

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing Submissions and Further submissions on the Proposed
Gore District Plan.

Statement of supplementary planning evidence of Victoria Woodbridge on behalf of Gore District Council for Hearing Stream 5 – Light and Signs.

Date: 13 September 2024

Introduction:

1. My full name is Victoria Emily Jane Woodbridge. My Section 42A report sets out my qualifications and experience as an expert in planning.
2. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
3. I have prepared this statement of evidence to provide a response to expert evidence and statements presented in relation to Hearing Stream 5 – Signs and Light Chapters. This includes the evidence of:

Southland Federated Farmers (s126)

- a) Bernadette Hunt
- b) Rachel Thomas

NZTA (s112)

- a. Helen Dempster
 - b. Glenn Connelly (Traffic Safety)
4. My evidence also seeks to correct the following error in the Light Section 42A Report:
 - a) At paragraph 76 & 77 I listed and responded to the submission from Federated Farmers on LIGHT-O2, however, I incorrectly identified the submission number as s126.126, the submission number should in fact be s126.129.

Recommendations Overview

5. My Section 42A reports for the Light and Signs Chapters provides an overview of issues raised in submissions and the changes recommended relating to those chapters. I do not propose to repeat those here but instead focus on responding to submitters evidence and in particular matters which remain in contention.
6. I acknowledge the support of Silver Fern Farms (s40) and Alliance Group Limited (s121) for the Section 42A report recommendations on their submissions on the Light Chapter.
7. I also acknowledge the statement from Fire and Emergency New Zealand advising that they have no further comments on the Section 42A report recommendations for their submissions on the Signs Chapter.
8. Amendments to the Sign Chapter are provided in **Appendix 1** to reflect the recommendations made within this evidence.

Detailed Responses to Evidence seeking changes to s42A Recommendations

Southland Federated Farmers (s126)

Light Chapter

9. I acknowledge the evidence of Ms Hunt and Ms Thomas on behalf of Southland Federated Farmers. I have reviewed the evidence and note the acceptance for my s42A report recommendations on their submissions relating to the following:
 - a) Additional policy to recognise and enable certain rural and primary production activities that may require artificial outdoor lighting outside of normal working hours (s126.130)
 - b) Amendment to Overview to recognise that rural production is enabled by artificial outdoor lighting (s126.126)
 - c) LIGHT-O1 is retained as notified (s126.128)
 - d) Amend LIGHT-O2 to specifying identifying the enablement of rural production (s126.129)
10. In their evidence Ms Hunt and Ms Thomas provide support for the Federated Farmers submission (s126.08) on the definition of 'artificial outdoor lighting' which was sought to be amended as follows:

any electrically-powered exterior or ~~non-residential interior~~ lighting and/or sign that emits directly into the outdoor environment. ~~and includes signs.~~
11. Ms Hunt and Ms Thomas prefer the definition in accordance with the relief sought through the submission. The submitter's issue appears to stem from a concern that light from a bonfire could be captured by the definition of 'artificial outdoor lighting' if the definition does not specify that the lighting source is 'electrically powered'. However, the authors acknowledge that the rule provisions do not appear to capture bonfires.
12. It is not intended that the PDP provisions in relation to Light would capture light from a bonfire, and I consider this a relatively unlikely scenario. Further, as I attempted to explain in my s42A report, I consider light from a bonfire would be a 'natural' light source rather than an artificial light source and therefore would not trigger the definition and so by default would not be captured by the rule framework.
13. Overall, I maintain my recommendation within my Section 42A report that no amendments are made to the definition because I consider it sufficiently clear that it relates to artificial light sources without the need to reference how the light source is powered.

Signs Chapter

14. I acknowledge the acceptance from Southland Federated Farmers for my s42A report recommendations on their submissions relating to the following:
 - a) Retention of the definition of signs (s126.026)
 - b) Amendment to Overview to provide for signs which identify businesses, products and services (s126.026)
15. In their evidence Ms Hunt and Ms Thomas provide support for the Federated Farmers submission (s126.138) on SIGN-S4 which sought to increase the number of signs on rural properties.
16. I agree with Ms Hunt and Ms Thomas that larger rural properties such as farms may need a wide range of signs for purposes such as health and safety, chemical storage, fire safety, biosecurity management etc. However, many of these signs would be considered 'official signs' based on the definition within the PDP *"means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety."*
17. Official signs are permitted under SIGN-R1 without any restrictions and therefore a rural landowner could have as many official signs as needed to ensure requirements are met in relation to public health or other legislation such as Hazardous Substances and New Organism Act or Health and Safety at Work Act.
18. On this basis I consider that the amendments recommended through my s42A report remain appropriate as they provide for increased signs where they are for the purpose of identification or direction. In my view, this allowance, coupled with the ability to erect unlimited 'official signs' adequately addresses the submission and evidence provided by Ms Hunt and Ms Thomas. Therefore, I do not recommend any further amendments as I consider allowing for greater numbers of signage could result in adverse effects in terms of visual clutter, adverse effects on road safety and loss of rural character and amenity.
19. I highlight however, that should a landowner require a greater number of signs to account for multiple business, which I note are managed through the General Rural Zone rules, then resource consent could be sought for that signage and it will be assessed on a case by case basis on its merits.

NZTA (s112)

20. I acknowledge the evidence of Ms Dempster on behalf of NZTA in relation to submissions on the Sign Chapter. I have reviewed the evidence.

SIGN Standards – Minor corrections

21. In respect of NZTA's submission (s112.133) on SIGN-S3 I accept that the amendment recommended in my s42A report did not correctly respond to the submission as was the intention. Instead, the amendment recommended resulted in an unintended consequence

which means that images must not be displayed for more than 10 seconds. This would result in quick and potentially flashing imagery which was not the intention of the amendment.

22. Therefore, to address this error I recommend the following amendment to SIGN-S3

1. Digital *signs* must not:
 - (a) display live broadcast or pre-recorded video.
 - (b) display still images for a duration of ~~no~~ less than 10 seconds.

23. In respect of NZTA submission (s112.131) seeking multiple amendments to the standards and in particular inclusion of standard and associated table detailing minimum separation distances between signs adjoining a state highway I recommended that this part of the submission was accepted.

24. However, I agree that my recommendation for Table 2 included incorrect information and therefore did not correctly respond to the submission which sought to add the following table:

SIGN – Table 3 Minimum separation distances between signs adjoining a State highway:

<u>Posted Speed Limit (km/hr)</u>	<u>Minimum Spacing (m)</u>
<u>50</u>	<u>80</u>
<u>60</u>	<u>55</u>
<u>70</u>	<u>60</u>
<u>80</u>	<u>70</u>
<u>100</u>	<u>80</u>

25. I therefore, recommend that Table 2 in the Sign Chapter is amended as follows (full copy provided in **Appendix 1**):

<u>SIGN-Table 2 Minimum distances between signs on sites adjoining the state highway</u>	
<u>Posted Speed Limit (km/hr)</u>	<u>Minimum ~~Visibility Distances~~ Spacing (m)</u>
<u>50</u>	<u>80</u>
<u>60</u>	<u>~~105~~ 55</u>
<u>70</u>	<u>~~130~~ 60</u>
<u>80</u>	<u>~~175~~ 70</u>
<u>100</u>	<u>~~250~~ 80</u>

26. In response to the submission requesting inclusion of minimum forward sight distances to signs adjoining a state highway I consider it is unclear what the purpose of the forward sight distance requirement is in relation to signage.

27. In her evidence Ms Dempster states that the requirement will “ensure signs are visible and comprehensible to highway motorists based on the posted speed limits”. However, I think more

clarification is required to explain the purpose of the sight distances and how compliance is achieved because in my view, as proposed in the submission and evidence, it is unclear what is required of Plan users to comply with the standard.

28. Further, there are other standards which manage lettering and sign size and which seek to manage both visual effects and also adverse effects on the safe and efficient operation of the transport network.
29. For these reasons, I do not accept this part of the submission point and do not recommend any further amendments to the Sign Chapter to respond to this part of the submission.

Digital Signs

30. NZTA submitted in partial opposition (s112.129 and s112.130) to SIGN-R7, which relates to digital signs, and sought to exclude digital signs visible from the state highway from being a permitted activity.
31. Ms Dempster, in her evidence, cites the evidence of Mr Connelly, a Senior Safety Engineer at NZTA and concludes that due to the inherent safety risk associated with driver distraction from digital signs a restricted discretionary activity status should apply to any digital sign, regardless of size, which is visible from the state highway.
32. In his evidence Mr Connelly cites research and best practice guidelines¹ around driver distraction in relation to digital signs and notes that *“whilst the chance of a crash occurring may be low, guidance and good practice suggests a prudently cautious approach should be taken given the risk of serious harm to road users should a crash occur.”*
33. Both Ms Dempster and Mr Connelly agree that requiring a resource consent for a digital sign visible from the state highway would allow for a site specific assessment to determine the adverse effects and potential risks to road users.
34. I accept the expert evidence from Mr Connelly in relation to the potential adverse effects on the safety of road users from digital signs. I agree with both Ms Dempster and Mr Connelly that any digital sign visible from the state highway may have the potential to distract drivers and that drafting a permitted activity standard would become complex and potentially unworkable to try and account for multiple scenarios.
35. For this reason, based on the expert evidence provided I recommend that the NZTA submissions (s112.129 and s112.130) are accepted and SIGN-R7 is amended to provide a restricted discretionary activity pathway for any digital sign which is visible from the state highway. I recommend the following amendment:

¹ Statement of evidence of Glenn Connelly (Traffic Safety) on behalf of NZTA, 2 September 2024, pages 3-6

SIGN-R7	Digital Signs
Town Centre, Local Centre, Mixed Use, Field Days and Light and General Industrial Zones	Activity status: Permitted Where: 1. The <i>sign</i> is not located within the <i>national grid</i>; and 2. All <i>Signs</i> Standards are complied with. 3. <u>The sign is not visible from a state highway.</u>
	Activity status where compliance is not achieved with:
	SIGN-R7(1): Restricted Discretionary
	Matters of discretion:
	1. <i>Effects</i> on the safe and efficient management and operation of <i>infrastructure</i> within the <i>national grid</i>.
	SIGN-R7(2): Restricted Discretionary
	Matters of discretion:
	1. The matters of discretion for the relevant infringed standard.
	<u>SIGN-R7(3):</u> Restricted Discretionary
	<u>Matters of discretion:</u>
	1. <u>The extent to which the digital sign will impact on the safety, efficiency and effectiveness of the transport network.</u>

Section 32AA Evaluation

36. The proposed amendments to SIGN-S3 and Table 2 were evaluated in the s42A report, as the amendments recommended in this evidence correct errors rather than propose a new amendment I defer to the s32AA evaluation in the s42A report for SIGN-S3 and SIGN-S8 where table 2 is referenced.
37. In relation to the amendment to SIGN-R7 I consider the amendment will provide for an efficient and effective amendment that will allow Council to manage the effects of digital signs in relation to the safe, efficient and effective operation of the state highway through the district. The amendment is more effective and efficient than the notified version in this regard.
38. The benefits of the amendments are that they safeguard road users in terms of health and safety as the evidence and best practice guidance indicates that there may be a risk to road users, particularly vulnerable users, from distraction resulting from digital signs. The amendments therefore have a social, economic and cultural benefit. There would be increased economic costs for those wishing to erect a digital sign visible from the state highway as they would need a resource consent, however, the matters of discretion are limited and the increased costs are

outweighed by the benefits arising from the ability to assess digital signs of a site specific basis to determine adverse effects on the state highway network.

39. There is a risk that if the amendment is not made digital signs cause adverse effects on the safety, efficiency and effectiveness of the state highway network to the detriment of road users, this could result in injury and damage to vehicles. There is sufficient information, provided in the evidence from NZTA to understand the risk of not acting.
40. Overall, the proposed amendment to SIGN-R7 are considered to be a more appropriate way to achieve the objectives than the notified version of the PDP.