

BEFORE THE QUEENSTOWN-LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Queenstown-Lakes  
District Plan

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Statement of evidence of **Andrew MacLennan** for QMS Media Limited (2557), in relation to  
Chapter 31 – Signs  
06 August 2018

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## **Statement of Professional Qualifications and Experience**

1. My full name is Andrew Cameron MacLennan. I am a Resource Management Consultant at the firm Incite, which has offices in Auckland, Wellington, Nelson and Christchurch.
2. I hold a Bachelor of Science in Land Planning and Development from Otago University and am currently studying towards a Masters of Resource Management at Massey University. I am an Associate member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
3. I have 6 years' planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of s32 and s42A reports. I also have experience in the preparation and processing of resource consents for territorial authorities and private clients.
4. In this matter, Liz White from Incite Christchurch assisted QMS Media Limited in reviewing the Proposed Queenstown Lakes District Plan when it was notified, and assisted QMS Media with the preparation of the submission.

## **Code of Conduct**

5. I confirm that I have read the Hearing Commissioners minute and direction on Procedures for the Hearing of Submissions and I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note of 2014. I have complied with the Practice Note when preparing my written statement of evidence, and will do so when I give oral evidence.
6. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
7. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## Scope

8. The scope of this evidence relates to the Chapter 31 - Signs within the Proposed Queenstown Lakes District Plan.
9. This evidence is broken into a number of parts:
  - a) the definition of 'Billboards':
  - b) the Objectives and Policies of Chapter 31 – Signs:
  - c) the activity status of billboards within the 'Commercial Areas' including:
    - the Town Centre Zones;
    - the Airport Mixed Use Zone;
    - the Local Shopping Zone;
    - the Business Mixed Use Zone.
10. The overarching relief sought within this evidence is that with the Commercial Areas of the district, the activity status of billboards is amended from prohibited to discretionary, to allow the effects of a potential billboards to be assessed on their merits based on the site-specific features of the application site.

## Definitions

11. I support the S42A officer's recommendation that the definition of 'Hoardings' is removed from the Proposed Queenstown Lakes District Plan (QLDP) and replaced by a definition of 'Billboard', as this is a term commonly used in other District Plans.

## Objectives and Policies

12. The original QMS Media submission sought that the definition of 'Hoarding' be deleted and the 'Off-site sign' definition be amended to capture a broad range of signs including those considered 'Billboards' or 'Hoardings'. Given the S42A Officer has recommended that 'Billboards' be defined separately to the definition of 'Off-site sign', I have suggested a number of amendments to the Objective 31.2.6 and the associated policies, which achieves the same relief that was sought within the original submission, being that the activity status of billboards is amended from prohibited to discretionary.
13. I have reviewed the Objectives and Policies of Chapter 31 of the QLDP, including the amendments suggested by the S42A Officer. I consider that the direction provided within Objectives 31.2.1, 31.2.2, and 31.2.3 and the associated policies

will provide a suitable framework for decision makers to assess the effects of a billboard application, as they would for any other signage application.

14. In relation to whether specific objectives and policies are required within the QLDP to manage billboards, I consider that minor amendments to Objective 31.2.6, and Policies 31.2.6.1, 31.2.6.3, the addition of a new Policy 31.2.8, and an amendment to Policy 31.2.1.10 will provide appropriate guidance to ensure that the positive effects of billboards can be considered within the Commercial Areas of the district while also ensuring that in all other areas of the district which are particularly sensitive to visual effects, that billboards are avoided.
15. Appendix 1 attached to this evidence includes suggested amendments to Objective 31.2.6, and Policies 31.2.6.1, 31.2.6.3, 31.2.1.10, and the addition of a new Policy 31.2.8.

### **Activity Status of Billboards**

16. As stated above, the relief sought in the original QMS Media submission was that the activity status of billboards be amended from prohibited to discretionary. This relief was not supported by the s42A Officer. Instead the S42A Officer noted in paragraph 7.17 that:

*'I have also considered an alternative non-complying activity status for 'billboard' signs, however in attempting to draft an objective and policy framework to discourage 'billboard' signage with the exception of specific locations or for specified reasons, I was unable to identify any such suitable locations or reasons which would not result in potentially significant adverse effects in relation to landscape and visual amenity or upon the built environment.*

17. I disagree that in every location throughout the whole of the Queenstown-Lakes District that the construction of a billboard, (including any associated mitigation measures) will result in significant adverse effects.
18. As noted in the original QMS Media submission, the Court of Appeal<sup>1</sup> set out a range of situations in which it is appropriate to make an activity a prohibited activity in a plan including:

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<sup>1</sup> *Coromandel Watchdog of Hauraki Incorporated v Chief Executive Of The Ministry Of Economic Development*.CA285/05

- To take a precautionary approach because of a lack of information about the activity;
- When the Council is taking a staged approach;
- When the Council is ensuring that a comprehensive development is to occur in a co-ordinated manner;
- When the Council seeks to allow an expression of social outcomes or expectations;
- When restricting the allocation of a resource.

19. I do not consider that the proposed prohibition on billboards falls into any of these categories. The S42A officer has also stated in paragraph 7.25 that:

*'...I do not consider that there would be any instances or locations in the District which would be appropriate for locating 'billboard' signs which would avoid adverse visual amenity and landscape effects or possible traffic safety effects.'*

20. I disagree that in every circumstance that a billboard application might be made, there would be unacceptable adverse visual, landscape or traffic effects. The S42A Officer appears to have overlooked the fact that if the establishment of a new billboard was a discretionary activity, any application would need to go through a rigorous consent process, which would ensure that the effects of the billboard are appropriate. Indeed, the sentence above from the s42A officer's report would indicate that the officer seems to think that all effects must be 'avoided', which is simply incorrect in both law and planning.

21. Incite work with QMS Media, finding sites and seeking approval for billboards in Auckland, Wellington, and Christchurch. As part of resource consent applications, it is common for District Councils to request a visual effects assessment, traffic effects assessment, and lighting assessments. These expert assessments are site specific and provide design guidance on how best to mitigate any potential effects, taking into account the relevant objective and policies of the District Plan. This robust consenting process ensures that potential billboard applications avoid, remedy or mitigate any adverse visual, landscape, or traffic effects.

22. I also note that there is a wide variety of signs that are managed within the QLDP which have the ability to result in adverse visual, landscape or possible traffic safety effects. These include: off-site signs, signs on wharves and jetties, signs on heritage buildings, and signs that don't meet the relevant permitted standards

within the QLDP. In each of these situations, the potential adverse effects of these signs are managed through a resource consent framework as a discretionary activity. I consider it is appropriate that the potential effects of billboards be managed within the same discretionary framework.

23. In relation to the zones within the QLDC Plan which may be appropriate, I note that the S42A states in paragraph 7.19 that:

*In my view, 'billboard' signs should not be located within or adjacent to any residential, rural or resort zone given the anticipated amenity and landscape values of those areas'*

24. I support this statement. I also note that QLDP has already provided the framework to separate the suitable zones, from the inappropriate zones. Rule 31.7 of the QLDP has separated the 'Commercial Areas' from the 'Residential Area' and 'Other Areas'. I support the recommendation from the S42A Officer that billboards are prohibited within the 'Residential Areas' and 'Other Areas'. However, I consider that within the 'Commercial Areas' (Town Centre Zones, Airport Mixed Use Zone, Local Shopping Zone, and the Business Mixed Use Zone) allowing an application to be made to establish a well-designed billboard is entirely appropriate, and would better achieve the direction within Objectives 31.2.1, 31.2.2, 31.2.3, and 31.2.6. Appendix 1 attached to this evidence includes suggested amendments to Rules 31.5, and Tables 31.7, 31.8, and 31.9.

25. Finally, I consider that prohibiting billboards throughout the district has excluded an entire branch of the advertising industry from establishing within the Queenstown Lakes District. I consider there has been limited technical support for the argument that in every instance, this type of advertising is inappropriate, other than general statements from the S42A Officer. I consider this prohibition is inconsistent with Strategic Objective 3.2.1 which seek to enable the development of a prosperous, resilient and equitable economy.



Andrew MacLennan  
6 August 2018

## Appendix 1 – Suggested amendments to Chapter 31 – Signs

Note: The changes in black are recommended within the S42A Officers report, and the changes in red are my recommended changes.

### Objective 31.2.6

Off-site signs and billboards are provided for in limited circumstances.

#### Policy 31.2.6.1

Restrict the establishment of off-site signs and billboards, having particular regard to:

- a. whether it is not practical for the off-site sign to display the information on the site where the activity and/or use of land or buildings occurs;
- b. visual amenity values;
- c. any cumulative adverse visual effects, including visual clutter; and
- d. any adverse effects on the safety of the roading network.

#### Policy 31.2.6.3

Limit the number of off-site signs and billboards that are designed and located to attract the attention of users of the roading transport network, however enable off-site signs erected by a road controlling authority or the harbourmaster that are for the purpose of assisting road users of the road, lakes and rivers and promoting traffic safety.

#### Policy 31.2.6.8

Ensure that the size, number, height, location, design, appearance and standard of maintenance of billboards:

- a. do not detract from, and where possible contribute to, the character and visual amenity of the surrounding area and public realm;
- b. integrate within the façade of the building, do not detract from the integrity of the building design, and maintain the building as the primary visual element;
- c. are in proportion to the scale of buildings and the size of the site; and
- d. enhance the Commercial Areas.

#### Policy 31.2.1.10

Avoid ~~adverse effects from~~ the following signs and sign types:

- a. flashing, moving or animated signs and signs that create an optical illusion;
- b. roof signs;

- ~~c. hoardings billboard signs unless located within the Commercial Areas;~~
- d. signs displaying sexually explicit, lewd or otherwise offensive content;
- e. stationary sign-written trailers, vehicles or permanently moored vessels or signs attached to stationary trailers, vehicles or permanently moored vessels which are visible from any road or public place for the purpose of advertising; and
- f. signs imitating any traffic direction and safety sign as required by the New Zealand Transport Agency.

31.5 District Wide Rules – Activities

	Table 31.5 – Activity Status	Activity Status
31.5.14	<del>Hoardings</del> <u>Billboard signs located within the Commercial Areas, including hoardings billboard signs located within or above roads</u>	<u>PR-D</u>
<u>31.5.14(a)</u>	<u>Billboard signs within Residential Areas and within Other Areas, including billboard signs located within or above roads</u>	<u>PR</u>

31.7 Rules – Standards for Signs in Commercial Area

Table 31.7 Zones	Standards for Signs in Commercial Areas	Town Centre (including commercial activities in a Town Centre Transition SubZone or overlay)	Airport <del>Mixed</del> Use Zone	Local Shopping Centre Zone	Business Mixed Use Zone
<u>31.7.10</u>	<u>Billboards</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>

31.8 Rules – Standards for Signs in Residential Areas

Table 31.8 Zones	Standards for Signs in Residential Areas	Low, Medium & High Density Residential Zones (excluding commercial activities in the Town Centre Transition Sub-zone)	Arrows Residential Historic Management Zone	Large Lot Residential Zone
<u>31.8.4</u>	<u>Billboards</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>

31.9 Rules – Standards for Signs in Other Areas

Table 31.9 Zones	Standards for Signs in Commercial Areas	Rural Zone (excluding <u>Ski Area Sub-Zones</u> ), Gibbston Character Zone & Wakatipu Basin Transition SubZone or overlay)	Rural Lifestyle and Rural Residential Zone	Open Space and Recreation Zones	Jacks Point Zone, Waterfall Park Zone, Millbrook Resort Zone	Visitor Accommodation Sub-zone	<u>Ski Area Sub-Zones</u>
<u>31.9.14</u>	<u>Billboards</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>