

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application by **BEKON MEDIA LIMITED** to **TASMAN DISTRICT COUNCIL** to install a single sided digital billboard at 332 Queen Street, Richmond

SUPPLEMENTARY SUMMARY OF PLANNING EVIDENCE OF ANITA COLLIE AND UPDATES ARISING FROM SECTION 42A ADDENDUM REPORT

1. **INTRODUCTION**

1.1 My full name is Anita Collie and I am Principal Planner at Town Planning Group. I provide this supplementary statement in relation to the Bekon Media Limited (**Applicant**) proposal to install a digital billboard at 332 Queen Street, Richmond.

1.2 This statement provides a summary of planning evidence updated in response to the s42A Addendum circulated on 31 October 2024.

1.3 My qualifications and expertise statements are set out in my brief of evidence dated 17 October 2024. I also reaffirm that I have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023.

2. **CHANGES TO THE PROPOSAL**

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 (in particular Waka Kotahi / New Zealand Transport Agency) and Council representatives. These discussions have resulted in amendments to the proposal as follows:

- (a) The re-orientation of the DBB to face a south-westerly direction so that it will be outside the viewing angle for drivers on most of Lower Queen Street, thus eliminating views to the DBB from motorists using the left-hand slip lane to exit Lower Queen Street.
- (b) An increase in the 'dwell time' of the images displayed from 8 seconds as proposed in the original application to a dwell time of 30 seconds.
- (c) The introduction of more stringent conditions in relation to the monitoring of traffic safety, etc., than originally proposed, including a new proposed condition relating to letter sizes.
- (d) The construction of a 'parapet' behind the proposed DBB to address concerns in relation to potential dominance from both a traffic safety and urban amenity/visual effects perspective.
- (e) A reduction of the nighttime maximum luminance level from 250cd/m² per the original application to 125cd/m².

2.3 In my opinion, these amendments:

- (a) Do not give rise to any potential adverse effects that are not already addressed in the application.
- (b) Are within the scope of the proposal as lodged and notified. In her s42A Addendum, Ms Woodstock agrees.¹
- (c) Provide appropriate additional mitigation of the potential adverse effects of the proposed activity to address matters raised by submitters.

2.4 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.

3. **THE EXISTING ENVIRONMENT**

3.1 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.

¹ S42A Addendum, paragraph 2.3.

4. **TRAFFIC SAFETY EFFECTS**

4.1 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. In my evidence, I concluded 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.

4.2 On the basis of amendments to the application outlined above, NZTA has provided a statement dated 25 October 2024 that, as a result of engagement with the applicant and amendments made to the application, NZTA consider that the billboard will have acceptable effects on the safe and efficient functioning of the state highway. NZTA no longer oppose the application. The inclusion of conditions X, Y and Z in the NZTA statement on the resource consent is fundamental to their position and I confirm that the Applicant adopts these.

4.3 Mr Fon has also updated his review, concluding that:

"While we still note the underlying safety record of the intersection, in our opinion the amended application largely mitigates the potential for adverse traffic safety effects raised in the previous Affirm NZ review as well as the Waka Kotahi submission."²

4.4 Ms Woodstock's updated position is that the amendments largely mitigate the adverse effects identified in the s42A report.³

4.5 I maintain my view that any adverse traffic safety effects are appropriately mitigated by the amendments to the proposal and proposed conditions of consent.

5. **AMENITY EFFECTS**

5.1 In light of the amendments proposed, Mr Milne has updated his review, noting that the revised full-parapet option is a well-considered design solution that results in the billboard being visually integrated into the form and shape of the extend parapet of the building. Mr Milne is satisfied that his

² Affirm NZ, Consent Application RM230535, 332 Queen Street, Richmond Review of Traffic Effects, dated 30/10/2024, page 6.

³ S42A Addendum, paragraph 8.6.

original concerns regarding the lack of integration and the ensuing level of adverse effects have generally been addressed by the amended proposal.⁴

5.2 Ms Woodstock's updated position is that the 'half-parapet' option does not sufficiently mitigate the adverse effects on visual amenity. However, she considers that the full parapet design to be far more successful in mitigating the visual effects of the billboard.⁵

5.3 I maintain my conclusion that the effects on visual amenity values are acceptable with regard to the commercial and industrial character of the receiving environment. Any adverse effects of the digital billboard on amenity will be acceptable.

6. **LIGHTING EFFECTS**

Ms Woodbridge's assessment of lighting effects is unchanged by the s42A Addendum and so there is no update to my position. 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.

6.1 Ms Woodstock and I agree that the lighting effects can be appropriately mitigated by the proposed conditions of consent.

7. **EVALUATION OF OBJECTIVES AND POLICIES**

7.1 My evaluation of objectives and policies as set out in my evidence remains relevant. Overall, I consider that the proposal is consistent with the objectives and policies of the TRMP.

7.2 Ms Woodbridge now agrees that the proposal is more consistent with TRMP policy direction.⁶

8. **PROPOSED CONSENT CONDITIONS**

8.1 There is a large degree of agreement between the conditions recommended in the s42A Addendum and the set I recommend. I comment only on matters where there is some material difference. References to condition numbers in

⁴ RMM Memorandum, *Audit of the Amended Design for a Proposed Digital Billboard at 332 Queen St, Richmond- Urban Design and Visual Assessment*, dated 23 October 2024, pages 2-3.

⁵ S42A Addendum, paragraphs 8.3-8.4.

⁶ S42A Addendum, paragraphs 5.9.

the paragraphs below are the condition numbers in the s42A report, Attachment 2, which are largely carried through into the s42A Addendum.

8.2 Ms Woodbridge and I remain of different views in regard to the following conditions.

(a) 6, regarding daytime / nighttime of set hours for luminance controls.

(b) 11b, regarding an opinion on potential confusion with traffic control devices.

(c) 25, regarding the requirement for non-RMA permissions to work in the road corridor.

(d) 26, the review condition.

8.3 Our reasons for our views are explained in evidence and so I do not repeat those reasons here.

8.4 Ms Woodbridge at paragraph 7.5 of the s42A Addendum agrees it is appropriate to delete the requirement for a Traffic Safety Review after 6 months of operation of the billboard, however this edit has not been made in her revised condition set. This may be a typo.

8.5 Ms Woodbridge proposes additional conditions relating to the parapet. I agree that a new condition requiring the construction of the parapet as proposed in the DCM Graphic Attachment (Revision O) is necessary. I also agree that a condition controlling the colour of the parapet is appropriate, however I have edited the wording in recognition that it may not be possible to get a precise colour match at the time of installation.

8.6 I do not agree that conditions describing the parapet dimensions are necessary as these are clear in the plans. I do not agree that a condition restricting the height of the building to 9.3m is appropriate; this is more restrictive than a building that can be constructed as of right. I do not consider that it is necessary to include definitions from the TRMP in the consent conditions, because (as above) I do not consider these terms necessary, and a cross reference would suffice if the Commissioner finds that they are.

8.7 An updated set of proposed conditions is included below (**Attachment [A1]**). I have shown in tracked changes the amendments to the conditions discussed above, from the version appended to my evidence.

9. **CONCLUSION**

- 9.1 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 and in my Statement of Evidence dated 17 October 2024, I find that the proposal overall is consistent with the relevant objectives and policies of the TRMP.
- 9.2 The application meets the necessary tests for approval and can be granted subject to the proposed conditions set out in **Attachment [A1]** below.

DATED 4 November 2024

Anita Clare Collie

Attachment: [A1] Proposed Draft Conditions

Attachment [A1] 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 O, 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.

Parapet

5. Prior to the erection of the billboard the Consent Holder shall construct the parapet shown on in the DCM Urban Design and Visual Impact Assessment Graphic Attachment, Revision O.
6. The parapet shall be finished in a colour to closely 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 the approved plans 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.

Billboard height

7. 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

8. 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.
9. Sign materials shall be non-reflective to prevent any sunlight or headlight reflection.
10. The digital billboard shall use LED technology.

11. 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.
12. 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).
13. 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.
14. 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 11, 12 and 13. 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

15. Subject to any amendments to dwell time introduced pursuant to Conditions 24 and 25, the signage shall operate with a minimum dwell time of 30 seconds.
16. The transition from one image to the next shall be via a 0.5 second cross-dissolve.
17. 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.

18. The minimum size of the letters used in the messages on the billboard must be as follows:

- a. The letters used in the primary message must not be less than a height of 150mm. For the purpose of this condition the 'primary message' is the largest text displayed on the billboard.
- b. Subject to Condition 17 hereof, the letters used in any other text must not be less than 75mm in height.

19. The requirements of Condition 18(a) and (b) do not apply to text within logos, text within images, disclaimers, terms and conditions or any other text legally required to be displayed.

Advice note: The purpose of Conditions 18 - 19 is to ensure that the lettering of the words comprising the main messages on the billboard are of a sufficient size to be reasonably legible to drivers who are able to view the billboard.

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

Billboard shut down

21. 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

22. 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.

23. 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.

24. 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 nighttime luminance levels;*
- b. Adjustments to the transition time;*
- c. Increases in the image dwell time; and*
- d. Further controls on the image content.*

25. If either or both of the Traffic Safety Reports required by Condition 22 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.

26. 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).

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

28. Should any changes be required to the operation of the digital billboard as a result of the monitoring undertaken in accordance with Condition 22, then further monitoring for another two consecutive 12-month periods shall be undertaken.

29. 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

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

31. 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

32. 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

33. 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, nighttime, 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.*