

**Before the Hearings Panel  
At Waimakariri District Council**

**Under** the Resource Management Act 1991

**In the matter of** the Proposed Waimakariri District Plan

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**Joint Witness Statement – Off-site signs (Planning)**

**Date: 24 October 2023**

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## **INTRODUCTION:**

- 1 This Joint Witness Statement (JWS) relates to expert conferencing on off-site signs.
- 2 The following participants were involved in this conferencing and authored this JWS:
  - (a) Shelley Milosavljevic (Reporting Officer for Signs chapter – Waimakariri District Council);
  - (b) Stuart Pearson (Senior Planner – Waka Kotahi NZ Transport Agency);  
and
  - (c) Melanie Foote (Principal Consultant - Resource Management Group representing Go Media Ltd).
- 3 A meeting between the above parties was held on Tuesday 17 October 2023 at 12:45pm online via MTeams, and further discussions via email have been held since. This JWS has resulted from the meeting and email discussions.
- 4 In preparing this statement, the experts have read and understand the Code of Conduct for Expert Witnesses as included in the Environment Court of New Zealand Practice Note 2023<sup>1</sup>.

## **PURPOSE AND SCOPE OF CONFERENCING:**

- 5 The conferencing focused on the matter relating to off-site signs identified in Minute 9 (dated 4 September 2023) which requested planning conferencing in relation to approach and activity status in the context of the Hearings Panel's question:

*"Do you consider such a restrictive approach for off-site signs is justified relative to the approach for on-site signs (both of which could be digital signs)?"*

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<sup>1</sup> <https://www.environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

- 6 As requested by the Hearings Panel in Minute 9, consideration was given to the Supreme Court's recent decision - Port Otago Limited vs Environmental Defence Society Inc et al SC6/2022.

**ACTIONS TAKEN:**

- 7 All experts read the Joint Witness Statement – Off-site signs (Transport) prepared by the transport experts (dated 19 October 2023).

**MATTERS THAT THE EXPERTS AGREED ON**

- 8 All experts agree that off-site signs located within Commercial and Mixed Use Zones and Industrial Zones should be managed through a less restrictive approach than those within other zones given the character and lower amenity values of Commercial and Mixed Use Zones and Industrial Zones.
- 9 All experts agree that non-complying activity status is an appropriate threshold for off-site signs located within Rural Zones, Residential Zones, Open Space Zones, and Special Purpose Zones.
- 10 The experts agreed that the Supreme Court's recent decision - Port Otago Limited vs Environmental Defence Society Inc et al SC6/2022 is not of any particular relevance to off-site signs provisions given there are no higher order policies or documents that relate to signs.

**MATTERS THAT THE EXPERTS DID NOT ALL AGREE ON**

*Difference between on-site and off-site signs*

- 11 Melanie Foote and Stuart Pearson agree that there is no notable difference in the effects of off-site signs compared to on-site signs but note their different function.
- (a) Stuart Pearson notes that off-site directional signs (e.g., 'Shop turn left in 200m') adjacent to high-speed roads can cause safety issues (i.e., drivers doing U-turns) as drivers often struggle to gauge distance. Also, there is the 'site identification' / wayfinding element to on-site signs; whereas off-site signs do not typically have that

function which can contribute to potential safety issues, especially in higher speed environments.

- (b) Melanie Foote notes that complex or illegible signs whether they are on-site or off-site related will simply disengage the viewer in favour of concentrating on the task of driving.

12 Shelley Milosavljevic:

- (a) Considers that on-site signs are of a more essential nature in that they provide a wayfinding, locational, site-specific function and contribute to the legibility of an area's activities.
- (b) Considers while off-site signs typically contain more generic advertising content, do not have the same locational functionality as on-site signs, and the advertising content typically conveyed in off-site signs is typically available via many other mediums (e.g., via wide access to the internet and television) thus off-site signs are less essential in function.
- (c) Considers both types of signs contribute cumulatively to the overall number of signs within an area and defers to the 'Joint Witness Statement – Off-site signs (Transport)' that notes advertising signs are more likely than not to distract road users and as there is more potential to control off-site signs than on-site signs, they should be controlled to optimise road user safety, particularly at locations where the demands on a road user attention are greatest, or where the consequences of road users making mistakes are greatest.

*Activity status and approach to off-site signs (including digital)*

- 13 Stuart Pearson and Melanie Foote agree that off-site signs, including billboards, should be permitted in Commercial and Mixed Use Zones and Industrial Zones, provided there are appropriate standards (such as standards on content, letter height, sign size, location, separation from traffic signs or traffic control devices, and visibility from residential zones) that manage amenity and driver distraction (transport safety)

related effects. Any non-compliance with such standards should default to restricted discretionary activity status.

- 14 Melanie Foote and Stuart Pearson agree that the off-site sign rule proposed in the Go Media Ltd submission [234.7] provides for off-site signage including billboards as a permitted activity with appropriate activity standards. Both agree that the environmental effects of off-site signage and billboard signage in Industrial, Commercial and Mixed Use Zones are able to be appropriately managed such that adverse cumulative effects are avoided, and are of a comparable to site related signage. Both experts agree SIGN-R7 should be amended as per the relief sought by the Go Media submission [234.7].
- 15 Stuart Pearson generally supports the amended SIGN-R7 sought by the Go Media submission [234.7], primarily clauses (1) to (5), along with the associated definition for “billboard” (sought via Go Media’s submission 234.2).
- 16 Stuart Pearson notes there is a conflict with the definition of billboards (sought by the Go Media Ltd submission 234.7) being 18m<sup>2</sup> as SIGN-S3(2) has a maximum display area of 3m<sup>2</sup> for digital signs. It is considered that the 3m<sup>2</sup> should not apply to billboards (including those that are digital) within the Industrial, Commercial, and Mixed Use Zones where these should have a limit of 18m<sup>2</sup> instead.
- 17 Stuart Pearson notes the digital billboard clauses in proposed SIGN-R7(6)-(13) (sought by the Go Media Ltd submission 234.7), either are already within SIGN-S3 (notified version) or could be included into these standards. The rules proposed appear to be standards that are specific to digital billboards and may be suited to be located in SIGN-S3.
- 18 Shelley Milosavljevic considers restricted discretionary activity status is appropriate for off-site signs located within a Commercial and Mixed Use Zones and Industrial Zones so effects on transport safety can be considered in the site specific context via a resource consent process given the complexity of, and potential for, transport safety effects.

### *Digital signs dwell time*

- 19       Melanie Foote considers that a minimum dwell time (or display time) for digital billboards (off-site signs) signs would usually be in the order of 7-10 seconds and noted the restrictive nature of the permitted minimum dwell time / display time recommended in the Signs Reply Report (2 minutes during daytime and 15 minutes during night time) which applies to any sign that is digital.

Stuart Pearson and Shelley Milosavljevic agree that the permitted minimum dwell time / display time recommended in the Signs Reply Report (2 minutes during daytime and 15 minutes during night time) which applies to any sign that is digital, is a suitable threshold for permitted digital signs as this is supported by transport safety experts (via evidence in the hearing and 'Joint Witness Statement – Off-site signs (Transport)' on the basis that the longer the dwell time the less images or transitions a driver would see, and therefore the less potential there is for driver distraction), and dwell times that breach that minimum should be assessed via a resource consent process to consider the site specific aspects and impact on transport safety. However, Shelley Milosavljevic notes these dwell times were recommended by urban design expert Mr Nicholson and the 15 minute dwell time for nighttime related to addressing potential visual amenity effects on residential activities; and these effects could potentially be mitigated via setbacks.

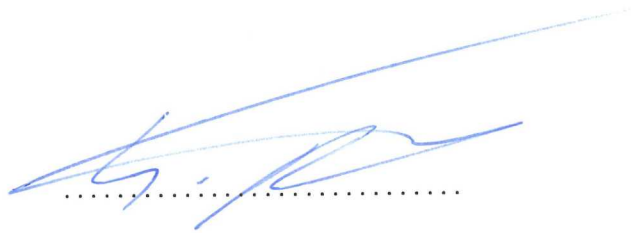
**Date:**     24 October 2023

## SIGNATORIES



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**Shelley Milosavljevic**



**Stuart Pearson**





**Melanie Foote**