



TOWNPLANNING GROUP

7 October 2024

Our Ref: 2947-23

Tasman District Council
C/- Victoria Woodbridge
Resource Management Consultant Planner

VIA EMAIL: vwoodbridge@propertygroup.co.nz

Cc: Phil.Doole@tasman.govt.nz; Blair.Telford@tasman.govt.nz

Dear Victoria

AMENDMENTS TO APPLICATION – RM230535 BEKON MEDIA LTD, 332 QUEEN STREET, RICHMOND

Introduction

Since the close of submissions, Bekon Media Limited (the “**Applicant**”) has instructed its expert team to consider matters raised in submissions and options for mitigation of effects of concern to submitters. To this end, the Applicant’s experts have:

- engaged with submitters who have raised concerns with respect to dark sky matters¹; and
- participated in discussions with the New Zealand Transport Agency² in response that submitter’s request for further direct engagement.

As a result of this engagement, the Applicant has decided to make a number of refinements to the proposal in order to address potential adverse effects raised by submitters. The purpose of this letter is to advise you of those amendments so that you can take account of them in your section 42A report or, if that is not feasible, in an addendum prior to the hearing.

¹ Submission 8 - Bruce Struthers; Submission 12 - Ralph Bradley Top of the South Dark Sky Committee; Submission 16 - Thomas Wilson; Submission 20 - Jenny Pollock, Nelson Science Society.

² Submission 18.

This letter should be read in conjunction with the following documents, which are to be distributed concurrently by legal counsel:

- The latest version of the proposed consent conditions as being proffered by the Applicant (**Attachment [A]** to this letter);
- Carriageway Consultants letter dated 4 October 2024 (the "**Carriageway letter**");
- DCM Urban Design letter dated 7 October 2024 (the "**DCM letter**"); and
- DCM Urban Design and Visual Impact Assessment Graphic Attachment, Revision N (the "**DCM Graphic Attachment**").

Amendments to the proposal

The proposed amendments comprise the following:

1. The application proposed a nighttime maximum luminance of 250cd/m². On the recommendation of lighting expert, Russ Kern, the proposed conditions will require that the nighttime maximum luminance will not exceed 125cd/m². Mr Kern's advice³ is that this reduction will ensure 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 dark sky.
2. The application proposed a dwell time (image display time) minimum of 8 seconds. The proposed conditions will require a dwell time of 30 seconds. Mr Andy Carr's⁴ advice is that this amendment represents a conservative approach and will mean that fewer than 5% of drivers will see a change of image.
3. The digital billboard will be reorientated to face a south-east direction, as described in the DCM Graphic Attachment.⁵ This amendment has been made in response to engagement with NZTA representatives who expressed traffic safety concerns associated with the left-turn slip lane from Lower Queen Street. As a result, the reorientated digital billboard viewshed is limited to the Gladstone Road (northbound) intersection approach only and has very limited visibility from Lower Queen Street.⁶
4. 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 DCM letter and DCM Graphic Attachment.⁷ This amendment has also been made in response to engagement with NZTA representatives who raised concerns about the 'dominance' of the proposed billboard (although the basis for their concern in that

³ With reference to his letter dated 18 September 2024, addressed to Simon Berry and distributed to the submitters identified in footnote 1 and Council.

⁴ Carriageway letter, page 8.

⁵ Page 7.

⁶ Refer to the DCM Graphic Attachment, page 7; DCM letter and Carriageway letter pages 2-4.

⁷ Pages 8-9.



regard is unclear). The parapet will be constructed of a similar colour and materials as the cladding on the existing building. Mr Compten-Moen considers that the parapet will help integrate the sign into the existing built form of the building, reducing its visual dominance and the visual effects when viewed from both Lower Queen Street and Gladstone Road.⁸

5. Additional and robust conditions concerning monitoring of transport-related effects are proposed, reflected in the set of conditions in **Attachment [A]** to this letter.

The Applicant's evidence will be prepared on the basis of the above additional mitigation measures.

Planning analysis

I have reviewed the above amendments having regard to the provisions of the Tasman Resource Management Plan and consider that the proposed amendments do not engage any additional provisions of the Plan, 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.

In other words, 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.

We trust this information will afford the parties further clarity with respect to the proposal and assist with the preparation of evidence for the hearing. Please contact the undersigned on anita@townplanning.co.nz or 021 568 335 should you have any queries.

Yours sincerely,

Town Planning Group



Anita Collie
Principal Planner

Attachments:

[A] Proposed Conditions

⁸ DCM letter.



**RM230535 PROPOSED CONDITIONS OF CONSENT FOR DIGITAL BILLBOARD AT 332
QUEEN STREET, RICHMOND
DRAFT AS AT 7 OCTOBER 2024
WITHOUT PREJUDICE**

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.
 - ~~a. located above the building at 332 Queen Street, Richmond, in accordance with Plan A 'Proposed Billboard Location' in the Urban Design and Visual Impact Assessment Graphic Attachment dated 15 April 2024.~~
 - ~~b. 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 Tasman District Council Compliance Monitoring Officer (CMO) 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.
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 the illuminance of a roadway by greater than 10 lux (horizontal or vertical) of light when measured or calculated 2 metres within the boundary of any adjacent 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 8-30 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.
 - 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 CMO 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 CMO 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 CMO 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 CMO, 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 CMO within 10 working days.

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.

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.*