

DECISION OF HEARING COMMISSIONER UNDER THE RESOURCE MANAGEMENT ACT 1991

Proposal:

Resource consent is sought to construct a digital billboard on the northern façade of the Sunset West Apartments.

This resource consent application is **GRANTED**. The reasons for this decision are set out below.

Application Number:	SR 500804
Site Address:	251 Victoria Street, Te Aro
Legal Description:	Lot 1 DP 552520
Applicant:	Nightingale Group Limited C/- Mt Hobson Group Limited
Hearing Date:	18 November 2022
Hearing Panel:	Angela Jones, Independent Hearing Commissioner
Appearances:	<u>For the Applicant:</u> Simon Berry – Counsel Graham Norman – Transport Brett Harries – Transport Review Richard Knott – Urban Design Hamish Firth – Planner Adam Wild – Historic Heritage <u>For the Submitters (Waka Kotahi):</u> David Rendall – Corporate Elliot Thornton – Planner Hamish Mackie – Human Behaviour Glenn Connelly – Safety <u>For Council:</u> Sarah Duffell – Urban Designer Dennis Davies – Traffic Engineer Cedric Tevaga – Planner
Commissioner's Site Visit:	16 November 2022, 24 November 2022
Hearing Closed:	13 December 2022

Summary of Decision

1. I, the Independent Resource Consents Hearing Commissioner, acting under delegated authority from the Wellington City Council (“the Council”), pursuant to s104B and 104C of the Resource Management Act 1991 (“the RMA”), and under the provisions of the Wellington District Plan (“District Plan”), **grant** resource consent for the reasons outlined in this decision report.

Appointment

2. I, Angela Jones, an independent hearing commissioner was appointed by the Council in terms of s34A of the RMA to hear the Applicant, Submitters, and the Reporting Officers for the Council, and to make a decision on the application.

Time Period for Decision

3. At the close of the hearing, it was stated that it was anticipated that the 15 working days to release the decision would be met as required by the Act.

Proposal

4. The proposal is to construct a digital billboard on the northern façade of the Sunset West Apartments at 251 Victoria Street, Te Aro, Wellington.
5. A detailed description of the proposal is described in the application document titled “Assessment of Effects on the Environment and Statutory Assessment”. I consider this to be a fair and accurate description.

Site and Locality

6. The subject site is located on the corner block interfacing Karo Drive (State Highway 1) and Victoria Street. It is occupied by a seven-story apartment building known as the Sunset West Apartments. Resource consent for the apartment buildings was granted on 18 September 2018 (SR No. 398336) and construction has since been completed. Aerial photographs showing the site and zoning boundaries are provided below.

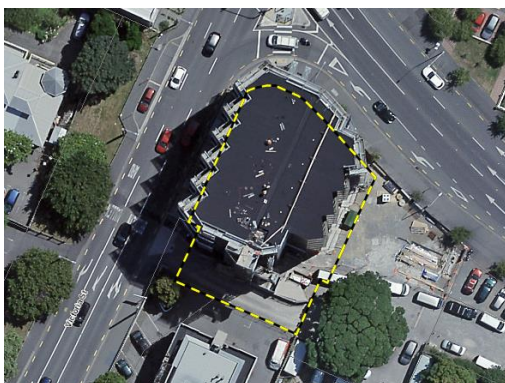


Figure 1: Aerial Photograph

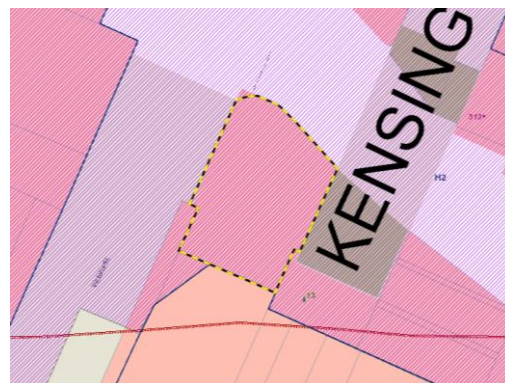


Figure 2: District Plan

7. Karo Drive (State Highway 1) is a one-way three lane road that expands into four for motorists wanting to turn off onto connecting roads. Victoria Street is a one-way three/four lane wide arterial road with a cycling lane on the eastern edge of the road reserve. The surrounding environment includes a combination of commercial and residential properties.

Activity Status

8. The site is located within the Central Area of the Wellington City District Plan (the District Plan). It is subject to the following notations in the District Plan:
- Te Aro Corridor
 - Designation – Appendix G: State Highway (Inner City Bypass – Stage 2) (Transit New Zealand – H2)
 - Low City Area
9. The s42A report, authored by Mr Tevaga, considers the proposal a Discretionary (Restricted) Activity under the District Plan.
10. Rule 13.3.9 provide for signs which would be permitted activities, but which do not meet one or more of the standards in 13.6.4.1, as a Discretionary (Restricted) Activity. The proposal is unable to comply with the following standards:
- Standard 13.6.4.1.3 – the proposed billboard is located on a building on or below 18.6m above ground level and exceeds 20m².
 - Standard 13.6.4.1.4 – the proposed billboard is located on a building above 18.6m above ground level and exceeds 15m².
 - Standard 13.6.4.1.7 – the proposed building is located in the Te Aro Corridor area and is to display information that does not relate to the activities within the site.
11. Under Rule 13.3.9 discretion is limited to:
- 13.3.9.1 moving images, text or lights
 - 13.3.9.2 position
 - 13.3.9.3 dimensions
 - 13.3.9.4 number of signs
 - 13.3.9.5 sign display signs located on buildings above 18.6m above ground level
12. Overall, the application is considered to be a **Discretionary (Restricted) Activity**.

Notification and Submissions

13. Pursuant to s95 of the Act, the application was processed on a limited notified basis. Notification of the application was served on Waka Kotahi NZ Transport Agency ('Waka Kotahi') as operators of State Highway 1.
14. Submissions closed on 5 July 2022 at 5.00 p.m. One submission was received, from Waka Kotahi.

15. The Council officer report prepared in accordance with s42A of the RMA identifies the following matters as the issues raised by the submitter:
- The proposed digital billboard has potential to distract motorists traversing past the application site and therefore increase the risk of crashes.
 - Visual clutter and cumulative effects generated by multiple digital billboards.
 - The Victoria Street and Karo Drive intersection is ranked in the top 50 most dangerous intersections in the country with recorded four crashes causing serious injuries. The intersection comprises various signages including road and traffic, advertising and building and business logos and names which could result in motorist confusion and inattention in conjunction with a digital billboard added to an already busy intersection.
 - Any crash at this intersection would affect the safety and disrupt the efficiency along the state highway network resulting in disruption and delays to the wider transport network. In addition, the intersection:
 - Is utilised by a high volume of users,
 - Is within scope of the Let's Get Wellington Moving project to reallocate road space for public transport and active modes and to improve/maintain existing footway space which will increase the number of vulnerable users and subsequently increasing risk to them,
 - NZ police data reports more monthly offences than the two installed red camera lights, with most months exceeding 100 offences,
 - One death occurred because of a serious crash in 2011.
 - The location and dwell time are inconsistent with the Waka Kotahi NZ Transport Agency Digital Billboard Guidance.
 - The proposal is contrary to Objective 12.2.10 and Policy 12.2.10.2
 - Wellington City is considered to have the highest personal risk level within the wider region according to the Wellington Regional Land Transport Plan.

Summary of Hearing

16. The hearing, held pursuant to s100 of the RMA, was held at Wellington City Council and evidence was heard on 18 November 2022. The submitter attended the hearing. A video link was also provided for observers not in attendance.
17. The hearing was opened at 9am and after initial introductions and procedural matters, the hearing commenced with the presentations by the applicant and their experts. The submitter spoke to their submission, and the Council officers provided their response. The applicant requested to provide their formal right of reply in writing. This was agreed to, and it was directed that this be provided by 2 December 2022. The hearing was then adjourned.
18. The applicant requested an extension to file their written right of reply to 5pm on 7 December. This was accepted via a Minute on 2 December 2022.
19. Two site visits were undertaken. The first was taken before the hearing on 16 November 2022 and the second after the hearing on 24 November 2022.

20. The applicant's right of reply was received on 7 December 2022. This reply included some case law, which I confirm I have read, although will not reference directly in this decision. The reply also included a set of draft conditions that has been agreed by the application and the Council officers present at the hearing.
21. The hearing was closed via a Minute on 13 December 2022.
22. During the hearing proceedings I exercised my right to question all persons presenting. I excused Mr Wild at the start of the hearing as I had no questions for him, and he had no rebuttal to present at the hearing.
23. During the proceedings evidence was heard from the applicant's Counsel and expert witnesses specialising in traffic safety, urban design, and planning; from the submitter and their expert witnesses specialising in planning, human behaviour and traffic safety; and from Council's reporting officer, transport and urban design experts. I asked that the rebuttal and corporate evidence provided on the 17 November 2022 by the applicant be read. Written notes of the verbal presentations, including answers to questions, were taken. The hearing was also recorded. The written evidence is held on file at the Council.
24. For the above reasons, I do not intend to record the material and presentations in full detail in this decision. However, specific issues raised in the material are referred to as appropriate in the Evaluation section of this decision. The following is a summary of the hearing sequence and key points raised during the hearing presentations.

For the Applicant:

Simon Berry – Counsel
Graham Norman – Transport
Brett Harries – Transport Review
Richard Knott – Urban Design
Hamish Firth – Planner
Adam Wild – Historic Heritage

For the Submitters (Waka Kotahi):

David Rendall – Corporate
Elliot Thornton – Planner
Hamish Mackie – Human Behaviour
Glenn Connelly – Safety

For Council:

Sarah Duffell – Urban Designer
Dennis Davies – Traffic Engineer
Cedric Tevaga – Planner

Simon Berry – Applicants Counsel

25. Simon Berry provided a written legal submission, which he verbally read.

26. Mr Berry stated that two billboards in proximity to the application site have 120 second dwell times. He discussed the applicant's intent to extend the dwell time of the billboard to 120 seconds to improve comfort and safety. He considered this a conservative approach, however the presence of the two other billboards in the area confirmed that this had been considered acceptable by Council. Mr Berry stated that while the traffic engineers considered a 15 second dwell time safe, this was a concession on behalf of the applicant.
27. Mr Berry accepted that the Operative District Plan had more weight than the Proposed District Plan.

Response to questions

28. In response to a question, Mr Simons:
- Confirmed that the applicant was amending their proposal for the billboard to have a dwell time of 120 seconds.

Graham Norman – Applicants Transport Engineer

29. Graham Norman verbally read his statement of rebuttal dated 17 November 2022.
30. Mr Norman explained that increasing the dwell time to 120 seconds would reduce the number of images a driver will see. Intersections have a 100 second phase time. Most motorists at the intersection would therefore see one image, with a limited number seeing two.

Brett Harries – Applicants Transport Engineer

31. Brett Harries stated that his rebuttal is focused on the submitter evidence prepared by Hamish Mackie. Mr Harries believes that there is a difference between academic evidence and real-life situations, and that his experience crosses the divide between the two.
32. Mr Harries verbally read his statement of rebuttal dated 16 November 2022.
33. Mr Harries stated that it was his personal view that intersection at the junction of Nelson, Union, Pitt and Hobson Streets in Auckland is magnitudes busier than the one subject to this application. The Auckland intersection has four digital billboards. It has been subject to multiple studies relating to digital billboards and there was no evidence of a reduction of safety.

Response to questions

34. Due to the overlapping expertise of Mr Norman and Mr Harries, my questions were directed to them both. In response to questions, they:
- Noted that not every intersection has red light running data. Where data is available, it provides information on how much light running converts to accidents. The subject intersection represents a typical crash pattern for a signalised intersection in an urban area.

- Identified that this intersection is not particularly bad or different than other urban intersections in New Zealand. The Auckland intersection example that was discussed in Mr Harries rebuttal has significantly more red light running crashes than the subject site and is at the top end. In comparison, this intersection is 'typical' in that it is an arterial road in a central area where it is typical people want to sneak through.
- Stated that red light issues are related to intersection layout, closely related intersections, and traffic in the area. This intersection does not have a traffic safety issue.
- Confirmed that high risk intersections are identified based on Waka Kotahi's high risk intersection guidelines and based solely on crash history. This intersection is considered medium risk on a set guideline and standard. The guidelines should be referred to when identifying risk profile.
- Expressed that there is a lot of research on digital billboards. Digital billboards are not the same everywhere and include variable dwell times from 5 seconds to brighter illumination and instantaneous transition. The applicants' experts have tried to look at recent research but also research in locations that operate similarly to New Zealand. Australia does in that illuminance and dwell times are similar. The research discussed by the submitter includes Swedish study, which is on billboards on the motorway rather than an urban street.
- Discussed recent research has concluded that there was little value focusing on something where there was no effect, such as external distractions. Interior distractions such as cell phones and consoles were the focus of more recent studies as it was concluded this is what distracts drivers.
- Discussed what constitutes distraction. Distraction is only where driver performance is impaired. Glancing at an advertising sign while driving is similar to seeing other things while driving.
- Discussed the relevance of crash data. Crash data is not 100% accurate as it relies either on Police attendance at a crash or people filing a report. The police traffic crash report is read by someone else, who then interprets what is written down to standard codes which could lead to inaccuracies. However, patterns are easily identifiable due to the quantity of these reports which gives some confidence to the fact that even if some are missed, it is only a very small number.
- Clarified the Megamaps platform. This tool provides context for identifying a safe and appropriate speed. The platform has a number of identified factors that help reach the conclusion. This intersection was likely historically identified as high risk and this has been carried through.
- Stated that the condition to remove letter height is sought to be removed as this is a hard condition to monitor, and lettering is hard to measure when on a billboard. Advertising companies inherently have an interest to make the screens readable, so this is not necessary. There should not be restrictions on letter size where text is part of an image, where it is not intended to be read, or where it is required as a legal disclaimer.
- Confirmed that a 0.5 second dissolve is considered the most appropriate. It is based on trials in Auckland; New Zealand is considered the leader and other countries are adopting the same dissolve time.
- Clarified that the term 'road users' includes every road user, including cyclists, car drivers and scooterists.

Richard Knott – Applicants Urban Designer

35. Mr Knott verbally summarised his statement of evidence dated 3 November 2022.

Response to questions

36. Mr Nightingale explained that solid concrete walls were originally meant to be used for the exterior wall. The construction methodology however required that pre-cast concrete be used. The resulting negative detail was not intended to be a design feature but was a consequence of construction. He also confirmed that all other equipment for the billboard such as cabinets would be inside the building.

37. In response to a question, Mr Knott:

- Stated that the negative detail of the pre-cast concrete is a ‘take-away’ from the obvious vertical detail that should have been.
- Acknowledged that design excellence was achieved for the granting of the resource consent for the construction of the building. Design excellence is not a matter of discretion for the subject application; however the matters of discretion do discuss integrity as a whole. It is difficult to see how a plain façade of the building contributes to the design excellence, which is more focused on elements such as the balcony detail, for example.
- Expressed that the addition of the billboard adds interest to this elevation which does not necessarily display design excellence.
- Considered that the addition of the billboard does not reduce the design excellence of the building as a whole. The design excellence comes from the detail of the areas of the building such as the balcony (zig zag shape) whereas the elevation facing the intersection is designed to be a simple elevation that joins that, as a secondary role perhaps. The billboard doesn’t take away from this, but adds to the perception of a vertical wall (and covers the horizontal detail).
- Explained the design process for the billboard. Any billboard would need a vertical elevation. A smaller billboard option was considered but sketching didn’t see it sitting as comfortably within the building. A frame was included as it resulted in a neater appearance, enabled the structure to be hidden nicely behind, and resulted in a more finished appearance. It is both a function and a design response.

38. In response to a question as to whether the billboard would sit flush on the façade, Mr Berry confirmed this would form part of the written reply.

Hamish Firth – Applicants Planner

39. Hamish Firth verbally read his statement of rebuttal dated 17 November 2022.

Response to questions

40. In response to questions, Mr Firth:

- Commented that the applicant's permitted baseline was on the basis that the building does not need to be residential and could be commercial and therefore provides a context for what could occur. Similarly, a digital billboard could be used for apartments. Overall, the assessment does not matter as their application doesn't rest on a permitted baseline.
- When questioned on whether there was an obligation to consider design excellence when a building was granted consent to be constructed on such basis, stated that design excellence should be a consideration for proposals going forward.

For the Submitters

41. Mr David Rendall, Mr Elliot Thornton, Mr Hamish Mackie and Mr Glenn Connelly were present at the hearing on behalf of Waka Kotahi. A summary of their presentations at the hearing is below.

Mr David Rendall – Corporate, Waka Kotahi

42. Mr Rendall verbally read his statement of evidence dated 10 November 2022.

Response to questions

43. In response to questions, Mr Rendall:

- Confirmed that "Let's Get Wellington Moving" had not identified any specific projects in this location and was in concept stages only.
- Confirmed that he would provide additional information on whether Waka Kotahi had elevated its caution to billboard proposals given safety priorities and reduction targets in response to the Government Policy Statement on Land Transport (GPS) and Road to Zero.

Mr Elliot Thornton – Planner, Waka Kotahi

44. Mr Thornton summarised his background. He stated that recirculation of evidence doesn't change the evidence, just the terminology.

45. Mr Thornton stated that the change in dwell time does not change Waka Kotahi's assessment. They still object to any billboard that is unacceptable. Having regarded the existing environment, the information available does not change the view that this intersection is complex and high demand.

46. He advised that he was focusing on this intersection, not other intersections which were discussed in the applicant's rebuttal evidence.

47. Mr Thornton stated that the applicant relied on Australian research. They should instead be relying on this site. The presence of digital billboards elsewhere is not necessarily relevant to the Wellington context. Therefore, a precautionary approach should be applied.

48. Mr Thornton advised that there is an increase in crash rate of Victoria Street but there is no confirmed link to billboards. Based on the evidence before him, he considers that there is a medium crash rate, which is perhaps more than minor.

49. Regardless of the dwell time, Mr Thornton advises there is enough suggestion that the billboard will cause an effect. Unquantified risks should not be disregarded, as is the same with natural hazards and earthquakes. A precautionary planning approach is acceptable.
50. Mr Thornton believes there is no relevant permitted baseline. This location is within the Te Aro corridor where third party advertising is restricted. As such, it is not relevant to consider a permitted baseline elsewhere in the city as being relevant to this location.
51. Mr Thornton stated that a billboard of half the size would not be commercially viable in this location. He also stated that there is very little public benefit of a billboard in this location.
52. Mr Thornton is of the opinion that low probability of accidents doesn't mean negligible, and is therefore unacceptable. There is a possibility of misreporting to not accept responsibility for insurance reasons.
53. Mr Thornton expressed that there needs to be consideration of economic and social effects on the wider traffic network, and damage to the environment and infrastructure.
54. While there is a low probability of accidents, they potentially result in serious outcomes.
55. The discussion on SH2 (another billboard proposal for which consent was declined) is relevant to this proposal, however there are also differences as this is an intersection.
56. Mr Thornton stated the proposal is contrary to the relevant objectives and policies of the District Plan and Wellington Regional Policy statement. The proposal also requires consent under Rule 13.4.13 for alterations or additions to a building, although this rule has not typically been applied this way in previous consents.
57. While the proposal was limited notified to Waka Kotahi, Mr Thornton believes it should have been publicly notified as the effects are on the wider public traffic environment.

Response to questions

58. In response to questions, Mr Thornton:
 - Clarified that research is more relevant if it is site specific. While research from other locations can't be disregarded, the weighting of it should be considered.
 - Confirmed that economic and social effects on the wider traffic network and damage to the environment and infrastructure is not relevant for a restricted discretionary activity. However, all areas of traffic safety need to be considered.
 - Did not provide comment on the draft conditions and requested a further opportunity to review draft conditions.

Mr Hamish Mackie – Human Behaviour, Waka Kotahi

59. Mr Mackie states that literature confirms digital billboards create a distraction but it doesn't confirm if this correlates to traffic safety risk. Research and recent literature infer that billboards result in a cognitive distraction.

60. Mr Mackie states that distraction needs to be looked at from multiple facets, such as lane changes, changes in speed environments and limits, and the complex array of road users. When undertaking a site visit Mr Mackie observed high travel speeds. There is also research which suggests digital billboards hinder lane changes.
61. Mr Mackie explained that while literature does not give us all the answers, it does give a framework to consider the Human Factors approach. This means the influence on human factors.
62. Mr Mackie states that the high crash rate is not surprising, and that the application site is in a tangible crash environment. When considering the relevant literature, it is his view that there is an unacceptable increase in traffic safety risk when the objective is to improve safety.

Response to questions

63. In response to questions, Mr Mackie:

- Acknowledged that research is inconclusive in determining driver distraction. While there are possible effects, a larger and conclusive study is needed to make the linkages. Crashes are underreported. We do know that distraction causes crashes, and if we know that billboards cause a distraction, then this is the correlation.
- Confirmed that the risk is still an “actual risk” given the literature and theory. It is hard to perfectly correlate and therefore hard to quantify the size of the risk.
- Considered that the Swiss Cheese Model referred to by Mr Harries was not realistic given the complex nature and variability in factors.

Mr Glenn Connelly – Traffic Safety, Waka Kotahi

64. Mr Connelly clarified that Waka Kotahi have not suggested that the intersection is unique, but that it is complex. The speed steps from 30km/h to 50km/h, there are multiple lanes, and there is red light running which causes concern.
65. Mr Connelly stated that crash data is underreported. Further, reporting codes are not always accurately used. Just because it is not accurately reported, driver distraction should not be discounted.
66. He confirmed that five years is the industry standard for reporting crash data. There have been improvements in traffic safety since upgrades to the intersection.
67. Mr Connelly does not agree that billboard distraction does not cause incidents. Care and caution should be given. Research shows that billboards increase glance and reduced following distances when glances specific to billboards.
68. Mr Connelly stated that a two minute dwell time is reasonable and fair in the correct location, but that a longer dwell time may be warranted in some circumstances.
69. Mr Connelly states that the chance of accidents is low. However, with vulnerable road users, if something does go wrong it can be serious, and that with red light running caution should be exercised.

70. Mr Connelly confirmed it is possible to have a high risk intersection with low crash risk e.g. if speeds are low.

71. He supports a letter height condition as its part of simple and concise objective for signs.

72. Reiterates that his main concerns are based on speed and risk to vulnerable road users.

73. Mr Connelly makes the following comments on the draft conditions provided as part of Mr Firth's statement of evidence:

- Condition 16 – safety reviews needs to extend beyond 12 and 24 months. It should be on-going, even for five years.
- Condition 17 – should be on influence distance and include more CAS database codes to ensure any attributed incidents are captured in the review.
- Additional condition – removal of sign should be an option if it is an actual safety issue.

Response to questions

74. In response to questions, Mr Connelly:

- Stated he did not know where the subject intersection sat on Waka Kotahi's 50 worst intersections. This list is used to help identify priority for road safety improvements. Megamaps has it listed as 47.
- Confirmed that the increase in dwell time to 120 seconds does not remove the fact that there is a risk to vulnerable road users. Therefore, it does not change Waka Kotahi's assessment and they still oppose the billboard in this location.
- When questioned about the available research and correlation to traffic safety risk, Mr Connelly stated that there was research on both sides. If there is a risk of driver distraction, a precautionary approach should be taken. Mr Mackie has research to support this.
- Concluded that the SH2 billboard decision is relevant to this proposal in that billboards create distraction and do cause accidents. Research shows that billboards have an effect on crash rate. While the SH2 decision is in a different environment, it identifies that billboards have the ability to distract drivers and create accidents. With regard to another billboard at a different location on Victoria Street, crash incidents have increased from 3.1 to 5, but is not sure if this is a direction correlation to the billboard.
- Confirmed that simulation studies show distraction from billboards.

For the Council

75. Ms Sarah Duffell, Mr Dennis Davies and Mr Cedric Tevaga were present at the hearing.

76. A summary of the Council response at the hearing is below.

Ms Duffell – Urban Design

77. An Urban Design Assessment prepared by Ms Duffell was included in Appendix 4 of Mr Tevaga's s42A report. Ms Duffell provided a verbal update.
78. Ms Duffell states that the building is approximately two floors over the height limit for the area. The building has design excellence, the height is not excessive for the area, and is appropriate for a city block. Flat parts of the façade provide counterbalance to more detailed parts of the façade. The negative joints are not a design feature. It was the compositional design of the building which achieved design excellence.
79. There is a design guide for signs in the District Plan which comprises eight points. It is Ms Duffell's opinion that if a billboard was considered appropriate (which she does not) then the proposed billboard is appropriately positioned and in proportion to the façade. She however notes that the billboard doesn't meet point two in the Design Guide being "Relationship to Surrounding Context".
80. With regard to the other points, Ms Duffell concludes that it does not compete with other large-scale signage in the area, digital signs by nature are well maintained, and design quality is achieved.
81. When compared with a billboard at 114 Adelaide Road, the context of the subject application is quite different. For the application building, the blank façades are "bookends".
82. Ms Duffell makes the following comments on the draft conditions provided as part of Mr Firth's statement of evidence:
- Conditions should state that ancillary design structures (such as cabinets) are to be located within the building.
 - Condition 2 – should include a method of attachment, and the nature of the framing around the sign, including design and colour.

Response to questions

83. In response to questions, Ms Duffell:
- Confirmed that if there is to be a sign on the building, it is appropriately located on the façade.
 - Stated that the composition of the building was important for design excellence. A billboard will erode its design with the building becoming 'less excellent'. It would be shame to have a billboard and unfortunate for the building, and the outcome would be eroded.
 - Confirmed that urban design concerns relate both to wider visual amenity and impacts on the individual building, as the qualities of the building contribute to the visual amenity of the area.

Mr Davies – Traffic

84. A Traffic Assessment prepared by Mr Pungiah was included in Appendix 2 of Mr Tevaga's s42 report. Mr Davies provided a Traffic Assessment Addendum as Appendix 3 of Mr Tevaga's s42 report. Mr Davies provided a verbal summary.
85. Mr Davies confirmed that his position generally aligned with Waka Kotahi's traffic safety experts, in that the proposal constitutes a traffic safety risk. That being said, the change to a 120 second dwell time has significantly decreased his level of discomfort with the proposal.
86. Mr Davies makes the following comments on the draft conditions provided as part of Mr Firth's statement of evidence:
- A condition should be imposed where by the screen will go black if it malfunctions.
 - Condition 16 – the traffic review needs to be done by an independent traffic engineer.
 - Condition 20 – needs to include a requirement that the changes need to be implemented.
 - A condition should be imposed whereby any significant event will trigger the need for a road safety review.
 - There should be a condition requiring a minimum letter height (with the exception of a disclaimer).

Response to questions

87. In response to questions, Mr Davies:
- Confirmed that if the information on the sign is well designed, clear and concise, it doesn't become a distraction above and beyond other major intersections in the city.
 - Stated that if the application had been submitted with a 120 second dwell time, there would have been a greater focus on whether this was sufficient mitigation. At eight seconds it was out of the question, whereas at 15 seconds effects were reduced. By having a 120 second dwell time, the billboard will be manageable with a good monitoring regime. If completely static, for example 15 minute dwell time, Mr Davies would not have opposed it and been more comfortable with the proposal.

Mr Cedric Tevaga – Planner

88. A report prepared in accordance with s42A of the RMA was prepared by Council's Planner, Mr Cedric Tevaga, and was pre-circulated to all parties and taken as read.
89. The s42A report evaluates the initial proposal against the relevant statutory criteria, including the effects on the environment as well as the policy framework of the Operative District Plan, Proposed District Plan, and the Regional Policy Statement.
90. In his s42A report, Mr Tevaga concludes that overall, the proposal will have adverse traffic and visual effects, is contrary to the relevant objectives and policies under the Proposed and Operative District Plans, and does not meet the intention of Part 2 of the Act. Mr Tevaga recommended that the proposal be declined pursuant to s104C of the RMA.

91. At the hearing, Mr Tevaga provided a verbal summary addressing the proposal's amendments and additional information provided at the hearing.
92. Mr Tevaga stated that the traffic engineer, Mr Davies, was generally comfortable with the proposal with a revised dwell time of 120 seconds, but would still prefer no billboard.
93. In his opinion, there is still uncertainty on traffic related effects. Therefore, Mr Tevaga would take a cautious approach.
94. With regard to urban design, Mr Tevaga is of the view that there is still an obligation to maintain design excellence.
95. Mr Tevaga remains of the view to recommend decline based on traffic and urban design effects.

Response to questions

96. In response to questions, Mr Tevaga:
- Maintained that, in his view, there is no relevant permitted baseline. He does not accept that non-third party signs would be allowed.
 - Confirmed his view that design excellence should be maintained once achieved.
 - Confirmed that he had no further comment on the draft conditions.

Applicant's Right of Reply

97. The Applicant was to provide their formal right of reply in writing, as discussed earlier. Mr Berry included the following in a brief oral reply at the hearing:
- Mr Berry disagreed with Waka Kotahi's precautionary approach and stated that this does not apply in the RMA, which was not a "no risk" statute. Waka Kotahi's Road to Zero is not drafted into the RMA. Further details on this would be provided in the written right of reply.
 - The applicant's case sought to look at the actual effects of the proposal, whereas Waka Kotahi tried to muddy the waters with theoretic assessment.
 - Billboards aren't inherently distracting. This was the starting point for Waka Kotahi's submission, and that they must therefore lead to adverse effects. They then applied a precautionary approach. This approach is not supported by evidence.
 - Mr Norman provided site specific evidence. This was not done by the Waka Kotahi. The submitter's experts did not respond to the applicant's evidence.

Findings of the Principal Issues in Contention

98. Pursuant to s104C of the RMA, in considering an application for a resource consent for a Restricted Discretionary Activity, the Council must consider only those matters over which it has discretion. Conditions can only be imposed where they are within the matters over which the Council has discretion.

99. The matters of discretion are identified earlier in this decision under 'Activity Status'.

100. After analysing the application and evidence; undertaking a site visit; reviewing the s42A report; the submissions; and the right of reply; the proposal raises two principal issues in contention. These matters are concerned with:

- Permitted baseline
- Visual effects
- Traffic effects

Permitted Baseline

101. Section 104(2) of the RMA provides that when considering an application for a resource consent the consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. Council may use their discretion as to whether or not to apply a permitted baseline when considering an application.

102. The permitted baseline prepared by the applicant provides for non-moving signage, with a maximum area of 20m². It is unlikely that signage of this size would be required for residential apartments, and therefore the activities within the site would need to change to commercial. I consider this somewhat unreasonable and unlikely in this context.

103. For the reasons above, I agree with Mr Tevaga's position that there is no credible or relevant permitted baseline in which to compare this proposal.

Visual Effects

104. An issue of contention was whether the negative detail created by the precast concrete panels is an architectural feature.

105. Council's s42A report identified the flat precast concrete panels with horizontal negative detailing as an architectural feature, given it provided a visual counterbalance to the more detailed façade of the apartment building. Ms Duffell noted that the flat parts of the building achieved this counterbalance, although at the hearing agreed that the negative joints are not a design feature.

106. The applicants written right of reply stated that the negative detail was not an intentional design element but rather a practical construction choice. Mr Knott's view is that a billboard would enhance the overall design excellence of the building as it would cover the precast wall which he considers did not add to the building's design excellence.

107. After reviewing all the information available to me, I agree with the applicant's evidence that the negative detail is not an architectural feature. This is consistent with the view of Ms Duffell presented at the hearing. The proposal therefore complies with standard 13.6.4.1.2 as the

billboard is displayed on a plain wall surface and does not obscure any windows or architectural features.

108. Ms Duffell considers that the proposal will have a negative urban design impact on both the wider visual amenity and the individual building. It is her opinion that a billboard will reduce the design excellence achieved by the building.
109. Mr Knott's opinion is that the billboard respects the design and appearance of the building and is a small feature relative to the overall size of the building. Further, it will bring greater interest and vitality to the building and to the local area, delivering an overall benefit to the character and appearance of the area.
110. After reviewing all information provided to me in regard to the visual effects of the proposal, I acknowledge there will be a change to the existing environment. I do not agree with Mr Knott's assessment that overall, the billboard will be a positive outcome in terms of visual effects. However, the effects of this change are not such that would significantly erode the design qualities of the building or the streetscape in the immediately surrounding environment. Drawing on all the information provided to me, I concur with the applicant that the visual effects of the billboard are acceptable.

Traffic Effects

111. Traffic effects was the main matter of contention. All parties agreed that the subject intersection is complex, although the parties disagreed on its level of complexity and the level of risk associated with the intersection. Notwithstanding, the main issue of disagreement was whether the billboard will result in an unsafe traffic environment.
112. The opinion of the submitters experts put simply is that billboards cause driver distraction. This is based on a theory of distraction and correlation; billboards are designed to attract attention and therefore will distract drivers and create an traffic safety effect. The submitters experts were also clear they were adopting a precautionary approach when considering the potential for traffic safety effects. These conclusions remained the same with the amended proposal of a dwell time of 120 seconds.
113. In contrast, it was the opinion of the applicant's experts that digital billboards do not generate adverse road safety outcomes. They provided statistics and research from both New Zealand and internationally to demonstrate their position. Their evidence indicates that there has not been a recorded crash in New Zealand where a digital billboard has been a contributing factor. Importantly in this context, they presented research which stated drivers are able to self-regulate their engagement with the surrounding environment in complex driving situations, particularly when elements are incidental to the driving task. And that it is internal distractions within a vehicle that causes a significantly greater safety risk than external elements.
114. After reviewing all information provided to me in regard to the traffic effects, I agree with the evidence presented by the applicant. Fundamentally, their experts provided more compelling evidence, based on a significant body of international and New Zealand research.

115. The Council's traffic engineer, Mr Davies, also agreed that by extending the dwell time to 120 seconds he was significantly more comfortable with the potential with regard to traffic safety effects.

116. I also agree with the applicant that the RMA is not a 'no risk' statute, and based on the evidence presented, the actual or potential for adverse traffic effects to be directly attributed to a billboard sign is likely to be small. And whilst Waka Kotahi's 'Road to Zero' safety strategy is acknowledged, this cannot be a benchmark for assessing risk in the context of a resource consent application.

117. Overall, I therefore consider the traffic safety effects of the proposal to be acceptable.

Effects Conclusion:

118. In considering the effects of the proposal as a whole, I consider the effects of the amended proposal to be acceptable.

Objectives and Policies Assessment

119. Turning to the objectives and policies of the District Plan, Council's Reporting is of the opinion that the proposal is contrary to the objectives and policies of the Operative District Plan and Proposed District Plan. The applicant is of the opinion that the proposal is consistent with the Operative District Plan and Proposed District Plan. I have identified the specific objectives and policies that I consider relevant to the proposal below.

Operative District Plan – Central Area

<i>Objective 12.2.10</i>	<i>To achieve signage that is well integrated with and sensitive to the receiving environment, and that maintains public safety.</i>
<i>Policy 12.2.10.1</i>	<i>Guide the design of signs (and their associated structures and affixtures) to enhance the quality of signage within the Central Area.</i>
<i>Policy 12.2.10.2</i>	<i>Manage the scale, intensity and placement of signs to:</i> <i>• maintain and enhance the visual amenity of the host building or site, and</i> <i>• ensure public safety.</i>
<i>Policy 12.2.10.3</i>	<i>Ensure signs in the Central Area do not adversely affect the architectural integrity of the building on which the sign is located.</i>
<i>Policy 12.2.10.4</i>	<i>Ensure that signs contribute positively to the visual amenity of the building neighbourhood and cityscape above the fourth storey level.</i>
<i>Policy 12.2.10.5</i>	<i>Control the number and size of signs within heritage areas and areas of special character.</i>
<i>Policy 12.2.10.7</i>	<i>Ensure that signs in the Central Area do not adversely affect the amenity values of nearby Residential Areas.</i>

Proposed District Plan – Signs

SIGN-O1 Signs support the needs of the community to advertise and inform while the effects on local amenity are effectively managed.

SIGN-P1 Allow signs where:

- 1. They are of an appropriate size, design and location; and*
- 2. They do not result in visual clutter; and*
- 3. Any potential cumulative effects are managed; and*
- 4. They are required to meet regulatory or statutory requirements; and*
- 5. They do not compromise the efficiency of the transport network or the safety of its users, including cyclists and pedestrians; and*
- 6. In the Residential, Rural and Open Space Zones, they relate to an activity on the site on which they are located; and*
- 7. They maintain the character and amenity values of the site and the surrounding area.*

SIGN-P2 Provide for digital and illuminated signs where:

- 1. The sign is compatible with the zone and any overlay; and*
- 2. The sign does not compromise aircraft safety or the safe and efficient functioning of the Airport; and*
- 3. The sign does not compromise traffic, pedestrian, or cycling safety; and*
- 4. Any light spill or glare effects are managed so they do not compromise amenity values; and*
- 5. The sign is not visible from a state highway.*

120. The majority of these objectives and related policies have been assessed in both the applicant's planning evidence, and in the Council's s42A report. The submitter has discussed Objective 12.2.10 and Policy 12.2.10.2.

121. I note the different conclusions reached by Council and the submitter, and the applicant. Having reviewed the objective and policy assessments undertaken by all parties, I concur with the applicants Objectives and Policies assessment, and the weighting exercise they've undertaken.

122. To conclude this assessment, in my opinion, the proposal is consistent with the overall ambit of the above objectives and policies of the Operative District Plan and Proposed District Plan.

Other Matters

Higher Order Planning Documents

123. There are no National Environmental Standards, other regulations or National Policy Statements which are considered relevant to the proposal.

New Zealand Coastal Policy Statement

124. The subject site is not located in proximity to the coast, I do not consider that the New Zealand Coastal Policy Statement 2010 is relevant to this proposal.

Wellington Regional Policy Statement 2013

125. The Wellington Regional Policy Statement (RPS), in particular Objective 22 relating to regional form and the safe operation of the transport network, and associated Policies 30, 54 and 57 are relevant to this application.

126. Overall, I consider the proposal to be consistent with the RPS.

Decision – Land Use Consent

127. Consequently, having regard to the evidence presented, and the relevant statutory criteria under s104C and for the reasons set out above, the Independent Commissioner **GRANTS** consent to construct a digital billboard on the northern façade of the Sunset West Apartments at 251 Victoria Street, Te Aro, Wellington (being Lot 1 DP 552520) subject to the conditions below.

Reasons for the Decision

128. Section 113(1)(a) of the Act requires that I state my reasons for the decision of approval. Although it will be clear from the assessments carried out above, for the avoidance of doubt I confirm that the principal reasons for the granting of this consent are:

1. Any actual or potential adverse effects of allowing the display of the billboard will be sufficiently managed, including by the proposed conditions of consent, such that the effects are avoided, remedied or mitigated to an extent that, overall, they are acceptable.
2. The proposal is generally well-aligned with the relevant District Plan and Proposed District Plan objectives and policies when read as a whole and there are no directive policies relevant that are challenged by the proposal such that consent need to be withheld.
3. The risk of the proposal giving rise to precedent effects or undermining the integrity of the plan is negligible.

Conditions of Consent

General:

1. This consent must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number Service Request No. 500804, namely:

Application Form and Assessment of Environmental Effects prepared by Daniel Coppel Mt Hobson Group, titled 'Assessment of Effects on the Environment and Statutory Assessment; 251 Victoria Street, Te Aro, Wellington; Proposed Digital Billboard', dated October 2021, and the following reports and plans:

- 'Traffic Assessment Report - New Electronic Billboard at 251 Victoria Street, Wellington', Commute Transport Consultants, dated 24/08/2021

- 'Assessment of effects on heritage and character: 251 Victoria Street, Wellington', Archifact Limited, dated 20/09/2021
 - 'Urban Design and Urban Character Assessment, Proposed Digital Billboard at 251 Victoria Street, Wellington', Richard Knott Limited, dated 09/09/2021
 - 'A1 Location & Site Plan', Design Solutions Limited, Rev A, dated 01/09/2021
 - 'A2 Plan View', Design Solutions Limited, Rev A, dated 01/09/2021
 - 'A3 Elevation View', Design Solutions Limited, Rev A, dated 01/09/2021
 - 'A4 Street View', Design Solutions Limited, Rev A, dated 01/09/2021
2. Prior to the construction commencing, the consent holder must advise the Council's CMO of the date when work will begin. This advice must include the address of the property and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to rcmonitoring@wcc.govt.nz.

Design:

3. Prior to construction commencing, the consent holder must submit updated plans showing the full and final details of the materials to be used to the Council's Compliance Monitoring Officer (CMO) for certification. The information must include the following details:
- The dimension of height, width and depth of the digital billboard.
 - The design, specification, materials and colour of the framing of the digital billboard.
 - Confirm that all control structures and wiring of the digital billboard are not exposed to the external facade of the host building.

Advice note: The CMO will liaise with the Council's Urban Design Advisor to confirm that the above details are appropriate and in general accordance with the information provided with the application Service Request No. 500804 and approved plans.

Compliance monitoring and costs

4. The conditions of this resource consent must be met to the satisfaction of the Council's CMO.
5. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions, or supervision of the resource consent as set in accordance with section 36 of the RMA), including an initial consent compliance monitoring charge of \$500 (inclusive of GST).

Advice note: The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work required to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, must be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the Council issue a letter confirming compliance on request of the consent holder. More information on the monitoring process is available at the following link: <http://wellington.govt.nz/services/consents-and-licences/resource-consents/resource-consent-monitoring>

Operation of the billboard

Lighting

6. The digital billboard must be designed and operated to avoid any back spill lighting.

7. Sign materials must be non-reflective to prevent any sunlight or headlight reflection.
8. The digital billboard must use LED technology that does not have the filament visible to motorists.
9. The LED digital billboard must have an automatic dimming system based on an ambient light level sensor so that the night time (between sunset and sunrise) maximum luminance is 150 cd/m², and the daytime (between sunrise and sunset) maximum luminance is 5000 cd/m². Without exceeding the maximum luminance set by this condition, sign brightness must be equal to or less than the brightness of a standard vinyl-skinned billboard under the same lighting conditions between sunrise and sunset. Additionally, the sign must:
 - Provide acceptable readability during day, and dusk and night situations.
 - Not cause disability glare to motorists during either day or night.

Advice Note: For the purpose of defining and identifying daytime, night time, sunset and sunrise please refer to LINZ Astronomical Data.

Advice Note: A three-to-five-minute lag in adjustment of brightness to changes in ambient levels is acceptable.

10. Within 30 days of the digital billboard being operational, the consent holder must submit a report from a suitably qualified and experienced, independent lighting practitioner to the satisfaction of the CMO, confirming the following:
 - The automatic dimming system provides the functionality defined in condition 9 above.
 - Luminance levels measurements taken during the day time, night time and during dusk and dawn.
 - The suitability for providing acceptable readability during both day and night.
 - That there is no disability glare to motorists during both day and night.

Dwell time

11. The digital billboards must operate with a minimum dwell time of 120 seconds (two minutes) or as otherwise required by monitoring the effects of this display time.

Image transition time

12. The digital billboard must have a transition time of 0.5 seconds between image displays. The images must fade in and out rather than there being an abrupt change.

Image content

13. Each image displayed must:
 - Be static, and not contain moving messages, and must not incorporate flashes, movement, scrolling, animation, full motion video, sequential advertising over multiple frames, multiple advertisements in one frame.
 - Not use graphics, colours or shapes in combinations or in such a way that would resemble, cause confusion with, or distract from a traffic control device.
 - Not imitate traffic signs or any traffic control device, invite or direct a motorist to take some form of driving action or give instructions to motorists that conflict with any traffic sign or traffic control device.

- Must be consistent with the guidelines contained in the NZTA Traffic Control Devices Manual, Part 3, Advertising Signs (and any Addendum thereto).
- 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).
- Not include multiple advertisements in one frame;
- Not contain more than one contact detail (for example, phone number, email addresses or web address).

14. The consent holder must ensure that:

- The minimum lettering height for the digital billboard must at least 150mm for the main message, and 75mm for a secondary message.
- The message on the digital billboard:
 - i. Contrasts with the background.
 - ii. Is designed to best practice guidelines to ensure the message is readily legible to an approaching driver.

Advice note: The minimum letter height only applies to standard text. Text containing legal disclaimers and text within images are excluded from meeting this requirement.

15. The digital billboard must not play sound or involve scrolling, animation or other dynamic effect.

Shut-down ability

16. The digital billboard must be programmed to automatically go dark in the event of digital billboard malfunction. The consent holder must provide an emergency (24/7) contact number and an intervention process to enable the consent holder to disable the digital billboard by manual intervention, both off and on-site, should the automatic intervention fail. These details must be provided to the satisfaction of the CMO prior to operation of the digital billboard commencing.

12 and 24 month review of effects

17. After 12 and 24 months from the day the digital billboard became operational, a road safety review must be completed and the traffic safety monitoring report be submitted to the Council by an independent, suitably qualified and experienced traffic engineer and must include:

- Video showing the dwell and transition time;
- A suitably formatted copy of the images displayed within the month preceding the report;
- An assessment must involve an examination of the Waka Kotahi NZ Transport Agency’s Crash Analysis System (CAS) within 100m of the intersection to establish whether there is an identifiable increase of recorded crashes.
- An examination of the Waka Kotahi Crash Analysis System for all recorded crashes within 100m of the approaches to the digital billboard, with particular reference to any crashes with the cause factor 356: “attention diverted by advertising or signs”, to establish whether there is an identifiable increase of recorded crashes with interpretation having regard to the likelihood that any such increase may be attributable to the operation of the digital billboard;
- Any complaints about the signage made to Waka Kotahi or the relevant local authority; and
- Recommendation of any measures that will be undertaken to avoid, remedy or mitigate

any identified effects. Such measures might include one or more of the following:

- i. Reductions to the daytime and/or night time luminance levels;
- ii. Adjustments to the transition time;
- iii. Increases in the image dwell time; and
- iv. Further controls on the image content.

If the monitoring report finds that further mitigation measures are considered necessary, then these must be implemented to the satisfaction of the CMO.

18. If the assessment in Condition 17 above, or the Council's Compliance Monitoring Officer identifies a pattern of recorded crashes and/or complaints made in respect of traffic safety matters, the Consent Holder must, within 10 working days of being advised of this pattern, propose to the Council's Compliance Monitoring Officer, measures that will be undertaken to immediately avoid, remedy or mitigate the cause of the pattern of digital billboard-related crashes. Such measures might include one or more of the following:
 - Reduction to the daytime and/or night time luminance levels;
 - Adjustments to the transition time;
 - Increases to the dwell time; and/or
 - Further controls on image content.

The nature and extent of measures to be applied must be to the satisfaction Council's Compliance Monitoring Officer and implemented as soon as practicably possible.

Advice note: In reviewing monitoring Conditions 17 and 18 above, the Council's Compliance Monitoring Officer should consult with Waka Kotahi NZ Transport Agency Environmental Planning Team via Environmentalplanning@nzta.govt.nz

19. A road safety review may also be triggered if the Council's Monitoring Officer consider there has been a significant event or series of events (such as increase in crashes in this location, or complaints) that are, or appear to be, related to the digital billboard.
20. The results of the road safety review including any recommended mitigation measures (if relevant) must be submitted to Council within 30 days of the 12-month and 24-month anniversaries of commencement of the digital billboard operations, and within 10 working days of being notified that one is required due to a significant event/series of events.
21. Should any changes be required to the operation of the digital billboard as a result of the monitoring undertaken in accordance with condition 17, then further monitoring for another two consecutive 12 month periods must be undertaken.
22. All costs associated with the monitoring under condition 17 and implementation of any mitigation measures must be met by the consent holder.
23. In accordance with section 128 of the RMA, the Council may on the first, second, third, fourth and fifth anniversary of the commencement of the consent, serve notice on the consent holder of its intention to review, in whole or in part, the conditions of this consent, to deal with any adverse effect on the environment (specified below) which may arise from the exercise of the consent. and which it is appropriate to deal with at a later stage for the following purposes:
 - To review the rate of transition of the image or the use of the screen in relation to the safe and efficient use of the local road network by vehicular, pedestrian and cycle traffic, to address real or perceived safety issues.

- To deal with any visual amenity adverse effect on the environment on which the exercise of the consent may have an influence relating to the operation of the sign screen including luminance and brightness.

Advice notes

1. The land use consent must be given effect to within 5 years of the commencement of this consent in terms of section 116 of the RMA, or within such extended period of time as granted by the Council pursuant to section 125 of the RMA.
2. Section 36 of the RMA allows the Council to charge for all fair and reasonable costs associated with the assessment of your application. We will confirm in due course whether the time spent on the assessment of this application is covered by the initial fee paid. If the time exceeds the hours covered by the initial fee you will be sent an invoice for additional fees. If the application was assessed in less time you will be sent a refund. For more information on your fees contact planning.admin@wcc.govt.nz.
3. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
4. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
5. Out of courtesy, it is suggested that you advise your nearest neighbours of your intention to proceed with this land use consent, your proposed construction timetable and contact details should any issues arise during construction.
6. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that landowner approval is required under a separate approval process and that this will need to be sought and approved prior to any works commencing.
7. For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link: <https://wellington.govt.nz/services/parking-and-roads/road-works/work-on-the-roads/permissions-and-approvals>
8. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the RMA. Any objection must be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.



ANGELA JONES

Independent Hearing Commissioner
25 January 2023