

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of hearing of a submission and further submission lodged by the **OUT OF HOME MEDIA ASSOCIATION OF AOTEAROA INC.** in respect of the 'Signs' Chapter and the 'Signs' Design Guide **Proposed Wellington City District Plan**

**STATEMENT OF EVIDENCE OF ANTHONY BLOMFIELD FOR
OUT OF HOME MEDIA ASSOCIATION OF AOTEAROA INC. ON THE
PROPOSED WELLINGTON DISTRICT PLAN – HEARING 7**

PLANNING

5 MARCH 2024

1. INTRODUCTION

1.1 My name is Anthony James Blomfield.

Qualifications and relevant experience

1.2 I am a planner and resource management consultant with Bentley & Co Limited, an independent planning consultancy based in Auckland. I have been with this company since 2012.

1.3 I graduated from the University of Auckland with a Bachelor of Planning (Hons) qualification in 2011, and I am an Intermediate Member of the New Zealand Planning Institute.

1.4 I have provided resource management advice to the Out of Home Media Association of Aotearoa Inc. (**OOHMAA**) for eight years in respect of policy and strategy matters. I have advised OOHMAA members, i.e., operators of digital and static billboards, for over ten years, including:

(a) Advising OOHMAA and other clients on the provisions relevant to signs / billboards in various district plans, including the Proposed Auckland Unitary Plan, the Proposed Timaru District Plan and now this proposed plan.

(b) Being involved with the preparation of many resource consent applications for billboards on private property and in the road reserve, throughout New Zealand, including several applications in Wellington.

1.5 I have presented evidence on numerous occasions and have a comprehensive understanding of:

(a) The potential adverse effects associated with signs / billboards.

(b) Consent conditions that are routinely imposed on resource consents for digital billboards (DBBs), having been involved in the preparation of over 30 resource consent applications for

digital signs and billboards in Auckland (quite aside from elsewhere).

- (c) District plan provisions relating to signs / billboards throughout New Zealand.

Expert Witness Code of Conduct

- 1.6 I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Purpose and scope of evidence

- 1.7 My evidence has been prepared in support of OOHMAA's primary submission (Submission 284) and further submission (FS 125) on the Signs provisions of the Proposed Wellington District Plan (**Proposed Plan**).
- 1.8 I was the author of the submission and further submission, but drafts were reviewed by other planners within my firm who are familiar with signs / billboards and legal counsel.
- 1.9 My evidence will address OOHMAA's submission and further submission in relation to:
 - (a) Objective SIGN-O1 (submission 284.10 and 284.11) (Section 3);
 - (b) Policy SIGN-P1 (submission 284.12 and 284.13) (Section 4);
 - (c) Rules, specifically (Section 5):
 - (i) Rule SIGN-R4 (submission 284.18, 284.19, 284.20 and 284.21);

- (ii) Rule SIGN-R5 (submission 284.24 and 284.25 284.17, 284.22 and 284.23);
 - (iii) Rule SIGN-R8 (further submission FS125.5);
- (d) Standards, specifically (Section 6):
- (i) Standard SIGN-S1 (submission 284.26, 284.27, 284.28, further submission FS125.6);
 - (ii) Standard SIGN-S4 (submission 284.29);
 - (iii) Standard SIGN-S5 (submission 284.30);
 - (iv) Standard SIGN-S7 (submission 284.31 and 284.32, further submission FS125.14 and FS125.15);
 - (v) Standard SIGN-S8 (submission 284.33 to 284.39, further submission FS125.16 and FS125.17);
 - (vi) Standard SIGN-S9 (submission 284.40);
- (e) Provisions relating to signs and billboards that are visible from a state highway (submission 284.14, 284.15, 284.16, further submission FS125.8, FS125.9, FS125.10, FS125.11, FS125.12, FS125.13, FS125.18 and FS125.19) (Section 7); and
- (f) Provisions relating to the Signs Design Guide (submission 284.23, 284.41 and 284.42) (Section 8).

1.10 OOHMAA's submission is structured in two parts, as follows:

- (a) The first part is the 'general' submission which sets out the role of OOHMAA, its overarching concerns with the Proposed Plan, and the general reasons for supporting or not supporting particular submissions.¹

¹ Submission points 284.1 to 284.9 of OOHMAA's submission are general matters.

- (b) The second part addresses the issues raised by OOHMAA, sets out the specific relief that is sought by OOHMAA, and the reasons for the relief sought in Appendix 1 of Submission 284.

1.11 I have read:

- (a) The Council's s 42A Report (**s 42A Report**) prepared by Mr Joshua Patterson;
- (b) Relevant submissions and further submissions
- (c) The s 32 analysis prepared by the Council for the Signs provisions; and
- (d) The statement of evidence of Mr Brett Harries, traffic expert for OOHMAA, and refer to this evidence where relevant.

1.12 I have had regard to:

- (a) Section 32 of the RMA, which requires an evaluation of the objectives, policies and rules that are relevant to OOHMAA's primary and further submissions; and
- (b) Section 32AA of the RMA, which requires a further evaluation for any changes that have been proposed since the original evaluation report under section 32 of the RMA was completed.

1.13 Where I recommend a change to the provisions, I have provided an evaluation of the change in accordance with s 32AA.

1.14 The changes that I recommend to the provisions of the Signs Chapter are set out in **Appendix 1** of my evidence.

2. EXECUTIVE SUMMARY

2.1 OOHMAA's submission on the Proposed Plan:

- (a) Seeks amendments to the objective and policies for signs to make them more effective, to ensure they are worded in a manner that addresses the range of effects of signage, and which promote appropriate outcomes;

- (b) Supports a permitted activity status for third party signs, where they comply with appropriate standards;
- (c) Seeks a permitted activity status for 'digital signs', where they comply with appropriate standards;
- (d) Seeks amendments to the standards for signs, third party signs and digital signs to better manage the effects of such signage;
- (e) Requests the deletion of rules and standards that specifically seek to regulate signs that are visible from a state highway; and
- (f) Requests the deletion of the Signs Design Guide.

2.2 Mr Patterson and I agree that the amendment to Objective SIGN-O1 that is sought by OOHMAA is appropriate.

2.3 In my opinion, it is necessary to amend Policy SIGN-P1 such that the policy seeks to allow signs where they do not result in unacceptable visual clutter effects, rather than any visual clutter effects (as the policy might otherwise be interpreted as requiring). I support the intent of OOHMAA's submission, and I have recommended alternative wording that is aligned with the language and outcomes intended by the Signs Design Guide (which I support the retention of).

2.4 With respect to the rules of the Signs Chapter:

- (a) OOHMAA does not wish to pursue its submission that seeks a permitted activity status for 'digital signs' (under Rule SIGN-R5).
- (b) Consequently, I do not recommend any changes to Rules SIGN-R3 or SIGN-R4 to give effect to the relief sought by OOHMAA to Rule SIGN-R5.

2.5 I have addressed the standards that have been submitted on by OOHMAA. In this respect:

- (a) Regarding SIGN-S1, I support a 20m² area for signs in the Metropolitan Centre Zone, as requested by OOHMAA. I do not agree with the s 42A Report that because these zones typically adjoin residential areas, a more onerous standard should apply, compared with the standard that applies to signage in the City Centre Zone. The City Centre Zone also has a large interface with residential areas, and there is no justification for a different standard to apply to the area of signs between these zones. In my opinion, a standard enabling signs up to 20m² in area is more appropriate (and efficient and effective) at implementing the policies and achieving the objectives for the Metropolitan Centre Zone, and the objective for the Signs Chapter.
- (b) For SIGN-S4, my opinion is that the standard should be amended to provide for signs up to 8m in height in the Metropolitan Centre, Mixed Use and City Centre Zones. Signs of such a scale are common in these environments and will not result in dominance (as stated in the s 42A Report). It is appropriate that the provisions of the Proposed Plan reflect and provide for signage that is commonly established. The notified standard (providing for signs up to 4m in height) will not appropriately recognise and provide for the signage requirements of the activities that establish within these zones and will result in too many signs requiring a resource consent. It is appropriate (and efficient and effective) for rules to reflect the requirements of activities in terms of signage, rather than establishing an arbitrary 'starting point' and relying on the resource consent process to enable signs to be established.
- (c) Regarding SIGN-S7, I agree with the reasons provided in the s 42A Report regarding the deletion of a standard that requires a minimum separation distance between signs in 0-70 km/h speed environments. In urban commercial environments, such a standard would effectively result in every sign requiring resource consent.

- (d) In higher speed environments, I agree that it is necessary and appropriate that Standard SIGN-S7 apply a minimum separation distance between signs, to enable a case-by-case assessment of such signs via a resource consent process.
- (e) In respect of SIGN-S8 for 'digital signs', I have relied on the evidence prepared by Mr Harries from a transportation perspective. Having regard to this evidence, I support:
 - (i) The deletion of standards that preclude the display of contact details and limit the number of 'characters' within a message/advertisement;
 - (ii) A standard providing for a 'display time' for each message on a digital sign of 8 seconds (rather than 15 seconds) in 0-80km/h speed environments, and 30 seconds in 80+ km/h speed environments; and
 - (iii) The deletion of a standard that would preclude the use of a 'dissolve' between messages/advertisements on a digital sign.
- (f) I do not support the relief sought by Waka Kotahi in relation to Standard SIGN-S8.
- (g) In respect of SIGN-S9, OOHMAA does not wish to pursue the relief sought, but does not withdraw its submission.

2.6 In relation to Policy SIGN-P2 and standards that apply particular outcomes or restrictions on signs that are adjacent to (or visible from) a state highway, I accept that such provisions are appropriate for signs that are visible from state highways that have a speed limit of 80 km/h or more. I do not agree that such provisions are necessary or appropriate to signage that is visible from a state highway with a lower speed limit. With respect to the evidence of Mr Harries, there is no functional distinction between a state highway or a Council-operated road at such speed limits, and there is no need for more onerous provisions applying to these roads. I have recommended adjustments to these provisions to reflect this.

- 2.7 I support the retention of the Signs Design Guide, and I support the deletion of the 'rating system' that is proposed by Mr Patterson in the s 42A Report. The removal of the rating system is an appropriate response to the concerns raised by OOHMAA's submission.
- 2.8 Where I have recommended a change to any provision of the Signs Chapter, I have evaluated this change (and the notified provisions) pursuant to s 32AA of the RMA. In each instance, my evaluation is that the changes I have recommended are the most appropriate option to achieve the objective for the Signs Chapter, and other objectives of the Proposed Plan.
- 2.9 A complete set of the changes I have recommended are set out in **Attachment 1** to my evidence.

3. OBJECTIVE SIGN-O1

OOHMAA primary submissions 284.10 and 284.11

- 3.1 As notified, Objective SIGN-O1 seeks to support the role of signage, while managing the effects of signage on 'local amenity'.
- 3.2 The submissions of OOHMAA sought an amendment to Objective SIGN-O1 to ensure that the objective relates to the full range of matters that the policies and rule framework of the Signs Chapter address (which go beyond local amenity).

Council response

- 3.3 The submission by OOHMAA is recommended to be accepted. Mr Patterson agrees with the relief sought by OOHMAA, on the basis that the amendments that are sought "*give greater clarity as to what the objective of the Signs Chapter is, particularly as it relates to the proposed policy and rule framework.*"²

Analysis

- 3.4 In my opinion, the amendments that are sought to Objective SIGN-O1 by OOHMAA are appropriate and necessary. The amendments will

² 42A Report, page 20.

ensure that the objective relates to the full range of effects that the Signs Chapter is concerned with.

- 3.5 I agree with the s 32AA assessment prepared by Mr Patterson in the 42A Report in respect of this amendment.

4. **POLICY SIGN-P1**

OOHMAA primary submissions 284.12 and 284.13

- 4.1 Policy SIGN-P1 seeks to allow signs where they achieve specified outcomes. Point (2) of the policy, as notified, seeks that signs “*do not result in visual clutter*”.
- 4.2 The submissions of OOHMAA sought the following amendment to Policy SIGN-P1 (2):

Policy SIGN-P1

Appropriate signs

Allow signs where:

1...

2. They do not result in unacceptable visual clutter; and

- 4.3 OOHMAA’s reasons for the relief sought were:

OOHMAA supports the intent of the proposed policy, which is to allow for signs where they are appropriately designed and operated to manage adverse effects. However, the RMA is not a “nil effect” statute and in OOHMAA’s submission, it is necessary to include a qualifier to the management of ‘visual clutter’ effects to better reflect the intent of the policy to manage unacceptable adverse effects (as opposed to avoiding all adverse effects).

Council response

- 4.4 The 42A Report recommends that OOHMAA’s submission is rejected for the following reason:

118. In response to OOHMAA [284.12 & 284.13] and Lumo Digital Outdoor Limited [285.12 & 285.13], I disagree with the request for a qualifier of ‘unacceptable’ visual clutter. The Signs chapter is intended to manage the adverse effects of any visual clutter and the resource consent process will enable this assessment.

Analysis

- 4.5 Policy SIGN-P1 “allows” signs where a number of criteria are met, including where they do not result in visual clutter. I consider that the word “allow” means to ‘permit’ or ‘provide for’ and note that the corresponding rules for signage enable a variety of signs as permitted activities, and digital signs as a restricted discretionary activity.
- 4.6 Where resource consent is required (for example, if a permitted sign infringes a standard), an assessment of the proposal against the Signs Design Guide is required. In respect of visual clutter, the Signs Design Guide includes a guideline that states “*Consider the context of the street, including street furniture, trees and vegetation and existing signs to minimise visual clutter.*”
- 4.7 I consider that this outcome (the minimisation of visual clutter) is not properly reflected in Policy SIGN-P1, which could be interpreted in “pass/fail” terms. Consistent with the outcomes that are intended to be achieved by the Signs Design Guide, I consider that the policy requires amendment to make it clear that the minimisation of visual clutter effects is the outcome that is required to be achieved.
- 4.8 I recommend the following amendment to Policy SIGN-P1:

Policy SIGN-P1

Appropriate signs

Allow signs where:

1...

2. ~~They do not result in v~~ Visual clutter is minimised; and

- 4.9 In the absence of this relief, the policy would require applicants to demonstrate how a sign avoids visual clutter effects, which will result in unnecessarily complicated (and risky) consent processes.
- 4.10 In my opinion, such an outcome is not realistic, necessary, or appropriate in every instance, for example in commercial environments where signage is common. In these environments, signs are typically visible in conjunction with other signs, together with typical streetscape features such as street furniture, traffic control devices, vegetation, and

utilities. These elements are outside of the control of applicants seeking consent for a sign, and it will not be possible to demonstrate how visual clutter has been avoided.

- 4.11 My reading of Mr Patterson's response to this submission point is that he considers the Signs provisions are intended to manage the effects of signs, rather than requiring applicants to demonstrate how (visual clutter) effects are avoided. I agree with this and consider that a minor change to the policy is necessary to reflect this.

Section 32AA evaluation

- 4.12 In my opinion, the amendment to Policy SIGN-P1 will more efficiently and effectively achieve Objective SIGN-O1, and will align the intent of the policy with the objective, in respect of the management of adverse effects, on the basis that:

- (a) The notified wording of the policy will result in costs to people and communities by creating conflicting outcomes between the avoidance policy and the management objective, thereby unnecessarily complicating resource consent processes where the policy is engaged.
- (b) The proposed amendment to the policy will not result in environmental, economic, social or cultural costs as the policy will align with the management requirements of Objective SIGN-O1.

5. RULES

SIGN-R4 (Third-party signs)

OOHMAA primary submissions 284.18, 284.19, 284.20 and 284.21

- 5.1 OOHMAA's submission on Rule SIGN-R5 (which I address below) sought consequential amendments to Rules SIGN-R3 and SIGN-R4, and otherwise supported Rule SIGN-R4 as it was notified.
- 5.2 The s 42A Report does not recommend any changes to SIGN-R3 or SIGN-R4. I support the rules as they are notified.

Rule SIGN-R5 (Digital signs)

OOHMAA primary submissions 284.17, 284.22, 284.23, 284.24 and 284.25

- 5.3 OOHMAA's submission sought to delete Rule SIGN-R5.
- 5.4 OOHMAA does not wish to pursue this submission point further. However, OOHMAA does not wish to withdraw these submission points, to ensure that it can respond to the evidence of other parties, if required.

Other amendments

- 5.5 Rule SIGN-R5 applies a restricted discretionary activity status to digital signs (in particular Business and 'Special Purpose' zones), where the digital sign complies with the standards in SIGN-S5 and S8. Standard SIGN-S8 relates to digital signs. I address these further below in my evidence. However, SIGN-S5 relates to 'signs located on a building or structure' and is not particular to digital signs.
- 5.6 In my opinion, this is an error. Rule SIGN-R5 applies in conjunction with other rules that relate to particular types of sign (e.g. free-standing signs, signs on a building, signs on a veranda), and there are specific standards that are applied to each type of sign (e.g. SIGN-S5 which relates to signs located on a building or structure).
- 5.7 In my opinion, it is not necessary for SIGN-R5 to require compliance with standards other than those which apply to digital signs on the basis that the other rules adequately manage other aspects of signage. If this were not the case, and 'digital signs' that are provided for under SIGN-R5 are intended to be subject to the standards for signage types, then the rule would need to refer to other standards (e.g. the standards relating to the area and height of signs, verandah signs, traffic safety, etc.).
- 5.8 This is a minor 'administrative' amendment to the rules and does not necessitate a further evaluation under s 32AA. That said, I consider that the amended rule represents the most effective and efficient option to achieve the objective for signs, by providing a clear framework of

rules for digital signs, and by avoiding any confusion as to the applicability (or not) of other standards for different types of signs.

Rule SIGN-R8 (All other signs)

OOHMAA further submission FS125.5

- 5.9 OOHMAA's further submission supported Waka Kotahi's primary submission (370.240) which supported Rule SIGN-R8 which provides a discretionary activity status for signs that are not otherwise provided for.
- 5.10 There are no submissions which oppose or seek amendments to Rule SIGN-R8, and the s 42A Report has not recommended any changes to this rule.
- 5.11 I support rule SIGN-R8. A discretionary activity status is appropriate for signs that are not otherwise provided for. Such a status enables an assessment of any relevant effect, while remaining suitably 'neutral' to provide flexibility for the innovative design of signage.

6. STANDARDS

Standard SIGN-S1 (Maximum area of any sign)

OOHMAA primary submissions 284.26, 284.27 and 284.28 and further submission FS125.6

- 6.1 OOHMAA's primary submissions sought to apply a 20m² 'maximum size' standard for signs in the Metropolitan Centre Zone, which is consistent with the standard that applies to signs in the City Centre, Mixed Use, and General Industrial Zones.
- 6.2 The further submission (FS125.6) by OOHMAA relates to submission 370.241 by Waka Kotahi, which supported Standard SIGN-S1 as notified. OOHMAA opposed this submission on the basis that it is inconsistent with the relief sought in its primary submission.

Council response

- 6.3 The reasons given for rejecting OOHMAA's submission were stated as follows:

214. In response to Go Media [236.21 and 236.22], Restaurant Brands Limited [349.49], Lumo Digital [sic] Outdoor Limited [285.28] and OOHMAA [284.28], I disagree that a 5m2 limit on signs within these zones is too small as a permitted starting point. I note that for any sign which is proposed to be larger than 5m2 a resource consent can be applied for as a restricted discretionary activity. My reasoning for this is that these zones are often directly adjoining residential areas and I consider that a site-by-site analysis of effects are necessary through a resource consent should signs be proposed to be larger than 5m2.

Analysis

- 6.4 With regard to the Independent Hearing Panel's Recommendation Reports for the Metropolitan Centre Zone, the planned outcomes for this zone (with respect to the objectives and policies for the zone) are similar to those of the City Centre Zone. As per the Panel's recommendations, the objectives for the Metropolitan Centre Zone are:
- (a) Metropolitan centres meet the sub-regional needs of communities, businesses and residents (Objective MCZ-O1);
 - (b) Metropolitan centres play a significant role in accommodating growth, and is suitably serviced to meet commercial and residential growth needs (Objective MCZ-O2);
 - (c) Medium and high density mixed-use development is achieved that contributes to a good-quality, well-functioning urban environment that reflects the changing urban form and amenity values of Metropolitan Centres (Objective MCZ-O3); and
 - (d) Activities that are of an appropriate scale and type to enhance vibrancy, support walkable neighbourhoods, and reflect the sub-regional purpose of Metropolitan Centres (Objective MCZ-O4).
- 6.5 The pertinent policies for the Metropolitan Centre Zone seek to achieve these objectives by:

- (a) Providing for the use and development of the zone to meet the City's needs for housing, business activities and community facilities (Policy MCZ-P1);
 - (b) Enabling a range of activities that contribute to the purpose of the zone and meet sub-regional needs, including commercial and other activities (Policy MCZ-P2).
- 6.6 The outcomes that are anticipated for the Metropolitan Centre Zone support the use of flexible standards for the scale of signage, which reflect both the scale of development that is intended to be enabled, and the sub-regional role of Metropolitan Centres and the range of activities that they accommodate. The Metropolitan Centre Zone anticipates and enables significant intensification compared with the existing scale of the urban form of these centres, and signage will be an anticipated element of this intensification.
- 6.7 I do not agree that the interface between the Metropolitan Centre Zone and surrounding residential areas represents adequate justification for applying such a small (5m²) 'blanket' standard for the area of signs within the zone. Like the Metropolitan Centre Zone, the City Centre Zone has a spatially significant interface with surrounding residential areas; however, the maximum size of signs within the City Centre Zone is 20m², as opposed to 5m² as is proposed for the Metropolitan Centre Zone. In my view:
- (a) This distinction is incongruous and unjustified in planning terms.
 - (b) It is appropriate that signage is provided for at a scale that responds to the needs of the activities that are enabled by the zone.

Section 32AA evaluation

- 6.8 In my opinion, the standard requested by OOHMAA represents the most appropriate method to implement the policies and achieve the objectives for signs in the Metropolitan Centre Zone, on the basis that:

- (a) The standard is consistent with that which applies in the City Centre Zone, where similar environmental, urban form, and land use outcomes are anticipated and provided for. In this respect, the standard will appropriately manage the effects of signage relative to the scale of commercial activity enabled and will avoid unnecessarily onerous constraints on signage.
- (b) Compared with the notified standard, the proposed standard will have economic and social benefits in terms of enabling appropriate signage of a scale that responds to the needs of businesses and other forms of activities that are enabled within Metropolitan Centre Zones. The standard will therefore more efficiently and effectively achieve the objective for signs (SIGN-O1) and the objectives for the Metropolitan Centre Zone.
- (c) While there may be additional environmental, social and cultural costs associated with an increase of the scale of individual signs, these will be minimal, having regard to the suite of rules and standards that otherwise manage the cumulative area of signs within a site, the illumination of signs, digital signs, and traffic safety.

Standard SIGN-S4 (Maximum height of freestanding signs)

OOHMAA primary submission 284.29

- 6.9 OOHMAA's primary submissions sought an amendment to Standard SIGN-S4 to increase the 4m 'maximum height' standard for signs to 8m in the Metropolitan Centre, Mixed Use, and City Centre Zones, consistent with the standard that applies to signs in the Commercial and General Industrial Zones.

Council Response

- 6.10 OOHMAA's submission is not supported by the Council's reporting officer for the following reason:

247. In response to Lumo Digital Outdoor Limited [285.29], OOHMAA [284.29], and Woolworths New Zealand [359.40], I disagree with the request to raise the height of freestanding

signs within the MCZ. I consider the notified height is appropriate to ensure that the signs are not overly dominant within the surrounding environment of that sign. Further, if a sign is proposed to be taller than that specified a resource consent as a restricted discretionary activity can be applied for.

Analysis

- 6.11 I disagree with the reasons provided in the 42A Report in support of the 4m maximum height standard for signs in the City Centre, Metropolitan Centre and Mixed Use Zones. Signs of between 6m and 8m are common within these zones.
- 6.12 For example, 'pylon' signs that are typical for service stations, fast-food restaurants, and retail complexes are typically 8m in height and are common and expected elements in Metropolitan Centre, Mixed Use, and City Centre zoned environments.
- 6.13 The scale of development that is enabled within these zones is significantly greater than 8m. Within these environments, the potential dominance effects of free-standing signs will be proportionate to the scale and form of the built environment and will not cause the types of dominance effects that the s 42A Report is concerned with.
- 6.14 A height of 4m does not reflect or make sufficient provision for such signs. This will result in inefficiencies by requiring too many signs that are commonly located in these zones to be subject to a resource consent application process. It is appropriate (and efficient and effective) for rules to reflect the requirements of activities in terms of signage, rather than establishing an arbitrary 'starting point' and relying on the resource consent process to enable signs to be established.

Section 32AA evaluation

- 6.15 In my opinion, a 'maximum height' standard of 8m for signs in the City Centre, Metropolitan Centre and Mixed Use Zones is the most appropriate option to achieve the objectives of the Proposed Plan on the basis that:
- (a) An 8m height standard appropriately reflects and provides for the requirements of signage within Metropolitan Centre, Mixed Use and City Centre environments;

- (b) The rule as notified will result in economic costs by requiring too many freestanding signs to obtain resource consent in areas where 8m structures can be readily accommodated by the scale of development that is otherwise planned for the Metropolitan Centre, Mixed Use and City Centre zones;
- (c) The proposed standard will conversely avoid such costs, and will not result in unacceptable environmental, economic, social or cultural costs to people and communities, as the effects of signage will be appropriately managed by the suite of provisions, including standards relating to the size of signs, the illumination of signs, traffic safety, and digital signs.

Standard SIGN-S7 (Traffic safety)

OOHMAA primary submissions 284.31 and 284.32 and further submissions FS125.14 and FS125.15

- 6.16 OOHMAA's primary submissions sought:
 - (a) Amendments to Standards SIGN-S7.1 and 2 such that they apply to digital signs; and
 - (b) The deletion of Standard SIGN-S7.7 that would require a minimum separation distance between signs which are located within 10m of a legal road.
- 6.17 OOHMAA does not wish to pursue the relief sought to amend Standards SIGN-S7.1 and S7.2; however, the submission is not withdrawn to enable the opportunity to respond to the evidence of other experts if required.
- 6.18 OOHMAA also made further submissions which opposed Waka Kotahi's primary submissions (370.249 and 370.250) that sought adjustments to Standard SIGN-S7.

Council Response

- 6.19 Council supports the deletion of a minimum separation distance standard applying to signs in 0-70kmh speed zones, but does not

support the deletion of this standard for higher speed zones, for the following reason:

272. I agree in part with Lumo Digital Outdoor Limited [285.31 and 285.32], OOHMAA [284.31 and 284.32], and Restaurant Brands Limited [349.52] regarding the minimum separation distances of signs. I consider that signs within a 0-70km speed area do not need to have a minimum separation distance. I consider that the other traffic safety standards will ensure traffic safety and that requiring signs to be 50m apart on a 0-70kmh speed zone would result in many signs requiring resource consent. I therefore recommend removing the control for areas in a speed limit of 0-70kmh.

Analysis

- 6.20 In relation to the deletion of the standard for a minimum separation between signs in 0-70kmh speed zone environments, I agree with Mr Patterson. In urban commercial environments, the density of commercial activities is such that most signs will not be able to be located at a distance of at least 50m from any other sign. A standard that would require such a separation would effectively result in every sign requiring a resource consent.
- 6.21 In respect of higher speed (70kmh+) environments, I agree that it is appropriate for the standard to be retained in order to enable a case-by-case assessment where signs are located in close proximity to other signs.
- 6.22 I agree with Mr Patterson's s 32AA evaluation of the recommended change to Standard SIGN-S7.7, and do not provide any further evaluation.
- 6.23 I agree with the relief sought by Waka Kotahi regarding the wording of S7.1, which is also supported by Mr Patterson. This will amend the standard such that it applies to any sign that is "orientated to be read from" a road, rather than any sign which is "adjacent to" any road. I consider that this adds to the clarity of the standard.
- 6.24 I do not agree with the relief sought by Waka Kotahi to amend standard SIGN-S7.2. I do not agree that this amendment is necessary, as the standard plainly seeks to limit the content of signs to "static messaging and images", and this does not need to be amended to "digital signs".

Standard SIGN-S8 (Digital signs)

OOHMAA primary submissions 284.33, 284.34, 284.35, 284.36, 284.37, 284.38 and 284.39 and further submissions FS125.16 and FS125.17

- 6.25 Standard SIGN-S8 relates to digital signs. OOHMAA's primary submissions sought various adjustments to Standard SIGN-S8, as follows:
- (a) Delete Standard SIGN-S8.1.e that requires that digital signs must not contain phone numbers, email addresses, web addresses, physical addresses or contact details (submission 284.34);
 - (b) Delete Standard SIGN-S8.1.f that requires that digital signs must not contain more than 40 characters (submission 284.35);
 - (c) Delete Standard SIGN-S8.1.g that requires that digital signs must not be located adjacent to a state highway (submission 284.36 which I address further below);
 - (d) Amend Standard SIGN-S8.2.b that requires each image on a digital sign to be displayed for a minimum of 15 seconds where adjacent to roads with a speed limit of less than 80kmh, and 35 seconds where the road has a speed limit of 80kmh or more, to require each image to be displayed a minimum of 8 seconds in any speed environment (submission 284.37); and
 - (e) Amend Standard SIGN-S8.2.d such that it does not preclude the use of a 'dissolve' between each image displayed on a digital sign (submission 284.38).
- 6.26 OOHMAA made a further submission opposing Waka Kotahi's primary submissions 370.251 and 370.251, which sought amendments to SIGN-S8. The relief sought by Waka Kothai includes amendments to the standard to:

- (a) Preclude the display of logos on digital signs (along with other elements precluded by SIGN-S8.1.e);
- (b) Preclude digital signs within 100m of any intersection;
- (c) Preclude DBBs where there are any other DBBs within the driver's field of vision;
- (d) Preclude DBBs that are orientated to be read from any road with a speed limit of 70 km/h or more; and
- (e) Require a 'display time' that is determined by a calculation such that no more than 5% of drivers are exposed to an image change.

SIGN-S8.1.e and f – Contact details and a limit on the number of characters

Council Response

- 6.27 The reasons for not supporting the deletion of standards SIGN-S8.1.e and f are:

293. In response to Go Media [236.32], Lumo Digital Outdoor Limited [285.33, 285.34, 285.35, and 285.36], and OOHMAA [284.33, 284.34, 284.35, and 284.36], I disagree with removing SIGN-S8.1.e-g. These matters are necessary for managing the adverse traffic safety effects of digital signs. I consider that any sign which proposes to breach these matters can apply for a resource consent as a restricted discretionary activity. This is the appropriate avenue of determining if the traffic safety effects can be mitigated for a specific location and design of sign.

Analysis

- 6.28 Mr Harries has provided a technical analysis of the justification for these standards, and concludes that they are not necessary to manage the actual effects of the content of digital signs. I rely on the evidence of Mr Harries and consider that SIGN-S8.1.e and f are not required to manage the traffic safety effects of digital signs.
- 6.29 The Council's s 32 analysis does not provide any explanation or rationale for these standards. The s 32 analysis explains the issues that have been identified with signage, including those issues identified through consultation with stakeholders, and provides a 'response' to

these issues. However, this does not explain the technical basis for the standards.

- 6.30 Further, the s 32 analysis does not provide a specific evaluation of each standard and their appropriateness in achieving the objective for signage. Rather, it provides an evaluation of two options, with the first option being the proposed policies, rules and standards (in totality), and the second option being the status quo (the provisions of the operative District Plan).
- 6.31 There is no evidence or analysis provided by the Council from a traffic expert to support this position.
- 6.32 In my view, the Council's position in respect of these standards is inconsistent with the manner in which DBBs have routinely been managed by resource consent conditions. Appended to my evidence (**Attachment 2**) are several resource consents that have been approved by the Council for digital billboards, none of which are subject to conditions that preclude the use of contact details, or which limit the number of characters within an image or message on a digital billboard.
- 6.33 With regard to Mr Harries' evidence, there is no technical basis that supports the need for these standards to manage digital signs, but not for other types of non-digital signs. The rationale for the standards is presumably to simplify the content of a message on a billboard, such that a driver is not required to look at the billboard for a longer time in order to understand the message. This theory is not unique to digital signs, yet is not applied to other forms of signage. Nevertheless, as is set out in Mr Harries' evidence, there is no need to regulate the content of signs and billboards in this manner, regardless of the type of sign.
- 6.34 I disagree that it is appropriate, effective or efficient to rely on the resource consent process to justify the retention of standards that have no basis. Council is shifting the onus and cost onto applicants to demonstrate why it is not necessary to have to comply with standards, which results in direct costs to applicants by increasing the risk of a resource consent process, and increasing the level of assessment that is necessary.

- 6.35 In respect of Waka Kotahi's submission (370.252) which seeks to amend Standard SIGN-S8.1 to state that digital signs must not display logos (along with the other elements that the notified standard), for the same reasons provided above, I do not agree with this relief. I note that the s 42A Report does not support this relief. If expert evidence is provided by Waka Kotahi, I will provide a response.
- 6.36 I support submission 284.34 and 284.35 by OOHMAA, and I agree that these standards should be deleted.

Section 32AA evaluation

- 6.37 In my opinion, the deletion of the standards is the most appropriate option to achieve the objective for signs, on the basis that:
- (a) The standards are arbitrary and are not supported by technical evidence (in the s 32 analysis, the s 42A Report, or in technical evidence from a traffic expert) and, as a consequence, would result in unjustified economic and social costs to advertisers, out of home media operators, and businesses by imposing constraints on the content of digital signs and result in more complex and onerous resource consent processes.
 - (b) Having regard to the lack of a technical basis for the standards, there are no environmental, economic, social or cultural benefits generated by the standards.
 - (c) Therefore, the deletion of the standards is the most efficient and effective option to achieve Objective SIGN-O1.

SIGN-S8.2.b – Display time

Council Response

- 6.38 OOHMAA's primary submissions in respect of the 'display time' (or 'dwell time') is not supported by the s 42A Report as:

287. In response to Go Media [236.32 and 236.33], Lumo Digital Outdoor Limited [285.37], and OOHMAA [284.37], I disagree with the requested amendment to dwell times. The dwell times as notified are based on traffic safety. Dwell times which are too quick can cause unnecessary distraction to drivers. In addition, I consider that 35 seconds is a sufficient time to display a

message on a sign and still allow for movement between multiple signs.

Analysis

- 6.39 The statement of evidence prepared by Mr Harries provides a technical response to Council's analysis of the relief sought. I rely on Mr Harries' evidence.
- 6.40 As I have set out above, the Council's s 32 evaluation for the Signs Chapter does not evaluate each standard. Rather, an evaluation has been undertaken of the package of standards (and rules) as 'option 1' to achieve the objectives of the Proposed Plan, and the 'status quo' (being the operative provisions of the current District Plan) is 'option 2'. There is no explanation, let alone analysis or justification, for a standard requiring a display time of 15 seconds or 35 seconds. The s 32 evaluation does, however, provide an analysis of the provisions of other district plans for signage, and this identifies two other district plans that have standards requiring a minimum 7 second display time for each image on digital signs.
- 6.41 I am not aware of any other district plan or regulatory mechanism that requires 15 or 35 second display times. In the absence of any specific explanation of such a standard, and with no other comparable standard in other district plans, I find it difficult to reconcile this with the explanation of Mr Patterson that the standard is "based on traffic safety". As noted, the reasons provided by Mr Patterson are not supported by any evidence by a transport expert.
- 6.42 Further, the 'display time' standard is inconsistent with the conditions of consent that the Council routinely imposes on resource consents for digital billboards within Wellington City. I have appended several recently approved resource consents for digital billboards (see **Attachment 2**), all of which require a minimum display time of 8 seconds per image, which is consistent with the 'industry standard' display time that has been in effect since the first digital billboard was approved in Auckland in 2012.
- 6.43 Mr Harries supports the application of a standard that requires a longer display time for signs that are orientated to face higher speed state

highways (80 km/h and above). I support this and agree with the s 42A Report that such a standard is appropriate; however, based on Mr Harries' evidence, the s 42A Report recommendation for 35 seconds has not been supported by any evidence. As such, I agree with Mr Harries that a 30 second display time for digital signs is more appropriate.

- 6.44 I support OOHMAA Submission 284.37 insofar as it is appropriate to apply a standard requiring an 8 second display time to digital signs in speed zones of less than 80 km/h.
- 6.45 In respect of the Waka Kotahi submission (370.252) which seeks the 'display time' to be calculated based on no more than 5% of drivers being exposed to an image change on a digital sign, I agree with the reasons provided in the s 42A Report that this relief is complex and unnecessary. If further expert evidence is provided by Waka Kotahi, I will respond (if necessary).

Section 32AA Evaluation

- 6.46 In my opinion, amending SIGN-S8.2.b would more appropriately implement the policies for signs, and achieve the objective for signs, on the basis that:
- (a) Such a display time is consistent with the operation of a range of DBBs in Wellington City. Imposing a different standard would generate economic costs to the out of home media industry and operators, through the imposition of inconsistent operating parameters that will affect the value of individual advertising slots and the financial return on the investment of a billboard structure.
 - (b) Mr Harries's evidence confirms that an 8 second display time is an effective and appropriate standard for digital signs that are visible from roads with a speed limit of less than 80 km/h and 30 seconds for digital signs that are visible from roads with a speed limit of 80 km/h or more. Such a standard would not result in social, environmental or economic costs (in the form of adverse traffic safety effects).

- (c) The standard sought would more efficiently and effectively achieve Objective SIGN-O1 to manage the adverse effects of signs, and Policy SIGN-P2 to allow digital signs where they do not compromise traffic, pedestrian or cycling safety.

SIGN-S8.2.d – Dissolve between images

Council Response

- 6.47 Mr Patterson supports the deletion of 'dissolve' from the standard that precludes particular types of effects during the transition between images on a digital sign. In respect of the use of a dissolve transition between images, the reasons provided for supporting the relief sought by OOHMAA are:

289. In response to Lumo Digital Outdoor Limited [285.38] and OOHMAA [284.38] regarding the preclusion of a 'dissolve' transition. I agree that the standard should not preclude this. Dissolving between images is appropriate and is unlikely to cause any greater traffic safety effects than not allowing images to dissolve. I recommend this preclusion is deleted from the standard.

Analysis

- 6.48 I agree with Mr Patterson's reasons and his s 32AA evaluation.

Other relief sought by Waka Kotahi

- 6.49 In addition to the submissions by Waka Kotahi that I have addressed above, other relief sought by Waka Kotahi (set out in paragraph 6.26) is addressed in the s 42A Report. Mr Patterson does not support the relief sought by Waka Kotahi to include standards that would preclude digital signs within 100m of an intersection, or where they are in the field of vision of another digital sign.
- 6.50 I agree that this relief is unnecessary, and that Standard SIGN-S7 (as I have proposed it to be amended) will sufficiently manage traffic safety effects (as supported by Mr Harries). If further expert evidence is provided by Waka Kotahi, I will respond (if necessary).

Standard SIGN-S9 (Illuminated signs)

OOHMAA primary submission 284.40

6.51 OOHMAA's submission sought to amend Standard SIGN-S9 as follows:

1. ~~Any illuminated sign must be designed, measured and assessed in accordance with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting. Any illuminated sign which is lit internally or by external means (excluding digital signs), must:~~
 - a. ~~Not be lit with an upwardly facing light source;~~
 - b. ~~Not exceed a luminance of 800cd/m² when lit by an artificial light source between dusk and dawn; or~~
 - c. ~~Be designed to reduce any glare or direct view of the light source when viewed by an observer at ground level 2 metres or more away from the illuminated sign.~~
2. The Light standards for the relevant zone in the Light Chapter must be met.
3. ~~Illumination of any sign shall:~~
 - a. ~~Automatically adjust to allow for ambient light levels; and~~
 - b. ~~Not result in the illuminance of a roadway by over 4 lux in residential and rural areas and 20 lux in all other areas; and~~
 - e. ~~Shall not exceed:~~
 - i. ~~Daytime: 5,000cd/m²~~
 - ii. ~~Dawn and dusk: 600cd/m²~~
 - iii. ~~Night time: 250cd/m²~~

6.52 OOHMAA does not wish to pursue this submission point further. However, OOHMAA does not wish to withdraw these submission points, to ensure that it can respond to the evidence of other parties, if required.

7. PROVISIONS RELATING TO SIGNS THAT ARE VISIBLE FROM A STATE HIGHWAY

OOHMAA primary submissions 284.14, 284.15, 284.16, 284.28, 284.30 and 284.36 and further submissions FS125.8, FS125.10, FS125.11, FS125.12 and FS125.17

7.1 OOHMAA's submission sought to delete the provisions that seek to constrain signs that are visible from a state highway, namely:

- (a) Policy SIGN-P2;
- (b) SIGN-S1.1.f which has a specific constraint on the size of signs that face a state highway (irrespective of which zone the sign is located in);
- (c) SIGN-S5.4 which constrains the use of internal illumination for signs on a building or structure and which face a state highway or which are visible from an intersection with a state highway; and
- (d) SIGN-S8.1.g which constrains the display of digital signs adjacent to a state highway.

7.2 The following primary submissions of Waka Kotahi were opposed by OOHMAA by further submission:

- (a) Submission 370.237: to amend Policy SIGN-P2 as follows:

...

6. The sign is not visible from a state highway or any road with a speed limit of 70km/h or higher; and

7. Cumulative effects of digital billboards are managed.

- (b) Submission 370.241 which supported Standard SIGN-S1.1.f and proposed a minor adjustment to the standard;
- (c) Submission 370.243 which supported Standard SIGN-S2 and proposed a minor adjustment to the standard;
- (d) Submission 370.245 which proposed minor adjustments to Standard SIGN-S5;

- (e) Submission 370.248 which proposed minor adjustments to Standard SIGN-S6 which provides for 'verandah signs';
- (f) Submission 370.252 which proposed amendments to Standard SIGN-S8 as it relates to digital signs that are adjacent to a state highway; and
- (g) Submission 370.256 which proposed a new standard for 'sign on a heritage building' where they are orientated to be read from a state highway.

7.3 The 'thrust' of the submissions set out above is to seek specific standards that apply to signs that are visible from a state highway. I respond to these matters below.

Council response

7.4 The s 42A Report recommends that OOHMAA's submissions on these provisions are rejected.

7.5 No substantive reasons are provided in relation to the submission on Policy SIGN-P2, presumably on the basis that such amendments are requested by Waka Kotahi in feedback to the Council. No specific evaluation of the appropriateness, efficiency or effectiveness of the provisions is provided in the s 32 evaluation.

7.6 In respect of the recommendation to reject OOHMAA's submissions on the standards referred to above, the reasons provided in the 42A Report are:

215. In relation to increasing the sign size for signs facing the state highway network, I disagree. Any sign proposed to be larger than 5m² can be applied for as a restricted discretionary activity at which point the specific adverse effects on traffic safety in particular can be assessed. 5m² was landed on after consultations with Waka Kotahi, who have noted their support for this size.

216. In response to Lumo Outdoor Digital Limited [285.28] and OOHMAA [284.28], I disagree that there is no rationale for applying different standards to signs facing the state highway network. The State Highway network is a critical piece of roading infrastructure that features a higher volume of traffic and generally higher operating speeds than any other road within Wellington. Therefore, I consider that traffic safety is necessary to consider.

...

258. With regards to Go Media [236.29], Lumo Digital Outdoor Limited [285.30], and OOHMAA [284.30], I disagree with removing the control on illuminated signs on the State Highway. This was intended to manage safety effects and was drafted in consultation with Waka Kotahi in the drafting stage of the Chapter. I note that signs can still be externally illuminated and that if there is a proposal for an internally illuminated, then a resource consent can be applied for as a restricted discretionary activity.

...

293. In response to Go Media [236.32], Lumo Digital Outdoor Limited [285.33, 285.34, 285.35, and 285.36], and OOHMAA [284.33, 284.34, 284.35, and 284.36], I disagree with removing SIGN-S8.1.e-g. These matters are necessary for managing the adverse traffic safety effects of digital signs. I consider that any sign which proposes to breach these matters can apply for a resource consent as a restricted discretionary activity. This is the appropriate avenue of determining if the traffic safety effects can be mitigated for a specific location and design of sign.

Analysis

Policy SIGN-P2

- 7.7 Within Wellington, the state highway network comprises motorways with higher speed limits, and lower speed corridors within the urban central city (e.g. Vivian Street and the Te Aro bypass).
- 7.8 While no specific reasons are provided by the s 42A Report in relation to Policy SIGN-P2, based on the response provided to the standards, it appears that Mr Patterson is primarily concerned with the effects of signage on the safety of users of high speed state highways.
- 7.9 I agree that signs that are visible from high speed state highways require scrutiny to assess potential traffic safety effects on a case-by-case basis.
- 7.10 However, I do not agree that it is necessary to make no provision for permitted signs, or apply more onerous standards for signs, on land along state highways with lower speed limits. Wellington has two 50km/h state highways running through its city centre (Vivian Street and Te Aro Bypass). The evidence of Mr Harries confirms that there is no practical difference to the operational characteristics of these sections of state highways when compared to other major arterial roads in the city centre.

- 7.11 There are several examples of digital and illuminated signs on properties with frontages to lower speed state highways in Wellington (including numerous examples along Vivian Street), which operate safely. With reference to the evidence of Mr Harries, these roads function the same as other arterial routes, and the effects of signs, including digital signs, can be adequately managed with measures that are consistent with those that manage the effects of signs on the safety of other roads.
- 7.12 In my opinion, Policy SIGN-P2 can be adjusted such that the intent of managing the effects of illuminated and digital signs on high speed state highways is made clear. Policy SIGN-P2 otherwise seeks to allow for digital and illuminated signs where traffic, pedestrian and cycling safety is not compromised, which I consider is adequate for the management of signs along lower speed state highways.
- 7.13 To address this, I recommend the following amendment to Policy SIGN-P2:

Digital and illuminated signs

Provide for digital and illuminated signs where:

1. The sign is compatible with the zone and any overlay; and
2. The sign does not compromise aircraft safety or the safe and efficient functioning of the Airport; and
3. The sign does not compromise traffic, pedestrian, or cycling safety; and
4. Any light spill or glare effects are managed so they do not compromise amenity values; and
5. The sign is not visible from a state highway with a posted speed limit of 80 km/h or more.

- 7.14 My recommended amendment is consistent with the relief sought by Waka Kotahi for Policy SIGN-P2 (in its submission 370.237).

Standards SIGN-S1, SIGN-S2, SIGN-S5, SIGN-S6 and SIGN-S8.1.g

- 7.15 The standards, as notified, and as supported and/or proposed to be amended by Waka Kotahi's submission, all generally apply more onerous requirements on signs that are orientated to be read from a state highway.

- 7.16 The evidence of Mr Harries addresses these standards (with the exception of SIGN-S6) from a traffic engineering perspective. I accept and agree with Mr Harries' evidence. In particular, I note the contradiction between limiting the size and visibility of signs, and the ability for a driver to readily read and assimilate the message in a safe manner (as discussed at paragraphs 8.6 to 8.8 of Mr Harries' evidence).
- 7.17 In respect of the Waka Kotahi submissions (370.247- 370.248) which seek amendments to SIGN-S6 to impose illumination controls for Veranda signs that are oriented to be read from the state highway network, I agree with the reasons provided by the s 42A Report that this relief is not necessary given that verandah signs are intended to be read from pavements rather than street. I also agree that this relief could have an impact on the ability to advertise and display shop names, which I agree makes the relief inappropriate.
- 7.18 Consistent with my evidence in respect of Policy SIGN-P2, I agree that particular standards for signs facing higher speed state highways are appropriate. Where a proposal infringes a standard, a comprehensive assessment of the effects on the functioning and safety of the state highway is necessary.
- 7.19 With regards to Mr Harries' evidence regarding the inefficacy of the standards discussed above, in my opinion, in lower speed environments (<80 km/h), the potential effects of signs, including those effects generated by internally illuminated or digital signs, can be readily managed by the following standards:
- (a) Rule SIGN-R5 which requires resource consent for digital signs, together with related matters of discretion that cross-reference Policy SIGN-P2 (which seeks to allow for digital signs where traffic, pedestrian and cycling safety is not compromised);
 - (b) Standard SIGN-S7 which imposes particular standards on the content, design, and positioning of signs to manage traffic safety effects;

- (c) Standard SIGN-S8 which imposes standards on the design, operation and content of digital signs, including the illuminance of digital signs; and
 - (d) Standard SIGN-S9 which imposes standards for the illumination of other (non-digital) signs.
- 7.20 These provisions appropriately manage the potential traffic and lighting effects on users of the state highway network, and adequately implement Policies SIGN-P1 and SIGN-P2.
- 7.21 My recommended amendments to SIGN-S1, SIGN-S2, SIGN-S5 and SIGN-S8 are appended to my evidence in **Attachment 1**.

Section 32AA Evaluation

- 7.22 In my opinion, the amendments to Policy SIGN-P2 and Standards S1, S5 and S8 that I have recommended will more appropriately achieve Objective SIGN-O1 because:
- (a) The objective is concerned with supporting signs to meet the needs of the community while “managing” the effects of signs. The amended Policy SIGN-P2 would provide for digital and illuminated signs facing lower speed state highways (while ensuring traffic, pedestrian and cycling safety is not compromised), which is consistent with, and will achieve, the objective.
 - (b) There would be no additional economic, environmental, social and cultural costs arising from these amendments, noting that the outcome that will be achieved by the policy and standards for signs in lower-speed state highway environments will be the same as that for other ‘local’ roads.
 - (c) The original wording of the standards would arbitrarily constrain the design of signs, and to avoid digital signs, that are visible from a state highway, which will result in environmental, economic, social and cultural costs to people and communities in terms of constraining the ability for signage

to be designed and operated in an effective manner that reflects the identification and advertising needs of activities.

- (d) Relying on a resource consent process to justify the appropriateness of the scale, illumination or digital nature of signage facing a state highway would result in unnecessary and unjustified process costs to applicants and to the community by resulting in outcomes that are perceived as being inconsistent with the standards.

8. SIGNS DESIGN GUIDE

Primary submissions of OOHMAA (284.23, 284.41 and 284.42)

- 8.1 OOHMAA's primary submissions sought the deletion of the Signs Design Guide, and any reference to the guide in the rules of the Signs Chapter. The primary reason for seeking the deletion of the Signs Design Guide is that it contained a rating system that prioritises each guideline according to how critical they are.

Council Response

- 8.2 The Council does not support the submission. The reasons provided are:

341. In response to Lumo Digital Outdoor Limited [285.42], OOHMAA [284.42], Restaurant Brands Limited [349.1], and Foodstuffs North Island [FS23.30], I disagree with deleting the Signs Design Guide in its entirety. I consider the Guide contains useful and important considerations for the design of signage and its integration with the surrounding environment. I consider that it will not only assist plan users but will also result in better outcomes for the environment in which signs are proposed.

- 8.3 Consistent with the approach to other Design Guides which have been considered through previous hearings, the s 42A Report recommends that the 'rating' system for the guidelines is deleted.

Analysis

- 8.4 I understand that the use and content of Design Guides, and particularly the use of a rating system, have been subject to much consideration in earlier hearing streams. I do not intend to re-litigate these issues.

- 8.5 I agree with the recommendation to delete the rating system of the guideline. This will significantly improve its usability and its relationship with the statutory provisions of the Signs Chapter. The removal of the rating system is an appropriate response to the concerns raised by OOHMAA's submission.
- 8.6 I agree with the s 32AA evaluation prepared by Mr Patterson with regards to the deletion of the rating system from the Signs Design Guide.

Anthony Blomfield

5 March 2024

Attachment 1 to Evidence of Anthony Blomfield

Recommended Changes to the Signs chapter in relation to OOHMAA submission 284 and further submission FS125

Changes recommended in s 42A Report and agreed with are shown in black ~~strikethrough~~ and underline.

Changes that I recommend are shown in ~~green strikethrough~~ and underline.

Only the provisions which are recommended to be amended are shown.

Objectives

SIGN-O1	<p>Role of signage</p> <p>Signs support the needs of the community to advertise and inform while the effects on local amenity, <u>historic heritage, archaeological sites, sites of significance to Māori, and the maintenance of the efficiency and safety of transport networks</u> are effectively managed.</p>
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Policies

SIGN-P1	<p>Appropriate signs</p> <p>Allow <u>Enable</u> signs where:</p> <ol style="list-style-type: none"> 1. They are of an appropriate size, design and location; and 2. They do not result in vvisual clutter <u>is minimised</u>; and 3. Any potential cumulative effects are managed; and 4. They are required to meet regulatory or statutory requirements; and 5. They do not compromise the efficiency of the transport network or the safety of its users, including cyclists and pedestrians; and 6. In the Residential, Rural and Open Space Zones, they relate to an activity on the site on which they are located; and 7. They maintain the character and amenity values of the site and the surrounding area.
SIGN-P2	<p>Digital and illuminated signs</p> <p>Provide for digital and illuminated signs where:</p> <ol style="list-style-type: none"> 1. The sign is compatible with the zone and any overlay; and 2. The sign does not compromise aircraft safety or the safe and efficient functioning of the Airport; and 3. The sign does not compromise traffic, pedestrian, or cycling safety; and 4. Any light spill or glare effects are managed so they do not compromise amenity values; and 5. The sign is not visible from a state highway <u>with a posted speed limit of 80 km/h or more</u>.

Rules

Rules: Land use activities	
SIGN-R5	Digital signs
City Centre Zone General Industrial Zone Stadium Zone Neighbourhood Centre Zone Local Centre Zone Metropolitan Centre Zone Mixed Use Zone Commercial Zone Airport Zone Hospital Zone Port Zone Tertiary Education Zone Waterfront Zone	1. Activity status: Restricted Discretionary Where: a. Compliance is achieved with: i. SIGN-S5 ; and ii. SIGN-S8. Matters of discretion are: 1. The matters in SIGN-P1, SIGN-P2, SIGN-P3 and SIGN-P6; 2. The Signs Design Guide; and 3. The extent and effect of non-compliance with any relevant standard and the matters as specified in the associated assessment criteria for the infringed standards.
...	...

Standards

Standards		
SIGN-S1	Maximum area of any sign	
1. The following maximum sign areas for any sign must be complied with:		Assessment criteria where the standard is infringed: 1. Visual amenity effects; 2. The impact of the sign on traffic, pedestrian and cycling safety; 3. The extent to which any size infringement is necessary to provide for functional needs or operational needs; 4. How the sign fits with the design and proportions of the building it is placed on; and 5. Any positive effects of the sign.
Location:	Limit:	
a. ...	i. ...	
b. City Centre Zone Mixed Use Zone General Industrial Zone Port Zone <u>Metropolitan Centre Zone</u>	i. The area of a single sign must not exceed 20m ² .	
c. Neighbourhood Centre Zone Local Centre Zone	i. The area of a single sign must not exceed 5m ² .	

Commercial Zone Metropolitan Centre Zone Tertiary Education Zone		
...	...	
f. Signs facing oriented to be read from the State Highway Network with a speed limit of 80 km/h or more.	i. The area of a single sign must not exceed 5m ² .	
...	...	
SIGN-S2	Maximum total area of signs	
1. The following maximum total area of signs per site must be complied with:		Assessment criteria where the standard is infringed: 1. Visual amenity effects; 2. The impact of the sign on traffic, pedestrian and cycling safety; 3. The extent to which any size infringement is necessary to provide for functional needs or operational needs; and 4. Any positive effects of the sign.
Location:	Limit:	
...	...	
e. Signs facing oriented to be read from the State Highway Network with a posted speed limit of 80 km/h or more.	i. The maximum total area of signage per site must not exceed 5m ² .	
...	...	
SIGN-S4	Maximum height of freestanding signs	
1. The following maximum height requirements for freestanding signs must be complied with:		Assessment criteria where the standard is infringed: 1. Visual amenity effects; 2. The impact of the sign on traffic, pedestrian and cycling safety; 3. The extent to which any size infringement is necessary to provide for functional needs or operational needs; 4. Any positive effects of the sign; and 5. Dominance and shading effects on adjoining properties.
Location:	Limit:	
e. Residential and Rural Zones Neighbourhood Centre Zone Local Centre Zone Metropolitan Centre Zone Mixed Use Zone Open Space Zones	i. The maximum height of any freestanding sign must not exceed 4m.	

<u>City Centre Zone</u> <u>Port Zone</u> <u>Tertiary Education Zone</u>		
f. Commercial Zone General Industrial Zone <u>Metropolitan Centre Zone</u> <u>Mixed Use Zone</u> <u>City Centre Zone</u>	1. The maximum height of any freestanding sign must not exceed 8m	
SIGN-S5	Signs located on a building or structure	
All Zones	1. The sign must only be displayed on plain wall surfaces or fences. 2. The sign must not obscure windows or architectural features. 3. The sign must not project above the highest part of the building or structure. 4. Where the sign is <u>facing oriented to be read from</u> the state highway network <u>with a posted speed limit of 80 km/h or more</u> , or is visible from any intersection with the state highway <u>which has a posted speed limit of 80 km/h or more</u> , the sign must not be internally illuminated.	Assessment criteria where the standard is infringed: <ol style="list-style-type: none"> 1. Visual amenity effects; 2. The impact of the sign on traffic, pedestrian and cycling safety; 3. The extent to which any size infringement is necessary to provide for functional needs or operational needs; 4. Any positive effects of the sign; and 5. Any impact of fixing the sign to a building or structure on the structural integrity of the building or structure.
...
SIGN-S7	Traffic safety	
All Zones	1. Where any sign is located adjacent <u>oriented to be read from</u> to any road, the sign must not contain any flashing or moving lights. 2. Where any sign is located within 100m	Assessment criteria where the standard is infringed: <ol style="list-style-type: none"> 1. Visual amenity effects; 2. The impact of the sign on traffic, pedestrian and cycling safety; 3. The extent to which any size infringement is necessary to provide for functional needs or operational needs; and

of an intersection and visible oriented to be read from a legal road, the sign must only contain static messaging and images.

3. Signs must not be shaped or use images or colours, including changeable messages, that could be mistaken for a traffic control device in colour, shape or appearance.
4. Signs must not obstruct the line of sight of any corner, bend, intersection or vehicle or rail crossing.
5. Signs must not obstruct, obscure or impair the view of any traffic or railway sign or signal.
6. All signs within 10m of a legal road must comply with the minimum lettering height in Table 11 – SIGN: Minimum lettering heights below.
...
7. All signs within 10m of a legal road must comply with the minimum setback distances from other signs in Table 12 – SIGN: Minimum Separation Distances from Other Signs below.

Table 12 – SIGN:
Minimum separation distances from other signs

Speed limit of road (KM/H)	Minimum separation distance (m)
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4. Any positive effects of the sign.

	<table border="1"> <tr> <td>0-70</td> <td>50</td> </tr> <tr> <td>71-80</td> <td>100</td> </tr> <tr> <td>>80</td> <td>200</td> </tr> </table>	0-70	50	71-80	100	>80	200	
0-70	50							
71-80	100							
>80	200							
SIGN-S8	Digital signs							
All Zones	<p>1. Digital signs must not:</p> <ul style="list-style-type: none"> a. Flash or contain moving images, moving text or moving lights; b. Obstruct or obscure, including partially, any traffic control device; c. Play music or sound; d. Provide advertising over multiple messages which are displayed across transitioning screens; e. Contain phone numbers, email addresses, web addresses, physical addresses or contact details; f. Contain more than 40 characters; or g. Be located adjacent to <u>oriented to be read from a State Highway with a posted speed limit of 80 km/h or more.</u> h. Impair the ability of Air Traffic Control to guide aircraft, or pilots to operate aircraft. <p>2. Each image on a digital sign shall:</p> <ul style="list-style-type: none"> a. Be static only; 	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. Visual amenity effects; 2. The impact effect <u>effect</u> of the sign on aircraft safety or the safe and efficient functioning of the Airport; 3. The impact effect <u>effect</u> of the sign on traffic, pedestrian and cycling safety; 4. The extent to which any size infringement is necessary to provide for functional needs or operational needs; 5. Any positive effects of the sign; 6. The frequency and intensity of any light sources; 7. The frequency of any image changes; 8. The timing and hours of operation of the sign; and 9. Any light spill or glare effects. 						

	<ul style="list-style-type: none">b. Be displayed for a minimum of 15 <u>8</u> seconds for roads with posted speed limits of less than and equal to 80km/h and a minimum of 35 <u>30</u> seconds for roads with a posted speed limit of greater than 80km/h;c. Transition to another image within 0.1 to 0.5 seconds; andd. Transition to another image without flashing, blinking, fading, <u>or</u> scrolling, or dissolving. <p>3. In the event of a malfunction, a digital sign shall default to a blank screen.</p> <p>4. Illumination of any <u>digital</u> sign shall:</p> <ul style="list-style-type: none">a. Automatically adjust to allow for ambient light levels; andb. Not result in the illuminance of a roadway by over 4 lux in residential and rural areas and 20 lux in all other areas; andc. Shall not exceed:<ul style="list-style-type: none">i. Daytime: 5,000cd/m²ii. Dawn and dusk: 600cd/m²iii. Night-time: 250cd/m²	
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Attachment 2: Digital billboard consent examples

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	10 Brandon Street, Wellington
<u>Legal Description:</u>	Lots 9 and 10 Deposited Plan 10768
<u>Applicant:</u>	Lumo Digital Outdoor Limited C/- Bentley & Co. Limited
<u>Proposal:</u>	Erect a digital billboard
<u>Owners:</u>	10 Brandon Street Limited
<u>Service Request No:</u>	475830
<u>File Reference:</u>	1048139
<u>District Plan Area:</u>	Central Area
<u>Notations in District Plan:</u>	- Verandahs and Display Windows required - Ground Shaking Area - Appendix 11 – Viewshaft 7 (Brandon Street)
<u>Activity Status:</u>	Restricted Discretionary

DECISION – Land Use Consent:

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to erect a digital billboard at **10 Brandon Street Limited** (being Lot 9 and 10 Deposited Plan 10768 subject to the conditions below.

Conditions of Consent:

General:

- (a) The proposal must be in accordance with the information provided with the application Service Request No. 475132 and the following plans prepared by Lumalink, dated 07/08/2020;
- ‘Site Overview’, Sheet 1 of 4;
 - ‘Site Plan/Elevations’, Sheet 2 of 4;
 - ‘Cross Section Details’, Sheet 3 of 4; and
 - ‘Structural Frame Details’, Sheet 4 of 4.

Lighting:

- (b) The digital billboard must not have any brightness exceeding 5,000 cd/m² between sunrise and sunset.

- (c) The digital billboard must not have any brightness exceeding 250 cd/m² between sunset and sunrise.
- (d) The luminance level of the LED display during daylight hours shall vary to be consistent with the level of ambient light and ensure that the LED display is not significantly brighter than the ambient light level and is only illuminated to the extent necessary to ensure that it is legible. To achieve this, the brightness of the LEDs shall be automatically controlled with an in-built detector/sensor.
- (e) Within 30 days of the LED digital billboard being put into service the Consent Holder shall submit a report from a suitably qualified and experienced lighting practitioner, to the satisfaction of the Council's Compliance Monitoring Officer, confirming the following;
 - 1. The automatic dimming system provides a night time maximum luminance of 250cd/m² and the daytime maximum luminance of 5,000cd/ m²
 - 2. The suitability for providing acceptable readability during both day and night situations
 - 3. There is no disability glare to motorist during both day and night

Traffic

- (f) The digital billboard must not imitate traffic signs or any traffic control device or give instructions to motorists that conflict with any traffic sign or traffic control device.

Dwell Time

- (g) The transition time between image displays must not be less than 0.5 seconds. The images must fade in and out rather than there being an abrupt change.

Image Content

- (h) Image content must be static, and must not incorporate flashes, movement or animation.
- (i) A split display (that is two advertisements) shall not be displayed at any one time on the billboard display.
- (j) Each graphic shall have a minimum display time of 8 seconds (no maximum display time is necessary).

Shut down ability

- (k) The digital billboard must be programmed to automatically go dark in the event of a billboard malfunction. The consent holder must provide an emergency (24/7) contact number and an intervention process to enable the consent holder to disable the digital billboard by manual intervention, both remote and on-site, should the automatic intervention fail. These details must be provided to the satisfaction of Council's Compliance Monitoring Officer prior to operation of the electronic billboard commencing.

Review Clause

- (l) The Council may undertake a review of any of the above conditions under section 128 of the Resource Management Act 1991 to address any adverse effects of the exercise of the

consent in respect of traffic safety. The review may be undertaken at any time within 2 years of the establishment and operation of the electronic billboard.

Monitoring and Review:

- (m) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to rcmonitoring@wcc.govt.nz.
- (n) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link:
<http://wellington.govt.nz/services/consents-and-licences/resource-consents/resource-consent-monitoring>.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time pursuant to section 125 of the Act as the Council may allow.
2. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
3. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
4. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
5. Construction noise is managed through the construction noise controls set out in NZS 6803:1999 and adoption of a best practicable option approach in accordance with section 16 of the Act, to ensure that the emission of noise from the site does not exceed a reasonable level.
6. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

Reasons for Decision:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
 2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be less than minor.
 3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.
-

DECISION REPORT

SITE DESCRIPTION

The applicant's Assessment of Environmental Effects (AEE) includes a comprehensive description of the site and its immediate surroundings. I consider that this description is accurate, and it should be read in conjunction with this report.

PROPOSAL

The AEE also includes a comprehensive description of the proposal that I adopt. The applicant's proposal description should be read in conjunction with this report. In short, resource consent is sought to erect a digital billboard on the southern façade of the existing building at 10 Brandon Street. The proposed billboard will measure 5.85m wide by 4.02 high with an overall display area of 23.517m² with a 500mm border around the digital display. The depth of the billboard will be approximately 298mm. The applicant has advised that the power box for the proposed sign will be inside the building.

ACTIVITY STATUS

District Plan:

<ul style="list-style-type: none">Resource consent is required pursuant to Rule 13.3.9 of the District Plan as the proposed sign does not comply with standard 13.6.4.1.3 with respect to the maximum size of a sign on a building. The proposed sign totals 23.517m² which is above the permitted size of 20m² allowed by the District Plan. <p>The Councils discretion is restricted to: Moving images, text or lights; position; dimension; and number of signs.</p>	Restricted Discretionary
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The proposal is assessed as a **Restricted Discretionary Activity** under the operative District Plan.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Preclusion to Public Notification:

There is no preclusion to public notification as the relevant rule in the District Plan do not preclude notification of the application [s95A(5)(a)] and the application is not for one of the activities listed at section 95A(5)(b)(i) or 95A(5)(b)(iii) of the Act.

Public Notification – Rule/Adverse Effects:

Public notification is not required as the application does not include an activity that is subject to any rule in the District Plan or relevant NES that requires public notification and it has been determined in accordance with section 95D that adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

There are no special circumstances that warrant public notification under section 95A(9). None of the circumstances of the application are exceptional or unusual.

Limited Notification - Section 95B:

Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Preclusions to Limited Notification:

There is no preclusion to limited notification as there is no rule in the District Plan that precludes limited notification of the application [s95B(6)(a)] and the application is for neither a district land use consent with Controlled activity status or an activity prescribed by regulations made under section 360H(1)(a)(ii), which precludes limited notification [s95B(6)(b)].

Limited Notification - Affected Persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

I have considered whether there are special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification under section 95B(10). None of the circumstances of the application are exceptional or unusual.

Public and Limited Notification Decision:

For the reasons set out above, the application does not require either public or limited notification.

ASSESSMENT OF ADVERSE EFFECTS

Permitted Baseline:

Where applicable in the assessment below the adverse effects of activities that are permitted by the relevant District Plan rules have been disregarded. Disregarding permitted activity effects is appropriate in this case as use of the permitted baseline is consistent with the wider context of the District Plan and Part 2 of the Act.

In this instance, a credible permitted baseline is considered to be 10m by 2m digital billboard (a sign in the same location, with a face area of 20m²).

Potential Adverse Effects:

I consider the AEE prepared by the applicant to provide a comprehensive and accurate assessment of the likely and potential effects of the proposal under the headings 'Visual Amenity', 'Public Safety'. Additionally, I accept the Urban Design Assessment from Richard Knott Limited, and a Traffic Assessment from Stantec as accurate assessments of the effects of the proposal. All three of these documents have been adopted

The Council's Urban Design, Traffic, and Heritage Advisors furthermore have reviewed the respective assessments and have either adopted the applicant's assessment and/or concluded that adverse effects from the proposed sign, which is 3.157m² over and above that permitted, to be less than minor. This advice has been accepted and their comments are held on file to be read in conjunction with this report.

Based on the assessment provided in the AEE that I adopt, and the advice of Council Officers which I also accept, I consider adverse effects from the proposed digital sign to be less than minor with no person being adversely affected.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

Adverse Effects:

An assessment of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act and no further assessment is required.

Positive Effects:

In addition to the above mentioned environmental effects I consider the proposal to have the following positive effects:

- The proposal will enable a range of products, services and events to be advertised without having to manually change the images projected.
- The proposal will add to the vibrancy of the central city.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The District Plan

Higher Order Planning Documents:

There are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement.

District Plan:

The following objectives and policies and Design Guide are considered relevant to the proposal:

Operative District Plan:

- Objective 12.2.2 Policies 12.2.2.1, 12.2.2.2
- Objective 12.2.6 Policies 12.2.6.18, 12.2.6.20
- Objective 12.2.10 Policies 12.2.10.1, 12.2.10.2, 12.2.10.4, 12.2.10.7
- Signs Design Guide

Regard has been had for the relevant objectives and policies listed above.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is acceptable in terms and is consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

There are no other matters that the Council needs to consider when assessing the application.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, I consider that consent should be granted when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the objectives and principles in Part 2 of the Act and I do not consider that detailed evaluation of Part 2 matters would add anything to my evaluative exercise.

SECTION 108 CONDITIONS

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- Controls on lighting, dwelling time, image context and the ability to shut down the electronic billboard should a malfunction occur.
- Conditions relating to the monitoring of the resource consent.

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
 - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
 - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Condition (a) relates to mitigating possible effects on environment which may occur if the proposal is not built in accordance with the approved plans therefore meets s108AA(1)(b)(i).

The applicant has agreed to the conditions therefore section 108AA(1)(a) is satisfied.

The Council's standard monitoring conditions are applied in accordance with s108AA(1)(c).

CONCLUSION

The effects of this proposal are acceptable, and the proposal is consistent with the objectives and policies of the Operative District Plan. Having considered the matters set out in section 104 of the Act, and subject to Part 2, I am of the opinion that resource consent can be granted subject to appropriate conditions.

REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be less than minor.
3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.

Report prepared by Nathan Keenan



Nathan Keenan
Consultant Planner

We have read the above Decision Report, the AEE and the associated documentation provided with the application and confirm that we agree with the consultant planner's recommendation. Accordingly, the application is **granted** subject to conditions.



Peter Daly
Delegated Officer

25 November 2020



Monique Dyer
Delegated Officer

25 November 2020

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	1 Little Pipitea Street, Thorndon
<u>Legal Description:</u>	Lot 6 Deposited Plan 11422
<u>Applicant:</u>	Lumo Digital Outdoor Limited c/- Bentley & Co
<u>Proposal:</u>	Installation of a new digital billboard
<u>Owners:</u>	Clement Stephens Griffiths and Patricia Anne Griffiths
<u>Service Request No:</u>	522650
<u>File Reference:</u>	1049467
<u>Operative District Plan Area:</u>	Central Area
<u>Notations in Operative District Plan:</u>	Hazard (Ground Shaking) Area
<u>Other Notations:</u>	N/A
<u>Activity Status Operative District Plan:</u>	Restricted Discretionary
<u>Proposed District Plan Zone:</u>	City Centre Zone
<u>Notations Proposed District Plan:</u>	27 metre Height Control Area Verandah Control Area Flood Hazard – Inundation Area Designation WIAL 1 – Wellington Airport Obstacle Limitation Surface
<u>Qualifying Matters Proposed District Plan:</u>	Natural Hazard (Flood Hazard - Inundation Area)
<u>Activity Status Proposed District Plan:</u>	N/A

DECISION – Land Use Consent:

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to install a new digital billboard at **1 Little Pipitea Street, Thorndon** (being Lot 6 DP11422), subject to the conditions below.

Conditions of Consent:

General:

- (a) The proposal must be in accordance with the information provided with the application Service Request No. 522650 and the following plans prepared by LUMO Digital Outdoor, dated 28 July 2022:
- “Site Plan”, Sheet 2 of 4
 - “Elevations”, Sheet 3 of 4
 - “Structural Details”, Sheet 4 of 4

Digital Billboard Operation:

- (b) The consent holder must ensure that the digital sign operates with a dwell time of no less than eight (8) seconds with a 0.5 second transition between images.
- (c) The consent holder must ensure that billboard image content has the minimum letter height for a main message displayed on the sign is 150mm, and a secondary message is 75mm.

Note:

The minimum letter height only applies to standard text. Text containing legal disclaimers and text within images, are excluded from meeting this requirement.

- (d) The consent holder must ensure that the digital billboard luminance levels of the LED display screen during daylight hours shall vary to be consistent with the level of ambient light and ensure that the LED display is not significantly brighter than the ambient light level and is only illuminated to the extent necessary to ensure that it is legible. To achieve this, the brightness of the LEDs shall be automatically controlled with an in-built detector/sensor.
- (e) The consent holder must ensure that the luminance of the digital unit is controlled and automatically adjusted to ensure it does not exceed typical ambient light conditions and does not exceed 250 cds/m² during night-time (dusk to dawn), and 5,000 cds/m² during daytime (dawn to dusk). It should not result in the illuminance of a roadway by greater than 20 lux.
- (f) The consent holder must ensure the screen content is static and does not incorporate flashes, fast moving animated content, sequential advertising over multiple images/content items or successive billboards, multiple advertisements on one image and must not emit any sound.
- (g) The consent holder must ensure that the billboard screen does not at any time operate with a split screen which would allow for the display of two separate advertisements concurrently.
- (h) The consent holder must ensure that the images displayed on the billboard are not linked to “tell a story” across two or more sequential images, (i.e. where the meaning of an image is dependent upon or encourages viewing of the immediately following image).

- (i) The consent holder must ensure that the digital billboard does not use graphics, colours (red, green, white or yellow), text or shapes in isolation or in combination that imitate traffic signs or any traffic control device (either wholly or partially) or give instructions to motorists that conflict with any traffic sign or traffic control device.
- (j) The consent holder must ensure that the digital billboard images must not invite or direct a driver to take some sort of driving action.
- (k) The consent holder must after a period of six months following installation of the digital display, provide evidence to the Council's Compliance Monitoring Officer that the dwell (display) time and transition are compliant with Condition (b).

Note:

The CMO may monitor this, if/when required, to confirm accuracy.

Traffic Safety Audits:

- (l) The consent holder must ensure that once operation of the digital billboards has commenced, the consent holder must provide the Council's Compliance Monitoring Officer (CMO) with a Traffic Safety Audit at the following frequencies:
 - i. 12 months
 - ii. 24 months
- (m) The audits must:
 - i. Review operation of the billboards in relation to traffic safety.
 - ii. Include data on reported crashes and including issues specifically identified as being related to the digital billboards. These must be compared to the figures for the similarly preceding period to conversion of the billboards from static to digital.
 - iii. Be undertaken by an independent Traffic Engineer/CPEng that is experienced in the preparation of traffic safety audits.

Advice Notes:

1. The costs of the Traffic Safety Audits and implementation of any mitigation measures must be met by the consent holder.
2. If the Traffic Safety Audits find that further mitigation measures are considered necessary, then these must be implemented to the satisfaction of the CMO.

Shut Down Ability:

- (n) The consent holder must ensure that in the event of any malfunction of the LEDs or the control system, the Billboard must be programmed to automatically turn off (go dark/have a black background) until the malfunction has been repaired.

Monitoring and Review:

- (o) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at

least 48 hours before work starts, either by telephone on 04 801 4017 or email to rcmonitoring@wcc.govt.nz.

- (p) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link: <https://wellington.govt.nz/property-rates-and-building/building-and-resource-consents/resource-consents/applying-for-a-resource-consent/monitoring-resource-consent-conditions>

Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Advice Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time as granted by the Council pursuant to section 125 of the Act.
2. Section 36 of the Act allows the Council to charge for all fair and reasonable costs associated with the assessment of your application. We will confirm in due course whether the time spent on the assessment of this application is covered by the initial fee paid. If the time exceeds the hours covered by the initial fee you will be sent an invoice for additional fees. If the application was assessed in less time you will be sent a refund. For more information on your fees contact planning.admin@wcc.govt.nz.
3. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
4. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
5. Out of courtesy, it is suggested that you advise your nearest neighbours of your intention to proceed with this land use consent, your proposed construction timetable and contact details should any issues arise during construction.
6. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
7. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that landowner approval is required under a separate

approval process and that this will need to be sought and approved prior to any works commencing.

For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link: <https://wellington.govt.nz/services/parking-and-roads/road-works/work-on-the-roads/permissions-and-approvals>

8. The WIAL¹ Designation protects the airspace for the safe and efficient operation of Wellington International Airport. The Designation requires that any person proposing to construct or alter a building or structure, which does the following, must advise Wellington International Airport Limited (WIAL) and obtain approval from them under section 176 of the Act:
 - a. a new building/structure, additions and/or alterations or a crane or scaffolding which penetrates the Take-off and Approach Surfaces and exceeds a height of 8m above existing ground level; or
 - b. a new building/structure, additions and alterations or a crane or scaffolding which penetrates the Conical, Inner Horizontal, or Transitional Side Slopes of the Airport; or
 - c. a new building/structure, additions and/or alterations or a crane or scaffolding which results in a height of more than 30m above ground level in the remainder of the Designation area (Outer Horizontal Surface).

You can find these surfaces and slopes [here](#) and you can contact WIAL at planning@wellingtonairport.co.nz for any questions that you might have or if you need to seek their approval.

9. The Council has launched a pilot 'Creative Hoardings' programme, which has been designed to enliven building sites and celebrate creativity across the city. Creative hoardings present opportunities for artists and property developers to contribute to the revitalisation of the city and the consent holder is encouraged to use this programme during the construction phase. Local artists, Gabby O'Connor, Ariki Brightwell, Ruth Thomas-Edmond and Telly Tuita have been commissioned to design artworks for hoarding. Their work can be downloaded from the Creative Hoardings Library on the Council's website, printed and installed on hoarding. For more information visit the Council's website or contact the City Arts and Events Team, email: arts@wcc.govt.nz.
10. The consent holder must ensure that construction, earthworks and any demolition activities are managed and controlled so that the noise received at any residential or commercial site does not exceed the limits set out in Table 2 and Table 3 of 'NZS6803:1999 Acoustics – Construction' noise when measured and assessed in accordance with that standard. Where a specific construction activity cannot comply with the limits set out in 'NZS6803:1999 Acoustics – Construction' the consent holder must provide the Council's Compliance Monitoring Officer an assessment of physical and managerial noise control methods that must be adopted. The assessment must be in line with section 16 of the Act (Best Practical Option (BPO)).

The BPO is defined as the best method for preventing or minimising the adverse noise or vibration effects on the environment having regard to (1) the sensitivity of the receiving environment to adverse noise or vibration effects, (2) the financial implications and (3) the current state of technical knowledge and the likelihood that the option can be successfully applied.

11. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Tāonga Act 2014. An archaeological site is defined as physical evidence of pre-1900 human activity. This can include above ground structures as well as below ground features. Below ground features can include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

It is the responsibility of the property owner and/or person undertaking the work to obtain an archaeological authority (consent) from Heritage New Zealand Pouhere Tāonga (HNZPT) for all work that modifies or destroys an archaeological site. The applicant is advised to contact HNZPT prior to works commencing if the presence of an archaeological site is suspected in the area of works. If archaeological features are encountered during works, the applicant is advised to stop and contact HNZPT.

12. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

Reasons for Decision:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application and the Operative District Plan contains a preclusion that requires the application to be assessed without public notification or limited notification. There are no special circumstances.
 2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be less than minor.
 3. The proposal is in accordance with the relevant objectives and policies of the Operative District Plan and Proposed District Plan and Part 2 of the Act.
-

DECISION REPORT

PROPOSED DISTRICT PLAN

On 18 July 2022 the Council notified the Wellington City Proposed District Plan (PDP).

The PDP gives effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act), enacted in December 2021, as well as the NPS-UD policies 3 and 4 (intensification and qualifying matters).

The following provisions in the PDP have immediate legal effect:

1. Historic Heritage
2. Significant Natural Areas
3. Medium Density Residential Standards (MDRS) – being intensification provisions within the Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) that give effect to the Amendment Act.

Decision making processes for the PDP will follow both the Resource Management Act 1991 (RMA) Intensification Streamlined Planning Process (ISPP) and the Part One, Schedule One process. This means that the notification of the PDP will be split into two separate processes:

- The ISPP process uses an independent hearings panel, has no merit appeals to the Environment Court and must be completed in around one year.
- The First Schedule process follows the normal Plan Change process and can be subject to appeals to the Environment Court.

Provisions relevant to the Resource Management (Enabling Housing supply and other matters) Amendment Act 2021 and NPS-UD will be determined through the ISPP. The remaining provisions will be determined through the Schedule 1 process.

BACKGROUND

SR No. 85689

On 2nd April 2002 the Wellington City Council (the Council) granted resource consent SR No. 85689 for the construction of three 18m² static free-standing signs at various locations within the site.

The original proposal, as described in the decision report for SR No. 85689, is as follows:

The proposal is to erect three 18m² (6m x 3m) free-standing signs at various locations within the site. Generally, two of the proposed signs will be located within the main portion of the site facing Pipitea Street and Little Pipitea Street. The third sign will be located within the narrow portion of the site facing outwards onto Murphy Street. The placement of the proposed signs is described with greater preciseness within the supporting information submitted with the application.

This resource consent approved three current billboards located on site. In particular one of the billboards was located within the main portion of the site (Lot 6 DP 11422) facing Pipitea Street, which is being replaced by this consent.

SITE DESCRIPTION

The applicant’s Assessment of Environmental Effects (AEE) includes a description of the site, its immediate surroundings and the local transport network around the site. I consider that this description is accurate, and it should be read in conjunction with this report.

In short, the subject site is located at 1 Little Pipitea Street, Thorndon on the north corner of the T-intersection between Murphy Street and Little Pipitea Street. The site is approximately 320m² in area.

The site is situated in the Central Area under the Operative District Plan (ODP) and City Centre Area under the Proposed District Plan (PDP). Additionally, under the PDP a large portion of the site is within a ‘Qualifying Matters’, being Flood Hazard Inundation Area. The properties in the surrounding area are also within the same ODP and PDP areas.

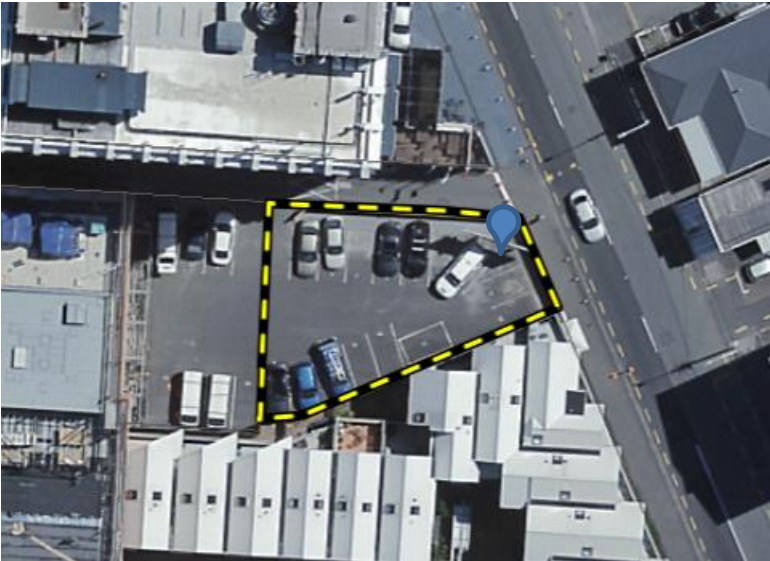


Figure 1: Aerial image demonstrating the site and highlighting the exact location of the proposed billboard with a blue pin.

I note that Little Pipitea is a single lane one-way street from Molesworth Street to Murphy Street with no pedestrian walkways. Murphy Street is a south bound one-way two laned road with pedestrian walkways on both sides of the road. Both streets have a 50km/h speed limit and neither of the streets have a designated cycle way.

PROPOSAL

The proposal includes the replacement of the existing free-standing static billboard with a digital billboard. The digital billboard will be located in the same position and landscape orientation, measuring 3 metres in width by 6 metres in height, totalling approximately 18m² in area.

An additional small LED display will be affixed at the bottom of the billboard display which will be used to identify the billboard operator and has the measurement of 1m width and 0.5m height. The underside, sides and rear of the billboard structure will be clad with a solid metal material to screen the support structure to the rear of the billboard display.

The billboard will operate with a minimum image display of 8 seconds with a 0.5 second dissolve transition between images. Furthermore, the digital billboard will have a LED screen display operating at maximum illumination levels of 5,000 cd/m² during the daytime and 250 cd/m² during night-time. The illumination levels will be automatically managed as such that the screen is also responsive to changes in ambient lighting conditions.



Figure 2: Extract from the application demonstrating the proposed digital sign on the corner of Murphy Street and Little Pipitea Street.

Further details of the proposal are provided in the AEE and application plans. I adopt the applicant's proposal description should be read in conjunction with this report.

ACTIVITY STATUS

Operative District Plan:

Resource consent is required under the following rule:

Signs

Pursuant to **Rule 13.3.9** the proposal requires resource consent as the proposal does not comply with the following permitted activity standard:

13.6.4.1.5 – Free-standing signs:

The proposed sign has an area of 18m², plus a 0.5m² notice below the main sign, exceeding the threshold 10m² in standard 13.6.4.1.5.

The proposal is assessed as a **Discretionary (Restricted) Activity**.

The relevant conditions under this rule are met.

The proposal is assessed as a **Discretionary (Restricted) Activity** under the Operative District Plan.

Proposed District Plan:

The site has qualifying matters that apply, being the flood hazard, which affects majority of the northern side of the site, along Little Pipitea and Murphy Street. Additionally, the sign and City Centre Area rules in the PDP don't have immediate legal effect yet. Therefore, the rules in

the PDP and the MDRS has not been applied. All standards considered in relation to Rule 13.3.9 above are from the unamended ODP.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Preclusion to Public Notification:

There is no preclusion to public notification as the relevant rule in ODP does not preclude notification of the application [s95A(5)(a)] and the application is not for one of the activities listed at section 95A(5)(b)(i) or 95A(5)(b)(iii) of the Act.

Special Circumstances:

None of the circumstances of the application are exceptional or unusual. Therefore, there are no special circumstances that warrant public notification under section 95A(9).

Limited Notification - Section 95B:

Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Preclusions to Limited Notification:

There is no preclusion to limited notification as there is no rule in the ODP that precludes limited notification of the application [s95B(6)(a)] and the application is not for a district land use consent with Controlled activity status [s95B(6)(b)].

Limited Notification - Affected Persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. The reasons why the effects have been deemed to be less than minor are detailed in the Assessment of Adverse Effects and conclusions set out in this report.

Special Circumstances:

I have considered whether there are special (i.e. exceptional or unusual) circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification of any additional party under section 95B(10).

Public and Limited Notification Decision:

For the reasons set out above, the application does not require either public or limited notification.

ASSESSMENT OF ADVERSE EFFECTS

Permitted Baseline:

Where applicable in the assessment below the adverse effects of activities that are permitted by the relevant Operative District Plan rules have been disregarded. The applicant has provided a credible permitted baseline in the report prepared by Bentley & Co Recourse Management Consultants dated October 2022, which in this instance includes;

“In the Central Area, signage can be established as a permitted activity, subject to meeting standards. As they relate to free-standing signs, the standards restrict the area of individual signs (to 10m²).

In this case, the only requirement for resource consent relates to the size of the display (18m²), and if the proposal were reduced in size to 10m² it would be a permitted activity. Further to this, the District Plan provides for (permits) a sign of up to 20m² mounted to a façade of a building, in a manner where the sign does not obscure any window or architectural feature. In this respect, a billboard of the same size and nature as the proposed digital display could be mounted to the northern façade of the building at 1 Murphy Street as a permitted activity. In the context of this proposal, the effects on the environment arising from a permitted free-standing 10m² digital billboard, or from a permitted 20m² wall-mounted billboard at 1 Murphy Street, are not fanciful and it is appropriate to consider this “baseline” when assessing the effects of the proposal.”

In addition to this, I note that the existing sign is legally established, and in the absence of this consent, would remain in existence. Accordingly, I consider this sign forms part of the existing environment, and have taken this into account in the following assessment.

Potential Adverse Effects

Applicant’s Assessment:

I consider the AEE prepared by the applicant to provide an accurate assessment of the likely and potential effects of the proposal. This assessment has therefore been adopted and further assessment is provided below.

- Visual Amenity Effects and,
- Traffic Safety Effects.

Visual Amenity Effects:

The proposal includes non-compliance with Standard 13.6.4.1.5, specifically as the proposed digital billboard will larger than the maximum area in the ODP and as the billboard will display content onto Murphy Street. It is noted above that the proposed digital billboard is the same size and will be located in the same position/location as the existing static billboard on this site.

The proposal has been assessed and reviewed by Jessie Zhou, Council's Intermediate Urban Designer, and a copy of that assessment dated 24 November 2022 is held on file and should be read in conjunction with this report for full details. In her assessment Ms Zhou noted that the sign required assessment against the Design Guide for Signs. The following key points were made in Ms Zhou's report:

- The proposed billboard remains to be free-standing in the same location, position, size and orientation. It will retain its approximate 2.5 metre clearance about ground level.
- The billboard will not obscure or visually dominate any architectural or other features of the site nor does it compromise pedestrian movements.
- There are no changes being made to the billboard's dimensions and visual impact from a range of distances has been considered. The proposal meets the relevant guidelines.
- The billboard does not create additional visual clutter as the streetscape already has a lot of signs/billboards and is positioned relative to the existing features within the streetscape.
- There is a 1000mm x 500mm LED site badge identified on the plans below the digital billboard that is considered well. The supporting structure will be to the rear of the sign as per the plans. The design quality meets the relevant guidelines.
- The applicant has committed to a high standard of maintenance and usual conditions relating to malfunction features are suggested.
- The billboard has an illumination level that does not cause glare, obtrusively impact or compromise the neighbouring environment and are appropriate for the context.
- The cabling and equipment of the billboard is concealed and integrated within the billboard.

Overall, Ms Zhou considers the proposal to replace the existing freestanding static billboard with a digital freestanding billboard in the same location and of the same size and orientation is acceptable from an Urban Design perspective. Overall Ms Zhou has raised no significant issues with the proposal and states the billboard is of a high quality that does not result in increased visual clutter or screening of the buildings. I accept the advice of Ms Zhou in this regard, and consider the relevant effects to be less than minor.

Traffic Safety Effects:

The applicant has provided a traffic report by Stantec, which considers the traffic effects of the proposed signage digitisation. In addition, the proposal has been assessed by Ms Patricia Wood, Council's Transport and Vehicle Access Engineer, and those assessments are held on file and should be read in conjunction with this report for full details. In both the initial assessment, dated 28 November 2022, and final assessment, dated 24 November 2022, Ms Wood considers that the proposal will be acceptable from a traffic perspective subject to certain conditions being met. The applicant has subsequently accepted these conditions, which therefore make up this consent.

Ms Wood has raised no significant issues with the proposal, subject to a number of conditions and advice notes which the applicant has accepted. I accept Ms Wood's advice and, noting the acceptance of those conditions, conclude the overall and potential traffic effects from the billboard to be less than minor with no persons being adversely affected.

Effects Conclusion:

Based on the above assessment, I conclude that the overall actual and potential effects are less than minor with no persons being adversely affected.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

Adverse Effects:

An assessment of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act and no further assessment is required.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Operative District Plan and the relevant plan changes
- The Proposed District Plan (objectives and policies only)

Higher Order Planning Documents:

Other than the NPS discussed below, there are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant.

National Policy Statement:

The objectives of the NPS-UD most relevant to this proposal are:

- **Objective 1:** New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future
- **Objective 2:** Planning decisions improve housing affordability by supporting competitive land and development markets.
- **Objective 4:** New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

- **Objective 5:** Planning decisions relating to urban environments take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- **Objective 6:** Local authority decisions on urban development that affect urban environments are:
 - (a) integrated with infrastructure planning and funding decisions; and
 - (b) strategic over the medium term and long term; and
 - (c) responsive, particularly in relation to proposals that would supply significant development capacity.
- **Objective 8:** New Zealand's urban environments:
 - (a) support reductions in greenhouse gas emissions; and
 - (b) are resilient to the current and future effects of climate change.

In addition to this Policies 1, 6, 9(c), 9(d) and 11 apply to resource consent decisions.

The NPS-UD directs the Council to enable housing even where this may result in significant changes to an environment and detract from existing amenity values. The requirements of the NPS-UD are incorporated into the Proposed District Plan. As a higher order planning document, the relevant objectives and policies of the NPS-UD have been taken into consideration within this decision report.

Overall, the proposal is considered to achieve the outcomes sought by the NPS-UD.

Regional Policy Statement:

The policies of the Wellington Regional Policy Statement (RPS) have been taken into consideration. In particular I have had specific regard to the following policies:

- **Policy 54:** Achieving the region's urban design principles.
- **Policy 55:** Maintaining a compact, well designed and sustainable regional form.

The proposal is considered to accord with the general strategic direction of the RPS and is not contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of the District Plan.

Operative District Plan Objectives and Policies:

I have had regard to the objectives and policies of the Operative District Plan. The following objectives and policies are considered relevant to the proposal:

- Objective 12.2.10 and Policies 12.2.10.1, 12.2.10.2, and 12.2.10.7

I consider the applicant's assessment against the relevant objectives, policies and assessment criteria to be accurate. I therefore adopt the applicant's AEE. No further analysis is required.

Proposed District Plan Objectives and Policies:

The following PDP objectives and policies are considered relevant to the proposal:

City Centre Zone:

- Objectives CCZ-O5 and Policies CCZ-P8 and CCZ-P9

Signs:

- Objective SIGN-O1 and Policies SIGN-P1 and SIGN-P2

I consider the applicant's assessment against the relevant objectives, policies to be accurate. I therefore adopt the applicant's AEE. Additionally, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

There are no other matters that the Council needs to consider when assessing the application.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, I consider that consent should be granted the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the purpose and principles in Part 2 of the Act, and I do not consider that detailed evaluation of Part 2 matters is necessary and would add anything to my evaluative exercise.

SECTION 108 CONDITIONS

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- Conditions relating to the monitoring of the resource consent.
- Conditions relating to the Image content of the billboard
- Conditions relating to the Shut down ability of the billboard

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
 - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
 - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Condition (a) relates to mitigating possible effects on the environment, which may occur if the proposal is not built in accordance with the approved plans. Therefore, this condition meets section 108AA(1)(b)(i).

The applicant has agreed to the conditions, therefore, section 108AA(1)(a) is satisfied.

The Council's standard monitoring conditions are applied in accordance with s108AA(1)(c).

CONCLUSION

The effects of this proposal are acceptable, and the proposal is consistent with the objectives and policies of the Operative District Plan and Proposed District Plan. Having applied section 104 of the Act resource consent can be granted subject to appropriate conditions.

REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application and the Operative District Plan contains a preclusion that requires the application to be assessed without public notification or limited notification. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be less than minor.
3. The proposal is in accordance with the relevant objectives and policies of the Operative District Plan and Proposed District Plan and Part 2 of the Act.

Report prepared by Georgia Jennings



Peter Daly
Delegated Officer

20 March 2023



Daniel Wood
Delegated Officer

20 March 2023

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	83 Waterloo Quay, Pipitea
<u>Legal Description:</u>	Lot 34 DP 80544
<u>Applicant:</u>	Century Group Limited C/o Bentley & Co.
<u>Proposal:</u>	Installation and Operation of a Digital Billboard
<u>Owners:</u>	Waterloo Finance Limited
<u>Service Request No:</u>	513883
<u>File Reference:</u>	713724
<u>Operative District Plan Area:</u>	Central Area
<u>Notations in Operative District Plan:</u>	Hazard (Ground Shaking) Arterial Road (Map 34)
<u>Other Notations:</u>	None
<u>Activity Status Operative District Plan:</u>	Restricted Discretionary Activity
<u>Proposed District Plan Zone:</u>	City Centre Zone
<u>Notations Proposed District Plan¹:</u>	Height Control Area (50m) Verandah Control Coastal Inundation Hazard - Medium Coastal Inundation Hazard Flood Hazard Overlay - Inundation Area Liquefaction Hazard Overlay Tsunami Hazard Overlay - High Coastal Tsunami Hazard Coastal Environment WIAL 1 - Wellington International Airport Ltd
<u>Qualifying Matters Proposed District Plan:</u>	Coastal Inundation Hazard - Medium Coastal Inundation Hazard Flood Hazard Overlay - Inundation Area Liquefaction Hazard Overlay Tsunami Hazard Overlay - High Coastal Tsunami Hazard Coastal Environment
<u>Activity Status Proposed District Plan:</u>	N/A

¹ Whilst shown in the e-plan as a notation, the Heritage Building - Extent (SCHED1) adjoins the site, but the site does not fall within it. Similarly, the site is not within the R5 designation.

DECISION – Land Use Consent:

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal for the installation and operation of a digital billboard at **83 Waterloo Quay, Pipitea** (being Lot 34 DP 80544) subject to the conditions below.

Conditions of Consent:

General:

- (a) The proposal must be in accordance with the information provided with the application Service Request No. 513883 and the following plan by Rebecca Wennerstrand:
- Site Plan, Revision C, dated 01/11/2022.

Cabling

- (b) The cabling or equipment for the digital billboard must be either concealed behind the adjacent block wall or integrated with the sign and/or support structure.

Sign Maintenance:

- (c) The consent holder must ensure that the billboard and frame are maintained in a good condition. To achieve this, the consent holder must:
- Fix any peeling paint, visible fading or rust on the sign frame;
 - Ensure any faulty LED panels are repaired or replaced promptly when necessary; and
 - Undertake any other maintenance work as required.

Panels:

- (d) At least 10 working days prior to the establishment of the billboard on the site, the consent holder must submit to the Council's Compliance Monitoring Officer (CMO) for certification final details of the materials and finishing treatment of the rear of the panels. The billboard must not be installed until certification has been received.

Note: The Council's CMO will liaise with the Council's Urban Designer in certifying these details.

Image Content:

- (e) Image content must be static and must not incorporate flashes, movement, scrolling, animation, full motion video, sequential advertising over multiple frames or successive billboards along a length of road, multiple advertisements in one frame and must not emit any sound.

Note: Advertising over sequential frames or billboards may be linked in topic or type (i.e. a series of individual car advertisements) but each must be a stand-alone message and not reliant on or refer to other display screens or billboards.

- (f) The digital billboard must not imitate traffic signs or any traffic control device (either wholly or partially) or give instructions to motorists that conflict with any traffic sign or traffic control device.

- (g) As per the Traffic Control Device (TCD) rules for signs, the minimum letter height for a main message displayed on the sign is 150mm, the property name is 100mm and the secondary message is 75mm.

Note: The minimum letter height only applies to standard text. Text within images is excluded from meeting this requirement.

Dwell and Transition Times:

- (h) Images shall have a minimum dwell time of eight seconds.
- (i) Images shall transition from one to the next via a 0.5 second dissolve.
- (j) The digital billboard must be programmed to automatically transition to a dark/black background in the event of a malfunction.

Lighting:

- (k) The luminance of the digital units shall be controlled and automatically adjusted to ensure they do not exceed typical ambient light conditions and do not exceed 250cd/m² during night-time, 600cd/m² during dawn/dusk and 5000cd/m² during daytime. It should not result in the illuminance of a roadway by over 20 lux in the Central Area.

Traffic Safety:

- (l) Once operation of the digital billboards has commenced; the consent holder must provide the Council's CMO with Traffic Safety Reports to be reviewed by the Transport Advisor, at the following frequencies:
- 12 months; and,
 - 24 months.

The reports must:

- Review operation of the billboards in relation to traffic safety,
- Include data on reported crashes and any other issues specifically identified as being related to the digital billboards. These must be compared to the figures for the similarly preceding period to conversion of the billboards from static to digital. Any assessment of comparative data must be limited to material number changes in incidents.
- Be undertaken by an independent Traffic Engineer/CPEng that is experienced in preparation of traffic safety reports.

If the Traffic Safety Reports find that further mitigation measures are considered necessary, then this will trigger a review of the conditions of consent under condition (m).

Note: The costs of the Traffic Safety Reports and implementation of any mitigation measures must be met by the consent holder.

Review:

- (m) In accordance with section 128 of the Act, the Council may serve notice on the consent holder of its intention to review, in whole or in part, the conditions of this consent, to deal with any adverse effect on the environment (specified below) which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage for the following purposes:

- To review the rate of transition of the image or the use of the screen in relation to the safe and efficient use of the local road network by vehicular, pedestrian and cycle traffic; to address to the satisfaction of the CMO mitigation measures for real or perceived safety issues identified by the Traffic Safety Reports prepared in accordance with Condition (l).
- To deal with any visual amenity adverse effect on the environment on which the exercise of the consent may have an influence relating to the operation of the sign screen including luminance and brightness.
- A road safety review may also be triggered by a significant event or series of events that are, or appear to be, related to the billboard.

Monitoring and Review:

- (n) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to rcmonitoring@wcc.govt.nz.
- (o) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link: <https://wellington.govt.nz/property-rates-and-building/building-and-resource-consents/resource-consents/applying-for-a-resource-consent/monitoring-resource-consent-conditions>

Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Advice Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time as granted by the Council pursuant to section 125 of the Act.
2. Section 36 of the Act allows the Council to charge for all fair and reasonable costs associated with the assessment of your application. We will confirm in due course whether the time spent on the assessment of this application is covered by the initial fee paid. If the time exceeds the hours covered by the initial fee you will be sent an invoice for additional fees. If the application was assessed in less time you will be sent a refund. For more information on your fees contact planning.admin@wcc.govt.nz.
3. Where appropriate, in relation to the land use consent, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
4. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.

5. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
6. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that landowner approval is required under a separate approval process and that this will need to be sought and approved prior to any works commencing.

For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link: <https://wellington.govt.nz/services/parking-and-roads/road-works/work-on-the-roads/permissions-and-approvals>

7. The consent holder must ensure that construction, earthworks and any demolition activities are managed and controlled so that the noise received at any residential or commercial site does not exceed the limits set out in Table 2 and Table 3 of 'NZS6803:1999 Acoustics – Construction' noise when measured and assessed in accordance with that standard. Where a specific construction activity cannot comply with the limits set out in 'NZS6803:1999 Acoustics – Construction' the consent holder must provide the Council's Compliance Monitoring Officer an assessment of physical and managerial noise control methods that must be adopted. The assessment must be in line with section 16 of the Act (Best Practical Option (BPO)).

The BPO is defined as the best method for preventing or minimising the adverse noise or vibration effects on the environment having regard to (1) the sensitivity of the receiving environment to adverse noise or vibration effects, (2) the financial implications and (3) the current state of technical knowledge and the likelihood that the option can be successfully applied.

8. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Tāonga Act 2014. An archaeological site is defined as physical evidence of pre-1900 human activity. This can include above ground structures as well as below ground features. Below ground features can include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

It is the responsibility of the property owner and/or person undertaking the work to obtain an archaeological authority (consent) from Heritage New Zealand Pouhere Tāonga (HNZPT) for all work that modifies or destroys an archaeological site. The applicant is advised to contact HNZPT prior to works commencing if the presence of an archaeological site is suspected in the area of works. If archaeological features are encountered during works, the applicant is advised to stop and contact HNZPT.

9. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

Reasons for Decision:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be no more than minor and there are no affected persons. There are no special circumstances.
 2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
 3. The proposal is in accordance with the relevant objectives and policies of the ODP and PDP and Part 2 of the Act.
-

DECISION REPORT

PROPOSED DISTRICT PLAN

On 18 July 2022 the Council notified the Wellington City Proposed District Plan (PDP).

The PDP gives effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act), enacted in December 2021, as well as the NPS-UD policies 3 and 4 (intensification and qualifying matters).

The following provisions in the PDP have immediate legal effect:

1. Historic Heritage
2. Significant Natural Areas
3. Medium Density Residential Standards (MDRS) – being intensification provisions within the Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) that give effect to the Amendment Act.

Decision making processes for the PDP will follow both the Resource Management Act 1991 (RMA) Intensification Streamlined Planning Process (ISPP) and the Part One, Schedule One process. This means that the notification of the PDP will be split into two separate processes:

- The ISPP process uses an independent hearings panel, has no merit appeals to the Environment Court and must be completed in around one year.
- The First Schedule process follows the normal Plan Change process and can be subject to appeals to the Environment Court.

Provisions relevant to the Resource Management (Enabling Housing supply and other matters) Amendment Act 2021 and NPS-UD will be determined through the ISPP. The remaining provisions will be determined through the Schedule 1 process.

SITE DESCRIPTION

The applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate, and it should be read in conjunction with this report.

BACKGROUND

On 25 May 2021, Council granted consent (SR No. 485137) for the installation and operation of a digital billboard at the subject site. The consented digital billboard is a two-sided 'V' sign with a maximum height of 9m. The two sign faces are 12m wide by 3m high, with a combined face area of 72m². Digital static images were to be displayed with an eight second dwell time and a 0.5 second transition time.

PROPOSAL

Paragraphs 12-19 of the AEE contains the proposal description. Since the application was submitted, the design and size of the digital billboard has changed, so reference to the 12m sign in the AEE needs to be disregarded.

The original billboard's design was, horizontal, having a maximum height of 12m (including the support pole) and having two digital display faces measuring 12m wide by 3m high, with an overall display area of 72m² (for both sides). Following advice received from the Council's consultant Urban Designer, the sign will now be vertical and have a maximum height of 11m (which includes the support pole) and two digital display faces measuring 4m wide by 6m, with an overall display area of 48m² (for both sides). The billboard will still be a two-sided 'V' shaped and in the same location.

The signs will have a small display panel (up to 0.4m high by 1.2m) mounted to the bottom of both faces. Digital static images are proposed to be displayed with an eight second dwell time and a 0.5 second transition time.

The mock-up of the proposal is shown below in **Figure 1**.



Figure 1: Mock-up of proposed sign.

ACTIVITY STATUS

Operative District Plan (ODP):

Resource consent is required under the following rule:

Rule 13.3.9

Resource consent is required for the installation and operation of a digital billboard as the proposal does not comply with standard 13.6.4.1.5 in respect of free standing signs as the signs will each have an area of 24m², the signs will have a maximum height of 11m, and there will be two signs on the site frontage.

The proposal is assessed as a **Restricted Discretionary Activity**.

The relevant matters of discretion under Rule 13.3.9 relate to:

- Moving images, text or lights
- Position
- Dimensions
- Number of signs

There are no relevant conditions or standards and terms.

The proposal is assessed as a **Restricted Discretionary Activity** under the ODP.

Proposed District Plan (PDP):

Resource consent is not required under any rules in the PDP that have immediate legal effect.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Preclusion to Public Notification:

There is no preclusion to public notification as the relevant rule in ODP do not preclude notification of the application [s95A(5)(a)] and the application is not for one of the activities listed at sections 95A(5)(b)(i) to 95A(5)(b)(iv) of the Act.

Public Notification – Rule/Adverse Effects:

Public notification is not required as the application does not include an activity that is subject to any rule in the ODP that requires public notification and it has been determined in accordance with section 95D adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)]. The reasons why the effects on the environment have been deemed to not be more than minor are detailed in the Assessment of Adverse Effects and conclusions set out in this report.

Special Circumstances:

None of the circumstances of the application are exceptional or unusual. Therefore, there are no special circumstances that warrant public notification under section 95A(9).

Limited Notification - Section 95B:

Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

Whilst the site is near the Wellington Harbour, given the proposal involves the installation and operation of a digital billboard that would require limited ground works to prepare the stand, it is not considered that there are any protected customary rights groups or customary marine title groups that will be affected by the proposal and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Preclusions to Limited Notification:

There is no preclusion to limited notification as there is no rule in the ODP that precludes limited notification of the application [s95B(6)(a)] and the application is not for a district land use consent with Controlled activity status [s95B(6)(b)].

Limited Notification - Affected Persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. The reasons why the effects have been deemed to be less than minor are detailed in the Assessment of Adverse Effects and conclusions set out in this report.

I note that neighbours / members of the public have registered an interest in the application. Registration of interest in a proposal does not, in itself, constitute 'affected person' status under the Act. For the reasons outlined in the Assessment of Adverse Effects section of this report, these neighbours / members of the public are not considered to be adversely affected parties.

Special Circumstances:

I have considered whether there are special (i.e. exceptional or unusual) circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification of any additional party under section 95B(10). This includes the neighbours / members of the public that have registered an interest in the application.

Public and Limited Notification Decision:

For the reasons set out above, the application does not require either public or limited notification.

ASSESSMENT OF ADVERSE EFFECTS

Permitted Baseline:

Where applicable in the assessment below the adverse effects of activities that are permitted by the relevant ODP rules have been disregarded.

A permitted baseline in this case would be one sign on the site frontage with an area of 10m², maximum height of 8m. Given two signs are proposed and that each sign has a face area of 24m² (a combined 48m²) and maximum height of 11m the permitted baseline is considered to be of limited relevance.

Existing Environment

Consent was granted for a 9m digital billboard in the same location as the proposed billboard under SR No. 485137. The two sign faces of the consented sign are 12m (L) x 3m (H), with a combined surface area of 72m².

The existing environment includes those matter that already exist, and unimplemented resource consents that could *reasonably* be expected to be given effect to. In terms of this proposal, it is asserted by the applicant that this consent could reasonably be implemented if the applicant chose to or if this current application was not approved by Council. There are no practical constraints that would prevent this consent being implemented. Therefore, I consider that the existing resource consent, albeit unimplemented, forms part of the existing environment.

Potential Adverse Effects

Applicant's Assessment:

Having regard to the proposed development, the ODP rules and the lens of the relevant objectives and policies of both the Operative and Proposed District Plans, the actual and potential effects of this proposal are considered to fall into the following categories and are addressed in turn below:

- Visual Effects
- Traffic Safety Effects

Visual Effects:

The proposal has the potential to affect the visual amenity of the streetscape and surrounding area. The application includes an Urban Design Report by Richard Knott, dated 28 April 2022, and a memo, dated 8 November 2022, also prepared by Mr Knott following the changes to the signs' design. The Urban Design Report provides an assessment of the site, surrounding environment, the proposed signs, and an assessment against the relevant objective and policies in the ODP.

The proposal has been reviewed by Jaime Deveraux, Council's consultant Urban Designer. The original proposal (which involved the 'V' shaped sign with a maximum height of 12m, sign face of 12m x 3m, with a 9m base), as lodged, was not supported from an urban design perspective due to its visual dominance due to its height and the increased height would add to the visual clutter [of consented billboards] along Waterloo Quay. Accordingly, the applicant revised the design of the signs in response to these concerns. Ms Deveraux's Urban Design Assessment, originally dated 27 May 2022 and her addendum dated 27 November 2022, should be read in conjunction with this report.

The existing consented environment is a relevant consideration in Ms Deveraux's assessment as she advised that without this it would be difficult to support the digital billboard from an urban design perspective as three other digital billboards have been approved and installed along Waterloo Quay since SR No. 495137 was consented and the reasons for this are due to visual clutter, visual obtrusiveness, and the lack of existing buildings or structures to provide a setting and scale for a new digital billboard. In terms of the existing consented environment, it is acknowledged that the approved digital billboard (SR No. 485137) *could* be given effect to if the applicant chose to or if this application was not approved. The impetus for changing the sign design from what was consented to what is approved is not because it is not commercially viable or because there are practical constraints that would prevent it from being issued; the reason ultimately comes down to the extent of financial return the 9m approved digital billboard would have, which is a preference and not a constraint to implementing that consent. If this application was not approved, the applicant could implement that consent.

Ms Deveraux has advised that the amended billboard, whilst taller than the 9m approved billboard, it is smaller in area and width and is comparable to the approved billboard and will have similar urban design effects. Furthermore, Ms Deveraux advised that *"While taller, the smaller overall area results in a similar visibility when viewed from various distances and locations. It is also noted that the proposed amended sign will not screen the listed railway station to the same extent as the approved sign."*

Ms Deveraux has confirmed that in light of the existing consented environment, the revised billboard design (being 11m high, with a sign face of 4m (W) x6m (L)) has urban design support. I therefore consider visual effects associated with the sign to be less than minor, with no persons adversely affected.

Traffic Safety Effects:

The proposal has the potential to affect public safety through distracting or disrupting drivers. The application includes a Traffic Engineering Report (TER) by Stantec, dated April 2022 and a memo, dated 3 November 2022, also prepared by Stantec following the changes to the signs' design.

The TER includes a consideration of the traffic environment, including crash history in the area, and a detailed assessment of the effects associated with the digital billboard. Separation between signs nearby and proximity to the intersection are also considered. The report uses the Waka Kotahi New Zealand Transport Agency (Traffic Control Devices Manual Part 3, TDCM-3) and District Plan guidance and concludes that *“this proposal can be accepted as being consistent with the intentions of both the District Plan and TCDM 3; and able to function with less than minor adverse effects to road safety or traffic operations. There is therefore, no traffic engineering reason to preclude acceptance of this proposal, nor to require additional controls on operation beyond those proposed in this report.”*

The memo dated 3 November 2022, which follows the changes to the signs’ designs, confirms that *“Having applied the amended configuration and dimensions as now proposed to the assessments described in the TER for the previous proposal, I am able to confirm that from traffic engineering and road safety perspectives, there is no difference between the two proposals. If anything, the revised proposal as now sought is preferable in that views of the south-facing screen for northbound drivers will be less prone to interruption by roadside trees.”*

The application has been reviewed by Anbuselvan Pungiah, Council’s Senior Transport Engineer (Consenting) on 13 May 2022. Mr Pungiah noted that the proposal will comply with the TDCM-3 guidelines and that, whilst within 100m of an intersection, the location is in the CBD and is an urban environment, and acknowledged that many digital billboards in the CBD are within 100m of an intersection so the proposal is not inconsistent on a wider scale. While there have been some crashes in the area, Mr Pungiah noted that these were not due to digital billboards. Mr Pungiah has also considered the proposed conditions proffered by the applicant that ensure acceptable levels of traffic operations and road safety (refer to section 6 of the TER) and overall considered that the proposal is acceptable from a traffic perspective.

Following the changes to the signs’ design, Dennis Davis, Council’s Principal Transport Engineer has reviewed the memo from Stantec and the original assessment prepared by Mr Pungiah and he agrees with the previous advice provided Mr Pungiah.

Based on the advice received from Mr Pungiah, Mr Davis, and Stantec, I consider traffic safety effects associated with the digital billboard will be no more than minor, with no persons adversely affected.

Conclusion:

For the reasons set out above, I conclude that visual effects and traffic safety effects of the proposal will be no more than minor. The effects on any specific parties will be less than minor and no persons are adversely affected in this respect.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

Adverse Effects:

An assessment of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act.

Visual Effects

Ms Deveraux has recommended a condition of consents which requires details of the materials and finishing treatment of the rear of the panels to be provided to Council for certification and a condition pertaining to the on-going maintenance of the billboard. I agree with the recommended conditions and have imposed them accordingly. I have also imposed a condition that relates to cabling being concealed or integrated with billboard and/or support structure, which is generally consistent with what Mr Knott advised in that cabling and any associated equipment will be located so that it is not an obvious feature.

Traffic Safety Effects

Mr Pungiah reviewed the recommended conditions of consent as proffered by the applicant. These pertain to dwell and transition times, image content, image illumination, and design requirements in the event of a malfunction.

Mr Pungiah has recommended conditions of consent that relate to the proffered conditions (albeit with slightly different wording) as well as others that require maximum letter height, that a traffic safety report is provided to Council 12 months and 24 months following the operation of the billboard. Following Mr Davis' review of Mr Pungiah's original assessment, Mr Davis' has recommended one additional condition that may require a road safety review to be undertaken within 24 months. I agree with the recommended conditions and have imposed them accordingly.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The ODP
- The PDP.

Higher Order Planning Documents:

There are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal.

The site is located within the coastal environment so consideration has been given to the New Zealand Coastal Policy Statement (NZCPS). Due to the nature of what the proposal (a freestanding digital billboard), the proposal is consistent with the NZCPS for the following reasons:

- It will not impact on the integrity, form, functioning and resilience of the coastal area
- The site does not exhibit natural character and features of the coastal environment;
- The site is not a public open space or have recreation opportunities; and
- It will not increase natural hazard risk.

Regional Policy Statement:

The policies of the Wellington Regional Policy Statement (RPS) have been taken into consideration. In particular I have had specific regard to the following policies:

- **Policy 54:** Achieving the region's urban design principles.

The proposal is considered to accord with the general strategic direction of the RPS and is not contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of the District Plan.

ODP Objectives and Policies:

I have had regard to the objectives and policies of the ODP. The following objectives and policies are considered relevant to the proposal:

- Objective 12.2.10 and policies 12.2.10.1 and 12.2.10.2.

The applicant's Urban Design Assessment, prepared by Mr Richard Knott, dated 28 April 2022, provides an assessment against the above-listed policies. While this has not been updated since the proposed design of the digital billboard was revised, the assessment is still of relevance and generally translates to the revised design.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

PDP Objectives and Policies:

It is noted that the application was submitted prior to the PDP being notified and, as such, did not include an assessment. Notwithstanding, the following PDP objectives and policies are considered relevant to the proposal:

Signs

- Objectives SIGN-O1 and policies SIGN-P1, SIGN-P2.

Coastal Environment

- Objectives CE-O1, CE-O5, CE-O8 and policies CE-P1, CE-P2, CE-P11, CE-P13.

The digital billboard is a structure not an activity and thus will not result in risk to people, property, and infrastructure. Similarly, it will not establish new urban sprawl along the coastline or consolidate existing urban areas given it is a structure, as opposed to a building.

Natural Hazards

- Objective NH-O1 and policies NH-P1, NH-P2, NH-P9

The digital billboard is a structure not an activity and thus will not result in risk to people, property, and infrastructure. Whilst in the Liquefaction Overlay, the sign is not an emergency facility.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

There are no other matters that the Council needs to consider when assessing the application.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, I consider that consent should be granted when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the purpose and principles in Part 2 of the Act, and I do not consider that detailed evaluation of Part 2 matters is necessary and would add anything to my evaluative exercise.

SECTION 108 CONDITIONS

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- A requirement for cabling to be either concealed or integrated with the billboard.
- Maintenance requirements.
- Final details of the panels’ materials and treatments to be provided to Council for certification.
- Conditions relating to image content.
- Conditions relating to dwell and transition times.
- A requirement to provide traffic safety reports.
- A section 128 review condition.
- Conditions relating to the monitoring of the resource consent.

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
 - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
 - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Condition (a) relates to mitigating possible effects on the environment, which may occur if the proposal is not built in accordance with the approved plans. Therefore, this condition meets section 108AA(1)(b)(i).

The conditions satisfy section 108AA(1)(b) of the Act for the reasons discussed in this report.

The applicant has agreed to the conditions, therefore, section 108AA(1)(a) is satisfied.

The Council's standard monitoring conditions are applied in accordance with s108AA(1)(c).

CONCLUSION

The effects of this proposal are acceptable, and the proposal is consistent with the objectives and policies of the ODP and PDP. Having applied section 104 of the Act resource consent can be granted subject to appropriate conditions.

REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be no more than minor and there are no affected persons. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
3. The proposal is in accordance with the relevant objectives and policies of the ODP and the PDP and Part 2 of the Act.

Report prepared by Laura Brownlie



Laura Brownlie
Consultant Planner

19 December 2022

We have read the above Decision Report, the AEE and the associated documentation provided with the application and confirm that we agree with the consultant planner's recommendation. Accordingly, the application is **granted** subject to conditions.



Monique Zorn
Delegated Officer

15 December 2022



Peter Daly
Delegated Officer

15 December 2022

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	200 Wakefield Street, Te Aro
<u>Legal Description:</u>	Lot 2 DP 85458
<u>Applicant:</u>	Lumo Digital Outdoor Limited
<u>Proposal:</u>	Establish a freestanding digital sign
<u>Owners:</u>	Reading Wellington Properties Limited
<u>Service Request No:</u>	491640
<u>File Reference:</u>	718600
<u>District Plan Area:</u>	Central
<u>Notations in District Plan:</u>	Courtney Place Area Central Area Viewshaft #21
<u>Other Notations:</u>	Hazard Area (Ground Shaking)
<u>Activity Status:</u>	Discretionary (Restricted) Activity

DECISION – Land Use Consent:

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to establish a free-standing digital sign at **200 Wakefield Street, Te Aro** (being Lot 2 DP 85458), subject to the conditions below.

Conditions of Consent:

General:

- (a) The proposal must be in accordance with the information provided with the application Service Request No. 491640 and the following plans prepared by LumaLink (all dated 30/04/2021):
- Sheet 1 titled 'Overview'
 - Sheet 2 titled 'Site Plan & Elevations'
 - Sheet 3 titled 'Assembly Overview' dated
 - Sheet 4 titled 'Assembly Details'
 - Sheet 5 titled 'Main Frame Details'
 - Sheet 6 titled 'Column Details'

Materials and Finishes:

- (b) At least 10 working days prior to the construction of the billboard, the final construction materials, colours and finishes must be provided to the Council's Compliance

Monitoring Officer (CMO) who will liaise with the Urban Design Advisor to confirm that the materials are appropriate.

Traffic Safety Requirements:

- (c) The digital billboard must be programmed to automatically go dark/black background in the event of a malfunction.
- (d) Images must have a minimum dwell time of 8 seconds.
- (e) Images must transition from one to the next via a 0.5 second dissolve.
- (f) The luminance of the digital units must be controlled and automatically adjusted to ensure they do not exceed typical ambient light conditions and do not exceed 250cd/m² during night-time, 600cd/m² during dawn/dusk and 5000cd/m² during daytime. They must not result in the illuminance of a roadway by over 20 lux in the Central Area.
- (g) Image content must be static and must not incorporate flashes, movement, scrolling, animation, full motion video, sequential advertising over multiple frames, multiple advertisements in one frame and must not emit any sound.

Note: Advertising over sequential frames or billboards may be linked in topic or type (i.e. a series of individual car advertisements) but each must be a stand-alone message and not reliant on or refer to other display screens or billboards.

- (h) The digital billboard must not imitate traffic signs or any traffic control device (either wholly or partially), or give instructions to motorists that conflict with any traffic sign or traffic control device.
- (i) The minimum letter heights must be more than:
 - 150mm for the main message;
 - 100mm for the property name; and
 - 75mm for the secondary message.

Review Requirements:

- (j) Once operation of the digital billboards has commenced, the consent holder must provide the Council's Compliance Monitoring Officer (CMO) with a Traffic Safety Reports at the following frequencies:
 - 12 months
 - 24 months

The reports must:

- Review operation of the billboards in relation to traffic safety.
- Include data on reported crashes and any other issues specifically identified as being related to the digital billboards. These must be compared to the figures for the similarly preceding period to conversion of the billboards from static to digital. Any assessment of comparative data must be limited to material number changes in incidents.
- Be undertaken by an independent Traffic Engineer/CPEng that is experienced in preparation of traffic safety reports.

The costs of the Traffic Safety Reports and implementation of any mitigation measures must be met by the consent holder.

If the Traffic Safety Reports find that further mitigation measures are considered necessary, then these must be implemented to the satisfaction of the CMO.

Monitoring and Review:

- (k) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to rcmonitoring@wcc.govt.nz.
- (l) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link:
<http://wellington.govt.nz/services/consents-and-licences/resource-consents/resource-consent-monitoring>.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Advice Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time as granted by the Council pursuant to section 125 of the Act.
2. Section 36 of the Act allows the Council to charge for all fair and reasonable costs associated with the assessment of your application. We will confirm in due course whether the time spent on the assessment of this application is covered by the initial fee paid. If the time exceeds the hours covered by the initial fee you will be sent an invoice for additional fees. If the application was assessed in less time you will be sent a refund. For more information on your fees contact planning.admin@wcc.govt.nz.
3. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
4. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
5. The consent holder is to ensure that construction, earthworks and any demolition activities are managed and controlled so that the noise received at any residential or commercial site does not exceed the limits set out in Table 2 and Table 3 of 'NZS6803:1999 Acoustics – Construction' noise when measured and assessed in accordance with that standard. Where a specific construction activity cannot comply with the limits set out in 'NZS6803:1999 Acoustics – Construction' the consent holder will be required to provide the Council's Compliance Monitoring Officer an assessment

of physical and managerial noise control methods that must be adopted. The assessment must be in line with section 16 of the Act (Best Practical Option (BPO)).

The BPO is defined as the best method for preventing or minimising the adverse noise or vibration effects on the environment having regard to (1) the sensitivity of the receiving environment to adverse noise or vibration effects, (2) the financial implications and (3) the current state of technical knowledge and the likelihood that the option can be successfully applied.

6. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Tāonga Act 2014. An archaeological site is defined as physical evidence of pre-1900 human activity. This can include above ground structures as well as below ground features. Below ground features can include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

It is the responsibility of the property owner and/or person undertaking the work to obtain an archaeological authority (consent) from Heritage New Zealand Pouhere Tāonga (HNZPT) for all work that modifies or destroys an archaeological site. The applicant is advised to contact HNZPT prior to works commencing if the presence of an archaeological site is suspected in the area of works. If archaeological features are encountered during works, the applicant is advised to stop and contact HNZPT.

7. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

Reasons for Decision:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
 2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
 3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.
-

DECISION REPORT

SITE DESCRIPTION

The applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate, and it should be read in conjunction with this report. In summary, the site on which the signage is proposed is 3,500m² in area on the southern side of Wakefield Street at 200 Wakefield Street, Te Aro, Wellington.

PROPOSAL

Further details of the proposal are provided in the AEE and application plans. I adopt the applicant's proposal description should be read in conjunction with this report.

In summary, it is proposed to construct and operate a single free-standing digital billboard supported on a single pole structure as shown on the submitted plan. The sign will have the following dimensions:

- Overall height of 7.16m
- Signage will be single sided 8m wide by 4.16m high
- Digital static images are proposed to be displayed with an 8-second 'dwell' time and a 0.5 second transition time.

Figure 1 below provides a render of the proposed signage:



Figure 1 – View of Proposed Signage from Wakefield Street

ACTIVITY STATUS

District Plan:

Resource consent is required under the following rule:

<p>Rule 13.3.9 – Signs</p> <p>The proposed signage does not meet the following requirements of Permitted Activity Standard 13.6.4.1.5 (which relates to any free-standing sign):</p> <ul style="list-style-type: none">• The proposed area of 33.28m² exceeds the permitted 10m²• There are two signs proposed on the street frontage, exceeding the permitted one per frontage. <p>As such, resource consent is required under Rule 13.3.9 as a Discretionary (Restricted) Activity. The relevant matters of discretion are:</p> <ul style="list-style-type: none">• Moving images, text or lights• Position• Dimensions• Number of signs	<p>Discretionary (R)</p>
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The proposal is assessed as a **Discretionary (Restricted) Activity** under the District Plan.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Preclusion to Public Notification:

There is no preclusion to public notification as the relevant rule in the District Plan does not preclude notification of the application [s95A(5)(a)] and the application is not for one of the activities listed at section 95A(5)(b)(i) or 95A(5)(b)(iii) of the Act.

Public Notification – Rule/Adverse Effects:

Public notification is not required as the application does not include an activity that is subject to any rule in the District Plan that requires public notification and it has been determined in

accordance with section 95D that adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

None of the circumstances of the application are exceptional or unusual. Therefore, there are no special circumstances that warrant public notification under section 95A(9).

Limited Notification - Section 95B:

Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Preclusions to Limited Notification:

There is no preclusion to limited notification as there is no rule in the District Plan that precludes limited notification of the application [s95B(6)(a)] and the application is not for a district land use consent with Controlled activity status [s95B(6)(b)].

Limited Notification - Affected Persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

I have considered whether there are special (ie exceptional or unusual) circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification of any additional party under section 95B(10). This includes the neighbours that have registered an interest in the site, however it is noted that previous enquires are not related to this application.

Public and Limited Notification Decision:

For the reasons set out above, the application does not require either public or limited notification.

ASSESSMENT OF ADVERSE EFFECTS

Potential Adverse Effects:

Applicant's Assessment:

I consider the AEE prepared by the applicant to provide an accurate assessment of the likely and potential effects of the proposal. This assessment is adopted, with additional assessment provided below:

Visual Amenity Effects:

The proposal has the potential to affect the visual amenity of the streetscape and surrounding area. The application has been reviewed by Council's Urban Designer Sarah Duffell who has

concluded that the size of the sign does not contribute to the visual clutter in the location, and although there is a heritage building behind the sign, the size and placement of the sign does not detract from the predominant architectural features of the main elevations of the building.

It is noted that the frontage of the site is consented for an 'activation zone' (SR 485427), which screens the carpark and provides a pleasant environment for the public to engage with. However, given the location of the sign, and the low profile of the support structure, I consider the activation zone will not be impinged on, and the quality of public spaces will not be compromised.

The review from Sarah Duffell is accepted, and I considered the effects on visual amenity within the area to be less than minor with no persons adversely affected.

Public/Traffic Safety

The proposal has the potential to affect public safety through distracting or disrupting drivers. The application includes a Traffic Engineering Report by Stantec. The report includes a consideration of the traffic environment, including crash history analysis; potential safety effects and cumulative effects. The report uses the Waka Kotahi New Zealand Transport Agency (Traffic Control Devices Manual Part 3, TDCM-3) and District Plan guidance, and evidence on the ability of these types of signs to distract drivers. The report finds the proposal to be acceptable subject to recommended conditions that form part of the application.

This application and traffic report has been reviewed by Anbuselvan Pungiah, Council's Senior Transport Engineer (Consenting). Having regard to, amongst others, the speed environmental, location, and compliance with TDCM-3, Mr Pungiah also considers the proposal to be acceptable subject to the conditions that form part of this decision.

I accept the advice from Stantec and Mr Pungiah and consider that the public safety effects are less than minor with no persons adversely affected.

Heritage

It is noted that although there is a heritage building neighbouring the site, as has been assessed by Council's Urban Designer, the size and placement of the sign does not detract from the predominant architectural features of the main elevations of the heritage building. Given the free-standing nature of the sign, I note for completeness that it will not impact upon the heritage fabric of the building.

Accordingly, I am satisfied that any adverse effects on heritage will be less than minor, with no parties being adversely affected.

Effects Conclusion

Based on the above assessment, I consider that overall, the potential adverse effects of the proposal are less than minor with no persons adversely affected.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

Adverse Effects:

An assessment of the effects on the environment, taking into account the Applicant's AEE, has been made above. The matters discussed and the conclusions reached are also applicable with

regard to the adverse effects assessment under section 104(1)(a) of the Act and no further assessment is required.

Positive Effects:

The meaning of 'effect', as set out in section 3 of the Act, includes positive effects. Positive effects are an important consideration in the overall balancing exercise involved in assessing resource consent applications.

The positive effects of the proposal include the provision for the economic wellbeing for the applicant, with this additional revenue to be used for the ongoing use and maintenance of the site.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be less than minor.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The District Plan

Higher Order Planning Documents:

There are no National Environmental Standards, other regulations, or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement and is not contrary to any objectives and policies.

District Plan:

I have had regard to the objectives and policies of the District Plan. The following objectives and policies are considered relevant to the proposal:

- Objective 12.2.10 and Policies 12.2.10.1, 12.2.10.2 and 12.2.10.7

The relevant objectives and policies aim to achieve signage that integrates and is sensitive to the receiving environment, while ensuring that visual amenity is maintained, and public safety is not impacted. The assessment above, and the applicant's AEE, demonstrates that the signage is appropriate for the site and surrounds, and public safety will not be impacted.

Therefore, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

There are no other matters that the Council needs to consider when assessing the application.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, I consider that consent should be granted when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the purpose and principles in Part 2 of the Act and I do not consider that detailed evaluation of Part 2 matters is necessary and would add anything to my evaluative exercise.

SECTION 108 CONDITIONS

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- Conditions relating to the monitoring of the resource consent.

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
 - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
 - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Condition (a) relates to mitigating possible effects on the environment, which may occur if the proposal is not built in accordance with the approved plans. Therefore, this condition meets section 108AA(1)(b)(i).

The conditions satisfy section 108AA(1)(b) of the Act for the reasons discussed in this report.

CONCLUSION

The effects of this proposal are acceptable, and the proposal is consistent with the objectives and policies of the District Plan. Having applied section 104 of the Act resource consent can be granted subject to appropriate conditions.

REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.

Report prepared by Caleb Tien



Monique Dyer
Delegated Officer

30 June 2021



Peter Daly
Delegated Officer

30 June 2021

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	35 and 37 Vivian Street, Te Aro
<u>Legal Description:</u>	Lot 1 DP 58049 (WN27C/166) Lot 2 DP 58049 (WN27C/167)
<u>Applicant:</u>	Lumo Digital Outdoor Limited c/ Bentley & Co. Ltd
<u>Proposal:</u>	Installation and operation of a digital billboard
<u>Owners:</u>	Top of Tory Limited
<u>Service Request No:</u>	442125
<u>File Reference:</u>	1024055
<u>District Plan Area:</u>	Central Area
<u>Notations in District Plan:</u>	Hazard (Ground Shaking) Area
<u>Activity Status:</u>	Discretionary (Restricted) Activity

DECISION:

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal for the installation and operation of a digital billboard at **35 and 37 Vivian Street, Te Aro** (being Lot 1 and Lot 2 DP 58049), subject to the conditions below.

Conditions of Consent:

General:

(a) The proposal must be in accordance with the information provided with the application Service Request No. 442125 and the following plans prepared by LumaLink titled '*Proposed 3.658 x 7.315 LED screen at 35 Vivian Street, Te Aro, Wellington*' dated 19/07/2019:

- Site Overview, Sheet 1
- Site Plan, Sheet 2
- Elevations, Sheet 3
- Assembly Display, Sheet 4
- Elevations, Sheet 5
- Bracket Detail, Sheet 6
- Column Details, Sheet 7
- Concrete Foundations, Sheet 8

Design and Appearance:

- (b) Prior to the commencement of display the following alterations are to be made to the billboard design:
- All power boxes and wire conduits which support the operation of the billboard attached to the building wall are to be painted the same colour as the building elevation to which they are attached.
 - The lower edge of the sign is to be framed in the same manner as the sides of the sign to screen all wire conduit attachments.
 - The smaller supplementary LED sign located below the billboard is to be removed.

Operational:

- (c) The billboard must not have moving or flashing images.
- (d) The dwell time for each image must be no less than eight seconds.
- (e) The digital billboard has a transition time of 0.5 seconds between images.
- (f) The digital billboard must not have any brightness exceeding 5,000cd/m² between dawn and dusk.
- (g) The digital billboard must not have any brightness exceeding 600cd/m² during dusk and dawn.
- (h) The digital billboard must not have any brightness exceeding 250cd/m² between dusk and dawn.
- (i) The illumination of the billboard must automatically adjust to allow for ambient light levels.
- (j) The digital billboard must not imitate traffic signs, or any traffic control device or give instructions to motorists that conflict with any traffic signs or traffic control device.
- (k) The letter height must be at least 150mm for the main message, 100mm for the property message, and 75mm for a secondary message.
- (l) Any faulty or malfunctioning parts of the digital billboard must default to black.
- (m) The consent holder must present a report of brightness emitted from the digital billboard as per request by Council.
- (n) Images on the billboard must not be linked to “tell a story” across two or more sequential images.
- (o) The consent holder must provide a report after 6 and 12 months detailing the safety performance of the sign, this will include analysis of all reported crashes on Vivian Street within a distance of 100m from the site. The report should include any recommendations for changes to the operation of the sign, including illumination. The above condition will allow for any short-term safety effects to be identified and observed.
- (p) Because the Council requires the long-term safety performance of the sign to be assessed, the consent holder must provide a further report as specified in condition (o) after a period of 3 years.

Monitoring and Review:

- (q) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48

hours before work starts, either by telephone on 04 801 4017 or email to remonitoring@wcc.govt.nz.

- (r) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link:
<http://wellington.govt.nz/services/consents-and-licences/resource-consents/resource-consent-monitoring>.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time pursuant to section 125 of the Act as the Council may allow.
2. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
3. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
4. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
5. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that land owner approval is required under a separate approval process and that this will need to be sought and approved prior to any works commencing.

For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link:
<https://wellington.govt.nz/services/parking-and-roads/road-works/work-on-the-roads/permissions-and-approvals>

6. Construction noise is managed through the construction noise controls set out in NZS 6803:1999 and adoption of a best practicable option approach in accordance with section 16 of the Act, to ensure that the emission of noise from the site does not exceed a reasonable level.
7. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Tāonga Act 2014. An archaeological site is defined as physical

evidence of pre-1900 human activity. This can include above ground structures as well as below ground features. Below ground features can include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

It is the responsibility of the property owner and/or person undertaking the work to obtain an archaeological authority (consent) from Heritage New Zealand Pouhere Tāonga (HNZPT) for all work that modifies or destroys an archaeological site. The applicant is advised to contact HNZPT prior to works commencing if the presence of an archaeological site is suspected in the area of works. If archaeological features are encountered during works, the applicant is advised to stop and contact HNZPT.

8. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

Reasons for Decision:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
 2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
 3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.
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DECISION REPORT

SITE DESCRIPTION

The applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate, and it should be read in conjunction with this report.

In summary, the subject site comprises two adjacent properties. 35 Vivian Street is rectangular in shape and is occupied by a two-storey building which accommodates a visitor accommodation activity. 37 Vivian Street is also rectangular in shape and is located on the south-eastern corner of the intersection of Vivian Street and Tory Street. This site contains a single storey building and accommodates a vehicle repair activity.

The western facade of the building at 35 Vivian Street displays an existing portrait orientated, static billboard, and a number of smaller signs all of which display third party advertising. Vivian Street is classed as a State Highway under the District Plan Roading Hierarchy.

PROPOSAL

The AEE also includes a description of the proposal that I adopt. The applicant's proposal description should be read in conjunction with this report.

In summary, the applicant seeks consent to erect a portrait orientated, wall mounted static digital billboard. The billboard is to be mounted on the western facade of the building at 35 Vivian Street, and will overhang the boundary of 37 Vivian Street.

The billboard is to measure 3.657m wide by 7.315m high and have an overall display area of 26.75m².

The existing static billboard and surrounding signage located on the western facade of the building at 35 Vivian Street is to be removed to give effect to this proposal.

At the time of this report the billboard had been installed however was not yet operating.

ACTIVITY STATUS

District Plan:

Resource consent is required under the following rule:

<p>Rule 13.3.9 - Signs</p> <p>Consent is required as a Discretionary (Restricted) Activity as the proposed sign is unable to comply with permitted standard 13.6.4.1.3 as it is to be 26.75m² in area, exceeding the permitted standard of 20m².</p> <p>Council's discretion is restricted to:</p> <ul style="list-style-type: none">- Moving images, text or lights- Position- Dimensions- Number of signs	<p>Discretionary (R)</p>
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<ul style="list-style-type: none"> - Sign display of: temporary signs, or signs located on buildings above 18.6m above ground level, or signs adjoining or opposite Parliamentary Precinct Heritage Area - Duration (for temporary signs) 	
<p>There are no relevant conditions.</p>	

The proposal is assessed as a **Discretionary (Restricted) Activity** under the District Plan.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Preclusion to Public Notification:

There is no preclusion to public notification as the relevant rule in the District Plan not preclude notification of the application [s95A(5)(a)] and the application is not for one of the activities listed at sections 95A(5)(b)(i) to 95A(5)(b)(iv) of the Act.

Public Notification – Rule/Adverse Effects:

Public notification is not required as the application does not include an activity that is subject to any rule in the District Plan that requires public notification and it has been determined in accordance with section 95D that adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

There are no special circumstances that warrant public notification under section 95A(9). None of the circumstances of the application are exceptional or unusual.

Limited Notification - Section 95B:

Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Preclusions to Limited Notification:

There is no preclusion to limited notification as there is no rule in the District Plan that precludes limited notification of the application [s95B(6)(a)] and the application is for neither a district land use consent with Controlled activity status or an activity prescribed by regulations made under section 360H(1)(a)(ii), which precludes limited notification [s95B(6)(b)].

Limited Notification - Affected Persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

I have considered whether there are special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification under section 95B(10). None of the circumstances of the application are exceptional or unusual.

Public and Limited Notification Decision:

For the reasons set out above, the application does not require either public or limited notification.

ASSESSMENT OF ADVERSE EFFECTS

Permitted Baseline:

Where applicable in the assessment below the adverse effects of activities that are permitted by the relevant District Plan rules have been disregarded. Disregarding permitted activity effects is appropriate in this case as use of the permitted baseline is consistent with the wider context of the District Plan and Part 2 of the Act.

As a permitted activity, the applicant could erect a digital billboard that is up to 20m² and complying with all other relevant signage standards.

Potential Adverse Effects:

Visual and Streetscape Effects:

The building which the sign is to be affixed to is simple in appearance with no notable architectural features. The proposed sign has been positioned on the western facade to align with building parapet and the front wall of the building, and the bottom of the sign is at a height which corresponds to the canopy over the pedestrian entrance. The placement of the billboard is considered to appropriately respond to the existing building design and will not adversely impact on the appearance of the building it is affixed to.

The surrounding streetscape environment is characterised both visually and physically by the Vivian Street road network which is a busy and dynamic in both pedestrian and vehicle movement. Built development surrounding the site provides for a range of commercial, retail and residential activities. The scale and nature of the proposed billboard is considered compatible with the range of signage and activities present in this environment.

The proposed digital billboard is to replace the existing static billboard and all other smaller signage which surrounds the existing billboard will be removed. It is therefore considered

that the proposed billboard will significantly reduce the extent of visual clutter the exists at the subject site.

Council's Urban Designer – Sarah Duffell has reviewed the application and considers the proposal is acceptable from an urban design perspective.

Overall, visual and streetscape effects are considered to be less than minor with no persons being affected.

Residential Amenity Effects:

As mentioned above, the surrounding environment provides for a range of commercial, retail and residential activities. It is noted that the billboard will not be viewable from any residentially zoned area of public open space (other than the road reserve). With regard residential amenity effects, the billboard will sit perpendicular to the apartment building which is located on the opposite side of Vivian Street. As such, the billboard display will not form a significant element within the available outlook.

There are also residential apartments located on Tory Street which are situated north-east of the site. The outlook from these apartments are likely to have some outlook over the proposed signage, however there is reasonable physical separation between the apartments and the proposed signage to which the proposed signage will form part of the wider inner-city environment.

It is also noted the illumination of the billboard will be managed during the different times of the day, in a manner that is consistent with other digital billboards in New Zealand.

Overall, the proposal is considered to have less than minor residential amenity effects with no persons being affected.

Traffic Safety Effects:

As part of the application, the applicant has provided a Traffic Assessment prepared by Stantec. This report has reviewed the crash history surrounding the proposed billboard location, particularly at the intersection which the billboard will be viewable from, and considers that existing crash history is typical of those experienced at urban signalised intersections, and the nature of these crashes are unlikely to be exacerbated by the replacement of the static billboard with the digital billboard. In summary, this report concludes that the proposed digital billboard will not generate additional distractive effects to motorists to the extent that it would result in any measurable deterioration to the safety, function or performance of the Vivian Street/ Tory Street intersection.

The proposal has also been reviewed by Council's Transport Engineer – Andrew Rowe. Mr Rowe considers the proposal is acceptable from a transport perspective.

Overall, the proposal is considered to have less than minor traffic effects with no persons being affected.

Conclusion:

Overall, I consider that the effects of the proposal on any person will be less than minor.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

Adverse Effects:

An assessment of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act. In considering this proposal under section 104(1)(a) I have also considered the following further matters:

Visual and Streetscape Effects:

In addition to the above assessment, I note that Ms Duffell has recommended a number of conditions of consent to ensure the billboard and its supported structures are erected and presented to reduce the appearance of clutter surrounding the billboard. I accept and adopt the recommended conditions of consent and overall consider the visual and streetscape effects to be acceptable.

Traffic Effects:

As discussed above, the proposed application has been reviewed by Council's Transport Engineer – Andrew Rowe. In his assessment, Mr Rowe notes that the written approval of the New Zealand Transport Agency (NZTA) as the road controlling authority, should be obtained prior to consent being issued.

I have had regard to Mr Rowe's recommendation and note that it is not Council's standard practise to seek written approval from NZTA for proposals where it has been concluded that the traffic related effects are to be less than minor. The written approval of NZTA has therefore not been sought.

Conditions of consent have been imposed to control the display of images during the different times of the day to mitigate potential visual and safety effects.

Overall, the traffic related effects are considered acceptable.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

I have had regard to provisions of the following planning documents:

- National Environmental Standards
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The District Plan

Higher Order Planning Documents:

I have given regard to the higher order planning documents specified at section 104(1)(b)(i) to 104(1)(b)(vi) of the Act. It is my opinion that there are no National Environmental Standards or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement.

District Plan:

I have had regard to the objectives and policies of the District Plan. The following objectives and policies are considered relevant to the proposal:

- Objective 12.2.10 and Policies 12.2.10.1 - 12.2.10.3, 12.2.10.7

I consider the applicant's assessment against the relevant objectives, policies and assessment criteria to be accurate. I therefore adopt the applicant's AEE. No further analysis is required.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

There are no other matters that the Council needs to consider when assessing the application.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is *“to promote the sustainable management of natural and physical resources”*. Section 5 goes on to state that sustainable management should enable *“people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment”*.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, I consider that consent should be granted when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the principles in Part 2 of the Act and I do not consider that detailed evaluation of Part 2 matters would add anything to my evaluative exercise.

SECTION 108 CONDITIONS

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).

- Conditions relating to the appearance and operation of the billboard to mitigate visual and safety effects
- Conditions relating to the monitoring of the resource consent.

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
 - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
 - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Condition (a) relates to mitigating possible effects on environment, which may occur if the proposal is not built in accordance with the approved plans. Therefore, this condition meets section 108AA(1)(b)(i).

The conditions satisfy section 108AA(1)(b) of the Act for the reasons discussed in this report.

The Council's standard monitoring conditions are applied in accordance with s108AA(1)(c).

CONCLUSION

District Plan:

The effects of this proposal are acceptable, and the proposal is consistent with the objectives and policies of the District Plan. Having applied section 104 of the Act resource consent can be granted subject to appropriate conditions.

REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
 2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
 3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.
-

Report prepared by: Angela Jones



Angela Jones
Consultant Planner

(23 September 2019)



Jeffrey Loo
Delegated Officer

(23 September 2019)

Delegated Authority No. (1 & 2)

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	81 The Terrace, Wellington Central
<u>Legal Description:</u>	Lot 1 Deposited Plan 18918 and Lot 1 Deposited Plan 53950
<u>Applicant:</u>	Lumo Digital Outdoor Limited C/- Bentley & Co. Limited
<u>Proposal:</u>	To replace two existing static billboards with one digital billboard
<u>Owners:</u>	DGL Commercial Limited
<u>Service Request No:</u>	486452
<u>File Reference:</u>	1024103
<u>District Plan Area:</u>	Central Area
<u>Notations in District Plan:</u>	<ul style="list-style-type: none">- High City Area (Map 32)- Principal Road- Frontage where verandahs and display windows are required
<u>Activity Status:</u>	Restricted Discretionary

DECISION:

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to replace two existing static billboards with one digital billboard at **81 The Terrace, Wellington Central** (being Lot 1 Deposited Plan 18918 and Lot 1 Deposited Plan 53950) subject to the conditions below.

Conditions of Consent:

General:

- (a) The proposal must be in accordance with the information provided with the application Service Request No. 486452 and the following plans prepared by Lumalink, entitled "*Proposed 4.02m x 8.04m LED Billboard at 85 The Terrace Wellington for Lumo Digital*", dated 03/03/2021;
- 'Overview', Sheet 1 of 4;
 - 'Elevations', Sheet 2 of 4;
 - 'Assembly Details', Sheet 3 of 4; and
 - 'Frame Details', Sheet 4 of 4.

The Plans and information are approved subject to the vertical decorative elements not being installed on the building.

Notes:

The purpose of this change is to minimise visual clutter and obtrusiveness. The decorative features do not relate back to the digital sign or the existing building design and are not required to add visual interest.

Lighting:

- (b) The luminance of the digital units must be controlled and automatically adjusted to ensure they do not exceed typical ambient light conditions and do not exceed 250cd/m² during night-time, 600cd/m² during dawn/dusk and 5000cd/m² during daytime. They should not result in the illuminance of a roadway by over 4 lux in Suburban Areas and 20 lux in the Central Area, Centres and Business Areas.
- (c) Within 30 days of the LED digital billboard being put into service the consent holder must submit a report from a suitably qualified and experienced lighting practitioner, to the satisfaction of the Council's Compliance Monitoring Officer, confirming the following;
 - 1. The automatic dimming system provides a night time maximum luminance of 250cd/m² and the daytime maximum luminance of 5,000cd/ m²
 - 2. The suitability for providing acceptable readability during both day and night situations
 - 3. There is no disability glare to motorist during both day and night

Transition Time:

- (d) The transition time between image displays must not be less than 0.5 seconds. The images must fade in and out rather than there being an abrupt change.

Image Content:

- (e) Image content shall be static and shall not incorporate flashes, movement, play music or sound, animation, or other dynamic effects.
- (f) A split display (that is two advertisements) shall not be displayed at any one time on the billboard display.
- (g) Each graphic shall have a minimum display time of 8 seconds (no maximum display time is necessary).
- (h) Images shall not use graphics, colours (red, green, orange, white or yellow), text or shapes in isolation or in combinations such that they can be reasonably considered to resemble, cause confusion with, or distract from a traffic control device; nor invite or direct a driver to do something, when viewed by approaching motorist.

Note:

The purpose of Condition (h) is to manage the content on the billboard where it forms the background or foreground of, or appears alongside a traffic control device that could be found in the road environment. The content of the billboard is to be managed to ensure that any individual element or combinations of elements do not resemble, confuse or distract from traffic control devices in these locations. The purpose of the

condition is not to prohibit the use of a particular colour, but to manage the use of those colours to avoid confusion with traffic control devices.

- (i) Images must not be linked to “tell a story” across two or more sequential images, (i.e. where the meaning of an image is dependent upon or encourages viewing of the immediately following image).
- (j) The minimum letter height for the main message is 150mm, property name is 100mm and secondary message is 75mm.
- (k) All sign designs must comply as far as practicable with the Traffic Control Devices Manual Part 3: Advertising Signs.

Shut down ability:

- (l) The digital billboard must be programmed to automatically go dark in the event of a billboard malfunction. The consent holder must provide an emergency (24/7) contact number and an intervention process to enable the consent holder to disable the digital billboard by manual intervention, both remote and on-site, should the automatic intervention fail. These details must be provided to the satisfaction of Council’s Compliance Monitoring Officer prior to operation of the electronic billboard commencing.

Traffic Safety:

- (m) Following the operation of the digital billboards, the consent holder must provide the Council’s Compliance Monitoring Officer with Traffic Safety Reports at the following frequencies:
 - 12 months
 - 24 months

The reports must review operation of the billboards in relation to traffic safety. The Traffic Safety Reports must include data on reported crashes and any other issues specifically identified as being related to the digital billboards, these must be compared against the figures for the similarly preceding period to conversion of the billboards from static to digital. Any assessment of comparative data must be limited to material number changes in incidents. If further mitigation measures are considered necessary, then these must be implemented to the satisfaction of the Compliance Monitoring Officer.

Notes:

- The Traffic Safety Report must be undertaken by an independent Traffic Engineer/CPEng that is experienced in preparation of traffic safety reports.
- The costs of the Traffic Safety Report and implementation of any mitigation measures must be met by the consent holder.

Maintenance:

- (n) The consent holder must repair or replace any components of the sign promptly if:
 - The sign is damaged (for example by wind or graffiti).
 - There is any peeling paint, visible fading or rust occurs on the sign frame.
 - Any lights require replacement.
 - Any other maintenance work is required to maintain a positive visual outcome.

Review Clause

- (o) The Council may undertake a review of any of the above conditions under section 128 of the Resource Management Act 1991 to address any adverse effects of the exercise of the consent in respect of traffic safety. The review may be undertaken at any time within 2 years of the establishment and operation of the electronic billboard.

Monitoring and Review:

- (p) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to remonitoring@wcc.govt.nz.
- (q) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link:
<http://wellington.govt.nz/services/consents-and-licences/resource-consents/resource-consent-monitoring>.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time pursuant to section 125 of the Act as the Council may allow.
2. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
3. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
4. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
5. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that land owner approval is required under a separate approval process and that this will need to be sought and approved prior to any works commencing.

For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link: <https://wellington.govt.nz/services/parking-and-roads/road-works/work-on-the-roads/permissions-and-approvals>

6. The consent holder is to ensure that construction, earthworks and any demolition activities are managed and controlled so that the noise received at any residential or commercial site does not exceed the limits set out in Table 2 and Table 3 of 'NZS6803:1999 Acoustics – Construction' noise when measured and assessed in accordance with that standard. Where a specific construction activity cannot comply with the limits set out in 'NZS6803:1999 Acoustics – Construction' the consent holder will be required to provide the Council's Compliance Monitoring Officer an assessment of physical and managerial noise control methods that must be adopted. The assessment must be in line with section 16 of the Act (Best Practical Option (BPO)).

The BPO is defined as the best method for preventing or minimising the adverse noise or vibration effects on the environment having regard to (1) the sensitivity of the receiving environment to adverse noise or vibration effects, (2) the financial implications and (3) the current state of technical knowledge and the likelihood that the option can be successfully applied.

7. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

Reasons for Decision:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
 2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
 3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.
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DECISION REPORT

SITE DESCRIPTION

The applicant's Assessment of Environmental Effects (AEE) includes a comprehensive description of the site and its immediate surroundings. I consider that this description is accurate, and it should be read in conjunction with this report.

In summary the application site which comprises two parcels of land located at 81 The Terrace, Wellington Central, is located on the eastern side of The Terrace, on the opposite side of the road to the intersection of The Terrace and Aurora Terrace as shown in Figure 1 below.



Figure 1: Aerial map showing location of application site

BACKGROUND

The AEE includes a description of the background and status of the existing billboards on the application site that I adopt. The applicant's background description should be read in conjunction with this report.

In summary, resource consent was granted on 13 August 2003, under SR No. 104316, to erect two rectangular third party advertising signs on blank portions of the southern and northern façades of the multi storey office building located at 81 The Terrace. Each sign has the approximate dimensions of 4m wide and 12m long and an overall display area of 48m².

PROPOSAL

The AEE also includes a description of the proposal that I adopt. The applicant's proposal description should be read in conjunction with this report.

In short, resource consent is sought to replace the existing static billboard on the southern façade of the building with a new digital billboard. The existing static billboard on the northern façade will be removed. The proposed new digital billboard will measure 8m high by 4m wide

with an overall display area of 32m². It will be located approximately 7.2m above the level of the adjacent footpath as depicted in Figure 2. below. A small panel will be mounted to the bottom of the billboard display at the left-hand corner, which will be used to identify the billboard operator (“Lumo”).



Figure 2: Location of Proposed Digital Billboard

ACTIVITY STATUS

District Plan:

<p>Signs – Rule 13.3.9</p> <p>The proposal requires consent as a Discretionary (Restricted) Activity under Rule 13.3.9 as the proposed signage fails to meet the following standards specified at section 13.6.4.1 for signs located in the Central Area:</p> <ul style="list-style-type: none"> • The maximum area for any sign located on a building on or below 18.6 metres above ground level is 20m². In this instance the area of the proposed replacement billboard is 32m². <p>The Council’s discretion in assessing the application is restricted to:</p> <ul style="list-style-type: none"> • moving images, text or lights; • position; • dimensions; • number of signs; • sign display of temporary signs, or signs located on buildings above 18.6m above ground level, or Signs adjoining or opposite the Parliamentary Precinct Heritage Area; and • duration (for temporary signs). <p>There are no relevant conditions.</p>	<p>Discretionary (R)</p>
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The proposal is assessed as a **Restricted Discretionary Activity** under the District Plan.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Preclusion to Public Notification:

There is no preclusion to public notification as the relevant rule in the District Plan do not preclude notification of the application [s95A(5)(a)] and the application is not for one of the activities listed at section 95A(5)(b)(i) or 95A(5)(b)(iii) of the Act.

Public Notification – Rule/Adverse Effects:

Public notification is not required as the application does not include an activity that is subject to any rule in the District Plan or relevant NES that requires public notification and it has been determined in accordance with section 95D that adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

There are no special circumstances that warrant public notification under section 95A(9). None of the circumstances of the application are exceptional or unusual.

Limited Notification - Section 95B:

Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Preclusions to Limited Notification:

There is no preclusion to limited notification as there is no rule in the District Plan that precludes limited notification of the application [s95B(6)(a)] and the application is for neither a district land use consent with Controlled activity status or an activity prescribed by regulations made under section 360H(1)(a)(ii), which precludes limited notification [s95B(6)(b)].

Limited Notification - Affected Persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

I have considered whether there are special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification under section 95B(10). None of the circumstances of the application are exceptional or unusual.

Public and Limited Notification Decision:

For the reasons set out above, the application does not require either public or limited notification.

ASSESSMENT OF ADVERSE EFFECTS

Permitted Baseline:

Where applicable in the assessment below the adverse effects of activities that are permitted by the relevant District Plan rules have been disregarded. Disregarding permitted activity effects is appropriate in this case as use of the permitted baseline is consistent with the wider context of the District Plan and Part 2 of the Act.

In this instance, a credible permitted baseline is considered to be 10m by 2m digital billboard (a sign in the same location, with a face area of 20m²).

Potential Adverse Effects:

I consider the AEE prepared by the applicant to provide a comprehensive and accurate assessment of the likely and potential effects of the proposal under the headings 'Visual Amenity', 'Public Safety'. Additionally, I accept the Traffic Assessment from Stantec, dated 5 February 2021, as an accurate assessment of the safety effects of the proposal. Both of these documents have been adopted.

The Council's Senior Transport Engineer RMA, Anbuselvan Pungiah, has reviewed the Stantec assessment, and concludes that the information/evidence provided in support of the proposed digital billboard is acceptable. Mr Pungiah's report, dated 31 March 2021, is held on file and should be read in conjunction with this report. Based on the proposed billboard being installed and operated in accordance with the recommended consent conditions, as intended by the applicant, Mr Pungiah is satisfied that acceptable levels of traffic operation and road safety will be ensured.

The proposal has also been reviewed by the Council's Urban Designer RMA, Jaime Devereux, and assessed against the District Plan's Signs Design Guide. This assessment, dated 21 April 2021, is held on file and should be read in conjunction with this report. In particular it is noted that Ms Devereux considers the billboard to be appropriately located so that it aligns with existing windows along the elevation and does not dominate the building. The colorsteel flashing surrounding the sign will be painted in a dark colour to blend with the existing building, and cables and power equipment will be located within the building. Overall Ms Devereux concludes that the location and fixing of the sign has been well considered. The consent conditions proffered by the applicant will ensure that any adverse effects of the proposed sign, in regards to urban design, will be less than minor.

The proposal originally included a series of randomised vertical elements to be attached to the building's façade, above and below the proposed digital sign. Ms Devereux considers the digital sign to be of a size and scale that the blank portion of the façade helps to balance it out

and reduces the sign from becoming visually obtrusive. The proposed architectural features did not contribute towards the overall cohesion of the building elevation. The applicant has agreed to remove the vertical design elements and according the proposal has received Urban Design support.

Based on the assessment provided in the AEE that I adopt, and the advice of the Council's expert advisors which I also accept, I consider adverse effects from the proposed digital sign to be less than minor with no person being adversely affected.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

Adverse Effects:

An assessment of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act and no further assessment is required.

Positive Effects:

The meaning of 'effect', as set out in section 3 of the Act, includes positive effects. Positive effects are an important consideration in the overall balancing exercise involved in assessing resource consent applications.

I consider the AEE prepared by the applicant to provide a fair and accurate assessment of the likely positive effects of the proposal. I therefore adopt the applicant's AEE in this regard. The positive effects of the proposal include:

- the operation of the digital billboard will provide an additional source of revenue to the landowner, which will enable the ongoing use and maintenance of the site.
- The installation of a replacement digital billboard will reduce the requirement to regularly 'swap' the skins of the existing billboard, thereby reducing the health and safety risk involved in this activity, and also the volume of wastage generated by the production and disposal of static billboard skins.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards

- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The District Plan

Higher Order Planning Documents:

There are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement.

District Plan:

The following objectives and policies and Design Guide are considered relevant to the proposal:

- **Objective 12.2.2** Policies 12.2.2.1, 12.2.2.2
- **Objective 12.2.10** Policies 12.2.10.1, 12.2.10.2, 12.2.10.3, 12.2.10.7
- Signs Design Guide

Regard has been had for the relevant objectives and policies listed above.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is acceptable in terms and is consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

The New Zealand Transport Agency (NZTA) has been advised of the application and has not raised any concerns in regards to the proposed location of the digital sign.

There are no other matters that the Council needs to consider when assessing the application.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, I consider that consent should be granted when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the objectives and principles in Part 2 of the Act and I do not consider that detailed evaluation of Part 2 matters would add anything to my evaluative exercise.

SECTION 108 CONDITIONS

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- Controls on lighting, dwelling time, image context and the ability to shut down the electronic billboard should a malfunction occur.
- Conditions relating to the monitoring of the resource consent.

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
 - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
 - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Condition (a) relates to mitigating possible effects on environment which may occur if the proposal is not built in accordance with the approved plans therefore meets s108AA(1)(b)(i).

The conditions satisfy section 108AA(1)(b) of the Act for the reasons discussed in this report.

The applicant has agreed to the conditions therefore section 108AA(1)(a) is satisfied.

The Council's standard monitoring conditions are applied in accordance with s108AA(1)(c).

CONCLUSION

The effects of this proposal are acceptable, and the proposal is consistent with the objectives and policies of the Operative District Plan. Having considered the matters set out in section 104 of the Act, and subject to Part 2, I am of the opinion that resource consent can be granted subject to appropriate conditions.

REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

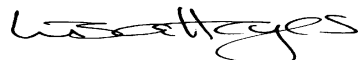
1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.

Report prepared by Kathryn Barnes



Kathryn Barnes
Delegated Officer

25 May 2021



Lisa Hayes
Delegated Officer

25 May 2021

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	55 Featherston Street, Wellington Central
<u>Legal Description:</u>	Section 1 Survey Office Plan 35705
<u>Applicant:</u>	Lumo Digital Outdoor Limited C/- Bentley & Co
<u>Proposal:</u>	Installation of a digital sign on a central area building
<u>Owners:</u>	One Featherston Development Limited
<u>Service Request No:</u>	516949
<u>File Reference:</u>	1057604
<u>Operative District Plan Area:</u>	Central Area
<u>Notations in Operative District Plan:</u>	Verandahs and Display Windows Required Ref: Vol. 3 Map 49E
<u>Other Notations:</u>	Ground Shaking
<u>Activity Status Operative District Plan:</u>	Restricted Discretionary Activity
<u>Proposed District Plan Zone:</u>	City Centre Zone
<u>Notations Proposed District Plan:</u>	Height Control Area: 58m Active Frontage Verandah Control Coastal Environment Designations: <ul style="list-style-type: none">- Wellington International Airport (WIAL)- WIAL Obstacle Limitation Surface (OLS)
<u>Qualifying Matters Proposed District Plan:</u>	Coastal Inundation Hazard – Medium Coastal Inundation Hazard Flood Hazard Overlay - Inundation Area Liquefaction Hazard Overlay Tsunami Hazard Overlay – High Coastal Tsunami Hazard
<u>Activity Status Proposed District Plan:</u>	N/A

DECISION – Land Use Consent:

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to install a digital sign on a central area building at **55 Featherston Street, Wellington Central** (being Section 1 Survey Office Plan 35707), subject to the conditions below.

Conditions of Consent:

General:

- (a) The proposal must be in accordance with the information provided with the application Service Request No. 516949 and the following plans prepared by Lumo and titled:
- ‘Overview’, rev. E and dated 08/03/2023
 - ‘Elevations’, rev. E and dated 08/03/2023
 - ‘Position Details’, rev. E and dated 08/03/2023

Traffic:

- (b) The digital billboard must be programmed to automatically go dark/black background in the event of a malfunction.
- (c) Images must have a minimum dwell time of 8 seconds.
- (d) Images must transition from one to the next via a 0.5 second dissolve.
- (e) The luminance of the digital units must be controlled and automatically adjusted to ensure they do not exceed typical ambient light conditions and do not exceed 250cd/m² during night-time, 600cd/m² during dawn/dusk and 5,000cd/m² during daytime. They should not result in the illuminance of a roadway by over 20 lux in the Central Area.
- (f) Image content must be static and must not incorporate flashes, movement, scrolling, animation, full motion video, sequential advertising over multiple frames or successive billboards along a length of road, multiple advertisements in one frame and must not emit any sound.
- The digital billboard must not imitate traffic signs or any traffic control device (either wholly or partially) or give instructions to motorists that conflict with any traffic sign or traffic control device.
- (g) As per the Traffic Control Device (TCD) rules for signs the minimum letter height for a main message displayed on the sign 150mm, the property name is 100mm and the secondary message is 75mm.

Note: The minimum letter height only applies to standard text. Text containing legal disclaimers, ‘terms and conditions’ and text within images is excluded from meeting this requirement.

- (h) Once operation of the digital billboards has commenced; the consent holder must provide the Council’s Compliance Monitoring Officer (CMO) with a Traffic Safety Reports at the following frequencies:
- 12 months
 - 24 months

The reports must:

- Review operation of the billboards in relation to traffic safety.
- Include data on reported crashes and any other issues specifically identified as being related to the digital billboards. These must be compared to the figures for the similarly preceding period to conversion of the billboards from static to digital. Any assessment of comparative data must be limited to material number changes in incidents.
- Be undertaken by an independent Traffic Engineer/CPEng that is experienced in preparation of traffic safety reports.

The costs of the Traffic Safety Reports and implementation of any mitigation measures must be met by the consent holder.

If the Traffic Safety Reports find that further mitigation measures are considered necessary, then these must be implemented to the satisfaction of the CMO.

Monitoring and Review:

- (i) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to rmonitoring@wcc.govt.nz.
- (j) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link: <https://wellington.govt.nz/property-rates-and-building/building-and-resource-consents/resource-consents/applying-for-a-resource-consent/monitoring-resource-consent-conditions>

Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Advice Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time as granted by the Council pursuant to section 125 of the Act.
2. Section 36 of the Act allows the Council to charge for all fair and reasonable costs associated with the assessment of your application. We will confirm in due course whether the time spent on the assessment of this application is covered by the initial fee paid. If the time exceeds the hours covered by the initial fee you will be sent an invoice for additional fees. If the application was assessed in less time you will be sent a refund. For more information on your fees contact planning.admin@wcc.govt.nz.

3. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
4. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
5. For all works requiring a Corridor Access Request (CAR): Wellington City Council is implementing additional coordination and preplanning requirements to ensure that the significant scale of infrastructure construction works planned across the city can happen safely, cost effectively and efficiently – and ensure the city can continue to function.

All construction works - building development, utility works, and city improvement projects - must give effect to the Development Response Plan. In particular, Corridor Access Requests for works within the Central City Area will be considered subject to meeting conditions including timings and appropriate impact mitigations, as well as early notification of intended works (where possible at least 12 months ahead of planning). Further information can be obtained by emailing customercompliance@wcc.govt.nz

6. Out of courtesy, it is suggested that you advise your nearest neighbours of your intention to proceed with this land use consent, your proposed construction timetable and contact details should any issues arise during construction.
7. It is a civil matter to gain the approval of owner/s of the land subject to this consent before the land use decision can be given effect to. This approval is not a subject of resource consent.
8. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
9. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that landowner approval is required under a separate approval process and that this will need to be sought and approved prior to any works commencing.

For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link: <https://wellington.govt.nz/services/parking-and-roads/road-works/work-on-the-roads/permissions-and-approvals>

10. The WIAL¹ Designation protects the airspace for the safe and efficient operation of Wellington International Airport. The Designation requires that any person proposing to construct or alter a building or structure, which does the following, must advise Wellington International Airport Limited (WIAL) and obtain approval under section 176(1) (b) of the Act:
 1. a new building/structure, additions and/or alterations or a crane or scaffolding which penetrates the Take-off and Approach Surfaces and exceeds a height of 8m above existing ground level; or

2. a new building/structure, additions and alterations or a crane or scaffolding which penetrates the Conical, Inner Horizontal, or Transitional Side Slopes of the Airport; or
3. a new building/structure, additions and/or alterations or a crane or scaffolding which results in a height of more than 30m above ground level in the remainder of the Designation area (Outer Horizontal Surface).

You can find these surfaces and slopes [here](#) and check the WIAL OLS webpage: [Obstacle Limitation Surface Designation \(wellingtonairport.co.nz\)](#) or contact WIAL at planning@wellingtonairport.co.nz for any questions that you might have or if you need to seek WIAL's approval.

11. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council.
12. As landowner the Council requires damaged areas of legal road vegetation or berm to be reinstated by the consent holder within three months of completion of construction and this includes suitable remedy of compacted areas, including removal of any building debris, ripping of compacted soil and new topsoil if required to ensure grass strike or planting success. Grass is acceptable for reinstatement if the area was previously grassed; however, it is preferable (and required if existing previously) that the berm is reinstated with Wellington native plant species planted at 900mm maximum spacing and mulched.
13. The Council has launched a 'Creative Hoardings' programme, which has been designed to enliven building sites and celebrate creativity across the city. Creative hoardings present opportunities for artists and property developers to contribute to the revitalisation of the city and the consent holder is encouraged to use this programme during the construction phase. Local artists, Gabby O'Connor, Ariki Brightwell, Ruth Thomas-Edmond and Telly Tuita have been commissioned to design artworks for hoarding. Their work can be downloaded from the Creative Hoardings Library on the Council's website, printed and installed on hoarding. For more information visit the Council's website or contact the City Arts and Events Team, email: arts@wcc.govt.nz.
14. As consent involves the construction of a new building / additions and alterations in the Central Area or a Centres Area the consent holder may be required to provide details about how the construction will integrate with other major construction projects. For more information contact the Network Activity Manager by email: denise.beazley@wcc.govt.nz
27. The consent holder should check if the building has public art on it/in it and if it does, contact the City Arts team arts@wcc.govt.nz in the first instance. Additionally, it is recommended that the Public Art and Heritage Aotearoa website (<https://publicart.nz/>) should be checked. This includes a growing list of some of the largest and most ambitious artworks in the country in publicly accessible sites throughout urban and regional centres.
28. The consent holder must ensure that construction, earthworks and any demolition activities are managed and controlled so that the noise received at any residential or commercial site does not exceed the limits set out in Table 2 and Table 3 of 'NZS6803:1999 Acoustics – Construction' noise when measured and assessed in accordance with that standard. Where a specific construction activity cannot comply with the limits set out in 'NZS6803:1999 Acoustics – Construction' the consent holder must provide the Council's Compliance Monitoring Officer an assessment of physical

and managerial noise control methods that must be adopted. The assessment must be in line with section 16 of the Act (Best Practical Option (BPO)).

The BPO is defined as the best method for preventing or minimising the adverse noise or vibration effects on the environment having regard to (1) the sensitivity of the receiving environment to adverse noise or vibration effects, (2) the financial implications and (3) the current state of technical knowledge and the likelihood that the option can be successfully applied.

29. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Tāonga Act 2014. An archaeological site is defined as physical evidence of pre-1900 human activity. This can include above ground structures as well as below ground features. Below ground features can include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

It is the responsibility of the property owner and/or person undertaking the work to obtain an archaeological authority (consent) from Heritage New Zealand Pouhere Tāonga (HNZPT) for all work that modifies or destroys an archaeological site. The applicant is advised to contact HNZPT prior to works commencing if the presence of an archaeological site is suspected in the area of works. If archaeological features are encountered during works, the applicant is advised to stop and contact HNZPT.

30. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

Reasons for Decision:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
 2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
 3. The proposal is in accordance with the relevant objectives and policies of the Operative and Proposed District Plan/s and Part 2 of the Act.
-

DECISION REPORT

PROPOSED DISTRICT PLAN

On 18 July 2022 the Council notified the Wellington City Proposed District Plan (PDP).

The PDP gives effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act), enacted in December 2021, as well as the NPS-UD policies 3 and 4 (intensification and qualifying matters).

The following provisions in the PDP have immediate legal effect:

1. Historic Heritage
2. Significant Natural Areas
3. Sites and Areas of Significance to Māori
4. Medium Density Residential Standards (MDRS) – being intensification provisions within the Medium Density Residential Zone (MRZ) and High-Density Residential Zone (HRZ) that give effect to the Amendment Act.

Decision making processes for the PDP will follow both the Resource Management Act 1991 (RMA) Intensification Streamlined Planning Process (ISPP) and the Part One, Schedule One process. Hearings commenced 20 February 2023.

- The ISPP process addresses provisions relevant to the Resource Management (Enabling Housing supply and other matters) Amendment Act 2021 and NPS-UD
- Decisions will be made in early 2024. This process has no merit appeals to the Environment Court.
- The remaining provisions follow the Part One, Schedule One process-and can be subject to appeals to the Environment Court. Decisions must be made by July 2024.

SITE DESCRIPTION

The applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings (refer to page 9 of the AEE under the heading 'Site Description and Surrounding Environment'. I consider that this description is accurate, and it should be read in conjunction with this report.

PROPOSAL

It is proposed to install a digital sign on a central area building in a location that will not be a plain wall surface and will obscure architectural features of the building. The AEE submitted with the application discusses a sign larger than that now proposed.

In response to the matters raised in the Urban Design Assessment prepared by Sarah Duffell, Council's Urban Designer, the proposal has been revised, as follows:

- The width of the billboard display has been reduced to 9m (a decrease of 1.56m);
- The height of the billboard has been increased to 3m (and increase of 0.12m);
- The area of the billboard has been reduced to 27m² (a reduction of 3.4m²); and
- The frame has been deleted, such that the structural columns on either side of the billboard are revealed (where previously the frame would have obscured them), as have the top and bottom sections of the middle structural columns, and the louvre screen to the carpark is also visible around the billboard.

This new design can be shown in the revised plans submitted by the applicant and saved on Council record under SR 516949.

ACTIVITY STATUS

Operative District Plan:

Resource consent is required under the following rule:

Signage – Rule 13.3.9

Resource consent is required for the installation and operation of a digital sign as the proposal does not comply with the following standards:

- Standard 13.6.4.1.2
Any sign located on a building must not obscure windows or architectural features and must be on a plain wall surface. The proposed sign will obscure the architectural features of the building, being the louvers and support columns.
- Standard 13.6.4.1.3
The proposed digital sign is greater than the permitted area of 20m² by and additional 10.4m².

As such, resource consent is required under **Rule 13.3.9** as a **Restricted Discretionary Activity**. The Council's discretion is restricted to the following:

- Moving images, text or light
- Position
- Dimensions
- Number of signs

The proposal is assessed as a **Restricted Discretionary Activity** under the Operative District Plan.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT AND DECISION

Public Notification - Section 95A:

Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Preclusion to Public Notification:

There is no preclusion to public notification as the relevant rules in ODP and PDP does not preclude notification of the application [s95A(5)(a)] and the application is not for one of the activities listed at section 95A(5)(b)(i) or 95A(5)(b)(iii) of the Act.

Public Notification – Rule/Adverse Effects:

Public notification is not required as the application does not include an activity that is subject to any rule in the ODP and PDP that requires public notification and it has been determined in accordance with section 95D adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)]. The reasons why the effects on the environment have been deemed to not be more than minor are detailed in the Assessment of Adverse Effects and conclusions set out in this report.

Special Circumstances:

None of the circumstances of the application are exceptional or unusual. Therefore, there are no special circumstances that warrant public notification under section 95A(9).

Limited Notification - Section 95B:

Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Preclusions to Limited Notification:

There is no preclusion to limited notification as there is no rule in the ODP and PDP that precludes limited notification of the application [s95B(6)(a)] and the application is not for a district land use consent with Controlled activity status [s95B(6)(b)].

Limited Notification - Affected Persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. The reasons why the effects have been deemed to be less than minor are detailed in the Assessment of Adverse Effects and conclusions set out in this report.

I note that members of the public have registered an interest in the application. Registration of interest in a proposal does not, in itself, constitute 'affected person' status under the Act. For the reasons outlined in the Assessment of Adverse Effects section of this report, these members of the public are not considered to be adversely affected parties.

Special Circumstances:

I have considered whether there are special (ie exceptional or unusual) circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification of any additional party under section 95B(10). This includes the members of the public that have registered an interest in the application

Public and Limited Notification Decision:

For the reasons set out above, the application does not require either public or limited notification.

ASSESSMENT OF ADVERSE EFFECTS

Potential Adverse Effects

Urban Design:

The proposed sign has been reviewed by the Council's RMA Urban Designer, Sarah Duffell. In her assessment, Ms. Duffell raised concerns relating to the following matters and did not provide urban design support for the proposed sign:

- Scale and location
- Relationship to the surrounding context
- Visual Obtrusiveness
- Visual Clutter
- Signs and heritage
- Guidelines for meeting illuminated/animated signs not being met.

However, given discretion is restricted, I have limited the assessment to address the following:

- Moving images, text or light
- Position
- Dimensions
- Number of signs

The issues raised in Ms. Duffell's assessment largely fall outside the matters in which I have discretion to address. With regard to moving images and, text or light no issues were raised in Ms. Duffell's assessment in regard to this. Given moving images, text or light could potentially have effects on traffic and pedestrian movement, I have made a relevant assessment below under the heading "Traffic Effects".

With regard to position and dimensions, it is noted that Ms. Duffell has stated that the proposal sign is to be located on a prominent and visible part of the building's aesthetic. She has also noted that the sign will be visually dominant within the surroundings, which includes locations with Open Space and heritage considerations. The applicant has provided an assessment¹ prepared by Graeme McIndoe (Architect and Urban Designer) in which he notes the following key points relating to the position and dimensions of the proposed sign:

- "The revised composition maintains the rhythm of columns around the base of the building and because the eye will register the top and bottom of the corner column and related louvers, these elements will be understood as continuing behind."
- "Considering size, the sign is a very small element on a very large façade and its location set within the two-storey screen to the carparking floors at the base assists with integration".

As such, despite the proposed sign not being affixed to a blank wall and partially covering architectural features, the sign does not completely defeat the purpose of the architectural feature. The louvers and columns although partially screened will continue to be seen as a continued pattern. Furthermore, I accept Mr. McIndoe's comment in relation to the size of the sign. The proposed sign, when compared to other buildings and signs in the area is not out of scale for the surrounding area. I accept the points raised in Mr. McIndoe's assessment, dated 6 November 2023, and note that his assessment should be read in conjunction with this report.

¹ Refer to assessment prepared by McIndoe Urban, dated 06/11/2023 and saved on Council record under SR 516949.

In terms of the number of signs on the building, I refer to page 18 of the Applicants AEE in which it notes that there is limited signage on the host building, with signage being predominantly on the ground floor beneath the canopy. The lack of signage within the proposed portion of the building façade, and the integration of the sign with the building design, is such that the proposal will not result in visual clutter of the building or the subject site. I agree with this statement and note that no issues relating to visual clutter in terms of the number of signs were raised by either Ms. Duffell or Mr. McIndoe. As such, I consider there to be no adverse effects relating to the number of signs as a result of the proposed sign.

Having considered both the opinions of Ms. Duffell and Mr. McIndoe, I have concluded that on balance I prefer the opinion of Mr. McIndoe. Accordingly, relying on Mr. McIndoe's advice, I am satisfied that the proposal will have less than minor adverse effects and that no parties will be adversely affected.

Traffic Effects:

With regard to moving images, text or light I refer to the assessment completed by the Council's Principal Transport Engineer, Dennis Davis². It is noted that since his assessment the size of the proposed sign has decreased, however it is still located in the same location. Mr. Davis raised no issues with the change in design and still considered his original assessment relevant. In his assessment, Mr. Davis noted the following key points:

- The proposed sign will not flash or contain moving images or contain moving text or have moving lights. While it is proposed that each digital image on the screen will be relaced every 8 seconds, the fact is that each image will be static while being displayed.
- The proposed sign will be within 100m of an intersection; however, the sign is consistent with other signs within the surrounding area.
- Road safety records show that digital signs are not inherently hazardous to drivers and do not result in a deterioration in road safety.

Overall, Mr. Davis raised no issues with the proposed sign in terms of the moving images, text or illumination. I accept the points raised in Mr. Davis assessment and note that his assessment should be read in conjunction with this report.

Accordingly relying on the advice of Mr Davis I conclude that the Traffic effects will be less than minor and that no persons will be adversely affected.

Effects Conclusion:

Based on the above assessment, I conclude that the overall actual and potential effects are less than minor with no persons being adversely affected.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

Adverse Effects:

An assessment of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act and no further assessment is required.

² Refer to assessment dated 04/08/2022 saved on the Council record under SR 516949.

Positive Effects:

The meaning of 'effect', as set out in section 3 of the Act, includes positive effects. Positive effects are an important consideration in the overall balancing exercise involved in assessing resource consent applications.

The positive effects of the proposal include the provision for economic wellbeing for the applicant.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards
- Other regulations
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Operative District Plan and the relevant plan changes
- The Proposed District Plan (objectives and policies only)

Higher Order Planning Documents:

There are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant.

Regional Policy Statement:

The policies of the Wellington Regional Policy Statement (RPS) have been taken into consideration. In particular I have had specific regard to the following policies:

- **Policy 54:** Achieving the region's urban design principles.
- **Policy 55:** Maintaining a compact, well designed and sustainable regional form.

The proposal is considered to accord with the general strategic direction of the RPS and is not contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of the District Plan.

District Plan/s Objectives and Policies:

Operative Plan

I have had regard to the objectives and policies of the Operative District Plan. The following objectives and policies are considered relevant to the proposal:

- Objective 12.2.10 and Policies 12.2.10.1, 12.2.10.2 and 12.2.10.7

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

Proposed Plan

The following PDP objectives and policies are considered relevant to the proposal:

Signs

- Objective SIGN-01 and Policies SIGN P1 and P2

City Centre Zone

- Objective CCZ-05 and Policies CCZ P1, P9 and P10

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

Heritage:

Given the building the proposed sign is to be affixed on is not a heritage listed building, not within the Parliamentary Precinct Heritage Area and not within any protected viewshafts, I have disregarded Ms. Duffels comments relating to the sign within a heritage area mentioned in her urban design assessment.

Furthermore, it is noted that the proposal has been assessed by the Council's Heritage Advisor, Michael Kelly. In his assessment³, Mr. Kelly raised no issues with the proposed sign and agreed with the statement provided by Adam Wild of Archifact (submitted with the application) that the proposed sign will maintain the ability to interpret the recognised heritage values and the primacy of the heritage buildings and elements. Furthermore, the proposed signage will not adversely affect the heritage contexts or relationships between heritage places, nor will it result in loss of heritage significance. I accept the conclusions raised by both Mr. Kelly and Mr. Wild and consider there to be less than minor effects on the heritage of the surrounding area.

There are no other matters that the Council needs to consider when assessing the application.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

³ Refer to assessment dated 4 May 2023 and saved on Council record under SR 516949.

For the reasons outlined in this report, I consider that consent should be granted when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the purpose and principles in Part 2 of the Act, and I do not consider that detailed evaluation of Part 2 matters is necessary and would add anything to my evaluative exercise.

SECTION 108 CONDITIONS

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- Conditions relating to traffic effects.
- Conditions relating to the monitoring of the resource consent.

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
 - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
 - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Condition (a) relates to mitigating possible effects on the environment, which may occur if the proposal is not built in accordance with the approved plans. Therefore, this condition meets section 108AA(1)(b)(i).

The conditions satisfy section 108AA(1)(b) of the Act for the reasons discussed in this report.

The applicant has agreed to the conditions, therefore, section 108AA(1)(a) is satisfied.

The Council's standard monitoring conditions are applied in accordance with s108AA(1)(c).

CONCLUSION

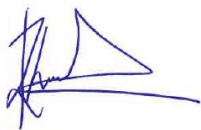
The effects of this proposal are acceptable, and the proposal is consistent with the objectives and policies of the Operative and Proposed District Plan/s. Having applied section 104 of the Act resource consent can be granted subject to appropriate conditions.

REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
3. The proposal is in accordance with the relevant objectives and policies of the Operative and Proposed District Plan/s and Part 2 of the Act.

Report prepared by: Zoe Ishrar



Zoe Ishrar
Delegated Officer

22 February 2024



Kathryn Barnes
Delegated Officer

22 February 2024