

IN THE MATTER of the Resource Management Act 1991 ("RMA" or "the Act")

AND

IN THE MATTER of an application to **TASMAN DISTRICT COUNCIL** by **BEKON MEDIA LIMITED** under section 88 of the Act for resource consent to authorise the establishment and operation of a digital billboard at 332 Queen Street, Richmond

STATEMENT OF EVIDENCE OF ANITA CLARE COLLIE

1. INTRODUCTION

- 1.1 My full name is Anita Clare Collie. I am a planning consultant with sixteen years' experience in the field of resource management planning.
- 1.1 I am employed as a Principal Planner at Town Planning Group ("**TPG**"), a position I have held since 2021. In this role, I am responsible for preparing and overseeing a range of consent proposals for TPG's clients, including private developers and government agencies. Prior to that, I was a Senior Planner with TPG since 2017.

Qualifications and experience

- 1.2 I hold a Bachelors degree in Environmental Science (University of Western Australia) (2005).
- 1.3 I am an Associate member of the New Zealand Planning Institute.
- 1.4 My previous work experience includes working as a planning consultant in industry, applying for and implementing resource consents, and as a resource consent processing planner at Environment Canterbury.
- 1.5 I have been involved with resource consenting for a number of digital billboards throughout New Zealand. I am familiar with the key assessment

matters that arise, and the management of potential adverse effects via controls that can be enforced by consent conditions.

- 1.6 I have provided planning evidence in proceedings before district and city councils on numerous occasions.

Involvement in project

- 1.7 My role in relation to Bekon Media Limited's ("**Applicant**") application to Tasman District Council ("**TDC**" or "**Council**") for consent for a single-sided digital billboard at 332 Queen Street, Richmond ("**application site**") has been to provide advice in relation to resource management planning matters.

- 1.8 My colleague drafted the assessment of environment effects ("**AEE**") report that accompanied the application, for which I had oversight. However, that colleague has since left TPG, and the project has been my responsibility since December 2023. I had several conversations with my colleague about this proposal while the application was in process and am thoroughly familiar with the proposal and application history.

Documents considered

- 1.9 In preparing this statement of evidence I have considered the following documents:

- (a) The AEE, including its appendices;
- (b) The package of information amending the application, provided to the Council on 8 October 2024;
- (c) *Notification / non-notification decision report*, dated 4 July 2024, prepared for TDC by Ms Victoria Woodbridge;
- (d) The submissions on the application;
- (e) The statements of evidence of Messrs Carr and Harries in relation to transport safety dated 17 October 2024;
- (f) The statements of evidence of Messrs Compton-Moen and Munro in relation to urban character / visual / amenity effects dated 17 October 2024;
- (g) The statement of evidence of Mr Kern in relation to lighting dated 17 October 2024;

- (h) *Consent Application RM230535, 332 Queen Street, Richmond - Review of Traffic Effects*, versions dated 7 December 2023, 20 June 2024, and 19 September 2024, prepared on behalf of TDC by Ari Fon of Affirm NZ Ltd ("**TDC traffic review**");
- (i) *Audit of Urban Design and Visual Impact Assessment for a proposed digital billboard at 332 Queen St, Richmond*, dated 20 September 2024, prepared on behalf of TDC by Tony Milne of RMM Landscape Architects ("**TDC VIA Review**"); and
- (j) The section 42A report prepared by Ms Woodbridge (and documents supporting) ("**s42A Report**").

1.10 I have not visited the application site at the time of writing this evidence but intend to do so prior to attending the hearing. I have, however, reviewed a number of site photos taken by my colleague as part of preparation of the AEE, and discussed the application site and surrounds with that colleague. I have also viewed video footage of the application site and surrounds taken in September 2024.

Purpose and scope of evidence

1.11 The purpose of my evidence is to provide a planning assessment of the merits of the application by reference to the relevant provisions of the Resource Management Act 1991 ("**RMA**").

1.12 My evidence addresses the following matters:

- (a) The proposal (Section 3).
- (b) The planning context, including the existing environment (Section 4).
- (c) My assessment of the potential adverse effects of the proposal, comprising:
 - (i) Introductory remarks (Section 5);
 - (ii) Traffic effects (Section 6);
 - (iii) Amenity effects (Section 7); and
 - (iv) Lighting effects (Section 8).
- (d) Matters raised in submissions (Section 9).

- (e) My evaluation of the activity against the relevant statutory planning instruments (Section 10).
- (f) Matters raised in the s42A Report (Section 11).
- (g) Proposed conditions of consent (Section 12).
- (h) My evaluation of the activity against Part 2 of the RMA (section 13).

1.13 A summary of my evidence is provided in Section 2.

Code of Conduct for Expert Witnesses

1.14 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise and that in preparing my evidence I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. SUMMARY OF MY EVIDENCE

2.1 The proposal is for a single sided, 7m wide by 3.5m high digital billboard at 332 Queen Street, Richmond, situated above a single storey existing commercial building.

2.2 Following the receipt of submissions, the Applicant has undertaken a process of consultation with submitters and Council on lighting, traffic safety and dominance issues. These discussions have resulted in amendments to the proposal which, in my opinion, provide additional mitigation for the effects of the proposed activity and are entirely within the scope of the proposal as notified.

2.3 Resource consent is required for a restricted discretionary activity under the Tasman Resource Management Plan ("**TRMP**"). This does not change as a result of amendments to the proposal.

2.4 The existing environment is a commercial / light industrial nature and features a large amount of existing signage. The application site is situated on the southeast corner of the intersection of State Highway 6 ("**SH6**") (being Gladstone Road and Richmond Deviation), Lower Queen Street and Queen Street, which is the main street through the Richmond town centre.

2.5 In my evaluation of the proposal, I have reached the opinion that:

- (a) The effects on transport safety have been comprehensively assessed and peer reviewed, with appropriate regard to the relevant research in relation to the general safety of digital billboards, New Zealand guidelines and the specific characteristics of this intersection. The transport safety effects are acceptable, subject to the mitigation measures required by the proposed conditions.
- (b) The effects on visual amenity values are acceptable with regard to the commercial and industrial character of the receiving environment. The proposed billboard does not create an adverse cumulative effect considering the characteristics of the receiving environment and position of the proposed digital billboard.
- (c) Adverse effects of glare, light spill and light pollution are able to be controlled by limits specified in the proposed conditions of consent and are appropriate in the context of the ambient light levels in the receiving environment.
- (d) Issues raised in submissions have been assessed, and where appropriate, additional mitigation has been incorporated through refinements to the proposal and proposed conditions of consent.
- (e) The proposed conditions of consent include essential and conventional / well proven mitigation in the form of controls on the image content, luminance, image transition, dwell time and other matters.
- (f) The proposal is consistent with the objectives and policies in the TRMP.
- (g) The application meets the necessary tests for approval and can be granted subject to the proposed conditions included in my **Attachment [A]**.

3. **OVERVIEW OF THE PROPOSAL**

3.1 Resource consent is sought to establish a single-sided 24.5m² digital billboard displaying on- and off-site signage, at the application site.

3.2 The proposed digital billboard will measure 7m wide by 3.5m high and be mounted on top of an existing commercial building (with a 'Pet Mart' business

operating therein) facing in a north-westerly direction. The top of the digital billboard will be 8.8m above ground level.

- 3.3 The billboard screen will operate with maximum luminance of:
- (a) 5,000cd/m² during daytime; and
 - (b) 125cd/m² during night-time.
- 3.4 An automated lighting control will adjust the brightness of the digital LED display in accordance with ambient light levels.
- 3.5 Images will change by a 0.5 second cross-dissolve. Images will not involve dynamic material, nor imagery that could be confused with a traffic direction or sign.

Changes to the proposal

- 3.6 Having considered the submissions and engaged with representatives of Waka Kotahi / New Zealand Transport Agency ("**NZTA**") and submitters concerned about potential impacts on the Wai-iti Dark Sky Park, the Applicant has decided to make several refinements to the proposal in order to address concerns in relation to potential adverse effects. These were described in a package of information provided to the Council on 8 October 2024, which I summarise as follows:
- (a) The application proposed a night-time maximum luminance of 250cd/m². This maximum will be reduced to **125cd/m²**. The purpose of this amendment is to address concerns expressed in relation to lighting effects of the proposal, as addressed in Mr Kern's evidence and Section 8 of this statement.
 - (b) The application proposed a dwell time, being the time that each image is displayed, of 8 seconds. This will be increased to **30 seconds**. The purpose of this amendment is to address potential concerns in relation to driver distraction as addressed in the evidence of Messrs Carr and Harries and Section 6 of this statement.
 - (c) The digital billboard will be reorientated as described in the DCM Urban Design and Visual Impact Assessment Graphic Attachment Revision O dated 17 October 2024 ("**DCM Graphic Attachment**"), to face a south-west direction. This means that the digital billboard viewshed is limited to the Gladstone Road northbound approach only and has very limited visibility from Lower Queen Street. The purpose

of this amendment is to address traffic safety concerns associated with the left turn slip lane from Lower Queen Street as addressed in the evidence of Messrs Carr and Harries and Section 6 of this statement.

- (d) A 'parapet' structure is proposed to be constructed behind the billboard to improve the visual integration between the digital billboard and the building, as described in the evidence of Mr Compton-Moen and DCM Graphic Attachment. The parapet was introduced to address an issue raised by NZTA in terms of 'dominance' as addressed in Mr Carr and Mr Compton-Moen's evidence and Section 7 of this statement.
- (e) Additional and robust conditions concerning monitoring of transport related effects are proposed, reflected in the set of conditions in **Attachment [A]** to my evidence.

3.7 As regards the parapet referred to above, the parapet shown in the material submitted on 8 October 2024 showed a parapet that was about one-half of the height of the billboard. Since then, further engagement with the Council's advisors has resulted in the development of proposed parapet that is 9m high and would surround the entire billboard. That is the design that the Applicant prefers but it wishes to proceed to the hearing on the basis that either proposal is 'on the table'.

3.8 I have reviewed the above amendments having regard to the provisions of the TRMP and consider that the proposed amendments do not engage any additional provisions of the TRMP, nor alter the activity status of the resource consent. The viewshed of the digital billboard is reduced by the proposed amendments, and does not introduce any additional viewpoints, nor views from residential locations that were not otherwise available in the notified orientation of the billboard.

3.9 In my opinion, the proposed amendments do not give rise to any potential adverse effects that are not already addressed in the application; rather, they have been proposed to address potential adverse effects of the existing proposal identified by submitters. I am satisfied that the amendments fall within the scope of the application as lodged and notified.

3.10 The remainder of my evidence is in relation to the amended proposal as described above.

4. **PLANNING CONTEXT AND REASONS FOR CONSENT**

Planning context

- 4.1 Rules in the TRMP Chapter 16 (Outdoor Signs and Advertising) are relevant to this proposal.
- 4.2 There are no National Environment Standards that are relevant to the application.

Tasman Resource Management Plan

- 4.3 The application site is located within the Central Business District Zone in the TRMP.
- 4.4 A 'Land Disturbance Area 1' overlay applies to the application site. There are no provisions controlled by the overlay that are relevant to this application.
- 4.5 A Designation D120 (state highway purposes) adjoins the site to the north, however, it does not apply to the application site.
- 4.6 I agree with the rule assessment in the AEE and s42A Report. The proposal is required to be assessed as a restricted discretionary activity under Rule 16.1.4.2 as the proposal will not comply with the following conditions of Rule 16.1.4.1:
 - (a) 16.1.4.1(a) which requires signs to be located and have dimensions in accordance with Figure 16.1B. A requirement in Figure 16.1B is that the sign does not project above the parapet of a building and the proposed digital billboard does.
 - (b) 16.1.4.1(b) requires compliance with clauses (b) to (h) of rule 16.1.3.1. This proposal cannot comply with rule 16.1.3.1(b) which requires that the sign must only relate to activities undertaken on the site.
 - (c) 16.1.4.1(c), which refers to Figure 16.1B. The proposal cannot comply with this as noted above.
 - (d) 16.1.4.1(e), which requires that any sign attached to a building must only display advertising relating to that building (part (i)), and that the top of the sign is no higher than the parapet (part (iii)). The proposal cannot comply with both these requirements.
- 4.7 I consider that the parapet structure can be constructed as a permitted activity. The parapet complies with the permitted activity standards in

Chapter 17.2.4.1 (Building Construction or Alteration in the Central Business Zone) and, in particular, will not exceed the 10-metre maximum building height control in 17.2.4.1(b).

- 4.8 In regard to the full-height parapet option only, I consider that compliance with Rules 16.1.4.1(a) and (c) can be achieved. These rules refer to Figure 16.1B which requires that a wall sign occupies no more than 30% of wall area, and I understand that compliance with this requirement is achieved. Notwithstanding this, resource consent would still be required under Rule 16.1.4.2 as the off-site nature of signage would not comply with Rules 16.1.4.1(b) and (e).
- 4.9 For completeness, I consider that the proposal will comply with all other rules and standards in the TRMP.

The existing environment

- 4.10 I generally agree with the description of the existing environment in the application, Mr Compton-Moen's evidence, Mr Carr's evidence, Mr Kern's evidence and the s42A Report.
- 4.11 The application site is on the southeast corner of the intersection of Gladstone Road and Queen Street. On the site is a single storey commercial building with a PetMart retail business operating therein. The immediately surrounding area comprises car yards, retail shops (most with car parking between the store and the road boundary), motor vehicle servicing businesses, and fast food restaurants.
- 4.12 Gladstone Road (known as Richmond Deviation to the east of the intersection) forms part of SH6 and comprises four lanes of traffic (two in each direction). Queen Street (known as Lower Queen Street to the north of the intersection) comprises two lanes of traffic (one in each direction). There are additional dedicated turning lanes at all approaches to the intersection.
- 4.13 The posted speed limit is 50kph on all approaches to the intersection adjoining the application site, except Queen Street, where it is 30kph.
- 4.14 Footpaths are present along both sides of Queen Street, Lower Queen Street and SH6. Pedestrian crossings are signalised in all directions, except in the northeast corner of the intersection where a zebra crossing facilitates pedestrian movements across a left-turn slip lane.

- 4.15 Dedicated cycle lanes are provided at the intersection approaches along Queen Street and Lower Queen Street but are not present further from the intersection. Cycle lanes are not provided at the intersection on the SH6 approaches.
- 4.16 The nearest residential dwellings are located approximately 150m to the northwest of the proposed digital billboard at 337 and 334 Lower Queen Street. A motel is located at 73 Oxford Street, approximately 150m to the southwest of the application site.
- 4.17 There are a number of signs on the application site and within the surrounding area, both freestanding and attached to buildings. As expected within a commercial environment, most businesses within the surrounding area have multiple signs on the buildings, of various sizes and types (i.e., existing signage is predominantly 'on-site' signage). Flag, pylon and freestanding signs are common in the vicinity of the application site. There are also a number of traffic signs in the immediate area.
- 4.18 Overall, the application site and immediate surrounds have a commercial character.

5. **ASSESSMENT OF POTENTIAL EFFECTS – RELEVANT CRITERIA**

5.1 Section 104C of the RMA requires that a consent authority consider only those matters over which it has restricted its discretion. Rule 16.1.4.2 identifies that Council has restricted its discretion to:

- (a) Location and legibility in relation to traffic safety.
- (b) Any amenity effect on the surrounding area, including size and duration.

5.2 The following sections of my evidence evaluates these effects, as they relate to the amended proposal. I will address each of the matters referred to above in turn.

5.3 For completeness, I do not consider there to be any relevant permitted baseline.

6. **TRAFFIC SAFETY EFFECTS**

6.1 I have reviewed the TDC Traffic Review reports prepared by Mr Fon and the evidence of the Applicant's transport experts, Messrs Carr and Harries. I

have also reviewed the submission from NZTA, and the transport safety concerns stated therein.

General effects of digital billboards on transport safety

6.2 In section 5 of his evidence, Mr Carr has provided an overview of relevant research in relation to the general safety of digital billboards located near roads, including some research he has undertaken. Mr Carr concludes that digital billboards do attract attention, but his research has found that there is no demonstrable link to them causing a greater risk of crashes. On this issue, Mr Carr concludes:

Taken overall, in my view the research does not:

- (a) *Show a demonstrated link between the presence of digital billboards and an increase in the number of crashes recorded, for the way in which the billboard will be operated in this instance.*
- (b) *Provide supporting arguments for any compelling link between adverse road safety effects and digital billboards. Rather, 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.¹*

...

Further, my research into crashes in New Zealand in the vicinity of digital billboards does not show that rates increase once a billboard is installed. Rather, there is no statistical difference observed.²

6.3 Mr Harries has undertaken a peer review of Mr Carr's evidence and concludes:

My peer review of Mr Carr's evidence confirms that, in my opinion, he has undertaken a thorough and objective evaluation of the proposal. The descriptions and assessments that he has provided have been completed using appropriate methodologies and good engineering

¹ A. Carr evidence, paragraph 5.20.

² A. Carr evidence, paragraph 5.36.

practice. Having undertaken my own assessments of the proposal, I am able to concur with and adopt the conclusions he reaches in Section 2 of his evidence.³

- 6.4 Further, Mr Harries has undertaken his own research into the effects of digital billboards on road safety and advises:

The research shows that while some drivers can and do choose to glance at digital billboards, those glance durations are sufficiently brief to ensure that they do not become a distraction to the driving process to the extent that it could lead to adverse road safety outcomes. This finding is amply demonstrated in practice by the fact that over the past 12+ years of digital billboard operations in New Zealand, there have been no recorded crashes that suggest in any way that the presence of a digital billboard has been a contributing factor.⁴

- 6.5 Mr Fon provides commentary on the literature review in the Carriageway *Assessment of Transportation Matters* which accompanied the AEE in section 6 of his report. Mr Fon considers that:

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.⁵

- 6.6 Separately, the NZTA submission notes that:

Based on the available research, it is not possible to definitively conclude that there is a direct relationship between the 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.⁶

³ B. Harries evidence, paragraph 2.8.

⁴ B. Harries evidence, paragraph 2.9b.

⁵ TDC traffic review (19/9/2024), p.3

⁶ Submission #18 NZTA, 23.

- 6.7 The NZTA submission does not provide any further detail on the literature purported to identify an emerging trend of higher crash risk associated with roadside advertising.
- 6.8 The NZTA submission also highlights the importance of acting with caution where there is uncertainty. I consider a site-specific assessment to be the essential next step in determining the potential effects of this proposal on road user safety, to provide that certainty, and this is addressed in the below sections. Further, I understand from Mr Carr's evidence that certain ways of operating a digital billboard (for example, short dwell times or animated displays) can create driver distraction.⁷ This application proposes to exclude those methods through conditions.
- 6.9 I consider that Messrs Carr and Harries assessment to be evidence- based, has due regard to the applicability of research to a New Zealand context and is supported by an assessment of the 'real-world' performance of digital billboards in New Zealand. For these reasons, I prefer and accept the evidence of Messrs Carr and Harries on the matter of the effects of digital billboards on transport safety in general. I address the site-specific effects of the proposal next.

Compliance with NZTA Traffic Control Devices Manual

- 6.10 Mr Carr has provided an in-depth assessment of the proposal against the NZTA 'Traffic Control Devices Manual, Part 3, Advertising sign' ("**TCDM3**") criteria.
- 6.11 Mr Carr advises that the proposed billboard does not obstruct any road signs, due to its elevated position set back from the road corridor.⁸ Further, I note that given the proposed billboard's position, it is unlikely to obstruct any future road signs.
- 6.12 Mr Carr notes that the TCDM3's recommended distance between a sign and an intersection of 100m is not achieved but he does not consider this to give rise to adverse transport safety effects given the position of the proposed billboard and nature of the surrounding environment.⁹

⁷ A. Carr Evidence, 5.15

⁸ A. Carr evidence, paragraph 6.3.

⁹ A. Carr evidence, paragraphs 6.4-6.6.

- 6.13 Mr Fon's report only addresses the TCDM3 in respect of this separation distance matter, however he considers it to be a fundamental matter for consideration.¹⁰
- 6.14 Mr Carr notes that the recommended approach visibility of 80m is achieved (and exceeded).¹¹ Further, the proposed billboard is placed close to the drivers' line of sight, and drivers will need to turn their head only a little to see the billboard.¹²
- 6.15 Mr Carr also notes that the proposed billboard does not meet the TCDM3 recommended distance of 50m between advertising signs but considers that the proposed billboard does not introduce any new safety risk into the prevailing environment.¹³
- 6.16 TCDM3 is a guideline and explicitly states that judgement is required and that each sign should be assessed on its merits.¹⁴ Hence, where any of the TCDM3 criteria are not complied with, it is appropriate to consider the specific nature (including operational parameters) and location of the proposed sign. I accept the specific assessment undertaken in respect of this matter by Mr Carr, as confirmed by the peer review completed by Mr Harries.¹⁵

Intersection safety

- 6.17 In this section, I address the particular features of the intersection where the proposed digital billboard is to be located.
- 6.18 Mr Carr has confirmed that there is no overlap between driver views of the signal heads and the proposed digital billboard, and concludes that these are visually distinct.¹⁶
- 6.19 Mr Fon identifies a signal head overlap on the Lower Queen Street approach;¹⁷ however, I understand that this is no longer the case based on the revised orientation of the proposed billboard.
- 6.20 The NZTA submission identifies particular concern with the safety of pedestrians using the zebra crossing at the left turn slip lane from Lower

¹⁰ TDC traffic review (19/9/24), p.3.

¹¹ A. Carr evidence, paragraph 6.7.

¹² A. Carr evidence, paragraph 6.8.

¹³ A. Carr evidence, paragraph 6.9.

¹⁴ Traffic Control Devices Manual Part 3: Advertising signs, section 1.4.

¹⁵ B. Harries evidence, section 8.

¹⁶ A. Carr evidence, paragraph 7.7.

¹⁷ TDC traffic review (19/9/24), p.4.

Queen Street into SH6, noting that these features have a significantly higher rate of crashes, compared to their frequency on the road network.¹⁸

- 6.21 The digital billboard has been reorientated in response to this concern, and is no longer visible to drivers in the left turn slip lane traveling south along Lower Queen Street.
- 6.22 I consider that the reorientation of the billboard away from the Lower Queen Street approach addresses any potential adverse effects on road safety associated with pedestrian use of the zebra crossing over the left turn slip lane.
- 6.23 A review of the crash history has been undertaken by Mr Carr and Mr Fon. Mr Fon considers that the intersection has a higher level of risk than other comparable intersections nationally¹⁹. However, in his evidence, Mr Carr provides an updated analysis of the intersection crash history based on the revised orientation of the billboard. Mr Carr does not consider that the *"nature or frequency of reported crashes would be likely to be influenced by the presence of the billboard."*²⁰ Mr Harries review confirms this conclusion.²¹
- 6.24 Mr Fon does not identify specific concerns in relation to the Gladstone Road approach crash history.
- 6.25 I accept Mr Carr's analysis of the crash history, as it is specific to those locations from where the billboard can be seen. Further, I accept his opinion that the crashes that have occurred are unlikely to have been influenced by the proposed billboard, if it were in place at the time those crashes occurred.

Billboard display

- 6.26 Proposed consent conditions control the nature of imagery displayed on the billboard so as not to resemble or distract from traffic control devices, or other types of imagery such as moving or flashing images that present a greater risk of distracting drivers.
- 6.27 Consent conditions are also proposed to control the maximum luminance of the proposed billboard display, requiring automated adjustment of luminance appropriate to environmental conditions and reflectivity of the screen and framework.

¹⁸ Submission #18 NZTA, 17.

¹⁹ TDC traffic review (7/12/24), p.2.

²⁰ A. Carr evidence, paragraph 8.5.

²¹ B. Harries evidence, paragraph 9.5.

6.28 In my opinion, the above measures represent essential mitigation, and these are conventional and commonly employed.

Transport safety effects - summary

6.29 Mr Fon considers the adverse effects on transport safety to be more than minor on the basis of:

(a) Non-compliance with the TCDM3 recommendation to locate advertising signage more than 100m from intersections; and

(b) The poor crash history of the intersection.²²

6.30 The matter in (a) is addressed above in paragraphs 6.12 to 6.14, and the matter in (b) is addressed above in paragraphs 6.25 to 6.26.

6.31 Traffic safety monitoring conditions have been proposed to provide additional confidence that the proposed digital billboard will not adversely affect traffic safety.

6.32 Mr Carr concludes that the proposed conditions of consent are appropriate and consequently, he is able to support the proposed billboard from a road safety and roading efficiency perspective.²³

6.33 Mr Harries considers *"the proposed billboard would be unlikely to result in any material compromise to the welfare or safety of any road user."*²⁴

6.34 Overall, Mr Carr's evidence provides a detailed and site-specific analysis of the transport safety effects of the proposed digital billboard and has been peer reviewed by Mr Harries. I accept Mr Carr's analysis and conclude that, subject to the recommended conditions in **Attachment [A]** to my evidence, any effects on transport safety arising from the proposed billboard will be acceptable.

7. AMENITY EFFECTS

²² TDC traffic review (19/9/24), p.5.

²³ A. Carr evidence, paragraph 2.12-2.13.

²⁴ B. Harries evidence, paragraph 12.4.

- 7.1 Amenity effects may include visual amenity effects on the immediate area, as well as effects on longer range views and effects of lighting. I address these matters in turn.
- 7.2 I have reviewed the visual impact assessment and visual package provided with the application by Mr David Compton-Moen of DCM Urban Design Limited. He concluded that the proposed billboard is not expected to generate any adverse effects that would be more than minor. This assessment is relevant to the original proposal as notified, with no parapet.
- 7.3 I have reviewed the TDC VIA Review prepared by Mr Milne, which also relates to the original proposal as notified. Mr Milne does not agree with some of the conclusions in the visual impact assessment lodged with the application, particularly in respect of the position of the proposed digital billboard above the single-storey building on the application site. Since Mr Milne's review has been completed, the 'parapet' structure has been incorporated into the proposal, which provides superior integration of the billboard into the building and reduces the dominance of the proposed digital billboard.
- 7.4 I have also reviewed the evidence of the Applicant's urban design experts, Mr Compton-Moen and Mr Munro. Mr Munro has provided a peer review of Mr Compton-Moen's assessment, concluding:

I consider Mr. Compton-Moen's assessment has been appropriate and I agree with the conclusions he has arrived at regarding the amended proposal.²⁵

- 7.5 Both experts indicate a preference for installation of a parapet behind the billboard that will extend to 9m above ground level.²⁶ This is shown in the DCM Graphic Attachment and I refer to this as the 'full parapet' option. This is the option addressed in my evidence.

Urban character and visual effects

- 7.6 The locality is characterised by busy roads and a mix of industrial and commercial activities. I note there is agreement between Mr Compton-Moen, Mr Munro and Mr Milne that the existing level of visual amenity is low.

²⁵ Munro evidence, paragraph 8.4.

²⁶ D. Compton-Moen evidence, paragraph 3.11.

- 7.7 Mr Compton-Moen considers that the proposed billboard will not adversely affect the visual amenity or urban character of the environment due to the existing ambient light and commercial nature of the area.²⁷
- 7.8 Mr Milne initially raised concerns regarding the lack of integration between the digital billboard and the building. Mr Compton-Moen notes that the proposed digital billboard is lower than the height limit for the zone and occupies 18.4% of the parapet. With the addition of the parapet, he has assessed that the digital billboard is visually subservient to the building.²⁸ The addition of the parapet improves the integration of the digital billboard into the building.²⁹
- 7.9 Mr Compton-Moen identifies that the closest residential properties are screened by intervening buildings, vegetation or fencing and are facing the road. He concludes that these receivers will experience a very low magnitude of change, correlating to a less than minor adverse effect.³⁰
- 7.10 I accept Mr Compton-Moen's evidence and note that the billboard is not oriented toward any residential areas.
- 7.11 In regard to visual effects, Mr Compton-Moen concludes:
- I consider 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.*³¹
- 7.12 Mr Compton-Moen also considers that the addition of the parapet will enhance the street corner by adding definition and legibility.³²
- 7.13 I consider signage is an expected part of commercial areas; it is common in the receiving environment. The TRMP is enabling of signage in commercial areas, with reference to Policy 5.2.3.11, subject to safety and access needs and visual considerations.
- 7.14 I accept the evidence of Mr Compton-Moen and Mr Munro. I consider that the design of the proposed digital billboard, incorporating the parapet as well as controls in consent conditions on luminance, dwell time and image transitions, are appropriate mitigation measures to ensure that the effects

²⁷ D. Compton-Moen evidence, paragraph 5.5.

²⁸ D. Compton-Moen evidence, paragraph 2.8.

²⁹ D. Compton-Moen evidence, paragraph 3.11(a).

³⁰ D. Compton-Moen evidence, paragraph 5.11.

³¹ D. Compton-Moen evidence, paragraph 5.19.

³² D. Compton-Moen evidence, paragraph 5.3.

on urban character and visual effects of the proposed billboard are acceptable.

Visual clutter and cumulative effects

- 7.15 In regard to visual clutter and cumulative effects, Mr Compton-Moen and Mr Munro agree that the billboard will not contribute to visual clutter,³³ with Mr Munro noting in particular that:

*the positioning of the sign separates it from other signs or traffic / information signage, and it will not overbear or dominate its surrounds.*³⁴

- 7.16 While I agree that there is a high amount of signage in the surrounding environment, I accept Messrs Compton-Moen's and Munro's assessment regarding visual clutter. I do not agree with comments in the s42A Report that the cumulative effects of this digital billboard represent a 'tipping point' in terms of the amenity values.³⁵ The separation of the proposed digital billboard from existing signage and the commercial nature of the environment are key to my conclusion in this regard.

Long range views

- 7.17 Mr Compton-Moen identifies that the proposal will block a small section of the hills from limited viewpoints, and that from most locations some views of the hills will still be possible. He also comments that the maximum permitted building height of 10m would have a greater impact on views if realised.³⁶
- 7.18 I agree with Mr Compton-Moen's comments that the TRMP permits buildings up to 10m high on the application site and this could be done as a permitted activity. I also note that there are no provisions in the TRMP that protect the views of the hills from the affected viewpoints, nor that they are recognised in the TRMP as requiring protection, or as being significant or outstanding landscapes.
- 7.19 Mr Munro considers that the views of the Richmond hills available from the site are not unique, and that these same views are available via roads that are perpendicular to SH6, allowing regular views of the hills.³⁷

³³ D. Compton-Moen evidence, paragraph 5.5.

³⁴ Munro evidence, paragraph 7.6(c).

³⁵ S42A Report, paragraph 7.73.

³⁶ D. Compton-Moen evidence, paragraph 7.5.

³⁷ Munro evidence, paragraph 7.6(a).

7.20 I conclude that effects on long range views of the hills are acceptable.

Conclusion

7.21 I conclude that any adverse effects of the digital billboard on amenity will be acceptable.

8. LIGHTING EFFECTS

8.1 Lighting effects associated with a digital billboard are a subset of amenity effects. Lighting specialist, Mr Russ Kern, has provided evidence on the potential lighting effects of the proposed billboard, and I rely on this evidence in forming my planning conclusions.

Luminance and effects of glare

8.2 Mr Kern recommends that the maximum nighttime luminance is reduced from 250 cd/m² as proposed in the application, to 125 cd/m².³⁸ The Applicant has accepted this recommendation. The daytime luminance limit proposed is 5,000 cd/m². I note that both the daytime and nighttime luminance limits proposed are maximums and, in reality, luminance levels will be automatically adjusted in response to the ambient light sensor.

8.3 Mr Kern considers that:

*"the luminance limits proposed above are appropriate and will provide suitable limits to enable digital images to be adequately displayed while avoiding adverse effects on the surrounding environment."*³⁹

8.4 The TRMP does not control luminance of digital billboards. I have therefore had regard to whether the luminance controls will appropriately control adverse amenity effects of glare. I accept Mr Kern's advice that the lighting effects will be acceptable with no appreciable glare for receivers, and that the luminance will be controlled to levels in keeping with ambient light conditions.⁴⁰

Light spill

8.5 Light spill is proposed to be controlled by a condition of consent that restricts light spill to 10 lux (horizontal or vertical) of light, when measured or

³⁸ Kern evidence, paragraph 7.4.

³⁹ Kern evidence, paragraph 7.6.

⁴⁰ Kern Evidence, paragraph 12.2.

calculated 2m within the boundary of any adjacent site. The TRMP standard for light spill is 8 lux spill of light (horizontally or vertically) measured at a height of 1.5m above the ground at the boundary of the site.⁴¹

- 8.6 Mr Kern recommends that the proposed conditions are adjusted to reflect the TRMP standard.⁴² I agree, noting that the application does not propose to breach this rule.
- 8.7 Mr Kern's considers that the spill light from the proposed digital billboard is very low and ambient light at night will not increase by a discernible amount.⁴³ In addition, Mr Kern's assessment is that spill light will not adversely affect residential dwellings due to distance and orientation of the digital billboard.⁴⁴ I accept Mr Kern's advice and consider that the effects of light spill will be suitably controlled by conditions, and that any ensuing adverse effects on amenity are acceptable.

Dark Sky issues

- 8.8 Mr Kern notes that lighting, including billboard luminance, should be controlled at night to reduce dark sky effects and potential hazards for biological life.⁴⁵ In addition, some submitters have raised concerns about nighttime light spill that may adversely impact views from Wai-iti Dark Sky Park. Mr Kern has undertaken an analysis of the nighttime luminance limits in the relevant standards, with consideration for ambient nighttime lighting that he has measured in the existing environment. His analysis is set out in a letter dated 18 September 2024, attached to his evidence. Based on that analysis, Mr Kern concludes that:

...given that the nighttime luminance level of the proposed billboard will be set at the lower limit of 125cd/m² (roughly half of the original luminance proposed in the application), I am satisfied that there is no sound technical basis for concerns about adverse lighting effects arising as a result of the brightness of the proposed billboard, particularly in relation to Richmond's Wai-Iti Dark Sky Park.⁴⁶

⁴¹ TRMP, Rule 17.3.2.1 (h).

⁴² Kern Evidence, paragraph 11.1(b).

⁴³ Kern Evidence, paragraph 7.13.

⁴⁴ Kern Evidence, paragraph 12.2.

⁴⁵ Kern evidence, paragraph 9.9.

⁴⁶ Kern evidence, paragraph 9.12.

- 8.9 I consider that conditions of consent will suitably control adverse effects of nighttime light spill on views from Wai-iti Dark Sky Park.
- 8.10 Overall, I consider that the lighting effects on amenity values associated with the proposal will be acceptable.

9. **SUBMISSIONS ON THE APPLICATION**

9.1 The application was publicly notified, and 27 submissions were received, all in opposition.

9.2 Following the receipt of submissions, the Applicant's experts have:

- (a) Engaged with submitters who have raised concerns with respect to dark sky matters⁴⁷; and
- (b) Participated in discussions with NZTA⁴⁸ in response to that submitter's request for further direct engagement.

9.3 The issues raised by submissions can be categorised into the following themes:

- (a) Lighting issues.
- (b) Traffic issues.
- (c) Amenity concerns.
- (d) Concerns with advertising content.
- (e) Consistency (or otherwise) with the TRMP.

9.4 I have addressed each in turn below.

Submissions on lighting issues

9.5 The Applicant engaged Mr Russ Kern to undertake specific analysis of submitter concerns identified in relation to lighting effects and to undertake an assessment of effects on the Wai-iti Dark Sky Park. The results of this assessment were provided to submitters in two letters, which are appended to Mr Kern's evidence. Further, amendments were made to the night-time

⁴⁷ Submissions #8 (B. Struthers), #12 (R. Bradley, Top of the South Dark Sky Committee), #16 (T. Wilson), #20 (J. Pollock, Nelson Science Society).

⁴⁸ Submission #18.

luminance limits to address submitter concerns, as described in section 3 above.

Submissions raising traffic issues

- 9.6 The NZTA submission identified concerns with driver distraction, intersection safety and safety of pedestrians using the zebra crossing over the left turn slip lane from Lower Queen Street to SH6. The Applicant's experts and representatives from NZTA met to discuss the specifics of NZTA's concerns and the result of those discussions is the amended proposal. I understand that the amendments to the proposal are viewed positively by NZTA's transport safety expert advisors.
- 9.7 Many of the submissions received raised concerns about the effects of the proposal on impacts on traffic safety, with reference to the current safety performance and busy-ness of the intersection, presence of vulnerable road users and potential for the proposed digital billboard to distract drivers.⁴⁹ These matters are addressed in detail in the evidence of Mr Carr and have been reviewed by Mr Harries, and I have addressed transport safety effects in section 6 of my evidence above.

Submissions raising amenity concerns

- 9.8 Submitters have identified a number of concerns relating to amenity values, including in relation to the following matters:
- (a) The height, size and position of the billboard on top of the building;⁵⁰
 - (b) Obstruction of views of the Richmond Ranges;⁵¹ and
 - (c) Consistency with the local character of Richmond;⁵²
- 9.9 These matters are addressed in detail in the evidence of Mr Compton-Moen, and I have addressed these effects in section 7 of my evidence above.
- 9.10 One submitter identified a concern that the proposed billboard would be visible from residential areas.⁵³ For the reasons set out in paragraphs 7.10 above, I do not agree that this will be the case.

⁴⁹ Submissions #1 (B. McGurk), #2 (A. Murton), #3 (E. Johnson), #5 (G. Holland), #6 (J. Borley), #7 (L. Cotton), #8 (B. Struthers), #9 (M. Pahl), #10 (T. Leyland), #11 (J. Leyland), #12 (R. Bradley), #13 (M. Ferguson), #14 (I. Currie), #15 (H. Beard).

⁵⁰ Submissions #1 (B. McGurk), #4 (R. Whalley), #13 (M. Ferguson), #19 (D. Trew).

⁵¹ Submissions #1 (B. McGurk), #4 (R. Whalley).

⁵² Submissions #5 (G. Holland).

⁵³ Submissions #8 (B. Struthers).

- 9.11 Some submissions requested specific additional mitigation including turning the sign off at night⁵⁴, installing shielding above the billboard to prevent light spill (in respect of 'dark sky' protection),⁵⁵ reducing the size of the billboard, inclining the billboard downward and limiting colours used on the billboard.⁵⁶
- 9.12 The Applicant has considered these requests but does not propose to adopt these. Amendments to the proposal have been proposed, on the basis of expert advice, in order to address specific potential adverse effects.

Submission concerning advertising content

- 9.13 One submission raised concern about the types of advertising content that may be displayed on the digital billboard⁵⁷, and some submissions expressed opposition to the presence of advertising or 'off-site' signage at all.⁵⁸ The AEE notes that the images displayed will be subject to the Advertising Standards Authority Advertising Code of Practice and the Broadcasting Act 1989. The s42A Report proposes an advice note to ensure awareness of these requirements and the Applicant accepts this.

Submissions concerning potential precedent effect

- 9.14 Several submitters identified a concern regarding the potential for this application to set a precedent.⁵⁹ I do not consider precedent to be an issue for the following reasons:
- (a) Any other application would have to be assessed on its own merits and the specific issues arising from that process would need to be properly evaluated at that time. The approval of this application does not provide a benchmark for the approval of another.
 - (b) As set out in below, the proposal is not at odds with the relevant policy such that approval would create an unexpected outcome.

Submission concerning consistency with the TRMP

- 9.15 One submitter considers the proposal to be contrary to provisions in the TRMP and Part 2 of the RMA.⁶⁰ I address these matters in sections 10 and 13 below.

⁵⁴ Submission #8 (B. Struthers).

⁵⁵ Submission #8 (B. Struthers).

⁵⁶ Submission #17 (S. Walker).

⁵⁷ Submission #10 (T. Leyland).

⁵⁸ Submissions #21 (D. Hunt), #22 (B. Nicholls), #27 (D. Penrose).

⁵⁹ Submission #14 (I. Currie), #23 (Kansai Properties Ltd), #27 (D. Penrose).

⁶⁰ Submission #14 (I. Currie).

10. **EVALUATION OF OBJECTIVES AND POLICIES**

10.1 As noted, the most relevant planning document is the TRMP. The Tasman Regional Policy Statement (“**TRPS**”) is also relevant. As the application site is located in an urban environment, I have also given consideration to the National Policy Statement on Urban Development 2020 (“**NPS-UD**”).

10.2 I agree with Ms Woodbridge that there are no iwi management plans that are relevant to this proposal.⁶¹

National Policy Statement on Urban Development

10.3 **Objective 4** recognises that urban environments and their amenity values develop and change over time in response to the diverse and changing needs of people, communities, and future generations. **Policy 6(b)** recognises that change is not in itself an adverse effect.

10.4 **Objective 5** requires that planning decisions take into account the principles of the Treaty of Waitangi. There are no sites of significance to Māori and no issues of cultural significance; however, the application has been publicly notified with opportunity for involvement in the resource consent process available.

10.5 The NPS-UD is directed at a different type and scale of development than proposed in this application, and it is of limited relevance. Nevertheless, I consider there is no material inconsistency with the NPS-UD.

Tasman Regional Policy Statement

10.6 I have reviewed the relevant objectives and policies in the TRPS, and I do not consider there to be any matters identified in the TRPS which are not given effect to by the TRMP. I therefore provide an assessment of the relevant objective and policy provisions under the TRMP below.

Tasman Resource Management Plan

10.7 The TRMP (Parts I and II⁶²) was made operative on 1 November 2008.

Chapter 5 Site Amenity Effects

⁶¹ S42A Report, 6.32 – 6.33.

⁶² Parts I and II of the TRMP are the Introductory and Land Parts of the TRMP. Other parts of the TRMP were made operative on different dates, but these parts relate to regional functions and not to this application. For completeness, the TRMP is entirely operative.

- 10.8 **Objective 5.1.2** seeks to avoid, remedy or mitigate adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources. **Policy 5.1.3.1** requires that adverse effects on *"site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated."*
- 10.9 I consider that adverse effects on site amenity values are appropriately mitigated by the proposed conditions of consent and the addition of the parapet structure to the proposal design. There are no specific landscape values identified in the TRMP that are affected by the proposed digital billboard, and wider views of the Richmond Hills will remain available regardless, as discussed in paragraph 7.18 above. The proposal is consistent with Objective 5.1.2 and Policy 5.1.3.1.
- 10.10 **Policy 5.1.3.9(e)** seeks to avoid, remedy or mitigate effects of glare. With regard to Mr Kern's advice, I consider that the proposed conditions of consent will appropriately avoid and mitigate adverse effects of glare.
- 10.11 **Objective 5.2.2** seeks the maintenance and enhancement of amenity values on site and within communities throughout the District. **Policy 5.2.3.5** is to promote amenity and convenience for people in commercial areas. **Policy 5.2.3.9** requires that the adverse effects of signs on amenity values are avoided, remedied or mitigated.
- 10.12 On the basis of my assessment in sections 7 and 8 above, I consider the proposal will maintain and enhance the amenity values of the application site and surrounding commercial area, and that any adverse effects are appropriately mitigated by the recommended conditions. The addition of the parapet adds definition and legibility, providing some enhancement to the street corner. I consider the proposal to be consistent with Objective 5.2.2 and supporting policies noted above.
- 10.13 **Policy 5.2.3.11** enables a range of signs in commercial areas, subject to safety and access needs and visual considerations. Explanatory text in section 5.2.30 of the TRMP clarifies that signs are generally acceptable in commercial areas and for this reason there is a more liberal approach to signage in these areas. Signs on roofs and verandahs are identified as needing to be restricted for amenity reasons. The addition of the parapet to this proposal means that the billboard is no longer above the roof of the building and lessens adverse effects on amenity values.

10.14 I consider Policy 5.2.3.11 to be enabling of signs in commercial areas, subject to an assessment of safety and access needs and visual considerations. There are no relevant matters in respect of access needs. For reasons described in sections 6 and 7 above, I consider that the proposed billboard will not adversely affect safety or visual considerations, subject to the design including the parapet and the proposed conditions of consent. I consider the proposal to be consistent with this policy.

Chapter 6 Urban Environment Effects

10.15 **Objective 6.6.2.1** seeks to accommodate a range of commercial activities on appropriately located commercial sites, including a strong, vibrant commercial focus in the main towns of the district. I consider the proposal to be a commercial activity that is appropriately located on a commercial site, adding to the strength and vibrancy of the Richmond town centre.

10.16 **Objective 6.6.2.2** seeks a high quality, high amenity business environment with minimal environmental effects within and beyond the zone boundary. **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. I consider the proposal to be neutral with respect to these provisions. While the proposal is not for a retail or office activity, it co-exists with the existing retail activity on the application site and will serve to advertise products and services. Further, the proposed digital billboard is appropriately positioned and oriented, with suitable controls on the display to ensure that the environmental effects are appropriate in the context of the location and zone.

10.17 Chapter 6.8 contains policies specific to the Richmond area. I consider that these primarily relate to urban form matters and have limited relevance to this application, except to note provision for continuing intensification of business activity in the Central Business Zone.

Chapter 9 Landscape

10.18 I have reviewed the provisions in this chapter and do not consider them to be relevant to the proposal as they relate to the protection of specified outstanding landscapes and features, coastal areas and rural areas; none of which are impacted by the proposal.

Chapter 11 Land Transport Effects

- 10.19 **Objective 11.1.2** is for a safe and efficient transport system and seeks that adverse effects on the land transport system are avoided remedied or mitigated. **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.*”
- 10.20 The proposed conditions contain essential mitigation that will ensure that the proposed digital billboard will not cause confusion or distraction of motorists, including requirements controlling the imagery displayed, transition time, luminance, and preventing the display from confusing with a traffic control device or directing the driver to take a certain action. The proposed billboard will not obstruct views of motorists or pedestrians in given its position on the top of a building.
- 10.21 In addition, the Applicant proposes to undertake traffic safety monitoring to provide additional confidence that the proposed digital billboard will not adversely affect traffic safety, and this is reflected in the proposed conditions of consent.
- 10.22 On the basis of the recommended conditions and the evidence of Messrs Carr and Harries which informs my assessment in section 6 above, I consider the proposal will not detract from traffic safety, and will maintain a safe and efficient transport system. I consider the proposal to be consistent with Objective 11.1.2 and Policy 11.1.3.11.
- 10.23 **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.*

10.24 In my opinion, this policy is intended to relate to built development and the more relevant policy to the operation of a digital billboard is 11.1.3.11, which specifically deals with signage. However, this proposal also includes the parapet and digital billboard structure which are 'built development'. These structures are located on an existing building in a commercial area, and will not generate traffic of themselves, and hence I consider the proposal to be consistent with this policy.

10.25 The s42A Report identifies Policy 11.1.3.4, which seeks to "avoid, remedy or mitigate adverse effects of traffic on amenity values", as relevant to the proposal. In my opinion, this policy is not relevant, as the proposed billboard will not generate traffic which may then potentially impact on amenity values.

Chapter 15 Strategic Infrastructure and Network Utilities

10.26 I have reviewed the provisions in this chapter and do not consider them relevant to the proposal.

Summary

10.27 Overall, I consider that the proposal is consistent with the objectives and policies of the TRMP.

11. **COMMENTS ON THE SECTION 42A REPORT**

11.1 I have read the s42A Report prepared by Ms Woodbridge and note that her report was prepared prior to amendments being made to the application, which were received by Council on 8 October 2024. I understand that Ms Woodbridge will be preparing a s42A addendum which will be circulated on 31 October 2024, after this evidence is circulated. There are some areas of disagreement between Ms Woodbridge (as expressed in her s42A Report) and I; however, some of these may narrow or be resolved through the amended application and s42A addendum.

11.2 This section deals with the body of the s42A Report, and I address proposed consent conditions in the section below.

11.3 Ms Woodbridge identifies the NPS-UD as relevant to the proposal as the application site is located in an urban environment. Ms Woodbridge considers that there is an indirect correlation between a well-functioning urban-environment and changes to amenity values as a result of the proliferation of signage.⁶³

11.4 A “well-functioning urban environment” is defined in Policy 1 of the NPS-UD, and the criteria relate to urban form, in particular housing and business land development capacity, accessibility, greenhouse gas reduction and effects of climate change. I disagree that a particular amenity outcome is driven by the NPS-UD through the definition of a well-functioning urban environment.

11.5 Ms Woodbridge and I differ in our opinion on a number of matters relevant to conclusions in respect of effects on traffic safety and visual amenity. However, the s42A Report is based on an earlier version of the proposal, not the revised outcome presented in response to the concerns of submitters and informed by further expert advice. I therefore do not comment on these matters specifically, and will provide any updated comments at the hearing, following the circulation of the s42A Addendum.

12. **PROPOSED CONSENT CONDITIONS**

12.1 My conclusions above are based on the mitigation measures that are required by the set of recommended consent conditions included as **Attachment [A]** to my evidence. I have developed these conditions by reference to other digital billboard consents and with input from legal counsel

⁶³ S42A Report, paragraph 6.20.

and the Applicant's expert advisors. To that extent, they reflect best current practice.

- 12.2 There is a large degree of agreement between the conditions recommended in the s42A Report and the set I recommend. I comment below only on matters where there is some material difference in the drafting. References to condition numbers in the paragraphs below are the condition numbers in the S42A Report, Attachment 2.
- 12.3 Condition 3 includes additional wording of "retro-reflective materials". I consider this text duplicates the requirement earlier in the condition that the billboard shall be "non-reflective".
- 12.4 Condition 6 sets time frames for the maximum luminance values, which alter seasonally. Mr Kern notes⁶⁴ that the automated light sensor can limit luminance as ambient light changes across the seasons rather than being constrained by set times. I consider that the condition should refer to daytime and nighttime to enable the appropriate automated adjustment of light levels.
- 12.5 Condition 7 controls spill light. I have updated the condition to reflect the TRMP permitted activity rule as discussed above in paragraph 8.5.
- 12.6 Condition 9 recommends a dwell time of 8 seconds between 6am – 9pm and 30 minutes overnight. The amended application proposes the dwell time to be 30 seconds at all times. The 8 second daytime dwell time has been superseded by the 30 seconds proposed in the amended application.
- 12.7 No rationale or justification is provided for the proposed 30-minute overnight dwell time, either in the s42A Report or Mr Fon's advice. On the basis of advice provided by Mr Carr, I consider the 30 second dwell time to be appropriate.
- 12.8 Condition 11b requires that images displayed do not resemble or cause confusion with a traffic control device "*in the opinion of Council's Team Leader...*". Incorporating a non-expert opinion in consent conditions is inherently uncertain and I recommend this part of the condition is deleted.
- 12.9 Condition 16 requires a Traffic Safety Report to be submitted to Council 6 months following the commencement of the operation of the digital billboard. Mr Carr advises that crash records may not be updated within this timeframe

⁶⁴ Kern evidence, paragraph 10.6.

and prefers the 12 and 24 month timeframes for the Traffic Safety Report.⁶⁵ I accept his opinion and have not included a 6-month review in my recommended conditions.

- 12.10 Condition 25 refers to the requirement for corridor access request permission and need for traffic management for any works in the Council or NZTA controlled road space. I consider that this requirement is more appropriate to include as an advice note as it relates to a non-RMA authorisation.
- 12.11 Condition 26 is the review condition and clause b contains a broadly phrased review condition in respect of traffic safety. The review clause is intended to address unanticipated adverse effects. Should consent be granted, it would be on the basis that a sign is appropriate in this location and that any traffic safety effects are acceptable. Digital billboards are not novel or unknown, and are becoming increasingly common throughout New Zealand. The review condition I have drafted allows targeted review of the dwell time or transition rates or other use of the screen; parameters which control the effects of digital signage as proposed. In the most extreme case, these parameters can be adjusted so that the digital billboard essentially functions like a static sign. Broader and less defined adjustments through a review process may frustrate the consented activity. For these reasons, I consider that the review condition that I have drafted is appropriate.
- 12.12 In several conditions, there is a requirement to advise the "*Council's Team Leader - Compliance & Investigation (Land and Air)*". I recommend that a means of contact, for example an email address, is provided by way of an advice note.

13. **PART 2**

- 13.1 Section 104(1) of the RMA sets out matters that the consent authority must have regard to when considering an application for resource consent. These considerations are subject to Part 2 of the RMA.
- 13.2 Case law⁶⁶ indicates that where a plan has been competently prepared under the RMA, a specific assessment of Part 2 may not add anything to the evaluative exercise. I am not aware of any reasons that suggest the TRMP was not competently prepared under the RMA; however, I have provided a

⁶⁵ A. Carr evidence, paragraph 10.14.

⁶⁶ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316.

brief assessment below for completeness, having regard to the matters over which Council has restricted its discretion in the context of this application.

13.3 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 identified in section 6 that are relevant to this application.

13.4 The RMA specifies that particular regard shall be had to the relevant other 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:

13.5 The proposal is an efficient use of (land) resource, by establishing the proposed billboard on a site with an existing commercial activity. The amenity values and quality of the environment are maintained by appropriately locating the proposed billboard in an area with existing commercial character, and establishing controls on dwell time, luminance and display that are reflected in the proposed conditions of consent.

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

13.7 Overall, the application is consistent with the purpose and principles under section 5, and the associated matters under Part 2 of the RMA.

14. **CONCLUSION**

14.1 My overall assessment is that the effects on the environment can be appropriately mitigated by conditions to an acceptable level, such that those effects are no more than minor. For the reasons set out above, I find that the proposal overall is consistent with the relevant objectives and policies of the TRMP.

14.2 For the reasons discussed above, I consider the application can be granted, subject to the proposed conditions set out in **Attachment [A]**.

DATED 17 October 2024

Anita Clare Collie

List of Attachments:

[A] Proposed Draft Conditions

Attachment [A] Proposed Draft Conditions

General

1. The proposed billboard shall be located at 332 Queen Street, Richmond, positioned as described in the DCM Urban Design and Visual Impact Assessment Graphic Attachment, Revision L, and established and operated in general accordance with the information and plans submitted with the application.
2. If there are any inconsistencies between the information provided in the application and the conditions of this consent, the conditions of this consent will prevail.
3. The digital billboard shall be single sided only.
4. The consent holder shall advise the Council's Team Leader - Compliance & Investigation (Land and Air) of the date of the commencement of the operation of the billboard.

Billboard height

5. The billboard display shall be no more than 3.5m in height and 7m in width. The top of the billboard display shall be no more than 8.8 metres above ground level.

Lighting

6. The digital billboard shall be designed and operated to avoid any back spill lighting. 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.
7. Sign materials shall be non-reflective to prevent any sunlight or headlight reflection.
8. The digital billboard shall use LED technology.
9. 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 must be automatically controlled with an in-built detector/sensor.
10. The daytime and nighttime luminance of the signage shall not exceed:
 - a. 5,000 cd/m² during daytime (between sunrise and sunset).
 - b. 125 cd/m² during nighttime (between sunset and sunrise).

11. The signage shall not result in light spill greater than 8 lux (horizontally or vertically) measured at a height of 1.5 metres above the ground at the boundary of the site.
12. Within 30 working days of the commencement of the display of images, the consent holder shall submit to the Council a certification report from an appropriately qualified lighting designer/engineer confirming compliance with Conditions 9, 10 and 11. 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.

Image display

13. Subject to any amendments to dwell time introduced pursuant to Conditions 19 and 20, the signage shall operate with a minimum dwell time of 30 seconds.
14. The transition from one image to the next shall be via a 0.5 second cross-dissolve.
15. 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 or cause confusion with a traffic control device.
 - 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.

Billboard shut down

16. The digital billboard shall be programmed to automatically go dark in the event of digital billboard malfunction. The consent holder must provide an emergency (24/7) contact number and an intervention process to enable the consent holder to disable the digital billboard by manual intervention, both 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.

Traffic safety effects – monitoring and reporting

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 Council's Team Leader - Compliance & Investigation (Land and Air) with Traffic Safety Reports at the following frequencies:
 - a. 12 months; and
 - b. 24 months.
18. 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 12-month and 24-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-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

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.*
20. If either or both of the Traffic Safety Reports required by Condition 17 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.

21. 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).
22. The costs of the Traffic Safety Reports and implementation of any mitigation measures must be met by the consent holder.
23. 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.
24. All costs associated with the monitoring and/or implementation of any mitigation measures required by this consent must be met by the consent holder.

Maintenance

25. The condition and appearance of the display shall be maintained at all times.
26. Prior to the commencement of operation, 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:
 - a. Contact details for the person or organisation responsible for ongoing maintenance;
 - b. Details of the timeframes for inspections;
 - c. The measures proposed if defects are identified;
 - d. The timeframes for remediation of defects; and
 - e. Whether any traffic control management may be required during works.

Compliance monitoring and costs

27. The consent holder shall pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions, or supervision of the resource consent as set in accordance with section 36 of the RMA).

Review condition

28. In accordance with section 128 of the RMA, the Council 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; or
 - b. To review the dwell time or rate of transition of the image or the use of the screen to address potential traffic safety issues having regard to potential adverse effects on the safe and efficient use of the local road network by vehicular, pedestrian and cycle traffic.

Advice notes

1. *In terms of the lighting conditions:*
 - a. *For the purpose of defining and identifying daytime, night time, sunset and sunrise please refer to LINZ Astronomical Data.*
 - b. *A three-to-five-minute lag in adjustment of brightness to changes in ambient levels is acceptable.*
2. *In reviewing road safety monitoring, the Council's Compliance Monitoring Officer may consult with Waka Kotahi NZ Transport Agency Environmental Planning Team via Environmentalplanning@nzta.govt.nz.*
3. *Reflective materials are not to be used for the digital display units and would potentially be contrary to relevant legislation.*
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.*
5. *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*
6. *Any content displayed on the billboard should be in compliance with the Advertising Standards Authority Advertising Code of Practice.*