

13th August, 2021

Business Development
Go Media Limited
PO Box 12157 Palmerston North

Dear [REDACTED]

RESOURCE CONSENT – NOTICE OF DECISION
FOR PROPOSAL TO CONVERT EXISTING LEGALLY ESTABLISHED STATIC BILLBOARDS TO
DIGITAL BILLBOARDS AT 1 WALTON LEIGH AVENUE, PORIRUA (BEING SEC 371 PORIRUA DIST &
LOT 1 DP 43098)

I am pleased to inform you that your application for resource consent to convert the four existing billboard displays from static to digital was granted on 13 August, 2021. The decision and the consent conditions, which are outlined at the end of the decision report, including the approved plans and details are attached.

Please review the conditions in the attached report as you will be required to comply with these. It is very important that you understand your obligations and undertake the necessary actions or work to comply with all the conditions of your consent.

If you have any questions or concerns about any aspect of your consent or its conditions, I would be happy to discuss them with you.

Please also refer to the following general information for consent holders:

1. You may commence your activity in accordance with your consent conditions, unless you lodge an objection to Porirua City under section 357 of the Resource Management Act 1991. Your commencement date will then be the date on which the decision on the objection is determined.
2. This resource consent will expire five years after the date of commencement of consent unless:
 - a. it is given effect to before the end of that period; or
 - b. upon an application made before the consent lapses for an extension of consent. The statutory considerations, which apply to extensions, are set out in Section 125(1A)(b) of the Resource Management Act 1991.
3. If you are dissatisfied with any aspect of the decision on your consent application, you have the right to lodge an objection with the Council under section 357 of the Resource Management Act 1991. You have 15 working days from the date you receive this letter of notification within which to lodge your objection to the decision. Your objection should contain a statement as to what part of the consent you object to and should clearly explain the reasons for your objection. On receiving an objection in writing, the Council shall hear the objection and may uphold the objection wholly or partly.
4. The applicant needs to obtain all other necessary consents and permits, including those under the Building Act 2004 and comply with all relevant Council bylaws.

Please feel free to contact me if you have any questions or concerns.

Ngā mihi



Olivia Campbell
SENIOR RESOURCE CONSENTS PLANNER

DECISION REPORT - RESOURCE CONSENT

Council Reference	RC8339 LU0058/21
Applicant	Go Media Limited – Attention: [REDACTED]
Site Address	1 Walton Leigh Avenue, Porirua City Centre
Legal Description	Lot 1 DP 43098 and Section 371 Porirua District
Proposal	Replacement of three static billboards currently located on the eastern, western and south eastern sides of the existing high rise building with slightly smaller digital billboards, where the south eastern billboard will be repositioned nearer to the western end of the building façade.
Operative District Plan	City Centre Zone, Height Area 1, Outer Pedestrian Activity Area
Proposed District Plan	City Centre Zone, Active Street Frontage (Primary and Secondary Frontage Controls), Noise Corridor Overlay (Railway Corridor 100m), Hazards and Risks Overlays (Flood Hazard – Overland Flow, Flood Hazard-Ponding, Coastal Hazard – Future Inundation (with 1m SLR)
Activity Status	Land use – Discretionary Activity

Report prepared by:	Jenny Grimmett, Consultant Senior Planner
Report peer reviewed by:	Olivia Campbell, Senior Resource Consents Planner
Date consent application received:	3 May 2021
S92 Information Request:	31 May 2021
S92 Response:	23 June 2021

1. PROPOSAL

The description of the proposal provided with the application documents should be read in conjunction with this report. To avoid repetition, I will provide summary details of the key components in this section.

1.1 Overview

The applicant proposes to replace three static billboards currently located on the eastern, western and south eastern sides of the existing high-rise building at 1 Walton Leigh Avenue, with slightly smaller digital billboards. The proposed south eastern replacement billboard will be repositioned nearer to the western end of the building façade and have its orientation altered from landscape to portrait.

The dimensions of the existing and proposed replacement billboards are as follows:

Building Wall Facade	Existing Dimensions	Proposed Dimensions
Eastern	9m x 15m	9m x 12m
Western	9m x 15m	9m x 12m
South Eastern	5m x 10m	8m x 4 (changed from landscape to portrait orientation)

The applicant has advised that:

1. The structures for the new digital billboards are a specifically engineered structure making use of the existing structures currently used as much as possible;
2. The billboards will all be of the latest digital technology, with messages changing no less than every 10 seconds, and these will be controlled electronically;
3. The advertising material will be variable, changing when new advertising clients are found. Examples of advertising include NZTA safety messages and Vodafone promotions;
4. The digital material will not have any flashing/text or pictures and will not imitate any official signs.

The existing and proposed billboard positions are shown in the following extracts from the application documents.

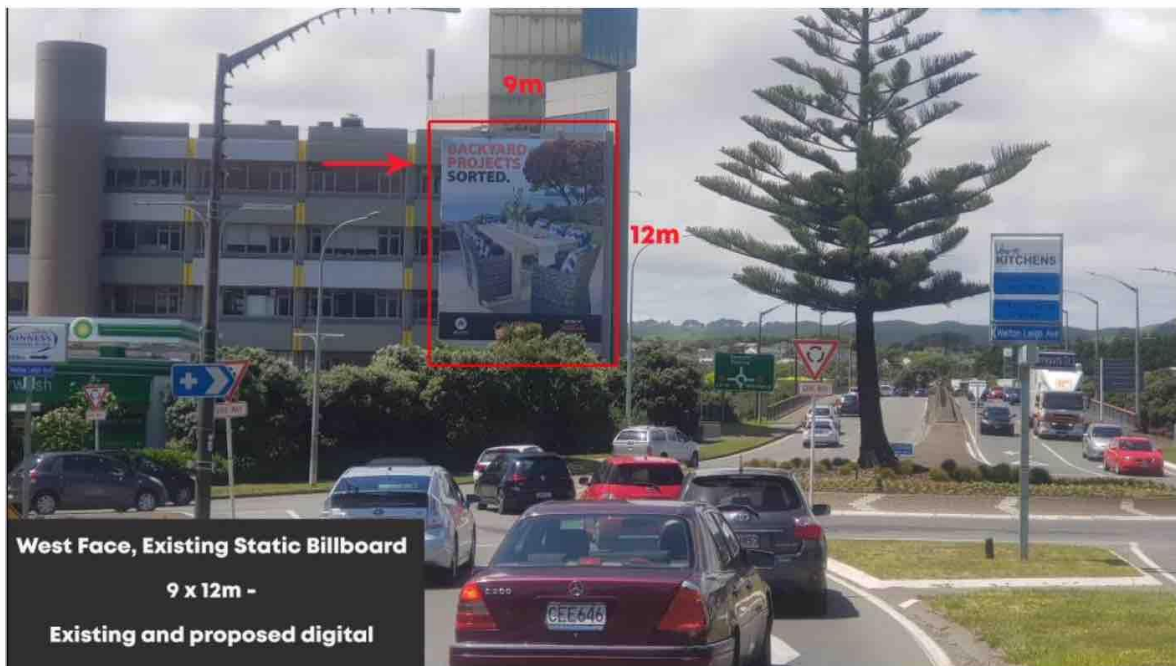


Figure 1: Existing and Proposed Locations for Western and Eastern Replacement Billboards

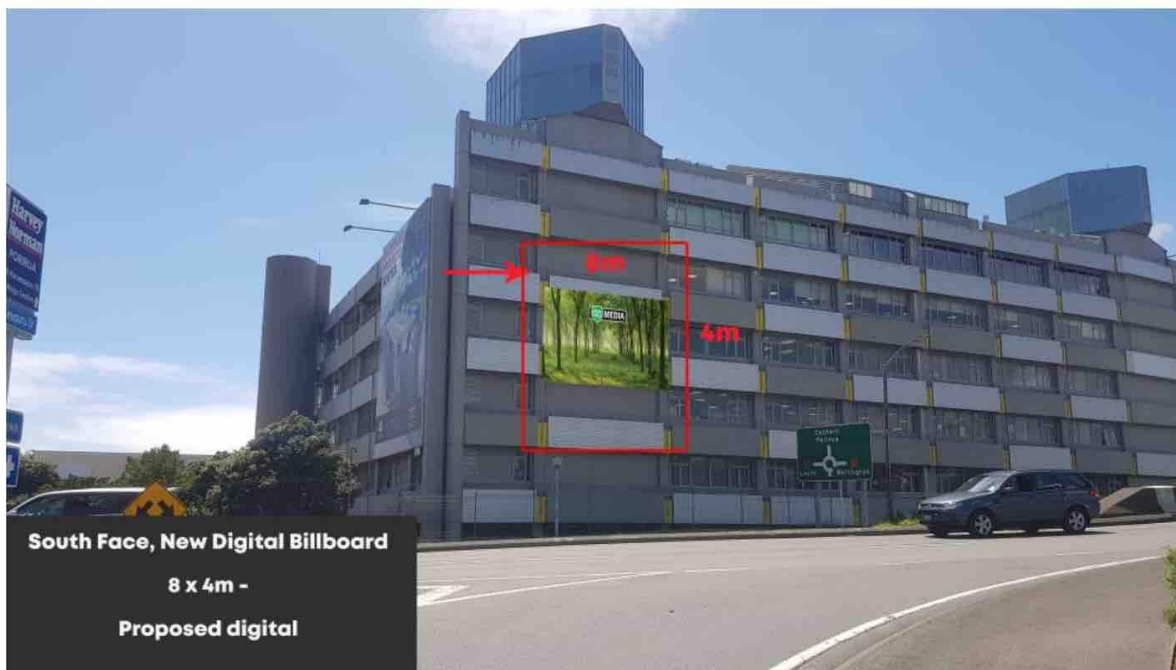


Figure 2: Existing and Proposed Locations for South-Eastern Replacement Billboard

The applicant has offered consent conditions covering lighting levels, reflectivity of construction materials, traffic safety, image content and shut down response in the event of a billboard malfunction. These conditions were provided in the original application and in the traffic assessment attached with the application. The applicant has agreed to all of the conditions proposed in the application documents.

The proposal requires resource consent for land use because the billboards are to be used for advertising that does not relate to the activities on the site (i.e. are not necessarily occupiers of the building).

1.2 Application Documents

The proposal is described and shown on the following application documents, and S92 Further Information Response documents:

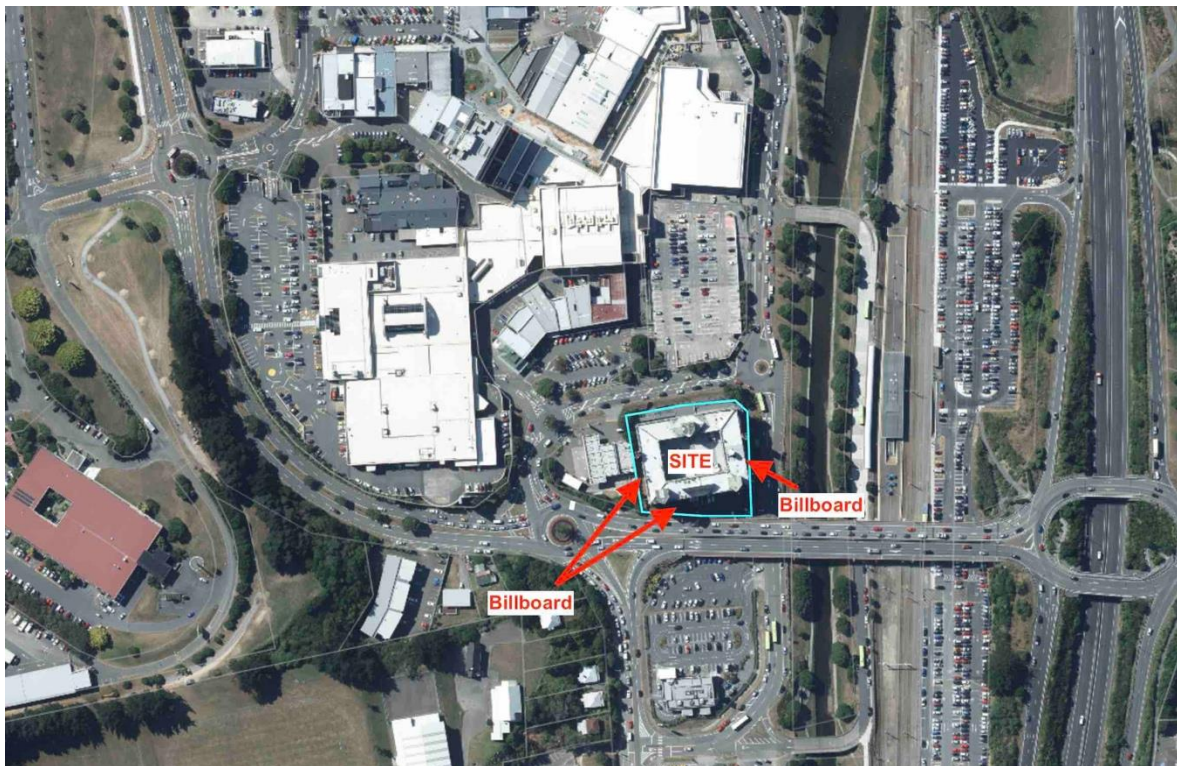
1. "Proposed Resource Consent Pursuant to Section 88 of the Resource Management Act 1991 - Walton Leigh Avenue – Porirua" prepared by Go Media Limited;
2. "Digital Billboard Installation – Assessment of Road Safety Records" for ETC Media Limited, prepared by Carriageway Consulting Traffic Engineering / Traffic Planning, Reference 14164-billboardsafety final, dated 23 June 2016;

3. "Review of Safety Records at Existing Digital Billboards" for ETC Media Limited, prepared by Carriageway Consulting Traffic Engineering / Traffic Planning, Reference 14164-080817-mccaleb.doc, dated 8 August 2017;
4. Traffic Safety Assessment titled "Proposed Digital Billboards 1 Walton Leigh Avenue, Porirua" prepared by Stantec for Go Media Limited, dated April 2021;
5. Letter titled "Response to request for further information" prepared by Anderson Lloyd, dated 23 June 2021; and
6. S92 Response Letter prepared by Stantec titled "LU0058/21 – RC8339 – 1 Walton Leigh Avenue, Porirua City – Go Media – Proposed digital billboards – s92 Response" reference 310204443.100.106, dated 22 June 2021.

2 SITE AND SURROUNDING ENVIRONMENT

2.1 Site Description

The application site at 1 Walton Leigh Avenue, Porirua City Centre is outlined in the aerial image below.
Figure 3: Aerial image of application site



The site is legally described as Lot 1 DP 43098 and Section 371 Porirua District, and held in Record of Title WN45D/857, with an area of 4,351m². The site is subject to a Limited Access Notice relating to the nearby State Highway 1.

The site is zoned City Centre under both the Operative District Plan (ODP) and the Proposed District Plan (PDP), as shown in the images below. It is also within Height Area 1, and the Outer Pedestrian Activity Area under the ODP. The site is subject to overlays under the PDP for Active Street Frontage (Primary and Secondary Frontage Controls), Noise Corridor Overlay (Railway Corridor 100m), Hazards and Risks Overlays (Flood Hazard – Overland Flow, Flood Hazard-Ponding, Coastal Hazard – Future Inundation (with 1m SLR), as shown on the image below right.



Figure 4: District Plan Map Extracts showing the application site zoning and overlays (Left is Operative District Plan, Right is Proposed District Plan).

2.1 CONSENT HISTORY

The existing billboards on three sides of the building at 1 Walton Leigh Avenue were lawfully established under the following resource consents:

- **RC3481** – A publicly notified consent dated 23 October 2003 issued to Look Outdoor Limited for an externally illuminated advertising sign 11.7m high and 6.36m wide on the southern elevation of the building at 1 Walton Leigh Avenue;
- **RC4602 – LU0203/06** – A non-notified consent issued 30 October 2006 to Ludlum Corporation Ltd for two billboards 15m x 9m (total face area 135m²) one on each of the eastern and western ends of the existing building at 1 Walton Leigh Avenue. The consent was issued subject to conditions limiting the colour and content of the billboard advertising as well as removal of the existing billboard on the southern side of the building and surrender of RC3481 (the above-mentioned consent for that sign);

It appears that, while the applicant for RC4602 stated that they would remove the southern billboard on approval of the new eastern and western façade billboards, and there is a consent condition requiring this to happen, it has not happened. There is still a 5m by 10m sign present on the south eastern side of the building, which is smaller and has different dimensions to the 11.7m x 6m sign approved under RC3481. I have not been able to locate any consent history that indicates a change of conditions was approved to allow the southern sign to remain in place. However, I noted from the planning officer report for RC4602 that the proposed sign size was agreed to be reduced, which explains why the southern sign has remained in situ, and what is present now and the approval will be superseded by the consent being the subject of this report.

As the RC3481 consent was not surrendered, and the Council appears not to have required this to happen, I consider that RC3481 remains an active consent for the south eastern billboard. I will therefore assess the proposal for three billboards against the existing lawfully established sign environment, and take a cautionary approach and assess the south-eastern sign on its merits under the current proposal.

3 DISTRICT PLANS

3.1 Status of District Plans

In August 2020, Porirua City Council notified its Proposed District Plan (PDP). The Operative District Plan (ODP) objectives, policies, rules and maps continue to have legal effect and must be considered when processing applications.

It is currently necessary only to comply with the Operative Plan until such time as the PDP rules have legal effect (i.e. after a decision on submissions relating to the rules is made and publicly notified, and weighting will be applied based on whether or not there are appeals on the decisions etc).

While Section 86B of the Act allows councils to seek legal effect for all rules from public notification, the City Council did not exercise this option. However, under s86B any rules in the PDP that protect or relate to significant indigenous vegetation, significant habitats of indigenous fauna or historic heritage have immediate legal effect from the date of public notification. The rules with immediate effect are found in the following PDP chapters:

- Ecosystems and Indigenous Biodiversity;
- Historic Heritage;
- Sites and Areas of Significance to Māori;
- Infrastructure;
- Renewable Electricity Generation;
- Signs; and
- Subdivision.

None of the PDP rules referenced above include provisions that are applicable to the proposal or the site. However, a brief comment is made for completeness, along with an assessment of the relevant objectives and policies of the PDP.

The proposal is assessed under the ODP and PDP for Porirua City in the following sections.

3.2 Operative Porirua City District Plan 1999 Provisions

The Operative District Plan (ODP) sets out the status of an activity within rules, advising whether it is permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited. The Objectives and Policies contained in the District Plan are also important in decision making and are to be taken into account in the evaluation of the activities.

3.2.1 Operative District Plan Zoning and Features

The site is within the City Centre Zone under the ODP, as shown on the District Planning Map extract set out earlier. It is also within the policy overlay areas for the City Centre, being Height Area 1 and the Outer Pedestrian Activity Area. It is not located in a Seismic Hazard area or affected by any other District Plan mapping feature notation.

3.2.2 Operative District Plan Rules and Standards

City Centre Zone Rule D1.1.1 permits a range of activities in the Zone, provided they meet the relevant specified Permitted Activity Standards. The proposal requires a Land Use resource consent because it does not meet the Permitted Activity Standards for Signs in the City Centre Zone, as explained below:

Signs

Any sign provided it relates to the activities on the site.

Note: Refer to the height standard to determine the maximum permitted height of signs.

Height

The maximum height of any building or part of a building (including any sign) on a site shall be:

(a) Height Area 1

Maximum building height – 30m.

(b) Height Area 2

Maximum building height – 15m.

(c) Height Area 3

Maximum building height – 10m.

All three billboards proposed on the building at Walton Leigh Avenue will comply with the maximum height for signs attached to a building in Height Area 1 highlighted on **bold** above. However, as the billboards are signs that will display information that is not related to activities on the site, it requires a resource consent.

From the information provided with the application, it appears that the proposal meets all other relevant Permitted Activity Standards, and it is not listed in any of the other activity categories for the Zone.

3.2.3 Activity Status

The proposal is therefore assessed overall as a Discretionary Activity in the City Centre Zone under Rule D1.1.4(i), as follows:

“D1.1.4 Discretionary activities

Any one or more of the following are discretionary activities:

- (i) All activities which are not a permitted, controlled, or restricted discretionary activity, which are not specified in rule D1.1.5 (ii) (iii) or (iv) as a non-complying activity and which do not exceed any discretionary activity standard”.*

There are no applicable discretionary activity standards, as these cover building height, carparking and noise. The standards for carparking and noise are not relevant to the proposal and the proposed billboards do not exceed the permitted activity standard for height so the discretionary standard is not applicable to the proposal.

3.3 Proposed Porirua City District Plan 2020 Provisions

Porirua City Council publicly notified its Proposed District Plan (PDP) on 28 August 2020. The Proposed Plan includes a full review of the Operative Plan provisions and marks a major shift in the Council's approach to resource management in the District.

3.3.1 Proposed District Plan Zoning and Features

The property is within the City Centre Zone, and is affected by overlays under the PDP for Active Street Frontage (Primary and Secondary Frontage Controls), Noise Corridor Overlay (Railway Corridor 100m), Hazards and Risks Overlays (Flood Hazard – Overland Flow, Flood Hazard-Ponding, Coastal Hazard – Future Inundation (with 1m SLR) under the Porirua City Proposed District Plan, as illustrated on the Proposed District Planning Map provided earlier.

3.3.2 Proposed District Plan Rules and Standards

As noted earlier, the rules in the Proposed District Plan will only have legal effect once a decision on submissions relating to the rule is made and publicly notified unless they include matters that are subject to Section 86B of the Act. None of the PDP Rules in the above respect are applicable to the proposal or the application site.

3.3.3 Activity Status

As no relevant rules currently have legal effect in relation to this proposal, activity status determination is not applicable.

However, for completeness, the proposal has been assessed against the relevant standards in the PDP in the Chapters for the City Centre Zone (GIZ) and Signs, noting the consents that would be triggered.

Checks have been made of other chapters in the PDP for completeness to ensure there are no other consent triggers, and the following summary comments note where consents may or may not be required for the proposal under the relevant PDP chapters:

- (i) New buildings and structures in the CCZ are a Permitted Activity provided they comply with the relevant Standards CCZ-S1 to -S6 (max. height 30m, active street frontage requirements, addressing Porirua Stream, residential units to be above ground floor, parking to be within or at rear of building, services and storage areas to be screened), otherwise they would trigger a Restricted Discretionary Activity (RDA) or in some cases a Discretionary Activity. The proposed billboards are not covered by the rules for the CCZ;
- (ii) The District Wide Matters Chapter on Signs includes Rules that have immediate effect (where signs are located within an overlay that is not a Natural Hazard or Coastal Hazard overlay) and that have delayed effect (Signs on legal road, road reserve or road to be vested). The application site is not within any of these areas that have delayed or immediate effect.

A range of different types of signs are permitted by Rules SIGN-R1 to SIGN-R12 subject to compliance with standards SIGN-S1 to SIGN-S15, not all of which apply to each rule. Billboard are included in the definition for “off Site Signs” and are covered by Rule SIGN-R6, as the site is not in one of the “other” hazard overlay areas referenced above.

Off-Site Signs are permitted under SIGN-R6 provided they comply with SIGN-S1, SIGN-S2, SIGN-S4 to SIGN-S6 and SIGN-S15 (max face area 10m² per sign, not more than 20% of façade to which it is attached, limits on the number of signs depending on location, height of freestanding signs 10m, traffic safety requirements).

The billboards cannot meet SIGN-S1 (more than 10m²) per sign, and may not be able to comply with SIGN-S15 (one of the requirements for traffic safety is a 50m setback from a 50kph road). These breaches are both assessed as a Restricted Discretionary Activity (RDA).

Rule SIGN-R11 provides that Digital Signs are a RDA provided they comply with Standards SIGN-S1 to -S7 and SIGN-S12.

SIGN-S3 relates to maximum combined sign area per tenancy (which may not be relevant to the proposal that it is an off-site sign which is treated separately). SIGN-S7 relates to veranda signs, which is not relevant to the proposal.

SIGN-S12 covers digital displays and specifies a range of criteria for visibility, and mitigation of visual effects and effects on state highway and roads.

The proposed billboards appear to be able to comply with all of the requirements other than they may possibly be visible from sites within a Residential Zone (albeit a very long way away) and may adjoin a State Highway. Because not all of the Standards listed in SIGN-11(1) can be met by the proposal, it is assessed as a Discretionary Activity;

- (iii) The site is subject to several Hazard areas shown on the PDP Maps. The Flood Hazard – Ponding Area is defined as a Low Hazard area (LHA) in App10-Table 3 of the PDP, the Flood Hazard-Overland Flow is defined as a Medium Hazard area (MHA). The Coastal Hazard – Future Inundation (with 1m SLR) is defined in App10-Table 4 of the PDP as a Medium Hazard.

The proposed billboards are essentially additions to an existing building and in their own right are not listed among the various types of Hazard Sensitive Activities in Appendix 10 of the PDP. Even if they were captured by being associated with a building that is used, for example, for a range of Commercial Service Activities (which are defined as a Potentially-Hazard Sensitive Activity (PHSA) in App10-Table 2 of the PDP), the billboards are on the walls well above ground level and not in the actual hazard mapped areas.

I therefore consider the proposal therefore does not need to be assessed against the NH rules in the Natural Hazards (NH) chapter. At worst, any PHSA in a LHA is assessed as a Restricted Discretionary Activity under Rule NH-R6, provided (a) the building has floor levels set above the 1:100 year flood event, otherwise it is a Discretionary Activity under NH-R6(1). Rule NH-R7 provides that any PHSA activity and associated buildings in a MHA is a Discretionary Activity;

- (iv) Taking a bundled approach the proposal would be a Discretionary Activity.

3.4 Overall Activity Status

The Proposed District Plan has the same activity status as the Operative District Plan (Discretionary Activity), but at this time only the ODP Rules can be considered.

4 NOTIFICATION ASSESSMENT

Council must assess any resource consent application under section 95 of the Resource Management Act 1991 (RMA, the Act) to determine whether a resource consent application should be notified. The Act specifies a four-step process that must be followed, including the triggers for limited and public notification of applications, public notification in certain circumstances, and when notification is precluded. The process for public notification is covered under section 95A of the Act, and limited notification is covered under section 95B of the Act.

4.1 Public Notification Steps – Section 95A RMA

Pursuant to section 95A of the Act, the following assessment determines if public notification is required.

Step 1 – Public notification is mandatory in certain circumstances (s95A(2)&(3))

a. Has the applicant requested public notification?	No
b. Is public notification required under s95C of the RMA?	No
c. Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act?	No

If any of the above matters apply the application must be publicly notified and steps 2 – 4 are not required.

Step 2 – Public notification is precluded in certain circumstances (s95A(4)&(5))

a. Are any activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
b. Is the application for one or more of the following (but no other) activities? i. A controlled activity ii. A restricted discretionary, discretionary or non-complying activity where it relates to a boundary activity	No No

If any of the above matters apply go to step 4. If none of the above matters apply go to step 3.

Step 3 – Public notification is required in certain circumstances (s95A(7)&(8))

a. Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
b. Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?	No (see assessment below)

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?

Public notification is required under Step 3 if the activity will have or is likely to have adverse effects on the environment that are more than minor. In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded.

In making an assessment under Section 95D, I have therefore disregarded the effects on the persons who own or occupy properties within the building at 1 Walton Leigh Avenue, on which the replacement billboards are proposed to be installed.

The adverse effects on the environment are considered to be no more than minor because the effects of the proposal are limited to visual and traffic related matters, and these can be managed with suitably worded consent conditions as noted elsewhere. In particular:

- (a) The “permitted baseline” for the establishment of signs in the City Centre Zone (CCZ) is very wide, as explained at Section 5.2.1. Any sign is permitted in the CCZ provided it relates to activities on the site and is within the permitted height limit. There is no control on the use of digital media. The only aspect of non-compliance by the proposed replacement billboards is that they do not relate to activities on the site;
- (b) The proposed billboards will replace lawfully established as billboards which represent the “permitted environment” or existing environment, and will be smaller in size;
- (c) The effects of the proposal on the safe and efficient operation of roads have been assessed and confirmed as being acceptable by the Council’s Development Engineer-Transport, Mr Rowe (for local roads) and Waka Kotahi New Zealand Transport Agency (for State Highway 1), and no concerns were raised; and
- (d) The natural hazards associated with the site are mapped areas that occur at the base of the building on the site and are well clear of the elevated billboard sites.

Step 4 – Public notification is required in special circumstances (s95A(9))

Do special circumstances exist that warrant public notification?	No
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Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. I consider there are no unusual or exceptional circumstances that warrant public notification of this proposal.

Public Notification Conclusion (Steps 1 to 4)

On the above basis, public notification is not required.

4.2 Limited Notification Steps – Section 95B RMA

Pursuant to section 95B of the RMA, the following assessment determines if limited notification is required.

Step 1 – Certain affected groups/persons must be notified (s95B(2)&(3))

a. Are there affected customary rights groups?	No
b. Are there affected customary marine title groups (for accommodated activities)?	No
c. Is the proposal on or adjacent to, or may affect, land that is subject to a statutory acknowledgement and whether the person to whom the statutory acknowledgement is made affected under section 95E?	No

If any of the above apply, notify those persons and go to step 3. If none apply, go to step 2.

Step 2 – Limited notification is precluded in certain circumstances (s95B(5)&(6))

a. Are any activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
b. Is the application for a controlled activity (other than a subdivision) under the District Plan	No

If any of the above matters apply go to step 4. If none apply go to step 3.

Step 3 – Certain other persons must be notified (s95B(7)&(8))

a. For boundary activities, determine under s95E whether an owner of an allotment with an infringed boundary is an affected person.	No (see assessment below)
b. For any other activities, determine whether there are any affected persons in accordance with s95E?	No (see assessment below)

In accordance with s95E are there any affected persons?

Section 95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an “affected person”.

No persons have given written approval as part of this resource consent application. In accordance with section 95E, I have considered whether the proposal could adversely affect any persons. I agree with the assessment made in the application documents in this respect and consider there are no affected persons as the potential environmental effects will be less than minor for the following reasons (paraphrased from the application):

General

The matters listed for the public notification decision process in Section 4.1 are relevant here too.

While the original sign on the south eastern side of the building was publicly notified (RC3481), the subsequent signs on the eastern and western ends of the building were approved non-notified (RC4602). The decision for non-notification of RC4602 is explained in the Planning Report as

“The application was not considered to require notification despite other applications in the City Centre in the past being notified due to not relating to the site. The most recent of these ... contained large billboards located outside

the North City Plaza. Council has not received any complaints in relation to any of the signs not relating to the site (either notified or non-notified) and the adverse effects of these are indistinguishable about those from a permitted sign relating to the site".

Since the RC4602 consent was approved, a large permanent billboard was approved via a non-notified process on the northern side of the former Post Office Building (RC7006 LU0001/16). This has since been removed as the building has been converted to apartments. However, its approval is another indication of the acceptability of large signs that do not relate to sites being established in the City Centre Zone.

Effects on Owners and Occupiers of 1 Walton Leigh Avenue

I note from the RC4602 planning report for the existing signs and the eastern and western sides of the site that the existing and proposed billboard sites coincide with the position of toilets and lift shafts in the building, not offices, and the existing billboards cover toilet windows only (not office windows), the toilets have mechanical ventilation, and the toilet windows are either frosted glass or painted over so would most likely require internal lighting already.

It is considered that the proposed billboards will have no new adverse effects on the owners and occupiers of 1 Walton Leigh Avenue, as they will replace existing lawfully established billboards on the outside the building, where they do not block daylight entry to or views from main viewing windows in the building on the site.

The use of digital media will have no difference in effects on the people inside the building, compared with the existing billboards which have external illumination. The proposed digital media will replace the external lighting with electronically controlled lighting levels within the billboard face and these will have lower lighting effects than the existing billboards. The digital media image is directed out from the building to be efficient and maximise the billboard appearance for viewers beyond the site.

Effects Beyond the Site Boundaries

As explained in more detail at Section 5.2, the proposed digital billboards will have no new adverse effects on properties beyond the application site boundaries, the closest of which are all within the City Centre Zone.

Overall

On the above basis, adverse effects of the proposal on all the above-mentioned adjoining and adjacent properties are considered to be less than minor.

Step 4 – Limited notification is required under special circumstances (s95B(10))

a. Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
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Special circumstances have been defined as circumstances that are unusual or exceptional but may be less than extraordinary or unique. I consider there are no unusual or exceptional circumstances that warrant public notification of this proposal.

4.3 Limited Notification Conclusion (Steps 1 to 4)

On the above basis, limited notification is not required.

4.4 Notification Decision

In summary, for the reasons outlined above, the application shall proceed on a non-notified basis.

5 SECTION 104 ASSESSMENT

When considering an application for resource consent, the Council must consider the matters set out in section 104 of the RMA. Of particular importance is section 104(1) which states:

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*

- (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
- (a) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

5.1 Consultation with Council Advisors

The proposal was also circulated for comment to:

- (a) Development Engineer – Transportation (Mr Andrew Rowe); and
- (b) Waka Kotahi New Zealand Transport Agency.

I have incorporated their feedback on the proposal into this report as appropriate.

5.2 Assessment of Actual or Potential Effects on the Environment under S104(A)

In addition to the assessment undertaken in Section 4, the following completes the assessment of environmental effects of the proposal.

As the proposal is assessed as a Discretionary Activity overall, any matter can be considered.

The relevant matters, which are covered under similar headings below. Include:

- Permitted Baseline;
- Visual Amenity Effects;
- Traffic Effects;
- Natural Hazards Effects.

5.2.1 Permitted Baseline

The Permitted Baseline represents what could be lawfully established on a site for comparison with the proposal, and I provide a summary of this below for the City Centre Zone:

1. A range activities are permitted in the City Centre Zone provided the relevant Permitted Activity Standards are complied with;
2. The “permitted baseline” for the establishment of signs in the City Centre Zone (CCZ) is very wide. Any sign in the CCZ is a permitted activity subject to compliance with the relevant permitted activity standards for the City Centre Zone;
3. There are no limits on sign size in the CCZ;
4. The only control on signs relates to height in the different parts of the CCZ;
5. The only other requirement is that the sign must related to activities on the site, which the proposed billboards do not. This is the proposal’s only aspect of non-compliance with the District Plan provisions for the CCZ;
6. The existing signs on the application site, which are to be replaced, were lawfully established as billboards (i.e. signs which do not relate to the site). The existing billboards are part of what is referred to as the “permitted environment” or existing environment;
7. The proposed change to digital signs in the same location is not covered by the rules for the CCZ;
8. The proposed relocation of one of the existing signs on the same building facade is not covered by the CCZ rules, and does not increase the existing approved non-compliance on the site;
9. The proposed replacement signs are smaller than the lawfully established signs. In my opinion they are consistent with the “permitted environment” in the local area of the site and its character and amenity;
10. The non-compliances with the District Plan have been assessed as acceptable in terms of traffic safety risks by the Council’s Development Engineer-Transportation (for local roads) and Waka Kotahi New Zealand Transport Agency (for State Highway 1).

5.2.2 Visual Amenity Effects

The application site is part of the central commercial area of the city, defined by a tall spine of buildings surrounded by lower buildings, open spaces, and interconnected pedestrian areas and the local roading network. Billboards are regularly seen as part of the city centre environment. There are several large signs in the central part of the City and they contribute to its vibrant character, including the three existing billboards at the application site.

The existing and proposed billboards at the site are in a location that captures audiences traveling towards the building from the east, south and west. The main viewing opportunities will be for occupants of vehicles waiting at the roundabout that connects the State Highway 1 rail overbridge with Titahi Bay Road (when travelling from both eastern and western directions), and Kenepuru Drive (when travelling north from Tawa towards the site).

The District Plan standard that requires signs to relate to activities on the site is intended to prevent proliferation of signs on any one site, and it allows the Council to assess signs on their merits. However, the District Plan places no constraints on the size or number of signs in the City Centre Zone.

The visual effects of erecting a sign that does not relate to activities on the site are very similar to those of a sign that does relate to an activity on the site. In this respect, the visual effects of the three existing billboards on the building have already been assessed as being acceptable, with one of the signs having been approved through a publicly notified consent process (referenced at Section 2.1).

As noted elsewhere, the proposed billboards, will replace existing lawfully established billboards on the same or similar locations on the high rise building on the site, and they will have smaller dimensions than the existing signage. The key differences from the existing situation are that the signs will be digital media displays instead of being externally illuminated vinyl signs, and the south eastern sign is to be relocated to the western end of the south eastern façade and re-orientated from portrait to landscape presentation.

The digital media will be electronically controlled and subject to lighting level limits. The images will change every 10 seconds, with a slow transition between images to reduce risks of distraction. This will offer more variety for viewers and is a lower maintenance arrangement for the advertisers, instead of the entire vinyl billboard cover being removed on a regular basis. The signs will not flash. The applicant has offered consent conditions to cover the lighting levels, the way the media is displayed and the content and appearance of the media to be displayed.

Waka Kotahi New Zealand Transport Agency has confirmed that it has no concerns regarding the visual effects of the signs on the State Highway 1 (as noted for traffic effects below) because they are too far away from the highway to be read.

The signs do not face the harbour so it is considered that they will not have any adverse effects on the harbour environment amenity values, and by implication the interests of Te Runanga O Toa Rangatira.

The nearest residential properties are to the south west of the site at 4, 8, 10 and 12 Kenepuru Drive, some 80 metres away at the closest boundary point of Number 4. The viewing angles from these properties towards the site are limited due to their orientation towards Kenepuru Road, and the presence of mature vegetation which blocks viewshafts to a certain extent. Residents at these properties would not be able to see the eastern sign as it is on the far side of the application site building from them, and views of the western sign would be at an oblique angle. They may be able to see the south western sign. However, the main living areas of the dwellings do not face the application site.

Other properties at 1, 3 and 7 Titahi Bay Road to the south west of the site may have oblique views of the western and southern sign, again at distances of 77 and 113 metres, with trees blocking some of the views. The development at number 7 is a motor lodge with a parking area between the building and the road.

The residential properties on the eastern side of State Highway 1, and other development such as the Church or commercial businesses, may be able to see the signs at the southern and eastern ends of the building, as they currently do. However, these properties are at least 300 metres away from the site so any adverse visual effects will be diminished, the sign content will not be able to be read and the signs will be seen as part of the wider commercial environment in the City centre.

At night the illumination of the proposed signs may be more obvious than during the day. However, because of the strict controls on the digital media display and the lower illuminance of the proposed billboards compared with the existing externally floodlit billboards, I consider that the proposed

billboards will not be any more visually prominent or obtrusive than the existing signs. I also note that at night there will be many lights on within the commercial buildings in and around the site, as well as street lights, so the lighting effects of the proposed signs will be further diminished in the overall views of the site.

The closest commercial properties south of the application site on Kenepuru Road include a large car parking area, a McDonalds Outlet and a petrol station, the latter displaying bright and colourful corporate branding consistent with the city centre area character. Views of the proposed signage from these locations will be consistent with the zoning and general character of the area. The slimline rectangular shape of the signs fits with the shape of the building so they do not appear out of place. Having a single sign on each side of the building avoids visual advertising clutter.

I note from the RC3481 Planning Report for the sign on the southern elevation of the building that:

"A number of other matters were addressed in the submissions on the application that cannot be addressed under the provisions of the Resource Management Act 1991. One of the submitters has referred to particular advertisements being potentially offensive for the members of the Seventh Day Adventist Church. The content of advertisements is controlled by other legislation (being the Films, Videos, and Publications Classification Act 1993 and the Fair-Trading Act, for example) and also by the Advertising Standards Authority. It is not a matter that can be considered as part of this resource consent".

Notwithstanding those comments, the applicant has proposed conditions on the content of the proposed signs to ensure there is nothing offensive displayed.

Any adverse visual effects resulting from the proposed replacement digital billboards on the residential properties and other commercial properties in the vicinity of the site and beyond will be less than minor because:

- (a) The application site is in the City Centre Zone, where billboards are expected to be seen;
- (b) The appearance of the proposed billboards, as original assessed for the existing billboards, will tend to be visually absorbed within the complex visual context of the City Centre area when viewed from a medium to far distance, amidst a backdrop of large commercial buildings that form the central spine of the city centre and the wider landscape surrounding this part of the city;
- (c) It is immaterial whether the signage relates to activities on the site;
- (d) The visual separation distance involved will minimise the adverse effects to a level that they will be difficult to discern from the existing billboards and will be less than minor.

On the above basis, with the recommended conditions in place, I consider that any adverse visual effects of the proposed digital billboards can be managed so as to be less than minor and acceptable.

5.2.3 Traffic Effects

Advertising signage is, by its own nature, intended to be seen by a wide audience and, to get the best outcome for advertisers, it is placed in locations with high visibility for the target market/audience. The high rise building at 1 Walton Leigh Avenue in an ideal position for advertisers to install signage on its exterior, with its highly visible facades that capture audiences traveling towards the building from the east, south and west.

The proposed signs sites are visible from pedestrian areas but as the viewer gets closer to the building they are not easily seen without actively looking up at them. The proposed billboards are designed and located to attract the attention of drivers and passengers in vehicles travelling on the nearby roads towards the building.

If billboard content and digital media are not carefully designed and managed, the signage could have an adverse effect on the safe and efficient operation of roads in the vicinity of the site, mainly due to driver distractions they could cause.

To address risks to traffic safety on local roads and the nearby State Highway 1, the original application was circulated to the Council's Development Engineer-Transport, Mr Andrew Rowe and to Waka Kotahi New Zealand Transport Agency.

Development Engineer-Transport Comments

Mr Rowe provided comments and requested further information in an email dated 25 May 2021:

“Introduction

- The proposal includes replacing three existing vinyl skinned billboards with digital billboards.
- Site address: 1 Walton Leigh Avenue

Proposed billboards

- Three existing vinyl skinned billboards are proposed to be replaced
 - “Billboard A” is on the west side of the building, located on the top-right corner of the building face as seen from the perspective of approaching drivers. This existing billboard is 9m wide and 15m tall (135m²), and the new billboard proposed on this side is to be 9m wide and 12m tall (108m²).
 - “Billboard B” is on the south side of the building, located on the top-right corner of the building face as seen from the perspective of approaching drivers. This billboard is proposed to be relocated to the left (west) side of the building face, and located mid-way up the building face. This existing billboard is 5m wide and 10m tall (50m²), and the new billboard proposed on this side is to be 8m wide and 4m tall (32m²).
 - “Billboard C” is on the east side of the building, located on the top-left corner of the building face as seen from the perspective of approaching drivers. This existing billboard is 9m wide and 12m tall (108m²), and the size is proposed to be kept the same as existing.

Brightness – conditions recommended

- The NZ Transport Agency Traffic Control Devices Manual part 3: Advertising signs states “ There is a need to control the brightness (when internally or externally illuminated) of advertising as installations that are too bright may impair the vision of drivers. This is mainly due to the phenomenon of phototropism, which is the movement of the eye to fixate on bright points in the field of view. ”
- The Applicant proposes the following conditions on brightness. These can be considered acceptable mitigations:
 - Sign materials are to prevent any sunlight or headlight reflection.
 - The digital billboard must be designed and operated to avoid any back spill lighting onto adjacent properties.
 - The billboard must have a maximum LED brightness of 5,000 cd/m² (Nits).
 - The digital billboard must not have any brightness exceeding 5,000 cd/m² in daylight hours.
 - The digital billboard must not have any brightness exceeding 600 cd/m² at dawn and dusk.
 - The digital billboard must not have any brightness exceeding 250 cd/m² between sunset and sunrise.
 - The digital billboard must use LED technology that does not have the filament visible to motorists.
 - The LED digital billboard must have an automatic dimming system based on an ambient light level sensor so that the night time maximum luminance is 250cd/m² and the daytime maximum luminance is 5,000cd/m². Sign brightness must be equal to or less than the brightness of a standard vinyl-skinned billboard under the same lighting conditions.
 - Luminance levels at 2m above the road level are not to exceed 20 lux.
- I also recommend that at a later stage, the applicant carries out tests on the existing brightness levels on the existing vinyl-skinned billboards on this site. The new billboards must not appear brighter than the existing environment.

Dwell time – further information requested

- The dwell time of images displayed on the billboards, and transition time between images are proposed as follows:
 - Images must have a minimum dwell time of 10 seconds, and
 - Images must transition from one to the next via a 0.5 second dissolve.
- An Austroads research report, AP-R420-13 : Impact of Roadside Advertising on Road Safety states the following: “ the length of time for which an image is displayed should be as long as possible to reduce the frequency of those sudden environmental changes that can capture attention involuntarily . ”
- The digital billboards (existing and proposed) will be in the view of drivers for potentially 30+ seconds depending on times of day and phasing of proposed traffic signals. As the proposed dwell times per image are less than the expected time that drivers are in view of the billboards, there is potential for driver distraction from the road environment and a subsequent safety risk. I seek clarification on this matter as the Applicant’s traffic safety report, prepared by Stantec did not comment on this potential risk.

Content – conditions recommended

- The NZ Transport Agency Traffic Control Devices Manual part 3: Advertising signs states

- “ They (billboards) must not be designed so the content resembles a traffic sign nor should they include any traffic sign other than any approved to be installed on a vehicle for that purpose by the TCD Rule”
- I agree with the recommended controls in the Applicant’s traffic consultant report as follows:
 - Image content must be static, and not incorporate flashes, full motion video, or other dynamic effects.
 - Images must not invite or direct a driver to take some sort of driving action.
 - Images must 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).
 - Images must not use graphics, colours, or shapes in combination in such a way that they would resemble or cause confusion with an adjacent traffic control device. For the avoidance of doubt, the purpose of this condition is to manage the content on the billboard to ensure that any individual element or combinations of elements do not resemble, confuse or distract from traffic control devices in the locality. The purpose of the condition is not to prohibit the use of a particular colour, but to manage the use of those colours to avoid confusion with traffic control devices.
 - Lumination of images must be automatically managed to respond to ambient lighting conditions, but at all times shall be within the maximum levels as prescribed by the District Plan.

Potential driver distraction – further information requested

- The NZ Transport Agency Traffic Control Devices Manual part 3: Advertising signs states
 - “The location of advertising signs or devices in close proximity to traffic control devices may result in the advertising sign obscuring a traffic sign or otherwise detracting from the traffic sign’s effectiveness. Traffic control devices place demands on a driver’s attention and are often located at sites to warn of specific hazards or to control hazardous traffic movements. Distractions caused by advertising signs may result in road safety problems. To help avoid safety issues, advertising signs should not be located within 100m and 200m in urban and rural areas respectively of: intersections”
 - “Sufficient longitudinal spacing between roadside advertising signs is important to reduce visual clutter and ensure the driver has sufficient time to process the information that is being presented.” Table 5.3 in this document states that the minimum distances between adjacent roadside advertising signs in a 50km/h environment is 50m, and desired to be at 80m spacings.
- Further clarification is requested on the following aspects.
 - Two of the proposed digital billboards will be close to each other, i.e. the billboards on the south and west faces of the building. These are expected to both be in the field of vision of northbound traffic on Kenepuru Drive. These billboards could appear directly behind proposed traffic signals at this intersection (Kenepuru Drive / Titahi Bay Road).
 - These two billboards will both be within 100m of an interseciton.
 - Having two billboards close to each other may potentially cause additional distraction to drivers.

Conclusion

- Further information is required

Further information required

- Regarding the proposed dwell time:
 - How long are drivers expected to have these digital billboards in their field of vision, both at the existing roundabout intersection layout, and also in the proposed signalised intersection?
 - What are the effects of drivers seeing multiple images and changes of images, especially noting that this contradicts recommendations in the Austroads research report AP-R420-13 : Impact of Roadside Advertising on Road Safety “ the length of time for which an image is displayed should be as long as possible to reduce the frequency of those sudden environmental changes that can capture attention involuntarily .”
 - Will the digital billboards on the south and west walls of the building refresh at the same time, or will there be an off-set between these two billboards, and how might this impact potential distraction from the road environment?
 - How might these digital billboards impact the driver safety following the proposed signals at this intersection?
- Regarding the location of the billboard, further clarification is requested on the following aspects.
 - Provide further clarification on the impact of having two billboards at close proximity to each other, e.g. in reference to TCD-3 Table 5.3 “Minimum distances between adjacent roadside advertising signs “. These two proposed billboards (west and south faces of the building) are both in the field of vision for northbound traffic on Kenepuru Drive.
 - Provide further clarification on the impact of having billboards with close proximity of an intersection, i.e. the billboards on the south and west faces of the building do not comply with TCD-3 chapter 5.5 “Location in relation to other road features” being within 100m of the

intersection. This request is specifically requested with respect to the proposed intersection improvements for traffic signals at the Kenepuru Drive / Titahi Bay Road intersection.

- Elaborate on potential safety effects of these billboards potentially appearing in the foreground of traffic signals to drivers at the Kenepuru Drive / Titahi Bay Road intersection.”

The information requested above by Mr Rowe was provided by the applicant in their s92 Response prepared by Stantec. Mr Rowe provided an update assessment of the proposal confirming the proposal was acceptable with recommended conditions, in an email dated 2 July 2021, as follows:

“Responses to further information provided

1. *Dwell time*

- (a) *I measured the time that it takes for traffic (facing this site) to move past this site from the area where the drivers can see the billboard, at 1pm on Friday 25th June: 55 seconds. With a dwell time of 10 seconds, northbound traffic on Kenepuru Drive will see approx. five changes in images.*
- (b) *On the whole, I agree with Stantec, that the road environment includes low speed environments (e.g. approx. 30-40km/h on all approaches to the Titahi Bay Road / Kenepuru Drive intersection).*
- (c) *It is noted that there have been no reported fatal or serious injury crashes recorded at this intersection in the past five years (June 2016- May 2021). Despite this intersection having a low operating speed environment, there have been a high number of crashes at this intersection: 89 reported in five years. The area of this crash study was within 50m of the intersection. This intersection has the highest number of crashes at one intersection in Porirua City.*
- (d) *There is a potential safety risk as some drivers may face multiple distractions in this road environment. A condition of consent is recommended to allow Council to continue to monitor potential effects of the proposed digital billboards.*

2. *Proximity*

- (a) *Stantec has commented on the difficulties to comply with the guidelines in TCD-3, specifically being located 100m from an intersection.*
- (b) *As noted above, this site is located next to the intersection with the highest number of reported crashes in Porirua City. And relocating a billboard to bring it closer to this intersection has potential to add further distraction to passing road users.*
- (c) *I agree with Stantec, that based on existing evidence, there is no proof of these billboards having practical adverse impact on the safety of the road.*

Overall note

- *Through research, there is consistent conclusions that there is insufficient evidence that digital billboards create driver distraction to the extent that there is a safety risk.*
 - *The Conference of European Directors of Roads Transnational Road Research Programme, had a research paper dated May 2018, which concluded “Five studies were found about the association between crashes and roadside advertisements. The results are inconclusive. ”.*
 - *A report prepared by WSP dated November 2020 which concluded “Various research has identified correlation between adverse road safety outcomes and digital billboards. ... other research has concluded that the correlation may not be strong and / or direct...”*
 - *In my analysis of recorded crashes within the past five years (June 2016- May 2021) in Wellington, the frequency and severity of crashes does not change at intersections after digital billboards are installed. And within this period, there have not been reported crashes that indicate the digital billboard being a contributing factor. This is consistent with the findings of Stantec, and I agree with their statement in their report, dated April 2021, where they state in appendix C there is a “lack of any recorded empirical link between the presence of digital signs and digital billboards and crashes...”*
 - *Some research does conclude there is potential risk associated with billboards and driver safety, e.g. driver distraction and glances away from the road environment.*
- *Although there is no existing empirical evidence that digital billboards cause crashes, I recommend conditions of consent, allowing Council to monitor and review the digital billboard after it is installed and monitoring. This is because of the following*
 - *digital billboards are a relatively new technology in New Zealand, and*
 - *there is some research which indicates there is potential distraction and potential safety risks,*
 - *these billboards are within 100m of the intersection,*
 - *the site adjacent to these billboards has a high crash rate,*
 - *this proposal includes relocating a billboard closer to the Kenepuru Drive / Titahi Bay Road intersection.*

Brightness – see my earlier assessment, dated 25-May-2021, where conditions of consent are recommended.

Review

- Consistent with the draft Digital Billboard Guidance -Addendum To Traffic Control Devices Manual (TCDM)-Part 3: “Each digital billboard installation should be monitored over time to ensure that the presence of the digital billboard does not contribute to an increase in the crash rate or risk.”. A condition is recommended as below.

Conclusion

- There is theoretical risk that the proposed digital billboards will increase safety risk by adding road side distraction. There is not empirical evidence that digital billboards cause crashes. Conditions of consent are recommended to mitigate potential risks.

Recommended conditions

- **Brightness:**
 - The consent holder must carry out tests on the existing brightness levels on the existing vinyl-skinned billboards on this site. The new billboards must not appear brighter than the existing environment.
 - When operating, the luminance from one image to another is restricted to no more than a 30% change
 - Sign materials are to prevent any sunlight or headlight reflection.
 - The digital billboard must be designed and operated to avoid any back spill lighting onto adjacent properties.
 - The billboard must have a maximum LED brightness of 5,000 cd/m2 (Nits).
 - The digital billboard must not have any brightness exceeding 5,000 cd/m2 in daylight hours.
 - The digital billboard must not have any brightness exceeding 600 cd/m2 at dawn and dusk.
 - The digital billboard must not have any brightness exceeding 250 cd/m2 between sunset and sunrise.
 - The digital billboard must use LED technology that does not have the filament visible to motorists.
 - The LED digital billboard must have an automatic dimming system based on an ambient light level sensor so that the night time maximum luminance is 250cd/m2 and the daytime maximum luminance is 5,000cd/m2. Sign brightness must be equal to or less than the brightness of a standard vinyl-skinned billboard under the same lighting conditions.
 - Luminance levels at 2m above the road level are not to exceed 10 lux.
- **Content**
 - Image content must be static, and not incorporate flashes, full motion video, or other dynamic effects.
 - Images must not invite or direct a driver to take some sort of driving action.
 - Images must 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).
 - Images must not use graphics, colours, or shapes in combination in such a way that they would resemble or cause confusion with an adjacent traffic control device. For the avoidance of doubt, the purpose of this condition is to manage the content on the billboard to ensure that any individual element or combinations of elements do not resemble, confuse or distract from traffic control devices in the locality. The purpose of the condition is not to prohibit the use of a particular colour, but to manage the use of those colours to avoid confusion with traffic control devices.
- **Review**
 - A safety assessment should be undertaken every two years from commencement of operation of the digital billboard. This assessment should be undertaken by an independent suitably qualified and experienced professional and include:
 - An examination of the Waka Kotahi NZ Transport Agency’s Crash Analysis System (CAS) to establish whether there is an identifiable increase of recorded crashes.
 - Any complaints about the signage made to Porirua City Council.
 - Any measures that will be undertaken to avoid, remedy or mitigate any identified effects. Such measures might include one or more of the following:
 - Adjustments to the daytime and/or night time luminance levels;
 - Adjustments to the transition time;
 - Relocated the south facing billboard to its previously existing location at the east end of the building;
 - Increases to the dwell time of each image at particular times of the day; and/or
 - Controls on image content.
- **Other**
 - A digital billboard should be programmed to automatically go blank in the event of a billboard malfunction.

I agree with Mr Rowe's assessment and conclusions that, while there is a theoretical risk that the proposed digital billboards will increase safety risk by adding roadside distraction, there is no empirical evidence that digital billboards cause crashes. I have included most of Mr Rowe's requested consent conditions in my recommendation which largely follow those suggested in the application to mitigate potential traffic safety risks.

Waka Kotahi New Zealand Transport Agency Comments

Mr Rowe confirmed in an email to Porirua City Council Senior Planner Ms Campbell that the yellow highlighted area in the image below, being the roundabout that provides entry and exit to State Highway 1, is under the control of Waka Kotahi New Zealand Transport Agency. The application site is annotated in the top left corner of the image.



An email dated 23 July 2021 from Jorgia Kelsey of Waka Kotahi New Zealand Transport Agency (NZTA) confirms that the proposed billboards do not raise any safety concerns for motorists on State Highway 1 as they are too far away to be readable. Ms Kelsey also noted that previous correspondence about draft guidance for billboards with Porirua City Council Planner Ms Barr on was for information only and the document provided is not mandatory:

“After discussions with the safety team, the signs will not cause distraction to motorists travelling on the State Highway as the signs are too far away to be readable by drivers. The information I sent to Megan Barr earlier (our draft guidance on digital billboards) was intended to aid her in her assessment rather than request the applicant comply with the guidance. As the applicant notes, the guidance is in draft stages out for consultation and does not have any statutory weight. In recent years we have been seeing an increasing number of applications for digital billboards. By nature, they are designed to distract drivers from the task of driving. We developed guidance to try and understand the level of risk with these billboards and how to manage the risk.

You may find our guidance useful in making a decision on this resource consent application. The Council's safety engineers assessment that drivers will see an average of five frame changes seems like a lot, in an environment where there is already a high number of crashes. Our general view is that a driver should not see more than one change. The dwell time the applicant has proposed is very low in my view. Where there is already an existing safety risk, any activity which may increase the crash risk should be considered carefully.

I don't have any further comments. As the signs will not be practically visible from the State Highway, there is no safety effect to Waka Kotahi”.

I have included a range of conditions in my recommendation that the applicant has proposed, and these are consistent with the information in the NZTA draft guideline document.

Traffic Effects Conclusion

On the above basis I conclude that the traffic safety related effects of the proposal are less than minor and acceptable.

5.2.4 Natural Hazards Effects

The site is subject to a number of natural hazard overlays, as noted earlier, relating to flood hazards (ponding and overland flows) and tsunami inundation.

However, these overlay areas apply at ground level on the application site and the proposed billboards are to be installed in the same or similar positions as existing billboards on the existing high rise building on the site. The signage is well elevated above the mapped flood and tsunami hazard areas and they are not a people oriented building or activity.

On the above basis, I consider that the mapped areas are irrelevant to the proposal and that the proposal will not result in any adverse natural hazard related effects.

5.2.5 Overall Effects

On the basis of the above assessments, it can be concluded that the main effects of the proposed replacement digital billboards are visual or traffic safety related. The location and orientation of the signs in the context of the commercial hub of the City means that the visual effects are consistent with the commercial environment and acceptable. Potential traffic safety effects can be managed by consent conditions such that any adverse effects of the proposal will be less than minor.

Overall, I consider that the effects of the proposed replacement billboards are less than minor and acceptable, subject to the recommended conditions of consent, which the applicant has offered / agreed to.

5.3 Assessment of the Relevant Provisions of Statutory Planning Documents under S104(B)

The consent authority must have regard to any relevant provisions of any National Policy Statement (NPS), a New Zealand Coastal Policy Statement (NZCPS), a Regional Coastal Policy Statement and a Plan or Proposed Plan.

The site is not in the Coastal Environment and therefore the New Zealand Coastal Policy Statement and the Regional Coastal Plan are not relevant to the proposal.

The National Policy Statement – Urban Development (NPS-UD) is not relevant to the proposal. There are no other National Environmental Standards or NPS applicable to the proposal. The proposed billboard replacement does not trigger a consent under the Greater Wellington Regional Council's operative and proposed regional plans.

In this case, the relevant policy documents are the Operative District Plan, the Proposed District Plan, and the Greater Wellington Regional Council (GWRC) Regional Policy Statement (RPS).

GWRC Regional Policy Statement (RPS)

The RPS identifies the regionally significant issues around the management of the regions natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). Regional and district plans and the Regional Land Transport Strategy are required to give effect to the policies 1-34 of the RPS, and to consider policies 35-60.

Porirua City Council has recently notified its Proposed District Plan to give effect to the RPS.

In summary, the key relevant RPS policies seek to minimise the effects of earthworks and vegetation disturbance and contamination from development on downstream waters, address the risks and consequences of natural hazards, and ensure efficiency in implementation and integration of land use and transportation and operation of infrastructure. The RPS also includes policies (e.g. #67) relating to urban design, but these appear to be non-regulatory matters, and therefore do not apply to this proposal.

The proposed billboards will replace existing billboards in the same or similar location on the eastern, western and south western sides of the building, with appropriate zoning and legal and physical access to legal road and infrastructure available to service the site. No work is proposed that will involve land disturbance or materials with the potential to contaminate stormwater. The site is not located within the

Seismic Hazard Area as shown on the Operative District Plan Maps, but is affected by the Proposed District Plan Flood Hazard Overlays. These overlay areas at ground level are not relevant to the elevated billboard locations. The proposal is therefore considered to be consistent with the relevant regional policies.

Operative District Plan Objectives and Policies

Signs Provisions

The following provisions for signs are relevant to the proposal:

C13.1 Objective - TO ALLOW SIGNS WHICH ARE CONSISTENT WITH THE FUNCTIONS, CHARACTER AND AMENITIES OF EACH AREA OF THE CITY.

C13.1.1 Policy - To allow signs in those areas where they will contribute to the commercial or industrial character and where the site activities benefit from advertising, and restrict the number and size of signs where they will detract from the character and amenity of the area.

C13.1.2 Policy - To ensure that signs do not interfere with the safe and efficient use of roads and pedestrian ways.

The above Signs provisions aim to ensure adequate and reasonable provision is available for the advertising of goods, services and facilities, and that the special qualities of the physical, cultural and recreational features of the City which make it a pleasant place to live. They also seek to retain the accepted standards relating to the amenity values of neighbouring properties, and the expected standards of traffic safety.

The District Plan acknowledges the important role played by signs in modern communications to advertise goods and services, identify places, provide information about essential services and community facilities and to control and direct traffic. It seeks to ensure that when signs achieve their intended functions they also ensure that amenity values are maintained and driver distraction is minimised for safety reasons.

Signs should not be allowed to create a traffic hazard nor impair the efficient function of State Highway and district roads. Signs which could in the opinion of Council obstruct vision, cause confusion, distract drivers or create a hazardous situation are likely to be declined. Where possible, visual clutter is to be avoided, by encouraging amalgamation of several signs into one structure.

The three existing billboards on the existing building on the application site were all approved on the basis that they achieve the intentions of the Signs provisions for the City Centre Zone. They display clear and legible lettering of a colour and size that is quick and easy to read from a distance (which avoids traffic distraction or slowing of traffic to read it). They display attractive images that do not detract from the amenity of the area or the wider harbour environment. They are visible from several locations east, west and south of the site, yet fit in with the vibrant and colourful character of the larger buildings and signage within the city centre area.

The existing billboards can also be seen from pedestrian ways but do not interfere with the safe and efficient use of these ground level areas. They have been present on the existing building for several years and people walking and driving in and around the locations they can be seen have come to see them as part of the character of the central city area.

The proposed replacement of these three lawfully established billboards with slightly smaller digital billboards, and the relocation of one of the billboards on the south eastern side of the building, will initially be noticeable as a new feature. With time, they will gradually be viewed as part of the normal cityscape, and contribute to the character and amenity expected in the central city context.

The proposed continued use of the existing permanent static billboard sites with digital billboards retains similar design and content controls to those used for the existing billboards to ensure the advertising is acceptable within the central city, and will not interfere with the safe and efficient use of roads and pedestrian ways.

The proposed billboards have been discussed with the New Zealand Transport Agency and it has been confirmed that the signs are not a concern in respect of the efficient and safe function of State Highway 1.

The signs are not considered to be part of the wider harbour-side environment due to their orientation. I note, however, that one of the previous consents issued for the existing billboards (a billboard on the southern side of the building) was publicly notified. The planning report for RC3481 covering that billboard confirms notice was served on Te Runanga O Toa Rangatira and no submission was received.

The report also noted that the site is not noted as one of significance to iwi, and confirms in its assessment of the proposal against the District Plan Objective C5.1 and Policies C5.11 and C5.1.3, relating to the Treaty of Waitangi and iwi that the billboard would not contravene the provisions or be inconsistent with their intentions. I consider the proposal for three replacement billboards will continue to be acceptable in terms of the relevant Signs provisions and the original favourable assessment under Chapter 5 (Treaty) provisions for RC3481 remains relevant to the current proposal.

The applicant has offered/agreed to conditions of consent covering controls for the sign content, illumination, and appearance based on nationwide accepted standards.

The proposed billboard is therefore consistent with Objective C13.1 and its supporting policies.

City Centre Zone Provisions

The following provisions are relevant to the City Centre Zone:

C1.1 Objective - TO MAINTAIN AND ENHANCE THE CITY CENTRE RESOURCE WHICH IS THE PRINCIPAL COMMERCIAL AND SOCIAL FOCUS OF THE CITY.

C1.1.2 Policy - To promote a pedestrian focused environment in the City Centre that provides a high level of visual amenity and pedestrian convenience while minimising the adverse environmental effects of vehicle traffic.

C1.1.4 Policy - To encourage a range of activities in the public pedestrian areas of the City Centre while ensuring they do not have any adverse impacts on pedestrian access, traffic circulation and the amenity and visual character of the area in which they locate.

C1.2 Objective - TO PROVIDE EFFECTIVE AND EFFICIENT VEHICLE, CYCLE AND PEDESTRIAN CIRCULATION NETWORKS WITHIN AND AROUND THE CITY CENTRE.

C1.2.1 Policy - To improve traffic flows within and around the City Centre through the design and management of the intersections and roads.

C1.3 Objective - TO PROMOTE A COHESIVE URBAN FORM WHICH ENHANCES THE AMENITY AND CHARACTER OF THE CITY CENTRE.

C1.3.1 Policy - To facilitate the development of a central tall "spine" of buildings and to provide a gateway to the City Centre.

C1.3.2 Policy - To allow development over the majority of the City Centre to a level which will complement both the tall building spine and the Porirua Harbour and Stream margins.

C1.3.3 Policy - To protect the visual relationship of the City Centre to the Porirua harbour and stream by limiting the height of buildings at the edge of the City Centre.

The above-mentioned City Centre Zone Objective and Policies aim to ensure the City Centre will continue to be developed as the principal commercial, civic and cultural centre of Porirua and as a significant regional centre. They seek to provide for convenient access for motor vehicles, buses, cyclists and pedestrians, as well as ensuring pedestrian links, cycleways and long and short-term parking will be provided along with traffic calming mechanisms in order to create a safe, convenient and aesthetically pleasing shopping environment. The provisions place emphasis on the creation of a variety of clearly identified social and cultural focal points within the City Centre for all persons using the area. They also propose the use of standards to establish and maintain a minimum level of amenity, safety and health for the benefit of Porirua residents, people visiting and working in the City Centre, and protect and enhance the natural environment and the built environment.

The provisions seek to ensure a wide range of activities can occur in the City Centre Zone while encouraging a safe pedestrian environment, and avoiding adverse impacts on traffic circulation and the amenity and visual character of the area where the activities locate. The larger vehicle oriented activities are directed to the peripheral areas of the city centre so that pedestrians can safely enjoy the range of smaller businesses and activities in the central core area.

The proposed permanent billboards will advertise the types of goods and services and activities available within the city centre and within the wider Porirua community, and in doing so help to promote their successful contribution to a vibrant and interesting city. Their design and location, and their digital format, will not conflict with traffic circulation and its location above the ground will not adversely impact on pedestrian access or safety.

The existing and proposed permanent billboards are located below the top of the building, which is a tall structure towards the southern end of the of the central spine of the commercial heart of the city. The proposed billboards will be slightly smaller dimensions than the existing billboards, and being proposed in the same or similar locations to the existing billboards, none will protrude above the existing building height.

On the above basis, it is considered that the proposal is consistent with the relevant District Plan Objectives and Policies and achieve the environmental outcome anticipated in the District Plan for the City Centre Zone.

Transport Provisions

The following Transport provisions are relevant to the proposal:

C7.1 Objective – To achieve a safe and efficient transportation network that enables the people of the city and the wider community to provide for their social and economic well-being without creating significant adverse environmental effects.

C7.1.2 Policy – To ensure that the adverse effects of land use and development on the efficiency and safety of the transportation network are taken into account, and any intersection or frontage conflicts are avoided or minimised or remedied as appropriate.

These provisions seek to ensure that the effects of land use and development on the transportation network are appropriately managed so that it continues to operate in a safe and efficient manner.

I consider the proposal is generally consistent with the Transport provisions for the same reasons given under the headings for Signs and the City Centre. It is also noted that:

- (a) The proposal does not present any concerns for traffic safety and efficiency as confirmed by the Council's Development Engineer – Transport and Waka Kotahi New Zealand Transport Agency;
- (b) The proposal includes consent conditions to manage the potential effects of the proposed billboards on visual amenity and traffic safety and I have included these in my recommendation.

Natural Hazard Objectives and Policies

The following Natural Hazard provisions are relevant to the site and the proposal:

C12.2 Objective – To avoid or mitigate adverse effects associated with flood hazard on the well-being and safety of the community.

C12.2.1 Policy – To ensure the flood hazard is considered in the subdivision, use, development and protection of land.

The site is subject to known flood hazards, as noted elsewhere in this report, but these only affect the ground level parts of the application site around the footprint of the existing building, and will have no impact on the existing and proposed billboard sites, which are well elevated above ground level.

I therefore consider that the proposal is consistent with these objectives and policies and that any potential risks associated with the fault, land stability, and flooding hazards are already appropriately avoided or mitigated, so that any risk to human life is low.

Overall Conclusion on District Plan Provisions

Based on the above assessments I conclude that the proposal is not inconsistent with the relevant Operative District Plan Objectives and Policies.

Proposed District Plan Objectives and Policies

In the following assessment I reference the relevant Objective and Policy numbers and make a brief summary comment on the proposal in reference to these provisions.

The relevant provisions of the PDP are as follows:

City Centre Zone (CCZ)

CCZ-O1, CCZ-O2, CCZ-P1 to CCZ-P7 – Purpose of the City Centre Zone (CCZ), Character and amenity values of the CCZ, Appropriate Activities, Residential Activity, Other Activities, Inappropriate Activities, Built development, Public Space interface, Car parking.

Signs

SIGN-O1, Sign -P1 to -P7 – Signs are appropriately managed, informational and temporary signs, on-site advertising signs, digital and illuminated signs, signs located on sites adjoining the transport network, off-site signs, signs within overlays, signs located within or on Porirua City Council land (not including Council Reserve land).

Transport

TR-01, TR-O2, TR-P1 to TR-P3 - High trip generating use and development, appropriate and potentially appropriate on-site transport facilities and site access.

Noise and Light

Noise-02, Noise-03, Noise-P3, Noise-P5.

Light-02.

Natural Hazards

NH-01, NH-02 – Risk from natural hazards, planned mitigation works.

NH-P2 to -P10 – Hazard-Sensitive Activities, Potentially Hazard-Sensitive Activities and Less-Hazard Sensitive Activities within Low, High and Medium Hazard Areas, and Natural Hazard Overlays, Flood Hazard (stream corridor, overland flow, ponding) Overlays, planned mitigation works and soft engineering methods.

Urban Form and Development

UFD-02, UFD-03, UFD-05, UFD-06 – Urban growth, Urban land supply, Subdivision, use and development, Quality urban form and place making.

For the full text of the above provisions, reference can be made to the PDP.

Assessment

Due regard has been given to the objectives and policies within the Proposed District Plan.

The CCZ provisions seek to ensure the area is the City's principal commercial, civic and community centre, a vibrant focal point for the City, and that it accommodates a wide range of commercial recreational and residential activities. In doing so, they also seek to enable activities that are compatible with the purpose, character and amenity values of the City Centre Zone, allow for residential development and a range of other activities, provided they do not detract from the purpose and amenity values of the CCZ. They do not refer to signs as they are covered in a separate chapter, as follows.

The Signs provisions seek to enable digital and illuminated signs and billboards (off-site signs) in the City Centre Zone, among others, where it can be demonstrated that the character and amenity values of the zone and adjoining zones is maintained; there are no adverse effects on the safety of road users; and the effects of light spill and glare do not adversely affect existing lawful or permitted activities within the surrounding environment.

The SIGN provisions also require signs to be designed and located so they do not compromise the safe and unobstructed use of the transport network by restricting the type, scale, design, and location of signs having regard to the road type and speed environment of a road; controlling sign proliferation, illumination levels, light spill, flashing and moving images and digital signs; avoiding signs that imitate, compete with, or give instructions that conflict with traffic signs or traffic control devices; and allowing signs that do not obstruct sightlines when located parallel to the transport network.

Off-site signs are only allowed in the City Centre Zone (and some others) where they are of a complementary size and scale to other signs in the zone.

The proposal makes good use of the existing billboard locations, and the third sign is on the same side of the building but in a more practical location for it to be seen safely. All of the proposed billboards are smaller than the existing billboards, which means visual amenity effect will be similar to the existing billboards. While the new billboards will be digital, they will meet the lighting and other criteria for digital displays in the PDP SIGN standards, and they will meet the criteria for ensuring ongoing safe and efficient operation of the local transport network.

Consultation has taken place with Waka Kotahi New Zealand Transport Agency and it has been confirmed that their representatives had no concerns about the proposal, subject to conditions that I have included in my recommendation. The Council's Development Engineer-Transport has also confirmed that the proposal is acceptable.

The proposed development is in a position that has been confirmed not to be at significant risk from any natural hazards, as discussed elsewhere.

On the above basis, I conclude that the proposal is consistent with the relevant Proposed District Plan Objectives and Policies.

However, from a weighting perspective, as the PDP is at further submissions stage a low weighting is attributed to these provisions.

It is also noted, for the purposes of the s95E assessment that none of the objectives and policies indicate the effects of the proposal would need to be considered in a different manner than the effects as already assessed in this report (i.e. they are no stricter or more prohibitive of the types of activities proposed on the site and they do not seek to be more protective of adjoining landowners than at the level I have already considered them in my assessment because the proposal is already assessed as a Discretionary Activity under the Operative District Plan). It is noted that the proposed billboards would be a Discretionary Activity under the PDP, but the nature of the proposal is not in conflict with the intentions of the objectives and policies.

S104(B) Conclusion

Based on the above assessments, I consider the proposal is consistent with the relevant objectives and policies of the RPS and the Operative and Proposed District Plans.

5.4 S104(1)(C) OTHER MATTERS

Section 104(1)(c) provides that when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine that application.

I consider there are no other matters relevant to this application that need to be considered.

5.5 PART 2 ASSESSMENT

Part 2 (Sections 5, 6 and 7) of the Act sets out the purpose and principles of the legislation, which as stated in Section 5, is "*Avoiding, remedying, or mitigating any adverse effects of activities on the environment*".

In addition, Part 2 requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

There are no matters of national importance relevant to the proposal.

The relevant matters in Section 7 are:

- Section 7(c) - "*The maintenance and enhancement of amenity values*", and
- Section 7(f) - "*The maintenance and enhancement of the quality of the environment*".

For the reasons outlined in this report, it is considered that the proposal meets the relevant sections of Part 2 of the Act.

6 CONCLUSION AND REASONS FOR DECISION

In accordance with the applicant's Assessment of Environmental Effects (AEE) and based on the above assessments, and the assessment undertaken in respect of notification, it is considered that, subject to conditions, the environmental effects of the proposal will be no more than minor.

The proposal is also considered consistent with the relevant objectives and policies in GWRC's RPS, the Operative Porirua City District Plan 1999 and Proposed Porirua City District Plan 2020, and Part 2 of the Act.

7 DECISION

That the application by **Go Media Limited (Attention: Dean Shaw)** for a Land Use resource consent to install three digital billboards as a replacement of three existing static signs located on the eastern, western and southern sides of the building at 1 Walton Leigh Avenue, Porirua City Centre that do not meet the City Centre Zone Permitted Activity Standards for:

- Signs,

be considered as a non-notified application under sections 95A, 95D and 95E of the Resource Management Act 1991 (the Act) for the following reasons:

1. Pursuant to Sections 95A and 95B of the Act, there are no mandatory requirements in the Porirua City District Plan or other planning documents to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons.
2. Pursuant to Section 104 of the Act, the effects of the proposal on the environment will be acceptable.
3. The proposal is consistent with the overall objectives and policies of the Operative and Proposed District Plan, and Part 2 of the Act.

That the undersigned officers acting under authority delegated from the Council and pursuant to Sections 104, and 104B, of the Act hereby **grant** consent for proposal subject to the following conditions which were imposed under Sections 108, and 108AA of the Act.

This Land Use consent shall be subject to the conditions listed below:

General Accordance

1. The development shall be in general accordance with the information submitted with the application and held on Council file RC8339 LU0058/21 and stamped "*Approved Plans for Resource Consent RC8339 LU0058/21*", referenced as follows:
 - (a) Application titled "*Proposed Resource Consent Pursuant to Section 88 of the Resource Management Act 1991 - Walton Leigh Avenue – Porirua*" prepared by Go Media Limited;
 - (b) Traffic Safety Assessment titled "*Proposed Digital Billboards 1 Walton Leigh Avenue, Porirua*" prepared by Stantec for Go Media Limited, dated April 2021.

Minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.

Prior to Commencement of Construction:

2. Prior to commencement of construction the consent holder shall submit a full set of engineering drawings and specifications for the billboard signs being in accordance with the elevational locations on each facade and dimensions as indicated in application documentation outlined in condition 1. The plans and details shall be submitted in the form of an email to compliance.monitoring@porirua.govt.nz and shall quote the reference number of this consent (RC8339 LU0058/21) and the address of the site.
3. Removal of Static Signs
 - (a) The three existing static signs to be replaced by the three approved digital signs shall be removed from the site by the consent holder prior to installation of the digital signs.

- (b) The applicant shall confirm in writing in the form of an email to compliance.monitoring@porirua.govt.nz that Resource consent approvals RC3481 and RC4602-LU0203/06 are to be considered as being **withdrawn** by the consent holder (to ensure a maximum of three approved signs are installed on the building).
4. The consent holder shall provide a copy of this consent and any documents referred to in this consent to each operator or contractor undertaking works authorised by this consent, before that operator or contractor starts any works.
5. At least 48 hours prior to any physical work commencing on the site, the consent holder shall provide notice of the date upon which such works will commence to the Council's Manager Resource Consents & Monitoring. This notice shall quote the RC number of this consent and the address of the site, and shall be in the form of an email to compliance.monitoring@porirua.govt.nz.

Digital Media Sign Design and Operational Requirements:

6. The consent holder shall ensure that the digital media signs installed at the site comply with the following lighting level, content, design and operation, and traffic safety requirements:

Design, Operation and Shut Down

- (a) Images must have a minimum dwell time of 10 seconds;
- (b) Images must transition from one to the next via a 0.5 second dissolve;
- (c) Image content must be static, and not incorporate flashes, movement, scrolling, full motion video, sequential advertising over multiple frames, or other dynamic effects, and must not emit any sound;
- (d) The digital billboard must be programmed to automatically go dark in the event of a billboard malfunction. The Applicant must provide an emergency (24/7) contact number and an intervention process to enable the Applicant to disable the digital billboard by manual intervention, both remote and on-site, should the automatic intervention fail. These details must be provided to the satisfaction of Council's Compliance Monitoring Officer prior to operation of the electronic billboard commencing.

Content

- (e) There shall be no objectionable or offensive material displayed on the billboards;

Traffic Safety

- (f) Images must 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);
- (g) Images must not invite or direct a driver to take some sort of driving action;
- (h) Images must not use graphics, colours, or shapes in combination in such a way that they would resemble or cause confusion with an adjacent traffic control device.

Advice Note: For the avoidance of doubt, the purpose of this condition is to manage the content on the billboard to ensure that any individual element or combinations of elements do not resemble, confuse or distract from traffic control devices in the locality. The purpose of the condition is not to prohibit the use of a particular colour, but to manage the use of those colours to avoid confusion with traffic control devices.

Lighting

- (i) Sign materials must be suitable to prevent any sunlight or headlight reflection;
- (j) The digital billboards must be designed and operated to avoid any back spill lighting onto adjacent properties;
- (k) The billboards must have a maximum LED brightness of 5,000 cd/m² (Nits);

- (l) The digital billboards must not have any brightness exceeding 5,000 cd/m² in daylight hours;
- (m) The digital billboards must not have any brightness exceeding 600 cd/m² at dawn and dusk;
- (n) The digital billboards must not have any brightness exceeding 250 cd/m² between sunset and sunrise;
- (o) The digital billboards must use LED technology that does not have the filament visible to motorists;
- (p) The LED digital billboards must have an automatic dimming system based on an ambient light level sensor so that the night time maximum luminance is 250cd/m² and the daytime maximum luminance is 5,000cd/m². Sign brightness must be equal to or less than the brightness of a standard vinyl-skinned billboard under the same lighting conditions.
- (q) Luminance levels at 2m above the road level must not exceed 20 lux.
- (r) Luminance of images must be automatically managed to respond to ambient lighting conditions, but at all times shall be within the maximum levels as prescribed by the District Plan.

After 12 Months of Operation

7. The consent holder shall, after 12 months of operation of the digital signs, engage a suitably qualified traffic engineer to prepare a Safety Statement supported by a survey of the immediate area (having regard for PCC known crash / traffic incident data) to determine if there has been an increase in traffic accidents that are a direct result of the digital media signs.

The safety statement survey shall assess the adequacy of the Operational Requirements set out under condition 6 and recommend amendments where appropriate. The Safety Statement and survey shall be submitted to the Council's Manager Resource Consents & Monitoring quoting the RC number of this consent and the address of the site, and shall be in the form of an email to compliance.monitoring@porirua.govt.nz. Council reserves the right to have the safety statement independently peer reviewed.

8. Council may initiate a review of **condition 6** under section 128 of the RMA 1991 to assess the adequacy of the digital media sign operational requirement criteria having regard for the conclusions of the Safety Statement and survey (and peer review) required by Condition 7 (on individual signs or collectively) which would:
 - Initiate a review of condition 6 where there may be a need to increase the dwell times, adjust light levels or other operational requirements, or allow for new conditions to be applied to the consent as is appropriate, and;
 - Deal with any significant adverse traffic safety effects on the environment that may arise from the exercise of the consent.

THE APPLICANT IS TO NOTE:

Section 357

Under section 357 of the Resource Management Act 1991 you have the right to object in writing to all or part of this decision. Notice of this objection must be received by the Council within 15 working days of your receipt of this decision letter.

Building Act

This is NOT a Building Consent. The Building Act 2004 contains provisions relating to the construction, alteration, and demolition of buildings. The Act requires building consents to be obtained where relevant, and for all such work to comply with the building code.

Section 125

This consent is subject to section 125 of the Resource Management Act 1991 which states that a resource consent lapses on the expiry of 5 years after the commencement of the consent, unless an extension on time is granted by the Council prior to lapsing of the consent.

Traffic Management Plan

If the intended work that is covered by this consent includes any activities within the road reserve, then a Temporary Traffic Management Plan is to be prepared by a person who is certified in accordance with 'Temporary Traffic Management for Local Roads – Supplement to NZTA COPTTM', and submitted to the Roading Administration Officer – City & Community Infrastructure for review and approval before any physical

works within the road reserve are started.

Fees and charges

Should any additional fees charged for the processing of this application or any financial contributions, levies or bonds required by conditions of this consent not be paid within the deadlines set either through invoicing or consent conditions, this could ultimately lead to Council seeking to recover money owed through the debt collection agency. Should the need arise to use a debt collection agency then the consent holder will be liable for and charged any extra expense that the debt collection service incurs.

Post Consent Granted Charges

In accordance with Council's Fees & Charges, the Council will be recovering costs from the consent holder associated with time spent on resource consent related work after a resource consent has been granted and in the case of subdivision before Section 224 RMA certification is applied for. Further information on this can be found in Note 9 within the Fees & Charges that can be accessed on the Council website porirua.city.govt.nz/services/building-consents/resource-consents/#notes

Private Covenants

This resource consent does not excuse you of any legal obligations that you may have to comply with any private (non-Council related) covenants that apply to your property. If there are any Private Covenants relevant to your property these will be listed on your Record of Title. These covenants may place restrictions on developments and activities that can be undertaken on your property. Please check your Record of Title and the content of any covenants to see if there are any restrictions relevant to your proposal. Copies of your Record of Title and any private covenants that may apply can be obtained through Land Information New Zealand.



Jenny Grimmatt

Consultant Planner

Reviewed and Granted by:

6 August 2021

Date



Olivia Campbell

Senior Resource Consents Planner

Under Delegated Authority

12 August 2021

Date



4.0 BILLBOARD ASSESSMENT

4.1 THE PROPOSAL

As previously noted, two of the proposed digital billboards on the west and east faces of the building will replace existing static billboards at the same location, while a third digital billboard is proposed on the south-western face and is to replace an existing static billboard on the south-eastern face.

Like the existing static billboards, the proposed digital billboards will have a single display panel that will display a single advertisement at any one time. The proposed billboards will continue to be primarily oriented towards westbound and eastbound traffic on Titahi Bay Road, and northbound traffic on Kenepuru Drive.

All three digital billboards will be smaller than the existing static billboards that they will replace. The replacement digital billboards on the western and eastern faces will remain portrait oriented, but will have dimensions reduced from the existing 9m width by 15m height, to the proposed 9m width by 12m height. The south-facing billboard will change from a portrait orientation with dimensions of 4m width by 10m height, to a landscape orientation with 8m width by 4m height. The combined effects of these reductions in the billboard sizes results in a 20% reduction in advertising display area.

The proposed billboards will not extend into the road reserve. Their height and positions high up on the side of the building means there will be no potential for the creation of any sort of physical obstruction or impediment, or visibility restrictions, for either pedestrians or motorists.

The billboards are proposed to operate with minimum image display times of 10-seconds. The changes between images are proposed to occur by way of 0.5-second dissolve transitions. These operational characteristics have largely become industry standards in New Zealand and have now been well proven to enable safe operations.

All three existing static billboards to be replaced are externally illuminated with downward-facing spotlights, which results in reflected glare and uneven illumination of the display screens at night. With the replacement digital billboards, it is understood that the LED screens will operate with lumination levels that will be automatically managed so that the screen is responsive to changes in ambient lighting conditions, i.e. lumination will increase in brighter conditions and decrease in duller conditions. In this regard, a significant road safety advantage of the proposed digital screens over the existing static billboards is that the images will be more clearly legible in all lighting conditions, and will not result in reflected glare onto the roadway.

Figures 4-1 to 4-3 show indicative layouts for the digital billboards as viewed from Titahi Bay Road (westbound and eastbound), and Kenepuru Drive (northbound).

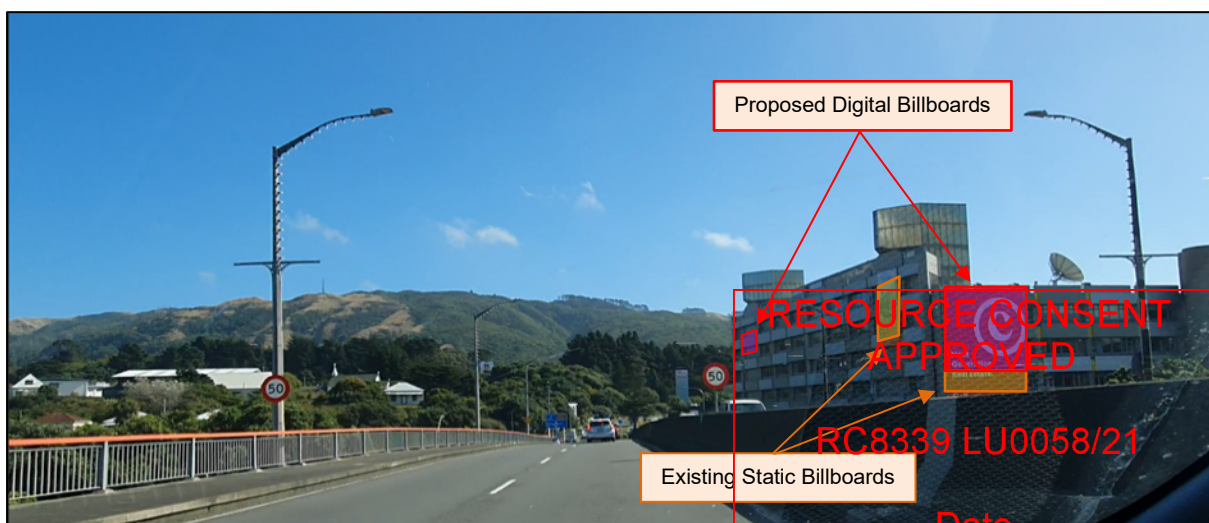


Figure 4-1: Westbound view - Titahi Bay Rd

Date
13/08/2021
OCAMPBELL
PORIRUA CITY COUNCIL

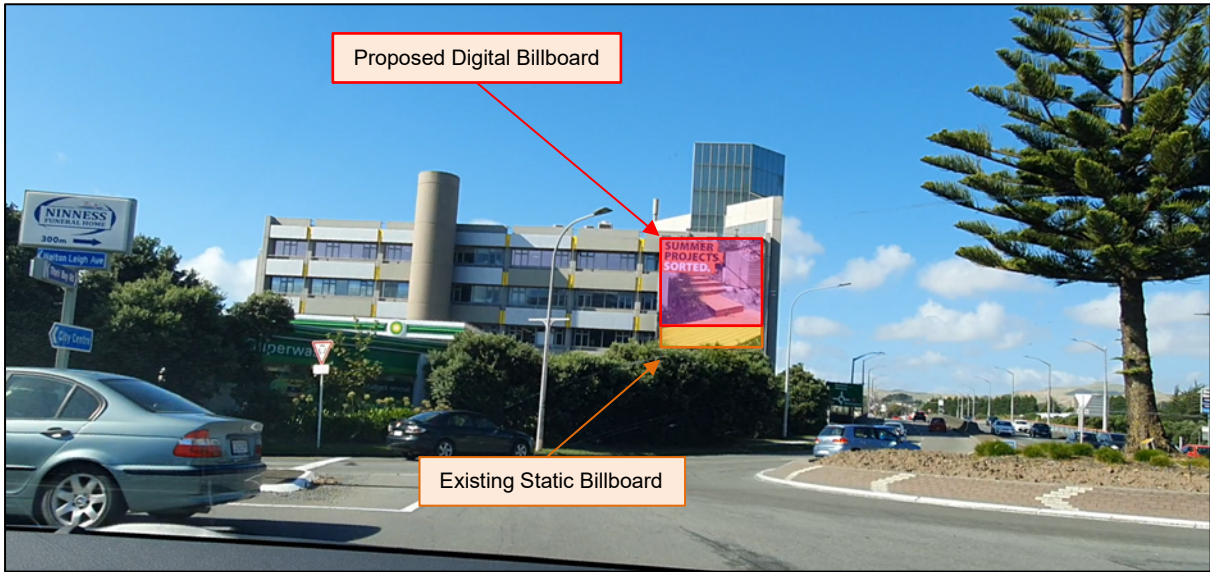


Figure 4-2: Eastbound view - Titahi Bay Rd

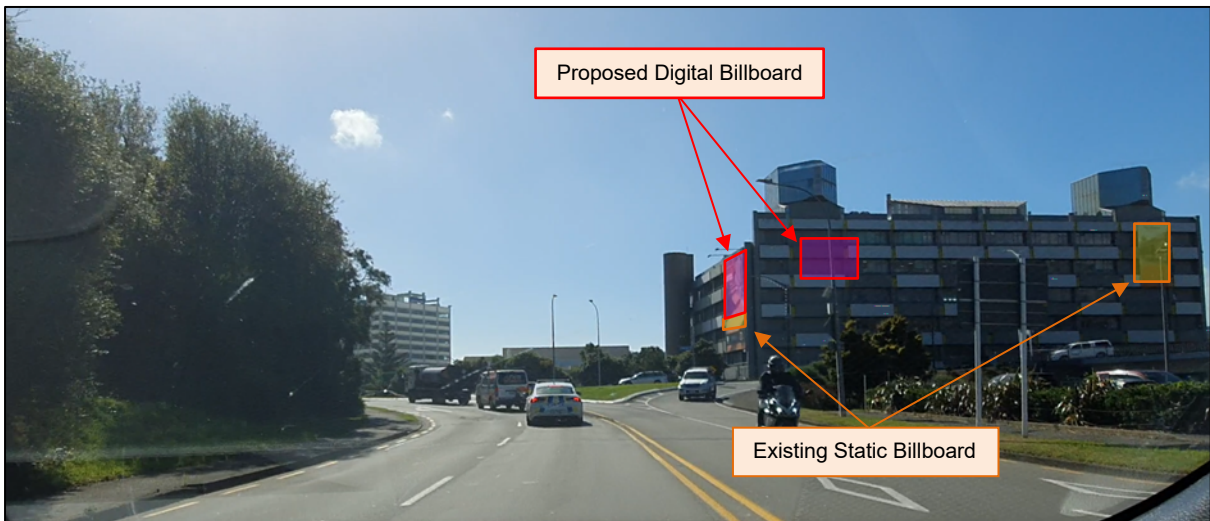


Figure 4-3: Northbound view - Kenepuru Dr

**RESOURCE CONSENT
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**Date
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4.2 APPROACH VISIBILITIES

4.2.1 Overview

The alignment of Titahi Bay Road and Kenepuru Drive ensures good advance visibility of the billboards when approaching from the west, south and east of the commercial building. As previously noted, the billboards will have as their primary audiences: northbound traffic on Kenepuru Drive, and eastbound and westbound traffic on Titahi Bay Road. As will be demonstrated, the extents of advance visibility for all three approaches (Titahi Bay Road westbound and eastbound, and Kenepuru Drive northbound) are more than adequate to enable a driver to glance at the billboard should that driver be inclined to do so, and it readily satisfies the 80m minimum forward visibility distance as recommended by TCDM 3.

Aside from the three main approaches, there are other secondary approaches from which drivers will either have the ability to discern the presence of one or more of the billboards, or in some cases have legibility of one of the billboards. These various potential traffic audiences are also discussed in the following sections.

4.2.2 East-facing Billboard

As can be seen in **Figure 4-4**, the east-facing billboard is initially visible (although barely discernible) from approximately 330m distance when travelling westbound on Mungavin Avenue, east of the State Highway 1 / Titahi Bay Road motorway interchange. At this distance the billboard will be of little interest to motorists.

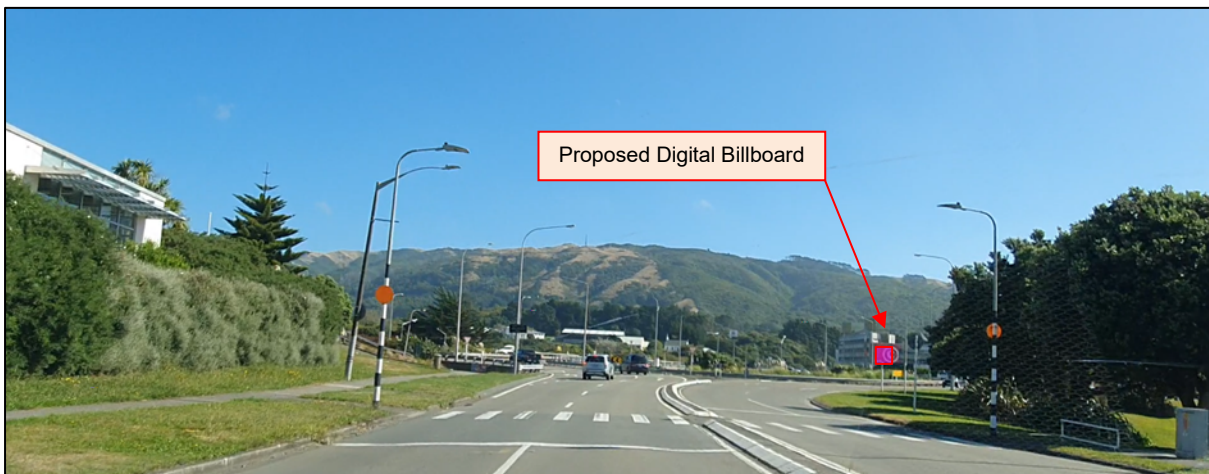


Figure 4-4: Initial westbound visibility - Mungavin Ave (~ 330m)

This billboard becomes more visible and apparent to drivers when travelling westbound along the Titahi Bay Road over-bridge. A view of the billboards at the point of legibility of the east-facing billboard, which is at around 150m distance, is shown in **Figure 4-5**. As can be seen, there are no traffic control devices that visually overlap with or which could be confused by the billboard behind.

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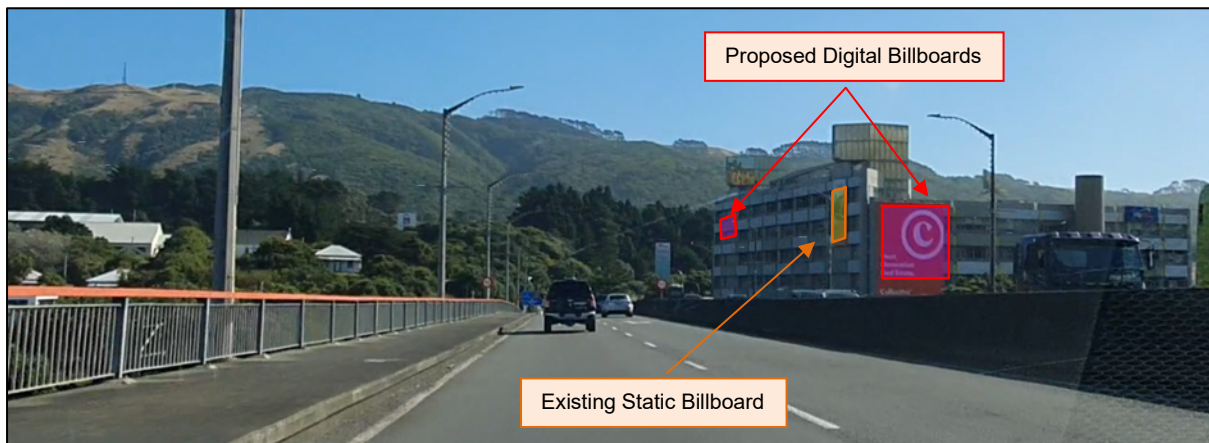


Figure 4-5: Westbound visibility - Mungavin Ave (~ 150m)

A more close-up view of the billboards from a distance of about 80m from the east-facing billboard in shown in Figure 4-6 below.

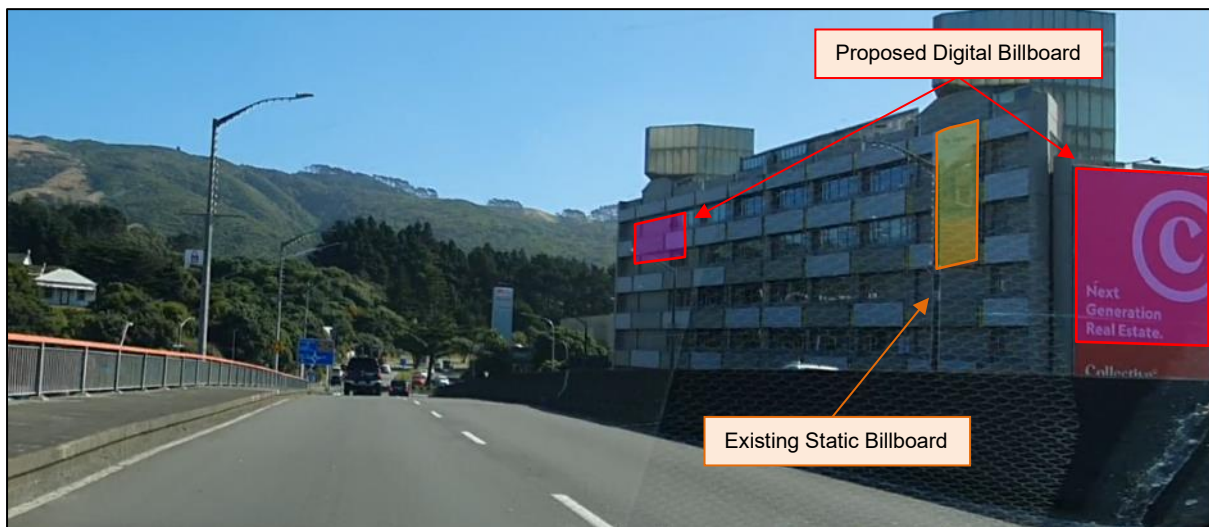


Figure 4-6: Westbound visibility - Titahi Bay Rd (~ 80m)

4.2.3 West-facing Billboard

The proposed west-facing digital billboard is initially visible from approximately 130m away when travelling eastbound on Titahi Bay Road, as seen in Figure 4-7. At this distance the screen content will be legible. The following Figures 4-8 and 4-9 shows closer views of the billboard at about 100m and 80m respectively. When at these distances, a driver becomes more directly aligned to the view of the billboard. In neither view is there any visual overlap or conflict with any traffic control device, which as can be seen is greatly assisted by the relative elevation of the billboard.

**RESOURCE CONSENT
APPROVED**

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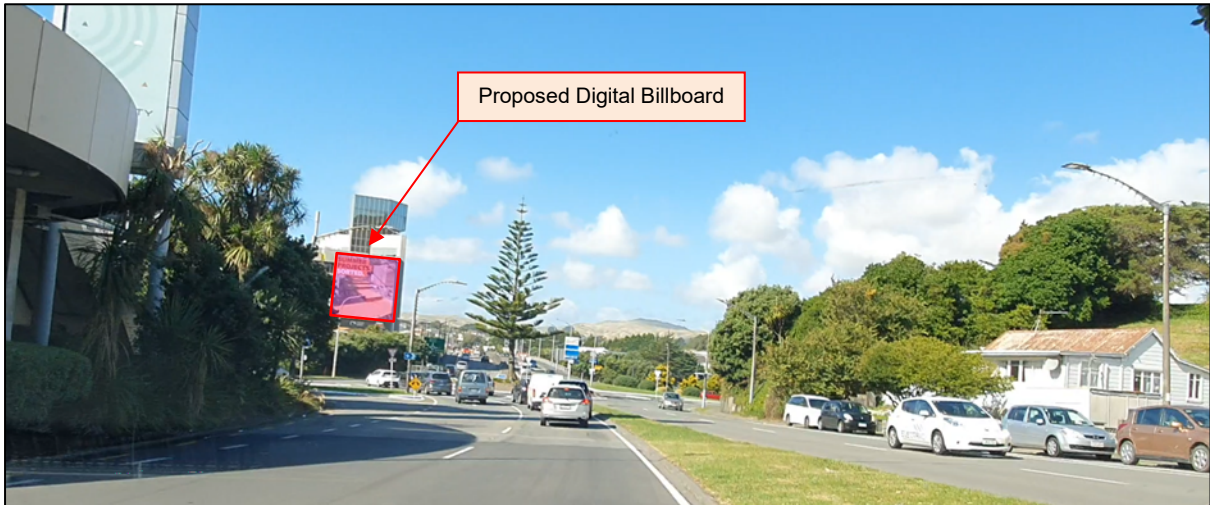


Figure 4-7: Initial eastbound visibility - Titahi Bay Rd (~130m)

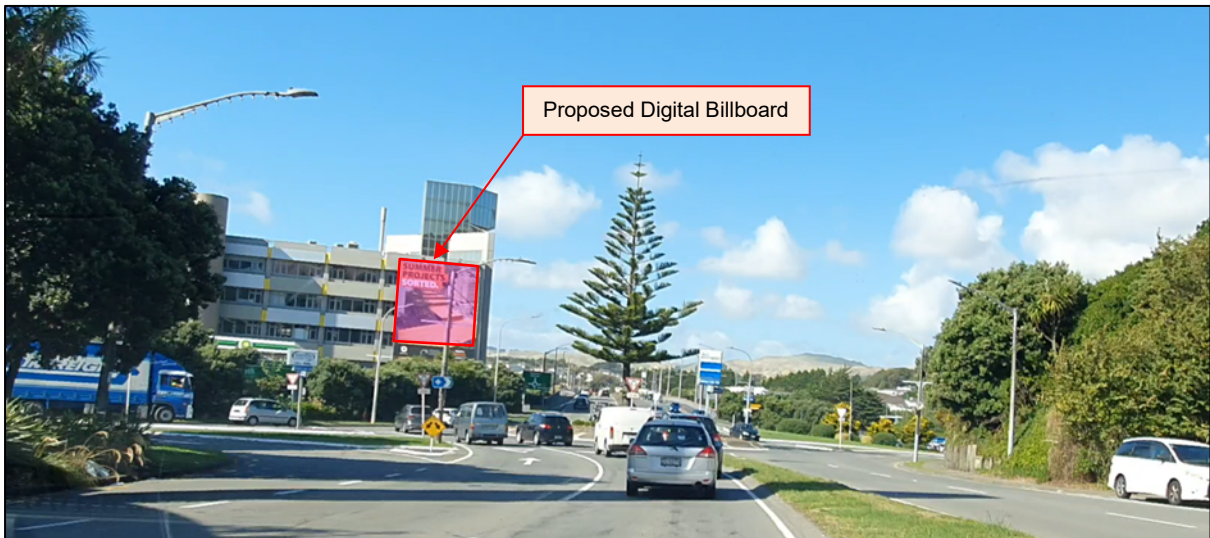


Figure 4-8: Legible eastbound visibility - Titahi Bay Rd (~ 100m)



Figure 4-9: Eastbound visibility - Titahi Bay Rd (~ 80m)

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4.2.4 South-facing Billboard

The existing digital billboard on the south-eastern face of the building is initially visible from approximately 195m away when travelling northbound on Kenepuru Drive, as seen in **Figure 4-10**. While the billboard will be clearly discernible from this distance, the content of images on the screen will not be readily legible. The presence of the billboard will be too distant to have any potential impact on the operation or safety of the pedestrian crossing located south of the Lyttelton Avenue intersection, or the intersection itself. This view also indicates a particularly acute angle of view to the west-facing billboard, which, because of the somewhat directional nature of LED screens, will appear essentially blank from this angle of view.

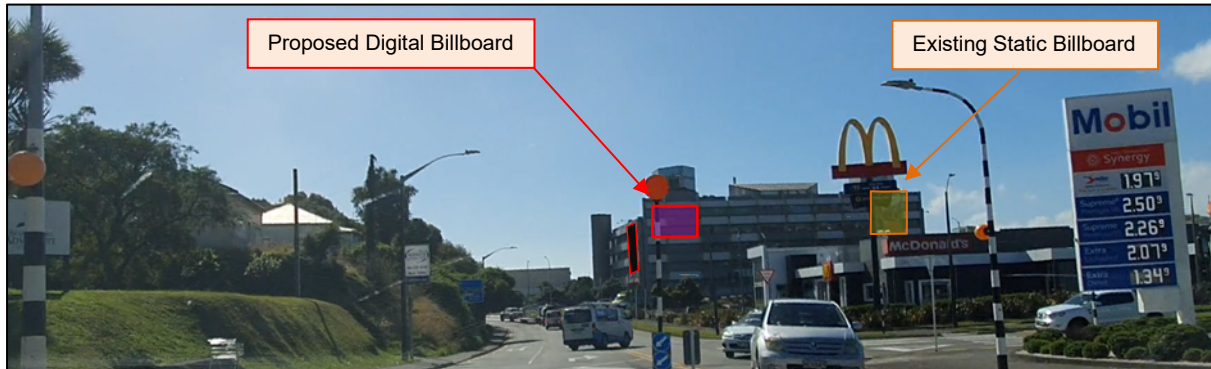


Figure 4-10: Initial northbound visibility - Kenepuru Dr (~ 195m)

Figure 4-11 below shows a view from approximately 120m distance. At this distance the south-facing screen will be legible to approaching drivers, and the west-facing screen is about to start achieving reasonable legibility. It can be seen that the relocated position of the south-facing digital screen presents a significant improvement of the view to the existing static screen which from this point onwards drifts outside of a driver's normal forward field of vision.

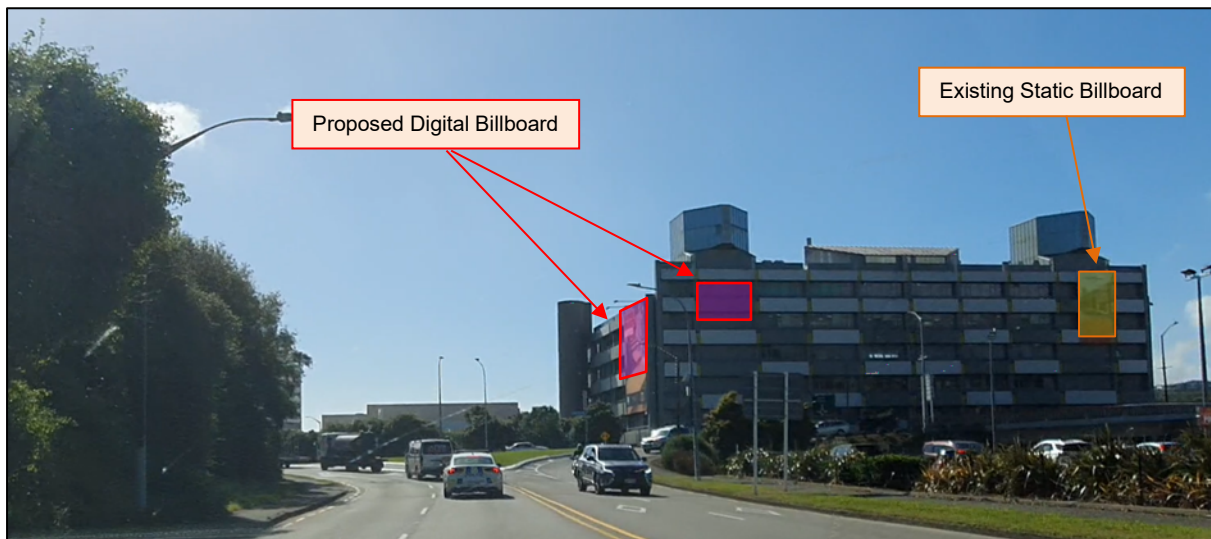


Figure 4-11: Legible northbound visibility - Kenepuru Dr (~120m)

A view from about 80m from the south-facing screen is shown in **Figure 4-12** below. At this point the south-facing screen will be clearly legible, and the west-facing screen will be reasonably legible. Again, the elevation of both screens ensures no visual overlap or conflict with any traffic control device.

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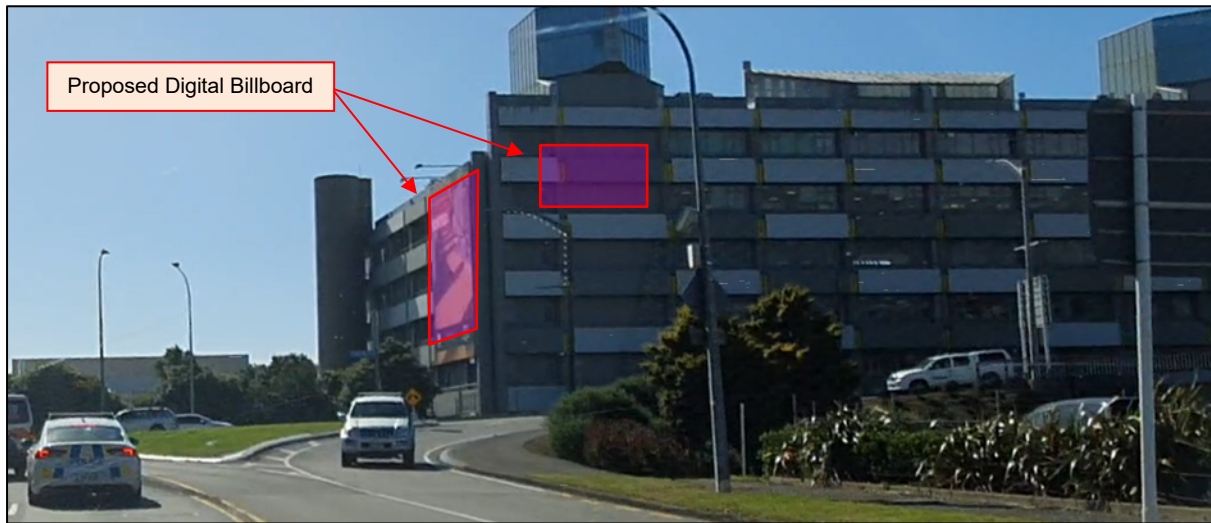


Figure 4-12: Northbound visibility - Kenepuru Dr (~ 80m)

4.2.5 Secondary Traffic Audiences

The proposed digital billboards will also have secondary (mostly incidental) traffic audiences from some side roads including Walton Leigh Avenue and Lyttelton Avenue. Relative to these roads, the proposed billboards will sit well above any traffic related activity that occurs at street level, and are therefore unlikely to result in any operational or safety implications.

Visibility from Walton Leigh Avenue is shown in **Figure 4-13** below.

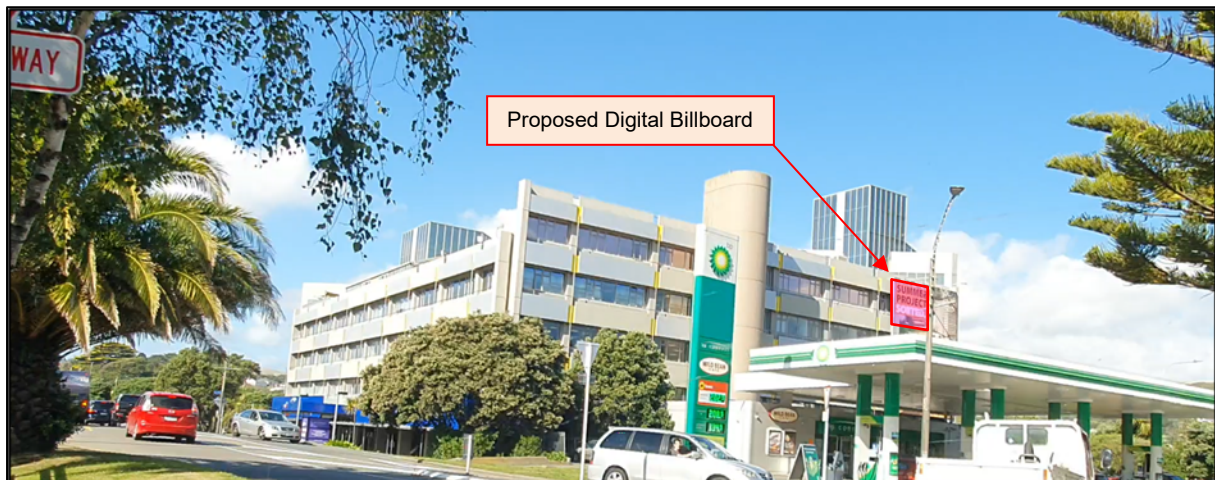


Figure 4-13: View from Walton Leigh Ave (turning right out of North City Mall)

Motorists in this vicinity are unlikely to be affected by the presence of the billboards, especially as it will not be readily visible in a driver’s normal field of vision, especially given the presence of the BP service station in the foreground.

A representative view of the billboard from Lyttelton Avenue is shown in **Figure 4-14** below. As can be seen, there is no impediment to visibility from the approach, notwithstanding the more obtuse viewing angle when compared to the existing static billboard. However, given the use of Lyttelton Avenue, this is not considered to be an issue that could impact on the function or safety of Lyttelton Avenue.

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