skilton (314.108).

(267) I recommend rejecting the relief sought by Waka Kotahi (385.92).

4.4 Submissions on definitions – Discussion and recommendations

4.4.1 Discussion of submissions

(268) This section is a discussion of the submission points on definitions that are either primarily relevant to the Signs chapter, or raised by submitters primarily interested in the Signs chapter, with my recommendations on decisions requested by submitters.

(269) For the sake of brevity, where a submission is in support of a provision and I have not otherwise discussed it, I recommend accepting that submission point in whole or in part for the grounds set out in the Signs Chapter s32 report.

4.4.2 Definitions not in dispute

(270) Definitions which have received submissions only in support are listed below:

- Sign – supported by the Waka Kotahi (385.20), Z Energy Limited (468.10r) and the Fuel Companies (471.48).

(271) The following definitions of the signs have not been submitted on:

- directional sign
- election sign
- freestanding sign
- illuminated sign
- official sign
- on-site sign
- temporary sign
- third party sign

4.4.3 Definitions – proposed amendments

4.4.3.1 Digital sign

Submission

(272) Waka Kotahi (385.6) supports in part the definition of “digital sign” and seeks to amend it as follows:

“means a sign which displays electronic graphics and/or text using electronic screens. Digital signs can include both moving and static signage.”

(273) The Fuel Companies (471.21) supports the definition of “digital sign” as notified.

Assessment

(274) I concur with Waka Kotahi’s submission. The proposed amendment clarifies that a digital sign could contain graphics, words or a combination of both. It therefore improves the effectiveness of the provisions in the signs chapter.

- (275) I acknowledge the submission by the Fuel Companies (471.21) in support of the definition digital sign as notified. The proposed change by Waka Kotahi is a minor change that improves clarity of the definition.

Recommendation

- (276) I recommend accepting the relief sought by Waka Kotahi (385.6) be accepted and that definition for be amended as requested.
- (277) I recommend accepting the submission point of the Fuel Companies (471.21) to the extent that the definition of digital sign is modified as requested by Waka Kotahi (385.6).

4.4.3.2 Official sign

Submission

- (278) Waka Kotahi (385.14) supports the definition of “official sign” in part and seeks to amend it as follows:

“means all ~~any~~ signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety”

Assessment

- (279) I concur with Waka Kotahi that the proposed amendment ensures consistency with the definition as contained in the National Planning Standards.

Recommendation

- (280) I recommend accepting the relief sought by Waka Kotahi (385.14).

5 Conclusion

- (281) This report has provided an assessment of submissions received in relation to the Signs Chapter and associated definitions.
- (282) Section 4 of this report assesses and provides recommendations on the decisions requested in submissions. I consider that the submissions on this topic should be accepted, accepted in part, or rejected, as set out in my recommendations of this report and in Appendix 3.
- (283) I recommend that provisions be amended as set out in Appendix 2 for the reasons set out in this report.
- (284) I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents.

6 Attachments

Appendix 1: PDP exemption – removed provisions and affected submissions

Appendix 2: Recommended amendments to the Proposed Lower Hutt District Plan

Appendix 3: Recommended decisions on submission points relating to the Signs Chapter

Appendix 4: HCC Signs Chapter – Review of Submissions by Mike Smith (Stantec, New Zealand)

Appendix 1: PDP exemption – removed provisions and affected submissions

Appendix 2: Recommended amendments to the Proposed Lower Hutt District Plan

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Appendix 4: HCC Signs Chapter

– Review of Submissions by

Mike Smith (Stantec, New

Zealand)
