

RM number: RM210012
Date: 26 February 2021
Applicant: Prime Property Group Ltd
Agent: 4Sight Consulting Ltd
Address: PO Box 25356, Wellington
Attention: Laurence Beckett

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Our reference: RM210012

APPROVAL OF RESOURCE CONSENT FOR A DIGITAL SIGN AT 476- 486 JACKSON STREET PETONE (LOT 3 DP 341820)

Council granted consent for the following reasons:

- The proposed digital sign is of an acceptable scale, design and location to avoid adverse effect on amenity values; while also being acceptable in terms of traffic safety and maintaining the efficient functioning of the roading network.
- Conditions imposed on the consent under section 108 of the Resource Management Act 1991 will control, mitigate and remedy any environment effects caused by the subdivision.
- The proposal is consistent with the policies and objectives of the city's District Plan.
- Council has given due regard to the New Zealand Coastal Policy Statement, any national, regional or proposed regional policy statement and any other regulations in reaching its decision. Council considers there are no other relevant matters that need to be dealt with.
- The proposal is consistent with the purposes and principles of Part II of the Resource Management Act 1991.

1. PROPOSAL

The proposal is to replace the existing 18m² static sign with a digital sign/ billboard at 476-486 Jackson Street, Petone. The sign fronts the Waione Street frontage of the application site.

The proposal is to remove the existing plywood sheets that form the backing behind the existing static billboard and replace these with multiple linked digital panels. The support structure to the sign is also to be updated. The face of the replacement billboard will be the same size as the existing sign (6m x 3m) and is approximately 6m in height.

It is proposed that the billboard be lit/ illuminated 24 hours a day, 7 days a week. The advertisements displayed on the billboard, luminance levels and dwell times will be electronically controlled. The applicant states the sign material and content is to be designed and maintained in accordance with the relevant objectives and standards of the NZTA Control Devices Manual, including the following requirements:

- The minimum letter size of words is 150mm (main words) and 75mm (secondary message); Fonts must be in accordance with Section 6.4 of the Manual;
- Each image must be static from first appearance to replacement and must have a minimum display time of 10 seconds;
- The images that are displayed will not include graphics, colours or shapes that would resemble, and be confused with traffic control devices.

It is noted that the sign complies with the permitted activity conditions for the General Business Activity Area.

2. SITE DESCRIPTION

The application site is located at 476- 486 Jackson Street, Petone. It is a large 5.5ha commercial property that has frontage to Jackson Street in the north, and East Street and Waione Street in the south. The property contains a range of commercial buildings as well as sealed to provide vehicle access, manoeuvring and parking space. The existing buildings are currently occupied by a range of different businesses including light industrial and other commercial activity.

The existing billboard is built within the southwest corner of the site that has frontage to Waione Street contained within this property. There is a 16m (approx.) separation distance between the site boundary and the formed edge of Waione Street; the sign is set that distance back from the kerb. The existing sign/ billboard is (6m x 3m) and approximately 6m in height. The sign currently displays a real estate ad for property that is for sale in The Quarter development in Seaview. The sign has however previously been used to advertise other activities and businesses.

The site is situated within the General Business Activity Area of the City of Lower Hutt District Plan. The site is not subject to any designation, heritage protections, identified natural hazards or significant natural, cultural or archaeological resources under the District Plan.

It is noted a tributary to Te Awa Kairangi/ Hutt River flows through the site near the eastern boundary of the property to discharge to the Hutt River via a culvert below Waione Street.

The legal description of the site is Lot 3 Deposited Plan 341820 held in Record of Title 172056. There are a number of interests are registered on the title that are not considered to impact this proposal.

3. RELEVANT PLANNING RULES AND REGULATIONS

District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the General Business Activity Area, which this proposal falls within, are contained in chapters 6A and 14B Signs.

The proposal requires resource consent for the following District Plan non-compliance(s):

- Controlled Activity pursuant to rule 14B 2.2 given the sign is within a Business Activity Area and fronts Waione Street, Petone.

Matters in which Council Seeks to Control and Standards and Terms:

Visual Amenity Values:

- (i) 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.

Traffic Effects:

- (ii) 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.

National Environmental Standards

The proposal does not require assessment under any National Environmental Standards.

4. PERMITTED BASELINE

The permitted baseline allows a consent authority to disregard environmental effects that are the same as could arise from a permitted development.

The permitted baseline within the General Business Activity Area allows for signage to be established on the site within the limits defined by the permitted activity conditions for Signs. The permitted activity conditions include a maximum height of 8m for a free-standing sign, a maximum face area of 20m². If a sign is to be lit, they shall be lit by constant illumination, and shall not flash; it must also have no moving part.

It is noted that the application is a controlled activity given the site fronts Waione Street however the above gives a baseline for what could be permitted in the activity area and provides some relevance to this assessment.

5. NOTIFICATION ASSESSMENT

Council must assess any resource consent application under section 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 details a four step process that must be followed, and triggers or precludes notification of applications in certain circumstances. The sections below follow the four step process for public notification (under section 95A) and limited notification (under section 95E).

5.1 - PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to section 95A of the Resource Management Act, this section follows the 4 step process to determine if public notification is required.

Step 1 - Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances.

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

Public notification is not mandatory under step 1.

Step 2 - Public notification is precluded in certain circumstances

If public notification is not required under step 1 it may be precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	Yes
Is the application for one or more of the following (but no other) activities? ▪ A controlled activity ▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status	Yes

Public notification is precluded under step 2. This is given the proposal is a controlled activity and pursuant to rule 17.21 (a) of the District Plan public notification is precluded.

Step 3 - Public notification is required in certain circumstances

Step 3 sets out criteria where public notification must be undertaken in certain circumstances. However as public notification is precluded under step 2, assessment under step 3 is not required.

Step 4 – Public notification is required in special circumstances

If public notification is not required under step 3 it may still be warranted where there are special circumstances.

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. This land use consent application is for a digital sign. This is not considered to be an unusual proposal. It is noted that the proposed sign requires consent as a controlled activity; it is considered that the District Plan provides clear policy direction and assessment matters. On this basis I do not consider there to be any special circumstance that warrant public notification of the proposal.

Conclusion

Public notification is not required.

5.2 - LIMITED NOTIFICATION STEPS - SECTION 95B

As determined in section 5.1, public notification is not required. Pursuant to section 95B of the Resource Management Act, a 4 step process must therefore be followed to determine if limited notification is required.

Step 1 – Certain affected groups/persons must be notified

Limited notification is mandatory for certain groups/persons.

Are there affected customary rights groups?	No
Are there affected customary marine title groups (for accommodated activities)?	No
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

The site is a statutory acknowledgement area as the Hutt River flows through the site near the eastern boundary; input has been sought from representatives of the Port Nicholson Block Settlement Trust and Ngati Toa. No response has been received. The subject site is not known to contain any other features of cultural or archaeological significance, and no works are proposed within the river itself. As such, I consider any potential adverse effects on any persons to whom a statutory acknowledgement is made to be less than minor.

Limited notification is not required under step 1.

Step 2 – Limited notification is precluded in certain circumstances

Limited notification to any other persons not referenced in step 1 is precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	Yes
Is the application for the following, but no other activity: A controlled activity (other than a subdivision) under the District Plan	Yes

Limited notification is not precluded under step 2. This is given the proposal is a controlled activity and pursuant to rule 17.21 (b) of the District Plan limited notification is precluded.

Step 3 – Certain other persons must be notified

Step 3 sets out criteria where limited notification must be undertaken in certain circumstances. However as limited notification is precluded under step 2, assessment under step 3 is not required.

Step 4 – Limited notification is required under special circumstances

If limited notification is not required under step 3, limited notification may still be warranted where there are special circumstances.

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
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For the reasons outlined under step 4 in section 5.1 above I do not consider there to be any special circumstances that warrant limited notification of this proposal.

Conclusion

Limited notification is not required.

5.3 - NOTIFICATION DECISION

In accordance with the notification steps identified above the application shall proceed on a non- notified basis.

6. DETERMINING THE APPLICATION

Section 104 requires, when considering a resource consent application, that Council must, subject to Part 2, have regard to any actual or potential effects on the environment; any measure agreed or proposed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any negative effects; any relevant provisions of a National Environmental Standard; other regulations; a National Policy Statement; a New Zealand Coastal Policy Statement; a Regional Policy Statement or proposed Regional Policy Statement; a plan or proposed plan; and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.1 - ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT UNDER S104(1)(A)

Visual Amenity Values:

- (i) *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.*

The nearest neighbouring houses within the General Residential Activity Area are located approximately 450m and 280m away in the east and west respectively, as such it is considered that the sign will not be visually dominant for persons at these properties.

The General Recreation zoned land to the north and east of the site is separated from the proposed billboard sign by approximately 130m. It is also 'behind' the part of the site that contains the stored shipping containers and the Hutt River with the sign orientated away from this recreation land where persons using this land will generally do so in a transient manner.

The proposal is in keeping with the permitted activity conditions for the signs zoning in terms of height, size, illumination and movement. The applicant is to control brightness of the sign, by way of an automated light-level management system which will reduce the creation of unreasonable light spill. There is no potential for luminance levels to exceed 8 lux measured at the window of any dwelling, given the separation distance between the digital sign and the nearest neighbouring houses, and because it is proposed to control luminance levels.

It is noted that the digital sign is replacing an existing sign with the same dimensions. Further it is noted the land to the west and south of the site is also within the same (General Business Activity Area) zone, so the same activity conditions apply to these properties.

Given the above it is considered that the proposal will have less than minor effects on all persons and the surrounding area and is therefore acceptable.

Traffic Effects:

- (ii) *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.*

As noted above the digital sign is replacing an existing static sign with the same dimensions in the same location. The applicant has proffered conditions to mitigate potential effects on traffic as follows:

- luminance levels will be electronically controlled to ensure the billboard is not visually obtrusive and the image is not a distraction,
- advertising material displayed on the billboard will not move,
- words and number will be large enough to be readable by motorists,
- colours will not reflect those of traffic control signals,
- the ad dwell times will be long enough to ensure a motorist is able to read the sign without being distracted, and
- the changeover time between ads will be short enough to ensure displayed images do not appear as a moving image.

The application has also been reviewed by Council's Transport department who did not raise objection subject to the proposal being in accordance with the District Plan. As a controlled activity it is considered that the proposal is in accordance with the District Plan and given there is no objection from Council's Transport department it is considered the proposal will not distract motorists or obstruct the roadways, cycle and pedestrian ways. It is considered the proposal is acceptable in terms of traffic safety and will maintain the efficient functioning of the roading network.

Conclusion

I consider the actual or potential effects on the environment to be acceptable for the reasons outlined above.

6.2 - ASSESSMENT OF THE RELEVANT PROVISIONS OF THE DISTRICT PLAN UNDER S104(1)(B)

Objectives and policies of the District Plan

I consider the proposal is consistent with the relevant District Plan objectives and policies identified below:

General Business Activity Area Objectives and Policies

6A 1.1.1 Accommodation of a Mix of Activities - Objective

To accommodate those non industrial activities which are suitable in the General Business Activity Area and which do not cause adverse effects on amenity values of the area and the receiving environment.

Policy That the accommodation of non industrial activities avoids or mitigates adverse effects on the amenity values of the area and the environment.

6A 1.1.2 Main Entrance Routes – Objectives

To enhance the image and visual appearance of main entrance routes of the City where they pass through the General Business Activity Area.

Policy That the design, appearance and scale of structures or buildings fronting main transport routes be managed to emphasise the importance of the area as a major access to the City. That the effects of activities fronting Railway Avenue, Hutt Road, Waione Street, and State Highway No.2 be managed to enhance the image of these main entrance routes and avoid adverse effects on the amenity value and character of the surrounding areas.

Waione Street:

The Esplanade and Waione Street carry a significant volume of traffic along the Petone foreshore area... There is a contrast between, on the one side of the road, a building dominated townscape, and on the other, a panoramic seascape. There is a transition at Waione Street from a seaside cottage style residential area to an industrial area which has a built up nature. The distinct industrial character and diversity of form contributes to signaling progression along the route. This contrasts with the openness and long range views to both the central city, and the river and harbour that can be obtained from the Estuary Bridge. The buildings located close to the street boundary provide a sense of enclosure which contrasts with the openness of The Esplanade and the Hutt River, and emphasises a sense of progression along this route.

The aim of the policies is to maintain the sense of enclosure and contrast with open panoramic sea views on other stretches of the entrance route.

Signs

Objective 14B 1.1 Amenity values, and policies (b), (e) & (g)

Objective 14B 1.2 Traffic safety and visibility (a) & (c)

The proposed sign is considered of an acceptable scale, design, content and location to avoid adverse effect on amenity values with mitigation measures in place to control illumination. It is also considered the proposal is acceptable in terms of traffic safety and will maintain the efficient functioning of the roading network.

Based on the above assessment I conclude that the proposal is consistent with the objectives and policies of the District Plan.

6.3 - ASSESSMENT OF THE RELEVANT PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS UNDER S104(1)(B)

I consider that there are no other relevant provisions of national environmental standard, other regulations, national policy statement, New Zealand Coastal Policy Statement or regional policy statement or proposed regional policy statement that regard must be had.

6.4 – PURSUANT TO S104(1)(C) ARE THERE ANY OTHER MATTERS RELEVANT AND REASONABLY NECESSARY TO DETERMINE THE APPLICATION?

I consider there are no other matters relevant and reasonably necessary to determine the application.

6.5 - PART 2 OF THE RESOURCE MANAGEMENT ACT

I consider the proposal meets Part 2 matters of the Resource Management Act 1991.

6.6 - SUBSTANTIVE DECISION

In accordance with section 104A, after considering an application for resource consent for a controlled activity, a consent authority must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity. As sufficient information has been provided to determine the activity is a controlled activity the resource consent is granted under s104A.

I impose the following conditions under s108 for those matters over which control is reserved in national environmental standards or other regulations; or over which it has reserved its control in its plan or proposed plan.

7. CONDITIONS OF RESOURCE CONSENT

In accordance with s108 of the Resource Management Act, resource consent has been granted subject to the following conditions:

1. That the proposal is carried out substantially in accordance with the information and approved plans (CHP Wellington Ltd: Drawing Number: 81418- 01 & 02 Rev A, dated Dec 2018) submitted with the application and held on file at Council.

Note: This condition addresses an essential administrative matter.

2. That the consent holder advises Council (enforcement@huttcity.govt.nz or 04 560 1044) at least two working days before any work starts on site; and that the consent holder also supplies the name, phone number and address of the main contractor and, if applicable, the same details for the earthworks company.

Important notes:

- When given notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on. Please note that additional monitoring visits will be charged at \$170 per hour.
- Notification of work commencing is separate to arranging building inspections.

Note: This condition addresses an essential administrative matter

3. The consent holder shall ensure that the signs are designed in accordance with the design recommendations (letter style, letter hierarchy, sign background, and contrast) contained within section 6.4 of the New Zealand Transport Agency's Traffic control devices manual part 3: Advertising signs (2011).

Note: A link to this manual can be found at the following address:

<http://www.nzta.govt.nz/assets/resources/traffic-control-devices-manual/docs/part-3-advertising-signs.pdf>

Dwell Time:

4. The signs images must have a minimum dwell time of 8 seconds and must transition from one image to the next via a 0.5 second dissolve.

Image Contents:

5. The image content of the sign must comply with the following requirements:
 - All advertising must comply with the Advertising Codes of Practice.
 - Image content shall be static and shall not incorporate flashes or movement.
 - Images shall not use graphics, colours or shapes that could cause confusion or conflict with any traffic control device or invite or direct a driver to undertake an action that could conflict.
 - Images on the billboard should not be linked to "tell a story" across two or more sequential images.
 - The minimum letter height for main message is 150mm, property name is 100mm and secondary message is 75mm.
 - No sign shall contain a colour combination for the background or wording that is similar to those used for any official road sign or traffic sign.

Note: the consent holder is advised to consult with NZTA, either by email, phone or refer to their website guidance for additional details regarding colour combinations should there be any confusion

Lighting:

6. The luminance limit of the sign during hours of darkness must be set at 400cd/m², increasing to 5,500cd/m² during daylight hours.

Processing Planner:



Nick Eagle
Senior Resource Consent Planner

Peer reviewer:



Stephen Dennis
Principal Resource Consents Planner

Application lodged: 20 January 2021
Application approved: 26 February 2021
No of working days taken to process the application: 20

8. NOTES:

- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.
- In accordance with section 120 of the Resource Management Act 1991, the applicant, consent holder, on the application or review of consent conditions may appeal to the Environment Court against the whole or any part of this decision by the consent authority.
- The consent lapses, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years, that is, by 26/02/2026.
- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.
- The proposal has been assessed against the requirements of the city's District Plan. Bylaws may apply to the proposal that may require separate approval from Council before starting any site works. See huttcity.govt.nz for a full list of bylaws.
- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.
- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.
- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.

- Advice note from Heritage New Zealand: The property has, or is likely to have been occupied prior to 1900. Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.
- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: beforeudig.co.nz or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.
- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information contact the Transport Division via (04) 570 6881 or click the following link: huttcity.govt.nz/Services/Roads-and-parking/Vehicle-crossings/