



5 June 2024

Ms Victoria Woodbridge  
The Property Group  
4 Akersten Street  
Port Nelson, Nelson  
7010

Email: vwoodbridge@propertygroup.co.nz

Dear Ms Woodbridge

**RM230535 - BEKON MEDIA - PROPOSED BILLBOARD AT 332 QUEEN STREET, RICHMOND**

1. We are acting for Bekon Media Limited in support of that company's application to Tasman District Council to establish a single-sided digital billboard at 332 Queen Street, Richmond.
2. We refer to your email to Ms Collie of the Town Planning Group dated 5 June 2024 advising that the Council is not prepared to delegate the decision in relation to notification pursuant to section 95 (et seq) of the Resource Management Act 1991 ("RMA") to an independent hearing commissioner. This is on the basis that both you and traffic engineer, Mr Fon, are independent consultants who have no conflicts of interest and no extraordinary circumstances otherwise arise.
3. With respect, our client does not accept that these are sufficiently good reasons to deny it the opportunity to have the notification decision made by a qualified hearing commissioner who can take account of the Council, NZTA's and the applicant's views in a truly independent manner.
4. In that regard, our almost invariable experience is that district councils tend to be unduly swayed by NZTA which places pressure on councils to public notify billboard applications on the basis of their mistaken belief that digital billboards create traffic safety issues as a result of driver distraction; that is despite the fact that NZTA's position is virtually always proven to be misconceived when assessed against an objective analysis of international and local data.
5. Due to a similar misplaced attitude which we understand has been adopted by Mr Fon, Ms Collie's impression is that there is virtually no likelihood of the application being processed on a non-notified basis. This is a source of concern to our client.

6. We are not suggesting that you cannot bring an open mind to this issue. However, it would significantly enhance our client's confidence in the resource consent and hearing process if an independent hearing commissioner were to be appointed to make the notification decision. Given that our client's rights and interests will be affected by that decision, and that it is prepared to bear the costs of reference to an independent hearing commissioner, we fail to see any justification for the Council's position and request that it be reconsidered.
7. If the Council agrees that the matter can be referred to an independent hearing commissioner, we will prepare a memorandum specifically for the commissioner addressing notification issues in light of the relevant statutory requirements, the assessment by the relevant traffic engineers, and the principles that apply to sound decision-making.
8. We request advice as to the Council's position as soon as reasonably practicable and preferably by 5pm on Monday, 10 June 2024.
9. Our client reserves its rights in relation to the Council's decision.
10. We also take this opportunity to advise that our client, as applicant, requests pursuant to section 100A(2) of the RMA that the Council delegates its functions, powers and duties to hear the substantive application to independent hearing commissioners who are not members of the local authority. In terms of section 100A(4) of the RMA, the Council has no right to refuse this request.
11. We look forward to hearing from you. Please call if you wish to discuss.

Yours sincerely



**S J Berry**  
Partner

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