

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2019-CHC-**

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Under	the Resource Management Act 1991 ( <b>RMA</b> )
In the matter of	an appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	<b>Go Media Limited</b>
	Appellant
And	<b>Queenstown Lakes District Council</b>
	Respondent

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**Notice of Appeal**

7 May 2019

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**Appellant's solicitors:**

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**To** The Registrar  
Environment Court  
Christchurch

### **Introduction**

- 1 Go Media Limited (**Go Media**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Go Media made a submission (#2516) on the PDP.
- 3 Go Media is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Go Media received notice of the decision on 21 March 2019.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to Chapter 31 Signs, in particular those provisions relating to digital signage. For the purposes of this appeal, reference to "digital signage" captures all digital signage activities, however defined in the PDP.

### **Reasons for appeal**

- 7 Go Media seeks District Plan provisions to better enable digital signage within areas zoned for commercial activity, specifically including signage which does not relate to the land use activity conducted on the site.
- 8 Digital signage has a range of benefits, including: contribution to business, infrastructure and social activity through the content of advertising; enhancing character, vibrancy and interest where it is located; and as a more sustainable alternative to print media. In Go Media's experience, claims that digital signage will result in significant adverse effects on environmental quality, landscape / amenity values, and traffic safety are regularly raised, but are often overstated, ignore the context in which these activities are located, and do not reflect Go Media's experience of actual effects once signage is in place.
- 9 The provisions of Chapter 31 are unnecessarily complex and difficult to interpret. A number of definitions (including billboard sign, digital sign, digital signage platform, moving sign, and off-site sign) and associated rules potentially apply to the single activity of digital signage. This has resulted in the duplication of rules and standards, and uncertainty as to which rules and standards apply. Examples include:

- (a) potential application of both "digital signage platform" and "billboard sign" rules;
  - (b) specific rules for digital signage within a ground floor façade or above ground floor, but no specific provisions for free-standing digital signage creating uncertainty as to applicable provisions; and
  - (c) uncertainty as to whether the definition of "moving sign" captures the change or dissolve between images on a digital sign.
- 10 Standards for digital signage in commercial areas which require that signage not be visible from any Residential Zone (31.7.6.7, 31.7.7) also creates uncertainty in the context of a commercial and mixed use zones surrounded by elevated residential areas. In these circumstances signage may be technically visible from a residential location that is far from the signage and where effects on that residential location are negligible.
- 11 In many circumstances, digital signage is a non-complying or prohibited activity in commercial areas. That activity status is incommensurate with any adverse effects associated with such signage, and does not reflect the associated positive effects of the activity.
- 12 In addition, the objective and policy framework for digital signage is very constraining. In particular, Policy 31.2.1.13 directs decision makers to "avoid adverse effects from...a. flashing, moving or animated signs and signs that create an optical illusion;... c. billboard signs" (where billboard signs are defined as "any sign, including located in a digital signage platform, that is for purely commercial brand awareness purposes and which does not relate to land use activity conducted on the site"). The policy is broad and directive in its requirement to "avoid adverse effects", contains no qualifiers or further direction as to effects that may be acceptable, and does not reflect that billboard signs and digital signage is only provided for within commercial areas which are generally less sensitive to effects than other locations. Accordingly, while a non-complying consent pathway is provided in many areas zoned for commercial activities, Go Media considers that the prospect of obtaining consent is very low under the current policy provisions.

### **Relief sought**

- 13 Go Media seeks amendments to the Chapter 31 provisions to address the matters raised in this appeal and to enable digital signage (however defined), which does not relate to the land use on the site, in commercial areas.
- 14 Without limiting the generality of that relief, Go Media seeks the following relief:

- (a) Reduce complexity and remove duplication and uncertainty in Chapter 31 as it relates to digital signage, including through revision and consolidation of definitions, rules and standards; and
- (b) Amend the objective and policy framework applicable to digital signage (however defined) in commercial areas to be more enabling and reflect that some effects are acceptable. Without limiting the generality of this relief, specifically delete "a. flashing, moving or animated signs and signs that create an optical illusion" (unless the definition of moving sign is amended as sought in (c) below) and "c. billboard signs" from Policy 31.2.1.13; and
- (c) Amend the definition of "moving sign" to specifically exclude digital signage where the only movement is the dissolve of one image to another; and
- (d) Provide for digital signage (however defined) as a controlled, restricted discretionary or discretionary activity in all commercial areas, including those areas identified in Table 31.6, where standards in Table 31.7 are met; and
- (e) Amend standards 31.7.6.7 and 31.7.7.2 that require signage not be visible from any residentially zoned site, to limit the application of the standard based on the proximity and/or direction of the signage in relation to the residentially zoned site; and
- (f) Amend the non-compliance status for standard 31.7.7 (billboard standards) from prohibited to non-complying; and
- (g) Such other additional, alternative or consequential relief to address the matters raised in this appeal.

15 The following documents are attached to this notice:

- (a) Appendix 1 - a copy of Go Media's submission.
- (b) Appendix 2 - a copy of the relevant decision.

Dated this 7<sup>th</sup> day of May 2019



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