MT HOBSON GROUP
Town Planning & Resource Consent Solutions

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT AND STATUTORY ASSESSMENT

PROPOSED DIGITAL BILLBOARD

47 THE ESPLANADE, PETONE, WELLINGTON

MEDIAWORKS OUTDOOR LIMITED

AUGUST 2022

MT HOBSON GROUP
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THE APPLICANT AND PROPERTY DETAILS

Site Address:	47 The Esplanade, Petone, Wellington
Legal Description:	LOTS 1-13 DP 675 LOT 2 DP 51858 SUDN 4 4B SECS SUDN 3 OF SECS 2 3 ETC **CT attached as Appendix 1**
Site Area:	22,748m²
Applicant's Name:	Mediaworks Outdoor Limited
Statutory Plan:	Hutt City District Plan
Zoning	Petone Commercial Area 2
Address for Service:	Mt Hobson Properties Ltd PO Box 37964 Parnell Auckland 1151 **ATTN: Daniel Coppell** **Email: daniel@mhg.co.nz** **Phone:** 09 950 5103

1. INTRODUCTION

Introduction

1.1 This assessment is provided in accordance with the requirements of Section 88 and the Fourth Schedule of the Resource Management Act 1991 (RMA). It is in support of a resource consent application for the installation of a wall mounted digital billboard located on the consented development at 47 The Esplanade, Petone, Wellington.

1.2 The proposal requires resource consent under the provisions of the Hutt City District Plan (HCDP). The following assessment describes the subject site, the proposed activity and the likely effects on the environment. An analysis of the relevant provisions of the HCDP and a statutory assessment of the RMA are detailed within the assessment. This application then concludes that consent should be processed on a non-notified basis and approved subject to conditions.

2. SITE AND LOCALITY DESCRIPTION

2.1 The site is located approximately 90m north of Petone Beach and 300m south of State Highway 2. The location of the site is shown in Figure 1 below.

2.2 The site is generally flat across it's 22,748m2 site area and is currently characterised by various commercial and office buildings including Bunnings, Wet & Forget, AWF and Spotlight Reporting. The site is subject to the 1% AEP flood hazard covering approximately 50% of the southern section of the site.

2.3 The site has four total vehicle crossings gaining access to different units on site from The Esplanade, Nevis Street and Hutt Road. The general area contains various commercial lots with multiple on-premises signs in relation to the business, however there are no other billboards in the proximity.

2.4 To the north of the site lies State Highway 2, to the south lies Petone Beach. To the east is the town centre of Petone and to the west State Highway 2 continues down towards Wellington CBD. The buildings within the immediate area are largely commercial units containing businesses similar in use and trade as Bunnings Warehouse. The wider surround area is characterised by both further commercial zones sites, general recreation to the north and residential to the east.

Figure 1: Aerial photograph showing the location of the site (outlined in yellow)

PROPOSAL

2.5 The proposal involves the installation of a V-shaped double sided portrait digital sign on a single column pole in the planted area long the sites frontage. The sign will have a total height of 9.5m and each digital faced will have a height of 7m and a width of 3.5m. The proposed board will have a 50mm boarder around the perimeter of the screen, with the bottom section housing the 'mediaworks' logo. The drawings showing the location and size of the proposed sign are attached to this application in **Appendix 2**.

2.6 The proposed billboard will be lit for 24 hours a day, 7 days a week. Like all QMS boards in the country, the board will be equipped with automatic controls to adjust the luminance levels to match the surrounding light environment. The maximum luminance of the billboard will be 5,000 cd/m² during daytime hours (sunrise and sunset) and 250 cd/m² during twilight and night time hours (sunset to sunrise). The proposed framing and non-activated edges of the sign will be of a black coloured metal material to blend the development together.

2.7 The images to be displayed on the proposed billboard will not contain any moving or dynamic content and will be consistent with the guidelines contained in the NZTA Traffic Control Devices Manual, Part 3, Advertising Signs. Each image will be displayed for a minimum of 8 seconds, with a 0.5 second cross fade between images to avoid a sudden change of image. No two consecutive images will be related to one another. The nature of the images is to be similar to those existing billboards operated by QMS within the Auckland Region.

2.8 Due to the billboard's location near the road network, a Traffic Assessment has been undertaken for the proposal and is attached to this application in **Appendix 3**. In addition, an Urban Design Assessment is attached in **Appendix 4**.

3. UNITARY PLAN ASSESSMENT AND REASONS FOR CONSENT

Hutt City District Plan

3.1 Under the Hutt City District Plan, the site is located within the Petone Commercial Area 2 zone.

3.2 The following reasons for consent are sought under S9 of the RMA.

Chapter 5B Petone Commercial

3.3 Pursuant to **Rule 5B.2.2.2C,** resource consent is required as a **restricted discretionary** activity for the construction of a sign that does not comply with rules in Chapter 14 in the Petone Commercial zone. These standards are assessed below in Table 1.

Chapter 14B General Rules - Signs

3.4 Pursuant to **Rule 14B.2.3C,** resource consent is required as a **restricted discretionary** activity for the non-compliance with the permitted standards for Signs within a commercial zone. An assessment of these standards and their non-compliance is provided in Table 1 below.

3.5 Pursuant to **Rule 14B 2.4**, resource consent is required as a **discretionary** activity for any permitted, controlled or restricted discretionary activity which does not comply with any of the permitted activity conditions.

*Table 1: Assessment of Development Standards under Chapter 14B – **General Rules Signs***

Reference	Standard	Comment
14B 2.1.5a Location	(i) No sign shall be painted onto the roof of any building.	**Complies** – the proposed sign is a free-standing board and not painted on a roof.
14B 2.1.5b Maximum Height	(i) The maximum height of any sign attached to a building may not project above the highest point of the highest building on the site by more than 20%. (ii) The maximum height of free standing signs shall be 8m.	**Does not comply** – while the proposed billboard does not project above the highest building by more than 20%. It exceeds the maximum height of a free-standing sign by 1.5m.
14B 2.1.5c Maximum	(i) Where any sign is painted on or attached in any way to the exterior of a building, the	**Does not comply** – each of the proposed display

Face Area	maximum face area of all signs visible in any one direction shall not exceed 30% of the area of that wall. (ii) Where a sign is erected within the Avalon Business Activity Area the maximum face area of all signs erected at the main entrance to the site shall not exceed 3m². (iii) The maximum face area of free standing signs shall be 20m².	screens will have a face area of 24.5m². Exceeding the limit of 20m2 per free standing sign.
14B 2.1.5d Illumination	(i) If a sign is to be lit, they shall be lit by constant illumination, and shall not flash. Such signs may be lit by directional illumination or lit from within. (ii) Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling house within a residential, recreation or rural activity area, Community Iwi Activity Area 1 - Marae, or Community Health Activity Area. (iii) All measures shall be taken to ensure there is no unreasonable light spill beyond the boundary of the site.	**Complies** – the proposed billboard complies with the required lighting requirements in a commercial zone. A lighting assessment report has been prepared.
14B 2.1.5e Movement	(i) No sign shall have any parts which are moving. This shall not preclude however any sign with a variable message, suspended signs or flags. (ii) No sign shall be inflated by any means.	**Complies** – the sign is not proposed to be moving nor inflated by any means.
14B 2.1.5f Temporary Signs	(i) Electioneering signs shall not be displayed more than 42 days before the election, or 2 days after the election. (ii) Any other temporary sign shall not be displayed more than 3 months prior to the purpose or event and shall be removed within 2 days of the completion of the purpose or event for which the sign was erected.	**Not relevant** – Sign is not proposed to be temporary.

Overall Activity Status

3.6 Overall, resource consent is required from Hutt City Council as a **discretionary** activity.

4. RELEVANT ASSESSMENT CRITERIA AND MATTERS OF DISCRETION

4.1 As consent is required as a discretionary activity, the matters of discretion and assessment criteria of the associated RD activity have been used as an outline of the base assessment. These are outlined in the table below and will form the basis of the assessment of effects in Section 6.

RULE/ACTIVITY
Rule 14B.2.3C All Signs in commercial areas which do not comply with one or more of the Permitted activity Conditions in 14B 2.1.6
MATTERS OF DISCRETION
(c) In all Commercial and Business Activity Areas: *All signs which do not comply with one or more of the Permitted Activity Conditions in 14B 2.1.6* *- Traffic Effects:* *The extent to which the proposed sign will affect adversely traffic safety and the efficient functioning of the State Highway. Signs should not distract motorists or obstruct the State Highway, cycle and pedestrian ways.* *- Consideration should be had to the nature of illumination, location on the site, height, face area and movement.* *- Visual amenity values only where the sign is erected on sites with frontage to the following roads:* *State Highway No.2, both at and to the south of the intersection of State Highway No.2, Hutt Road and The Esplanade.* *Melling Bridge and Melling Link Road.* *Hebden Crescent and State Highway No.2* *The extent to which the sign affects adversely the visual amenity values of sites within a residential, recreation or rural activity area, or the Community Iwi Activity Area 1 - Marae.* *Consideration should be given to -* *The height of the sign in relation to buildings and structures on sites in adjacent activity areas.* *The face area of the sign and the extent to which it is visually obtrusive from a site within a residential, recreation or rural activity area, or Community Iwi Activity Area 1 - Marae.* *The extent to which the use of colour causes the sign to be visually obtrusive from a site within a residential, recreation or rural activity area, or the Community Activity Area 1 - Marae.*

The extent to which the frequency of signs on the site, and movement of signs detracts from visual amenity values of sites in the residential, recreation or rural activity areas, or the Community Iwi Activity Area 1 - Marae.

The extent to which the illumination of the sign affects adversely amenity values. All measures are to be taken to ensure there is no unreasonable light spill beyond the boundaries of the site.

Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling house in a residential, recreation or rural activity area, or Community Iwi Activity Area 1 - Marae.

The contribution the sign makes to enhancing the visual amenity values of the main entrance routes to the City.

In all Commercial (except Petone Commercial Area 1) and Business Activity Areas:

Any inflated sign

(i) Maximum Height:

The extent to which the height of the sign will affect adversely the visual amenity of adjoining sites and sites from which the proposed sign would be seen. Consideration shall be given to the height in relation to the height of buildings and structures within the immediate vicinity.

(ii) Face Area:

The extent to which the face area of the sign will affect adversely the visual amenity of adjoining sites and sites from which the proposed sign would be seen.

(iii) Movement over Neighbouring Properties:

The extent to which the movement of the sign will take the sign over neighbouring properties or adversely effect those properties.

(iv) Traffic Safety:

The extent to which the proposed sign will affect adversely traffic safety and the efficient functioning of the roading network. Signs should not distract motorists or obstruct the roadways, cycle and pedestrian ways.

Consideration should be had to the nature of illumination, location on the site, height, face area and movement.

(v) Visual Amenities, Design and Appearance:

The extent to which the design and appearance of the proposed sign will affect adversely visual amenity values of adjoining sites and sites from which the proposed sign would be seen. Consideration should be given to the use of colour and the clarity of lettering and layout.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Statutory matters

Discretionary activities

4.2 The proposal requires consent overall as a **discretionary** activity. Discretionary activities are addressed under section 104B of the Resource Management Act 1991 as follows:

104B Determination of application for discretionary or non-complying activities

When considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority–

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

Permitted baseline

4.3 Pursuant to section 95D(b) of the RMA with regards to notification, and section 104(2) of the RMA in relation to consideration of applications, a consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. A sign in this location would be a permitted activity if it meets the above standards. Signs in this zone have a maximum face area of $20m^2$ in relation to rule 14B 2.1.5C and similarly rule 14B 2.1.5B limits sign height to 8m. Therefore, the effects associated with these activities are disregarded from the following assessment.

Receiving environment

4.4 The receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consent granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the plan.

4.5 This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered. The environment is within Petone's commercial area which activities such as the proposed are an expected activity displaying various advertisements in the busiest areas of Petone and Hutt City.

Assessment of Effects

4.6 With reference to the relevant matters of discretion and assessment criteria outlined in Section 5 above, the matters to be addressed in the assessment of effects below are:

- Sign Design;
- Traffic Concerns; and
- Urban Amenity

Sign Design

4.7 The proposed sign as mentioned in earlier sections of this report, is designed in a V-shape with two digital faces angled to the east and west of The Esplanade. The dimensions of these digital boards are 3.5m by 7m for a total area of 24.5m^2 per board. The total height from the ground of the proposed billboard is 9.5m. Additionally these dimensions are lined with a 50mm framing surrounding the digital billboard. The sign as per the attached plans, will be attached to a 2m supporting pole within the planting area within the site's frontage at 47 The Esplanade, placing the board 2.5m above ground level. The board is proposed both in the location and with these dimensions in order to suit its surroundings. Being that of the nearby trees and buildings, the 2.5m elevation allows turning traffic to still see beneath the billboard while turning in or out of the nearby vehicle crossing. The signs design allows for a clear view of the separate faces from vehicle approaching from both the east and west along The Esplanade. The sign will also be visible to pedestrians using the pathway located to the north of The Esplanade in a similar fashion to oncoming traffic.

4.8 The sign will incorporate changing messages, and will be managed in accordance with the following parameters:

- Each message will be displayed for a minimum of 8 seconds
- Each message will transition to the next message by way of a 0.5 second 'cross-fade',
- Each message will be static, and will not incorporate animation or movement,

- The billboard display will be illuminated to a maximum level of 5,000 candelas/m2 during daylight hours, and to a maximum level of 250 candelas/m2 during hours of darkness, and
- The luminance of the billboard display will be automatically adjusted at all times to vary according to the ambient light conditions.

4.9 The above parameters are expected and the standard minimums in terms of display time, transition time and aim to mitigate potential distraction effects of changing digital billboards.

4.10 While the above dimensions exceed both the maximum height and the maximum face area standards, the potential effects introduced through this noncompliance are considered to be less than minor in effect to the surrounding environment. The additional 1.5m of height allows traffic nearby to have higher visibility while still providing the visibility desired of a typical billboard. The height is considered to be appropriate in relation to the surround trees and building heights. The design being a V-shaped two digital faces setup allows the sign to fit into the surrounding area more so than a standard digital billboard of a wider single screen design would.

Traffic Concerns

4.11 The traffic report prepared by Stantec attached in **Appendix 3** of this report details that details the above-mentioned parameters can be incorporated in the proposed billboard without compromising traffic safety of the surrounding roads. The displayed images will be consistent with the NZTA Traffic Control Devices Manuel, Part 3, Advertising Signs in order to achieve mitigation of potential traffic concerns.

4.12 The safety assessment of the area surrounding 47 The Esplanade revealed that within the last five years (October 2016 to October 2021) there has been a total of 4 crashes of which one involved a minor injury, and the remainder were non-injury. One of the four crashes occurred in a location which would have visibility of the proposed billboard. This occurred in the west bound direction opposite Nevis Street and involved a non-injury rear-end incident.

4.13 The minor injury occurred eastbound direction east of Armidale Street and involved a driver who was distracted by a crying baby in their back seat. Hitting a parked car while checking on their baby. The other remaining non-jury crashes were due to overtaking in locations which would not have billboard visibility.

4.14 The above-mentioned parameters for the signs design are incorporated to mitigate the signs potential distraction of passing traffic. Studies have shown that there is no consistent proof that the safety of a driver is directly affected by advertising on drivers. As driving tends to involve gazing into the general distance, the presence of additional clutter or salient visual stimuli (i.e. a billboard) did not necessarily control where drivers gazed.

4.15 Assessment of the TCDM3 Addendum was not included in the initial assessment of the traffic report as it was prepared in January 2022 and Waka Kotahi released the addendum on the 24th of March 2022. A short time since the release on 23rd June 2022 it was withdrawn from their website for review. This document is now subject to further consideration and is therefore considered inappropriate to assess against a withdrawn document.

4.16 Therefore, based on the traffic report detailed by Stantec the proposed sign generally meets the required standards of digital billboard displaying third party information without causing adverse effects on passing traffic that is any more than less than minor. The design regulations of NZTA and previous studies work to mitigate these effects to reduce any potential accidents caused by overly distracting lights or changing imagery.

4.17 Overall, the proposed digital billboard is considered to have potential adverse effects on the traffic of the surrounding environment and through the signs design and location is considered to be less than minor in effect.

Urban and Residential Amenity

4.18 The proposed digital billboard structure is proposed within the site's frontage planting area at 47 The Esplanade, Petone. As mentioned above the position and size of the sign allows its content to viewed by approaching traffic that are both east and westbound. The surrounding commercially dominant environment contains signage which relates to the nearby businesses such as Bunnings Warehouse. The sign will also be visible to foot traffic along the pathway along the northern side of The Esplanade, however the activity along this path outside of accessing the nearby businesses is rather low.

4.19 An assessment of the urban design of the proposed billboard has been prepared by Richard Knott and is attached within **Appendix 4** of this report. Which details that the proposed sign amongst the existing wide range of signs is not a discouraged activity within the Petone Commercial zone and construction of such a sign in a well-designed fashion blend with existing

character and amenity along The Esplanade. The signs' location within the site's frontage allows it to be separated from the first party signage which lines the units within 47 The Esplanade removing the likelihood of overcrowding potential.

4.20 In addition to the objectives and policies of the Commercial zone, the HCDP also requires reference to the Petone Mixed Use Activity Area Design Guide. Which aims to assist the district plan and to assist in transitioning the area into the mixed-use environment that it is known for currently. The specific design guidelines are addressed in the Urban Design Report attached in **Appendix 4** of this report. It has been considered that due to the proposed billboards separation from the built form of the surrounding buildings, the positive effects of the existing building are retained.

4.21 The sign as detailed early in this section will respect the design and appearance of the nearby buildings. As per the required standards of NZTA the light levels of the proposed billboard will be illuminated to a maximum level of 5,000 candelas/m2 during daylight hours, and to a maximum level of 250 candelas/m2 during hours of darkness. These levels allow a balance between visibility during different times of day and mitigation of potential distraction of traffic and light irritating surrounding residents through high light levels.

4.22 A lighting assessment report has been prepared by Russ Kern in support to Richard Knott's urban design report. The report details that the proposed billboard will not alter the lighting environment in respect of overspill or glare and brightness in association with the billboard. The automation of the light levels will mitigate any potential adverse effects, allowing variation in different light levels throughout the cycle of a day. Appropriate levels of luminance are therefore considered to be achieved by the lighting system.

4.23 The surrounding areas urban and commercial amenity is considered to be upheld through the proposed billboards well-designed incorporation into the existing urban environment. Overall, the proposed development is considered to have potential adverse effects on the urban and residential amenity of the surrounding environment that are less than minor.

Positive Effects

4.24 The works detailed in the above for a V-shaped freestanding digital billboard allow for a well-designed sign within an environment which expects similar activities. The design and location of the sign allow it to be incorporated in a fashion which remove potential visual dominance

in an area of which commercial signage is common practice. Mitigation of potential adverse effects is achieved by the above-mentioned factors of the proposals design as detailed more in depth in the attached specialist reports.

Summary and conclusion of effects

4.25 Overall, the proposed digital billboard development is considered to have potential adverse effects on the environment that are less than minor.

5. SECTION 104 ASSESSMENT

5.1 Matters to be considered by the Council when assessing an application for resource consent under s104 of the Act, subject to Part 2, include any actual and potential effects on the environment and any relevant provisions, objectives and policies of policy statements, national environmental standards and regional plans.

Actual and potential effects on the environment (Section 104(1)(A))

5.2 As noted in Part 6 above, the adverse effects of the proposal are considered to be less than minor, and the proposal is considered to generate positive effects on the environment.

Relevant provisions of National Environmental Standards and other regulations (Section 104(1)(b)(i) and (ii))

5.3 There are no National Environmental Standards of relevance to this application.

Relevant provisions of National Policy Statements (Section 104(1)(b)(iii)

5.4 There are no National Policy Statements of relevance to this application.

Relevant provisions of the New Zealand Coastal Policy Statement (Section 104(1)(b)(iv)

5.5 The New Zealand Coastal Policy Statement is not relevant to this application as the proposed development is not located within the coastal environment.

Relevant provisions of the Greater Wellington Regional Policy Statement (Section 104(1)(b)(v))

5.6 Due to the scale of the proposed development, the Regional Policy Statement is not considered relevant.

Objectives, policies and assessment criteria of the Hutt City District Plan (Section 104(1)(b)(vi))

5.7 The relevant objectives, policies and assessment criteria under the HCDP are contained in the following Chapters:

- Chapter 5 Commercial
- Chapter 14B Signs

5.8 The relevant provisions are set out below along with an assessment**.**

Table 2: Assessment of the relevant objectives and policies of the Chapter 5 Commercial

Reference	Objective / policy	Comment
Objective 5B 1.1.3	*Ensure that effects likely to be generated by each activity are managed to avoid or mitigate any adverse effects causing harm or damage to the receiving environment.*	*The potential effects generated from the proposed billboard are no more than less than minor in fashion. The design and location of the billboard has mitigation incorporated.*
Objective 5B 1.2.3	*To ensure that the form and quality of buildings, structures, open space and development overall within the Petone Mixed Use Area maintain and enhance the character, amenity values and quality of the environment, whilst recognising and protecting the values and features of adjoining areas.*	The proposed billboard is designed and located in such a way which blends with the existing commercial environment along The Esplanade. Retaining the existing values and features of the area.

Table 3: Assessment of the relevant objectives and policies of Chapter 14B Signs

Reference	Objective / policy	Comment
14B 1.1 Amenity Values	*Objective: To provide for appropriate signs, while avoiding, remedying or mitigating any significant adverse effects on visual amenity values of the area in which they are located.* *Policies:* *(a) To allow a wide range of signs within the commercial and business activity*	While the proposed signage exceeds the standards of maximum height and face area. However the potential effects introduced via these

	areas, while protecting visual amenity values. *(b) To restrict the size, location and frequency of signs in activity areas where visual amenity values are sensitive.* *(c) To manage the size, location, frequency and appearance of signs at the interface between commercial/industrial activity areas, and all other activity areas.* *(d) To manage illuminated signs to ensure the containment of light spill and glare within the boundaries of the site concerned.*	dimensions are mitigated as discussed in the Traffic Report and Urban Design Assessment Reports attached in **Appendix's 3 and 4** of this report. The proposed introduces a digital billboard which currently does not exist along The Esplanade. Expanding the range of signs in the commercial space. The sign is not of a dimension that would be considered oversized as it fits its environment. The illumination of the sign will meet the requirements of the plan as do all other mediaworks signs in NZ.
14B 1.2 Traffic Safety And Visibility	*Objective: To ensure that signs do not interfere with the safe and efficient use of all roads, cycle ways and pedestrian ways.* *Policies:* *(a) To discourage all signs being located where they will obstruct a roadway, pedestrian or cycle way, or obstruct drivers vision of an intersection or driveway.* *(c) To manage the illumination of signs to ensure they do not distract drivers.*	As detailed in the traffic report in Appendix 3. There are no recorded incidents where a digital billboard as caused a fatal injury within New Zealand. Nor has the existing signage along The Esplanade caused any of the four crashes on record within the vicinity. Assessment of the TCDM3 has not been

		included due to the document being withdrawn by Waka Kotahi. And is therefore not considered appropriate to assess.

Other matters (section 104(1)(c))

5.9 Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case, there are considered to be no relevant other matters.

Section 104 conclusion

5.10 In summary, the proposed development is considered to be consistent with, and will give effect to, the relevant provisions of the Hutt City District Plan. The proposal seeks to provide a newly constructed V-shaped freestanding digital billboard, in the site frontage at 47 The Esplanade. The development has been reviewed by a range of experts who have found that the development generally complies with standards for signs under the Hutt City District Plan and does not cause any adverse effects on the surrounding environment that are any more than less than minor in scale.

6. NOTIFICATION ASSESSMENT

Public notification assessment (sections 95A, 95C-95D)

6.1 Section 95A specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

6.2 No mandatory notification is required as:

- The applicant has not requested that the application is publicly notified (s95A(3)(a));
- All lawful requests for further information will be complied with (s95C and s95A(3)(b)); and
- The application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification is precluded in certain circumstances.

6.3 The application is precluded from public notification as the application involves a controlled activity. Therefore, step 3 is not required and the application is assessed against step 4 below.

Step 3: if not precluded by step 2, public notification required in certain circumstances

6.4 As the application has been precluded under Step 2, Step 3 is not relevant.

Step 4: public notification in special circumstances

6.5 If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

6.6 Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary;

- Outside of the common run of applications of this nature; or
- Circumstances which makes notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

6.7 In this instance I have turned my mind specifically to the existence of any special circumstances and consider that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Public notification conclusion

6.8 Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, the application is excluded.
- Under step 3, assessment is not required as the application is excluded under step 2
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

6.9 Therefore, it is considered that this application be processed without public notification.

Limited Notification Assessment (Section 95B, 95E-95G

6.10 If the application is not publicly notified under s95A, the Council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

6.11 There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).

6.12 In addition, the Council must determine whether the proposed activity is on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person

(s95B(3)). Within the Wellington region, the following statutory acknowledgements are relevant:

- Port Nicholson Block(Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009
- Ngati Toa Rangatira Claims Settlement Act 2014
- Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017

6.13 In this instance, the proposal is not on or adjacent to land that is subject to a statutory acknowledgement and will not result in adversely affected persons in this regard.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

6.14 The application is not precluded from limited notification as:

- The application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- The application is not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan, or a prescribed activity (s95B(6)(b)).

Step 3: if not precluded by step 2, certain other affected persons must be notified

6.15 As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

6.16 The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)). In determining whether a person is an affected person:

- A person is affected is the activity's adverse effects on that person are minor or more than minor (but not less than minor);
- Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- The adverse effects on those persons who have provided their written approval must be disregarded.

6.17 A Council must not consider that a person is affected if they have given their written approval or it is unreasonable in the circumstances to seek that person's approval. In this case, no written approvals have been sought or provided.

6.18 Having regard to the provisions above and the assessment of effects carried out within Section 6 above which found that adverse effects on the environment will be less than minor, set out below is an assessment of specific adverse effects on the persons occupying land adjacent to the application site. The properties considered to form the immediate environment include:

- 10, 20 Hutt Road and 9 The Esplanade
- 4 Nevis Street and 2, 6, 8 and 11 Armidale Street and 69 The Esplanade
- 80 The Esplanade
- 52 Hutt Road

6.19 These properties are shown on the map below.

10, 20 Hutt Road and 9 The Esplanade

6.20 These properties are located to the west of the application site and are also zoned Petone Commercial Area 2 occupied by various office buildings in use for the home ideas centre, WSP and Vertex Scaffolding.

6.21 Relevant adverse effects for consideration in terms of the occupiers of this land are considered to be amenity.

6.22 These properties will have some visibility of the west facing section of the proposed billboard. As there are signs for the above mentioned businesses both attached to their buildings and streetside, it is considered that the proposed will not introduce a new activity and that it is expected. Therefore it is considered the overall potential effects on visual amenity is minimal due to the existing surround area character.

6.23 Each image displayed shall be static, and not contain moving messages or emit flashing lights. The images shall not incorporate the predominant use of the colours white, yellow, orange, red or green in situations that the use of such colours could cause an impact on traffic safety and in particular any confusion with traffic signals.

6.24 The lighting of the billboard as detailed earlier in the report will be within the required lighting standards during day and night. This level of illumination is considered to be less than minor in effect to the surrounding sites and an acceptable level to guarantee visibility of information displayed.

6.25 In light of the above, the potential adverse effects on the owner/occupiers of 10, 20 Hutt Road and 9 The Esplanade are considered to be less than minor.

4 Nevis Street and 2, 6 and 8 Armidale Street and 69 The Esplanade

6.26 These properties are located to the east of the application site and are Petone Commercial Area 2 zoned properties occupied by a mixture of one and two-storey buildings in use as multiple commercial businesses including Richard Pointon Collection and Tile Trends Petone.

6.27 Relevant adverse effects for consideration in terms of the occupiers of this land are considered to be amenity and lighting.

6.28 Majority of these properties will have the proposed billboard within visibility from their sites. However as detailed in both the urban assessment reports the design of the billboard is considered to suit the existing environment. Due to The Esplanades commercial environment it will become a fully integrated element, and it's design will respect the appearance of the area and will be seen as a small feature of an otherwise commercial strip. Given the nature of the surrounding area the design and appearance of a digital billboard is more an expected activity in the area than not. Therefore it's considered the overall potential for effects on visual

amenity and the character and quality of the urban environment is minimal especially in regard to the surrounding area.

6.29 Each image displayed shall be static, and not contain moving messages or emit flashing lights. The images shall not incorporate the predominant use of the colours white, yellow, orange, red or green in situations that the use of such colours could cause an impact on traffic safety and in particular any confusion with traffic signals.

6.30 The lighting of the billboard as detailed earlier in the report will be within the required lighting standards during day and night. This level of illumination is considered to be less than minor in effect to the surrounding sites and an acceptable level to guarantee visibility of information displayed.

6.31 In light of the above, the potential adverse effects on the owner/occupiers of 4 Nevis street, 2, 6 and 8 Armidale Street and 69 The Esplanade are considered to be less than minor.

52 Hutt Road

6.32 This property is located to the north of the application site and is also Petone Commercial Area 2 zoned property occupied by the office building for Apex Print and Design.

6.33 Due to the location of this site being so far north of the site frontage where the proposed billboard is located there is no visual change to the occupiers of this site. And therefore they are considered to not be affected by the proposed application as the digital billboard will blend in with the existing signage character along The Esplanade.

80 The Esplanade

6.34 This property is located to the south of the application site and is a Special Recreation zoned property occupied by open space, public facilities and car parking for Petone Beach.

6.35 Relevant adverse effects for consideration in terms of the occupiers of this land are considered to be amenity

6.36 The introduction of a billboard into the commercial environment will not remove from the open space amenity provided within this recreation area. Due to the existing signage promoting all of the businesses along The Esplanade an additional digital billboard will not remove from the existing amenity nor will it cause a clutter of signs. As the beach areas are

screened from the commercial environment from existing vegetation plantings which scale the length of The Esplanade.

6.37 In light of the above, the potential adverse effects on the users of 80 The Esplanade are considered to be less than minor.

Affected persons conclusion

6.38 Based on the assessment of the effects on the adjacent properties as outlined above, the potential adverse effects on the owners/occupants of these properties will be less than minor. The development is reasonably anticipated given the location of the site and the nature of the zoning. Therefore, there are considered to be no affected persons associated with this application.

Step 4: further notification in special circumstances

6.39 In additions to the findings of the previous steps, the Council is also required to determine whether special circumstances exist in relation to the application that warrant it being notified to any other persons not already determined as eligible for limited notification.

6.40 Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary;
- Outside of the common run of applications of this nature; or
- Circumstances which makes notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

6.41 In this instance I have turned my mind specifically to the existence of any special circumstances and consider that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Limited notification conclusion

6.42 Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;

- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for an activity other than those specified in s95A(5)(b);
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons;
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.

6.43 Therefore, it is considered that this application be processed without limited notification.

Notification Recommendation

6.44 For the above reasons under section 95A, it is considered that this application should be processed without public notification. In addition, under section 95B, limited notification is not required.

6.45 Accordingly, I consider that this application can be processed non-notified.

PART II MATTERS

6.46 In *RJ Davidson Family Trust v Marlborough District Council*,[1] the Court of Appeal confirmed that Part 2 is applicable to resource consent applications, however, whether and to what extent it will be appropriate for a decision maker to resort to Part 2 will depend on the planning instruments engaged.[2] The Court of Appeal's key finding was that in circumstances where it is clear that a plan has been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes, although it is permissible to refer to Part 2, such reference is unlikely to add anything.

6.47 In my view, the Hutt City District Plan is the most recent planning document for Hutt City and has recently been through a comprehensive plan change process and was clearly prepared having regard to Part 2 of the RMA. Therefore, I consider that the preceding assessment under s 104 has adequately addressed Part 2 matters and resorting to Part 2 is unlikely to add anything.

[1] [2018] NZCA 316.

[2] This is a departure from the High Court's decision which required recourse to Part 2 in the context of resource consent applications only where the planning instrument was invalid, incomplete, or uncertain.

7. CONCLUSION

7.1 Mediaworks Outdoor Limited are seeking resource consent for the construction of a V-shaped 2-face freestanding digital billboard at the site at 47 The Esplanade, Petone, Wellington. Resource consent is required as a discretionary activity under the Hutt City District Plan.

7.2 The proposed development has been assessed and is considered to have an impact on the environment that is less than minor.

7.3 The assessment under sections 95A and 95B of the Resource Management Act have concluded that public or limited notification is not required for this application.

7.4 The proposed development is considered generally consistent with the relevant assessment criteria, objectives and policies of the Wellington District Plan and Part 2 of the Resource Management Act.

7.5 The application is considered appropriate for approval, subject to suitable conditions.

Daniel Coppell
Mt Hobson Properties Limited
August 2022

MT HOBSON GROUP
Town Planning & Resource Consent Solutions

APPENDIX 1

CERTIFICATE OF TITLE

MT HOBSON GROUP
Town Planning & Resource Consent Solutions

APPENDIX 2

BILLBOARD DESIGN PLANS

MT HOBSON GROUP
Town Planning & Resource Consent Solutions

APPENDIX 3

TRAFFIC REPORT

MT HOBSON GROUP
Town Planning & Resource Consent Solutions

APPENDIX 4

URBAN DESIGN REPORT