

Addendum to Section 42A report – recommended conditions

Amendments to Section 42A recommended conditions shown in ~~red strikethrough~~ and underline.

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~~ 8 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 830 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.
12. The minimum size of the letters displayed on the billboard shall be as follows:
 - a. Within the primary message the letter height shall be no less than 150 millimetres. For the purposes of this condition ‘primary message’ is the largest text displayed on the billboard.
 - b. The letter height of any other text displayed on the billboard shall be no less than 75 millimetres.

Advice Note:

The requirements of this condition do not apply to text within logos, images, disclaimers, terms and conditions or any other text which is legally required to be displayed.

The purpose of the condition is to ensure that the letters of the words comprising the main message on the billboard are of a sufficient size to be reasonably legible to drivers who are able to view the billboard.

13. The images displayed on the billboard shall not include QR codes or other codes scannable by an electronic device.

Sign Size

14. The sign shall be no greater than 24.5 square metres in area.
15. 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.

16. The sign shall be single sided only.

Monitoring

17. 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.
18. 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.

19. 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.

20. 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.

21. 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.

22. 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).

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.

Billboard shut down

24. 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

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

26. 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

27. 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.

Parapet

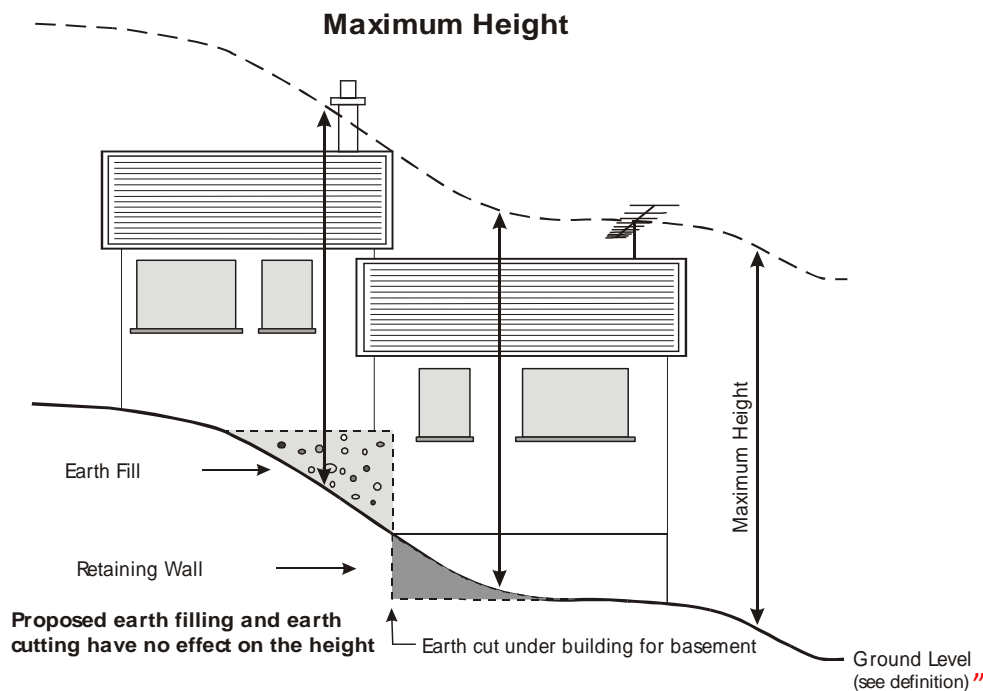
28. Prior to the erection of the billboard the Consent Holder shall construct the parapet shown on approved Plan A RM230535. The parapet shall extend for the length of building fronting Queen Street across the corner of the building and extend for 16.5 metres along the Richmond Deviation frontage.

29. The parapet shall not increase the overall height of the building to more 9.3 metres, measured above the ground level. Height shall be measured in accordance with the definition in Chapter 2 of the Tasman Resource Management Plan, quoted below:

“Height, in relation to a building, means the vertical distance between ground level at any point and the highest part of the building immediately above that point. For the purpose of calculating height, account is taken of parapets, but not of:

(a) radio and television aerials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5 metres;

(b) chimneys (not exceeding 1.1 metres in any direction); or finials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 1.5 metres.



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.

30. The parapet shall be finished in a colour to match the existing building and shall be permanently maintained in the same colour as the existing building.

Advice Note:

For the avoidance of doubt the parapet does not need to remain the colour shown on Plan A RM230535 but should be maintained as the same colour as the remainder of the building, i.e. if the building is repainted the parapet will be repainted in the same colour.

Review condition

31. 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.