Date:	**Tuesday 5 & Wednesday 6 November 2024**
Time:	**9.30am**
Meeting Room:	**Richmond Room**
Venue:	**Club Waimea, 345 Lower Queen Street, Richmond**

Commissioner (Resource Consent) Hearing

AGENDA

Sole Commissioner:	**Dean Chrystal**
Council Staff:	**Victoria Woodbridge, Consultant Planner**
	Ari Fon, Consultant Traffic Engineer
	Tony Milne, Consultant Landscape Architect
Hearing Facilitators and Technology Support:	**Phil Doole, Principal Planner – Resource Consents**
	Andrew Strand, Team Leader – Resource Consents Administration

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AGENDA

1 OPENING, WELCOME

2 REPORTS

2.1 Bekon Media Ltd Resource Consent Application at 332 Queen Street, Richmond – Council Reference RM230535.

Resource Consent applied for:

RM230535	Land use consent to erect a single-sided 24.5 square metre digital billboard located above the building parapet within the Centre Business Zone.

Submissions:

This application was originally lodged on 17 August 2023 and a decision was made to publicly notify the application on 19 December 2023, following which an amended application was received on 22 May 2024 and that was also publicly notified on 13 July 2024.

Council received a total of 27 submissions on this application. All the submissions oppose the proposed billboard. Nine submitters requested to be heard.

Purpose of Hearing Report:

The hearing report is not the decision on the application, it contains advice and recommendations from a planning consultant, with support from specialists, on behalf of the Council.

This report has yet to be considered by the Accredited Independent Hearings Commissioner delegated by Tasman District Council to decide this resource consent application.

The decision will be made after the Commissioner has considered the application and this report, heard from the applicant and submitters, and visited the site and surrounds.

2 REPORTS

2.1 BEKON MEDIA LTD'S RESOURCE CONSENT APPLICATION AT 332 QUEEN STREET, RICHMOND – COUNCIL REFERENCE RM230535

Decision Required

Report To:	Commissioner (Resource Consent) Hearing
Meeting Date:	5 November and 6 November 2024
Agenda Author:	Blair Telford, Principal Planner – Resource Consents
Report Number:	REPC05-11-24
Attachments:	1. Attachment 1 – Section 42A Hearing Report 2. Attachment 2 – DRAFT conditions 3. Attachment 3 – TRMP Zone and Overlays Maps 4. Attachment 4 – Submissions summary 5. Attachment 5 – Application and AEE May 2024 6. Attachment 6 – Carriageway Transport Safety Assessment May 2024 7. Attachment 7 – Review of Traffic Effects 7-12-2023 8. Attachment 7 – Review of Traffic Effects 20-06-2024 9. Attachment 8 – Review of Traffic Effects 19-09-2024 10. Attachment 9 – DCM Urban Design & Visual Impact Assessment May 2024 11. Attachment 9 – DCM Visual Package May 2024 12. Attachment 10 – RMM Audit 13. Attachment 11 – Dark Sky Memorandum of Understanding

The Section 42A report and recommendation is attached and has been prepared by Victoria Woodbridge. It has been peer reviewed and approved for release by Paul Gibson, Council's Team Leader – Land Use Consents.

Specialist support has been provided to the processing planner during the processing of this application to date, including transport and traffic engineering and landscape architecture.

Report under section 42A of the Resource Management Act 1991

Resource application by	Bekon Media Limited
Application number	RM230535
Site address	332 Queen Street, Richmond
Legal description	Pt Sec 83 Waimea East Dist (RT NL1D/1120)
Report and recommendation prepared by:	Victoria Woodbridge, Consultant Planner

Note: This is not a decision.

This report sets out the advice and recommendations of the reporting planners.

The independent commissioner delegated by Tasman District Council to decide this resource consent application has not considered this report yet.

The independent hearing commissioner will only make a decision after they have considered the application and heard all evidence from the applicant, submitters and council officers.

1 Introduction

1.1 The application seeks the following resource consents:

RM230253	Land use consent to erect a single-sided 24.5 square metre digital billboard located above the building parapet within the Centre Business Zone.

1.2 This report has been prepared under section 42A of the Resource Management Act 1991 (RMA) to assist the hearing of the application for resource consents made by Bekon Media Limited on 17 August 2023 and amended on 22 May 2024. The application is considered under the RMA provisions as at the date the amended application was received.

1.3 Section 42A allows consent authorities to require the preparation of such a report on an application for resource consents and allows the consent authority to consider the report at any hearing.

1.4 The purpose of the report is to assist the Panel in making a decision on the application RM230535.

1.5 The relevant version of the RMA is the version under which the application was made. The amended application was lodged on 22 May 2024, and accordingly the RMA version is:

Resource Management Act 1991 No 69 (as at 13 April 2023), Public Act Contents – New Zealand Legislation

Qualifications and experience

1.6 My name is Victoria Woodbridge, I am the author of this report. I am employed by The Property Group in the role of Principal Planner. I have previously been employed as a Planning Consultant for another local Resource Management Consultancy and by Tasman District Council as a Consent Planner. I have over 16 years of experience in planning and resource management in New Zealand and the UK. My experience includes processing and lodging a wide range of resource consent applications, developing District Plans, Plan Changes and policies and writing associated reports and evidence.

1.7 I hold a Bachelor of Arts (Honors) English and Media Studies from the University of Glamorgan, UK and a Masters of Urban and Regional Planning from the University of Westminster, UK.

1.8 I am an Associate member of the New Zealand Planning Institute (NZPI) and I have completed the Making Good Decisions course with Commissioner Certification (2023).

1.9 I have been involved in the processing of the application since it was lodged in August 2023. I have undertaken a site inspection of the application site and the environs and frequently use the intersection where the billboard will be located as part of my usual travel around the district.

Expert witness code of conduct

1.10 I acknowledge that this is a consent authority hearing. I have read and agree to comply with the Code of Conduct for expert witnesses as set out in the Environment Court Practice Note 2023. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. I confirm that the evidence on planning matters that I present is based on my qualifications and experience, and within my area of expertise. I am not aware of any material facts which might alter or detract from the opinions I express. If I rely on the evidence or opinions of another, my evidence will acknowledge that.

2 Proposed activity and Background

2.1 In August 2023 the applicant lodged a resource consent for a static billboard measuring 3m high and 6m wide (18m2), with periodic changes to the advertising material displayed which would be no less than weekly.

2.2 Following a Section 95 notification decision to publicly notify the application under Section 95D of the RMA the applicant requested the application was placed on hold. The application was subsequently amended to replace the static billboard with a larger digital billboard. A detailed description of the proposal is provided within the amended application lodged on 22 May 2024[1].

2.3 As the scope and scale of the application was considered to have materially altered the Council determined that it was appropriate to re-consider the amended proposal against Sections 95D and 95E of the RMA. A further notification decision to publicly notify the application under Section 95D was made on 4 July 2024.

[1] Available – Bekon Billboard | Tasman District Council

2.4 In summary the application proposes to erect a digital billboard as follows (refer also to Figure 1 below):

a. The billboard will be mounted on the northwestern parapet of the building on the site, above the west-facing angled wall.

b. The billboard will be 24.5 square metres in area and 3.5m high by 7m wide.

c. The billboard will only display still images with a minimum duration of 8 seconds per image. There will be no transitions between still images apart from cross-dissolve of 0.5 seconds. The following will not be displayed:

   i. Live broadcast or pre-recorded video;
   ii. Movement or animation of images;
   iii. Flashing images;
   iv. Sequencing of consecutive advertisements;
   v. Images using graphics, colours or shapes in such a way that they could cause confusion or conflict with any traffic control device, nor invite or direct a driver to undertake an action.

d. The signage displayed on the billboard will not relate to the application site and will advertise third party products and services.
e. The billboard will not result in more than 10.0 lux spill (horizontal or vertical) of light when measured or calculated 2 meters within the boundary of any adjacent site and the display will not exceed 5,500cd/m² during daytime hours and 250cd/m² maximum and 150csd/m² maximum average during night-time hours.
f. The display will incorporate a lighting control to automatically adjust the brightness of the display in line with ambient light levels.
g. No advertisement will be installed within the signage platform that will mimic the design, shape or colour combinations of the traffic signals.

Figure 1: Visual Imagery of Billboard (Source - DCM visual package May 2024)

3 Site and surrounds description

3.1 The application site is located at 332 Queen Street, held in Record of Title NL1D/1120 and legally described as Part Section 83 Waimea East District. It is shown in Figure 2 below.

3.2 The application site is located on the corner of Queen Street and State Highway 6 (SH6) in Richmond. The site contains a single storey commercial building (Pet Mart), located on the south-east corner of the intersection. The existing building extends right up to the legal road boundary, abutting the adjoining pedestrian footpath. The Queen Street frontage of the building comprises a veranda which extends over the pedestrian footpath. Vehicle and pedestrian entrance to the building is provided from McGlashen Avenue, although there is a door on the Queen Street elevation this does not appear to be in use.

Figure 2: Location of the subject site (source TDC GIS planning maps).

3.3 The receiving environment is characterised by a mixture of commercial activities and buildings. These include food outlets, a restaurant, car dealership and retail stores. In the wider area are service stations and industrial activities, such as car repairs and warrant of fitness (WOF) testing facilities.

3.4 These businesses have a range of freestanding signage, signs attached to buildings, with large pylon signs, flag signage and signs installed above building parapet's evident in the vicinity. Most buildings have signs attached to the building, at times on more than one frontage. The retail complexes on either side of Gladstone Road also have freestanding signs which incorporate signage for each of the businesses within the complex.

3.5 Queen Street is the primary retail area for Richmond with retail stores, cafes and restaurants fronting Queen Street and access provided further along Queen Street to the Richmond Mall and the Warehouse / Kmart retail complex. Parking is provided on both sides of the road with other public car parking available from side roads off Queen Street and in the Richmond Mall car park at the northern end of Queen Street.

3.6 Queen Street is a low speed environment with wide footpaths, there are street trees and several 'pocket parks'. Views of the Richmond Ranges are a key feature of the amenity of

Queen Street and the combination of low built form, street trees and the Richmond Ranges influence the character of the street.

3.7 Gladstone Road contains a mix of commercial and industrial activities and further to the west are residential dwellings and motels. Being the State Highway, the road is a high traffic route which, coupled with the activities along the road, influences the character of the road.

3.8 Lower Queen Street has been significantly developed over the last five years and as such traffic volumes have increased. Special Housing Area resource consents allowed for construction of the Berryfields subdivisions which has resulted in over 600 residential sections. A new retirement village has also been constructed meaning there are now two retirement villages (Oakwoods and Arvida) along Lower Queen Street.

3.9 There are also a range of industrial, community, recreational (A&P Showgrounds) and retail activities along Lower Queen Street and access to the Beach Road Industrial Area is provided from Stratford Street which is accessed from Lower Queen Street.

3.10 The building onsite is currently occupied by Pet Mart, a pet supply retail store. On the elevation facing the State Highway and Queen Street the building has attached signage displaying animals and associated product names such as Avi One (a range of bird related products). As far as I am aware these signs have been in situ for many years. Other signage on the building displays the store name 'Pet Mart' and their website painted onto the building elevation on the State Highway and Queen Street frontage. An image of the building is provided in Figure 3 below.

Figure 3: Image of existing building on subject site (source google streetview).

3.11 The intersection where the billboard will be located is controlled by traffic signals, other than the left turn slip lane from Lower Queen Street for north bound traffic which is priority controlled by a give way sign. There are pedestrian movements provided for on all four legs of the intersection.

3.12 The posted speed limit along Lower Queen Street and SH6 is 50km per hour and the posted speed limit along the southern portion of Queen Street is 30km per hour.

3.13 There are footpaths provided along Queen Street and Gladstone Road, with signal controlled pedestrian crossings across all roads at the intersection. There is also an uncontrolled pedestrian zebra crossing over the left turn slip land on Lower Queen Street, this crossing provides access to the Great Taste Trail cycle path which continues along the footpath on the northern side of the Richmond Deviation.

3.14 As a key arterial route through the region the intersection is used by heavy goods vehicles and cars. People who regularly commute about the district or simply travel for personal reasons use the intersection on a daily basis given it is a key route between Tasman and Nelson. The New Zealand Transport Agency – Waka Kotahi (NZTA) advises that the seven day average traffic count for the intersection are 21,050 (two-way) on SH6 and 9,660 (two-way) on Lower Queen Street.

3.15 The nearest residential dwellings are located approximately 180m from the site at 337 and 344 Lower Queen Street. Both dwellings are single storey, surrounded by established vegetation and are facing the street, not the proposed billboard location.

4 Status of application

4.1 The application RM230535 was lodged with the Tasman District Council in August 2023 and amended on 22 May 2024.

4.2 The Tasman Resource Management Plan (TRMP) zoning and overlay areas for the site are:

TRMP Zoning	Central Business Zone
TRMP Areas	Land Disturbance Area 1

Designation D120 (state highway purposes) adjoins the site on the northern boundary.

4.3 TRMP maps generated through the Council GIS (Local Maps) for the site and surrounds are provided as Attachment 3.

4.4 The TRMP permitted activity rules contravened by the proposed activities and the resulting activity statuses are listed in the table below.

Activity	Applicable Rules	Status
RM230535 Land use		
Land use consent to erect a single-sided 24.5 square metre digital billboard located above the building parapet within the Centre Business Zone.	The proposed activity does not comply with the following permitted activity rules: a. 16.1.4.1(a) requires a sign to be located and have the dimensions in accordance with Figure 16.1B. The sign will be located above the parapet of the building therefore is not consistent Figure 16.1B. b. 16.1.4.1(b) requires a sign to meet conditions (b) to (h) of Rule 16.1.3.1. The proposal is for	Restricted Discretionary under Rule 16.1.4.2

Activity	Applicable Rules	Status
	signage not related to activities being undertaken on the site, and is not of temporary nature, therefore does not meet 16.1.3.1(b). c. 16.1.4.1(c) requires a sign to comply with the requirement indicated in Figure 16.1B. The sign will be located above the parapet of the building to which it is attached and therefore does not comply with Figure 16.1B.[2] d. 16.1.4.1(e)(i) requires any sign painted on, or attached to, a building to be related to the activity operating therein (i.e. onsite advertising). The proposal is for off-site advertising. e. 16.1.4.1(e)(iii) requires a sign to be no higher than the roof peak or parapet of that part of the building to which the sign is attached. The sign will be higher than the parapet.	

Overall activity status

4.5 The above resource consent is a restricted discretionary activity, and the matters of discretion are restricted to those in the TRMP. The relevant rule in the TRMP is 16.1.4.2.

Existing resource consents

4.6 There are no relevant existing resource consents for the application site.

5 Notifications and submissions

5.1 The following is a summary of key steps in the timeline for the application:

Date	Process detail
17 August 2023	Application lodged
25 October 2023	Further information requested

[2] Figure 16.1B includes a maximum area of 1.0 square metres for projecting signs. The image shows a sign projecting from the building façade with a requirement the sign should be no higher than the building parapet. It is unclear whether the billboard would be a 'projecting sign' based on Figure 16.1B, however, as the billboard projects beyond (above) the building parapet therefore the sign could be considered to be a 'projecting sign' in which case a permitted baseline of 1 square metre would apply and there would be a non-compliance with Rule 16.1.4.2(e)(iv).

7 December 2023	Further information received
19 December 2023	Notification Decision
22 May 2024	Amended application received
4 July 2024	Notification Decision
13 July 2024	Application Publicly Notified
9 August 2024	Submission period closed
5-6 November 2024	Hearing scheduled

Written approvals

5.2 No written approvals were provided with either the original or amended applications.

Notification

5.3 In the decision made by the Council on 4 July 2024 that the application must be publicly notified, New Zealand Transport Agency Waka Kotahi (NZTA) were also served notice.

Submissions

5.4 A total of 27 submissions were received. All submitters expressed opposition to the application, with nine submitters wishing to be heard.

5.5 The above includes two late submissions that were accepted by the Council under section 37 of the Act after taking into account the relevant matters of section 37A (interests of parties, interests of community in adequate assessment of proposal, and duty to avoid unreasonable delay).

5.6 A summary of submissions is attached to this report (Attachment 4).

Comments on submissions

5.7 The submissions have raised the following issues:

Issue
Traffic effects • Safety – distraction as a result of the billboard with potential to result in accidents, in relation to motorists and vulnerable users. • Safety – adverse effects on free left hand turn and concern over existing performance of intersection which has a high crash rate. • Efficiency of intersection resulting in increased congestion.
Amenity Effects • Obstruction of views to hills. • Visual clutter.

Issue
• Luminance levels. • Adverse effects on visual amenity which are already low. • Height of sign above the building parapet. • Off site advertising.
Other • Light pollution - including effects on estuary ecology, bird life, people and animals as well as dark sky values. • No lighting management plan. • Risk of 'un-wholesome' advertisements • Does not serve any purpose.

6 Statutory considerations - the Resource Management Act 1991

Part 2 – Purpose and principles

6.1 The purpose of the Resource Management Act (The Act or RMA) is the sustainable management of natural and physical resources. It sets a national framework, guiding regional and district statutory provisions to manage the actual and potential effects of the use of natural and physical resources.

6.2 The following Part 2 matters are considered relevant to this application

6.3 There are no Section 6 matters considered relevant.

6.4 Section 7 identifies other matters that any person exercising functions and powers in relation to managing the use, development, and protection of natural and physical resources under it must have particular regard t:o. The following are relevant to the consideration of this application:

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

6.5 In achieving the purpose of this Act, under section 8 all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). No section 8 or cultural issues are considered engaged by this proposal.

6.6 The Key Issues assessments in the following sections of this report identify any aspects of the development which are considered potentially inconsistent with the principles of Part 2 of the Act. This includes through the lens of the relevant statutory documents prepared to achieve the purpose of the Act. Where no assessment is made, those aspects of the development are considered non-contentiously consistent with these.

Section 104

6.7 A decision on these applications must be made under sections 104 and 104C . The consideration if the matters a consent authority must have regard to under section 104 are subject to Part 2 (purpose and principles) of the Act.

Section 104C – Restricted discretionary activity

6.8 Under section 104C, as a restricted discretionary activity the consent authority may grant or refuse a resource consent, but in considering the application (and any appropriate conditions of consent) it must consider only those matters over which its discretion is restricted under the relevant plan, proposed plan or national environmental standards (or other regulations).

6.9 In this instance the relevant matters of discretion are set under rule 16.1.4.2.

Effects – s 104(1)(a)

6.10 The consent authority must have regard to any actual and potential effects of the environment of allowing the activity [3]. In considering any actual and potential effects:

a. any adverse effects that may arise from permitted activities in a national environmental standard (NES) or a plan may be disregarded [4] (the permitted baseline),

b. any effect on a person who has given written approval to the application must be disregarded [5].

6.11 "Effect" is defined under section 3 of the RMA.

Permitted Activity

6.12 When considering the actual and potential effects of an activity on the environment, the Council **may** disregard an adverse effect of the activity if an NES or Plan permits an activity with that effect (emphasis added). This is often referred to as the "permitted baseline" and provides a comparison of the activity with the effects of permitted activities.

6.13 It should be noted that the permitted baseline is a discretionary comparison, and it is for the decision-maker to decide whether or not it is appropriate to have regard to the permitted baseline.

6.14 In this instance the permitted baseline allows for a single sign on the site which relates to the activity undertaken on the site and where the sign complies with size and location limitations as follows:

a. The sign is no higher than the building parapet (16.1.4.1(c)).

[3] s 104(1)(a) RMA
[4] s 104(2) RMA
[5] s 104(3) RMA, noting that there are no issues of potential trade competition effects engaged in respect of this application

b. Any projecting sign has a maximum area of 1 square metre.

c. Freestanding signs are setback at least 10 meres from any road intersection.

6.15 Given there is a significant difference between what is provided for as a permitted activity (due to number of signs, size and location of sign) I do not consider the permitted baseline to be of any relevance to the proposal.

Statutory documents – s 104(1)(b)

6.16 Under section 104(1)(b) the Council must have regard to any relevant provisions of statutory documents, including national environmental standards, other regulations, national policy statements, the New Zealand coastal policy statement, regional policy statement, and plan or proposed plans. The specific relevant statutory documents are identified below.

National environmental standards

6.17 I do not consider there to be any relevant National Environmental Standards (NES).

National policy statements

6.18 The purpose of national policy statements (NPS) is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of the Act. The National Policy Statement on Urban Development 2020 (NPS-UD) is the only NPS considered relevant.

6.19 The NPS-UD recognises the significance of urban environments and the need to enable development and that this might result in a change to the amenity values of the environment which, in itself, is not an adverse effect. The NPS-UD has a purpose of enabling urban intensification through well-functioning urban environments by directing decision makers under the Act to ensure planning decisions enable development to provide sufficient development capacity for housing and businesses.

6.20 The application site is within an urban environment and as such the NPS-UD has relevance and development should align with the objectives and policies of the NPS. Whilst the NPS-UD is not directly relevant to signage there is an indirect correlation between providing for well-functioning urban environment and how amenity values may change as a result increased business capacity which could result in a greater proliferation of signage.

Tasman Regional Policy Statement

6.21 The objectives and policies in the Tasman Regional Policy Statement (TRPS) relevant to the proposed activity are reflected in the provisions of the Tasman Resource Management Plan (TRMP).

Tasman Resource Management Plan

6.22 The TRMP is a unitary plan and is the relevant operative plan.

6.23 The plan provisions relevant to the proposed activity are included in the assessment in the Key Issues sections.

6.24 However, there are also a number of definitions within Chapter 2 Meaning of Words which are relevant to signs and therefore this application:

> **Animated sign** – means a sign that moves, has a message that moves, gives the effect of a moving display or has a moving attachment aimed at drawing attention to the sign, but does not include small, loosely attached discs which give a rippling effect when moved by the wind.
>
> **Free-standing sign** – means a sign that is not mounted on a wall or building, and may be either permanently fixed to the ground by way of a support structure, or removable.
>
> **Sign** – means any poster, placard, handbill, writing, picture, painting, engraving, carving, illuminated sign, aerial display, hoarding, billboard, flag or other device erected or displayed for the purpose of attracting the attention of passers-by and includes the frame, support structure and anchorage, but does not include:
>
> (a) road marking or traffic signs erected on roads by controlling authorities under the Traffic Regulations 1976;
>
> (b) signs on shop windows;
>
> (c) advertising on motor vehicles with a current registration and warrant of fitness, except where the vehicle acts as a stationary support structure for commercial advertising.
>
> Signs may be double sided.
>
> **Sign area** (also referred to as **display area**[6]) — in relation to a multiple-sided sign, sign area is the area when viewed from any one direction, providing that the total area of all faces of a sign do not exceed twice that permitted in the relevant signage rules.
>
> **Traffic sign** – means any sign that is erected or authorised by or on behalf of the road controlling authority for the purpose of road marking, traffic control, or enforcement.

6.25 The TRMP is subject Proposed Plan Changes 76 (Growth Wakefield) and 80 (Motueka West) neither of which are relevant to the proposal.

Other matters – s 104(1)(c)

6.26 The consent authority may consider any other matter the consent authority considers relevant and reasonably necessary to determine the application.

[6] TRMP Chapter 2 Meaning of Words does not include a separate definition for 'display area'

Statutory Acknowledgement Areas

6.27 Statutory Acknowledgement Areas have been established by the Te Tau Ihu Claims Settlement Act 2014. These acknowledgements recognise the special associations or particular relationships that these eight iwi making up Te Tau Ihu have with areas and resources, including with the coastal marine area or freshwater bodies in the region.

6.28 In this instance the application site is not within a Statutory Acknowledgment Area. Before the notification decision was made on the resource consent application, notice in accordance with the legislation was sent to all eight Te Tau Ihu iwi.

6.29 Although Ngāti Tama requested to view the application no response or feedback was received from Ngāti Tama and no comments or feedback was received from any other iwi.

6.30 None of the iwi were considered affected parties.

Submissions

6.31 The submissions as other matters are considered under s104(1)(c).

Iwi Management Plans

6.32 Iwi Management Plans are the planning documents that are recognised by each iwi authority and lodged with the local authority under the Resource Management Act 1991. They are relevant considerations to have regard to under section 104(1)(c) of the RMA. The following Iwi Management Plans have been lodged with Council:

a. Ngāti Kōata Trust Iwi Management Plan 2002
b. Ngāti Rārua Environmental Plan 2021
c. Ngāti Tama Environmental Management Plan 2018
d. Pakohe Management Plan 2015 Ngāti Kuia

6.33 I have reviewed the Iwi Management Plans listed above and do not consider any of them to have direct relevance to this proposal.

7 Key issues

7.1 The application status is restricted discretionary under rule 16.1.4.2, therefore Council's discretion is restricted to the following:

(1) Location and legibility in relation to traffic safety.

(2) Any amenity effects on the surrounding area, including size and duration.

7.2 Based on an assessment of the application, the matters of discretion and review of the submissions received I consider there are two key issues as follows:

a. Issue - Traffic effects
b. 7.2 Issue - Amenity effects

7.3 These key issues for this application are considered in detail below in sections 7.1 and 7.2. These sections identify the issues of contention, including an assessment of the actual and potential effects, the submissions, the relevant provisions of the statutory documents,

relevant sections of the Act, and the appropriateness of any recommended conditions of consent.

7.1 Issue - Traffic effects

7.4 Matter of discretion (1) states “location and legibility in relation to traffic safety”. I have interpreted this to allow for a consideration of both the location of the sign in relation to traffic safety and whether the message displayed on the sign can be read / deciphered in a manner which does not impact on traffic safety.

7.5 Out of the 27 submissions received, 24 (including NZTA) raised concerns in relation to traffic effects.The matters raised in the submissions are summarised as follows:

a. Traffic volumes and complexities of the intersection, including uncontrolled pedestrian crossing and free turn for north bound traffic.

b. High crash rate of the intersection.

c. Distraction from the billboard will increase accidents (including more serious accidents) and risks for road users, including vulnerable users such as elderly residents, students, cyclists and pedestrians.

d. Personal experiences of seeing near misses and crashes.

e. Inconsistent with national guidelines.

f. Research from Automobile Association (2023) which states 34% of accidents were driver distraction.

7.6 The application is supported by an Assessment of Transportation Matters (**ATM**) from Carriageway Consulting issued 21 May 2024. This report appears to incorporate the original Transportation Matters Assessment from Carriageway Consulting dated 9 August 2023 which supported the original application for a static billboard. For clarity, in this report when I refer to the Carriageway ATM, I am referring to the report dated 21 May 2024, this report is provided at Attachment 6.

7.7 The Council engaged Affirm NZ Ltd (**Affirm**) to undertake a review of the traffic assessment. Mr Fon of Affirm provided a review of the Carriageway report for both the original and amended applications. These reviews are provided at Attachment 7. Mr Fon has also provided a further review to support this report, this review is provided at Attachment 8.

Current Intersection Performance

7.8 Both the Carriageway ATM and Mr Fon provide an assessment of the operating nature and crash history for the intersection where the billboard is proposed. Both the Carriageway ATM and Mr Fon acknowledge the volume of crashes at the intersection and identify those crashes which led to injury, however, the conclusions both reach in response to whether the crash data is reflective of the operation of the intersection differs.

7.9 I note Mr Fon also undertakes a comparison between the 2014-2018 data and the 2019-2023 data which is analysed within the Carriageway ATM and states that there has not

only been in an increase in crashes at the intersection (20 to 27), the reported all-injury crashes have increased from three to eight between the two periods.[7]

7.10 The Carriageway ATM concludes that "*the crashes typically had different contributing factors and occurred in different locations. Crash types such as nose-to-tail collisions in queues of traffic, and drivers undertaking turning movements when having a red or orange signals are common at urban intersections. As such, it does not appear that there are any inherent road safety deficiencies at this location*…"

7.11 In his original traffic assessment Mr Fon stated that based on the volume of traffic travelling through the intersection and the crash history the intersection is classified as having "*medium-high risk for both collective risk and personal risk*".[8]

7.12 Considering the performance of the intersection in a local context Mr Fon states that "*a brief investigation has been caried out using reported crash data from the Waka Kotahi Crash Analysis System (CAS) for crashes coded only to intersections, at all urban intersections (maximum 50km/h regulatory speed limit) in the Nelson and Tasman regions for the five-year period 2019 – 2023. This covers all intersections within the main urban areas of both regions including Nelson, Richmond, Stoke, Motueka, Takaka, Wakefield and Brightwater*."

7.13 Further Mr Fon compares the intersection to other signalised urban crossroad intersections nationally indicates that "*the observed injury crash rate at the intersection is close to the worst 30% of similar intersections nationally, or in other words the crash rate is higher (worse) than that of 70% of similar intersections."*[9]

7.14 Overall, based on the data analysed Mr Fon disagrees with the Carriageway ATM that there are no inherent road safety deficiencies at this intersection. I agree with Mr Fon's conclusion in regard to the current operating nature of the intersection as I consider his conclusion is based on both local and national comparisons and considers the safety performance in line with the procedures outlined in the Waka Kotahi High Risk Intersections Guide.

7.15 There has been and is ongoing significant development along Lower Queen Street which has resulted in an increase in traffic volumes at the intersection. The intersection is regularly used heavy goods vehicles and cars as well as by vulnerable users – pedestrians (including older persons and school children) and cyclists.

7.16 Of particular concern at the intersection is the uncontrolled left-hand turn which allows for cars to turn left onto SH6 by giving way to oncoming traffic, there is also a pedestrian crossing which is used by pedestrians and also cyclists accessing the nearby Great Taste Trail over this left turn lane.

7.17 The Carriageway ATM identifies a number of crashes associated with this turn and also identifies that both the pedestrian crossing and give way painted line are faded. The Carriageway ATM also states that proposed billboard would be outside the field of vision of

[7] Affirm NZ Ltd, Consent Application RM230535, 332 Queen Street, Richmond, Review of Traffic Effects, 19/09/2024 Section 5 page 2
[8] Affirm NZ Ltd, Consent Application RM230535, 332 Queen Street, Richmond, Review of Traffic Effects, 7/12/2023, Section 5 page 1
[9] Affirm NZ Ltd, Consent Application RM230535, 332 Queen Street, Richmond, Review of Traffic Effects, 19/09/2024 Section 5 page 2

the turning driver[10]. However, I disagree with this statement, based on my site visit and a review of Google Streetview I consider that the billboard would be visible from this turn and therefore it is unclear whether the Carriageway ATM has sufficiently considered the risk associated distraction from the billboard on drivers using this turn.

7.18 Figures 4 and 5 show the view drivers would have of the billboard along the left turn slip lane, both at the give way line (Figure 4) and prior to the pedestrian crossing (Figure 5).

Figure 4: View of billboard at give way line Lower Queen Street leg of intersection (source google streetview).

Figure 5: View of billboard just before pedestrian crossing at Lower Queen Street leg of intersection (source google streetview).

[10] Carriage Assessment of Transportation Matters Section 5.3.1 page 20

7.19 Development along Lower Queen Street has significantly increased in the last 3 years and is ongoing, meaning it is likely that traffic at the intersection will further increase. I note that there is undeveloped land zoned Mixed Business and land zoned deferred Industrial which may reasonably be developed in the near future which would result in further effects on the operation of the intersection.

7.20 NZTA, as submitter has shared data with both the applicant, myself and Mr Fon, from their data gathering exercise over the course of a single day (5 September 2024) to assess the number of pedestrians and cars using the left turn lane in a single day. I understand this data will be included in their evidence.

7.21 The data appears to indicate that as an average almost 1 in 2 pedestrians had an interaction (i.e. a car was approaching or travelling through) the left hand turn lane when they were attempting to cross on the pedestrian crossing). The data also identifies a number of conflicts where vehicles did not give way (potential near misses) or cars stopped over the crossing preventing safe crossing. The data records 10 conflicts in one day, based on pedestrian numbers of 322 for the day this equates to 3% of pedestrians experiencing a conflict in a single day.

Research and Guidance

7.22 The Carriageway ATM provides commentary on a range of research papers which address the road safety effects of digital billboards, these reports are from New Zealand and overseas. I have not reviewed these reports in full and therefore rely in the information provided within the Carriageway ATM and the review from Mr Fon.

7.23 The Carriageway ATM quotes an Austroads research report on the "Impact of Roadside Advertising on Road Safety" and based on that report concludes there is insufficient research on which to base conclusions regarding the safety of roadside advertising and an element of judgement is required[11].

7.24 However, I note that Mr Fon identifies that the quote from the Austroads research report in the Carriageway ATM at paragraph 3.2.2 omits a following sentence which states "*On the other hand, from a Safe Systems perspective it would be difficult to justify adding any infrastructure to the road environment that could result in increased distraction for drivers*."[12]

7.25 In relation to the range of research papers the Carriageway ATM acknowledges that "*it is unclear then how many of the papers are directly applicable to the current application and therefore whether they can be given any weight in this specific context*."[13]

7.26 However, the ATM does go on to discuss crash data relating to roads where there are other digital signs around New Zealand and states that "…….*a review of the Waka Kotahi CAS database shows there has been no reported crash where distraction from a consented digital billboard has been cited as a contributing factor, and there is no location in New Zealand where the number/rate of reported crashes has increased after a digital billboard has been installed compared to the number/rate of reported crashes prior to installation.*[14]

[11] Carriageway Assessment of Transportation Matters paragraph 3.2.4
[12] Affirm NZ Ltd, Consent Application RM230535, 332 Queen Street, Richmond, Review of Traffic Effects, Section 5, page 3
[13] Carriageway Assessment of Transportation Matters paragraph 3.2.9
[14] Carriageway Assessment of Transportation Matters paragraph 3.2.18

7.27 The submission from NZTA also acknowledges that "*it is not possible to definitively conclude that there is a direct relationship between driving behaviour changes attributed to roadside advertising and road crashes. Nonetheless, while most studies remain inconclusive, an emerging trend in the literature suggests that roadside advertising can increase crash risk, particularly for signs that frequently change (digital billboards). It is also important to note that most of the empirical studies undertaken to date have strong methodological limitations. Accordingly, it is important to act with precaution when assessing the potential effects of billboards on road user safety*."

7.28 I acknowledge and agree with these statements in relation to the relevance of research reports and given I have not reviewed the research reports it is unclear, how comparable the research is to the actual receiving environment. I consider this to be a crucial aspect of how much weighting could be placed on the research evidence, particularly considering the existing known deficiencies with the intersection which Mr Fon has comprehensively assessed.

7.29 I acknowledge the crash data analysis relating to existing digital signs in New Zealand which the Carriageway ATM refers to, however, again without understanding the specifics of this data and how it corresponds to the application site and the particulars of the intersection where the sign is proposed it is difficult to know how much weighting to give this information.

7.30 The Waka Kotahi Traffic Control Devices Manual is relevant to the assessment of the billboard and requires that to avoid safety issues advertising signs should not be located within 100 metres of intersections, permanent regulatory or warning signs or pedestrian crossings in urban areas. I understand the Waka Kotahi Traffic Control Devices Manual requirement around signage in proximity to an intersection has been imposed to adopt a safe system approach to traffic and road safety and any non-compliance with the requirement should be assessed on a case-by-case basis.

7.31 On the face of it I consider this to be a fairly blunt mechanism which adopts a precautionary approach, although such a requirement in a District Plan would allow for consideration of the adverse effects on a case-by-case basis, which would align with the intent of the requirement. I acknowledge that, as identified within the Carriageway ATM there are likely to be a multitude of signs within 100 metres of intersections and notably there are existing signs at the intersection adjacent to the application site. It is unclear whether the existing signage at the intersection makes any contribution to the issues associated with the intersection performance.

7.32 I note also that the TRMP only requires freestanding signs to be setback 10 metres from intersections as a permitted activity. Therefore, signage could be erected on a building on the application site within 100 metres (or even within 10 metres) of an intersection without requiring a resource consent.

7.33 Overall, I acknowledge that the research papers do not conclusively identify a direct correlation between distractions from digital billboards and crashes, however, I consider they do provide some useful guidance, in particular the Austroads research report[15]. As noted by both the Carriageway ATM and Mr Fon research papers hold less weight than Austroad guides (which do not appear to have been directly referenced by either Mr Fon or the Carriageway ATM). However, I also understand that both research papers and Austroad guides would hold less weight than guidance from NZTA. In this instance,

[15] Austroads Publication AP-R420-13 - Impact on Roadside Advertising on Road Safety

therefore, I consider that the Waka Kotahi Traffic Control Devices Manual holds the most weight.

Assessment of Effects

7.34 Mr Fon acknowledges that whilst the proposed billboard does meet some of the requirements of the Waka Kotahi Traffic Control Devices Manual the proximity to the intersection (i.e. non-compliance with the 100 metre setback requirement) is a fundamental matter for consideration.[16] Mr Fon has also raised concerns about the overlap between the billboard and the traffic signals when viewed from the Lower Queen Street approach, particularly at a distance where drivers will need to be making key decisions as to whether to brake and stop or proceed through an intersection.[17]

7.35 Taking account of the existing deficiencies at the intersection which already result in a higher crash rate than at any other intersection in the region and the numbers of vulnerable users, including pedestrians and more particularly the uncontrolled left hand turn, I have concerns that the billboard may result in a distraction for drivers which would negatively impact on the safety of users.

7.36 The NZTA submission cites a Traffic Engineering Systems (TES) study on reported pedestrian crashes at 585 signalised intersections and 1,679 left turn lanes in Auckland in 2019. The study identified that slip lanes have a higher rate of crashes (57%) compared to their frequency on the network (37%), mainly due to the presence of zebra crossings. Slip lanes with zebra crossings have a significantly higher rate of crashes (32%) compared to their frequency on the network (9%). Slip lanes with zebra crossings have a higher rate of crashes (52%) compared to other slip lanes (23%).[18]

7.37 Based on the data shared by NZTA as stated in paragraph 7.20 above I consider there to be clear evidence that the intersection already falls short of achieving appropriate safety standards for vulnerable users (pedestrians and cyclists). Therefore, any potential increased risk of distraction has not only a risk of increased accident but increased risk of more significant injury.

7.38 The Carriageway ATM notes[19] that "*In this instance, there are numerous existing advertising signs on this part of the roading network and so the separation distance is already not achieved. Rather, drivers will be well-used to seeing roading advertising signage in the area*."

7.39 I agree with this to a point, however, digital billboards are not particularly common feature within the Nelson Tasman Region and it does not appear there are any other digital billboards of a comparable size and at a comparable intersection within the Nelson Tasman Region. Therefore, in my view there is a higher risk of short-term distraction whilst motorists adjust to the new feature at the intersection and this may increase adverse effects on road safety even further, even if only for a limited duration.

[16] Affirm NZ Ltd, Consent Application RM230535, 332 Queen Street, Richmond, Review of Traffic Effects, Section 5, page 3
[17] Affirm NZ Ltd, Consent Application RM230535, 332 Queen Street, Richmond, Review of Traffic Effects, Section 6, page 4
[18] 018 NZTA submission paras. 17-18 page 3
[19] Carriageway Assessment of Transportation Matters Section 4.1.7

7.40 In Trilane Industries Ltd v Queenstown Lakes District Council[20] the High Court held that temporary adverse effects should be assessed although they may be discounted if they fall within the permitted baseline or if proposed mitigation would reduce the extent of effect to minor from the outside. As noted above, I do not consider the permitted baseline is of relevance to this proposal, nor do I consider, from a traffic safety perspective the adverse effects of the billboard can be mitigated from the outset. Whilst image transition time can be controlled, I do not consider this would mitigate short term adverse effects associated with the 'novelty factor' of the billboard at the intersection.

7.41 However, notwithstanding my concerns over short term adverse effects, I also have concerns that in the longer term any distraction from the billboard has the potential for adverse effects which are more than minor. This is based on the specifics of the intersection and the location of the billboard.

7.42 The expert advice (from Mr Fon, the Carriageway ATM and NZTA) identify the intersection already has safety deficiencies, which coupled with increasing volumes of traffic, mean the intersection is a location where high driver focus is required.

7.43 Given these complexities and level of focus required, I consider any factor which decreases drivers' attention has the potential to be detrimental to their decision making and result in increased risk of accident and injury. That accident or injury could be significant, particularly for vulnerable users and particularly for users of the uncontrolled left turn lane at the Lower Queen Street leg of the intersection.

7.1.1 Relevant TRMP objectives and policies

7.44 Chapter 11 relates to land transport effects and includes objectives and policies relating to the safety and efficiency of the transport network.

7.45 Objective 11.1.2 requires a safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

7.46 Policy 11.1.3.1 promotes the location and form of built development, particularly in urban areas that:

(a) avoids, remedies or mitigates adverse effects of traffic generation;
(b) provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreational areas;
(c) avoids an increase in traffic safety risk;
(d) allows opportunities for viable passenger transport services to be realised;
(e) provides a clear and distinctive transition between the urban and rural environments;
(f) segregates roads and land uses sensitive to effects of traffic.

7.47 Policy 11.1.3.4 seeks to "*avoid, remedy or mitigate adverse effects of traffic on amenity values."*

7.48 Policy 11.1.3.11 seeks to ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.

[20] Trilane Industries Ltd v Queenstown Lakes District Council [2020] NZHC 1647

7.1.2 Traffic effects conclusions

7.49 I acknowledge that the goal of the RMA is not to require a nil effects outcome for activities, which in this case would be to ensure that the billboard did not result in any increase in road safety concerns, such as crashes. Given the inconclusive research there may be road environments where any adverse effects such as distraction from a billboard are acceptable in terms of the potential for effects on the safety of road users. However, in this instance, taking account of the specifics of the intersection, which has existing safety deficiencies, and which has the poorest safety performance of all urban intersections in the region, therefore requiring higher driver focus I consider adverse effects from the billboard would be more than minor.

7.50 Furthermore, due to the presence of vulnerable users and volume of traffic, including heavy goods vehicles the consequences of any distractions may have more significant consequences than at other locations, particularly in relation to the pedestrian crossing over the left hand turn lane on the Lower Queen Street leg of the intersection.

7.51 However, whilst the applicant has volunteered a transition time for images, I do not consider this sufficient to mitigate the potential adverse effects associated with the billboard on road safety and overall, I consider the adverse effects remain more than minor due to the risk of accident and injury, particularly to vulnerable users of the intersection, particularly on the Lower Queen Street slip lane turn.

7.2 Issue - Amenity effects

7.52 The term “amenity values” is defined in section 2 of the RMA, as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

7.53 Rule 16.1.4.2, matter of discretion (2) states “Any amenity effects on the surrounding area, including size and duration.”

7.54 In this instance I consider amenity effects to be predominantly associated with visual amenity i.e. the appearance of the billboard and advertising in the context of the surrounding environment, and light spill (light pollution).

7.55 Some submitters have raised other matters relating to amenity values, such as the social harm from advertising of particular material and products and content of advertising. These issues are also addressed below.

7.2.1 Visual Amenity

7.56 Adverse effects on visual amenity can encompass a reasonably broad range of issues, some submitters raised concerns in relation to adverse effects visual amenity generally others have included specific matters they are concerned about. This includes the following:

a. Height of the sign above the roof peak / building parapet.

b. Obstruction of views of the Richmond hills, including Mount Malita.

c. Clutter and increased signage.

d. The fact that the sign and advertising material does not relate to the site.

e. Makes an existing low quality urban environment even worse.

7.57 The application is supported by an Urban Design and Visual Impact Assessment (**UDVIA**) prepared by DCM Urban Design Limited (**DCM**). DCM provided a UDVIA and Visual Package dated 1 August 2023 to support the original application for a static billboard. A further addendum dated 21 May 2024 which has an updated UDVIA dated 11 April 2024 appended was provided to support the amended application for the digital billboard. For clarity, in this report where I refer to the UDVIA I am referring to both the addendum dated 21 May 2024 and UDVIA dated 11 April 2024, this report and the visual package is provided at Attachment 9.

7.58 The Council has engaged Rough Milne Mitchell (**RMM**) to undertake an audit of the UDVIA. Mr Tony Milne of RMM has provided a review of the UDVIA which is provided at Attachment 10.

7.59 Generally, Mr Milne considers that the UDVIA is considered and balanced and I agree with this on the basis that the UDVIA appears comprehensive and to have considered a range of viewpoints. However, the RMM audit identifies a number of areas where there is a difference in opinion between Mr Milne and DCM regarding the manner in which adverse effects have been determined and assessed.

Integration into the receiving environment

7.60 The surrounding environment is generally defined by varying architectural scale and styles, with a mixture of retail, hospitality and small-scale commercial activity. In my opinion the lack of cohesive design in the receiving environment reduces the overall visual quality of the receiving environment. Furthermore, the intersection is a busy urban area with high levels of traffic, including heavy goods vehicles and various signage, such as road traffic signs and signs associated with the various activities. On this basis I agree with both Mr Milne and DCM that the character of the immediate receiving environment has a low-quality level of visual amenity.

7.61 However, I consider there are some redeeming qualities of the receiving environment which in my view have been underestimated by the UDVIA. In particular in relation to the views from Lower Queen Street and to a lesser extent the near views along Gladstone Road where there are views of the Richmond Ranges beyond the building. Queen Street is the primary commercial centre for Richmond and when viewed from Lower Queen Street the backdrop of the Richmond Ranges is an important visual feature in my view.

7.62 Currently the buildings framing the entrance to Queen Street at the intersection are of low form and although I acknowledge there is a permitted baseline to increase building height to 10 metres I consider this would have a different visual appearance than the proposed billboard.

7.63 In my view the location of the sign, on the building parapet does not relate to the building in any ‘architectural’ or visual form and therefore rather than integrating with the building and forming part of the roofline of the building, as the UDVIA states I consider the billboard will actually stand out as being distinct from the building. This will be particularly evidence in the view from Lower Queen Street.

7.64 I note that the long view of the site along Gladstone Road include the roofline of the building 55 McGlashen Road and I consider this does assist in mitigating the billboard from that viewpoint because it is seen against a backdrop of a building. However, there is no such mitigation when viewing the site from Lower Queen Street.

7.65 In this regard I agree with Mr Milne that the UDVIA understates the "*lack of integration of the billboard in the overall built form of the building upon which it being erected or the effect on the overall streetscape along Queen Street and SH6 intersection."*

7.66 As noted in paragraph 3.4 there is a reasonably high level of signage in the area, although signs are typically on the same site as the business they are advertising. There does not appear to be any offsite signage, with the exception of inclusion of the 'Black bull liquor' sign in the freestanding sign at 315 Queen Street. The assessment from DCM states that the digital billboard will be similar to other signage and billboards in the area[21]. Whilst there are other signs which are illuminated and other signs which are large (although I'm unsure whether they would fit the description of billboard) I disagree that the billboard would be similar to other signage.

7.67 The McDonald's sign is the only other 'above parapet' sign and the form and in my view design of that has a visual appearance of being an extension of the building. I consider the digital sign, will have an entirely different appearance to existing signage both in terms of its form, location, size and display.

Cumulative Effects

7.68 The UDVIA address the potential cumulative effects of signage but considers that as the receiving environment does not have a sensitive character or landscape values of high quality and varying signage is anticipated, the addition of the digital billboard will not be unexpected in the zone or pose additional adverse effects on visual amenity.

7.69 I agree that the area does not have a sensitive character or landscape values, however, I disagree that the billboard would necessarily be an expected feature of the zone given the size is significantly greater than anticipated by the permitted activity conditions, nor is the location or advertising content (third party material) permitted. Although I acknowledge a degree of signage, associated with businesses at the intersection would be anticipated.

7.70 The RMA definition of effect includes "any cumulative effect which arises over time or in combination with other effects"[22]. From this context the term cumulative effect encompasses two concepts – effects arising over time; and effects arising in combination with other effects.

7.71 In Gargiulo v Christchurch City Council[23] the Court described the concept of cumulative effects as "*any one incremental change is insignificant in itself, but at some point in time or space the accumulation of insignificant effects becomes significant*."

7.72 In Dye v Auckland Regional Council[24] the Court of Appeal observed that cumulative effect is not the same as potential effect, based on the inclusion of potential effects separately within the definition. The Court concluded:

[21] DCM report page 9
[22] RMA 1991 Part 1, Section 3 Meaning of effect
[23] C 137/00
[24] [2002] 1 NZLR 337

> *A cumulative effect is concerned with things that will occur rather than with something which might occur, that being the connotation of a potential effect….*
> *The concept of cumulative effect arising over time is one of a gradual build-up of consequence.*
> *The concept of combination with other effects is one-off effect 'A' combining with effects 'B' and 'C' to create an overall composite effect 'D'. All of these are effects which are going to happen as a result of the activity which is under consideration*.[25]

7.73 I acknowledge and agree that the intersection is already cluttered with signage, however, in my opinion on the basis of the location and size of the sign the cumulative effect of this additional sign which displays third party advertising material, represents something of a tipping point in terms of the amenity values of the area.

Adverse Effects on Visual Amenity Values

7.74 There is no permitted baseline for additional signage of any size on the application site therefore any sign on the building would require a consideration of potential and actual adverse effects on amenity values through a resource consent process.

7.75 The UDVIA concludes that the proposed digital billboard will have less than minor effects on the visual amenity of the receiving environment as a result of both the low quality of the receiving environment and the mitigation measures proposed – that the image transition every 10 seconds with a 0.5 second fade between images and controls on lighting.

7.76 The UDVIA also notes that the visual amenity effects will be limited to road users and the effects experienced will be temporary and intermittent. I accept that due to the nature of the environment views of the sign would be limited based on the time spent travelling towards and through the intersection, although this differs between the pedestrian / cyclist and vehicle experience.

7.77 As noted by Mr Milne the UDVIA appears to confuse magnitude of change with adverse effect. Further I agree with Mr Milne that the mitigation in relation to image transition and fade which DCM appears to rely on in relation to mitigating adverse effects relates only to the visual display of the sign and not the physical structure of the sign. As noted elsewhere in this report the billboard of a size and in a location which is well beyond what is anticipated by the TRMP and therefore, in my opinion it is not only the content of the billboard but the form and location of the sign that adversely affect visual amenity values.

7.78 In my opinion, balancing out the low quality of the receiving environment with the nature and location of the billboard adverse effects on visual amenity will be minor, particularly in relation to views from Lower Queen Street.

7.2.2 Light Spill

7.79 Nine submitters raised concerns in relation to the effects from light spill, the matters raised in the submissions are as follows:

a. Difficulties monitoring luminance levels and light spill, limits on colours used at night, reducing size of sign and inclining it downward and/or shielding to avoid light emission into the sky suggested.

[25] [2002] 1 NZLR 337 paragraph 38

b. Increased and significant light pollution.

c. The effect on Tasman's dark skies, including the Wai-iti Dark Sky Park.

d. Effects on the estuary in terms of adverse effects on wildlife, fauna and bird life.

e. Increased exposure from light pollution will harm native bird life and damage astro-tourism.

f. Night time digital lights are an unwanted distraction, with glare on wet, shiny roads.

7.80 In relation to this application, matter of discretion (2) for rule 16.1.4.2 is, in my view, sufficiently general to allow for consideration of lighting effects. However, having reviewed the TRMP there are very limited rules relating to light spill and none associated with signage in the Central Business Zone, although the following rules include some permitted activity lighting requirements:

a. Rule 16.1.4.1(d) requires that signs on sites adjoining the Residential Zone are only illuminated if the premises is open for business. As the application site does not adjoin a Residential Zone I do not consider this rule applicable.

b. Rule 16.1.3.1(e) requires that any spotlight of floodlight is permanently fixed to be solely directed at the sign.

c. Rule 17.2.2.1(k) requires that exterior lighting associated with activities within the Central Business Zone is directed away from adjoining residential properties and public places (which is assumed to include roads).

7.81 Further, there are some matters of discretion within the Residential Zone rules relating to light being directed away from adjacent residential properties and not interfering with road users and within the Mixed Use Zone there is a control on the maximum level of light spill (8 lux) measured at the boundary of a site within the residential zone.

7.82 In my view, without any clear performance standards or policy guidance it is difficult to understand what the TRMP anticipates by way of lighting effects within the Central Business Zone and how this might relate to wider light pollution, including the effects on dark sky values.

7.83 Whilst some submissions raise concerns about light pollution generally, others specifically raise a concern in relation to the effects on dark skies and in particular the Wai-iti Dark Sky Park.

7.84 The Council's Moutere Waimea Reserve Management Plan (**RMP**) includes, at section 5.12.1 a description of the location and values for the Wai-iti Recreation Reserve and also includes issues and options as well as policies for the management of the reserve. Maintenance of dark sky values are identified as an option and the RMP acknowledges the Memorandum of Understanding (**MOU**) Council entered into with the Top of the South Dark Sky Committee regrading the Dark Sky Designation over Wai-iti Recreation Reserve and Tunnicliff Forest. A copy of the MOU is provided at Attachment 11.

7.85 Policy 8 of the RMP articulates the Council's obligations under the MOU.

7.86 In his submission Mr Bradley (submission number 012) refers to and includes guidance from the International Dark-Sky Association (**IDA**) which is a nonprofit organisation based

in the United States that is dedicated to preserving and protecting the natural nighttime environment. The IDA guidelines include recommendations for maximum nighttime luminance levels for Electronic Message Centres (EMCs) which are assumed to be comparable to a digital billboard within different lighting zones (LZs). My interpretation is that the application site would be within LZ3. The IDA recommendation for LZ3 is that nighttime maximum luminance levels are no greater than 80cd/m² in the LZ3 area.

7.87 I note that the Australian / New Zealand Standard for the control of the obtrusive effects of outdoor lighting (AS/NZS 4282:2023) also includes guidance for sky glow limits, although it is unclear to me how the guidance on luminance values within the standard would be applied to the site in relation to the Dark Sky Park.

7.88 The application site is located approximately 18 kilometres from the Dark Sky Designation Area. Further the site is located within an urban area, rather than on an urban periphery. As noted above the TRMP does not control lighting from buildings or signs within the Central Business Zone (other than spotlights or floodlights for signs which must be directed solely at the sign). Although consideration of lighting effects is a matter of discretion for this application the permitted baseline would allow for unlimited lighting on the building provided it is directed away from adjoining residential properties and public places and for signs directed solely at the sign.

7.89 On balance whilst I consider that protecting dark sky values is important and contributes to the cultural and social well-being of people and communities, it is unclear whether, on its own the billboard would increase the level of light pollution generated by Richmond as an urban area to a degree which may adversely impact on the dark sky values.

7.90 It is possible to control the levels of luminance from the billboard and it may also be possible to undertake measures to shield light from above thereby reducing the effects of skyglow from the billboard. I understand the applicant has shared analysis and comments from their expert, Mr Kearn, with submitters in relation to measures which could mitigate the effects of light pollution on dark sky values.

7.91 I have reviewed this information, and draft conditions circulated ‘without prejudice’ by the applicant and consider that there are measures proposed in those conditions and recommended by Mr Kearn which would mitigate the adverse effects of light spill from the billboard. I recommend that these measures are included as conditions of consent.

7.92 In relation to light spill and pollution more generally, I acknowledge that increasing light pollution / light spill could adversely affect amenity values, and road safety as a result of increased glare on wet roads. However, I consider that in the context of the receiving environment these adverse effects are likely to be less than minor given luminance levels from the billboard can be adequately controlled via conditions of consent.

7.2.3 Other Amenity Effects

7.93 A submission was received relating to the social harm which can arise from advertising.

7.94 I recognise the purpose of the RMA is to manage development and the use of land in way which enables people and communities to provide for their social and cultural well-being and this is a broad purpose. District Plans generally include limits on signage in relation to their location, size, relationship to the activity undertaken onsite and other matters such as

visual display, letter size etc, to manage the adverse effects from signs and therefore, give effect to the purpose of the RMA.

7.95 However, I have not come across any District Plan which includes provisions to control the content of signs in terms of the material advertised.

7.96 Instead, I note that the Advertising Standards Authority (ASA) regulates advertising in New Zealand by the ASA codes which focus on six sectors where advertisers are expected to take particular care – alcohol, children, food and beverages, finance, therapeutic and health and gambling. The ASA develops the codes, and also has a complaints process, which sit within the legal framework provided by other Acts and Regulations that restrict advertising, including the following:

a. Fair Trading Act
b. Medicines Act
c. Gambling Act
d. Sale and Supply of Alcohol Act
e. Smokefree Environments Act
f. Prostitution Reform Act
g. Electoral Act
h. Financial Markets Act

7.97 Therefore, I consider that the content of advertising is adequately managed through those other legislations and regulated by the ASA and that it is not appropriate for this resource consent to seek to further control, without duplicating the requirements of other legislation, the content of advertising on the billboard. However, to ensure that the Consent Holder is aware of their obligations in relation to advertising standards I recommend an advice note included on any resource consent to advise that any content displayed on the billboard should be in compliance with the Advertising Standards Authority Advertising Code of Practice.

7.2.4 Relevant TRMP objectives and policies

7.98 Chapter 5 of the TRMP relates to Site Amenity Effects and includes objectives and policies in relation to adverse off-site effects, amenity values, visual and aesthetic character, and health and safety. The following are considered to have particular relevance to the proposal:

7.99 TRMP Objective 5.2.2 seeks to achieve the “maintenance and enhancement of amenity values on site and within communities through the District.”

7.100 TRMP Policy 5.2.3.11 relates to signage and enables signs subject to safety, access and visual considerations. In my opinion the proposed sign does not necessarily maintain or enhance the amenity values of the site but further degrades an area with already relatively low levels of visual amenity.

7.101 Objective 5.1.2 “Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.”

7.102 Policy 5.1.3.9 requires activities avoid, remedy or mitigate the effects of a range of matters beyond the boundaries of the site generating the effect. Of relevance to this application is the requirement to avoid, remedy or mitigate the effects of glare.

7.103 Objective 5.2.2 “Maintenance and enhancement of amenity values on site and within communities throughout the District.”

7.104 Policy 5.2.3.5 seeks to “promote amenity and convenience for people in commercial areas.”

7.105 Policy 5.2.3.9 To avoid, remedy or mitigate the adverse effects of signs on amenity values.

7.106 Policy 5.2.3.11 To enable a range of signs in commercial and industrial areas, subject to safety and access needs and visual considerations. Considerations relating to traffic safety and visual amenity are considered above.

7.107 Chapter 6 relates to urban environment effects and includes objectives and policies which provide direction on how urban environments are to be developed, including managing urban growth and the urban, rural interface. I do not consider there are any policies which are directly relevant. Policy 6.7.3.4 seeks a “*consistency in the design and appearance of signs at the entrance to settlements*” and there could be an argument the billboard location is at something of an ‘entrance’ to Richmond given the significance of the intersection. However, reviewing Section 6.7.30 ‘Principal Reasons and Explanations’ it is apparent that the intention of the policy is to direct outcomes for “welcome” signs at the entrance to town. Therefore, I do not consider the policy to be relevant to this proposal.

7.2.5 Amenity effects Conclusion

7.108 In terms of light pollution I consider any adverse effects from the billboard should be considered in the context of the receiving environment which includes multiple light sources.

7.109 Overall, I consider that the light effects from the billboard could be appropriately controlled through conditions of consents which would manage the levels of luminance displayed by the billboard during hours of darkness and which could also manage upward light spill.

7.110 Recommended conditions of consent relating to management of luminance levels and light spill are provided within Attachment 2.

7.111 In relation to other amenity effects raised by submitters I consider these are best managed through other means and legislation, although it is recommended to include an advice not to draw the consent holder attention to their obligations to meet the requirements of the Advertising Standards code of practice.

7.112 In relation to visual amenity effects, I have considered both the UDVIA and audit from RMM as well as relevant TRMP objectives and policies.

7.113 In case law Gabler v Queenstown Lakes District Council [2017] NZHC 2086 Davidson J considered that the term “less than minor” means an effect that in “the overall context” is insignificant and one which is so limited that it is objectively acceptable and reasonable in the receiving environment and to a potentially affected person.[26] Whether something is acceptable or reasonable is something of a subjective matter.

7.114 The overall context is a busy intersection with a range of existing signage and relatively low amenity values, although I consider that the views to the Richmond Ranges beyond the

[26] Gabler v Queenstown Lakes District Council [2017] NZHC 2086 paragraph 94

buildings, and the low form of the buildings do assist in offsetting some of the functional, low amenity value of the intersection. The wider views therefore form the 'overall' context in my opinion. The use of words 'insignificant' and 'so limited' are, in my view, important in the context of this application in relation to visual amenity. As noted above, the fundamental purpose of the billboard is to advertise and this can only be achieved by people looking at the sign, i.e. having attention drawn to the sign.

7.115 I acknowledge the UDVIA assessment of the magnitude of change and the corresponding conclusion of adverse effects being less than minor. However, in my view the mitigation measures are insufficient to mitigate the visual effect of the billboard in terms of its form and location. I agree with Mr Milne that the UDVIA has not differentiated between magnitude of change (the conclusion for which is based on the low quality of the receiving environment) and the adverse effects on the visual amenity of the environment.

7.116 Taking account of case law and the RMM assessment I cannot reach a conclusion that the effects of the billboard, given its size, location and digital display are 'insignificant' or 'so limited' that they would be objectively acceptable or reasonable in the receiving environment.

7.117 For these reasons I consider that the proposed billboard will have a minor adverse effect on the visual amenity values of the receiving environment, and I struggle to understand how adverse effects could be mitigated because the very purpose of the billboard is to draw attention which is related to its form and location.

8 Part 2

8.1 The consent authority "must have regard to the provisions of Part 2 when it is appropriate to do so."[27] In Davidson v Marlborough District Council found that "*there may be situations where it would be appropriate and necessary to refer to Part 2 when considering consent applications, including where there is doubt that a plan has been "competently prepared" under the RMA*".[28] In other words, where a district or regional plan has been prepared having regard to Part 2 and contains clear, prescriptive and qualified policies and objectives, there is no need to have recourse to Part 2 as this would add little value. However, where a plan does not appropriately consider Part 2 and/or contains conflicting objectives and policies, Part 2 can be considered.

8.2 In short, recourse to Part 2 is appropriate in certain circumstances, including:

a. If the relevant higher order policies of an NPS are equivocal and it is unclear from them whether consent should be granted or refused; or

b. If the TRMP as the relevant plan has not been competently prepared in accordance with Part 2, of if there is some doubt about that.

8.3 In this instance:

a. The TRMP is considered to have been competently prepared to promote the sustainable management of natural and physical resources in accordance with Part 2

[27] RJ Davidson Family Trust V Marlborough District Council [2018] NZCA 316 [21 August 2018]
[28] Simpson Grierson (2015) Court of Appeal decision confirms relevance of Part 2 to consent decision-making, published 21 August 2018

b. Although the TRMP was prepared in the 1990s and has not yet undergone a comprehensive review and the objectives and policies are not entirely clear and directive they are considered to provide sufficient direction for the purposes of this application.

8.4 Therefore, given the above I do not consider it necessary to assess the proposal against Part 2.

9 Summary of key issues and recommendations

9.1 The application for the digital billboard is a restricted discretionary activity under the TRMP so the consent authority must consider the application in accordance with sections 104 and 104C of the Resource Management Act 1991.

9.2 As set out in Section 7 of this report I consider the primary issues associated with this application to be traffic effects and amenity effects, including visual amenity and light spill.

9.3 In respect of light spill (light pollution) I consider that conditions of consent could adequately mitigate any adverse effects of light spill on the surrounding environment and light pollution on dark sky values, particularly those at the Wai-iti Dark Sky Designation Area.

9.4 In respect of visual amenity, I have some concerns that the billboard does not appropriately integrate with the building due to its placement on the parapet and this is particularly evident in the views from Lower Queen Street where the site is viewed against a backdrop of the Richmond Ranges. I do not consider, from this viewpoint it is possible to mitigate the form of the billboard and that the mitigation measure proposed by the applicant relates only to the images on the billboard not its physical structure, which from my perspective is part of the concern. Overall, therefore I consider adverse effects on visual amenity are minor and are not able to be mitigated to lower the adverse effects, particularly in relation to views from Lower Queen Street.

9.5 However, the primary concern I have with this proposal is in relation to traffic effects, particularly in relation to the Lower Queen Street intersection leg, including the uncontrolled left turn lane. As acknowledged at paragraph 7.48 the RMA does not require a nil effects outcome, however, I am concerned that despite inconclusive research around the risks of distractions from billboards there are existing safety deficiencies and complexities at the intersection which present an existing challenging environment for drivers, pedestrians and cyclists. Meaning anything which has a risk of distracting users of the intersection has the potential to result in more serious consequences. I have considered whether there are options to mitigate the billboard and do not consider any suitable mitigation has been provided as part of the application.

9.6 I acknowledge the advice of Mr Fon in his Traffic Review report and have also considered the assessment within the Carriageway ATM and the matters raised by submitters. Taking account of the concerns I have regarding the potential risks and outcomes should users of the intersection be distracted by the billboard and the lack of mitigation so far presented I recommend that the application is **DECLINED**.

9.7 The above opinion is based on the application and information provided to date, however, I retain an open mind to subsequent evidence.

9.8 However, notwithstanding the above draft recommended conditions for the application are contained in Attachment 2 should the Commissioner be minded to grant consent after considering the evidence from all parties.

Attachment 2
DRAFT Conditions
RM230535

General

1. The activity shall be in accordance with the application submitted, as shown on the approved plans marked Plan A RM230535. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

Luminance

2. The digital billboard shall be designed and operated to avoid any back spill lighting. For the purposes of this condition, for the purposes of this condition "back spill lighting" shall refer to any light spilling from the back or to the rear of the billboard.

3. Sign materials shall be non-reflective and shall not contain any retro-reflective materials, including on the display unit, to prevent any sunlight or headlight reflection.

4. The digital billboard shall use LED technology.

5. The luminance level of the LED display during daylight hours shall vary to be consistent with the level of ambient light and to 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.

6. Notwithstanding condition 5, the display shall not exceed the following luminance values:
    a. 5,000 cd/m2 between the hours of 7.30am - 5.30pm during autumn and winter, and between the hours of 6.30 am – 9.00pm during spring and summer.
    b. 125 cd/m2 during hours outside the above times.

7. The signage shall not result in the illuminance of a road by greater than 10 lux (horizontal or vertical) of light when measured or calculated at the road boundary or 2 metres from the boundary of an adjoining site.

8. Within 30 working days of the commencement of the display of images on the sign, the consent holder shall submit to Council's Team Leader - Compliance & Investigation (Land and Air), a certification report from an appropriately qualified lighting designer/engineer confirming compliance with Conditions 5, 6 and 7. The report shall include at least three luminance readings of the billboard, including:
    a. One recording at midday;
    b. One recording during the hours of darkness; and
    c. One recording during morning or early evening (dusk).

Billboard Display

9. Subject to any amendments to dwell time recommendations by the Traffic Safety Report required in Conditions 17 and 18, the signage shall operate with a minimum dwell time of 8 seconds between the hours of 6.00am – 9.00pm and a minimum of 30 minutes at all other times. For the purposes of this condition "dwell time' is the amount of time an image is displayed on the billboard before transitioning to another image.

10. The transition from one image to the next shall be via a 0.5 second cross-dissolve.

11. Each image displayed shall:
    a. Be static while being displayed, and not contain flashes, movement, scrolling, animation, or full motion video or other dynamic effect.
    b. Not use graphics, colours or shapes in combinations or in such a way that would cause the image to resemble, cause confusion with a traffic control device in the opinion of Council's Team Leader - Compliance & Investigation (Land and Air).
    c. 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).
    d. Not invite or direct a driver to take some sort of driving action.
    e. Not display multiple advertisements in one frame.
    f. Not display a message that is personalised to individual vehicles and/or drivers passing the billboard.

Sign Size

12. The sign shall be no greater than 24.5 square metres in area.

13. The sign shall be no wider than 7 metres and no higher than 3.5 metres and the top of the billboard shall be no more than 8.8 metres above ground level.

    Advice Note:
    For the avoidance of doubt, ground level is defined in the Tasman Resource Management Plan as follows:
    Ground Level *– means the natural ground level, or where that has been altered by subdivision, means the actual finished ground level when all works associated with the subdivision of the land are completed, and excludes any excavation or filling associated with the building activity.*

14. The sign shall be single sided only.

Monitoring

15. The consent holder shall advise in writing the Council's Team Leader - Compliance & Investigation (Land and Air), of the date of the commencement of the operation of the billboard.

16. Once operation of the signage has commenced, the Consent Holder shall engage an independent chartered professional Traffic Engineer that is experienced in the preparation of safety assessments to provide the Council's Team Leader - Compliance & Investigation (Land and Air), with Traffic Safety Reports at the following frequencies:
    a. 6 months;
    b. 12 months; and
    c. 24 months.

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

17. The Traffic Safety Reports, including any recommended mitigation measures (if relevant), must be submitted to the Council's Team Leader - Compliance & Investigation (Land and Air), within 30 working days of the 6-month, 12 month and 24-month anniversaries of commencement of the signage operations.

18. The Traffic Safety Report must as a minimum include:
    a. An examination of the New Zealand Transport Agency Crash Analysis System for all recorded crashes within 100m of the stop-lines of the approaches to the digital billboard from where the images on the billboard can be seen, with particular reference to any crashes with the cause factor 356: “attention diverted by advertising or signs”, to establish whether there is an identifiable increase of recorded crashes with interpretation having regard to the likelihood that any such increase may be attributable to the operation of the digital billboard; and
    b. Recommendation(s) of any measures that will be undertaken to avoid, remedy or mitigate any identified effects.

    Advice note:

    a. The type of measures recommended in accordance this condition might include one or more of the following:
    b. Reductions to the daytime and/or night time luminance levels;
    c. Adjustments to the transition time;
    d. Increases in the image dwell time;
    e. Further controls on the image content; and
    f. Convert the billboard to static only.

19. If any of the Traffic Safety Reports required by Condition 16 identify that there is an adverse road safety effect that is likely to be attributable to the digital billboard the consent holder shall propose to the Council’s Team Leader - Compliance & Investigation (Land and Air), measures that will be undertaken to avoid, remedy or mitigate the cause of digital billboard-related crashes.

20. If the Traffic Safety Reports find that further mitigation measures are considered necessary, then these shall be implemented to the satisfaction of the Council’s Team Leader - Compliance & Investigation (Land and Air), within 10 working days of the date of the recommendation unless otherwise agreed with Council’s Team Leader - Compliance & Investigation (Land and Air).

21. Should any changes be required to the operation of the digital billboard as a result of the monitoring undertaken in accordance with Condition 17, then further monitoring for another two consecutive 12-month periods shall be undertaken.

Billboard shut down

22. The digital billboard shall be programmed to automatically go dark in the event of digital billboard malfunction. The consent holder shall 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 off and on-site, should the automatic intervention fail. These details must be provided to the Council’s Team Leader - Compliance & Investigation (Land and Air), prior to operation of the digital billboard commencing.

Maintenance

23. The condition and appearance of the display shall be maintained at all times.

24. Prior to the commencement of operation of the billboard, a written maintenance programme shall be prepared by the operator/provider and submitted to the Council’s

Team Leader - Compliance & Investigation (Land and Air). As a minimum, this shall contain the following:

- contact details for the person or organisation responsible for ongoing maintenance;
- details of the timeframes for inspections;
- the measures proposed if defects are identified;
- the timeframes for remediation of defects; and
- whether any traffic control management may be required during works.

Traffic Control

25. In the event that during installation or maintenance of the billboard equipment or machinery is required to be placed within the road corridor (including footpath) the Consent Holder shall obtain a corridor access request from Tasman District Council and / or New Zealand Transport Agency Waka Kotahi and all appropriate Traffic Control Management Procedures shall be installed for the duration of works.

Review condition

26. Pursuant to Section 128(1)(a) of the Resource Management Act 1991, the Consent Authority may on the first, second, third, fourth and fifth anniversary of the commencement of the consent, 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 which:
    a. May arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
    b. Are required to address the effects from the sign on the safe and efficient operation of the local road network by vehicles, pedestrian, cycle and any other traffic.

ADVICE NOTES

Council Regulations

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions that are required to be complied with on an ongoing basis.

Monitoring

4. Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

5. In reviewing road safety monitoring, the Council's Compliance & Investigations Officer may consult with Waka Kotahi NZ Transport Agency Environmental Planning Team via Environmentalplanning@nzta.govt.nz.

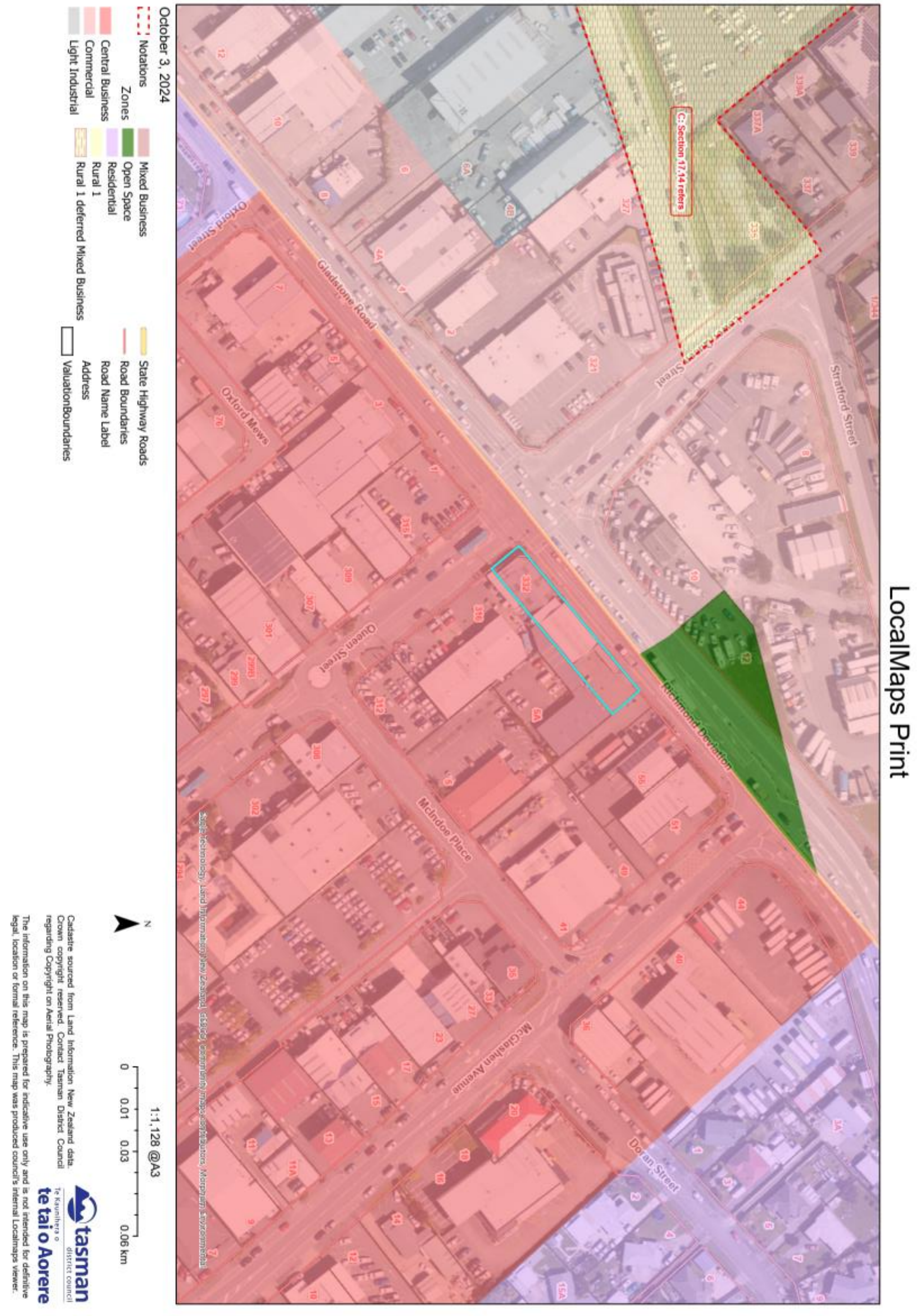
Interests Registered on Property Title

6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Advertising Standards Authority Advertising Code of Practice and the Broadcasting Act 1989

7. Any content displayed on the billboard should be in compliance with the Advertising Standards Authority Advertising Code of Practice.

Attachment 3
TRMP Zone and Overlays Maps
RM230535


LocalMaps Print
October 3, 2024
Notations
Zones
Central Business
Commercial
Light Industrial
Mixed Business
Open Space
Residential
Rural 1
Rural 1 deferred Mixed Business
State Highway Roads
Road Boundaries
Road Name Label
Address
ValuationBoundaries
C: Section 17.14 refers
Gladstone Road
Oxford Street
Oxford Mews
Queen Street
McIndoe Place
McGlashen Avenue
Stratford Street
Richmond Deviation
1:1,128 @A3
0 0.01 0.03 0.06 km
Cadastre sourced from Land Information New Zealand data. Crown copyright reserved. Contact Tasman District Council regarding Copyright on Aerial Photography.
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Te Kaunihera o te tai o Aorere

LocalMaps Print
D127
D241
D132
D120
Eagle Technology, Land Information New Zealand (LINZ), Community maps contributors
October 3, 2024
Overhead Lines 33kV
Service Lanes
Road Hierarchy Designations Area & Notice of Requirement
Arterial
Collector
Local Roads
Shopping
Road Area
TRMP
Land Disturbance - Zone 1
State Highway Roads
Road Boundaries
Road Name Label
Address
Land Disturbance
ValuationBoundaries
N
1:1,128 @A3
0
0.01
0.03
0.06 km
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tasman district council
Te Kaunihera o te tai o Aorere
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Attachment 4
Submissions Summary
RM230535

RM230535 – Submission Summary

Submitter	Submission Summary	Oppose
001 Brian McGurk	• Effects on traffic and intersection users – free left hand turn lane, vulnerable users, distraction • Amenity values already low, obstruction of views to hills, visual clutter. • Negative effects outweigh positive effects.	Oppose
002 Angela Murton	• Traffic effects – impact on road safety messages, distracting	Oppose
003 Eva Johnson	• Distraction to drivers • Doesn't serve any purpose	Oppose
004 Robin Whalley	• Impact on amenity values – visibility of Mount Malita is important	Oppose
005 Gretchen Holland	• Traffic effects – distraction at a busy intersection with high accident rate	Oppose
006 John Borley & Jacob Klootwyk	• Traffic effects – increase in accidents.	Oppose
007 Lorraine Cotton	• Traffic effects – distraction, safety concerns	Oppose
008 Bruce Struthers	• Traffic effects – distraction, congestion increasing • Visual effects – prominent, illumination levels ***Relief*** Extinguished after daylight hours, shielded from above to protect night sky from illumination.	Oppose
009 Mason Pahl	• Traffic effects – distraction, increasing risk of more serious accident, witnessed many crashes and near business as nearby business owner	Oppose
010 Timothy Leyland	• Risks of advertising material 'un-wholesome' adverts • Light pollution • Traffic safety ***Relief*** Content of advertising be restricted.	Oppose
011 Jo Leyland	• Traffic effects – risk of accidents, risk to pedestrians including older & younger people	Oppose
012 Ralph Bradley	• Increased light pollution, TDC lighting management plans have not been prepared. • Light effects on estuary ecology and bird life • Distraction for road users	Oppose
013 Mark Ferguson	• Visual effects • Traffic effects – distraction to drivers, pedestrians and cyclists.	Oppose
014 Iain Currie	• Traffic effects – driver distraction	Oppose

1

015 Hamish Beard	• Traffic effects – busy intersection with accidents, distraction – intent of advertising is to draw attention	Oppose
016 Thomas Wilson	• Light pollution – health of people and animals	Oppose
017 Sean Walker	• Effects of lighting, light spill • Driver distraction	Oppose
018 NZTA	• Road safety effects	Oppose
019 Derek Trew	• Traffic effects – driver distraction • Visual effects inc. height	Oppose
020 Jenny Pollock	• Light pollution	Oppose
021 Dean Hunt	• Traffic effects – driver distraction • Remote / off site advertising – sign pollution	Oppose
022 Brent Nicholls	• Visual effects and light pollution • Driver distraction	Oppose
023 Kanasai Properties, Brent Ferguson	• Traffic effects – driver discretion, already accidents	Oppose
024 Gordon & Gaye Waide	• Traffic effects – driver distraction • Light pollution	Oppose
025 Elizabeth Dooley	• Driver distraction • Light pollution	Oppose
026 Lisa Ferguson	• Traffic effects – risk of accidents, driver distraction	Oppose
029 David Penrose	• Off-site sign • Height – above parapet • Precedent • Traffic effects – driver distraction	Oppose

Attachment 5
Application and AEE May 2024
RM230535

TOWNPLANNING
GROUP

Application for Resource Consent to the Tasman District Council

Bekon Media Limited

Land use consent to establish a single-sided, 24.5m^2 digital billboard for off-site advertising at 332 Queen Street, Richmond.

21 May 2024

www.townplanning.co.nz

Document prepared by:

Town Planning Group (NZ) Limited

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Web: www.townplanning.co.nz

Offices in Tāhuna, Wānaka, Ōtautahi & Tāmaki Makaurau

TOWNPLANNING GROUP

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TOWNPLANNING GROUP

Supporting Information

[A] Application Form
[B] Record of Title
[C] Visual Package (DCM Urban)
[D] Urban Design & Visual Impact Assessment (DCM Urban)
[E] Transport Safety Assessment (Carriageway Consulting)

TOWNPLANNING GROUP

1 Introduction

Bekon Media Limited (**the Applicant**) applies for land use consent to establish a single-sided 24.5m^2 digital billboard at 332 Queen Street, Richmond (**the site**). The landscape orientated digital sign will display off-site advertising and be installed above the parapet of the building, in a north-westerly direction. An application form is appended as **Attachment [A]**.

The site comprises a single storey commercial building located within the Richmond town centre and is surrounded by a mixture of retail, commercial and hospitality land use activities which have a variety of signage reflecting the commercialisation of the area. Adjacent to the site, Queen Street intersects with Gladstone Rd/State Highway 6.

The site is located within the **Central Business District Zone** under the Tasman Resource Management Plan (**the District Plan**). Resource consent is required for a **Restricted Discretionary Activity** under the District Plan pursuant to Rule 16.1.4.2.

This Assessment of Environmental Effects (**AEE**) report considers the effects of the proposal and determines that the adverse effects on the environment will be less than minor on account of the scale and method of display. The application is supported by technical assessments from DCM Urban Design and Carriageway Consulting, concluding respectively that the proposal will not present any visual amenity or road safety concerns provided that suitable controls are implemented as part of conditions of consent. The proposed billboard will be appropriate in the context of the receiving environment where signage of a commercial nature is not uncommon. Also, the proposed billboard will have positive effects, supporting local businesses / organisations to advertise to passers-by. No persons are considered to be adversely affected by the proposed billboard.

The proposal achieves the relevant Objectives and Policies of the District Plan. Overall, the proposal is consistent with the purpose and principles of the Resource Management Act 1991 ("**RMA**") and accords with the definition of sustainable management under Part 2.

2 Background

2.1 Site Description

The site is located at 332 Queen Street, Richmond ("**the site**") and is shown in **Figure 1** below. The site is legally described as Part Section 83 Waimea East DIST as held in the Record of Title NL1D/1120. The site is under the ownership of Lynette Elizabeth Morley and VBM Trustees (No.9) Limited. The Record of Title is enclosed as **Attachment [B]** and there are no instruments that impede the proposed land use.

Figure 1 *Site located with the yellow boundaries with the location of the proposed billboard indicated by the red star (Grip Maps)*

The site comprises a single storey commercial building ('Pet Mart'), located on the south-east corner the State Highway 6 / Queen Street intersection. The building is built right up to the legal road boundary, abutting the adjoining pedestrian footpath. The Queen Street frontage of the building possesses a veranda extending over the pedestrian footpath.

The building's parapet facing both SH6 and Queen Street currently displays 'Pet Mart' signage, illustrating the name of the business operating therein. Additional signage associated with the business's products and services offered line the shop's display windows, as indicated in **Figure 2** and **Figure 3**.

Figure 2 *View of the building when viewed from the Queen Street / State Highway 6 intersection (TPG)*

Figure 3 *View of the site from Queen Street looking north-east (TPG)*

2.2 Surrounds

A full description of the surrounding area is provided in the Visual Impact Assessment (VIA) appended as **Attachment [D]**. As depicted in **Figure 4** and **Figure 5**, the area surrounding the site is a mixture of retail and commercial activities, and transport infrastructure.

The nearest residential dwellings are located approximately 180m from the site at 337 and 334 Lower Queen Street. Both dwellings are single storey, surrounded by established vegetation and are facing the street, not the proposed digital billboard location.

Properties surrounding the site are populated mainly by single storey buildings occupied by commercial and retail uses including the car dealerships, fast food restaurants, and service stations. These businesses consist of a range of freestanding signage, and signs attached to buildings, with large pylon signs, flag signage and signs installed above building parapet's evident in the vicinity.

Figure 4 *Businesses and associated signage operating in the north-western corner of the adjacent intersection, with signage installed above the parapet (TPG)*

Figure 5 *Looking south towards commercial shopping complex located in south-western corner of adjoining intersection (TPG)*

A comprehensive description of the adjacent transport network is appended with the Transportation Assessment completed by Carriageway Consulting (**Attachment [E]**). In short, the site is located adjacent to the Queen Street / Gladstone Road (State Highway 6) signalised traffic intersection. The posted speed limit along Lower Queen Street and Gladstone Road is 50km per hour and the posted speed limit along the southern portion of Queen Street is 30km per hour. A cycle lane is provided on both sides of Queen Street facilitating cyclist movements. There are footpaths provided

along Queen Street and Gladstone Road, there are pedestrian crossings across all roads at the intersection of Queen Street and Gladstone Road.

3 Description of the Proposal

The Applicant proposes to establish a single-sided digital billboard at 332 Queen Street, Richmond which can be seen below in **Figure 6**. A visual package is appended as **Attachment [C]**. The digital billboard will measure 3.5m wide by 7m high equating to 24.5m² in area and mounted above the northwestern parapet of the Pet Mart building.

Figure 6 Schematic *design of proposed west facing static billboard a top the PetMart building at 332 Queen Street (DCM Urban)*

The key parameters of the proposed billboard are:

- Any content displayed on the billboard shall comply with the Advertising Standards Authority Advertising Code of Practice and the Broadcasting Act 1989
- Only still images shall be displayed with a minimum duration of 8 seconds per image.
- There shall be no transitions between still images apart from cross-dissolve of 0.5 seconds.
- Advertising for off-site activities will be displayed on the proposed billboard.
- The following shall not be displayed:
    - Live broadcast or pre-recorded video;
    - Movement or animation of images;
    - Flashing images;
    - Sequencing of consecutive advertisements;

  - A split screen (i.e. more than one advertisement at any one time);
  - Images using graphics, colours or shapes in such a way that they could cause confusion or conflict with any traffic control device, nor invite or direct a driver to undertake an action.

- The display shall not contain any retro-reflective material.
- Importantly, the signage display will be located above the traffic signals of the adjoining intersection which will seek to avoid conflict with visibility of the traffic signals.
- There shall be no sound associated with the billboard and no sound equipment is to be installed as part of the display.
- In the event of a fault or failure affecting the display, the display shall either default to black or switch off.
- The display shall result in no more than 10.0 lux spill (horizontal or vertical) of light when measured or calculated 2 meters within the boundary of any adjacent site.
- The display shall incorporate a lighting control to automatically adjust the brightness of the display in line with ambient light levels.
- The display shall not exceed 5,500cd/m² during daytime hours and 250cd/m² maximum and 150csd/m² maximum average during night-time hours.
- No advertisement installed within the signage platform will mimic the design, shape or colour combinations of the traffic signals.
- Within 30 working days of the display becoming operational, the consent holder shall submit a certification report from an appropriately qualified lighting designer/engineer confirming compliance with luminance requirements noted above. The report shall include at least three luminance readings of the billboard, including:
  - One recording at midday;
  - One recording during the hours of darkness; and
  - One recording up to 30 minutes after sunrise or 30 minutes prior to sunset.

  The report shall be submitted to the Council.
- The condition and appearance of the display shall be maintained at all times.
- A written maintenance programme shall be prepared by the operator/provider and submitted to the Council.

4 Statutory Provisions

4.1 Tasman Resource Management Plan

The site is zoned **Central Business District Zone** under the District Plan as shown in **Figure 7**.

Figure 7 *Zoning with the site located within the yellow boundaries (TRMP Planning Map 125).*

The relevant provisions of the District Plan are identified and assessed below.

Chapter 16, Section 16.1 addresses Outdoor Signs and Advertising.

Land use consent is required for a **Restricted Discretionary Activity** pursuant to Rule 16.1.4.2 as the establishment of an outdoor sign will not comply with several conditions[1] of Rule 16.1.4.1. Council's discretion is restricted to:

1. Location and legibility in relation to safety.
2. Any amenity effect on the surrounding area, including size and duration.

For clarity, an assessment of compliance with the conditions of 16.1.4.1 follows:

- Condition 16.1.4.1(a) requires a sign to be located, and have the dimensions in accordance with Figure 16.1B. The sign will be located above the parapet of the building therefore is not consistent Figure 16.1B. The TRMP is silent on maximum signage area for signs extending wholly above the building parapet.

[1] 16.1.4.1(a), 16.1.4.1(b), 16.1.4.1(c), 16.1.4.1(e)

- Condition 16.1.4.1(b) requires a sign to meet conditions (b) to (h) of Rule 16.1.3.1. The proposal is for signage not related to activities being undertaken on the site, and is not of temporary nature, therefore does not meet 16.1.3.1(b).
- Condition 16.1.4.1(c) requires a sign to comply with the requirement indicated in Figure 16.1B. The sign will be located above the parapet of the building to which it is attached.
- Condition 16.1.4.1(d) is not relevant as the site does not adjoin a residential zone; therefore, the illumination of the sign is not restricted to business hours only.
- Condition 16.1.4.1(e)
    i. Requires any sign painted on, or attached to, a building to be related to the activity operating therein (i.e. onsite advertising). The proposal is for off-site advertising.
    ii. Requires a sign to not extend (laterally) beyond the verandah of the building to which it is attached. The sign will not extend beyond the verandah of the building.
    iii. Requires a sign to be no higher than the roof peak or parapet of that part of the building to which the sign is attached. The sign will be attached above the parapet.
    iv. Requires no more than one projecting sign (as defined) or flag attached to a building. There are no projecting signs or flags erected on the building.
    v. Requires the total area of wall signage to not exceed 50% of the front wall (including verandah fascia). The signage is considered as neither a wall sign nor a freestanding sign.
- Condition 16.1.4.1(f) is not relevant as the sign is not freestanding.

Overall, this proposal requires resource consent for a **Restricted Discretionary Activity** under the Tasman Resource Management Plan.

5 Assessment of Effects

In accordance with Section 88 and Schedule 4 of the RMA an assessment of any actual or potential effects on the environment that may arise from the proposal is required with any details of how any adverse effects may be avoided, remedied, or mitigated. Accordingly, the below is an assessment of effects relative to the scale and significance of the proposed activity.

This assessment is addressed under the following headings:

- Amenity Effects
- Effects related to Transport Matters
- Positive Effects

5.1 Amenity effects

Council discretion is restricted to the amenity effects on the surrounding environment, including size and duration of the digital billboard. DCM Urban have undertaken an assessment of the expected effects of the proposed billboard on the amenity of the surrounding area and prepared an assessment (herein referred to as the **Visual Impact Assessment / VIA**) appended as **Attachment [D]** concluding their findings.

Figure 8 *The surrounding area has low sensitivity to change (Google Street View)*

In summary, the report anticipates the proposed digital billboard at 332 Queen Street in Richmond will have less than minor adverse effects. It states that it is not considered a sensitive location, and the impact on the surroundings is predicted to be low. Visual effects will be temporary for road users passing through the area, and cumulative effects are minor due to existing ambient lighting and signage. While it will advertise off-site activities, it could also promote local events, potentially benefiting Richmond. Interruption of views of the Richmond Ranges will be brief, with wider views maintained beyond the billboard. The overall finding from the report is that it is anticipated to have minimal impact on visual amenity and the area's commercial character.

5.2 Effects related to traffic safety

As a restricted discretionary activity, Council's discretion is limited to the location and legibility of the digital billboard in relation to traffic safety. Carriageway Consulting have undertaken an assessment of the expected effects of the proposed digital billboard on the adjacent roading network and prepared the letter (herein referred to as the **Transport Assessment**) appended as **Attachment [E]** concluding their findings and proposed conditions of consent.

Carriageway Consulting have considered the layout of the Lower Queen Street / Gladstone Road / Queen Street / Richmond Deviation signalised intersection. It is noted that the angle of the proposed billboard means it is visible to drivers travelling southbound on Lower Queen Street and drivers travelling eastbound on Gladstone Road. The proposed billboard will not be visible to drivers approaching on the other two legs of the intersection.

Carriageway Consulting have reviewed a traffic count survey on the intersection, as well as analysed nearby reported crashes as detailed within the Transport Safety Assessment. While 21 crashes were recorded within proximity to the site over the past five years, Carriageway Consulting conclude that these historic crashes would not have been influenced by the presence of the proposed billboard.

The proposed billboard was evaluated against the recommendations of the NZTA Traffic Control Devices Manual as detailed within the Transport Safety Assessment. Carriageway Consulting state that the proposed billboard location complies with most guidelines, with the exception of that for proximity to intersections and permanent signs. However, they conclude following thorough evaluation minimal safety concerns are likely subject to suitable consent conditions.

The Transport Assessment reports that while there may be potential overlap between the billboard and traffic signals near intersections, factors such as multiple signals, driver actions, and visual distinctions between signals and billboards help minimise confusion. They also noted similar overlaps elsewhere have not caused more accidents.

Regarding possible links between road safety and digital billboards, Carriageway Consulting state that studies suggest billboard distraction is not a significant risk compared to other activities like conversing with passengers.

Carriageway Consulting conclude, based on their analysis detailed within the Transport Matters Assessment, that the proposed billboard will not give rise to any perceptible transportation-related effect. To this end, Carriageway Consulting support this proposal from a transportation perspective, and do not consider that it will give rise to adverse transport safety or efficiency effects.

Overall, any adverse effects on transport safety are considered to be less than minor.

5.3 Positive Effects

To ignore the positive effects of the proposal may overstate any adverse effects that may arise from the proposal.

The proposed billboard enables local businesses and community groups to connect with consumers and advertise their products and services which, in turn, may generate sales and increase the profile for local businesses when their premises may not be as visible. The billboard can be utilised to promote local events that focus on sustainability, such as local farmer's markets or recycling initiatives. To this end, the proposed billboard meets the needs of local businesses and supports economic diversity through providing opportunities for off-site signs.

The proposed billboard provides a resource to display community service information such as health messages.

This application demonstrates investment confidence within the surrounding area which makes a small contribution to supporting the community's wellbeing and resilience.

Overall, the proposal is considered to have a number of positive effects.

5.4 Conclusion

In consideration of the above assessment, it is considered that there are no persons that will be adversely affected by the proposed billboard. Any potential for adverse effects can be appropriately avoided, remedied, or mitigated, and will be less than minor in the context of the receiving environment.

6 Statutory Assessment

6.1 Objectives and Policies

RMA Section 104 requires that the provisions of the Operative Plan, or any other matter the consent authority considers relevant and reasonably necessary, to be considered when assessing an application. The Tasman Resource Management Plan requires consideration. No National Environmental Standards are considered relevant to this application. The key Objectives and Policies outlined in the abovementioned document are set out below.

6.1.1 Tasman Resource Management Plan

The relevant Objectives and Policies of the District Plan have been identified and assessed against below.

Chapter 5 contains the Objectives and Policies related to site amenity effects. **Objective 5.2.2** focuses on the maintenance and enhancement of amenity values on site and within communities throughout the District. **Policy 5.2.3.9** states to avoid, remedy or mitigate the adverse effects of signs on amenity values. The VIA concludes that the proposed billboard is consistent with the character and visual amenity of the surrounding area and public realm given the commercial nature of the existing environment. The sign will be visible to road users, but from a distance, it blends with other signage and infrastructure. Residential properties facing the road are shielded, resulting in minimal change for residents. The billboard will not obstruct views or appear out of place, especially compared to existing large signage. Heavy traffic in the area will lessen any visual disturbance from the billboard's changing images. Existing ambient lighting further integrates the proposal with the commercial character of the area. **Policy 5.2.3.11** focuses on enabling a range of signs in commercial and industrial areas, subject to safety and access needs and visual considerations. The proposal is consistent with this as the sign is appropriately located in a commercial area and has been assessed as having less than minor effects on the safety and visual amenity of the receiving environment, with these matters supported by the relevant expert assessments.

Chapter 6 contains Objectives and Policies related to urban environment effects. With specific relevance to Richmond, **Policy 6.6.3.2** seeks to ensure that the Richmond town centre continues to develop as the central focus for intensive retail and office commercial development, and the core pedestrian-oriented area. The site is highly commercial and anticipated to further develop as such. Signage is an expected component of commercial environments, as reflected by existing signage. The proposed billboard is visible to pedestrians, with the urban design assessment concluding that effects on these are less than minor. The VIA confirms that the proposed billboard, positioned approximately 3m above the existing building's parapet, will seamlessly integrate with the commercial surroundings without detracting from the area's character. Given its similarity to existing billboards and the bustling commercial

activities, its impact is anticipated to be minimal. Additionally, controlling image transition timing, lighting levels, and maximum luminance is expected to further mitigate any visual effects, ensuring they remain less than minor.

Chapter 11 Contains Objectives and Policies relating to land transport effects. **Objective 11.1.2** seeks a safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated. **Policy 11.1.3.11** aims to ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.

According to the Traffic Assessment, the proposed billboard is strategically elevated above surrounding roadways and traffic signals, minimising its impact on the transport network and aligning with the objective of promoting a safe and efficient transport system. This elevation facilitates unobstructed traffic movement and does not detract from traffic safety, based on the conclusions of the Traffic Report.

The proposed billboard underwent rigorous assessment to ensure compliance with road safety regulations and adherence to relevant standards, as indicated by the Traffic Assessment. Measures such as proper placement and illumination control will help minimise any adverse effects on traffic safety and efficiency.

The Traffic Assessment concludes that the proposed billboard will not present any particular road safety concerns provided that suitable controls (through conditions of consent) are put in place.

Overall, this application is considered to be consistent with the relevant Objectives and Policies of the District Plan for the reasons outlined in the above assessment.

6.2 Section 95 of the RMA

6.2.1 Section 95A Assessment

Section 95A of the RMA considers the need for public notification and sets out four steps in a specific order to be considered in determining whether to publicly notify.

In terms of Step (1), public notification is not requested, Section 95C pertaining to notification in the event that further information is not provided under Section 92 is not applicable, and the application is not being made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In terms of Step (2), the proposal does not fall within any of the matters for which public notification is precluded.

Moving to Step (3), notification is not required by a rule in a Plan or a NES, and as demonstrated in Section 5 of this report, the adverse effects on the environment are considered to be less than minor.

Lastly, in terms of Step (4) as no special circumstances are considered to apply public notification is not required under any of the pathways in Section 95A.

6.2.2 Section 95B Assessment

While public notification is not necessary, any effects of the proposal on the local environment and upon particular parties must still be considered. This is addressed through Section 95B of the RMA, which has four steps similar to Section 95A.

In terms of Step (1), there are no affected protected customary rights or customary marine title groups in terms of Subclause (2), nor is the proposed activity on or adjacent to, or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 in terms of Subclause (3).

In terms of Step (2), none of the circumstances in Subsection (5) that would preclude limited notification apply. We therefore move to Step (3).

Step (3) requires the consent authority to determine, in accordance with Section 95E, whether there are any affected parties. Section 95E states that a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). There are not considered to be any affected persons in this instance for the reasons given in the above assessment of effects.

In terms of Step (4), no special circumstances exist therefore the application may be processed on a non-notified basis.

With respect to the above, in consideration of the conclusions of the AEE, it is concluded that the proposal will result in less than minor adverse effects on the environment, and there are no other circumstances requiring or warranting public or limited notification.

6.3 Purpose and Principles of the RMA

The purpose of the RMA, as set out under Section 5 (2) is to promote the sustainable management of natural and physical resources. The relevant matters in Sections 6, 7, and 8 of the RMA also require consideration. There are no matters of national importance under Section 6 that need to be recognised and provided for in this application.

The RMA specifies that particular regard shall be had to the relevant matters listed in Section 7 including:

> *b) the efficient use and development of natural and physical resources.*
>
> *c) the maintenance and enhancement of amenity values.*
>
> *f) maintenance and enhancement of the quality of the environment.*

Overall, this proposal is also considered to be an efficient use of a physical resource by deploying a billboard on underutilized building to promote local goods, reducing the

need for additional land conversion. The billboard may contribute to local economic development by attracting businesses and visitors to the area, which can indirectly support sustainable practices in the region. The amenity values and quality of the environment is maintained and enhanced by the location and design of the proposed billboard, as well as the nature and colour of the advertising displayed.

There are no matters under Section 8 that require consideration with respect to this application.

As has been demonstrated throughout this AEE, any adverse effects from the proposed billboard have been largely avoided, remedied, or mitigated to be less than minor on the receiving environment. The proposal aligns with the relevant Objectives and Policies of the District Plan.

For the reasons outlined in this report, the proposal is consistent with the purpose and principles under Section 5, and the associated matters under Part 2 of the RMA. The proposal represents an efficient use of natural and physical resources, and will be undertaken in a manner which avoids, remedies, and mitigates potential adverse effects on the environment. It is considered that the proposal is consistent with the purpose and principles of the RMA and accords with the definition of sustainable management.

Attachment 6
Carriageway Transport Safety Assessment May 2024
RM230535

BEKON

Proposed Digital Billboard
Queen Street, Nelson

Assessment of Transportation Matters

CARRIAGEWAY
CONSULTING
traffic engineering | transport planning

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Figures

Annexure A: Review of Papers

CCL file reference	14940 billboard ta final
Status	Final
Issued	21 May 2024

1. Introduction

1.1. Bekon Media Limited proposes to install a digital billboard on the northwestern corner of 322 Queen Street, Nelson. The angle of the billboard means that it will be visible to drivers travelling southbound on Lower Queen Street and to drivers travelling eastbound on Gladstone Road. It will not be visible to drivers approaching on the other two legs of the intersection.

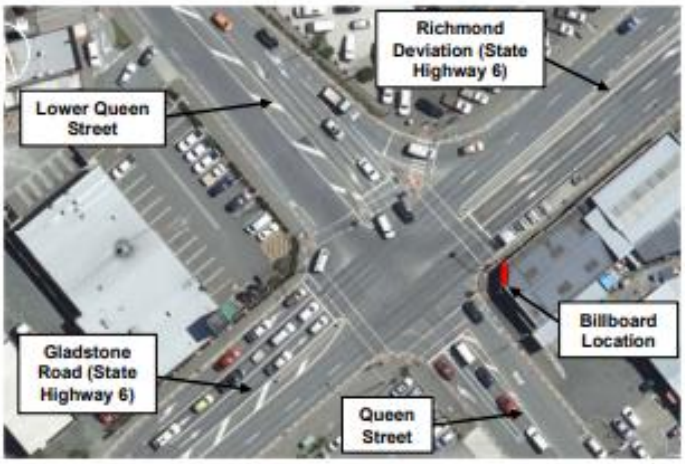

Figure 1: Location of Proposed Billboard

1.2. It is understood that the digital billboard will be mounted on the roof of the building, above the west-facing angled wall. The billboard itself will be 7m wide and 3.5m high and will be in 'landscape' orientation. The position means that the bottom of the billboard will be 5.3m above ground level.

Figure 2: Visual Mock-Up of Proposed Billboard Location (Extract from DCM Urban Drawing)

1.3. This report considers the transportation aspects of the proposed digital billboard, including the potential effects on road safety.

2. Current Transportation Environment

2.1. Roading Layout

2.1.1. Gladstone Road forms part of State Highway 6. On the approach to the billboard location the highway cross-section is influenced by the presence of intersections. Typically, it provides two lanes in each direction, separated by a flush median, and parking is not permitted on either side of the highway. The highway has a flat and straight alignment in this location, and is subject to a 50km/h speed limit.

Photograph 1: Gladstone Road Looking East (Billboard Location in Distant Background)

2.1.2. Approximately 70m west of the proposed billboard location, the kerbline of Gladstone Road flares to develop an auxiliary lane for vehicles that are turning left at the Gladstone Road / Lower Queen Street intersection. The right turn movement from Gladstone Road into Queen Street is not permitted, with four RG-7 'no right turn' signs provided. Thus there are three traffic lanes on the immediate approach to the intersection.

Photograph 2: Gladstone Road Approach to Intersection with Lower Queen Street

2.1.3. The Gladstone Road / Lower Queen Street intersection is signalised, with five signal heads facing eastbound traffic (primary, overhead primary, secondary, overhead secondary and tertiary). RG-7 'no right turn' signs are affixed to the three of the signal poles at the intersection. There is a raised island for 20m on the approach, and pedestrians crossing phases on each approach (although the carriageway markings for the crossing are heavily worn in places).

2.1.4. There are footpaths on each side of the highway, and there are multiple driveways on either side which serve the well-established commercial activity that fronts the highway. However there are no cycling facilities.

2.1.5. Lower Queen Street is subject to a 50km/h and has a flat and straight alignment. It typically provides one traffic lane in each direction, but south of Stratford Street (110m northwest of Gladstone Road) the road widens to develop two southbound lanes at the intersection with Gladstone Road (straight ahead and right turn), plus also a left turn 'bypass' lane which is not signalised.

Photograph 3: Lower Queen Street Approach to Intersection with Gladstone Road

2.1.6. There are four signal heads facing eastbound traffic (primary, dual primary, secondary and tertiary). There soi a short raised island of 10m on the approach.

2.1.7. The left-turn lane is not signalised, and operates under give-way control although we note that the give-way line is very worn. Pedestrians are able to cross this lane via a zebra crossing and there are standard carriageway markings (although we highlight that many of the stripes are barely visible) and Belisha Beacon discs. To enable pedestrians to wait to cross, and to ensure that left-turning vehicles are aligned to the left, there is a raised island separated the left-turn lane from the 'straight ahead' lane.

2.1.8. There are footpaths on either side of Lower Queen Street. There are also on-road cycling facilities, with a northbound cycle lane and green surfacing provided, plus a corresponding southbound lane. There is direction signage for pedestrians and cyclists at the Gladstone Road / Lower Queen Street intersection, advising of the direction of the Brightwater and Wakefield walking/cycling route (which connects with Lower Queen Street approximately 85m northwest of the Gladstone Road / Lower Queen Street intersection.

2.1.9. Lower Queen Street has one private accesses in the immediate vicinity of the Gladstone Road / Lower Queen Street intersection, which is an access serving a McDonald's restaurant and drive-thru lane.

2.2. *Traffic Flows*

2.2.1. Waka Kotahi carries out regular traffic surveys on the state highway network. The closest counter location lies 1.3km to the west of the site (id: 00600130) but as there are a number of side roads between this location and the site, the traffic volumes recorded can only be considered indicative. In 2023, this location showed the highway carried an Annual Average Daily Traffic of 21,050 vehicles (two-way), and as noted above, half of these vehicles would have views of the proposed billboard.

2.2.2. According to the MobileRoad website, Lower Queen Street north of Gladstone Street carries 9,660 vehicles per day (two-way), suggesting 4,830 vehicles per day will travel southbound and vehicle occupants will be able to see the billboard.

2.3. *Road Safety*

2.3.1. The Waka Kotahi CAS database has been used to review the reported crashes over a distance of 100m west and north of the proposed billboard location[1] involving eastbound and southbound traffic[2]. Over the past five years (2019 to 2023), plus the partial record for 2024, there were 21 crashes reported in this area from where drivers could potentially have seen the billboard (if it was in place):

- 4 crashes were associated with the left-turn lane from Lower Queen Street into Richmond Deviation
  - One crash occurred when a driver attempted to turn into the unsignalised left-turn lane on Lower Queen Street and collided with a vehicle waiting in the adjacent southbound traffic lane. The crash did not result in any injuries;
  - One crash occurred when a driver turned out of the unsignalised left-turn lane on Lower Queen Street and was struck by an eastbound vehicle on Gladstone Street. The crash did not result in any injuries.
  - One crash occurred when a driver turned out of the unsignalised left-turn lane on Lower Queen Street and struck a vehicle ahead. The crash did not result in any injuries.
  - One crash occurred when a driver turning left out of the unsignalised left-turn lane on Lower Queen Street was struck by a following vehicle. The crash did not result in any injuries.
- 3 crashes were associated with drivers disobeying the signage and attempting to turn right in locations where there is a prohibition on this movement:
  - Two crashes occurred when a driver turned right from Gladstone Road into Queen Street, and was struck a westbound vehicle on Richmond Deviation. The crashes did not result in any injuries.
  - One crash occurred when a driver turning right from Queen Street was struck by a southbound driver on Lower Queen Street. The crash resulted in serious injuries.

[1] On the basis that the billboard is expected to be seen over a distance of 80m, as discussed subsequently, plus a margin of error for any miscodes of the crash locations.
[2] Since the billboard will not be able to be seen by westbound and northbound drivers

- 3 crashes occurred on the Gladstone Road approach
  - Two crashes occurred when an eastbound driver on Gladstone Road ran into the rear of another vehicle in a queue of traffic. One crash resulted in minor injuries and one crash did not result in any injuries.
  - One crash occurred when a driver changed lanes on Gladstone Road and struck the trailer of car ahead. The crash did not result in any injuries
- 3 crashes occurred on the Lower Queen Street approach
  - One crash occurred when a southbound driver on Lower Queen Street was struck by a following vehicle. The crash did not result in any injuries.
  - One crash occurred when a car going straight ahead into Queen Street failed to stay in their own lane, and struck a truck that was turning right onto Gladstone Road. The crash did not result in any injuries
  - One crash occurred when a car reversed at speed into a car waiting behind. The crash did not result in any injuries
- 4 crashes involved drivers failing to stop at red traffic signals
  - One crash occurred when an eastbound vehicle on Gladstone Street failed to stop for a red signal and struck by a southbound vehicle on Lower Queen Street. The crash did not result in any injuries.
  - One crash occurred when a westbound vehicle on Richmond Deviation failed to stop for a red signal and struck by a southbound vehicle on Lower Queen Street. The crash resulted in minor injuries.
  - One crash occurred when a westbound vehicle on Richmond Deviation failed to stop for a red signal and struck by a northbound vehicle on Queen Street. The crash did not result in any injuries.
  - One crash occurred when an eastbound vehicle on Gladstone Street was struck by a northbound vehicle on Queen Street which had not stopped at a red signal. The crash did not result in any injuries.
- 3 crashes occurred due to turning movements from Lower Queen Street:
  - One crash occurred when a southbound driver on Lower Queen Street entered the intersection on an orange signal, turned right and collided with a vehicle travelling north. The crash resulted in minor injuries.
  - Two crashes occurred when a southbound driver on Lower Queen Street turned right onto Gladstone Road, and failed to see a vehicle travelling north. The crashes resulted in minor injuries.
- There was one other crash recorded:
  - One crash occurred when a pedestrian crossed Richmond Deviation from north to south against the traffic signals, and was struck by a westbound vehicle. The crash resulted in serious injuries.

2.3.2. The crashes typically had different contributing factors and occurred in different locations. Crash types such as nose-to-tail collisions in queues of traffic, and drivers undertaking turning movements when having a red or orange signals are common at urban intersections. As such, it does not appear that there are any inherent road safety deficiencies at this location. However the crashes are discussed further below.

2.4. Existing Signage in the Area

2.4.1. Based on site visits, there are only a small number of existing statutory road signs within 100m of the billboard in locations from where the images displayed can be seen/read at the same time as the proposed static billboard:

- RG-6 ' give way' signs at the southern end of the left-turn lane on Lower Queen Street;

- RG-7 'no right turn' signs facing west and affixed to three signal poles and at the eastern end of the raised island on Gladstone Road;
- RG-17 'keep left' single disc signs on the ends of the raised islands on Gladstone Road and Lower Queen Street;
- PW-5 'diverge' signs at the northern end of the island separating the left-turn lane from the straight head lane on Lower Queen Street';
- PW-30 ' pedestrian crossing' sign on Lower Queen Street (approximately 95m from the proposed billboard location);
- Belisha beacon discs at the zebra crossing in the left-turn lane.

2.4.2. These static signs are in addition to the traffic signals at the intersection.

2.4.3. There is also a considerable number of roadside advertising signs on this section of the roading network, defined by the Waka Kotahi Traffic Control Devices Manual Part 3 ('Advertising Signs') as "*all advertising signs and devices which can or are intended to be seen by all road users*". These include (but are not limited to):

- Signfaces on the properties fronting the road due to the commercial nature of the land use zoning; and
- Plinth-type sign with shop names on the southern and western sides of the intersection.

Photograph 4: Examples of Other Signage Near the Billboard Location (Looking East)

3. Overview of Road Safety Implications of Billboards

3.1. Waka Kotahi Traffic Control Devices Manual (Part 3) Advertising Signs

3.1.1. The Waka Kotahi Traffic Control Devices Manual addresses various aspects of roadside advertising signs (which as set out above means signs, including those that are within private property that are intended to be seen by road users) and it includes billboards. Importantly, the manual sets out that each particular installation should be treated on its own merits having regard to its purpose, nature and location, and with an expectation that sound judgement is used to ensure they are effective but without compromising safety. It also notes that there is no reason why an off-site advertising sign should have more of an adverse effect than a similar on-site sign, provided that suitable controls are in place to avoid signage proliferation.

3.1.2. Under this document, at a general level, any advertising sign should not:

- contain reflective material if it is likely to reflect the light from the lamps of any vehicle on the road, or fluorescent or phosphorescent material if it is likely to mislead or distract drivers from traffic signs installed in the vicinity, or mask those signs;
- be capable of being mistaken for a traffic control device, including use of red, green, orange, white or yellow in combinations of colours, or shapes which may be mistaken for a traffic control device;
- use red, green, orange, white or yellow colours in a location where it is likely to form the foreground or background to or appear alongside a traffic control device of similar colour when viewed by approaching motorists;
- contain large areas of red, green or orange displayed on illuminated signs which at night are likely to cause confusion with traffic control signals or tail lights of vehicles;
- give instructions to motorists that could conflict with any traffic sign or traffic control device; or
- compete with existing direction signs.

3.1.3. There are controls on the brightness of illuminated signs, and for a sign with more than 10sqm of illuminated area within an area with street lights, such as is the case in this instance, a maximum 800cd/sqm is permitted.

3.1.4. To help avoid safety issues, the Manual sets out that advertising signs on urban roads (defined as where a speed limit is less than 70km/h) should not be located within 100m of intersections and permanent regulatory or warning signs, although it also sets out that there are many advertisements close to intersections or traffic control devices that apparently cause no problems.

3.1.5. The recommended visibility for signs relates to the vehicle speeds, with signs on roads with higher speeds needing to be visible from a greater distance, and within a narrowed angle of view for the driver. Figure 5.1 of the manual shows that at where there is a speed limit of 50km/h, a 45 degree angle of vision is appropriate on either side of the road, and an additional 15 degrees can be added to allow for the driver moving their head. Minimum (unrestricted) forward sight distances of 80m are also appropriate for a posted 50km/h speed limit and adjacent roadside advertising signs are recommended to be at least 50m apart.

3.1.6. Specific care is also required when considering animated, flashing and variable message signs for advertising, with regard to location and visibility distraction to motorists. Animation and flashing signs should not be used where the speed of passing traffic is more than 70km/h, and variable message signs require "*careful assessment*" where sited close to an intersection or

where vehicles merge/diverge. Notably, the manual sets out that such signs should have static displays, change display over a timeframe of less than two seconds, and have a minimum time for separate displays of more than five seconds.

3.2. *General Assessment of Road Safety Effects of Billboards*

Research Papers

3.2.1. There are a variety of reports which address the road safety effects of digital billboards. One is a 2013 research report produced by the Austroads organisation[3]. In passing it is worth noting that this is a research report which does not have the same status as the typical Austroads guides that are commonly referred to by traffic engineers. More importantly however, the guide itself states that it deals with all types of roadside advertising from static billboards to those that have animation, interact with a driver and those which are projections of large images onto buildings (as set out in Section 3 of the report). As set out below, animation, driver interaction and large-scale projections are not proposed by this application.

3.2.2. The report adopts a cautious approach in drawing any conclusions noting that:

> *"There is compelling evidence that distraction is a major contributor to crashes. However, **studies providing direct evidence that roadside advertising plays a significant role in these distraction based crashes are currently not available**. The studies that have been conducted show convincingly that roadside advertising is distracting and that it may lead to poorer vehicle control. However, the evidence is presently only suggestive of, although clearly consistent with, the notion that this in turn results in crashes.*
>
> *It is also worth noting, on the basis of Klauer et al.'s (2006) results, that while looking at an external object increased the crash risk by nearly four times, less than 1% of all crashes and near crashes were from this source of distraction. A substantial proportion of these external objects would not have been advertising signs. Thus, while it is not possible to tell from the reported results, it **is reasonable to conclude that far less than 1% of all crashes and near crashes involved distraction from roadside advertising**.*
>
> *While the Klauer et al. (2006) study may not be representative of all driving events, **it does suggest that the contribution of roadside advertising to crashes is likely to be relatively minor**."*[4] (***Emphases added***)

3.2.3. Another report is that of Horberry et al from 2009[5], which concludes that:

> *"There is still a lack of comprehensive research evidence upon which to form guidelines or standards about how much distraction from outside of the vehicle is 'safe'. A recent review in the UK of the driver distraction literature (in-vehicle and external distraction) produced similar conclusions, and recommended that further work to examine driver distraction due to the presence of advertising billboards and similar is a high priority. At the time of writing, similar research initiatives in the area of possible distraction caused by roadside advertisement are also taking place in the USA. However, until complete, the regulation of some types of*

[3] Austroads Research Report AP-R420-13, "Impact of Roadside Advertising on Road Safety" Section 3)
[4] Austroads Research Report AP-R420-13, "Impact of Roadside Advertising on Road Safety" Section 5.2
[5] Perez, Horberry, T., Regan, MA, & Edquist, J. (2009). Driver Distraction from Roadside Advertising: The clash of road safety evidence, highway authority guidelines, and commercial advertising pressure. https://document.chalmers.se/download?docid=653291678

information (e.g. billboards and other 3rd party advertising) in the road environment cannot be fully evidence-based."[6]

3.2.4. This indicates that the paper is therefore highlighting that (a) there is insufficient research on which to base conclusions regarding the safety of roadside advertising and (b) an element of judgement is required. It is important to note that this paper was produced nearly 15 years ago and more research has been conducted since that time. The conclusions of the report therefore may not represent current thinking (either for or against digital billboards).

3.2.5. Subsequent to the Horberry paper, there has been further research which sets out that in complex situations, drivers pay little heed to billboards but instead focus on the matters pertaining to driving[7] [8] [9] [10].

3.2.6. The Canadian Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines (TAC 2015) concludes that "*despite years of research, there have been no definitive conclusions about the presence or strength of adverse safety impacts of digital billboards measured by increased collision frequency*" (Section 2.1.4 of that Guide). Moreover, the purpose of the Canadian guidelines is to provide recommendations that are designed to control (digital billboards) such that they emulate static advertising signs and therefore result in a similar distracting and road safety effect as static advertisements. Allowing for suitable conditions of consent regarding the images displayed, this will be achieved in this instance.

3.2.7. Finally, a review of primary research was prepared by Dr Jerry Wachtel entitled 'Compendium of Recent Research Studies on Distraction from Commercial Electronic Variable Message Signs (CEVMS)'. This does not contain any primary research itself but is a review of other papers and a review of most of the papers themselves (several could not be located) is set out in Annexure A.

3.2.8. In brief, it is not apparent that there are compelling supporting arguments for the link between road safety and digital billboards. Several studies note that measured by the rate to which billboards distract drivers, it is not a large risk factor from a population perspective, compared to more mundane tasks such as talking with passengers. The authors of other studies specifically limit their research in some way, such as due to the uniqueness of the roads assessed, the small data set examined, or being careful to draw a distinction between billboards attracting attention versus creating distraction. In other cases, it is evident that the prevailing environment assessed is different to that which is present for the current application.

3.2.9. Importantly, in many cases, the research is not clear whether the digital billboard included moving images or was solely static. It is unclear then how many of the papers are directly applicable to the current application and therefore whether they can be given any weight in this specific context.

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[6] Ibid, page 6

[7] Driver Visual Behavior In The Presence of Commercial Electronic Variable Message Signs (CEVMS), FHWA, 2011

[8] Decker, JS et al (2015). The Impact of Billboards on Driver Visual Behavior: A Systematic Literature Review, Traffic Injury Prevention Vol 16(3), 234-239

[9] Young, KL et al (2017). Investigating the Impact of Static Roadside Advertising on Drivers' Situation Awareness, Applied Ergonomics, Vol 60, 136-145

[10] Young, K. & Regan, M. (2007). Driver distraction: A review of the literature. In: I.J. Faulks, M. Regan, M. Stevenson, J. Brown, A. Porter & J.D. Irwin (Eds.). Distracted driving. Sydney, NSW: Australasian College of Road Safety. Pages 379-405.

3.2.10. By way of example, one study often cited is that of Sisiopiku, VP, Islam, M, Haleem, K, Alluri, P. & Gan, A. (2014)[11]. This compares the crash records upstream and downstream of digital billboards on high speed roads in the USA. When the data is aggregated, it purports to show that the number of crashes on the section of road prior to the billboard (where the billboard can be seen by the driver) is greater than downstream (where the billboard is not visible).

3.2.11. However at 50% of the sites assessed, the records showed that there were fewer crashes where the billboard could be seen than downstream of the billboard, with the outcomes reversed at the other 50% of the sites. This is not the consistent pattern that would be expected if drivers were distracted.

3.2.12. Finally, one other paper attempted to control for any effects arising from driver under-reporting of crashes involving distraction due to digital billboards[12]. In brief, this study involved a sample of 4,307 drivers who had been involved in a crash in the previous 12 months who were asked to fill in a web-based questionnaire about distractions during the crash. For each of the potential 13 distraction factors presented, the drivers indicated whether or not they were distracted by that specific factor at the time of the crash. 'Distracted by billboard' was one factor of the 13.

3.2.13. The authors concluded that "*Even though the results from this study indicate that looking at billboards and searching for addresses/street names are the distractions associated with highest accident risk, it is also important to look at the prevalence of the risk factor. These two factors were reported to have been distracting only 0.3 and 0.6 percent of drivers (i.e., in the whole sample) respectively. This means that, as measured by the rate to which billboards distract drivers, this is not a large risk factor from a population perspective. When considering the prevalence of the risk factors in addition to the relative accident involvement, talking with passenger(s) and attending to children in the back seat are the distraction factors that perhaps are most likely to make the largest contributions to the number of crashes*"[13].

3.2.14. Taken overall, the research does not demonstrate a clear link between the presence of digital billboards and a rise in the number of crashes recorded.

Road Safety Records

3.2.15. In evaluating the potential of digital billboards to result in adverse road safety effects, there is some research within New Zealand that reviews the incidence of reported crashes in the vicinity of such billboards. This study took the form of reviewing the crash rates at locations before and after a digital billboard was installed, and comparing the two to see whether there had been any significant change. This study showed no clear evidence of a systematic increase in crash rates due to digital billboards.

3.2.16. At a more general level, there are now well over 500 digital billboards operating within New Zealand. This not only means that they are no longer a novelty and drivers will be well-used to seeing them as part of the roading environment, but it also means that there is a large amount of data relating to crash numbers and patterns in the vicinity of the billboards.

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[11] Sisiopiku, VP, Islam, M, Haleem, K, Alluri, P. & Gan, A. (2014). Investigation of the Potential Relationship between Crash Occurrence and the Presence of Digital Advertising Billboards in Alabama and Florida. *Proceedings of the Transportation Research Board (TRB) 94th Annual Meeting.*

[12] Backer-Grøndahl, A., & Sagberg, F. (2009). "Relative crash involvement risk associated with different sources of driver distraction." Presented at the First international Conference on Driver Distraction and Inattention. Gothenburg, Sweden: Chalmers University.

[13] Ibid, page 11

3.2.17. As at October 2022, there were 486 large-format digital signs in New Zealand[3], plus a further 250 or so smaller screens in bus shelters. There are also numerous digital displays within shop windows which are orientated towards approaching traffic (in passing, many of these use animation). The first large-format digital billboard was erected in 2012. Adopting a conservative approach of each location having only 10,000 views per day (and most sites have considerably more than this), this equates to a cumulative total of more than 2.7 ***billion*** views per year. Allowing for the recent growth in digital billboards since the first one was installed, it can be estimate that there have been at least 5.5 ***billion*** views of digital billboards by drivers.

3.2.18. Despite this, a review of the Waka Kotahi CAS database shows there has been no reported crash where distraction from a consented digital billboard has been cited as a contributing factor, and there is no location in New Zealand where the number/rate of reported crashes has increased after a digital billboard has been installed compared to the number/rate of reported crashes prior to installation.

3.3. Conclusions

3.3.1. Based on this review, the available literature is sometimes contradictory. However, it appears possible that digital billboards attract driver attention to a greater extent than static billboards, although this conclusion must be interpretated cautiously as in most cases it is unclear from the literature how the billboard was operated (in particular, the dwell time for images, the brightness and the use of extensive animation). Even if this was the case though, the extent of any change in driver gaze patterns is not sufficient to result in a consequential increase in the crash rate. To paraphrase, ***if*** digital billboards attract more driver attention then this is not to the extent that a road safety problem arises.

3.3.2. An examination of the crash records in New Zealand in the vicinity of digital billboards does not show that rates increase once a digital billboard is installed. This is despite a conservative calculation of more than five billion views of digital billboards by drivers in New Zealand.

3.3.3. One plausible explanation for this outcome relates to the way that digital billboards are controlled in respect of their operation in New Zealand. That is, the factors that studies show can have an adverse effect on road safety (for example, animation) are addressed through conditions of consent to eliminate (or substantially mitigate) this characteristic.

4. Compliance with Waka Kotahi Recommendations

4.1. Billboard Location

4.1.1. The billboard will be sited on private property beyond the boundary of Queen Street and elevated well above the carriageway surface. Consequently it will not present a hazard in terms of physically blocking the visibility of any road signs for approaching drivers.

4.1.2. Queen Street in this location is subject to a 50km/h speed limit and therefore is classified as a 'urban' road under the recommendations because of the speed limit. As such, there is a recommendation to have a 100m separation between any permanent regulatory/warning signs and any intersections. The rationale for this distance is that a billboard may obscure the traffic sign or otherwise detract from the effectiveness of the traffic sign.

4.1.3. This distance is not achieved as there are a number of road signs as discussed above. However as the billboard is elevated, it cannot obstruct the visibility or conspicuity of any of the road signs. Further, the signs are typically some distance from the billboard and because of this, the signs will appear more visually prominent than the billboard. By way of example, as a driver approaches the intersection from Gladstone Road, the 'no right' turn signs will be closer to them that the billboard, meaning at (say) 50m, perspective means that the roads signs will appear to be one third the height of the billboard.

4.1.4. Further, there are numerous locations within New Zealand where digital billboards are within 100m of an intersection or other signage and where no adverse safety effects have arisen.

4.1.5. For a 50km/h prevailing speed limit, the billboard needs to be visible for at least 80m on the immediate approaches. This is achieved.

4.1.6. There is also a recommendation that billboards should be placed as close as possible to drivers' lines of sight. It is evident from Figures 1 and 2 above that approaching drivers need to turn their head very little to see the billboard.

4.1.7. Additionally, under the Manual, roadside advertising signs are recommended to be a minimum of 50m apart although it is recognised that this may not be achievable in many circumstances. In this instance, there are numerous existing advertising signs on this part of the roading network and so the separation distance is already not achieved. Rather, drivers will be well-used to seeing roading advertising signage in the area.

4.2. Signface

4.2.1. Controls (through conditions of consent) are proposed to be put in place to ensure that the images displayed on the billboard are not capable of being mistaken for a traffic control device or which could be misconstrued as providing instruction to drivers. Similarly, the surface of the signs can be constructed from materials that do not reflect light from the lamps of any vehicle on the road and the lighting of the sign can also be suitably controlled.

4.2.2. With regard to the images displayed, the Traffic Control Devices Manual sets out the minimum sizes for lettering to enable it to be seen by drivers. However the vast majority of images on (any) billboard include graphics, text that is expected to be read, and text that is not expected to be read. The latter is typically required for legal reasons and is usually displayed at a very small size that makes it, in effect, illegible to passing drivers.

4.2.3. By way of example, a home loan advertisement is likely to have the bank logo and corporate colours, the interest rate in larger letters, and the terms and conditions under which the loan is offered in small print. The intent is that the viewer sees the bank name and rate, but does not attempt to review the terms and conditions.

Photograph 5: Example of Advertising Showing Legal 'Small Print' (Bottom of Image)

4.2.4. The same applies to the types of font used. Many fonts that are used for the name of companies are difficult to read in and of themselves (such as Coca Cola, Starbucks, and Johnson & Johnson). However, viewers do not read the wording as such, but rather, recognise the image that is created by the combination of the font and the words.

4.2.5. Research shows that in complex driving situations, drivers reduce the time that they spend on non-essential driving tasks (such as glancing at billboards). However, even disregarding this, the average glance time at a billboard is less than a second[14]. This is not sufficient for a driver to read each individual word on a displayed image, but rather, just to see and assimilate the overall image and/or core information. Put another way, information that cannot easily be read is simply ignored.

4.2.6. Taking this into account, it is not considered that there is any need to specify fonts or font sizes for the image shown on the billboard.

4.2.7. With regard to the use of animation, as set out above minor changes in the displayed images are unlikely to have adverse road safety effects. The research in this area is limited however, and therefore it is considered that any animation should be used cautiously. Given the difficulties in defining what constitutes 'light' or 'minor' animation, it is more straightforward to simply prohibit animation, as is proposed.

4.3. Summary of Compliance

4.3.1. Overall, it is considered that the billboard complies (or is able to comply) with the majority of the Waka Kotahi recommendations, with suitable conditions of consent to be put in place to provide certainty in respect of colour of displays, animation, display time, and time of transition to the next image.

4.3.2. The exception to compliance relates to the separation of the billboards from a nearby intersections and permanent regulatory / warning signs. These are assessed in detail below,

[14] 3 Samsa, C. (2015) "Digital billboards 'down under': are they distracting to drivers and can industry and regulators work together for a successful road safety outcome?" Proceedings of the 2015 Australasian Road Safety Conference 14 – 16 October, Gold Coast, Australia

but in summary, it is not considered that the proposed billboard will result in adverse transportation effects arising in these regards.

5. Further Analysis of Road Safety Issues

5.1. Potential for Overlap with Traffic Signals

5.1.1. As noted previously, the proposed location of the billboard is adjacent to a signalised intersection. There is no evidence that billboards in the vicinity of traffic signals present any adverse road safety effects, and in this case, the billboard is elevated above the level of the surrounding roadways. However a specific assessment of the potential effects has been carried out.

5.1.2. Based on site visits, there are no locations on Gladstone Road where the proposed billboard appears in the background of the traffic signal heads. Rather, all traffic signal heads appear to the left of the billboard for approaching drivers, plus the billboard is elevated above three of the five traffic signals.

Photograph 6: Traffic Signal Locations on Gladstone Road in Relation to Billboard Location

5.1.3. The Approach Sight Distance (**ASD**) is defined as being the distance required for a driver to see and react to a hazard ahead and stop their vehicle before a collision occurs. Thus this represents the latest point at which any overlap with any signage is relevant, as beyond this point, the driver has insufficient distance to stop their vehicle regardless. For a prevailing speed limit of 50km/h (and an operating speed of 55km/h), the ASD is 63m.

5.1.4. At 63m from the stop-line of the traffic signals, the proposed billboard would be more than 90m from the approaching driver. However, as set out above, any roadside advertising is only expected to be visible at 80m, making it very unlikely that at the last point where a driver decides whether to stop or not they will be looking at the billboard.

5.1.5. Nevertheless, an assessment of potential for visual overlap has been carried out. The process for doing this has been:

- The billboard and traffic signals are positioned onto on an aerial photograph
- Lines of sight are added, from the edges of the billboard, running through the position of the signals and beyond to the approaching traffic lanes.
- The area between these lines therefore represents the area where a driver might see the billboard appearing in the background of the sign.

5.1.6. This is shown below.

Figure 3: Potential For Overlapping with Signage in the Horizontal Plane

5.1.7. It can be seen that in the horizontal plane, there is the potential for overlap with the primary signal head, but not the dual primary, secondary or tertiary signal heads.

5.1.8. On this basis, the vertical plane has been considered. As noted above, the bottom of the billboard is located at 5.3m above ground level and since it is 3.5m in height, this means that the top of the billboard is at 8.8m above ground level. A driver's eye height is 1.1m above ground level, and the primary traffic signals are 4m above ground level and located 23m from the billboard.

5.1.9. By a process of trigonometry and similar triangles, it can be calculated that there will be visual overlap between the traffic signal and the billboard between 38m and 138m from the billboard (11m to 111m from the stop-line of the traffic signals). This therefore confirms that there will be visual overlap at the locations where drivers take the decision about whether to stop at the signals or not.

5.1.10. It is considered that there are a number of additional factors that are relevant in this case. Firstly, in practice, drivers do not receive information about whether to stop at traffic signal from just one traffic signal, but from all signals plus the actions of drivers ahead of them (by way of example a driver stops if the car ahead stops). In this case, there is a dual primary traffic signals provided where there is no overlap present, as well as two other traffic signals on the southern side of the intersection.

5.1.11. There is also a parallax effect which arises, because as a driver approaches the intersection, the separation between the primary traffic signal and the billboard means that the traffic signal will appear to move from right to left across the billboard. This makes it evident to a driver that

the traffic signal head is a different object to the billboard, and thus less likely that the driver will confuse the two.

Figure 4: Sightlines Showing the Primary Signal Appears to Move Relative to the Billboard as a Driver Approaches

5.1.12. Finally, as is the case for most traffic signals, the lanterns are surrounded by a black target board. This provides a clear visual differentiation between the lanterns of the traffic signals and the billboard behind, again making it straightforward for a driver to comprehend that the two are separate objects and thus minimise any potential that the driver confuses the two.

5.1.13. The situation of traffic signals overlapping a billboard is not uncommon in New Zealand, and there are a number of other locations where this occurs. However in none of these locations has there been any evidence of an increase in crashes.

Photograph 7: Traffic Signal Overlap, State Highway 1, Timaru, Showing Visual Separation Created by Target Board

5.2. *General Proximity of Traffic Signals and Billboard*

5.2.1. A considerable number of consents have been granted where traffic signals are in close proximity to digital billboards. An evaluation has been undertaken of other known locations where digital billboards are provided, where the billboard has been established for some considerable time.

5.2.2. As an example, one such location is at the George Bolt Memorial Drive / Tom Pearce Drive intersection near Auckland Airport. At this location, the digital billboard forms the background to the traffic signal heads. As the primary access to the airport, George Bolt Memorial Drive in this location carries around 40,000 vehicles per day (two-way) meaning that at least 20,000 southbound drivers will have sight of the digital billboard each day, which is greater than would see the proposed billboard at Queen Street. However no crashes have been recorded at this location due to drivers being distracted by advertising signs over the past ten years.

Figure 5: Digital Billboard at the George Bolt Memorial Drive / Tom Pearce Drive Intersection

5.2.3. An assessment of 'before and after' crash rates at digital billboard locations does not reveal any evidence of any increase in crashes after digital billboards are installed.

5.2.4. Accordingly, it is not considered that there is any reason to anticipate that the installation of the digital billboard will result in driver confusion or any adverse safety-related effects.

5.3. *Assessment of Reported Crashes*

5.3.1. The crashes recorded at this intersection have been reviewed in more detail.

- For the 4 crashes were associated with the left-turn lane from Lower Queen Street into Richmond Deviation, the proposed static billboard would be outside the field of vision of the turning driver;
- For the 3 crashes associated with drivers disobeying the signage and attempting to turn right in locations where there is a prohibition on this movement, it is of note there are already four 'no right turn' signs plus carriageway markings instructing drivers of the prohibited movement. These are more signs directly in front of the driver than the static billboard would be, plus as noted above, from the drivers' perspective the signage would appear relatively large compared to the billboard. The crash that

occurred when a driver turning right from Queen Street was struck by a southbound driver on Lower Queen Street involved at at-fault driver that could not have seen the billboard.

- The 3 nose-to-tail crashes that occurred on the Gladstone Road and Lower Queen Street approaches occurred some distance from the billboard, and this type of crash is common in urban areas;
- Crashes involving drivers failing to stop at red traffic signals is not uncommon at urban intersections, and only one (in five years) occurred in locations where drivers could have seen the proposed billboard. The other 3 occurrences of this type of crash occurred involved an at-fault driver that could not have seen the billboard;
- One of the 3 crashes that occurred due to turning movements from Lower Queen Street occurred when a southbound driver on Lower Queen Street entered the intersection on an orange signal and there is no indication that the driver failed to see this (simply that they disregarded it). For the remaining 2 crashes involving turning movements from Lower Queen Street, the movement means that the billboard would move outside the drivers' field of vision prior to the collision.
- The crash that occurred when a pedestrian crossed Richmond Deviation from north to south against the traffic signals, and was struck by a westbound vehicle, involved a driver that could not have seen the billboard. There is no evidence that the pedestrian was in any way distracted, rather, they were simply crossing heedless of traffic.

5.3.2. Of the three remaining crashes not discussed above, the crash involving a driver clipping a trailer is recorded as the at-fault driver simply failing to manoeuvre their vehicle correctly when overtaking. It is also possible that the vehicle towing the trailer slowed down which contributed to the crash. There is no data regarding the reasons why a driver failed to stay in their own lane and struck a truck – the incident was recorded on CCTV and tail-swing of the truck was not reported. There is also no reason why a driver reversed into the vehicle behind.

5.3.3. On the basis of this review, and taking all relevant matters into account, it is not considered that the nature or frequency of reported crashes would be likely to be influenced by the presence of the billboard.

6. Proposed Conditions of Consent

6.1. Although a number of digital billboards have been consented around the country, all have associated conditions of consent in respect of their operation. In each case, these are required to ensure compliance with the Waka Kotahi Traffic Control Devices Manual, and/or supported by research regarding the safe operation of digital billboards, and so it is expected that they will be offered as part of this application also:

- Each image displayed shall be static, and not contain or emit flashing lights, movement, animation, or other dynamic effect.
- The images displayed shall not incorporate the predominant use of graphics, colours or shapes that could cause confusion or conflict with any traffic control device, nor invite or direct a driver to undertake an action.
- The display time for each image shall be a minimum of 8 seconds.
- The transition from one image to the next shall be via a 0.5 second dissolve.
- A split sign (that is two adverts) shall not be displayed at any one time.
- Images on the billboard shall not be linked to "tell a story" across two or more sequential images (that is, where the meaning of an image is dependent upon or encourages viewing of the immediately following image).
- The consent holder shall ensure that in the event of any malfunction of the LED's or the control system, the screen default shall be designed to freeze a display in one still position or default to a black screen until the malfunction has been repaired.

6.2. It is also considered that two Advice Notes should be included:

- Reflective materials are not to be used for the digital display units, and would potentially be contrary to relevant legislation.
- The legal framework relating to digital billboards is set out in Clauses 3.1 and 3.2 of the Waka Kotahi Traffic Control Devices Manual Part 3 ('Advertising Signs') 2011.

6.3. Based on the available research, these provisions will ensure that the signface and the operation of the billboard meet best practice and do not result in driver confusion or distraction.

7. Conclusions

7.1. This report has identified, evaluated and assessed the various transport and safety elements of a proposed digital billboard at Queen Street, Nelson. Based on the analysis, it is considered that the digital billboard will not present any particular road safety concerns provided that suitable controls (through conditions of consent) are put in place.

7.2. The location of the billboard meets the recommendations of the Waka Kotahi Traffic Control Devices Manual (Part 3, Advertising Signs), other than in respect of the proximity to intersections, and to permanent warning / regulatory signs. These matters have been specifically evaluated and it is considered very unlikely that adverse safety-related effects would arise (again, subject to suitable conditions of consent being put in place).

7.3. The matter of the overlap of one traffic signal has also been evaluated in detail, and it is considered that no adverse effects would arise from this.

7.4. Overall, and subject to the preceding comments, the proposed digital billboard can be supported from a traffic and transportation perspective and it is considered that there are no traffic and transportation reasons why consent could not be granted.

Carriageway Consulting Limited
May 2024


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Attachment 7
Review of Traffic Effects 7-12-2023
RM230535

Affirm NZ Ltd
PO Box 3365
Richmond 7050

Consent Application RM230535, 332 Queen Street, Richmond
Review of Traffic Effects 7/12/2023

1. Scope of this Review

Affirm NZ Ltd has been engaged by Tasman District Council to carry out a review of the traffic matters of a resource consent application by Bekon Media Ltd to install a single sided 18m^2 static billboard on a building at 332 Queen Street in Richmond. This review is intended to provide background information to the Council Planners Report on the consent application.

2. Documents Reviewed

For the purpose of this review I have considered the following documents:

1. Assessment of Environmental Effects prepared by Town Planning Group (NZ) Limited on behalf of Bekon Media Ltd, 17 August 2023, (the AEE).
2. Proposed Static Billboard, 332 Queen Street, Richmond - Transportation Matters report of 26 June 2023 prepared by Carriageway Consulting, 9 August 2023 (the Carriageway report).
3. Visual Package (DCM Urban)
4. Urban Design & Visual Impact Assessment (DCM Urban)

3. Planning Context

Resource consent is required for a **Restricted Discretionary Activity** under the Tasman Resource Management Plan (TRMP) pursuant to Rule 16.1.4.2. Council's discretion is restricted to:

(1) Location and legibility in relation to traffic safety.

(2) Any amenity effect on the surrounding area, including size and duration.

4. Carriageway Consulting Report

4.1 Sign Positioning

The billboard will be offset from the respective approaching traffic legs of the intersection (Lower Queen Street southbound and Gladstone Road/ State Highway (SH) 6 eastbound) but more importantly it will be elevated several metres above the carriageway, due to its parapet mounting. Thus, the eyeline for any motorists viewing the sign on these approaching legs would be to the side of and well above their forward roadway.

It is important that a motorist's attention be focussed on the road ahead when approaching the demanding environment of the signalised intersection. Any distraction could be detrimental to their decision-making capacity.

The purpose of roadside advertising, by its own definition, is to capture attention. This is undesirable from a traffic safety perspective as it could result in driver attention being side-tracked from the key driving tasks. Additional roadside distractions are also contrary to the Safe Systems Approach used in New Zealand for traffic and road safety work.

There is no discussion included within the Carriageway report as to any potential adverse traffic safety effects of the sign location and positioning when potentially viewed by approaching motorists.

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4.2 Vulnerable Road Users

Reference is made in the Carriageway report to the presence of pedestrian crossing facilities at the signalised intersection. However, the report provides no specific assessment of the risk to these road users. There are retirement villages along both Gladstone Road and Lower Queen Street and elderly pedestrians, including those on mobility scooters will be amongst regular users of the intersection.

While there is only one reported crash involving a pedestrian in the cited crash history used in the Carriageway report, there are almost certainly other non-reported near-miss events. There have been two separate news articles on near misses involving pedestrians in 2023 at this intersection that we are aware of.

5. Intersection Safety Assessment

The Carriageway report includes a review of the reported crash history at the intersection for the five-year period 2018 – 2022 and 2023 (to date). A brief analysis of the 20 crashes that occurred over this period on the two legs that would have visibility to the proposed billboard is also included in the report. The conclusion made in the Road Safety section on page 6 of the Carriageway report is that "*it does not appear that there are any inherent road safety deficiencies at this location.*"

To provide an overall perspective on the level of risk at the intersection we have carried out an assessment using the procedures outlined in the Waka Kotahi High Risk Intersections Guide. Input data to this analysis was the most recent reported crash history over the period 2019 – 2023 (to date) and the traffic volumes sourced from the Mobile Roads website.

Over the five-year period 2019 – 2023 (to date) there have been eight reported injury crashes at the intersection comprising two serious injury and six minor injury. The traffic volumes used were 20,322 vehicles per day (vpd) for Gladstone Road/ SH6, 9,659 vpd for Lower Queen Street and 9,189 vpd for Queen Street.

Based on this input information, the assessment gives an estimated Death and Serious Injury (DSI) equivalent of 1.13 in 5 years and an estimated DSIs per 100 million vehicle kilometres travelled through the intersection of 17.7. These figures classify the intersection as having a **Medium-High risk for both Collective Risk and Personal Risk**.

The resulting Level of Safety Service (LoSS) provides a comparison to other signalised urban crossroads intersections nationally. The combination of reported injury crashes and traffic volumes at the intersection give an LoSS result on the margin between LoSS III and LoSS IV. That means the observed injury crash rate at the intersection is close to the worst 30% of similar intersections nationally, or in other words the crash rate is higher (worse) than that of 70% of similar intersections.

As this analysis indicates that there is currently a higher level of risk at the intersection in comparison to similar intersections nationally, we disagree with the conclusion made in the Carriageway report that *it does not appear that there are any inherent road safety deficiencies at this location.*"

6. Austroads Research Report AP-R420-13

While the transportation matters report doesn't directly reference the Austroads Research Report AP-R420-13, "Impact of Roadside Advertising on Road Safety", 2013, there are some useful aspects in that report that are pertinent to this application. In referring to this document t is acknowledged that it is a research report and so doesn't have the same status as Austroads guides that are typically given more weight in traffic engineering.

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Section 6 of the Austroads report "Best Practice Principles" provides some principles that should be considered when formulating guidelines for the approval and placement of roadside advertising. Some of these relevant to this application are quoted as excerpts below, with bold emphasis added:

Sign Offset - Roadside advertising should not be substantially offset from the travel lane it is desired to be viewed from ***as this could move gaze direction away from the forward roadway****.*

Elevation - Roadside advertising should not be elevated to the extent that it ***draws gaze away from the forward roadway.***

Driving Demand - Aspects of the driving environment other than visual clutter are likely to increase mental workload and decrease capacity to process task-irrelevant material such as roadside advertising. ***In particular, intersections, decision-making points and merge points are likely to be demanding of attention. This suggests that in these and similarly demanding driving environments roadside advertising should not be visible.***

Road Environment - A final consideration is the existing safety profile of the road environment in question. ***For example, a road with an existing high crash rate would probably be a poor choice for installation of roadside advertising. By the same token, a road rated as risky by any of the road assessment methods (e.g. AusRAP) would also be an environment in which roadside advertising probably should not be introduced.***

Crash Rate Assessment - **Black spot locations should not be sites for roadside advertising**, especially where crash types are likely to be exacerbated by distraction (e.g. rear end).

Reviewing the proposed billboard location and positioning, along with the assessed existing intersection level of risk against these best practice principles indicates that in our view this is an unsuitable location for a billboard.

7. Summary and Recommendations

7.1 Conclusions

The proposed sign will be visible to traffic approaching the traffic signals on two legs of the Gladstone Road (SH6)/ Queen Street intersection. The sign location and positioning is such that the eyeline for any motorists viewing the sign on these approaching legs would be to the side of and well above their forward roadway. This has the potential to distract motorists attention and be detrimental to their decision making capacity in what is a demanding environment of the signalised intersection.

Using on the most recent reported crash history the intersection is shown to have an existing level of collective and personal risk in the medium-high category, This places the intersection close to the worst 30% of similar signalised crossroads intersections nationally in terms of the observed injury crash rate.

Based on this, we disagree with the conclusion of the Carriageway report that *"the operation of a south-facing digital billboard at 186 Queen Street will not present any particular road safety concerns."*

And for the same reasons we disagree with the conclusion in Section 5.4 of the AEE that *"any potential for adverse effects can be appropriately avoided, remedied, or mitigated, and will be less than minor in the context of the receiving environment".*

7.2 Recommendations

It is recommended that the consent application for the static billboard to be installed on a building at 332 Queen Street in Richmond be declined due to potential for adverse effects on traffic safety that will be more than minor.

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Director Affirm NZ Ltd

Attachment 7
Review of Traffic Safety Effects 20-06-2024
RM230535

Affirm NZ Ltd
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Consent Application RM230535, 332 Queen Street, Richmond
Review of Traffic Effects 20/6/2024

1. Scope of this Review

Affirm NZ Ltd has been engaged by Tasman District Council to carry out a review of the traffic matters of a resource consent application by Bekon Media Ltd to install a single sided 24.5m^2 digital billboard for off-site advertising on a building at 332 Queen Street in Richmond.

The application is a revised application to that initially lodged in August 2023, which was for a single sided 18m^2 static billboard at the same location. The main changes from the initial application are that the billboard is now proposed to be digital, and the billboard size increases from 18m^2 to 24.5m^2. The billboard location is the same as that for the initial application, mounted on the parapet of the building at 332 Queen Street, which is located on the southeast corner of the Queen Street/ Lower Queen Street/ Gladstone Road (State Highway 6) intersection

This review is intended to provide background information to the Council Planners Report on the consent application.

2. Documents Reviewed

For the purpose of this review, I have considered the following documents:

1. Application for Resource Consent prepared by Town Planning Group (NZ) Limited on behalf of Bekon Media Ltd, 21 May 2024, (the Application).
2. Proposed Digital Billboard, Queen Street, Richmond – Assessment of Transportation Matters, Carriageway Consulting, 21 May 2004 (the Carriageway report).
3. Urban Design & Visual Impact Assessment (DCM Urban), April 2024

3. Planning Context

Resource consent is required for a **Restricted Discretionary Activity** under the Tasman Resource Management Plan (TRMP) pursuant to Rule 16.1.4.2. Council's discretion is restricted to:

(1) Location and legibility in relation to traffic safety.

(2) Any amenity effect on the surrounding area, including size and duration.

4. Intersection Safety Assessment

The Carriageway report includes a review of the reported crash history at the intersection for the five-year period 2019 – 20232 and 2024 (to date). An analysis of the 21 crashes that occurred over this period on the two legs that would have visibility to the proposed billboard is also included in the report. The conclusion made in the Road Safety section in paragraph 2.3.2 of the Carriageway report is that "*it does not appear that there are any inherent road safety deficiencies at this location.*"

The previous traffic effects review of the original static billboard application at this site (Affirm NZ, 7 December 2023), included an analysis of the respective Collective Risk, Personal Risk and Level of Safety Service (LoSS) of the intersection and provided comparisons to other signalised urban crossroads intersections nationally. That analysis also remains valid for this revised application.

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To put the safety performance of the intersection into context in more local terms, a brief investigation has been caried out using reported crash data from the Waka Kotahi Crash Analysis System (CAS) for crashes coded only to intersections, at all urban intersections (maximum 50km/h regulatory speed limit) in the Nelson and Tasman regions for the five-year period 2019 – 2023. This covers all intersections within the main urban areas of both regions including Nelson, Richmond, Stoke, Motueka, Takaka, Wakefield and Brightwater.

Over this period the Queen Street/ Lower Queen Street/ Gladstone Road (SH6) intersection has both the highest total number of reported crashes as well as the highest number of reported all- injury crashes, of all the urban intersections throughout the Nelson and Tasman regions.

Further, there has been a noted increase in both the number and severity of crashes at the intersection, when comparing the most recent five-year crash history (2019-2023) to the previous five-year history (2013-2018). Over these respective periods, the total number of reported crashes has increased from 20 to 27 and reported all-injury crashes have increased from three to eight.

The assessment of the intersection crash risk (carried out by Affirm NZ for the traffic effects review of the initial static billboard application) showed the crash rate at the intersection is higher (worse) than that of 70% of similar intersections nationally. The more specific regional assessment outlined above, shows that this intersection has both the highest number of reported crashes and the highest number of reported all-injury crashes of any urban intersection across the Nelson and Tasman regions over the five-year period 2019-2023.

Based on these findings, we disagree with the conclusion made in the Carriageway report that *"it does not appear that there are any inherent road safety deficiencies at this location."*

5. Carriageway Consulting Report

The Carriageway report includes a discussion on research papers on the road safety effects of digital billboards and provides summary information on New Zealand studies on crash rates at locations where billboards have been installed.

I agree with the statements in paragraph 3.3.1of the Carriageway report that *'the available literature is sometimes contradictory'* and that *'it appears that digital billboards do attract driver attention to a greater extent than static billboards.'*

However, the referenced literature isn't conclusive with regards to the effect of any increased distraction and whether that leads to an increase in the crash rate.

As part of the General Assessment of Road Safety Effects of Billboards section in the Carriageway report, there is reference to the Austroads Research Report AP-R420-13, "Impact of Roadside Advertising on Road Safety", 2013. In referring to this document it is acknowledged that it is a research report and so doesn't have the same status as Austroads guides that are typically given more weight in traffic engineering.

There are some direct quotes taken from the Austroads report that are included in the Carriageway report. Paragraph 3.2.2. 8 of the report includes excerpts from Section 5.3 - Summary of the Austroads report, with some of the lines bolded. However, the Carriageway report omits the text immediately following the quoted excerpt, which states:

"On the other hand, from a Safe System perspective it would be difficult to justify adding any infrastructure to the road environment that could result in increased distraction for drivers."

Section 3.1 of the Carriageway report discusses the guidance provided in the Waka Kotahi Traffic Control Devices Manual (Part 3, Advertising Signs) and paragraph 7.2 in the Conclusions section of the Carriageway report states:

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'The location of the billboard meets the recommendations of the Waka Kotahi Traffic Control Devices Manual (Part 3, Advertising Signs), other than in respect of the proximity to intersections, and to permanent warning / regulatory signs.'

The relevant Section 5.5 of the Traffic Control Devices Manual states:

'The location of advertising signs or devices in close proximity to traffic control devices may result in the advertising sign obscuring a traffic sign or otherwise detracting from the traffic sign's effectiveness. Traffic control devices place demands on a driver's attention and are often located at sites to warn of specific hazards or to control hazardous traffic movements. Distractions caused by advertising signs may result in road safety problems. To help avoid safety issues, advertising signs should not be located within 100m and 200m in urban and rural areas respectively of:

- *intersections*

While the proposed digital billboard does meet many of the recommendations for advertising outlined in the Traffic Control Devices Manual: Part 3, the non-compliance against the recommendation (on road safety grounds) that advertising signs shouldn't be located within 100m of urban intersections is a fundamental matter for consideration.

6. Review

The proposed digital billboard will be visible to traffic approaching the traffic signals on two legs of the Queen Street/ Lower Queen Street/ Gladstone Road (State Highway 6) intersection.

A review of crashes at all urban intersections in the Nelson and Tasman regions over the five-year period 2019- 2023 shows that this intersection has both the highest total number of reported crashes as well as the highest number of reported all- injury crashes, of all urban intersections throughout the Nelson and Tasman regions.

This indicates that there are existing safety deficiencies at the intersection, which is contrary to statements in both the Carriageway report and the Application with respect to traffic safety.

The purpose of roadside advertising, by its own definition, is to capture attention. This is undesirable from a traffic safety perspective as it could result in driver attention being side-tracked from the key driving tasks. Additional roadside distractions are also contrary to the Safe Systems Approach used in New Zealand for traffic and road safety work.

It is important that a motorist's attention be focussed on the road ahead when approaching intersections, as any distraction could be detrimental to their decision-making capacity. This is consistent with the guidance provided in Section 5.5 of the Traffic Control Devices Manual: Part 3, which recommends that advertising signs should not be located within 100m of intersections in urban environments.

The location of the proposed digital billboard, at the intersection with the poorest road safety performance of all urban intersection across the Nelson and Tasman regions and in conflict with a key recommendation from the Traffic Control Devices Manual: Part 3 with respect to location of advertising signage, has a likelihood of adverse effects on traffic safety that will be more than minor.

7. Summary and Recommendations

7.1 Conclusions

The proposed digital billboard will be visible to traffic approaching the traffic signals on two legs of the Queen Street/ Lower Queen Street/ Gladstone Road (State Highway 6) intersection.

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A review of crashes at all urban intersections in the Nelson and Tasman regions over the five-year period 2019- 2023 shows that this intersection has both the highest total number of reported crashes as well as the highest number of reported all- injury crashes, of all the urban intersections throughout Nelson and Tasman regions.

The location of the billboard at the intersection is inconsistent to the guidance provided in Section 5.5 of the Traffic Control Devices Manual: Part 3, which recommends that advertising signs should not be located within 100m of intersections in urban environments.

The billboard has the potential to distract motorists attention, which could be detrimental to their decision making capacity in what is a demanding environment of a signalised intersection.

Based on this, we disagree with the conclusion of the Carriageway report that *"the digital billboard will not present any particular road safety concerns."*

And for the same reasons we disagree with the conclusion in Section 5.4of the Application that *"any potential for adverse effects can be appropriately avoided, remedied, or mitigated, and will be less than minor in the context of the receiving environment"*.

Based on this review, this intersection is considered to be an unsuitable location for a digital billboard.

7.2 Recommendations

It is recommended that the consent application for the digital billboard on the building at 332 Queen Street in Richmond be declined due to likelihood of adverse effects on traffic safety that will be more than minor.

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Director Affirm NZ Ltd

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Attachment 8
Review of Traffic Safety Effects 19-09-2024
RM230535

Affirm NZ Ltd
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Consent Application RM230535, 332 Queen Street, Richmond
Review of Traffic Effects 19/9/2024

1. Scope of this Review

Affirm NZ Ltd has been engaged by Tasman District Council to carry out a review of the traffic matters of a resource consent application by Bekon Media Ltd to install a single sided 24.5m^2 digital billboard for off-site advertising on a building at 332 Queen Street in Richmond.

The application is a revised application to that initially lodged in August 2023, which was for a single sided 18m^2 static billboard at the same location. The main changes from the initial application are that the billboard is now proposed to be digital, and the billboard size increases from 18m^2 to 24.5m^2. The billboard location is the same as that for the initial application, mounted on the parapet of the building at 332 Queen Street, which is located on the southeast corner of the Queen Street/ Lower Queen Street/ Gladstone Road (State Highway 6) intersection

This review is intended to provide background information to the Council Planners Report on the consent application.

2. Statement of Qualifications and Experience

My name is Ari Joseph Albert Fon. I am a Director of Affirm NZ Ltd, a private engineering consultancy. I hold a Bachelor's Degree in Civil Engineering with honours from Canterbury University. I am a Chartered Member of Engineering New Zealand (CMEng), a member of the Transportation Group of Engineering New Zealand and a member of the Safety Practitioners subgroup of the Transportation Group.

I established Affirm NZ approximately eight years ago, following a long period of employment with Aurecon NZ Ltd, a multi-disciplinary engineering consultancy. For the previous 15-year period I was manager of the Aurecon Nelson office, with specific responsibility for land development and transportation projects.

I am experienced in traffic and transportation engineering and have worked in these disciplines throughout the Nelson, Tasman and Marlborough regions and New Zealand. I have also completed many traffic and access assessments for developments adjacent to both local roads and state highways throughout the Tasman region over the past 20 years. I am also an experienced road safety and safe system auditor and have completed numerous Safety Audits for Waka Kotahi NZ Transport Agency as well as for Tasman District Council (the Council) on local road projects.

3. Documents Reviewed

For the purpose of this review, I have considered the following documents:

1. Application for Resource Consent prepared by Town Planning Group (NZ) Limited on behalf of Bekon Media Ltd, 21 May 2024, (the Application).
2. Proposed Digital Billboard, Queen Street, Richmond – Assessment of Transportation Matters, Carriageway Consulting, 21 May 2004 (the Carriageway report).
3. Urban Design & Visual Impact Assessment (DCM Urban), April 2024

4. Planning Context

Resource consent is required for a **Restricted Discretionary Activity** under the Tasman Resource Management Plan (TRMP) pursuant to Rule 16.1.4.2. Council's discretion is restricted to:

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(1) Location and legibility in relation to traffic safety.

(2) Any amenity effect on the surrounding area, including size and duration.

5. Intersection Safety Assessment

The Carriageway report includes a review of the reported crash history at the intersection for the five-year period 2019 – 2023 and 2024 (to date). An analysis of the 21 crashes that occurred over this period on the two legs that would have visibility to the proposed billboard is also included in the report. The conclusion made in the Road Safety section in paragraph 2.3.2 of the Carriageway report is that *"it does not appear that there are any inherent road safety deficiencies at this location."*

The previous traffic effects review of the original static billboard application at this site (Affirm NZ, 7 December 2023), included an analysis of the respective Collective Risk, Personal Risk and Level of Safety Service (LoSS) of the intersection and provided comparisons to other signalised urban crossroads intersections nationally. That analysis also remains valid for this revised application.

To put the safety performance of the intersection into context in more local terms, a brief investigation has been caried out using reported crash data from the Waka Kotahi Crash Analysis System (CAS) for crashes coded only to intersections, at all urban intersections (maximum 50km/h regulatory speed limit) in the Nelson and Tasman regions for the five-year period 2019 – 2023. This covers all intersections within the main urban areas of both regions including Nelson, Richmond, Stoke, Motueka, Takaka, Wakefield and Brightwater.

Over this period the Queen Street/ Lower Queen Street/ Gladstone Road (SH6) intersection has both the highest total number of reported crashes (27) as well as the highest number of reported all- injury crashes (eight), of all the urban intersections throughout the Nelson and Tasman regions.

Further, there has been a noted increase in both the number and severity of crashes at the intersection, when comparing the most recent five-year crash history (2019-2023) to the previous five-year history (2014-2018). Over these respective periods, the total number of reported crashes has increased from 20 to 27 and reported all-injury crashes have increased from three to eight.

A summary of the contributing crash factors across all 47 reported crashes for the ten-year period 2014 – 2023 shows that the main factor was poor observation, which was recorded in 25 crashes or just over half of all crashes. Poor observation includes both driver inattention and distraction. The next highest contributing factor was failure to give way or stop, which was recorded in 22 crashes or slightly under half of all crashes.

The assessment of the intersection crash risk (carried out by Affirm NZ for the traffic effects review of the initial static billboard application) showed the crash rate at the intersection is higher (worse) than that of 70% of similar intersections nationally. The more specific regional assessment outlined above, shows that this intersection has both the highest number of reported crashes and the highest number of reported all-injury crashes of any urban intersection across the Nelson and Tasman regions over the five-year period 2019-2023.

Section 2.3.1 of the Carriageway report states that for the period 2019 to 2023, plus the partial record for 2024, *"there were 21 crashes reported in this area from where drivers could potentially have seen the billboard (if it was in place)"*. That number represents approximately 80% of the total number of crashes that have occurred over this period.

Based on these findings, we disagree with the conclusion made in the Carriageway report that *"it does not appear that there are any inherent road safety deficiencies at this location."*

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6. Carriageway Consulting Report

The Carriageway report includes a discussion on research papers on the road safety effects of digital billboards and provides summary information on New Zealand studies on crash rates at locations where billboards have been installed.

I agree with the statements in paragraph 3.3.1of the Carriageway report that *"the available literature is sometimes contradictory"* and that *"it appears that digital billboards do attract driver attention to a greater extent than static billboards."*

However, the referenced literature isn't conclusive with regards to the effect of any increased distraction and whether that leads to an increase in the crash rate.

As part of the General Assessment of Road Safety Effects of Billboards section in the Carriageway report, there is reference to the Austroads Research Report AP-R420-13, Impact of Roadside Advertising on Road Safety, 2013.
In referring to this document it is acknowledged that it is a research report and so doesn't have the same status as Austroads guides that are typically given more weight in traffic engineering.

There are some direct quotes taken from the Austroads report that are included in the Carriageway report. Paragraph 3.2.2. 8 of the report includes excerpts from Section 5.3 - Summary of the Austroads report, with some of the lines bolded. However, the Carriageway report omits the text immediately following the quoted excerpt, which states:

"On the other hand, from a Safe System perspective it would be difficult to justify adding any infrastructure to the road environment that could result in increased distraction for drivers."

Section 3.1 of the Carriageway report discusses the guidance provided in the Waka Kotahi Traffic Control Devices Manual (Part 3, Advertising Signs) and paragraph 7.2 in the Conclusions section of the Carriageway report states:

"The location of the billboard meets the recommendations of the Waka Kotahi Traffic Control Devices Manual (Part 3, Advertising Signs), other than in respect of the proximity to intersections, and to permanent warning / regulatory signs."

The relevant Section 5.5 of the Traffic Control Devices Manual states:

The location of advertising signs or devices in close proximity to traffic control devices may result in the advertising sign obscuring a traffic sign or otherwise detracting from the traffic sign's effectiveness. Traffic control devices place demands on a driver's attention and are often located at sites to warn of specific hazards or to control hazardous traffic movements. Distractions caused by advertising signs may result in road safety problems. To help avoid safety issues, advertising signs should not be located within 100m and 200m in urban and rural areas respectively of:

- *intersections*
- *permanent regulatory or warning signs*
- *curves (with chevron signing)*
- *pedestrian crossings.*

While the digital billboard does meet some of the recommendations for advertising outlined in the Traffic Control Devices Manual: Part 3, the proposed location of the billboard conflicts with the recommended 100m setback from the intersection, the pedestrian crossing and permanent regulatory and warning signs. This non-compliance against the recommendation from the Traffic Control Devices Manual (on road safety grounds) that advertising signs shouldn't be located within 100m of any of these three features is a fundamental matter for consideration.

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Southbound drivers approaching the intersection on Lower Queen Street experience a number of demands on their attention, particularly during the morning and evening peak periods. Stratford Street, located approximately 110m north of the intersection and 130m from the proposed billboard, has a high number of turning movements at peak times. While Stratford Street has a Give Way control, at peak times when queues form on both streets, southbound drivers on Lower Queen Street will allow space for traffic to turn into and out of Stratford Street as a courtesy.

Immediately south of Stratford Street, on the opposite side of Lower Queen Street are two vehicle crossings servicing light industrial and commercial areas, both of which also have higher numbers of turning vehicles in the peak periods. Along this section of the Lower Queen Street approach, the diverge taper commences for the lane gain at the intersection and for the development of the left turn slip lane. The development of the flush painted median in the centre of the road also begins. At peak times, traffic is already two-wide at a point just south of Stratford Street, even though this isn't formally marked as a dual-lane section.

Immediately adjacent to the intersection, there is an at-grade zebra pedestrian crossing at the unprotected left turn lane.

The Urban Design and Visual Impact Assessment Graphic Attachment included in the consent application as Attachment C doesn't include a representative before and after view that southbound drivers would have when approaching the intersection on Lower Queen Street. Further, Section 5.1.4 of the Carriageway report states that the *"roadside advertising is only expected to be visible at 80m"*.

However, it is evident from image VP1 on page 9 of Attachment C that drivers approaching the signals will have a view of the billboard far in excess of that distance, likely out to 130m and visible from the vicinity of Stratford Street, with the billboard becoming more prominent the closer they get to the intersection.

Section 5.1 of the Carriageway report discusses the overlap of traffic signal heads with the billboard. While no overlap will occur on the Gladstone Road approach, there will be visual overlap with the primary signal head on the Lower Queen Street approach, which is the signal on the immediate left of approaching drivers. As the Carriageway report highlights, this visual overlap will occur within the Approach Site Distance (ASD) from the traffic signal stop line, which that report assesses as 63m for an operating speed of 55km/h. Within this distance, drivers will need to make the key decision as to whether they can proceed through the intersection or brake and stop for an orange or red.

The 55km/h adopted operating speed essentially allows for free-flow conditions where there is little or no traffic, while in reality the actual operating speeds will be lower than that, with a resulting reduction in the ASD. For example, at an operating speed of 40km/h, and allowing for a driver reaction time of two seconds the ASD would be 40m. Therefore, the visual overlap of the primary signal with the billboard could have an effect over a greater range than that indicated in the Carriageway report.

As the Carriageway report sets out, there are additional signal heads on this approach comprising a dual primary, secondary and tertiary and the signal head also has a black target board, however the purpose of the primary signal is to warn approaching traffic of the state of the signals and to stop traffic at the correct position. Of all the signal heads at a signalised intersection, it is the primary signal that should be protected from any visual overlap from background advertising due to its importance.

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7. Submissions

A total of 27 submissions have been received, all of which are in opposition. 22 of the submissions have specifically raised traffic safety matters as the primary reason for opposition.

Of note is the submissions made by business and/or property owners near to the subject property, along with those that are regular commuters through the intersection. Some of those submissions make anecdotal reference to having observed crashes as well as near misses at the intersection.

8. Review

The proposed digital billboard will be visible to traffic approaching the traffic signals on two legs of the Queen Street/ Lower Queen Street/ Gladstone Road (State Highway 6) intersection.

A review of crashes at all urban intersections in the Nelson and Tasman regions over the five-year period 2019- 2023 shows that this intersection has both the highest total number of reported crashes as well as the highest number of reported all- injury crashes, of all urban intersections throughout the Nelson and Tasman regions.

This indicates that there are existing safety deficiencies at the intersection, which is contrary to statements in both the Carriageway report and the Application with respect to traffic safety.

The purpose of roadside advertising, by its own definition, is to capture attention. This is undesirable from a traffic safety perspective as it could result in driver attention being side-tracked from the key driving tasks. Additional roadside distractions are also contrary to the Safe Systems Approach used in New Zealand for traffic and road safety work.

It is important that a driver's attention be focussed on the road ahead when approaching intersections, as any distraction could be detrimental to their decision-making capacity. This is consistent with the guidance provided in Section 5.5 of the Traffic Control Devices Manual: Part 3, which recommends that advertising signs should not be located within 100m of intersections in urban environments.

The location of the proposed digital billboard, at the intersection with the worst reported crash history of all urban intersection across the Nelson and Tasman regions and in conflict with a key recommendation from the Traffic Control Devices Manual: Part 3 with respect to location of advertising signage, has a likelihood of adverse effects on traffic safety that will be more than minor.

9. Proposed Conditions of Consent

The Applicant has volunteered proposed conditions, in a document titled *Bekon - Richmond - proposed consent conditions as at 11.09.2024* and noting that these have been provided on a Without Prejudice basis.

Those draft conditions relevant to traffic matters have been reviewed, with responses provided in plain text where required. Where additional or amended wording or new conditions are recommended, these have been provided in conventional fashion using underlined or struck-out text. We consider that should consent be granted, these would generally be appropriate conditions subject to the following amendments.

Condition 15

1. Each image displayed shall:

    a. Be static while being displayed, and not contain flashes, movement, scrolling, animation, full motion video, or other dynamic effects.

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Conditions 17-19

17. Once operation of the signage has commenced, the consent holder shall engage an independent chartered professional traffic engineer that is experienced in the preparation of safety assessments to provide the CMO, with Traffic Safety Reports at the following frequencies:

    a. ~~12~~ six months; and

    b. ~~24~~ 12 months.

18. The Traffic Safety Reports, including any recommended mitigation measures (if relevant), must be submitted to the CMO within 30 working days of the ~~12~~ six-month and ~~24~~ 12-month anniversaries of commencement of the signage operations.

19. The Traffic Safety Report must as a minimum include:

    a. An examination of the New Zealand Transport Agency Crash Analysis System for all recorded crashes within 100m of the ~~stop~~ limit-lines of all ~~the~~ approaches to the intersection. Particular reference to be made to crashes on legs ~~digital billboard~~ from where the images on the billboard can be seen~~, with particular reference~~ and to any crashes with the cause factor 356: "attention diverted by advertising or signs", to establish whether there is an identifiable increase of recorded crashes with interpretation having regard to the likelihood that any such increase may be attributable to the operation of the digital billboard; and

    b. Recommendation(s) of any measures that will be undertaken to avoid, remedy or mitigate any identified effects.

Advice note

The type of measures recommended in accordance this condition might include one or more of the following:

    a. Reductions to the daytime and/or night time luminance levels;

    b. Adjustments to the transition time;

    c. Increases in the image dwell time; ~~and~~

    d. Further controls on the image content~~.~~; and

    e. Convert the billboard to static only.

Advice Notes

The proposed consent conditions also include four Advice Notes in the proposed Conditions. Advice Note 1 states that the basis for defining and identifying daytime, night time, sunset and sunrise should be LINZ Astronomical Data. While

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it is agreed that the astronomical data would be definitive, using that as the reference rather than prescribing set times will make compliance checking by Council officers more difficult.

We believe it is appropriate to include an Advice Note referencing the Waka Kotahi TCD Manual Part 3, but recommend expanding on the wording in Advice Note 4 to also include provisions around the use of colour on the digital billboard. This addition is consistent with the Carriageway report as these limitations on the use of colour are discussed in Section 3.1 on pages 9 and 10 of that report.

Recommended changes to Advice Note 4:

> *Guidance in relation to digital billboards is set out in Clauses 3.1 and 3.2 of the NZTA Traffic Control Devices Manual Part 3 ('Advertising Signs') 2011.*
>
> > *The colours and patterns used on the digital billboard should also comply with the provisions of Clause 6.3 of the Traffic Control Devices Manual Part 3, specifically any advertising constructed where visible from a roadway must not:*
> >
> > - *be coloured red, green, orange, white or yellow in combinations of colours, or shapes which may be mistaken for a traffic control device*
> > - *have red, green, orange, white or yellow in isolation, or in combinations of colours and in a location where it is likely to form the foreground or background to or appear alongside a traffic control device of similar colour when viewed by approaching motorists*
> > - *contain large areas of red, green or orange display on illuminated signs which at night are likely to cause confusion with traffic control signals or tail lights of vehicles.*

10. Summary and Recommendations

10.1 Conclusions

The proposed digital billboard will be visible to traffic approaching the traffic signals on two legs of the Queen Street/ Lower Queen Street/ Gladstone Road (State Highway 6) intersection.

A review of crashes at all urban intersections in the Nelson and Tasman regions over the five-year period 2019- 2023 shows that this intersection has both the highest total number of reported crashes as well as the highest number of reported all- injury crashes, of all the urban intersections throughout Nelson and Tasman regions.

The location of the billboard at the intersection is inconsistent to the guidance provided in Section 5.5 of the Traffic Control Devices Manual: Part 3, which recommends that advertising signs should not be located within 100m of intersections, pedestrian crossings and permanent and regulatory signage in an urban environment.

The billboard has the potential to distract driver's attention, which could be detrimental to their decision making capacity in a demanding environment of a signalised intersection with the worst reported crash history in the region.

Based on this, we disagree with the conclusion of the Carriageway report that *"the digital billboard will not present any particular road safety concerns."*

And for the same reasons we disagree with the conclusion in Section 5.4 of the Application that *"any potential for adverse effects can be appropriately avoided, remedied, or mitigated, and will be less than minor in the context of the receiving environment".*

Based on this review, this intersection is considered to be an unsuitable location for a digital billboard.

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Richmond 7050

10.2 Recommendations

It is recommended that the consent application for the digital billboard on the building at 332 Queen Street in Richmond be declined due to likelihood of adverse effects on traffic safety that will be more than minor.

Ari Fon, BE Civil (Hons), CMEngNZ

Director Affirm NZ Ltd

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Attachment 9
DCM Urban Design & Visual Impact Assessment May 2024
RM230535

DCM URBAN DESIGN LIMITED
10/245 St Asaph St, Christchurch 8011

BEKON MEDIA

Email: anita@townplanning.co.nz
Ref: 2023_025 332 Queen St Richmond Digital Billboard UDVIA Addendum_B

Tuesday, 21st May 2024

RM230535 – URBAN DESIGN AND VISUAL IMPACT ASSESSMENT - ADDENDUM

332 QUEEN STREET, RICHMOND

Dear Anita,

The following memo is an addendum to the Urban Design and Visual Impact Assessment which was undertaken by DCM Urban Design Limited in January 2023. A Notification Decision Report from the Tasman District Council was issued in December 2023, and in preparing this memo I have read the Notification Decision Report and the following aspects have been covered below:

a. The cumulative effects the proposed sign will have on the visual amenity of the receiving environment.
b. The interrupted views of the Richmond Ranges and the effects this will have on the surrounding visual amenity.
c. Additional assessment of the TRMP Objectives and Policies under the TDC District Plan.

The original UDVIA and consent application was for a 6 x 3m static billboard, the proposal has now been changed to a digital billboard 7m wide and 3.5m high with a total area of 24.5m². The sign will still be located in the same position, above the parapet of the PetMart Shop on the corner of Queen Street and Gladstone Road (SH6).

I consider the change from a static billboard to a digital billboard will not cause additional adverse effects, due to the commercial nature of the receiving environment and ability to absorb this change. The existing receiving environment is considered highly modified, very low visual quality and includes commercial buildings and activities, signage of varying types and sizes, and a high traffic volume that passes through the intersection. Although the sign will sit above the existing parapet, it will not extend past the existing building footprint and the combined height of the sign and building is approximately 8.8m, which is below the permitted 10m building height. Open views will be experienced by those travelling along Gladstone Road and through the intersection, where there is already visual clutter, and constant vehicle movement. The transition of images will be less noticeable. There is a substantial amount of ambient light currently present within the immediate area, including streetlights, the McDonalds sign, and the NPD and Z Fuel Petrol Stations. It is considered that the proposed digital billboard will successfully integrate with the existing commercial character of the receiving environment, and that any visual effects will be less than minor.

a. THE CUMULATIVE EFFECTS THE PROPOSED SIGN WILL HAVE ON THE VISUAL AMENITY OF THE RECEIVING ENVIRONMENT

The notification decision report discusses the cumulative effects the billboard will have on the receiving environment and that the additional sign will add to the visual clutter already present causing cumulative effects and a tipping point for amenity values of the area.

I consider the receiving environment does not have a sensitive character or landscape values of high quality. The site is within the Central Business zone and is primarily occupied by Commercial businesses of varying quality and signage of varying types and scales are anticipated in the area. The addition of the proposed digital billboard will not be unexpected within this zone or pose additional adverse effects on visual amenity for the already highly modified commercial area and busy intersection.

b. THE INTERRUPTED VIEWS OF THE RICHMOND RANGES AND THE EFFECTS THIS WILL HAVE ON THE SURROUNDING VISUAL AMENITY

In the report the interrupted views of the Richmond Ranges from the proposed sign were assessed as minor and that the ranges offset the low visual amenity of the intersection and immediate receiving environment. The billboard will not adversely interrupt and affect the wider amenity values of the intersection and beyond.

I agree that the Richmond Ranges help to offset the lower amenity values of the already highly modified intersection and commercial character of the receiving environment, however there are currently no planning controls regarding the protection of views to the Richmond Ranges, and although the billboard will interrupt views briefly, the wider ranges are still visible for those travelling east or south through the intersection. The existing PetMart building already breaks views of the Ranges and the proposed billboard will be below the permitted 10m building height restriction. Should the building extend to the 10m permitted height, this would substantially obscure a wider field of view to the Ranges. I consider that for these reasons, the proposed digital billboard will only interrupt views of the Richmond Ranges briefly when travelling through the intersection and that for the most part the wider views will be retained. The effects on visual amenity are still considered to be less than minor.

c. ADDITIONAL ASSESSMENT OF THE TRMP OBJECTIVES AND POLICIES UNDER THE TDC DISTRICT PLAN.

SIGNAGE RULES

Rule 16.1.4.1(a) which requires a sign to be located and have the dimensions in accordance with Figure 16.1B.

Response

The sign will be 7m wide and 3.5m high and 24.5m², it will be located approximately 0.7m above the existing parapet of the Petmart Building and is therefore not consistent Figure 16.1B. There are no rules within the TRMP regarding maximum signage area for signs extending wholly above the building parapet.

Rule 16.1.4.1(b) which requires a sign to meet conditions (b) to (h) of Rule 16.1.3.1. (b)The sign relates only to activities undertaken on the site unless it is a temporary sign.

Response

The proposed sign will be permanently fixed above the parapet of the building, and although the sign will be advertising off site activities, the advertising shown will be primarily for local businesses and could also promote local activities within Richmond, encouraging visitors to stay and not just travel through the township.
Any perceived effects from the advertising will be the same regardless of whether it is for activities undertaken on the site or off site.

Rule 16.1.4.1(c) requires a sign to comply with the requirement indicated in Figure 16.1B.

Response
The sign will be located above the parapet of the building to which it is attached.

Rule 16.1.4.1(e)(i) Requires any sign painted on or attached to a building to be related to the activity operating therein (i.e. onsite advertising).

Response
Although the sign will be advertising off site activities, the advertising shown will be primarily for local businesses and could also promote local activities within Richmond, encouraging visitors to stay and not just travel through the township. As noted above, any perceived effects from the advertising will be the same regardless of whether it is for activities undertaken on the site or off site.

Rule 16.1.4.1(e)(iii) Requires a sign to be no higher than the roof peak or parapet of that part of the building to which the sign is attached.

Response
Although the sign will sit above the existing parapet, it will not extend beyond the existing building footprint. The combined height of the sign and building is approximately 8.8m above ground level, which remains below the permitted 10m building height.

In conclusion, the cumulative effects of the proposed sign, whether static or digital are still considered to have less than minor effects, due to the highly modified, low visual quality commercial character of the existing receiving environment, the high traffic volumes along SH6, and the already high level of ambient lighting in the immediate area including several large, illuminated signs. While the sign will be advertising off site activities, the advertising shown could also promote local activities within Richmond, encouraging visitors to stay and not just travel through the township. Nonetheless, advertising of on site or off-site activities has the same effect.

Views of the Richmond Ranges will momentarily be interrupted for those travelling east or south through the intersection, signage is anticipated within the commercial area, and wide views of the Richmond Ranges are still maintained beyond the proposed billboard.

Overall, it is of my opinion that the proposed digital billboard will still have less than minor effects on the visual amenity of the receiving environment.

Yours sincerely,

David Compton-Moen
Director, Urban Designer / Landscape Architect
M.Urban Design(hons), BLA(hons), BRS(Planning and Economics)
Registered Landscape Architect, MNZPI

DCM URBAN DESIGN LIMITED
10/245 St Asaph St, Christchurch 8011

332 Queen Street, Richmond - Digital Billboard

BEKON MEDIA

Urban Design & Visual Impact Assessment

Project No. 2023_025

11 April 2024_C

DCM URBAN DESIGN LIMITED
10/245 St Asaph St, Christchurch 8011

332 Queen St, Richmond - Urban Design & Visual Impact Assessment

Project no: 2023_025
Document title: Urban Design & Visual Impact Assessment

Revision: C
Date: 11/04/2024
Client name: Bekon Media

Author: Nadine Kirton
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REVISION	DATE	DESCRIPTION	BY	REVIEW	APPROVED
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C	11/04/2024	Updates to Report	NK	CG	

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CONTENTS

1. INTRODUCTION AND PROPOSAL

The following report is an Urban Design and Visual Impact Assessment for a proposed digital billboard at 332 Queen Street in Richmond, Tasman District.

The original UDVIA and consent application was for a 6 x 3m static billboard, the Tasman District Council issued a Notification Decision Report in December 2023, and notification was required due to traffic related issues and concerns about the cumulative effects on the visual amenity of the Richmond Ranges. This has been discussed in the Addendum Memo that is attached to this document. The client, Bekon Media has changed the original static billboard application to a digital billboard, this report has been amended to reflect this change.

The proposed digital billboard will be 7m long and 3.5m wide with a total area of 24.5m², the billboard will be located above the veranda overhang and existing parapet of the Pet Mart building situated at 332 Queen Street. The proposed sign will face northwest across the Queen Street and Gladstone Road (SH6) intersection.

The site is located within the Central Business District Zone within the Richmond Town Centre and is controlled by the Tasman District Plan and the Tasman Regional Management Plan (TRMP). Billboards are a permitted activity, although the proposed billboard, is over size and is positioned above the existing parapet of the building, therefore it is considered a Restricted Discretionary Activity as set out in the TRMP. An assessment against the matters set out in the TRMP are outlined in Section 3 and a series of photos and plans are attached in the Appendix 1 to assist with the assessment.

2. METHODOLOGY

Refer to Appendix 2 for assessment methodology and terms used when assessing landscape and visual effects of the proposal.

2.1 STATUTORY DOCUMENTS

Relevant statutory documents relating to Visual Amenity are referred to below:

- The Tasman District Plan
- The Tasman Regional Management Plan

These have been addressed in section 3.3.

3. ASSESSMENT OF EFFECTS

Below is an assessment of effects relating to the urban character and visual amenity values in accordance with the Tasman District Plan. The proposal is deemed to be a **restricted discretionary activity**.

3.1 EXISTING URBAN CHARACTER

The proposal is located within Richmond's township, the Tasman districts largest town centre. The Richmond town centre is generally defined by buildings of varying scales and architectural styles, with a mixture of retail, hospitality, and small-scale commercial activity. The site is located on the northern end of Queen Street, facing northwest across the Queen Street and Gladstone Road (SH6) intersection. Commercial buildings, Petrol Stations, carparking, restaurants, and office spaces are all

within the immediate area. Opposite the proposed site is a McDonalds fast food restaurant and further along Gladstone Road (SH6) is an NPD petrol station.

Richmond's town centre extends southeast approximately 100-300m down Queen Street. On the northern side of Gladstone Road, there are both Commercial and Mixed-Business Zones, with numerous commercial buildings varying in size, location and architectural styles, most of these have associated signage varying in scale and type. Buildings are typically one storey high, with setbacks approximately 5-10 metres from the road to allow for onsite carparking. The facades and windows for both retail and commercial buildings, are consistently varied, this lack of cohesive design reduces the overall visual quality of the receiving environment which is predominantly commercial in character. The nearest residential dwellings are located approximately 180m from the proposed digital billboard at 337 and 334 Lower Queen Street. Both dwellings are single storey, surrounded by established vegetation and are not directly facing the proposed sign.

Within the receiving environment there are numerous existing signs, for both traffic and commercial purposes, these include free-standing, wall mounted signs and billboards advertising onsite activities, the signs vary in size, colour, type and setbacks from the road. The McDonalds sign sits above the Railway Restaurant and Bar opposite the proposed billboard site, it is approximately 3m above the existing parapet and can be seen in all directions when travelling through the intersection, it is also illuminated at night.

Commercial buildings and associated infrastructure including roading, visually dominate the receiving environment. Queen Street has a moderate-high level of traffic movement and is a key route though Richmond, for vehicles, pedestrians and cyclists, while Gladstone Road (SH6) has high-heavy traffic movements for cars, trucks and commercial vehicles. The proposed digital billboard will be visible from a reasonable distance by those travelling in a north-easterly direction along Gladstone Road and when travelling south through the intersection down Lower Queen Street. A series of viewpoints are discussed within Section 3.3 of this report to assess the extent of the views of the proposal.

3.2 URBAN DESIGN ASSESSMENT

The proposal has been assessed against the relevant objectives, policies, and rules of the RMA and the Tasman Regional Management Plan (TRMP).

RMA Sec 6 Matters of National Importance:

6 (a) The values of the coastal environment, wetlands and lakes and rivers and their margins can be protected by the management of signage.

6 (b) The values of outstanding natural features and landscapes can be protected by the management of signage.

6 (f) The management of signage on historic sites and places can help protect these from inappropriate development.

Response: These are not relevant to the location or the proposed digital billboard.

RMA Section 7 Other matters:

7 c) The maintenance and enhancement of amenity values can be directly affected by signage.

7 f) The maintenance and enhancement of the quality of the environment can also be relevant to signage management.

Response: The proposed digital billboard is not located within a natural or sensitive area, and due to the already highly modified, and visually cluttered commercial character of the area it is considered that the quality of the existing environment will not be changed and that there will be no adverse effects on the amenity values within the receiving environment by the proposed digital billboard.

The proposal has also been assessed against the rules and objectives of the ***Tasman Resource Management Plan Summary Guide No. 10 – Provisions for Outdoor Signs and Advertising:***

In the Central Business, Commercial, Mixed Business, Tourist Services and all Industrial zones, a sign is a ***permitted activity*** if it complies with ***Figure 16.1B*** and conditions relating to:

1.) *Location and size. (Projected signs max. area 1.0m²)*
2.) *Appearance: the sign does not mimic traffic signs, the sign is maintained in a tidy, legible state.*
3.) *Letter size (minimum vertical height of 150mm and minimum line spacing of 100mm).*
4.) *Illumination (only illuminated when the business is open if the property is adjoining a Residential Zone), and it does not incorporate retro-reflective materials, flashing illumination, or a display that is aerial, animated or moving).*

The proposal does not comply with the above condition ***1.) Location and size***, and also does not comply with ***Figure 16.1B*** as the sign will be located above the existing building parapet to a maximum height of 3.0m.

1.) Location and size. (Projected signs max. area 1.0m²)

Response: The proposed digital billboard does not comply as it will be mounted above an existing veranda and building parapet, it will be 3m high x 6m wide and 18m². The proposed sign is over size and over height but is not considered to adversely affect the visual amenity or urban/commercial character of the receiving environment, which is considered to have a low-quality level of visual amenity. A viewshed has been prepared showing the likely visibility of the billboard and is shown on page 7 of the supporting figures.

2.) ***Appearance: the sign does not mimic traffic signs, the sign is maintained in a tidy, legible state.***

Response: The proposed billboard will be positioned above and away from the traffic lights / signals of the Queen Street / Gladstone Road (SH6) intersection it will be maintained in a tidy manner and will have a clearly legible display. The proposed sign will not have an effect on the architectural integrity or amenity values / character of the host building or the receiving environment.

3.) ***Letter size (minimum vertical height of 150mm and minimum line spacing of 100mm).***

Response: The proposed digital billboard will have a customisable and clearly legible digital display, and all text will be complying.

4.) ***Illumination (only illuminated when the business is open if the property is adjoining a Residential Zone), and it does not incorporate retro-reflective materials, flashing illumination, or a display that is aerial, animated or moving).***

Response: The proposed billboard will have changeable messages and images, the transition and change of images will be visible to passing traffic, cyclists, office workers and pedestrians. The transitions, however, will be minimised, being no faster than every 8 seconds to reduce any effects

caused through flashing or flickering. No moving images are proposed, and the position of the sign is fixed. Traffic and pedestrian safety standards shall apply to the billboard.

SIGNAGE RULES

Rule 16.1.4.1(a) which requires a sign to be located and have the dimensions in accordance with Figure 16.1B.

Response

The sign will be 7m wide and 3.5m high and 24.5m², it will be located approximately 0.7m above the existing parapet of the Petmart Building and is therefore not consistent Figure 16.1B. There are no rules within the TRMP regarding maximum signage area for signs extending wholly above the building parapet.

Rule 16.1.4.1(b) which requires a sign to meet conditions (b) to (h) of Rule 16.1.3.1. (b)The sign relates only to activities undertaken on the site unless it is a temporary sign.

Response

The proposed sign will be permanently fixed above the parapet of the building, and although the sign will be advertising off site activities, the advertising shown will be primarily for local businesses and could also promote local activities within Richmond, encouraging visitors to stay and not just travel through the township.

Rule 16.1.4.1(c) requires a sign to comply with the requirement indicated in Figure 16.1B.

Response

The sign will be located above the parapet of the building to which it is attached.

Rule 16.1.4.1(e)(i) Requires any sign painted on or attached to a building to be related to the activity operating therein (i.e. onsite advertising).

Response

Although the sign will be advertising off site activities, the advertising shown will be primarily for local businesses and could also promote local activities within Richmond, encouraging visitors to stay and not just travel through the township.

Rule 16.1.4.1(e)(iii) Requires a sign to be no higher than the roof peak or parapet of that part of the building to which the sign is attached.

Response

Although the sign will sit above the existing parapet, it will not extend past the existing building and the combined height of the sign and building is approximately 8.8m, which is below the permitted 10m building height.

3.3 VISUAL EFFECTS ASSESSMENT

3.3.1 VISUAL CATCHMENT AND AMENITY

The following table outlines the potential visual effects likely to be experienced by Visually Sensitive Receivers in the receiving environment. To assist with determining effects, a series of public viewpoints were visited, which were considered representative of views that may be experienced from surrounding businesses, residences, and public spaces (including footpaths). These were as follows:

1. VP1 - View Southeast from 337 Lower Queen Street
2. VP2 - View East from 321 Lower Queen Street
3. VP3 – View Northeast from 4a Gladstone Road (SH6)
4. VP4 – View Northwest from 301 Queen Street
5. VP5 – View Northwest from 273 Queen Street

Table 1: Assessment of Effects on Visually Sensitive Receptors

Viewpoint	Visually Sensitive Receptors (VSR)	Distance from Proposal (m)	Type of View (open, partial, screened)	Magnitude of Change	Mitigation Measures	Effects after mitigation
1	Vehicle users/ pedestrians and cyclists along Lower Queen Street	150	OPEN	Low	MM1	Less than Minor
2	Vehicle users, pedestrians and cyclists travelling through the Queen Street / Gladstone Road SH6) intersection.	20-30	OPEN	Low	MM1	Less than Minor
3	Vehicles, Pedestrians and cyclists along Gladstone Road (SH6)	90	OPEN	Low	MM1	Less than Minor
4	Vehicle users/ pedestrians and cyclists when travelling north along Queen Street towards SH6	100	OPEN	Very Low		Less than minor
5	Vehicle users/ pedestrians and cyclists when travelling north along Queen Street towards SH6	200	OPEN	Very Low		Indiscernible

1. VP1 - VIEW SOUTHEAST FROM 337 LOWER QUEEN STREET

Description of existing view – Views are open looking southeast along Lower Queen Street. The view consists mainly of roading and associated infrastructure such as traffic management signage, traffic lights, street lighting, overhead powerlines and commercial activities. There are several static billboards and commercial related signs visible when travelling along Lower Queen Street towards the intersection, including the McDonalds and Hells Pizza signs. Just beyond the intersection, the concentration of existing signage, and commercial and retail buildings increases, creating a densely urban and commercial visual experience.

Description of Effects – Vehicles, cyclists and pedestrian users will experience open/full views of the billboard when travelling along Lower Queen Street towards the intersection. The proposed digital billboard will be positioned approximately 3m above the existing building parapet of a commercial building. Views will be open while users are travelling through the intersection, however it is anticipated that due to the appearance of the proposed digital billboard being similar to other signage and billboards in the area, and the existing commercial/retail activities, heavy vehicle movements, and the low visual amenity of the surrounding area, the proposed billboard will have a low magnitude of change. The mitigation measure MM1 will further minimise effects on visual amenity, which are considered to be less than minor.

2. VP2 - VIEW EAST FROM 321 LOWER QUEEN STREET

Description of existing view – Views from this location are open, across the intersection looking directly at the proposed billboard. Varying styles and sizes of signage including billboards are visible down the length of Queen Street and Gladstone Road (SH6), these are located on both building faces and rooflines with some being freestanding. Commercial development varies in architectural style and is set back on either side of the road. The mix of commercial, and roading activities, and its associated infrastructure such as signage, street lighting, traffic signals and carparking can be viewed throughout the street scene. The Richmond Ranges can be seen in the distance.

Description of Effects – Vehicles, cyclists and pedestrian users will experience open and direct views of the proposed digital billboard when travelling through the intersection of Gladstone Road (SH6) Queen Street and Lower Queen Street. Open views will be possible of the proposed digital billboard from this location, the billboard will be set against the skyline and will form part of the roofline of the existing commercial building. The screen does not interfere or block any existing vistas as the wider open views over the Richmond Ranges are still visible behind the sign. The magnitude of change and the effects on visual amenity are considered to be low. The mitigation measure MM1 will minimise the effects which are considered to be less than minor.

3. VP3 - VIEW NORTHWEST FROM 165 QUEEN STREET

Description of existing view – This viewpoint was taken approximately 90m down Gladstone Road (SH6) looking northeast towards the proposed billboard, views are open across the road corridor. The existing view consist of a mix of commercial, hospitality and roading activities, and its associated infrastructure such as signage, street lighting, traffic signals and carparking. Commercial buildings, signage and the Richmond Ranges can be seen in the distance.

Description of Effects – Vehicles, cyclists and pedestrian users will experience views of the proposed digital billboard when travelling northeast along Gladstone Road (SH6) towards the proposal. Open views will be possible of the proposed digital billboard from this location. The billboard will be set against the skyline and viewed above the roofline of the existing commercial building. The screen does not interfere or block any existing vistas. The wider open views over the Richmond Ranges are still visible behind the sign, the quality of the existing views within the commercial and light industrial development surrounding the proposed sign are low with the magnitude of change also considered to be low when compared to the existing McDonalds and NPD signs. The mitigation measure MM1 will minimise the effects which are considered to be less than minor.

4. VP4 - VIEW NORTHWEST FROM 165 QUEEN STREET

Description of existing view – This viewpoint was taken approximately 100m down Queen Street looking northwest towards the proposed billboard, views are open across the existing roadway. The existing view consists of a mix of retail and commercial buildings, roading and its associated infrastructure such as signage, street lighting and carparking. The back of the proposed billboard can be seen in the distance.

Description of Effects – Vehicles, cyclists and pedestrian users will experience intermittent views of the backside of the proposed digital billboard when travelling northwest along Queen Street towards the proposal. At this distance, approximately 100m from the proposed billboard any views are largely blocked by intervening buildings and road infrastructure. Given the distance and the angle from which the backside of billboard is viewed from, the magnitude of change is considered negligible and effects indiscernible from this location.

5. VP5 - VIEW NORTHWEST FROM 165 QUEEN STREET

Description of existing view – This viewpoint was taken further south down Queen Street looking northwest towards the proposed billboard, views are open across the existing roadway and the Richmond Town Centre. The existing view is a mix of retail and commercial buildings, roading and its associated infrastructure such as signage, street lighting and carparking. The back of the proposed billboard can be seen in the distance.

Description of Effects – Vehicles, cyclists and pedestrian users will experience intermittent views of the backside of the proposed digital billboard when travelling northwest along Queen Street towards the proposal. At this distance, approximately 200m from the proposed billboard, it will be difficult to discern the billboard, as the visual clutter of the commercial area including signage, lighting, and other associated infrastructure increases as you travel in a northern direction towards the billboard. Given the distance, the angle from which the backside of the billboard is viewed from, and the existing visual clutter within the receiving environment the magnitude of change is considered negligible and effects indiscernible from this location.

3.4 SUMMARY OF EFFECTS ON VISUAL AMENITY

In terms of visual effects, the proposed digital billboard is not seen to adversely affect the visual amenity of the receiving environment. The sign will be positioned above the existing building parapet and the existing traffic signals, it will be visible by those travelling north-east along Gladstone Road (SH6), south-east along Lower Queen Street and north-west along Queen Street when stopping at the traffic lights. Views of the digital billboard will be open when travelling through the intersection, but at a distance, the sign will become harder to distinguish from other signage and commercial infrastructure.

The closest residential properties are located approximately 180m from the proposed billboard and are facing the road and are screened by vegetation or fencing, it is considered these residents will experience a very low magnitude of change.

The proposed billboard will be visible above the existing parapet, but when seen from a distance, it will not block the wider views of the Richmond Ranges and will not be out of character. Given that the existing McDonalds sign is approximately 3m above the existing parapet and can be seen in all directions when travelling through the intersection, it dominates the outlook, and is illuminated at night; It is considered that the proposed location of the digital billboard is not out of character and will not generate any additional effects on the existing commercial character or visual amenity of the receiving environment.

Queen Street, Gladstone Road (SH6) and Lower Queen Street are heavily dominated by vehicle movements, and roading related infrastructure (signage, traffic signals and streetlights). Views of the billboard will be experienced by users moving through the intersection, but the level of traffic movement within the receiving environment will mitigate the changing images of the proposed digital billboard. There is a significant amount of ambient light currently present through streetlights and other signage including McDonalds, NPD and Z Fuel Petrol Stations, it is therefore considered that the proposal will successfully integrate with the existing commercial character of the receiving environment, and that any visual effects will be less than minor.

4. MITIGATION MEASURES

The following mitigation measures are recommended to either avoid, remedy, or mitigate any potential effects on Visual Amenity:

MM1 DIGITAL IMAGE TRANSITION AND LUMINANCE

It is recommended that the image transition be every 10 seconds, with a 0.5 sec fade between images. The screen shall incorporate lighting control to adjust brightness in line with ambient levels. The maximum digital sign luminance shall be a maximum of 250 cd/m² at nighttime and 5,000 cd/m² during daytime. For further guidance refer to the Christchurch City Council – Practice Note – Billboards.[1]

5. CONCLUSIONS

It is considered that the proposed digital billboard at 332 Queen Street in Richmond is consistent with the existing commercial character of the surrounding environment, which is not considered a sensitive location. As discussed in the assessment above, the level of change that the proposed digital billboard will impose on the receiving environment is considered to be low and the proposal will not detract from the commercial character of the receiving environment.

In terms of visual amenity, the effects will be limited to road users travelling through the Queen Street / Gladstone Road (SH6) intersection, while the proposed billboard will be elevated above the existing parapet and views will be open from various viewpoints throughout the receiving environment, the effects experienced will be temporary and intermittent as the users move past the proposed billboard. The cumulative effects of the proposed digital billboard are considered to be less than minor, due to

[1] https://ccc.govt.nz/assets/Documents/Consents-and-Licences/resource-consents/PN-03-2021-Billboard-practice-note.pdf

the commercial character of the receiving environment, the high traffic volumes along SH6, and the already high ambient lighting in the immediate area including several large, illuminated signs.

Although the sign will be advertising off site activities, the advertising shown could also promote local activities within Richmond, encouraging visitors to stay and not just travel through the township.

Views of the Richmond Ranges will momentarily be interrupted for those travelling east or south through the intersection, signage is anticipated within the commercial area, and wide views of the Richmond Ranges are still maintained beyond the proposed digital billboard.

Overall, it is considered that the proposed digital billboard will still have less than minor effects on the visual amenity and the commercial character of the receiving environment and all sensitive receivers.

APPENDIX 2: DIGITAL BILLBOARD AND VISUAL IMPACT ASSESSMENT METHODOLOGY

The urban design and visual impact assessment considers the likely effects of the proposal in a holistic sense. There are three components to the assessment:

1. Identification of the receiving environment and a description of the existing urban character
2. The urban design assessment is an assessment of the proposal against the policies, objectives, and rules of the relevant District Plan regarding building style, land use activity, setbacks and active frontages, height, shading and signage (if relevant);
3. The visual impact assessment is primarily concerned with the effects of the proposal on visual amenity and people, evaluated against the character and quality of the existing visual catchment.

1.0 URBAN CHARACTER DESCRIPTION

To describe the character of the receiving urban environment a site visit is undertaken noting the character of existing buildings, their height, setbacks from street frontages and where there are any active frontages. The style and character of individual buildings are noted and grouped where possible, with particular emphasis placed on buildings with any heritage value. A combination of desktop and site analysis is used to determine the overall character of an urban area and what its 'Sensitivity to Change' may be. For example, an urban area which exhibits a high level of cohesion and uniformity may have a higher sensitivity to a proposal than an area which is more irregular and mixed. As the proposal relates to signage, a broad-brush inventory of existing signage is undertaken within the receiving environment, noting their size, orientation, height, relationship to adjoining buildings and illumination. In many examples, corporate colours are considered signage and will be noted accordingly.

2.0 URBAN DESIGN ASSESSMENT

The urban design assessment component reviews the proposal against the policies, objectives and rules of the District Plan which relate to Signage and Central City Urban Design matters. When assessing the proposal, the receiving environment is considered and whether the proposal will have an adverse effect on the existing urban character and amenity of a place, which is described above.

3.0 BILLBOARD ANALYSIS

For the assessment of Billboards, the following research is a useful resource: ***LED Billboard Research: Technical Review of Visual Effects, prepared by CCC, October 2016 by Boffa Miskell and Connectics.***

The report states 'Following an assessment of the potential sensitivity of the available viewing audience, the visual assessment then considers the potential change which will result from visibility of the Proposed Development. It should be remembered that views of a development do not necessarily equate to visual effects. Visual impact is not always negative and a change in view is not automatically wrong'.

To assist further with the analysis of digital billboards we have visited several existing billboards, both digital and static, to determine their extent of influence or visual catchment of a billboard as well as to compare the brightness of a digital billboard versus a externally illuminated static billboard. Four different existing 6x3m billboards were observed during the day and night to assess the visibility of digital and static billboards in an urban environment during these times. During the day, the billboards were generally noticeable when standing further than 100m away from the structure but their content indiscernible. At night, both static (externally lit) and digital billboards had a higher level of visibility but did not necessarily have an adverse effect on the surrounding environment, depending on the character of the receiving environment. Between 100-200m away the billboards started to blend in with the surrounding light sources and activities, and with distances further away the boards are viewed in context with lights from houses, traffic lights and other illuminated signs. The billboards that were placed in front of or integrated

into a building did not look out of context and tended to assimilate better than a free-standing sign. Again, this is dependent on context. Visual effects of these billboards when viewed from over 200m were generally not considered to be adverse in these urban environments, particularly when surrounded by a high level of ambient light and activity.

There was no apparent difference of visibility between a digital billboard and a static, externally lit billboard at night.

The visual assessment involves the following procedures:

- Identification of key viewpoints: A selection of key viewpoints are identified and verified for selection during the site visit. The viewpoints are considered representative of the various viewing audiences within the receiving catchment, being taken from public locations where views of the proposal were possible, some of which would be very similar to views from nearby residential properties/apartments. The identification of the visual catchment is prepared as a desktop study in the first instance using Council GIS for aerials and contours. This information is then ground-truthed on site to determine the key viewpoints and potential audience. Depending on the complexity of the project a 'viewshed' may be prepared which highlights the 'Theoretical Zone of Visual Influence' (TZVI) from where a proposal will theoretically be visible from.

- Assessment of the degree of sensitivity of receptors to changes in visual amenity resulting from the proposal: Factors affecting the sensitivity of receptors for evaluation of visual effects include the value and quality of existing views, the type of receiver, duration or frequency of view, distance from the proposal and the degree of visibility. For example, those who view the change from their homes may be considered highly sensitive. The attractiveness or otherwise of the outlook from their home will have a significant effect on their perception of the quality and acceptability of their home environment and their general quality of life.

- Those who view the change from their workplace are considered moderately sensitive as the attractiveness or otherwise of the outlook will have a less important, although still material, effect on their perception of their quality of life. The degree to which this applies depends on whether the workplace is industrial, retail or commercial. Those who view the change whilst taking part in an outdoor leisure activity may display varying sensitivity depending on the type of leisure activity. For example, walkers in open country on a long-distance tramp are considered highly sensitive to change while other walkers may not be so focused on the surrounding landscape. Those who view the change whilst travelling on a public thoroughfare will also display varying sensitivity depending on the speed and direction of travel and whether the view is continuous or occasionally glimpsed.

- Identification of potential mitigation measures: These may take the form of revisions/refinements to the engineering and architectural design to minimise potential effects, and/or the implementation of landscape design measures (e.g. screen tree planting, colour design of hard landscape features etc.) to alleviate adverse urban design or visual effects and generate potentially beneficial long-term effects.

- Prediction and identification of the pre-mitigation and residual effects after the implementation of the mitigation measures.

4.0 VISUAL ASSESSMENT METHODOLOGY

In response to section 7(c) of the RMA, an evaluation is undertaken to define and describe visual amenity values. As with aesthetic values, with which amenity values share considerable overlap, this evaluation was professionally-

based using current and accepted good practice. Amenity values are defined in the Act as *"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."* The visual assessment looks at the sensitivity of receptors to changes in their visual amenity through the analysis of selected representative viewpoints and wider visibility analysis. It identifies the potential sources for visual effect resulting from the Proposal and describes the existing character of the area in terms of openness, prominence, compatibility of the project with the existing visual context, viewing distances and the potential for obstruction of views.[1]

The visual impact assessment involves the following procedures:

- Identification of key viewpoints: A selection of key viewpoints is identified and verified for selection during the site visit. The viewpoints are considered representative of the various viewing audiences within the receiving catchment, being taken from public locations where views of the proposal were possible, some of which would be very similar to views from nearby houses. The identification of the visual catchment is prepared as a desktop study in the first instance using Council GIS for aerials and contours. This information is then ground-truthed to determine the key viewpoints and potential audience. Depending on the complexity of the project a 'viewshed' may be prepared which highlights the 'Theoretical Zone of Visual Influence' (TZVI) from where a proposal will theoretically be visible from. It is theoretical as the mapping does not take into account existing structures or vegetation so is conservative in its results.
- Assessment of the degree of sensitivity of receptors to changes in visual amenity resulting from the proposal: Factors affecting the sensitivity of receptors for evaluation of visual effects include the value and quality of existing views, the type of receiver, duration or frequency of view, distance from the proposal and the degree of visibility. For example, those who view the change from their homes may be considered highly sensitive. The attractiveness or otherwise of the outlook from their home will have a significant effect on their perception of the quality and acceptability of their home environment and their general quality of life. Those who view the change from their workplace may be considered to be only moderately sensitive as the attractiveness or otherwise of the outlook will have a less important, although still material, effect on their perception of their quality of life. The degree to which this applies also depends on factors such as whether the workplace is industrial, retail or commercial. Those who view the change whilst taking part in an outdoor leisure activity may display varying sensitivity depending on the type of leisure activity and a greater sensitivity to those commuting. For example, walkers or horse riders in open country on a long-distance trip may be considered to be highly sensitive to change while other walkers may not be so focused on the surrounding landscape. Those who view the change whilst travelling on a public thoroughfare will also display varying sensitivity depending on the speed and direction of travel and whether the view is continuous or occasionally glimpsed.
- Identification of potential mitigation measures: These may take the form of revisions/refinements to the engineering and architectural design to minimise potential effects, and/or the implementation of landscape design measures (e.g. screen tree planting, colour design of hard landscape features etc.) to alleviate adverse visual effects and generate potentially beneficial long-term effects.

[1] Reference: NZILA Education Foundation - Best Practice Guide – Landscape Assessment and Sustainable Management/ Best Practice Guide – Visual Simulations (2.11.2010)

- Prediction and identification of the effects during operation without mitigation and the residual effects after the implementation of the mitigation measures.

5.0 EFFECTS METHODOLOGY

Analysis of the existing landscape and visual environment is focused upon understanding the functioning of how an environment is likely to respond to external change (the proposal). In terms of the receiving environment, this is the environment upon which a proposed activity might have effects. It is permissible (and often desirable or necessary) to consider the future state of the environment upon which effects will occur, including:

- the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities
- the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.

The assessment evaluates the resilience of the existing character, values or views and determines their capacity to absorb change. The proposal is assessed in its 'unmitigated' form and then in its mitigated form to determine the likely residual effects. The analysis identifies opportunities, risks, threats, costs and benefits arising from the potential change.

Assessing the magnitude of change (from the proposal) is based on the Aotearoa New Zealand Landscape Assessment Guidelines (May 2021)[2] with a seven-point scale, being:

VERY LOW / LOW / MODERATE-LOW / MODERATE / MODERATE-HIGH / HIGH / VERY HIGH

The guidelines provide the following table which is a useful comparison for analysis of the magnitude of change (NZILA) with the likely effects (RMA).

MAGNITUDE OF CHANGE	VERY LOW	LOW	MODERATE – LOW	MODERATE	MODERATE - HIGH	HIGH	VERY HIGH
RMA LEVEL OF EFFECTS	LESS THAN MINOR		MINOR	MORE THAN MINOR			

The Aotearoa New Zealand Landscape Guidelines however do not quantify 'what' the Magnitude of Change is. Below is a guide to how we have assessed the Magnitude of Change for this proposal:

(a) Very Low – the change is negligible or are not readily discernible. For example the proposal may not be visible to the receptor or the change in character is negligible when compared to the permitted baseline and/or receiving environment.

(b) Low – the change is discernible but do not adversely affect the viewer experience. For example it may be possible for the receptor to see the proposal but the effects are not considered adverse due to the quality of the current view or the oblique nature of the view.

[2] https://nzila.co.nz/media/uploads/2021_07/210505_Te_Tangi_a_te_Manu_Revised_Final_Draft_as_approved_5_May_2021.pdf

(c) Moderate-High – the change is discernible and changes the quality of the existing view, potentially with the loss of views.

(d) High – the change is discernible and there is a loss of views or the changes greatly affect the quality of the view so that the character of existing view is fundamentally changed.

(e) Very High – the change is discernible and there is a total loss of views or the changes significantly affect the quality of the view so that the character of existing view is fundamentally changed.

In determining the extent of adverse effects. taking into account the sensitivity of the landscape or receptor combined with the Magnitude of Change proposed, the level of effects is along a continuum to ensure that each effect has been considered consistently and in turn cumulatively. This continuum may include the following effects (based on the descriptions provided on the Quality Planning website – Determining the Extent of Adverse Effects[3]):

- **Indiscernible Effects** No effects at all or are too small to register.
- **Less than Minor Adverse Effects** Adverse effects that are discernible day-to-day effects, but too small to adversely affect other persons.
- **Minor Adverse Effects** Adverse effects that are noticeable but will not cause any significant adverse impacts.
- **More than Minor Adverse Effects** Adverse effects that are noticeable that may cause an adverse impact but could be potentially mitigated or remedied.
- **Significant Adverse Effects that could be remedied or mitigated** An effect that is noticeable and will have a serious adverse impact on the environment but could potentially be mitigated or remedied.
- **Unacceptable Adverse Effects** Extensive adverse effects that cannot be avoided, remedied or mitigated.

6.0 PHOTOGRAPHY METHODOLOGY

All photos are taken using a SONY ALPHA A7 II digital camera with a focal length of 50mm. No zoom was used. In the case of stitched photos used as the viewpoint images, a series of 4 portrait photos were taken from the same position to create a panorama. The photos were stitched together automatically in Adobe Photoshop to create the panorama presented in the figures.

Reference: NZILA Education Foundation - Best Practice Guide – Landscape Assessment and Sustainable Management/ Best Practice Guide – Visual Simulations (2.11.10)

7.0 STATUTORY DOCUMENTS

Relevant statutory documents in terms of Landscape Values and Visual Amenity are referred to in the LVIA.

[3] https://www.qualityplanning.org.nz/node/837

Attachment 9
DCM Visual Package May 2024
RM230535

APPENDIX ONE - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

PROPOSED DIGITAL BILLBOARD 332 QUEEN STREET

FOR BEKON MEDIA

15 APRIL 2024
PROJECT NO. 2023_025
REVISION H

dcm URBAN

PROPOSED DIGITAL BILLBOARD 332 QUEEN STREET NELSON

Project no: 2023_025
Document title: URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT
Revision: H
Date: 15 APRIL 2024
Client name: BEKON MEDIA

Author: Zoe Hughes | Jeremy Ross
File name: 2023_025_332 Queen Street_Static Billboard_H

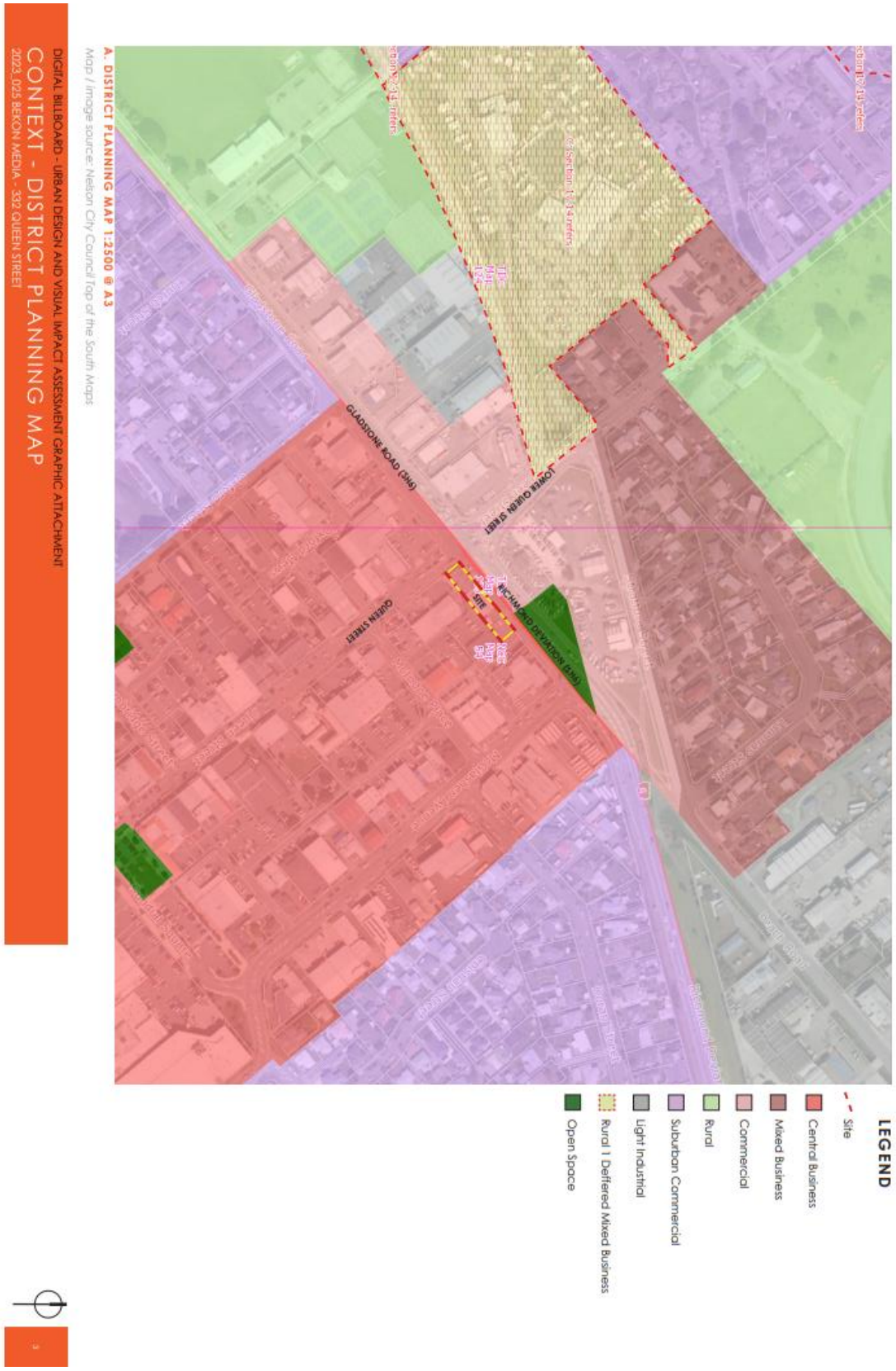
DOCUMENT HISTORY AND STATUS

REVISION	DATE	DESCRIPTION	BY	REVIEW	APPROVED
A	03/05/2023	Draft for Comment	ZH/JR	CG	CG
B	04/05/2023	Revised Billboard Location	ZH	CG	CG
C	1/08/2023	Revised Billboard	ZH	CG	CG
D	3/08/2023	Revised Billboard	ZH	CG	CG
E	07/08/2023	Revised Billboard	ZH	CG	CG
F	20/03/2024	RFI	ZH	NK	NK
G	04/04/2024	RFI	ZH	NK	NK
H	15/04/2024	RFI	ZH	NK	NK

DCM URBAN DESIGN LIMITED

10/245 St Asaph Street
Christchurch, 8011

CONTENTS



A. DISTRICT PLANNING MAP 1:2500 @ A3

Map / image source: Nelson City Council Top of the South Maps

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

CONTEXT - DISTRICT PLANNING MAP

2023_025 BEKON MEDIA - 332 QUEEN STREET

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

PROPOSAL - BILLBOARD LOCATION PLAN

2023_025 BEKON MEDIA - 332 QUEEN STREET

A. PROPOSED BILLBOARD LOCATION (SCALE 1:200 @ A3)

B. ELEVATION (SCALE 1:50 @A3)

C. ELEVATED PERSPECTIVE (NTS)

LEGEND

CHARACTER PHOTOS

- A — Existing car parking and signage of nearby by commercial buildings
- B — Existing signage associated with businesses
- C — Existing signage associated with businesses in varying locations
- D — Existing street frontages with signage, typical to the existing central business and mixed business character of the area
- Site
- Billboard Location (Mounted above existing building parapet)

A. LOCATION MAP 1:2500 @ A3

Map / image source: Nelson City Council Top of the South Maps

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

CONTEXT - WIDER CONTEXT AND CHARACTER PHOTO LOCATIONS

2023_025 BEKON MEDIA - 332 QUEEN STREET

3

A View West from 332 Queen Street, across the road from the site showing existing carparking and commercail buildings. Note signage mounted above the building facades.

B View Northwest towards 332 Queen Street (Pet Mart) and the Salvation Army Family Store showing the central business use of the area, commerical buildings and existing signage on the building facades.

C View South from 332 Queen Street, cross the road from the site, of the central business use of the area showing existing commercial buildings. Signage is both free standing at road frontage and on the building facades.

D View Southwest from 4 Gladstone Road (SH6), approx. 260m from the site, showing existing commerical buildings and signage in the area. Signage is both free standing at road frontage and on/ or above the buildings facades.

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

CONTEXT - CHARACTER PHOTOS

2023_025 BEKON MEDIA - 332 QUEEN STREET

A. LOCATIION MAP 1:2500 @ A3

Map / image source: Nelson City Council Top of the South Maps

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

CONTEXT - VISUAL VIEWSHED AND VIEWPOINT LOCATION PLAN

2023_025 BEKON MEDIA - 332 QUEEN STREET

NOTE: the visual viewshed is classified with 3D modeling software and imported into Google Earth Pro. It highlights the 'Theoretical Zone of Visual Influence' (TZVI) from where the proposal may be visible taking into consideration existing buildings and topography, excluding vegetation.

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

VP1 - VIEW SOUTHEAST FROM 337 LOWER QUEEN STREET - EXISTING

2023_025 BEKON MEDIA - 332 QUEEN STREET

A. IMAGE LOCATION

B. EXISTING VIEW

Image captures on Sony ILCE-6000
Focal length 30mm
Date: 13th April 2023 at 12:38pm
Height of 1.40 metres

A. IMAGE LOCATION
C. PROPOSED VIEW
PROPOSED BILLBOARD
(ABOVE BUILDING PARAPET)
1 km
Stratford St
DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT
VP1 - VIEW SOUTHEAST FROM 337 LOWER QUEEN STREET - PROPOSED
2023_025 BEKON MEDIA - 337 QUEEN STREET
Image captures on Sony ILCE-6000
Focal length 30mm
Date: 13th April 2023 at 12:38pm
Height of 1.60 metres

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

VP2 - VIEW EAST FROM 321 LOWER QUEEN STREET - EXISTING

2023_025 BEKON MEDIA - 332 QUEEN STREET

A. IMAGE LOCATION

B. EXISTING VIEW

Image captures on Sony ILCE-6000
Focal length 50mm
Date: 19th April 2023 at 12:38pm
Height of 1.46 metres

A. IMAGE LOCATION
PROPOSED BILLBOARD (ABOVE BUILDING PARAPET)
C. PROPOSED VIEW
MAKE IT COUNT Shop LOCAL
SUPPORT LOCAL SHOP LOCAL
PetMart
www.petmart.co.nz
DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT
VP2 - VIEW EAST FROM 321 LOWER QUEEN STREET - PROPOSED
2023_025 BEKON MEDIA - 332 QUEEN STREET
Image captured on Sony ILCE-6000
Focal length: 50mm
Date: 13th April 2023 at 12:38pm
Height of 1.40 metres

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

VP3 - VIEW NORTHEAST FROM 4A GLADSTONE ROAD (SH6) - EXISTING

2023_025 BEKON MEDIA - 332 QUEEN STREET

A. IMAGE LOCATION

B. EXISTING VIEW

Image captures on Sony ILCE-6000
Focal length 50mm
Date: 13th April 2023 at 12:38pm
Height of 1.40 metres

12

A. IMAGE LOCATION

PROPOSED BILLBOARD
(ABOVE BUILDING PARAPET)

C. PROPOSED VIEW

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

VP3 - VIEW NORTHEAST FROM 4A GLADSTONE ROAD (SH6) - PROPOSED

2023_025 BEKON MEDIA - 332 QUEEN STREET

Image captures on Sony ILCE-6000
Focal length 50mm
Date: 13th April 2023 at 12:38pm
Height of 1.60 metres

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

VP4 - VIEW NORTHWEST FROM 301 QUEEN STREET - EXISTING

2023_025 BEKON MEDIA - 332 QUEEN STREET

A. IMAGE LOCATION

B. EXISTING VIEW

Image captures on Sony ILCE-6000
Focal length 50mm
Date: 13th April 2023 at 12:38pm
Height of 1.60 metres

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

VP4 - VIEW NORTHWEST FROM 301 QUEEN STREET - PROPOSED

2023_025 BEKON MEDIA - 332 QUEEN STREET

A. IMAGE LOCATION

C. PROPOSED VIEW

PROPOSED BILLBOARD ABOVE PARAPET (ONLY BACK OF BILLBOARD VISIBLE)

Image captures on Sony ILCE-6000
Focal length 50mm
Date: 13th April 2023 at 12:38pm
Height of 1.60 metres

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

VP5 - VIEW NORTHWEST FROM 273 QUEEN STREET - EXISTING

2023_025 BEKON MEDIA - 332 QUEEN STREET

A. IMAGE LOCATION

B. EXISTING VIEW

Image captures on Sony ILCE-6000
Focal length: 50mm
Date: 13th April 2023 at 12:38pm
Height of 1.60 metres

DIGITAL BILLBOARD - URBAN DESIGN AND VISUAL IMPACT ASSESSMENT GRAPHIC ATTACHMENT

VP5 - VIEW NORTHWEST FROM 273 QUEEN STREET - PROPOSED

2023_025 BEKON MEDIA - 332 QUEEN STREET

A. IMAGE LOCATION

C. PROPOSED VIEW

PROPOSED BILLBOARD ABOVE PARAPET
(ONLY BACK OF BILLBOARD VISIBLE)

Image captured on Sony ILCE-6000
Focal length: 50mm
Date: 13th April 2023 at 12:38pm
Height of 1.40 metres

Attachment 10
RMM Audit
RM230535

RMM

ROUGH MILNE MITCHELL
LANDSCAPE ARCHITECTS

Memorandum

20 September 2024

Attention
Phil Doole – Tasman District Council

Issued by
Tony Milne
RMM Landscape Architects

RMM Job No.
24177

Audit of Urban Design and Visual Impact Assessment for a proposed digital billboard at 332 Queen St, Richmond

Introduction

This memo provides a review of the Urban Design and Visual Impact Assessment Rev. C dated 11 April 2024 (**UDVIA**) and addendum dated 21 May 2024 for the proposed digital billboard at 332 Queen Street, Richmond by DCM Urban (**DCM**).

The proposed billboard will be located above the parapet of the Pet Mart Shop at the corner of Queen Street and Gladstone Road (**SH6**), a key intersection within the town centre of Richmond. We understand the original proposal was for a static signage 6m wide and 3.0 m high, which has been updated to a digital billboard measuring 7m wide and 3.5m high, with a total area of 24.5m². The proposed billboard is a Restricted Discretionary Activity under the Tasman Resource Management Plan (**TRMP**).

RMM have reviewed the DCM UDVIA document as an independent audit and have not provided a re-assessment of Urban Design and Visual Assessment matters. We set out matters for discussion following, with our response in *italics* to each of these:

1. Methodology Used.
2. Assessment of Urban Design and Amenity Effects incl. Notification Decision Report UDVIA Addendum.
3. Viewpoint Selection and Visual Effects.
4. Mitigation.

Methodology Used

The UDVIA reviews the proposal against the TRMP objectives, policies and rules in relation to the provisions for Outdoor Billboard and Advertising.

Additionally, the report references *the LED Billboard Research: Technical Review of Visual Effects, prepared by CCC, October 2016 by Boffa Miskell and Connectics* as a guideline for the billboard analysis itself.

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Direct study methodology included site visits to study the existing signage/billboards along the proposed Site. Day and nighttime observation of both static and digital billboards has been undertaken to derive key viewpoint locations. These have considered the public view location within the receiving environment and visualisation for the same are provided in a Graphic Attachment (**GA**).

Based on the above methodology the UDVIA covers the following points:

- Evaluation of the existing urban character of Richmond's township.
- Assessment of effects on urban character and visual amenity values.
- Compliance with the TRMP provisions for outdoor signs.
- Additional assessment of TRMP Objectives and Policies under the TDC District Plan.
- Effects on visual amenity, considering location, visibility, impact, and comparison with existing billboard.
- Visual effects assessment including viewpoints, receptors, distance, type of view, magnitude of change, and mitigation measures.
- Cumulative effects on the visual amenity of the receiving environment.

Our Response:

The methodology used for the UDVIA appropriately covers an understanding of the study area and assesses the various design aspects for the proposed billboard. The description of the location, receiving environment, architectural styles of proximate built form, residential proximity, existing signage/billboards, traffic movement and visibility accord with our understanding of such.

The reply to the TRMP provisions for Billboards is included in the response and additional documents have been correctly referred to for the assessment of technical review of the visual and amenity effects.

However, regarding the Visual Effects Assessment, the report cites Te Tangi a te Manu: Aotearoa New Zealand Landscape

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*Assessment Guidelines (**TTatM Guidelines**) - May 2021 version. This is an outdated version of this document and therefore, should not be used. Furthermore, the term 'Magnitude of Change' (Section 5.0 Appendix 2 of the UDVIA) that has been applied to the descriptors used is incorrect as the descriptors are for the level of adverse effects.*

Assessment of Urban Design and Amenity Effects incl. Notification Decision Report UDVIA Addendum

The UDVIA assesses the proposal against the RMA Section 6 Matters of National Importance and appropriately concludes the digital billboard is not within a natural area. The conclusion is not drawn, however implied that Section 6 matters do not apply. *We agree.*

Regarding RMA Section 7 Other Matters 7c and 7f the UDVIA concludes that due to already highly modified and visually cluttered commercial character of the area *"…there will be no adverse effects on the amenity values within the receiving environment by the proposed digital billboard."*

Our Response

Given our understanding of the receiving environment, permitted building heights under the TRMP, and following a site visit, we do not agree with the conclusion reached by DCM regarding Section 7 matters. Following review of the addendum memo prepared by DCM our opinion remains the same. Refer VP1 and VP2 of the GA.

The UDAVA provides an assessment (supported by a Graphic Attachment) against the TRMP Summary Guide No. 10 – Provisions for Outdoor Signs and Advertising. Essentially the conclusion drawn is *"The proposed sign is over size and over height but is not considered to adversely affect the visual amenity or urban/commercial character of the receiving environment, which is considered to have a low-quality level of visual amenity."* (Page 6, UDVIA).

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Our Response

We agree that the urban/commercial character of the immediate receiving environment, has a low-quality level of visual amenity. However, the photomontages for VP1 and VP2 in my opinion clearly demonstrate the visual prominence of the billboard within the existing setting. We believe the DCM report does not sufficiently assess, particularly the important location of the billboard along the main town centre urban spine, and therefore underestimates the resulting effect.

The Memo addendum covers the queries raised regarding Cumulative Effects and Visual Amenity, Interrupted Views of the Richmond Ranges, and provides an additional assessment of the TRMP Objectives and Policies, in the Notification Decision Report. The addendum concludes that *"proposed digital billboard will still have less than minor effects on the visual amenity of the receiving environment"* (Page 3 of the Addendum Memo).

Our Response

Having reviewed the DCM UDVIA addendum, we do not reach the same conclusion. The assessment takes into consideration the permitted building height of 10m as a baseline discussion and provides logic for the locating the billboard above the current parapet level, which in my opinion is not entirely the case. Given the majority of structures within the immediate receiving environment are single storey, and do not contain billboards above their roof lines, the proposed billboard adds to the urban clutter above the building lines in this location.

Therefore, we consider that the proposed billboard would have a minor adverse effect on amenity values within the area. Further, if in the future a 10m building is built on the site, we would expect it to have building integrated signage so as to avoid the urban clutter of such elements.

We also note in relation to amenity effects the matters of discretion under Rule 16.1.4.2 is limited to (2) "any amenity effect on the surrounding area, including size and duration."

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*This matter is particularly broad and allows for consideration of **any** amenity effect not just visual amenity.*

Viewpoint Selection and Visual Effects

Five public viewpoints were assessed to determine the visual effects on visually sensitive receivers (VSRs) such as vehicle users, pedestrians, and cyclists.

- VP1: Southeast from 337 Lower Queen Street
- VP2: East from 321 Lower Queen Street
- VP3: Northeast from 4a Gladstone Road (SH6)
- VP4: Northwest from 301 Queen Street
- VP5: Northwest from 273 Queen Street

Each viewpoint is accurately described and the UDVIA usefully tabulates the Assessment of Effects, and the Magnitude of Change *(note previous comments regarding this methodology)* is assessed as being either low or very low from the five respective viewpoints. After mitigation measures are considered (Viewpoints 1 -3) the effects *(assuming adverse effects as this is not stated)* are assessed as being either indiscernible or less than minor.

Our Response

We consider the viewpoints are representative of the typical public viewpoints afforded of the proposed billboard and for the most part find the DCM assessment balanced and considered. However, we would expect a greater assessment of both night-time visibility effects and effects on the pedestrian experience.

Furthermore, the assessment confuses magnitude of change and adverse effects and therefore we do not draw the same conclusion it reaches, as per the following "In terms of visual effects, the proposed digital billboard is not seen to adversely affect the visual amenity of the receiving environment." (Page 10, UDVIA)

In our view, the assessment understates the lack of integration of the billboard in the overall built form of the building upon which it being erected or the effect on the overall streetscape along Queen Street and SH6 intersection. It is noted that the

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proposed location is consistent with similar settings. We disagree.

Notably, the nearby McDonald's fast-food restaurant signage has been used as a benchmark to rationalise the proposed billboard's location, placement above the parapet, size, visual dominance, and night illumination.

While we acknowledge that the McDonalds signage sits some three metres higher than adjacent roof form, the billboard is not of a similar nature and the visual impact of the proposed digital billboard, situated much closer to a major intersection, would be more dominant and feature transitional images, which we believe would add to its prominence. That is the whole point of such signage in locations like this.

Mitigation

The UDVIA recommends mitigation measures to either avoid, remedy, or mitigate any potential effects on Visual Amenity. Specifically, mitigation measure (MM1) recommends digital image transition and luminance control to achieve this.

Our Response

While the MM1 considers image transition and luminance control to align with ambient lighting levels, and given the dominate location and size of the billboard, we consider that the digital measures alone cannot mitigate the visual impact of the proposed billboard to the extent stated in the UDVIA. Due to the inherent design intended for the billboard it will inevitably stand out.

Conclusion

Overall, we generally find the DCM UDVIA considered and balanced. However, for the reasons stated above we believe the potential adverse effects have not been thoroughly assessed and therefore we do not agree with the conclusion reached in the UDVIA that "*the proposed location of the digital billboard is not out of character and will not generate any additional effects on the existing commercial character or*

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RMM

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visual amenity of the receiving environment." (Page 11 of the UDIVA).

It is our opinion the potential visual and amenity effects arising from the proposed billboard will not be less than minor.

Tony Milne (Fellow) NZILA

20 September 2024

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Attachment 11
Dark Sky Memorandum of Understanding
RM230535

MEMORANDUM OF UNDERSTANDING

Dark Sky Designation – Wai-iti Recreation Reserve and Tunnicliff Forest

between

Top of the South Dark Sky Committee

and

Tasman District Council

dated

20 May 2019

CONTENTS

PARTIES

Top of the South Dark Sky Committee (the Committee)

and

Tasman District Council (the Council)

1. Purpose and Scope

This Memorandum of Understanding (MOU) outlines the agreement between the two parties in relation to the proposed International Dark Sky Association (IDA) Dark Sky designation (designation) for Wai-iti Recreation Reserve and Tunnicliff Forest (the reserve and forest).

The Committee is seeking a designation over the reserve and forest to provide opportunities for the public to enjoy quality viewing of stars in an area close to urban centres. The reserve and forest meet the criteria for the establishment of the designation in accordance with the IDA requirements.

The purpose of the reserve is primarily for the provision of community recreation opportunities and the forest is for commercial forestry operations and income for Council.

2. Operating Principles

The Council agrees that we will:

- Recognise the designation over the reserve in the Moutere - Waimea Ward Reserve Management Plan by the inclusion of policies that protect the dark sky status. This will be done during the next management plan review.
- Keep lighting to a minimum and only install lights when and where absolutely necessary for visitor safety, or on a short term basis for night harvesting in the forest. Ensure that any lights installed are fitted with timers and/or curfews imposed.
- Respect the natural night time environment by prohibiting illuminated signs, "Light painting" and the use of searchlights in non-emergency situations.
- Only install lights that comply with the requirements of the designation, in consultation with the Dark Sky Committee. Approved lighting will be fully shielded so as not to emit light above the horizontal plan and be below 3000K correlated colour temperature.
- Only allow the use of non-conforming lighting (i.e. searchlights, etc.) in emergency or temporary situations. Any such installations will to the greatest possible extent possible adhere to these operating principles and their use will be limited to the shortest possible time.
- Manage visitor activities to ensure visitors are aware of the dark sky status and request that any lighting of camping equipment and recreational vehicles is fully shielded and glare is minimized.
- Erect and maintain signs acknowledging the IDA Dark Sky designation at the entrances to the reserve and forest.
- Maintain the MOU for the forest area during Council ownership of the forest. If at any time, Council decides to sell the forest, the MOU will terminate and will not be binding on a future landowner.

The Dark Sky Committee agrees that we will:

- Recognise that lighting of the forest area may occur from time to time including during night harvesting activities and for cyclists riding in the forest at night.
- Apply for the IDA Dark Sky designation.
- Maintain a measurement programme to follow the evolution of light pollution in the area and assert that the night sky quality is not degrading.

- Commit to public education by providing on site interpretation panels where the dark sky is the central theme, plus appropriate media releases and a website.
- Host events at least four times a year that highlight the dark night sky in an appropriate way e.g. cultural or historic value, importance to wildlife, astronomical or stargazing events.
- Book for any significant event using the Council online booking and approval process (1 month notice is required for processing).
- Submit an annual report to the IDA detailing the activities and progress towards fulfilling the IDA goals during the previous year.

3. Site Access

The Council envisage that there will generally be no impediment to public access to the reserve and forest except:

- When a community group is given consent to hold an event, which may also include overnight staying.
- For public safety as the result of a natural hazard, e.g. wind storm, fire or flood, etc.
- When reserve maintenance or a forestry operation is being carried out which requires the closure of the reserve or forest for a period of time.

Vehicle access to the main part of the reserve is closed during winter but can be opened on request for events. Vehicle access to the forest is by permit only.

4. Location

The reserve and forest, an area of around 135 hectares, is located on the Wakefield-Kohatu Highway at Wai-iti, adjoining the Wai-iti River. The entrance is located on the Wakefield-Kohatu Highway approximately 10m from the Nelson side of the Wai-iti River Bridge.

An aerial photograph showing the extent of the proposed dark sky designation over the reserve and forest is included as Appendix 1.

5. Disputes

In the case of a dispute, the parties will in good faith seek to resolve the dispute. This process may include mediation.

6. General

This MOU will be considered void and shall terminate should the site not achieve dark sky status from the IDA, within 24 months from the date that this MOU is signed.

This MOU shall terminate:

- Immediately, if it is proven that, the Committee members, staff or contractors have failed to follow, or, are in serious breach of the terms and conditions of this MOU.
- If both parties agree that the designation no longer applies, the Committee will seek to have the designation uplifted from the reserve and forest.
- If the IDA determine that the reserve and forest no longer complies with the designation and the designation is uplifted.

This agreement will be reviewed by the parties in May 2029 to determine whether an agreement is still required or needs to be altered to reflect changing needs.

SIGNED:

Top of the South Dark Sky Committee

Name: Ralph Bradley

Position: **Chairperson**
Top of the South Dark Sky Committee

Date: 01/06/2019

Peter Knowles

Brent Nichols

Tasman District Council

Name: Susan Edwards

Position: **Community Development Manager**
in relation to Wai-iti Scenic Reserve

Date: 10/06/2019

Name: Mike Drummond

Position: **Corporate Services Manager**
in relation to Tunnicliff Forest

Date: 11/6/2019

Appendix 1 – Designation Area