

Section 42A Report
Officer's written right of reply

Signs

Prepared for the
Proposed Kaipara District Plan

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1. Introduction

1. This right of reply addresses the Signs topic that was considered in Hearing 8 of the Proposed Kaipara District Plan (**PDP**) held on 11 March 2026. It has been prepared by myself (Katherine Overwater), as the author of the section 42A report for the Signs topic.
2. I do not repeat the background information contained in Section 1 – Introduction of the section 42A report and request that the Hearings Panel (**the Panel**) take this as read.

2. Purpose of Report

3. The purpose of this report is to respond to the questions raised by the Panel during the hearing.

3. Consideration of evidence heard

4. I prepared a memorandum in response to pre-circulated hearing statements for the Panel dated 3 March 2026 confirming that the content of the hearing statements did not alter the recommendations I set out in my section 42A report. No submitters appeared at the Signs hearing.
5. The Panel asked a range of questions during the hearing, some of which I responded to verbally at the time they were asked. This report records my responses that are relevant to the drafting of provisions, as well as considering the drafting suggestions explored by the Panel.
6. I have used the following mark-ups in the provisions to distinguish between the recommendations made in the section 42A report and my revised recommendations in this reply evidence (as set out in Appendix A of this report):
 - a. Section 42A Report recommendations are shown in **red text** (with underline for new text and ~~striktthrough~~ for deleted text); and
 - b. Revised recommendations from this Report are shown in **blue text** (with underline for new text and ~~striktthrough~~ for deleted text)
7. For all other submissions not addressed in this report, I maintain my recommendations as set out in my original section 42A report. I reviewed my responses to submissions set out in Appendix A of the section 42A report and have updated them to reflect the recommendations in this report, as set out in Appendix A.

4. Topic 1: NZTA advice note

4.1 Panel questions and response

8. Hearing Chair Farnsworth and Commissioner Watson both had questions about my recommendation to include New Zealand Transport Agency's (NZTA) requested advice note in SIGNS-S1, including:
 - a. whether the language used could be reframed to read more like an advice note and less like a rule; and
 - b. whether the advice note should require NZTA to update Council of its upcoming work program.
9. I agree with Commissioner Watson that the advice note uses language that could be interpreted as requiring third party approval from NZTA for signage adjacent to state highways and/or providing an indication of whether NZTA is an affected party and therefore should be notified of a resource consent application. I initially recommended including the advice note as a signpost for Plan users that they may need to contact NZTA to confirm compliance with its internal regulations – I did not intend for the advice note to place the onus for alerting NZTA onto the Kaipara District Council or for it to provide any indication of when NZTA may be considered an affected party and therefore be notified of a resource consent application for signs.
10. I have undertaken a brief review of how similar signage rules/standards/advice notes are drafted in other recently prepared district plans. My review has identified that it is not common for advice notes for any purpose to use directive language like “shall” – advice notes are commonly used to highlight to a plan user that they may need to contact a third party for approval under another process e.g. obtaining an approval from Transpower for works adjacent to the National Grid, a concession from the Department of Conservation or an authority to modify an archaeological site from Heritage New Zealand Pouhere Taonga. The advice notes are framed in the context of alerting a plan user to their obligations under other processes or legislation and, in my view, this is how the NZTA advice note in the Signs chapter should function. I could not find any examples of the specific wording requested by NZTA being included in any other district plan signage chapters nationally.
11. I have considered whether the wording of the advice note could be improved so that it does not use language that is more appropriately found in a rule or standard (e.g. “shall” and “notified”). I recommend amending the note so it suggests (rather than directs) that applicants contact NZTA to confirm compliance with relevant State Highway signage standards and that the words “shall be notified” are removed. I also recommend removing the word “advisory” before the word “note”

for consistency as notes in other PDP chapters simply use the word “Note” (e.g. refer to the Transport and Infrastructure chapters).

12. As was discussed at the hearing, while I can see Chair Farnsworth’s perspective, I think the point about relying on NZTA to update Council of their upcoming work programs is optimistic and the point of the advice note is more about including NZTA in the process where signage is located along a State Highway.

4.2 Recommendations

13. I recommend that the wording of the note in SIGNS-S1 is amended as follows (as set out in Appendix B to this report):
 - a. ~~“Advisory Note: Applicants should contact NZTA shall be notified of all signage directed at State highway traffic to enable NZTA to apply to confirm compliance with relevant State highway signage standards.”~~

4.3 Section 32AA evaluation

14. As the recommended changes to the NZTA advice note are not made to a statutory section of the Signs chapter, these changes are not evaluated in this report.

5. Topic 2: Definitions

5.1 Issue raised in Officer Hearing Statement

15. I prepared a Hearing Statement on the Signs topic, dated 11 March 2026, that I presented to the Panel at the start of the Signs hearing. Paragraph 5 of that statement alerted the Panel to some omissions from Appendix C to my section 42A report with respect to definitions. Although the listed definitions did not attract specific submissions, I consider that the Panel has the ability through this process to remove the “orphan” definitions through clause 16 of the RMA as they were included in error and are not used in any PDP chapter. I have included an updated list of definitions to be amended/deleted in Appendix C of this report to reflect this recommendation.

5.2 Recommendations

16. I recommend that the following definitions are deleted from the Definitions chapter of the PDP (as set out in Appendix C to this report):
 - a. ~~Advertising Sign~~
 - b. ~~Fascia sign~~

- ~~e. Flashing sign~~
- ~~d. Free-standing sign~~
- ~~e. Land Development sign~~
- ~~f. Real Estate or Development sign~~
- ~~g. Real Estate Sign~~
- ~~h. Third Party Advertising Sign.~~

5.3 Section 32AA evaluation

17. My recommendation to delete definitions does not alter how the Signs chapter (or any other part of the PDP) is interpreted as the definitions are not used in any PDP chapter and were included in error. Addressing an error does not require further evaluation under section 32AA of the RMA.