

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of a submission and further submission lodged by the **OUT OF HOME MEDIA ASSOCIATION OF AOTEAROA INC.** in respect of the 'Signs' Chapter of the **PROPOSED LOWER HUTT DISTRICT PLAN 2025**

**STATEMENT OF EVIDENCE OF ANTHONY BLOMFIELD FOR
OUT OF HOME MEDIA ASSOCIATION OF AOTEAROA ON THE
PROPOSED LOWER HUTT DISTRICT PLAN – HEARING 7**

PLANNING

29 SEPTEMBER 2026

1. INTRODUCTION

1.1 My name is Anthony James Blomfield.

Qualifications and relevant experience

1.2 I am a planner and resource management consultant with Bentley & Co Limited, an independent planning consultancy based in Auckland. I have been with this company since 2012.

1.3 I graduated from the University of Auckland with a Bachelor of Planning (Hons) qualification in 2011, and I am an Intermediate Member of the New Zealand Planning Institute.

1.4 I have provided resource management advice to the Out of Home Media Association of Aotearoa (OOHMAA) for eight years in respect of policy and strategy matters. I have advised OOHMAA members, i.e., operators of digital and static billboards, for over twelve years, including:

(a) Advising OOHMAA and other clients on the provisions relevant to signs / billboards in various district plans, including the Proposed Auckland Unitary Plan, the Proposed Wellington District Plan and now this proposed plan.

(b) Being involved with the preparation of many resource consent applications for billboards on private property and in the road reserve, throughout New Zealand, including applications in Hutt District.

1.5 I have presented evidence on numerous occasions and have a comprehensive understanding of:

(a) The potential adverse effects associated with signs / billboards.

(b) Consent conditions that are routinely imposed on resource consents for digital billboards (DBBs), having been involved in

the preparation of over 50 resource consent applications for digital signs and billboards in the country.

- (c) District plan provisions relating to signs / billboards throughout New Zealand.

Expert Witness Code of Conduct

- 1.6 I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Purpose and scope of evidence

- 1.7 My evidence has been prepared in support of OOHMAA's primary submission (Submission 413) and further submission (FS 21) on the Signs provisions of the Proposed Lower Hutt District Plan (Proposed Plan).
- 1.8 I was the author of the submission and further submission but drafts were reviewed by other planners within my firm who are familiar with signs / billboards, and by OOHMAA's legal counsel.
- 1.9 My evidence will address OOHMAA's submission and further submission in relation to:
 - (a) Rule SIGN-R3 (413.8, 413.10, 413.11, 413.12, 413.3 and 413.14);
 - (b) Standard SIGN-S4 (413.18);
 - (c) Standard SIGN-S8 (413.20, 413.21 and 413.22);
 - (d) Standard SIGN-S9 (413.23 and FS21.12);
 - (e) Provisions relating to signs and billboards that are visible from a State Highway, namely:

- (i) Introduction (FS21.1);
- (ii) Policy SIGN-P4 (413.4 and FS21.3);
- (iii) Rule SIGN-R1 (FS21.4 and FS21.5);
- (iv) Rule SIGN-R3 (FS21.6 and FS21.7); and
- (v) Standards SIGN-S1, SIGN-S2 and SIGN-S4 (413.15, 413.16, 413.18, FS21.8, FS21.9 and FS21.10).

1.10 I have read:

- (a) The Council's s 42A Report (**s 42A Report**) prepared by Mr Sean Bellamy, and the Technical Assessment prepared by Mr Mike Smith of Stantec (Appendix 4 of the s 42A Report);
- (b) Relevant submissions and further submissions;
- (c) The s 32 analysis prepared by the Council for the Signs provisions;
- (d) The statement of evidence of Mr Brett Harries, traffic expert for OOHMAA, and refer to this evidence where relevant; and
- (e) The statement of evidence of Mr Russ Kern, lighting expert for OOHMAA, and refer to this evidence where relevant.

1.11 I have had regard to:

- (a) Section 32 of the RMA, which requires an evaluation of (in summary):
 - (i) the extent to which objectives of the proposal (the Proposed Plan) are the most appropriate way to achieve the purpose of the RMA; and
 - (ii) whether the provisions (policies and rules) are the most appropriate way to achieve the objectives, by assessing the efficiency and effectiveness of the provisions, including with reference to the benefits,

costs and effects that are anticipated from the implementation of the provisions; and

- (b) Section 32AA of the RMA, which requires a further evaluation for any changes that have been proposed since the original evaluation report under section 32 of the RMA was completed.

1.12 Where I recommend a change to the provisions, I have provided an evaluation of the change in accordance with s 32AA.

1.13 The changes that I recommend to the provisions of the Signs Chapter are set out in **Section 8** of my evidence.

2. SUBMISSION POINTS THAT ARE NOT ADDRESSED

2.1 OOHMAA does not wish to pursue the following submission points:

- (a) 413.2 (relating to how Policy SIGN-P1 addresses visual clutter);
- (b) 413.3 (relating to how Policy SIGN-P3 addresses visual clutter);
- (c) 413.7a and 413.7b (relating to the rules for third-party advertising signs in the Mixed Use Zone in Rule SIGN-R2); and
- (d) 413.9 (relating to the rules for digital signs in the Mixed Use Zone in Rule SIGN-R3).

2.2 As OOHMAA does not wish to pursue these submission points, I have not addressed these in my evidence. However, OOHMAA does not wish to withdraw these submission points, to ensure that it can respond to the evidence of other parties in relation to those provisions, should that become necessary.

2.3 Further to the above, several of OOHMAA's submission points seek to retain a provision as notified. Of these provisions, where the s 42A Report recommends either no changes or limited changes to those provisions, and no submissions seek relief that is of concern to

OOHMAA, I have not addressed these further in my evidence. This applies to the following submission points:

- (a) 413.1 (relating to Objective SIGN-O1);
- (b) 413.5 (relating to Policy SIGN-P5);
- (c) 413.6 (relating to Policy SIGN-P6);
- (d) 413.17 (relating to Standard SIGN-S3); and
- (e) 413.19 (relating to Standard SIGN-S5).

2.4 While I do not address those submissions that relate to the objective and policies (except in limited instances where relevant), I record that I generally support the objectives and policies as they have been notified.

3. EXECUTIVE SUMMARY

3.1 OOHMAA's submission and further submission:

- (a) Seeks amendments to Rule SIGN-R3 to ensure that the operational standards for digital signs reflect current industry practice and are appropriate having regard to the evidence on traffic safety and lighting effects;
- (b) Supports provisions that appropriately enable digital signs, whilst managing effects on visual amenity and the transport network;
- (c) Seeks amendments to standards that apply to digital signs where those standards are unnecessarily restrictive, difficult to implement, or not supported by technical evidence;
- (d) Opposes provisions sought by NZTA that would impose additional restrictions on signs and digital signs visible from State Highways; and
- (e) Seeks changes to ensure that the Signs Chapter is efficient, effective, and consistent with the manner in which signs and

digital signs are commonly provided for in district plans elsewhere in New Zealand.

- 3.2 In respect of Rule SIGN-R3, I have relied on the evidence of Mr Harries and Mr Kern where relevant. Having regard to that evidence:
- (a) I support an 8-second minimum dwell time for digital signs in lower-speed environments and a 30-second minimum dwell time where a digital sign is visible from a road with a speed limit of 80 km/h or more;
 - (b) I support provision for cross-dissolve transitions between digital sign images and recommend that a 0.5-second cross-dissolve transition be required;
 - (c) I support the deletion of Rule SIGN-R3.1(d)(iii), which limits the change in average luminance between successive images, as this requirement is not supported by lighting evidence and cannot be readily monitored or enforced;
 - (d) I support the deletion of the matter of discretion relating to whether a digital sign is used for third-party advertising; and
 - (e) I support amending the activity status for a digital sign that does not comply with Rule SIGN-R3.1 from non-complying to discretionary.
- 3.3 I have addressed OOHMAA's further submission in relation to the rule sought by NZTA that would prevent a digital billboard being located where another digital billboard is within a driver's field of vision.
- 3.4 Mr Harries and Mr Smith both consider that such a rule is unnecessary. I agree. In my opinion, the rule is uncertain, difficult to interpret and would not provide any meaningful benefit beyond the assessment that is already required through the resource consent process. I therefore support OOHMAA's further submission opposing that amendment.
- 3.5 In respect of Standard SIGN-S4, I have considered OOHMAA's submission seeking amendments to the height controls for freestanding signs. While I agree that freestanding signs are often taller than

buildings on the same site, I consider that the existing restricted discretionary framework provides an appropriate mechanism for assessing proposals that exceed the standard. I therefore support retention of SIGN-S4 as notified.

3.6 In respect of Standard SIGN-S8:

- (a) OOHMAA is not pursuing its submission relating to the character limit for digital signs visible from roads with speed limits of 80 km/h or more;
- (b) I support the amendment sought by OOHMAA to apply the minimum lettering height standard to the primary message only. In my opinion, requiring all text within a sign to comply with minimum lettering heights is unworkable and would unnecessarily capture logos, product labels, legal disclaimers and other text that is incidental to the primary advertising message.

3.7 I have also considered OOHMAA's further submission in relation to signs and digital signs visible from State Highways.

3.8 I agree with Mr Bellamy that provisions requiring automatic notification to, or written approval from, NZTA in relation to signage applications is not appropriate and potentially unlawful. Whether NZTA is an affected person should be determined through the statutory processes in ss 95A to 95E of the RMA, having regard to the effects of the particular proposal.

3.9 I do not support the amendments sought by NZTA that would:

- (a) Reduce the relevant speed threshold from 80 km/h to 70 km/h;
- (b) Require all signs visible from a State Highway to be subject to additional consenting requirements;
- (c) Prevent digital signs from being visible from, or within 100 metres of, State Highway on-ramps or off-ramps; or

- (d) Prevent more than one digital billboard from being visible within a driver's field of view.

3.10 In my opinion, the provisions notified by Council, together with the amendments recommended in my evidence, provide the most appropriate way to achieve the purpose of the RMA and a more appropriate, efficient and effective framework for managing the effects of signs and digital signs whilst recognising the social and economic benefits that such signs provide.

4. RULE SIGN-R3 DIGITAL SIGNS

4.1 OOHMAA's submission seeks various amendments to Rule SIGN-R3. Those submissions that are being pursued by OOHMAA are addressed below.

OOHMAA submission 413.10

4.2 OOHMAA's submission seeks amendments to Rule SIGN-R3.1(a)(vii) and (viii) to require each image displayed by a digital sign to have a minimum dwell time of:

- (a) 30 seconds where the sign is visible from a road with a speed limit of 80 km/h or more, rather than the notified dwell time of 35 seconds; and
- (b) 8 seconds in any other case, rather than the notified dwell time of 15 seconds.

Council Response

4.3 Mr Bellamy recommends that the submission be accepted in part. He supports a minimum dwell time of 30 seconds in higher-speed environments. However, relying on the technical assessment prepared by Mr Smith, he does not support the 8-second dwell time sought by OOHMAA for lower-speed environments and instead recommends a minimum dwell time of 10 seconds.

4.4 Mr Smith's recommendation for a 10-second minimum dwell time relies on secondary research identified in his technical assessment. Mr

Harries has reviewed that material and considers that it does not provide an empirical, real-world basis for treating 10 seconds as an absolute minimum dwell time.

Analysis

- 4.5 Mr Harries supports the relief sought by OOHMAA. His evidence is that the relevant empirical research does not demonstrate an adverse effect on driver performance at an 8-second dwell time. In particular, he refers to the on-road research by Goodsell et al (2018), which assessed several dwell times, including 8 and 10 seconds, and found that vehicle lateral control performance either improved or was unaffected at all dwell times examined.
- 4.6 Mr Harries also relies on the operational experience of digital signs in New Zealand. His evidence is that approximately 90% to 95% of the approximately 1,300 digital signs operating in New Zealand use an 8-second dwell time. He has not identified any recorded crash attributed to a digital sign or any adverse change in crash patterns at monitored digital sign sites.
- 4.7 I rely on Mr Harries' evidence in relation to traffic engineering and road safety. I accept his conclusion that the available research and operational evidence do not establish that a 10-second dwell time is safer than an 8-second dwell time in a lower-speed environment. In my opinion, the literature referred to by Mr Smith does not provide an adequate evidential basis for rejecting the 8-second dwell time sought by OOHMAA.
- 4.8 From a planning perspective, I consider that the provisions should reflect the established operating characteristics of digital signs unless there is evidence that those characteristics result in unacceptable adverse effects. An 8-second dwell time is the standard operating dwell time for most digital billboards in New Zealand. The evidence of Mr Harries is that digital signs have operated at that dwell time over an extended period without any identified adverse traffic safety effect. In this regard, I do not consider that a more restrictive 10-second standard is justified.

- 4.9 An 8-second dwell time is also consistent with the recently reviewed Wellington District Plan standard for lower-speed environments. In my opinion, having regard to Mr Harries' experience with digital billboards throughout New Zealand, there is no evidence of a local circumstance requiring a different standard in Lower Hutt.
- 4.10 I agree with Mr Bellamy, Mr Smith and Mr Harries that a minimum dwell time of 30 seconds is appropriate where a digital sign is visible from a road with a speed limit of 80 km/h or more. This is consistent with the relief sought by OOHMAA.
- 4.11 Having regard to the evidence of Mr Harries and the established operation of digital signs in New Zealand, I support OOHMAA submission 413.10. I support the requested amendment to Rule SIGN-R3.1(a)(vii) and (viii) provide for a minimum dwell time of 8 seconds in lower-speed environments and 30 seconds where a sign is visible from a road with a speed limit of 80 km/h or more.
- 4.12 With regard to s 32AA of the RMA, in my opinion, the standard that OOHMAA has requested represents the most appropriate method to implement Policy SIGN-P4, on the basis that:
- (a) Such a display time is consistent with the operation of a range of digital billboards in New Zealand. Imposing a different standard would generate economic costs to the out of home media industry and operators, through the imposition of inconsistent operating parameters that will affect the value of individual advertising slots and the financial return on the investment of a billboard structure.
 - (b) Mr Harries's evidence confirms that an 8 second display time is an effective and appropriate standard for digital signs that are visible from roads with a speed limit of less than 80 km/h and 30 seconds for digital signs that are visible from roads with a speed limit of 80 km/h or more. Such a standard would not result in social, environmental or economic costs (in the form of adverse traffic safety effects).

- (c) Such a standard is based on probative evidence, and would more efficiently and effectively achieve the policy to provide for digital signs where they are managed to not compromise traffic, pedestrian or cycling safety.

OOHMAA submission 413.11

- 4.13 OOHMAA's submission seeks an amendment to Rule SIGN-R3.1(b) to ensure that the rule does not preclude a 'dissolve' transition between each message displayed by a digital sign. The relief sought is:

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.

Council Response

- 4.14 Mr Smith supports the amendment sought by OOHMAA. Mr Bellamy relies on Mr Smith's assessment and recommends that the submission be accepted.

Analysis

- 4.15 Mr Harries also supports the amendment sought by OOHMAA. He explains that a cross-dissolve gently blends one image into the next and reduces the potential for an image change to involuntarily attract the attention of road users, particularly within their peripheral vision. He considers that a cross-dissolve is preferable to other transition methods, including flashing, blinking, fading or wiping.
- 4.16 Mr Harries goes further, and recommends that Rule SIGN-R3.1(b) require a cross-dissolve transition of 0.5 seconds, rather than allowing a transition duration between 0.1 and 0.5 seconds. His evidence is that a transition at the lower end of the notified range may still create a visual "flick" and attract the involuntary attention of road users.
- 4.17 In my experience, standard practice has been to operate digital signs with a 0.5 second dissolve transition, from when digital billboards began operating in New Zealand in 2012. From practical experience, I concur that a 0.5 dissolve transition is more subtle than an instantaneous change with no dissolve effect.

- 4.18 A single transition duration also provides greater certainty than a permissible range. It establishes a clear and readily enforceable operating requirement and avoids enabling faster transitions that, on the evidence of Mr Harries, may be more likely to attract involuntary attention.
- 4.19 I support OOHMAA submission 413.11 and the recommendation of Mr Bellamy that cross-dissolve transitions be expressly enabled. Having regard to the evidence of Mr Harries and the established operation of digital billboards in New Zealand, I also support his recommendation that Rule SIGN-R3.1(b) be amended to require transitions between images to occur with a 0.5 second cross-dissolve.

- 4.20 I recommend that Rule SIGN-R3.1(b) be amended as follows:

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.

- 4.21 With regard to s 32AA of the RMA, in my opinion, my recommended standard represents the most appropriate method to implement Policy SIGN-P4, on the basis that:
- (a) The use of a 0.5 second cross-dissolve is the standard operating method for digital signs and billboards in New Zealand.
 - (b) The standard will most efficiently and effectively achieve Policy SIGN-P4, particularly in respect of managing digital signs to not compromise traffic, pedestrian or cycling safety

OOHMAA submission 413.12

- 4.22 As notified, Rule SIGN-R3.1(d) states:

- d. Illumination of the sign:
 - i. Automatically adjusts to allow for ambient light levels,
 - ii. Does not alter during the display of any image,
 - iii. Does not alter the average luminance of any two successive images by more than 30%.

- 4.23 OOHMAA's submission seeks that part (iii) is deleted.

4.24 OOHMAA's reasons for the relief sought are:

The illumination output of a digital sign is determined by the colour and composition of the elements of a message. White results in the brightest level of illuminance and black the dimmest. Therefore, the change of the average luminance output of one message to the next message will depend on the content that is to be displayed.

Billboard operators do not regulate the content and colouring of one party's message relative to another party's message. This would be logistically challenging and would require a high level of ongoing technical input to calculate the average luminance output of each individual message in a sequence. Digital billboards currently operate throughout New Zealand without such a constraint, and no effects have been identified as a result of this method of operation.

The effects of the illumination of digital signs are adequately managed by Standard SIGN-S9 which limit the average luminance of digital signs to:

- The limits in table LIGHT-TABLE3 during the restricted lighting period (between 10pm and 7am or dawn);
- 600cd/m² outside the restricting lighting period but after sunset or before sunrise; and
- 5,000cd/m² between sunrise and sunset.

These standards for sign illumination are generally comparable to standards that have been applied in other District Plans, such as the Auckland Unitary Plan, and reflect the standard operating parameters of digital signs and billboards in New Zealand. Signs have been operating effectively and safely in accordance with such standards, without further constraint on the 'change' in illumination levels from one image to the next image.

Council Response

4.25 OOHMAA's submission has been addressed by the Technical Review prepared by Mr Smith, and by Mr Bellamy.

4.26 Mr Smith considers that the rule is necessary, because "A sudden change from dark content to light content will give the appearance of a brighter sign."¹ however his conclusion is "I concur that an assessment matter should be included. The current District Plan Rule has suggested 30% variance in luminance. I defer to Councils Lighting expert to assess the validity of this"². There is no analysis or evidence provided from a lighting expert on behalf of Council.

¹ Technical Assessment, Reference: HCC Signs Chapter – Review of Submissions, prepared by Mike Smith, dated 16 September 2026, Page 23.

² Ibid, Page 24.

- 4.27 Mr Bellamy has relied on Mr Smith's analysis, but has focussed on OOHMAA's reasons for the relief sought which expressed concern with the practicality of the rule. Mr Bellamy's analysis is:³

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.

Analysis

- 4.28 Mr Kern has addressed Rule SIGN-R3.1(d)(iii) from a lighting perspective. He is the only qualified lighting expert to have provided evidence on this issue; no evidence from a Council lighting expert has been provided. Mr Smith expressly defers assessment of the validity of the 30% limit to a Council lighting expert and acknowledges elsewhere that he is not qualified to determine appropriate illumination levels under the Signs chapter. I have therefore relied on the evidence of Mr Kern and summarise his principal conclusions below.

- 4.29 Mr Kern's evidence is:

- (a) Rule SIGN-R3.1(d)(iii) appears to have originated from AS/NZS 4282:2019, which required the average luminance to change by less than 30% when the graphical content or colours changed. That requirement was removed from the current AS/NZS 4282:2023. The current standard instead assesses internally lit and light-emitting surfaces against an absolute luminance limit measured using a full white screen.
- (b) There is no basis for limiting the average luminance change between successive images to 30%. Mr Kern explains that the relevant potential effect is glare from the brightest part of an image. Provided that the maximum luminance of the display is controlled to an appropriate absolute limit, the image will not

³ Section 42A Officer's Report, prepared by Sean Bellamy, dated 15 September 2026, page 34.

result in unacceptable glare regardless of the luminance of the preceding or following image.

- (c) Rule SIGN-R3.1(d)(iii) cannot be reliably monitored or enforced. Mr Kern explains that compliance monitoring for digital billboards is undertaken in the field using a luminance meter to measure the brightest part of an image. There is no available technology that reads an entire displayed image and calculates its average luminance. Establishing average luminance would require multiple readings across each image, calculation of an average, and repetition of that process for every successive image within the short period for which each image is displayed.
- (d) The appropriate method for managing lighting effects is to control the maximum luminance of a digital sign during daytime, nighttime and the intervening periods. Mr Kern considers that the luminance limits in SIGN-S9.1 are generally consistent with limits commonly used in district plans and will appropriately control nighttime lighting effects. He recommends that references to average luminance in SIGN-S9.1 and LIGHT-TABLE 3 be replaced with maximum luminance, because an average value can conceal a brighter portion of an image that may create glare.

4.30 I do not agree with Mr Smith's analysis that a change from dark content to light content justifies retaining the rule. As Mr Kern explains, the relevant rule concerns luminance emitted by the sign, and provided that the luminance (brightness) of the brightest colouration will not exceed a maximum threshold, glare and lighting effects will not be unacceptable. Further, the visual effect of an image change is separately managed by Rule SIGN-R3.1(b), which requires a soft transition between successive images. Provided that each image complies with the applicable maximum luminance limit and transitions by way of a 0.5-second cross-dissolve, the transition will not create unacceptable glare or an abrupt flick or flash.

- 4.31 From a planning perspective, Rule SIGN-R3.1(d)(iii) does not in my opinion represent an efficient or effective method for managing lighting effects. It regulates a relative change between successive images that Mr Kern considers is not relevant to glare, uses an average luminance measure that cannot be reliably monitored, and duplicates controls already provided through maximum luminance limits and the image-transition rule.
- 4.32 I do not accept Mr Bellamy's view that the practical difficulty can be addressed by requiring operators to alter the sequencing of advertisements; this is simply not feasible given the constraints described by Mr Kern. The rule must itself be capable of objective implementation and enforcement.
- 4.33 Therefore, I support OOHMAA's submission to delete Rule SIGN-R3.1(d)(iii). This relief:
- (a) Is supported by the only qualified lighting evidence before the Hearing Panel;
 - (b) Removes a requirement that is not supported by the current AS/NZS 4282:2023; and
 - (c) Avoids imposing a control that cannot be reliably implemented or enforced.
- 4.34 Lighting effects will be appropriately managed through the standards that control maximum luminance limits, automatic luminance adjustment, and image transitions.
- 4.35 In respect of Mr Kern's recommendations regarding the provisions at SIGN-S9.1 and LIGHT-TABLE 3, OOHMAA's submission has sought to retain SIGN-S9 as notified, and has not addressed the LIGHT chapter. Therefore, Mr Kern's recommendations are not directly 'within the scope' of the submission. However, having reviewed the evidence of Mr Kern, I consider there is a real implementation issue with the drafting of these provisions in that they refer to 'average' luminance rather than 'maximum' luminance, which is inconsistent with the wording of luminance controls for digital signs in other district plans that

I am familiar with, and with industry best practice and standard resource consent conditions. If the Panel is minded to consider the recommendations of Mr Kern, I support these amendments and consider they will avoid inefficiencies and unintended lighting effects.

4.36 With regards to s 32AA, I consider that the recommended amendment to SIGN-R3.1(d) is the most appropriate method to implement Policies SIGN-P4 and SIGN-P6, on the basis that:

- (a) The amended rule is consistent with the operation of digital signs and billboards in New Zealand. Imposing a different standard would generate costs, including:
 - (i) Uncertainty and risk to applicants, as the standard cannot be readily complied with;
 - (ii) Unnecessary consenting processes and associated costs and risks in seeking to depart from the rule; and
 - (iii) Monitoring costs to the Council and to consent holders to monitor and enforce the rule.
- (b) Mr Kern's evidence confirms that a control on the luminance variance between successive images is not manageable or enforceable. The rule, with the deletion of part (iii), represents standard operating parameters for digital signs and billboards in New Zealand, and will therefore not generate costs to operators and applicants in the form of additional consenting requirements and associated risks.
- (c) Such a standard is supported by specialist evidence, and would more efficiently and effectively achieve the policies to provide for digital signs where they are managed to not compromise traffic, pedestrian or cycling safety, and being compatible with the character of the zone, and controlling glare to not compromise amenity values.

4.37 In my opinion, the recommended amendment to SIGN-S9 and LIGHT-TABLE3 is the most appropriate method to implement Policies SIGN-P4 and SIGN-P6, on the basis that:

- (a) As opposed to the notified provisions that control 'average' luminance which can result in dilution of maximum luminance limits and result in overly bright areas and glare from a digital sign, the control of 'maximum' luminance of digital signs will ensure that glare and lighting effects will be avoided.
- (b) They will be consistent with a relevant technical standard, and are supported by a relevant lighting expert (Russ Kern).
- (c) The control of maximum luminance is consistent with the manner in which digital signs and billboards have been regulated in New Zealand from 2012, and will avoid costs to billboard and sign operators of requiring a new system for the control and management of luminance.

OOHMAA submission 413.13

- 4.38 OOHMAA sought the deletion of a matter of discretion from Rule SIGN-R3, which stated "whether the sign will be used for third-party advertising".

Council Response

- 4.39 Mr Bellamy has agreed with the relief sought by OOHMAA, as third-party advertising is managed by Rule SIGN-R2.

Analysis

- 4.40 I support OOHMAA's submission, and I agree with Mr Bellamy that this is managed by Rule SIGN-R2. In this regard, the 'notes' prior to the Rules Table explains that multiple rules in the SIGNS chapter may be relevant, such that a digital third-party advertising sign will be subject to SIGN-R2 and SIGN-R3.
- 4.41 Further, there is no benefit to this matter of discretion. Such a matter of discretion can only be addressed as a 'yes or no', and it is not clear to me what consequence would flow from either response, or how this would assist someone to assess the effect of a digital sign as a restricted discretionary activity.

- 4.42 In my opinion, the deletion of this matter of discretion is not a change to the overall set of provisions in the SIGNS chapter, as third party signs are still appropriately managed by other provisions. Therefore, I have not evaluated this change relative to s 32AA.

OOHMAA submission 413.14

- 4.43 OOHMAA has sought that the activity status for a digital sign that does not comply with Rule SIGN-R3.1 is amended from non-complying to discretionary.

- 4.44 The reasons for the relief are:

The restricted discretionary activity status for a digital sign is an appropriate method to manage the effects of such signage.

However, a non-complying activity status for a digital sign which does not comply with a relevant standard is unnecessarily onerous, for the following reasons:

- While the standards in SIGN-S10 for digital signs are important, they are not 'bottom lines' which must be protected by a non-complying activity status.
- Policy SIGN-P4 seeks to provide for digital signs where they are in accordance with particular outcomes. The policy is not an 'avoid type' policy, and is not appropriately implemented by a non-complying activity status.

A discretionary activity status is an appropriate mechanism to enable a robust assessment of the effects of digital signage which does not comply with a standard, and is a more appropriate, efficient and effective method to implement policy SIGN-P5.

Council Response

- 4.45 Mr Bellamy does not support the relief sought. However, his reasons address the appropriateness of a non-complying activity status for digital signs located in the Mixed Use, Residential, Rural, Natural Open Space and Open Space Zones. That is a different issue from submission 413.14, which concerns the activity status of a digital sign in a zone in which it is already provided for by Rule SIGN-R3.1 but does not comply with one or more of the operational requirements in that rule.

4.46 In this respect, Mr Bellamy's analysis states:⁴

(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.

Analysis

- 4.47 The s 42A Report appears to confuse the relief sought in relation to the activity status of a digital sign that does not comply with a relevant rule, with the activity status of digital signs in 'sensitive' zones.
- 4.48 Submission 413.14 relates to Rules SIGN-R3.1 and SIGN-R3.2. Rule SIGN-R3.1 provides for digital signs in various commercial and other zones as restricted discretionary activities, subject to compliance with a range of rules relating to the operation of such signs. Pursuant to Rule SIGN-R3.2, a digital sign that does not comply with a rule in SIGN-R3.1 is a non-complying activity.
- 4.49 Separately, SIGN-R3.3 establishes a non-complying activity status for digital signs in other zones (Residential, Rural, Mixed Use, Natural Open Space, Open Space) which are not provided for by SIGN-R3.1 or R3.2. Mr Bellamy's comments regarding digital signs in residential, rural, and open space zones, are therefore not relevant.
- 4.50 Mr Bellamy's only comment that relates to the relief sought is that: "The standards are point at which signs are assessed through the resource consent process." This does not evaluate the appropriateness of a non-

⁴ Section 42A Officer's Report, prepared by Sean Bellamy, dated 15 September 2026, page 35.

complying or discretionary activity status for a digital sign in a commercial zone which does not comply with a specific rule.

- 4.51 In my opinion, non-complying activity status is appropriate where the plan intends to signal that an activity may be inappropriate and should only proceed if it first satisfies one of the gateway tests in s 104D of the RMA. This requires that, prior to undertaking the substantive assessment of the proposal under s 104, the Council must be satisfied that:
- (a) The adverse effects of the activity on the environment will be minor; or
 - (b) The activity will not be contrary to the objectives and policies of a relevant plan and/or proposed plan.
- 4.52 The issue for submission 413.14 is whether that additional threshold is justified for a digital sign in a zone where digital signs are expressly provided for, solely because the proposal does not comply with one or more operational requirements in SIGN-R3.1.
- 4.53 Objective SIGN-O1 is “signs support the needs of the community... while the effects... are effectively managed”. The objective is not drafted in a manner that seeks to avoid or discourage particular types of signs, or particular methods of sign operation.
- 4.54 Policy SIGN-P4, which relates to digital signs, does not state that its outcomes can only be achieved through strict compliance with every operational requirement in SIGN-R3.1. Digital signs in the identified commercial and other zones already require resource consent as restricted discretionary activities. The matters of discretion require assessment of the effects of the sign on amenity, character, lighting, and the safety and efficiency of the transport network, together with direct consideration of Policies SIGN-P1, SIGN-P4 and SIGN-P6. An infringement of SIGN-R3.1 may therefore require a broader assessment, but it does not necessarily mean that the proposal is contrary to the policy framework or has effects that warrant the additional s 104D gateway.

- 4.55 I consider that a discretionary activity status is the more appropriate method for a digital sign in a zone identified in SIGN-R3.1 that does not comply with one or more of that rule's operational requirements. It would enable the Council to assess all actual and potential effects of the proposal, impose conditions, or decline consent, without requiring the proposal first to satisfy the additional gateway in s 104D.
- 4.56 With regards to s 32AA, a change to discretionary activity status would be the most appropriate method to achieve Objective SIGN-O1 and Policy SIGN-P4. This is because:
- (a) It would be more efficient because it avoids an unnecessarily restrictive consenting threshold, which has associated costs, risks and uncertainty.
 - (b) It is better aligned with the intent of this objective and policy to provide for signs and digital signs where their effects are effectively managed.
 - (c) Would avoid unintended effects to the environment, as a discretionary activity status continues to require a broad assessment of effects, and consideration of a proposal against the relevant objective and policies.
- 4.57 I therefore support OOHMAA submission 413.14 and recommend that the activity status in SIGN-R3.2 be amended from non-complying to discretionary.

OOHMAA further submission 21.6

- 4.58 NZTA's submission 385.84 seeks to add the following to Rule SIGN-R3.1:

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

- 4.59 OOHMAA opposes this relief, on the basis that:

It is not practical to preclude a digital billboard in an environment where another digital billboard may be in a driver's field of vision. Digital signs already require resource consent in every circumstance, and the matters of discretion (and objective and policies) direct an assessment of cumulative effects. An additional rule is not necessary.

Council Response

- 4.60 Mr Smith notes that NZTA has sought to introduce ‘cumulative effects’ to Policy SIGN-P4, and he supports this relief⁵. On the basis that SIGN-P4, as sought to be amended, will require an assessment of cumulative effects of digital billboards, he considers that this ensures a suitable level of assessment in a resource consent application. He then goes on to recommend that the relief sought by NZTA in respect of Rule SIGN-R3.1 is not adopted, unless Policy SIGN-P4 is not accepted as drafted.
- 4.61 In respect of Policy SIGN-P4, Mr Bellamy does not support the relief sought by NZTA, and does not recommend a change to Policy SIGN-P4 to include reference to cumulative effects of digital signs. His reasons are that cumulative effects are already addressed by Policies SIGN-P1 and P6, and it is not necessary to duplicate this in Policy SIGN-P4. I agree with this reasoning.
- 4.62 In relation to Rule SIGN_R3.1, Mr Bellamy has recommended that the relief sought by NZTA is accepted, but has not provided any evaluation of this relief. In this respect, at paragraph 149 of the s 42A Report, Mr Bellamy identifies the relief sought by NZTA, but then only quotes Mr Smith’s analysis in respect of the visibility of digital signs from on- and off-ramps to a highway. I surmise that Mr Bellamy supports the amendment to Rule SIGN-R3.1 on the basis that Mr Smith considered this amendment would be necessary if the amendment to Policy SIGN-P4 requested by NZTA was not supported.

Analysis

- 4.63 In the first instance, I agree with Mr Bellamy that an amendment to Policy SIGN-P4 (as requested by NZTA) is unnecessary. Cumulative effects are addressed by Policy SIGN-P1, and digital signs that are expressly provided for by Rule SIGN-R3 are required to be assessed against this policy. Therefore, the ‘policy coverage’ that Mr Smith supports (in order that Rule SIGN-R3 does not need a specific rule controlling multiple visible digital signs) is already achieved.

⁵ Technical Assessment, Reference: HCC Signs Chapter – Review of Submissions, prepared by Mike Smith, dated 16 September 2026, Pages 6-7.

- 4.64 Mr Harries does not support the inclusion of the rule sought by NZTA's submission. In his view, such a rule is unnecessary because:
- (a) The cumulative effects of multiple digital signs or billboards is a matter that requires technical assessment. All digital signs require resource consent, and therefore such an assessment will be required in every instance.
 - (b) There is no evidence of a situation in which multiple digital signs or billboards in the same field of view has compromised road safety.
 - (c) Such a rule is inconsistent with NZTA's published 'Traffic Control Devices Manual Part 3' ("TCDM3") and 'Digital advertising billboards and state highway road safety – Planning Policy Manual' ("PPM"), both of which include recommended longitudinal spacing distances between advertising signs (in the case of the TCDM3) and digital billboards (in the case of the PPM), but neither of which entirely preclude visibility of more than one digital sign or billboard in the same field of view.
- 4.65 Noting that both Mr Harries and Mr Smith (on the basis of appropriate policy coverage) consider that the rule is not necessary or appropriate, I am of the view that such a rule would be inefficient and ineffective at implementing Policy SIGN-P4 for digital signs or Policy SIGN-P1 for all signs. The function of the rule would impose a more onerous activity status on an application for a digital sign proposal where another digital sign would be visible, but would ultimately not expand on the assessment that would otherwise have already been required. Therefore, with regards to s 32AA of the RMA, this rule would result in costs to applicants and sign/billboard operators, with no corresponding environmental benefit.
- 4.66 I do not support the relief sought by NZTA.

5. STANDARD SIGN-S4 HEIGHT OF FREESTANDING SIGNS

OOHMAA submission 413.18

5.1 OOHMAA has sought the amendment of SIGN-S4 as follows:

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.~~

5.2 The reasons for the relief sought are:

There are many examples of freestanding signs that are taller than the buildings within the same site. For example, free standing 'pylon' signs for commercial activities such as service stations, retail centres, supermarkets and drive-through restaurant activities are often and typically taller than the buildings that the signs relate to. Freestanding billboards are also commonly taller than other buildings and structures within a site, to ensure that the billboard is visible and unobstructed by such buildings and structures.

Council Response

5.3 Mr Bellamy considers that the standard should not be amended, on the basis that provision for a height of 10m for a free-standing sign is excessive.

Analysis

5.4 I agree with the rationale by OOHMAA that there are many examples of sites that contain buildings that are lower than 10m in height, and free-standing signs that exceed the height of the building.

5.5 Notwithstanding this, on the basis that an infringement of the standard is provided for as a restricted discretionary activity, and the corresponding matters of discretion (and the supporting policies) require an assessment of the relevant effects, I support the standard as it is drafted. I do not recommend any further amendments to SIGN-S4.

6. STANDARD SIGN-S8 SIGNS AND THE TRANSPORT NETWORK

OOHMAA submission 413.20, 413.21, 413.22

- 6.1 Standard SIGN-S8 contains standards that apply to signs in relation to the transport network.
- 6.2 OOHMAA submission 413.20 supports Standard SIGN-S8 as notified, subject to the amendments sought through submission points 413.21 and 413.22.
- 6.3 OOHMAA submission 413.21 seeks the deletion of Standard SIGN-S8.4(b), which limits content on digital signs visible from a state highway or a road with a speed limit of 80 km/h or more to 40 characters. OOHMAA is not pursuing this submission point. I have therefore not addressed it further in my evidence.
- 6.4 OOHMAA submission 413.22 relates to Standard SIGN-S8.6. As notified, the standard requires all lettering displayed on a sign to meet the specified minimum height, which ranges from 150 mm to 300 mm depending on the speed limit of the road. OOHMAA seeks to limit the application of the standard to the primary message displayed on the sign. The following amendment to Standard SIGN-S8.6 is requested by OOHMAA:

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:

Council Response

- 6.5 Mr Smith does not support the relief sought by OOHMAA. His assessment states:⁶

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.

- 6.6 Mr Bellamy relies on Mr Smith's assessment in recommending that submission 413.22 is rejected. He considers that the removal of this

⁶ Technical Assessment, Reference: HCC Signs Chapter – Review of Submissions, prepared by Mike Smith, dated 16 September 2026, Page 37.

standard (together with the requested deletion of character limitations) “has the potential to increase the hazard to the transport network and its users”, and that the resource consent process is the appropriate process to consider infringements of this standard.

Analysis

- 6.7 Mr Harries supports the amendment sought by OOHMAA. His evidence is that there is no probative evidence that smaller, incidental text within an advertising image results in longer driver glance durations, increased distraction or an unsafe outcome.
- 6.8 Mr Harries points out that advertising images commonly contain text that is not intended to form part of the message read by a passing road user. This includes:
- (a) Legal disclaimers and terms and conditions;
 - (b) Text incorporated into product labels or product images;
 - (c) Text forming part of a logo, brand mark or trademark; and
 - (d) Other text that is incidental to the primary advertising message.
- 6.9 Mr Harries explains that the lettering heights specified in Standard SIGN-S8.6 are generally consistent with the “Main Message” lettering heights in Table 6.2 of NZTA’s TCDM3. However, that guidance distinguishes between main message text and secondary message text. The notified standard adopts the main message lettering heights without retaining that distinction.
- 6.10 Mr Harries also refers to NZTA’s PPM, which states:
- The minimum lettering height of the main and secondary message, on the digital billboard should be as per Table 6.2 in the TCDM Part 3. Lettering height requirements exclude legal disclaimer text or text forming part of logos, symbols, brand marks or product images, if text is incidental and is not intended to be read by drivers as part of the advertisement.
- 6.11 I support and rely on Mr Harries’ evidence.

- 6.12 Based on my experience and my understanding of the operational and design considerations for content on third-party advertising signs (based on numerous discussions with clients), a requirement for every letter contained within an advertising image to meet the minimum height in Standard SIGN-S8.6 would be unworkable. Advertising images frequently include text within logos, product labels, packaging, disclaimers and other graphic elements. That text may be required for legal, commercial or branding purposes, but is not intended to be read by a driver as part of the primary advertising message.
- 6.13 The primary message of an advertisement is generally conveyed through a combination of a dominant image, prominent text, colours and branding. Advertising content is designed so that this message can be understood within a brief viewing period. Incidental or supplementary text does not perform the same function and does not need to be legible to passing drivers for the primary message to be understood. In my experience, it is common that where a condition is imposed on a resource consent, it will control the minimum letter height of the primary message only.
- 6.14 Applying the minimum lettering height to all text would also produce impractical outcomes. For example, text shown on a product label within an image would need to comply with the same minimum height as the principal advertising statement. Compliance would depend on the size of the sign on which the image was displayed, rather than the role that the text performs within the advertisement. In many cases, the same advertising image could comply on one sign but not another.
- 6.15 I do not agree with Mr Smith that the presence of smaller incidental text will necessarily cause drivers to spend longer attempting to read an advertisement. The purpose of the amendment is not to remove the lettering-height requirement from the message intended to be read by drivers. It is to distinguish that primary message from incidental text that is not intended to be read as part of the advertisement.
- 6.16 Mr Smith has not identified any evidence that drivers attempt to read all text contained within an advertising image or that the presence of incidental text results in unsafe glance behaviour. Conversely, Mr

Harries' evidence is that digital and static signs throughout New Zealand routinely display logos, product labels, disclaimers and other incidental text without an identified adverse road safety effect.

6.17 I also do not consider that reliance on the resource consent process addresses the drafting issue, as Mr Bellamy suggests. In my opinion, the standard, as notified, will result in inefficiencies and costs to applicants and the Council, through:

- (a) Imposing additional consenting requirements; and
- (b) Placing a burden on the Council's resources to monitor and enforce compliance.

6.18 These costs are not warranted, as there is no corresponding safety benefit to the standard.

6.19 The amendment sought by OOHMAA would retain the minimum lettering-height standard for the primary message. It would therefore continue to ensure that the information intended to be read by drivers is appropriately legible, while avoiding the impractical consequence of applying the same requirement to incidental text.

6.20 In my opinion, with regards to s 32AA, applying the minimum lettering heights to the primary message only is a more appropriate, efficient and effective method of implementing the policies, including Policy SIGN-P4 and SIGN-P6, because:

- (a) It focuses the standard on the text relevant to driver comprehension and traffic safety.
- (b) Is consistent with NZTA's published guidance.
- (c) It avoids unnecessary resource consent requirements for text that is not intended to be read by passing drivers, and associated costs to applicants and the Council's monitoring resources.

6.21 I therefore:

- (a) Support OOHMAA submission 413.20 to retain Standard SIGN-S8, subject to the amendment addressed below;
- (b) Do not address submission 413.21 further, because OOHMAA is not pursuing that submission point; and
- (c) Support OOHMAA submission 413.22 and recommend that Standard SIGN-S8.6 is amended so that the specified minimum lettering heights apply to the primary message of a sign.

7. PROVISIONS RELATING TO SIGNS AND BILLBOARDS THAT ARE VISIBLE FROM A STATE HIGHWAY

7.1 OOHMAA's further submission opposes several submission points made by NZTA that relate to provisions for signs and digital signs that are orientated to be visible from a state highway. I have addressed these further submission points as follows:

- (a) Automatic notification rules;
- (b) Provisions for higher speed traffic environments; and
- (c) Other rules and standards.

Automatic notification rules

OOHMAA further submission 21.1, 21.7, 21.14

7.2 NZTA's submission (385.77, 385.83, 385.85) requests:

- (a) New text in the Introduction that states "Any sign fronting or clearly visible from a State Highway will require affected party approval from the New Zealand Transport Agency"; and
- (b) New rules in SIGN-R1 and SIGN-R3 to require notification of NZTA for any sign that is visible from a state highway.

- 7.3 Mr Bellamy does not support the relief sought by NZTA, in this respect. He considers that rules requiring notification of NZTA are ultra vires, as determination of affected persons is a function of the Council within a resource consent process.
- 7.4 The relief sought by NZTA would have the effect of requiring written approval from, or notification to, NZTA for any sign or digital sign that is visible from a state highway. Section 95B of the RMA requires that limited notification of a person is required if they are determined to be an affected person under s 95E, namely if the effects to them are minor. In my opinion, visibility from a State Highway is not, in itself, an indicator that adverse effects on the State Highway network will exceed a less than minor threshold.
- 7.5 In my opinion, the Proposed Plan already contains standards managing the size, location, operation and content of signs, together with specific provisions for signs and digital signs visible from higher-speed roads. Whether a particular sign adversely affects the safe and efficient operation of the transport network depends on the characteristics of the sign and its context, rather than the mere fact that it is visible from a State Highway.
- 7.6 It would be unreasonably onerous on applicants for digital signs and billboards to require a notification process in every instance, and it is more appropriate that such a determination is made through the resource consent process.
- 7.7 For completeness, I agree with Mr Bellamy that a rule in a district plan requiring limited notification of NZTA is potentially ultra vires. In s 95A of the RMA, rules that require public notification of an application are contemplated. However, s 95B, which sets out the steps for the consideration of limited notification of affected persons, does not contemplate rules that require notification of identified parties in a district plan. Section 95B only contemplates district plan rules that preclude limited notification. There are no proposed rules that would preclude the consideration of NZTA as an affected person.

- 7.8 With regards to s 32AA, I consider that the relief sought by NZTA to require limited notification of digital signs that are visible from state highways to be the least appropriate method for achieving Policies SIGN-P1, SIGN-P4 and SIGN-P6 (and correspondingly, the lack of such provisions to be the most appropriate). Such a requirement will result in significant costs to applicants by requiring a notified process, or by requiring an applicant to seek written approval from NZTA, despite that the sign may be managed appropriately in a manner that achieves the intent of these policies, and manages adverse effects to a less than minor degree.

Provisions for higher speed traffic environments

OOHMAA further submission 21.3, 21.6, 21.11

- 7.9 NZTA's submission (385.80, 385.84, 385.91) seeks amendments to Policy SIGN-P4, Rule SIGN-R3 and Standard SIGN-S8 to reduce the speed threshold at which more onerous controls apply to signs from 80km/h to 70km/h.
- 7.10 In the s 42A Report, Mr Bellamy and Mr Smith support the relief sought, on the basis that 70 km/h roads have similar characteristics as 80km/h and above roads.
- 7.11 Mr Harries considers that this amendment is not appropriate, and that the speed threshold should remain at 80km/h. The reasons for Mr Harries' position are as follows:⁷
- (a) there is no probative evidence to support the proposition that signs visible from roads that operate with a speed limit higher than 70km/h, but less than 80km/h, adversely impact on road safety;
 - (b) a reduction in the speed limit threshold to 70km/h would create an inconsistency with the Wellington City 2024 District Plan that applies an 80km/h threshold; and
 - (c) a reduction in the speed limit threshold would create an inconsistency with the definitions of lower speed environments and higher speed environments in the *"Digital advertising billboards and state highway road safety – Planning Policy Manual"* (PPM) which refers to an 80km/h speed limit threshold.

- 7.12 Having considered the analysis of Mr Smith and Mr Harries, I consider Mr Harries' reasoning to be compelling. I do not consider that the characteristics of 70km/h and 80km/h+ roads, alone, are sufficient to lower the threshold at which more onerous controls apply to signs and digital signs. This threshold has been recently tested through the development of the Wellington District Plan, and NZTA's Planning Policy Manual guideline, and 80km/h has been determined to be an appropriate threshold.
- 7.13 I do not agree with the relief sought by NZTA, in this regard, and in my opinion the policy and rules that establish a speed threshold should not be amended.

Rule SIGN-R1

OOHMAA further submission 21.14

- 7.14 NZTA's submission seeks to amend Rule SIGN-R1 such that the permitted activity status for any sign will not apply where "the sign cannot be seen beyond the boundary of a site, or from the state highway network..." The amendment that NZTA requests functions as a trigger of the automatic limited notification rule that NZTA has requested, which I have addressed above.
- 7.15 Besides serving the function of implementing a notification rule, there is no benefit to the amendment that is sought, as the permitted status is already limited to signs that are not visible from beyond the site boundary (or signs which comply with other rules). I have already addressed the relief sought by NZTA to include provisions for automatic notification.

Rule SIGN-R3

OOHMAA further submission 21.6

- 7.16 NZTA's submission seeks to include two new rules to SIGN-R3. These are:

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 billboards in a driver's field of vision.

7.17 Mr Bellamy recommends that this relief is accepted, but, he has not provided:

- (a) Any evaluation in support of his recommendation other than quoting a paragraph from Mr Smith's report which addresses digital signs within 100m of a State Highway on-ramp or off-ramp; nor
- (b) Any evaluation or reference to Mr Smith's analysis regarding digital signs that are visible with another digital sign within a driver's field of vision (which I have addressed above).

7.18 With respect to the proximity of digital signs relative to on-ramps and off-ramps, Mr Smith states:⁸

As presented in SIGNS P4, 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.

7.19 In the first instance, the magnitude of effects is not the relevant test when developing district plan provisions or evaluating submissions on a proposed district plan. Leaving that aside, I do not agree with Mr Smith's reasoning that an injury from a crash would be serious to fatal (although I do accept that there is the potential for such an effect, as there is in any traffic environment). I also do not agree that digital signs within 100m of an on-ramp or off-ramp will automatically result in more than minor adverse effects in every instance, as seems to be suggested by Mr Smith. With respect, Mr Smith has not provided any evidence to support these assertions, which, in my view, are not supportable in light of Mr Harries' ground-truthed evidence in relation to the actual effects

⁸ Technical Assessment, Reference: HCC Signs Chapter – Review of Submissions, prepared by Mike Smith, dated 16 September 2026, Page 21.

of digital signs on traffic safety as they have operated in New Zealand since 2013.

7.20 Mr Harries' evidence has addressed this in detail, and has concluded such a rule is not appropriate, for the following reasons:⁹

- (i) there is a fundamental difficulty of establishing (in Lower Hutt's context), what constitutes an on-ramp or off-ramp given that most connections to/from SH2 occur by way of at-grade intersections;
- (ii) where a sign is to be directed at the state highway it will already be encompassed by other rules; and
- (iii) sign placement in relation to any road feature should be a matter of technical assessment and not a rule, (especially given the inherent uncertainty of interpretation of the rule in Lower Hutt's context).

7.21 I accept Mr Harries' evidence in this respect.

7.22 I consider that there are sufficient provisions to control the operation of digital signs so as to avoid potential adverse effects on traffic safety, and to require an assessment of the potential effects of a proposed digital sign in relation to the surrounding transport environment, through:

- (a) Rule SIGN-R3 which requires resource consent for digital signs as a restricted discretionary activity or a non-complying activity, depending on the zone it is located in;
- (b) The corresponding rules that control the operation of restricted discretionary digital signs;
- (c) The corresponding matters of discretion for restricted discretionary digital signs, which include:
 - (i) "The safety and efficiency of the transport network" and
 - (ii) "SIGN-P4: Digital and illuminated signs, and"
 - (iii) "SIGN-P6: Impacts of signs on the transport network"; and

- (d) The detail of these policies, which seek to control signs such that they do not compromise traffic, pedestrian or cycling safety, and ensure the safe and efficient use of the transport network.

8. SUMMARY OF MY RECOMMENDATIONS

- 8.1 The following lists all of my recommendations in relation to amendments that have been requested to the SIGNS chapter, arranged in sequential order, in terms of my recommendations to amend or retain (as notified) any provisions, and relief sought by NZTA that I do not support.

SIGNS Introduction

- 8.2 I do not support the following text sought by NZTA:

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

Policy SIGN-P4

- 8.3 I support this policy as notified.
- 8.4 I do not support the amendment sought by NZTA to reduce the speed threshold from 80km/h to 70km/h.

Rule SIGN-R1

- 8.5 I support this rule as notified.
- 8.6 I do not support the amendment sought by NZTA to amend the rule so that the permitted activity status does not apply where a sign is visible from the State Highway network.
- 8.7 I do not support the amendment sought by NZTA to introduce a rule that requires limited notification to NZTA for an application under this rule for a sign that does not comply with the permitted activity standards.

Rule SIGN-R3

- 8.8 I do not support the amendment sought by NZTA to introduce a rule that requires limited notification to NZTA for an application under this rule for a digital sign that does not comply with a specific sub-rule.

Rule SIGN-R3.1(iv)

- 8.9 I do not support the amendments sought by NZTA:

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,

Rule SIGN-R3.1(a)(vii) and (viii)

- 8.10 I recommend amendments to parts (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 ~~45~~8 seconds before transitioning to the next.

Rule SIGN-R3.1(a)(ix) and (x)

- 8.11 I do not support the amendments sought by NZTA to include the following rules:

(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 billboards in a driver's field of vision.

Rule SIGN-R3.1(b)

- 8.12 I recommend amendments to this rule:

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.

Rule SIGN-R3.1(d)(iii)

- 8.13 I recommend deletion of this rule:

d. Illumination of the sign:

i. Automatically adjusts to allow for ambient light levels,

- ii. Does not alter during the display of any image,
- iii. ~~Does not alter the average luminance of any two successive images by more than 30%.~~

Rule SIGN-R3 Matters of discretion

8.14 I support the deletion of the following matter of discretion:

- 3. Whether the sign will be used for third-party advertising.

Rule SIGN-R3.2 Activity status

8.15 I support the amendment of the activity status:

Activity status: ~~Non-complying~~ Discretionary

Where:

- a. Compliance is not achieved with SIGN-R3.1

Standard SIGN-S4

I support this standard as notified.

Standard SIGN-S8.4

8.16 I do not support the amendment sought by NZTA:

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

Standard SIGN-S8.4(b)

8.17 I do not recommend any changes to this standard, and OOHMAA is not pursuing this relief.

Standard SIGN-S8.6

8.18 I recommend an amendment to this standard:

The primary message of ~~S~~signs within 10 metres of a legal road or visible from any state highway must comply with the following minimum lettering heights

Standard SIGN-S9

8.19 I recommend an amendment to this standard:

- 1. Illuminated signs, including digital signs, must not have an ~~average~~ maximum luminance exceeding...

8.20 My thanks to the Panel for its consideration of these points.

Anthony Blomfield

29 September 2026