

Before the Hearing Commissioner  
Appointed by Wellington City Council

Under the Resource Management Act 1991

In the matter of Hearing Stream 7 on submissions to the Wellington City  
Proposed District Plan: Signs and Signs Design Guide

**Go Media Limited** Submitter

ID: 236

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**Statement of evidence of Francis John Costello**

5 March 2024

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Written submission 25/3/2024 due to inability to establish a video call at 5pm  
22/3/2024

My additions and speaking notes to my submission are outlined in red following. I thank the panel for providing the additional concession to submit in writing having had the video link fail to have sound late Friday afternoon. Points I would have reinforced in the presentation are also highlighted

### **Introduction**

- 1 My full name is Francis (Frank) John Costello.

Thank you for the ability to present to the panel.

I will take my submissions as read and note that it is dated % march I have not had the benefit of having a copy of Mr Pattersons revised document of the 12<sup>th</sup> of March until Friday, this document addressed a number of my points discussed. The submission from Mr Patterson contains the proposed edits to the plan. I will no longer address these items in favour of bringing to the panels attention my remaining concerns.

- 2 I am a Commercial Director of Go Media Limited (**Go Media**), and I am authorised to provide this evidence on its behalf. We have an office based in Wellington and I have been working in the Out of Home (**OOH**) advertising sector for 20 years.
- 3 By way of background Go Media is a nationwide OOH advertising company. We have a large static billboard and bus portfolio nationwide, including the Greater Wellington Regional Council bus and train networks. We currently operate 120 LED digital billboards nationally. We have LED digital billboards located in Auckland, Hamilton, Tauranga, New Plymouth, Hastings, Gisborne, Palmerston North, Levin, Otaki, Masterton, Wellington, Nelson, New Plymouth, Christchurch and Dunedin.
- 4 We purchase quality hardware and pay a generous land lease to the landlord. We sell advertising to local businesses, community events and major brands. Nationally we sponsor organisations such as Netball New Zealand, NZ Football and every Super Rugby team amongst others.
- 5 I have worked closely with the various councils throughout New Zealand, including through proposed plan processes, with regard to erecting signage and having appropriate provisions in district plans.
- 6 Go Media submitted on the Wellington City Proposed District Plan (the **PDP**) to enable appropriate OOH advertising and my evidence will address these issues. Go Media previously appeared at Hearing Stream 3 on signage matters in the Heritage Design Guide.
- 7 Go Media primarily operates digital or static "third-party" billboards in the Wellington City District. Some of these billboards are on heritage buildings, some are in the vicinity of a State Highway and all occur across a range of commercial, industrial and mixed-use zones.

- In regard the presentation made earlier in the day Friday with OOHMAA made by Messrs Berry, Harries and Blomfield. I concur and agree with their concerns on the weight being given to the opinions of Waka Kotahi and their documents. Their documents should not be treated as rules and are not supported by legislation, they are not robustly drafted nor supported by either evidence or external sourced advice. It has equally been my experience with Waka Kotahi that poor presentation and opinions have been tendered time and time again though the consent process wherever they are brought in. Their evidence being seldom supported by empirical evidence or robust objective research of studies.
- While I was unable to present I would assume that the panel would as per OOHMAA noted the late submission by the psychologist. As per Mr Berry's comments we would ask the panel not to give this any consideration as they are not provided by a person suitably qualified in the field of Traffic. We concur with the comments on both Mr Berry and Harries, we have presented evidence and commentary from Mr Andy Carr, both Mr Carr and Mr Harries being New Zealand's leading experts in the area of signage, Digital signage and traffic safety.
- We have great concern with the elevated priority given the Waka Kotahi roads while different conditions are provided for WCC controlled roading corridors, many of these are not dissimilar in layout and volumes yet are managed differently under to proposed plan. As per OOHMAA's comments we have found often through on consents in Wellington that the opinions of Waka Kotahi contrast greatly in the same area as the WCC traffic team. I draw your attention to the digital sites on the corner of Vivian and Victoria st, WCC supported and approved dropping dwell from 120s to 8s on the Victoria face and supported the same on Vivian while Waka Kotahi would not support this despite a clear evidential basis that the sign being in place had no links to negative traffic safety outcomes over time in it's operation.
- Wellington is one of few cities which has inner city corridors which are also part of the state highway network and as addressed these don't differ greatly in volume layout etc, WCC will through the proposed plan be tied up heavily in consents for activity on like corridors through a lack of workable permitted standards. This will increase cost for both WCC and applicants.

### Section 42A Report - Signs

- 8 Go Media supports the following recommendations made by the Signs chapter reporting officer in relation to Go Media and the Out of Home Media Association Aotearoa and Lumo Digital Outdoor Limited's (**OHMAA and Lumo**) submissions:
- (a) Remove "effectively" from SIGN-O1; **Now amended**
  - (b) Amend SIGN-P1 to "enable" rather than "allow" signage meeting the sub-policies; **Now amended**

- (c) Amend SIGN-S7 to remove the need for signs within a 0-70km speed area to have a minimum separation distance (OHMAA and Lumo); **now amended**
  - (d) Amend SIGN-S8 to increase the image transition time to 0.5 seconds; **now amended**
  - (e) Amend SIGN-S8 to remove the barrier to dissolve transitions (OHMAA and Lumo); and **now amended**
  - (f) Amend G15 of the Signs Design Guide (**SDG**) to consider effects on a building-by-building basis.
- 9 Go Media also supports the reporting officer's recommendations to reject the following submissions by Waka Kotahi:
- (a) Add a non-complying rule for digital billboards within 100m of a state highway intersection;
  - (b) Amend SIGN-P2 to control all signs visible from a road with a speed limit of 70km/h or higher;
  - (c) Amend SIGN-S7 to target digital signs; and
  - (d) Amend SIGN-S8(2) to create a complicated dwell-time calculation for digital signs.
- 10 Go Media otherwise still seeks the amendments sought in the original submission and broadly supports the intent of the submissions by OHMAA and Lumo to appropriately enable signs. I detail the reasons for this below, as follows:
- (a) Digital vs static signage;
  - (b) Visibility from State Highways;
  - (c) Zones enabling signage;
  - (d) Other matters (Signs Design Guide, standards) and
  - (e) Positive benefits of signage.
- 11 Go Media attached a letter to the original submission which was prepared by Mr Andy Carr from Carriageway Consulting, an experienced traffic engineer with experience in consenting both static and digital billboards. I refer to the content of Mr Carr's letter below.
- 12 Digital advertising has become a widely accepted form of advertising throughout New Zealand. It is more sustainable than traditional print signage, and enables an

advertising platform to be used for multiple purposes, including for civic messages, local advertising, community messages and events, as well as brand advertising.

### Digital and static signs

- 13 The PDP differentiates between digital and static signage quite significantly. Static third-party signs are a permitted activity in some commercial-type zones (SIGNR4) with a restricted discretionary status for signs in the balance of commercial-type zones and any static signs not meeting the permitted standards. In contrast, digital signs are restricted activity in some zones and, at minimum, a discretionary activity in many commercial-type zones.
- We draw the panels attention to this paragraph
  - We strongly feel the PDP as it stands will un-necessarily tie up both applicant and council in costly and protracted consent processes through onerous consents due to a lack of acceptable permitted standards on Waka Kotahi governed roading corridors as opposed to WCC road corridors. The outcome will be inequitable.
  - Our key concerns are around the rules relating to digital signage.
- 14 The Section 42A Report states that digital and static signs have different effects which need to be managed. In response to a submission by OHMAA and Lumo, the Section 42A Officer stated that digital signs have the potential to have greater effects and are more complex than signs which are not digital.
- 15 In my experience of consenting both static and digital signs (with the support of technical lighting, urban design and traffic experts), the effects vary greatly on a case-by-case basis. A static billboard with bright illumination can have greater effects than a digital billboard with automated ambient light control systems within a billboard. I acknowledge that digital billboards may have different operational requirements (for e.g. screen transitions, luminance values, maintenance requirement), but this may not impact effects and does not justify a more restrictive activity status. Managing these matters, which are well known, can be appropriately controlled through standards and associated consent conditions, and I support the broad intent of SIGN-S8 to do so. This allows effects to be addressed on a case-by-case basis as part of the resource consent process.
- 16 There are also a number of other methods to manage effects such as placement, height, angle of screens, colours, and display durations. Go Media has utilised thin screens, kept the signage below parapets to maintain the built form, painted sign utility features the same colour as the façade and, in the context of heritage buildings, included historical imagery relating to the specific building within the rotation of digital signage (this cannot be done with static billboards).

## Visibility from state highways

17 The PDP as notified increased restrictions on signs when "visible" from state highways. The Section 42A Report has subsequently recommended this be amended to "oriented to be read from" throughout the PDP (except in SIGN-P2). Go Media supports this clarification, but does not support the differentiation of this effect between state highways and other roads. **Now amended**

- Much discussion and opinion made in theory appears to be given weight to on digital signs through the PDP process and the guidance of Waka Kotahi despite there now being very strong evidentiary and empirical set of supporting analysis and data from the large number of digital billboards now operating across the country. The planning frameworks and especially those of Waka Kotahi still use a lot opinion and theory in a less than objective fashion, Both Mr Harries and Mr Carr have conducted a lot of off shore and local analysis of studies and practice from which to draw on in drafting their reports and those often used in applications.
- The panel needs to understand that digital billboards are now an accepted form of adverting in the market and have now been found through evidence to when manged through appropriate conditions to not contribute to negative safety outcomes and differ little in their effect from static third party or even first party signage.
- We concur with OOHMAA and Mr Harries in their earlier submissions that the application of differing rules to road corridors governed by differing parties rather than speed based rules is wholly inappropriate and creates and onerous precedent to both council and the applicant.

18 As stated in the original submission, Go Media supports PDP provisions that are based in evidence. One of the critical factors relating to the safety effects of signs is speed. Mr Carr stated in his letter is critical of a rule that:<sup>1</sup>

"applies equally to high-speed state highways where drivers do not encounter conflicting traffic or expect to have to stop, to lower-speed state highways where drivers frequently stop at intersections and encounter vehicle moving to/from on street parking. Typically, advertising signage on high-speed highways is much less common than on low-speed highways, and taking into account that the driving environments are different in almost every way, advertising signs also have different effects."

19 The speed of state highways throughout the Wellington City District can vary greatly. For example, Vivian Street, Kent Terrace and Karo Drive are part of SH1,

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<sup>1</sup> Letter of Mr Carr, at 2.

but have a 50km/h speed limit.<sup>23</sup> It would lack evidential basis to restrict signage oriented to be read from these roads as much as multi-land 100km/h open state highways. I am not aware of any evidence from Waka Kotahi that explains why such 50km/h parts of SH1 should be treated any differently.

- 20 Further, the use of "oriented to be read from" should consider how speed impacts on a driver's field of vision (i.e. where a sign may be read from). Mr Carr, quoting the Waka Kotahi Traffic Control Devices Manual Part 3 ('Advertising Signs'), notes that a driver's field of vision extends to 45 degrees to the drivers left and right (90 degrees in total) for 50km/h, but when speeds are 100km/h, it narrows to 20 degrees to the drivers left and right (40 degrees in total).<sup>4</sup> This could be included as an advice note in the relevant provisions.

### Zones enabling signage

- 21 As I have noted with regard to digital signs, the PDP applies to different activity statuses for signs (static and digital) in different zones. The PDP also applies different size, height and number standards based on different zones.<sup>5</sup> These are, in my view, not applied consistently across the zones and are not consistent with the amenity and purpose of the zones.

#### SIGN-S1

- 22 A single sign in the Commercial Zone and Metropolitan Centre Zone must not exceed 5m<sup>2</sup>. The notified PDP Introduction for the Metropolitan Zone states "*[t]he transition to more intensive use in metropolitan centres will result in significant changes to existing amenity values and design in the centres and their surrounds.*" Accordingly, permitted building heights extend up to 35m and industrial activities are permitted. **The Section 42A Officer is concerned that these zones directly adjoin residential areas, but even if true, it is difficult to envisage how a 20m<sup>2</sup> sign could have a noticeable effect when such intensive activities are possible without a resource consent.**
- 23 This inconsistency is further highlighted when the maximum freestanding height of a sign in the Commercial Zone is twice that permitted in the Metropolitan Centre Zone (SIGN-S4).
- 24 **In Go Media's submission the City Centre, Mixed Use, Commercial and Metropolitan Centre Zones should all have a maximum single area of 20m<sup>2</sup>.**

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<sup>2</sup> National Speed Limit Register, retrieved from: <https://opendata-nzta.opendata.arcgis.com/datasets/NZTA::national-speed-limit-register-nslr/explore?location=-.229480%2C174.893206%2C17.31>

<sup>3</sup> .229480%2C174.893206%2C17.31

<sup>4</sup> Letter of Mr Carr, at 3.

<sup>5</sup> Specifically, SIGN-S1 to SIGN-S4.

*SIGN-S1(f) and SIGN-S2(e)*

- 25 These standards restrict the individual and total sign area per site for signs oriented to be read from the State Highway Network to 5m<sup>2</sup>. The Section 42A Officer states that this limit arises from consultations with Waka Kotahi. This limit is unreasonable and lacks evidential basis. As Mr Carr succinctly puts it:<sup>6</sup>

"From a transportation perspective, there is no data or research that suggests that an effect is mitigated or eliminated through having smaller signage. Waka Kotahi itself, as road controlling authority for the state highway network, advertises on billboards that are larger than 5sqm and are erected alongside heavily-trafficked arterial roads. We would anticipate that if there was an inherent road safety concern regarding the size of signage, then their own signs would be no more than 5sqm."

- 26 I also refer again to the variation in speed limits across Wellington's State Highway Network.

*SIGN-S4*

- 27 Go Media seeks the height limits for freestanding signs in the Commercial, Mixed Use and General Industrial Zones to be increased. The Section 42A Officer rejects this because 4m would prevent signs being overly dominant within the surrounding environment. However, the anticipated building heights in those zones far exceed 4m (and even 8m):

- (a) Metropolitan Centre Zone: 15-35m
- (b) Mixed Use Zone: 12-18m
- (c) City Centre Zone: 27-95m
- (d) Commercial Zone: 8m
- (e) General Industrial Zone: 12-18m

- 28 Additionally, there is adequate provision in the standards and the SDG to consider visual amenity effects.

**Other matters**

- 29 *Sign Design Guide* – Go Media has sought greater clarity for the SDG to reduce uncertainties and improve efficiency in the pre-application work required in consenting signs. In my experience, design guides such as the SDG tend to overcomplicate the consenting process and assume negative attributes of signs when none exist. Such considerations belong in the consenting stage.

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<sup>6</sup> Letter from Mr Carr, at 4.



30 *SIGN-P2(5)* – in line with other uses of the term "visible", Go Media sought clarification of the term "not visible". Unlike all other instances in the Signs chapter, the Section 42A Officer did not recommend this to be amended so that the policy read "*provide for digital and illuminated signs where the sign is not ~~visible~~ oriented to be read from a state highway.*" **Now amended** This is not consistent with the rest of the chapter and not supported by any evidential basis. Visibility is a highly uncertain term and

Mr Carr noted the following on this term:<sup>7</sup>

"the orientation of a sign is only one aspect of whether there is a potential 'effect', as distance from the highway and whether the views of the sign are over an extended timeframe or only a fleeting glance are also relevant."

The Section 42A Officer stated that visibility is to be determined at resource consent stage. In my experience preparing resource consents for signs, I do not believe this is the most efficient approach to policy-drafting. This approach would require a determination by the decision-maker and then an assessment of policy, not the other way round as is normally done.

31 *SIGN-S7(6)* – Go Media's position on SIGN-S7 (traffic safety) was presented in the letter of Mr Carr.<sup>8</sup> The minimum lettering height should not apply to 'small print' required for legal reasons. Mr Carr has explained that drivers glance at billboards for only 0.7-0.8 seconds, sufficient only to assimilate the overall image and a few words.<sup>9</sup> Small text is disregarded by drivers and does not form a safety risk.

- We ask the panel consider a differentiation of text designed to be read and not designed to be read in the drafting of rules to simplify the process moving forward. Many consents across NZ have now accepted that often there are legal obligations which need to be met on advertisements, the text is often very small but there only to satisfy legal requirements. Examples being authorisor details on political and election adverts, legal requirements for offers, on banks, airlines or competitions.
- Mr Carr addresses this in his advice on pages 6-9. He even draws attention to Waka Kotahi's own advertising not complying.
- We ask that a note be added differentiating in SIGN S7-6 of text to be read and that not so.

32 *SIGN-S8(1)(e)-(g)* – Go Media and OHMAA and Lumo sought to delete these standards because they are unlikely to have any safety benefits:

- (a) The bar on various types of contact details is arbitrary and content of signs are more appropriately managed through the Advertising Standards Code;

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<sup>7</sup> Letter of Mr Carr, at 4.

<sup>8</sup> Letter of Mr Carr, at 5-7.

<sup>9</sup> Letter of Mr Carr, at 6.

- (b) The limit on number of characters to 40 is not based on any evidence, according to Mr Carr and would be difficult to implement. Mr Carr has provided an example where Waka Kotahi's own signage exceeds this limit just through government branding.<sup>10</sup> There is no empirical evidence to illustrate any effect which would support these proposed conditions; and **now amended**
- (c) The restriction on signs oriented to be read from the State Highway Network is not appropriate, as I have explained above.

33 *SIGN-S8(2)(b): dwell time* – Go Media sought the dwell time on each image on digital signs to be reduced to 8-seconds (also supported by OHMAA and Lumo). The Section 42A Officer rejected these submissions on the basis that dwell times that are too quick can cause unnecessary distraction to drivers. This is not consistent with the available evidence. Mr Carr has stated:<sup>11</sup> **now amended**

"Despite there being limited information available, within New Zealand a dwell time of 8 seconds for a digital billboard within a 50km/h speed limit area has been adopted for several years. Reviews of road safety records in the vicinity of billboards show that under these conditions, there is no increases in crash numbers. At higher speeds, we consider that longer dwell times would be required but there is no research which has investigated this. We therefore support this dwell time, since it is demonstrably not giving rise to adverse outcomes... In turn then, we do not support the grouping together of dwell times for all roads with a speed limit of 80km/h or less as being a minimum of 15 seconds. Rather, the dwell time for a road subject to an 80km/h speed limit should be considerably more than the dwell time for a road with a 50km/h speed limit."

### **Positive benefits of advertising signs**

34 **The notified PDP (including the SDG) and the Officer's Report appear to begin from the assumption that all third-party signs have a negative effect. In my extensive experience, signs and the sign industry have a benefit for local communities, the economic development of businesses and rate paying property owners.**

- **The skew to the negative view is invalid and forms a poor starting point for the process being carried out. The objective view should be that any activity signage or not may be with it both positive and negative effects, the plan should be designed so as to manage the negative effects through mitigation, this is best managed through a number of permitted standards to simplify the process rather than a top down review of all applications. The plan seeks to differentiate roads by governance rather than through speed and the matters of effects. The different assessment frameworks**

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<sup>10</sup> Letter of Mr Carr, at Figure 5, at 7.

<sup>11</sup> Letter of Mr Carr, at 10.

are onerous and un-necessary and provide elevated control to Waka Kotahi who have illustrated through action of not providing balanced assessment. The current permitted standards were drafted to ensure that only breaches brought in the second assessments of Waka Kotahi which more appropriate than what is proposed we feel that the stance of a negative effect is going to provide undue pressure on applicants.

- We feel that through the model being put forward under the PDP that there will be a complete blank cast on the positive effects.
- We ask that the panel cast a more balanced view than that which has been put forward under the PDP and the commentary of Mr Patterson who is clearly an anti digital advocate.
- We ask the panel to take a look through the positive outcomes following in points 35-40

- 35 Go Media have a philosophy of supporting the community in the area of arts, sports, the environment, social work and other such organisations. Go Media reaffirmed this commitment last year with the launch of the Good Impressions program. This program supports a group of notable charities/community groups, with credits from every dollar spent by advertisers entering a pool to allow use of advertising space to these groups. Examples include: I am Hope, Inspiring Stories, Māori Women's Development Inc, Manaaki, Kiwi Harvest, Sustainable Catlines, Forest and Bird, Talk Peach, MATES in Construction, Raukauri Music Therapy Trust, Untamed Earth, Kaibosh, Key to Life Charitable Trust
- 36 Digital OOH through its low setup cost for advertisers and capacity allows sponsored members of the Good Impressions program to utilise the advertising space to promote their awareness and their activities.
- 37 Digital advertising contributes to the commercial vitality of a community through supporting business, infrastructure and community activities. It is a legitimate commercial activity that generates economic activity by enabling the commercial community to advertise goods and services. Go Media spends millions of dollars each year within local communities, with landowners, bus companies, printers, installers, abseilers, engineers, planners, traffic engineers, traffic management companies, hire companies, solicitors and accountants.
- 38 The events that we advertise help to successfully promote and contribute to economic, cultural and social well-being. We advertise messages about mental health (All Right?), the environment (Drinkable Rivers, Recycling), and road safety (NZTA). Along with advertising all the sports events, art galleries, music shows, comedy festivals and major events, this also adds to the cultural and social wellbeing of communities. Go Media have donated millions of dollars of media over the last 20 years to charities, including providing critical community messaging. Following the earthquakes, our Christchurch billboards were used extensively by the Earthquake Commission, Canterbury Earthquake Recovery

Authority, Enable and Christchurch City Council (which is one of our largest clients) to communicate important community messages and important information.

39 Go Media ourselves operate an office in the Wellington region employing 3.5 fulltime employees

40 In terms of the images displayed, digital billboards (like static billboards) are subject the Advertising Standards Code which is overseen by the Advertising Standards Authority. The Advertising Standards Code contains five sector codes, where advertisers are expected to take particular care, including the 'Children and Young People' code. Any advertisements on Go Media's billboards will therefore be regulated, and particular care is given to ensure advertising is appropriate for the potential audience.

### **Conclusion**

41 Go Media seek to provide billboards of an appropriate industry standard, to assist with providing for the social, economic and cultural wellbeing of the Wellington City District.

42 Amending the PDP as proposed will:

(a) Ensure consistency with section 18A RMA, which requires that every person exercising powers and performing functions must take all practicable steps to ensure that plans include only those matters relevant to the purpose of the RMA (effects based) and are worded in a way that is clear and concise;

(b) assist the Council in carrying out its statutory duties under the Resource Management Act 1991 (RMA) including the integrated management of the effects of the use, development, or protection of land;

(c) meet the requirements of section 32 of the RMA; and

(d) promote the sustainable management of natural and physical resources in accordance with Part 2 of the RMA, and in particular the efficient use of natural and physical resources.

43 Thank you for your time, if you wish to ask me questions I am more than happy to answer them for you.

**Francis John Costello**

Dated this 5<sup>th</sup> day of March 2024

And as to have been spoken to on the 22<sup>nd</sup> of March.