

Before the Hearings Panel  
appointed by Waimakariri District Council

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Under the Resource Management Act 1991

In the matter of a hearing on submissions on the proposed Waimakariri District  
Plan

Hearing Stream 5

**Ravenswood Developments Limited**

Submission Number: 347

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**Legal submissions on behalf of Ravenswood Developments Limited**

11 August 2023

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## May it please the Commissioners

- 1 These submissions are provided on behalf of Ravenswood Developments Limited (**RDL**, Submission: 347), on the proposed Waimakariri District Plan (**PWDP**).
- 2 RDL is a subsidiary of Infinity Investment Group Limited, an established and leading developer of master-planned communities across the South Island. Their developments within the Waimakariri District include the established settlement of Pegasus and the emerging residential neighbourhood and commercial centre at Ravenswood.
- 3 Ravenswood is located north of the existing Woodend Township, and west of the State Highway roundabout that also leads to Pegasus Town. Ravenswood comprises approximately 150ha of largely flat land, which contains an emerging town centre and a fast-growing residential community of approximately 1,350 existing and planned residential sections.
- 4 RDL was the proponent of private plan change 30 (**PC30**) to the operative Waimakariri District Plan, providing for the expansion of the Ravenswood commercial area and its identification as an emerging Key Activity Centre. PC30 became operative on 26 June 2023.
- 5 In the context of Hearing Stream 5, the submission points RDL is pursuing are directed towards:
  - (a) Transport – Providing greater clarity and certainty around TRAN-P2: environmentally sustainable outcomes associated with transport; and
  - (b) Signs – Providing for the positive, practical aspects of off-site signs (including directional off-site signs), and seeking to manage effects instead of applying a blunt avoidance approach (SIGN-P4 and SIGN-R7).
- 6 In relation to other provisions addressed through this Hearing Stream:
  - (a) Signs – The Officers' reports recommend that RDL's support for the notified provisions be accepted in respect of SIGN-O1<sup>1</sup> and SIGN-P1<sup>2</sup>; and
  - (b) Earthworks – RDL does not pursue its submission on EW-S2.<sup>3</sup>

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<sup>1</sup> Submission point 347.16.

<sup>2</sup> Submission point 347.17

<sup>3</sup> Submission point 347.15.

## Transport

- 7 RDL made a further submission supporting Waka Kotahi's submission,<sup>4</sup> seeking to delete clauses (5)-(8) of TRAN-P2<sup>5</sup>:

Environmentally sustainable outcomes

Seek more environmentally sustainable outcomes associated with transport, including by promoting:

1. the use of public transport, active transport and sustainable forms of transport;

2. the use of green infrastructure;

3. the increased utilisation of renewable resources;

4. the use of low impact approaches (such as in site, route or structure selection or construction methodology);

~~5. using low carbon materials in construction;~~

~~6. changing the way activities that generate high greenhouse gas emissions are delivered;~~

~~7. offsetting greenhouse gas emissions, where there is a strong likelihood that the offsets will be achieved in perpetuity, through activities such as planting carbon sequestering trees (excluding wilding or pest species) or the establishment and restoration of wetlands; and~~

~~8. energy efficiency and conservation practices.~~

- 8 RDL's primary concern is with clauses 6 – 8 and how they would be implemented through consenting processes to promote environmentally sustainable outcomes associated with transport. Consideration of Transport policies will occur:

- (a) where consent is required under one of the Transport rules. The rules relate to the provision of land transport infrastructure (roads, access, parking, etc), and to high traffic generators. These rules are, at most, restricted discretionary, with prescriptive matters of discretion that in my submission do not extend to issues of environmental sustainability addressed in TRAN-P2; or
- (b) where an activity requires consent and discretion extends to consideration of transport effects. Such assessments generally involve consideration of servicing by and effects on safe and efficient functioning of the transport network (including active and public transport).

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<sup>4</sup> Submission 275.18.

<sup>5</sup> FS79.

- 9 In those consenting contexts, it is not clear to RDL how clauses 6 – 8 would be "promoted", as directed by the policy:
- (a) If the sub-clauses do not fall within matters of discretion of the transport rules, they will not be considered in the consenting of land transport infrastructure.
  - (b) As part of a more general consideration of transport effects of a development, it is difficult for plan readers to determine how this policy would be applied in practical terms. For example, when considering a resource consent application for a new commercial development, how can an applicant demonstrate that its commercial development will promote environmentally sustainable outcomes *for transport* through "energy efficiency and conservation practices" (clause 8)? Is application of the policy likely to direct a "change" to the way the commercial activity is delivered to achieve more sustainable *transport related* outcomes (clause 6); or offsetting of *transport related* emissions related to the development (clause 7)? These outcomes are impractical and potentially very costly.
- 10 RDL considers that the ability of an applicant (in this case, the developer of a commercial centre) to address these matters will be limited to implementation of on-site measures, such as provision of facilities for and to support pedestrian, cycle and public transport. These measures are already clearly directed in other policies.
- 11 Environmentally sustainable outcomes are important, and RDL supports clear and practical policy direction as to measures that individual consent applicants can take to support those outcomes (for example, provision of cycle parking facilities). It does not support inclusion of broad aspirational statements for environmental outcomes that are not possible or appropriate for individual consent applicants to achieve, and that are better addressed through Council's other functions (for example, as an infrastructure or service provider).
- 12 The Officer considers that clauses 6-8 of TRAN-P2 give effect to SD-O3(4).<sup>6</sup> This strategic direction for energy and infrastructure seeks to "encourage more environmentally sustainable outcomes as part of subdivision and development, including through the use of energy efficient buildings, green infrastructure and renewable electricity generation". While this objective may have wider relevance to a subdivision or development (for example, in relation to buildings), the Officer's reliance on SD-O3(4) in this context reinforces RDL's concern that the TRAN-P2 will be inappropriately applied to transport outcomes associated with individual subdivision and development proposals. RDL is particularly concerned that this

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<sup>6</sup> The Officer's Report: Signs concludes that clauses 6 – 8 of TRAN-P2 give effect to SD-O3(4) (at [110]).

could result in protracted consideration of matters raised in the policy and inefficient processing of consent applications.

- 13 In the absence of further clarification as to where and how the policy considerations would be applied to appropriately achieve more sustainable environmental outcomes associated with transport, RDL continues to seek that sub-clauses 6 – 8 be deleted.

## Signs

### *Off-site signs*

- 14 The effects of off-site signs include positive contributions to the urban environment, increasing the economic viability of businesses, and providing information and direction to members of the public to assist in wayfinding.
- 15 As an example, the majority of the Ravenswood site for which TCZ is sought is known as Lot 203 (shown below). RDL anticipates that it would have signage (such as a pylon sign) on the existing roads around Lot 203 to direct visitors to tenants within Lot 203. This will be important for the success of those businesses, and to improve visitor wayfinding and experience in the centre. In the event that Lot 203 is subdivided to facilitate the development, this signage may not be located on the same site as the tenants it refers to, and would therefore be an off-site sign.



- 16 While it is acknowledged that there are potential adverse effects of off-site signs, particularly where there is a proliferation of signage, in our submission those effects can be considered and managed through consent processes. The PWDP should provide for off-site signs, and their associated benefits, where adverse effects are able to be appropriately managed.

- 17 As the Panel will be aware, where an activity has non-complying activity status it is required to satisfy one of the section 104D 'gateway tests'. It must be demonstrated that either the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies of the district plan, before the consent authority can consider granting consent.
- 18 SIGN-P4 directs (after the s42A recommended changes) avoiding off-site signs in zones other than Industrial and Large Format Retail. The Supreme Court has determined that "avoid" carries its ordinary meaning of "not allow" or "prevent occurrence of"<sup>7</sup>. We therefore expect that, given the blunt and directive wording of the proposed policy, all off-site signage would be considered contrary to the objectives and policies and would fail the first gateway.
- 19 Even if the proposal can get through the second gateway of effects no more than minor, the tests only operate as a high-level filter and a decision maker still maintains an overall discretion as to whether consent is granted. In our view, it will be difficult for a decision maker to displace the highly directive policy SIGN-P4 and factors such as precedent effects and plan integrity. It is submitted that the combination of a directive policy to avoid off-site signs in most zones, coupled with non-complying activity status, is likely to prevent all off-site signs and their associated benefits.
- 20 In addition to this restrictive approach to off-site signs generally, the Officer has now recommended deletion of the rule for off-site directional signs (SIGN-R5). Off-site directional signs should be retained, providing a consenting pathway for these signs which serve a practical, informative purpose, benefiting the community.
- 21 RDL's position is that the provisions for off-site signs are overly and inappropriately restrictive. Relatively recently developed provisions in the Christchurch District Plan and proposed Selwyn District Plan provide examples of a more measured approach, which better enables consideration of appropriate off-site signage while managing adverse effects. For example:
- (a) The Christchurch District Plan seeks to limit off-site signs in residential, rural space and open space zones and to enable off-site signs in specified circumstances, including where they will not contribute to visual clutter; are compatible with the surrounding environment and located in a commercial/industrial context.<sup>8</sup> Small off-site signs in residential areas and commercial zones (except Commercial Central City Business Zone which is

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<sup>7</sup> *Environmental Defence Soc Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593; *Royal Forest and Bird Protection Soc of New Zealand Inc v Whakatane District Council* [2017] NZEnvC 51.

<sup>8</sup> Policy 6.8.2.1.6, Christchurch District Plan.

restricted discretionary<sup>9</sup>) are a permitted activity subject to compliance with conditions, including that they have no moving parts or illumination.<sup>10</sup> Otherwise, off-site signs are a discretionary activity.<sup>11</sup>

(b) In the Proposed Selwyn District Plan, off-site signs are avoided in Residential and General Rural Zones and in all other zones they are to be compatible with the character and visual amenity values of the surrounding area.<sup>12</sup> Off-site signs are a discretionary activity in all zones except Residential and General Rural Zone, where they are a non-complying activity.<sup>13</sup> Signs are otherwise controlled by Built Form Standards, including for distracting features (for example flashing or digital) and traffic safety.<sup>14</sup>

22 While each district has different provisions, the general approach is the same – off-site signs are only avoided in rural and residential areas, and a less restrictive activity status and policy framework is applied within commercial and industrial areas, in a way which manages effects of concern. RDL seeks that a similar approach be applied within through the Waimakariri District Plan.

23 Specific changes sought to provisions are addressed below.

#### *SIGN-P4*

24 RDL sought that the SIGN-P4(5)(b) direction for "limiting proliferation of off-site signs by... avoiding such signs in Residential Zones, Rural Zones, Commercial and Mixed Use Zones, Open Space and Recreation Zones, and Special Purpose Zones" be amended by deleting Commercial and Mixed Use zones.

25 The Officer recommends the below changes:<sup>15</sup>

(5) limiting proliferation of off-site signs by:

(a) managing such signs in Industrial Zones and any Large Format Retail Zone<sup>16</sup> including the interface with non-industrial zones; and

(b) avoiding such signs in any Neighbourhood Centre Zone, Local Centre Zone, Mixed Use Zone, Town Centre Zone,

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<sup>9</sup> Rule 6.8.4.1.3, Christchurch District Plan.

<sup>10</sup> Rule 6.8.4.1.1 (P11) Christchurch District Plan.

<sup>11</sup> Rule 6.8.4.1.4, Christchurch District Plan.

<sup>12</sup> SIGN-P5, Proposed Selwyn District Plan.

<sup>13</sup> SIGN-R5, Proposed Selwyn District Plan.

<sup>14</sup> SIGN-REQ6; SIGN-REQ-7, Proposed Selwyn District Plan.

<sup>15</sup> Officer's Report: Signs at [120].

<sup>16</sup> Go Media [234.6].

Residential Zones, Rural Zones, ~~Commercial and Mixed Use Zones~~,<sup>17</sup> Open Space and Recreation Zones, and Special Purpose Zones;

- 26 The Officer considers that use of the word "avoiding" is appropriate, based on the evidence of Hugh Nicholson in relation to urban design and landscape, visual and amenity effects, and Shane Binder in relation to transport effects, primarily driver distraction.
- 27 RDL has considered the evidence of Mr Nicholson and Mr Binder. It does not accept that the differences in effects of off-site and on-site signage, and the difference in effects of signage based on the zone in which it is located, warrants such a restrictive approach to off-site signage in Commercial and Mixed Use Zones, and remains of the view that an avoid policy is inappropriate. RDL considers that clearer direction through the policy (in line with the CCC and SDC approaches) would better manage the concerns raised while enabling the positive effects of off-site signage to be realised in appropriate circumstances.
- 28 Accordingly, RDL proposes further changes to SIGN-P4 below:

<b>SIGN-P4</b>	<p><b>Amenity values and character</b> Maintain the character and amenity values of zones by:</p> <ol style="list-style-type: none"> <li>1. limiting the size, height and the number of freestanding signs;</li> <li>2. ensuring signs do not protrude above the roofline or fence line where attached to a building or fence;</li> <li>3. limiting the height of signs on verandahs in any Town Centre Zone, Local Centre Zone, Neighbourhood Centre Zone or Mixed Use Zone;</li> <li>4. limiting the extent of signs on windows in any Town Centre Zone;</li> <li>5. limiting proliferation of off-site signs by:             <ol style="list-style-type: none"> <li>a. managing such signs in Industrial Zones and any <u>Large Format Retail Zone</u> including the interface with non-industrial zones; and</li> <li>b. <del>avoiding limiting</del> such signs in any <u>Neighbourhood Centre Zone, Local Centre Zone, Mixed Use Zone or Town Centre Zone, to ensure they are compatible with the character and amenity of the surrounding area and that the location and design of signage is appropriate from a traffic safety perspective; and</u></li> <li>c. <del>avoiding such signs in</del> Residential Zones, Rural Zones, <del>Commercial and Mixed Use Zones</del>, Open Space and Recreation Zones, and Special Purpose Zones;</li> </ol> </li> <li>6. limiting digital signs; and</li> <li>7. avoiding permanent signs identifying a subdivision development to support the integration of new developments with surrounding areas.</li> </ol>
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**SIGN-R7**

- 29 RDL sought that off-site signs be provided for in Commercial and Mixed Use Zones as a restricted discretionary activity (consistent with the activity status for Industrial Zones).

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<sup>17</sup> RDL [347.18].



30 The Officer recommends the below changes, consistent with those recommended for SIGN-P4 (above):

SIGN-R7	Any off-site sign	
<p><b>Industrial Zones</b></p> <p><b><u>Large Format Retail Zone</u></b></p>	<p><b>Activity status: RDIS</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. the off-site sign shall be set back a minimum of 20m from:               <ol style="list-style-type: none"> <li>a. any adjoining zone boundary of <u>Neighbourhood Centre Zone, Local Centre Zone, Mixed Use Zone, Town Centre Zone, Commercial and Mixed Use Zones</u>; Rural Zones, any Residential Zones, any Open Space and Recreation Zones, Special Purpose Zones;</li> <li>b. any natural character of scheduled freshwater body setback;</li> <li>c. any ONF, ONL, SAL, HNC, VHNC or ONC</li> </ol> </li> <li>2. if located adjacent to a road with a speed limit greater than 60km/hr, shall be separated a minimum of 200m from any intersection, pedestrian crossing, or permanent regulatory sign, permanent warning sign or curve that has a chevron sign erected by the road controlling authority; and</li> <li>3. SIGN-S1 to SIGN-S5 are met.</li> </ol> <p>Matters of discretion are restricted to:</p> <p>SIGN-MD1 - Transport safety SIGN-MD2 - Amenity values and character</p>	<p><b>Activity status when compliance not achieved: NC</b></p>
<p><b>Commercial and Mixed Use Zones</b></p> <p><b><u>Neighbourhood Centre Zone</u></b></p> <p><b><u>Local Centre Zone</u></b></p> <p><b><u>Mixed Use Zone</u></b></p> <p><b><u>Town Centre Zone</u></b></p> <p><b>Rural Zones</b></p> <p><b>Residential Zones</b></p> <p><b>Open Space and Recreational Zones</b></p> <p><b>Special Purpose Zone-(Pines Beach and Kairaki Regeneration)</b></p>	<p><b>Activity status: NC</b></p>	<p><b>Activity status when compliance not achieved: N/A</b></p>

Special Purpose Zone (Kāinga Nohoanga)		
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- 31 RDL maintains that non-complying activity status is unnecessarily restrictive, particularly when paired with an avoid policy, as discussed above. Consistent with the changes sought to SIGN-P4, RDL seeks the below changes to SIGN-R7:

SIGN-R7	Any off-site sign	
<b>Industrial Zones</b> <u>Neighbourhood Centre Zone</u> <u>Local Centre Zone</u> <u>Town Centre Zone</u> <u>Mixed Use Zone</u> <u>Large Format Retail Zone</u>	<b>Activity status: RDIS</b> Where: <ol style="list-style-type: none"> <li>1. the off-site sign shall be set back a minimum of 20m from: <ol style="list-style-type: none"> <li>a. any adjoining zone boundary of <del>Neighbourhood Centre Zone, Local Centre Zone, Mixed Use Zone, Town Centre Zone,</del> Rural Zones, any Residential Zones, any Open Space and Recreation Zones, Special Purpose Zones;</li> <li>b. any natural character of scheduled freshwater body setback;</li> <li>c. any ONF, ONL, SAL, HNC, VHNC or ONC</li> </ol> </li> <li>2. if located adjacent to a road with a speed limit greater than 60km/hr, shall be separated a minimum of 200m from any intersection, pedestrian crossing, or permanent regulatory sign, permanent warning sign or curve that has a chevron sign erected by the road controlling authority; and</li> <li>3. SIGN-S1 to SIGN-S5 are met.</li> </ol> Matters of discretion are restricted to:  SIGN-MD1 - Transport safety SIGN-MD2 - Amenity values and character	<b>Activity status when compliance not achieved: NC</b>
<b>Commercial and Mixed Use Zones</b> <u>Neighbourhood Centre Zone</u> <u>Local Centre Zone</u> <u>Mixed Use Zone</u> <u>Town Centre Zone</u> <b>Rural Zones</b>	<b>Activity status: NC</b>	<b>Activity status when compliance not achieved: N/A</b>

<b>Residential Zones</b>  <b>Open Space and Recreational Zones</b>  <b>Special Purpose Zone-(Pines Beach and Kairaki Regeneration)</b> <b>Special Purpose Zone (Kāinga Nohoanga)</b>		
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*Off-site directional signs*

- 32 RDL's concerns regarding the overly restrictive approach to off-site signage in proposed SIGN-P4 and SIGN-R7 are compounded by the s42A Officer's recommended deletion of the rule for off-site directional signs.
- 33 As notified, SIGN-R5 was:

<b>SIGN-R5</b>  <b>All Zones</b>	<b>Any off-site directional sign</b>  <b>Activity status: PER</b>  Where: <ol style="list-style-type: none"> <li>1. there shall be a maximum of two off-site directional signs per business throughout the District;</li> <li>2. if located adjacent to a road with a speed limit greater than 60km/hr, shall be separated a minimum of 200m from any intersection, pedestrian crossing, or permanent regulatory sign, permanent warning sign or curve that has a chevron sign erected by the road controlling authority;</li> <li>3. the sign is not located within any natural character of scheduled freshwater body setback;</li> <li>4. the sign is not located within any ONF, ONL, SAL, HNC, VHNC or ONC; and</li> <li>5. SIGN-S1 to SIGN-S5 are met.</li> </ol>	<b>Activity status when compliance not achieved: NC</b>
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- 34 "Off-site Directional Sign" is defined as any sign limited to directional related words or symbols along with the name of the activity only that is located on a site that is not where the activity is occurring. RDL envisages such wayfinding signs within its commercial development, to direct visitors to the nearest car parks, bus stops and cycleways, and to identify locations of businesses within the centre. These signs could comfortably fall within the category of an off-site directional sign.

- 35 Off-Site directional signs serve a similar purpose as community signs (SIGN-R3), being practical and informative. Community signs are a permitted activity, subject to compliance with Standards S1-S5. However, community signs are limited by definition to those associated with one or more listed purposes in the PWDP, including township identification, information on heritage items or historical use of a site and Council owned parking locations and public amenities. Off-site directional signs should be retained, and a consenting pathway provided, to capture the need for signs for wayfinding purposes which do not fit into the category of community signs.
- 36 The Officer accepts Waka Kotahi's submission that there is no sound basis for differentiating between off-site directional signs and off-site signs, as the effects are the same from a road safety perspective. On that basis the Officer recommends removal of all provisions relating to off-site directional signs.<sup>18</sup> That fails to consider that off-site directional signs may have additional benefits to the community than signage for general advertising purposes has, and that road safety effects will be limited by the definition and standards for off-site directional signs and can be further considered and addressed through a consent process.
- 37 In the event that RDL's relief in respect of SIGN-R7 (application of restricted discretionary status) is not accepted, RDL seeks that SIGN-R3 should be retained as notified, or as a restricted discretionary activity.

Dated this 11<sup>th</sup> August 2023



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Sarah Eveleigh / Sarah Schulte  
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<sup>18</sup> Officer's Report: Signs at [135].