

HUTT CITY COUNCIL
RM220088
LAND USE CONSENT – DIGITAL BILLBOARD
47 THE ESPLANADE, PETONE
MINUTE 6 OF THE HEARING PANEL

Introduction

1. Following Minute 4 which confirmed the oral directions we made at the conclusion of the hearing, and Minute 5 which amended the timeframes set out in Minute 4, we are in receipt of the material requested in those minutes.
2. Having now reviewed that material, the purpose of this Minute is to seek further comment in respect of two discrete matters. Both relate to conditions volunteered by the Applicant for a Digital Iwi Cultural Benefit Management Plan, and a Digital Petone Community Benefit Management Plan.
3. We signal at this stage that these are the only matters that remain outstanding for the Panel. Given the relatively narrow nature of the subject matter of our questions, we are comfortable addressing them ‘on the papers’ and do not feel the need to formally reconvene the hearing.

Context for request

4. Attachment B to the Applicant’s submissions in reply contains comments from both the Applicant (by Mr Firth) and the Council (by Mr Thornton) relating to the submitted conditions.
5. Mr Thornton has noted in respect of equivalent conditions for both proposed management plans (Conditions 16 and 22), that the volunteered advertising time was at the discretion of the consent holder. This could, in Mr Thornton’s view, limit the effectiveness of this advertising time by, for instance, resulting in it all occurring between 2am and 3am on a given day. We have also noted the Applicant’s response on this point. Three matters are arising for us on this new material.
6. Before setting those out, it is important to reiterate the comments we made at the hearing that our questions on conditions should not come with an assumption as to what our decision on the proposal will be. These questions underscore our need to understand how effectively the proposal will avoid, remedy or mitigate adverse effects, or result in positive effects.
7. We note also that – as this is newly volunteered material – it is our first opportunity to consider it and to ask associated questions.
8. Against that backdrop, and acknowledging that the conditions are volunteered by the Applicant, we **firstly** note our general desire to avoid any undue restrictions by way of conditions. However, we also signal that the degree to which the conditions can be said to be effective mitigation and/or a positive effect might be impacted by the matter. To that end, the Panel seeks clarification from the Applicant whether consideration has been given to this, and whether a minimum proportion of the

volunteered advertising (some 270 images a day under each management plan) might be structured around certain times of the day and/or distributed throughout a given day for the sake of efficacy.

9. **Secondly**, we have two questions relating to the ‘mechanics’ of the new conditions, being:
 - a. whether the 2.5% of images volunteered for iwi messages are intended to be distinguished from the 2.5% dedicated to wider community benefit – we observe that certain imagery could be said to relate to both plans, and we seek to clarify whether that is the intent or whether (in effect) 5% will be dedicated as an aggregate sum on each given day; and
 - b. whether the conditions should enable the management plans to be amended over time *should the applicant and other relevant stakeholders mutually agree*, noting that management plans associated with resource consents often allow for such revision-based processes.
10. **Thirdly**, the Digital Iwi Cultural Benefit Management Plan has been offered specifically in response to the submission of Hikoikoi Management Ltd. We acknowledge the supplementary evidence of Mr Firth, summarising the discussions he held with Hikoikoi representatives during the hearing. We also noted Mr Thornton’s concern regarding the 15 working days provided for engagement to commence regarding the Digital Iwi Cultural Benefit Management Plan. Again, we have considered the Applicant’s comments on the same.
11. What we have not had the opportunity to receive, is a response from Hikoikoi Management Ltd as to its level of comfort/support for the newly volunteered conditions – particularly in recognition of the cultural landscape values, controls on potentially unacceptable messaging, and establishing a formal engagement pathway between the Applicant and Hikoikoi Management Ltd as raised by Mr Te One at the hearing.

Information sought

12. For the reasons above, we seek the following information:
 - a. comment from Hikoikoi Management Ltd advising its views on the proposed Iwi Cultural Benefit Management Plan conditions as means to address its concerns voiced at the hearing, and whether the 15 working days stipulated in the conditions for Hikoikoi to respond to the Applicant in the first instance, is workable; and
 - b. response from the Applicant in respect of any additional certainty that might be provided around the timing of images, relationship between management plans and management plan revision opportunities, and any supplementary reply in response to the advice of Hikoikoi Management Ltd provided under ‘a.’ above.
13. We note that the Applicant and Hikoikoi Management Ltd are welcome to confer further in providing a response to this Minute if there is merit in doing so.

Timing

14. We request that a response from Hikoikoi Management Ltd is provided to Mr Dennis (stephen.dennis@huttcity.govt.nz) by **5:00pm on Monday 22 July 2024**.
15. We request that any further response from the Applicant is provided to Mr Dennis by **5:00pm on Friday 26 July 2024**.
16. Following the receipt of this material, we will provide a further update to all parties as to next steps.

A handwritten signature in blue ink, appearing to read 'J C Jones', with a stylized flourish at the end.

J C Jones (Chair)
On behalf of the Hearing Panel

15 June 2024