

Hahei Residents & Ratepayers Association Inc.

e-mail : chair@haheiratepayers.co.nz

30 November 2022

Thames Coromandel District Council
515 Mackay Street
Thames 3500

By email: consultation@tcdc.govt.nz

To whom it may concern

**Advertising and Signs Bylaw Review
Submission from the Hahei Residents & Ratepayers Association Inc**

This submission regarding the TCDC Advertising & Signs Bylaw review is made by the Hahei Residents & Ratepayers Association Inc (**HBRA**) on behalf of the residents and ratepayers of Hahei.

HBRA **generally supports** the intent of the proposed amendments to the Bylaw Review. However, we also consider that there are some matters of detail that justify further attention. Our submissions are as follows:

1. Part 1 - Clause 5 - Purpose

We fully support the addition of Clause 5(c) which now appropriately specifies that protection of amenity values is one of the key purposes of the amended bylaw.

We submit however, that in order to remove any doubt about what 'amenity values' relates to, that the clause be added to as follows:

5(c) protect the public from nuisance, including by maintaining and protecting amenity values, particularly including residential amenity and visual amenity.

We also note that while the addition of Clause 5(c) is to be applauded, there is little within the following Parts 2 to 4 of the amended bylaw that gives any effect to this purpose. This is discussed further below.

2. Part 1 – Clause 6 - Interpretation

We submit that separate definitions should be provided for both 'digital billboards' and 'illuminated signs'. This will help to distinguish each from the generic definition given to 'sign' contained in clause 6(1). This becomes important in relation to other submissions that are described below.

We submit that the definition of 'sign' be added to, so as to specify that a 'sign' displays advertisements of products or services that relate to the site on which they are located. This is to distinguish them from 'billboards'.

In this regard, we submit that a new definition of 'billboard' be added. We submit that billboards should be defined as signs that display third-party advertisements of products or services that are unrelated to the site on which the sign is located. The relevance of this recommended amendment is further discussed in section 8 below.

3. Part 2 - Clause 7(3) – General requirements

We submit that clause 7(3)(e) be amended to read "*Schedule 5: Digital billboards and digital signs*"

We submit that in the list of general requirements, a new requirement 7(3)(f) be added to address "illuminated signs". While clause 7(3)(e) addresses digital billboards (and as we submit, digital signs), we also consider it essential to address illuminated billboards and signs (whether internally or externally illuminated), particularly in relation to the locations within which they are acceptable or not, and the

illumination levels and light-spill levels that should apply in the locations where they are permitted. This is discussed further in section 9 below.

4. Part 2 – Clause 8(3)(c)

In line with current best practice in New Zealand, we submit that Clause 8(3)(c) be amended to read as follows:

8(3)(c) [A person must not display any publicly visible sign that] resembles, conflicts with, detracts from, or is likely to be mistaken for a traffic control device.

5. Part 2 – Clause 12

In relation to the submission made in section 3 above regarding digital billboards and digital signs, we submit that the content of clause 12 be amended as follows:

*12 Additional controls for digital billboards and digital signs
Digital billboards and digital signs must comply with the controls for digital billboards and digital signs in Schedule 5 of this bylaw.*

6. Part 2 –

We submit that a new clause be added (perhaps inserted as a new **Clause 13**) that addresses externally and internally illuminated billboards and signs. (Internally illuminated billboards and signs are different from digital billboards and signs). This is further addressed in section 9 below.

7. Schedule 1: Additional controls for signs located within specified areas

As noted previously, while Part 1 - Clause 5(c) now includes amenity as one of the key purposes of the amended bylaw, there have been few, if any, changes or additions to the matters addressed in the Schedules that give effect to that purpose.

It is therefore submitted that the first table of Schedule 1 (that relates to signs located within Coastal Living, Extra & Low Density Residential, Residential Village and Waterfront Zones), be added to include a provision that digital billboards and digital signs, and illuminated billboards and signs, are not permitted anywhere within those zones.

The reason for this is that digital or illuminated billboards and signs are inappropriate in, and incongruous with, those zones due to the high probability of adversely impacting on either residential amenity, visual amenity, or community character.

Inclusion of this control would enable the purpose of the bylaw as encapsulated within Part 1 Clause 5(c) to be given effect to. It will also assist to provide a means of controlling the proliferation of digital and illuminated signage that is occurring elsewhere in New Zealand.

8. Schedule 5: Digital Billboards

Digital billboards and digital signs

It is submitted that this Schedule be renamed to ‘Schedule 5: Digital billboards and digital signs’

It is submitted (in support of the recommendation above), that a new criterion be added that digital billboards and digital signs are not permitted in residential areas, (i.e. Coastal Living, Extra & Low Density Residential, Residential Village and Waterfront Zones).

Inclusion of this control would enable the purpose of the bylaw as encapsulated within Part 1 Clause 5(c) to be given effect to. It will also assist to provide a means of controlling the proliferation of signage that is occurring elsewhere in New Zealand.

Digital image transitions

It is submitted that in line with current best practice in New Zealand, the ‘Transition time’ control be amended to refer only to a 0.5 second cross-dissolve as follows:

*Must have a transition ~~time of no more than 1 second between each image or display~~
between images that involves a 0.5 second cross-dissolve*

The reason for the transition time submission is that if “no more than 1 second” is specified, then billboard operators will opt for the shortest transition, i.e. zero seconds. However, instantaneous transitions have the potential to create a visual flick that can catch the involuntary attention of drivers. The use of 0.5 second cross-dissolve transitions ensures subtle and gentle transitions between images that are far less likely to catch the involuntary attention of drivers. It will also enable consistency with New Zealand best.

Sequential digital images

Also in line with current best practice in New Zealand, it is submitted that ‘Number of images’ be amended to remove any reference to sequential imaging. If sequential imaging is permitted, it will serve to undesirably hold the attention of drivers for periods much longer than is ideal to ensure that drivers are not hazardingly distracted. The amendment sought is as follows:

*Must not ~~use more than 3 sequential images or display to communicate an entire message~~
display sequential images that ‘tell a story’, ie i.e. where the meaning of an image is
dependent upon or encourages viewing of the immediately following image.*

9. New Schedule: Illuminated billboards and signs

It is submitted that a new schedule be included that relates to illuminated signs and billboards. It should include:

- That illuminated billboards and signs are not permitted in residential areas, (i.e. Coastal Living, Extra & Low Density Residential, Residential Village and Waterfront Zones). Inclusion of this control would enable the purpose of the bylaw as encapsulated within Part 1 Clause 5(c) to be given effect to, and it will assist to provide a means of controlling the proliferation of illuminated signage that is occurring elsewhere in New Zealand
- That illumination levels and light spill controls be specified and applied.

10. Enforcement

The amended bylaw is largely silent on how the application of the various bylaw controls are to be enforced. This is important, especially in small communities like Hahei where the nature of relationships within the community makes it difficult and obvious for individuals to ‘dob-in’ on their friends and neighbours, but where the community effect of non-compliance with the bylaw are significant.

It is submitted that there should be a monitoring and enforcement mechanism included in the bylaw to give confidence to communities that signs and billboards that are displayed within a community are both lawful and appropriate.

We do wish to speak to be heard at the meeting of the Council’s governing body.

In the meantime, we would be happy to further elaborate on any of the above as required.



Penne Clayton
Chair
HBBRA



Brett Harries
Deputy Chair
HBBRA