

SUBMISSION ON A NOTIFIED APPLICATION FOR A RESOURCE CONSENT

An up-to-date version of Adobe Reader is required to fill this form out online. Download for free  get.adobe.com/reader/

To: Chief Executive, Hutt City Council

1. This is a submission from:

Full name	Last Tripp First David	
Company/organisation	Hutt Cycle Network	
Contact if different		
Address	Number Street 3 High St	
	Suburb Petone	
	City Lower Hutt	Postcode 5012
Address for Service if different	Postal Address	Courier Address
Phone	Day	Evening
Fax		Mobile 
Email		

2. This is a submission on an application from:

Name of applicant **MediaWorks Outdoor Ltd**

- For a ☒ Land use resource consent
☐ Subdivision resource consent
☐ Change or cancellation of a condition of a resource consent

3. The proposed activity and location of the application is:

If this is for a change or cancellation of a condition of a resource consent, please state the type and location of the resource consent, the relevant condition and proposed change.

47 The Esplanade, Petone

4. The specific parts of the application that my submission relates to are:

Give details

The proposal to build a digital billboard

Submission number
OFFICE USE ONLY

RM220088-SUB20

5. My submission is:

Include whether you support or oppose the specific parts of the application or wish to have them amended; and the reasons for your views (extra sheets maybe attached if you wish).

Please see our separate submission document for details.

6. I seek the following decision from the consent authority:

Give precise details, including the general nature of any conditions sought.

We oppose the proposal.

7. I ☒ **wish** ☐ **do not wish** to be heard in support of my submission.

8. If others make a similar submission, I ☐ **will** ☒ **will not** consider presenting a joint case with them at the hearing.

Signature of submitter:
(or person authorised to sign on
behalf of submitter)

David Tripp

Digitally signed by David Tripp
Date: 2023.10.10 20:13:30
+13'00'

Date **10/10/23**

Note to submitter: You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority.

Electronic signatures

Hutt City Council Environmental Consents Division will accept this form with a digital signature created through Adobe or your existing digital signature. If you click on the pink arrow in the signature box, or choose 'Place signatures' from the tools menu on the right hand side, Adobe will prompt you to add your digital signature, or take you through the easy steps to create one.



8 October 2023

Submission on Resource Consent Application for 47 The Esplanade.

I wish to be heard in support of this submission

Summary

Hutt Cycle Network opposes the application of Mediaworks Outdoor Limited for consent to construct a digital billboard at 47 The Esplanade, Petone.

The traffic assessments of the proposal do not consider the:

- existing hostile environment for cycling in this location
- dramatic increase in cycling forecast with the completion of Te Ara Tupua – the dedicated cycling path from Petone to Ngauranga – and the completion of the Eastern Bays shared path
- increased risks to cyclists in this location from a digital billboard
- requirement in the regional policy statement to create ‘safe and attractive’ cycling environments
- mode shift requirements resulting from local, regional and central government planning documents
- the proposed impacts of the Esplanade Optimisation Plan, including a pedestrian crossing/and or signalisation of the Nevis St intersection and the removal of the grassed median.

The proposal would negatively impact on the character of this location, envisaged as the “gateway” to Petone in the Petone 2040 Spatial Plan

Finally, this approval would set a precedent that would invite multiple digital billboards along the Esplanade with a cumulative negative impact.

This proposal therefore increases risk and degrades the environment for no public benefit.

We recommend the commissioner:

- Decline the application
- In the event that commissioner considers the proposal has merit, ensure cycling safety is maintained by the addition of a condition to the effect of:

“the billboard shall not be constructed until a bi-directional separated cyclepath along the Esplanade between the Petone Wharf and Honiara Te Puni Reserve is constructed and operational”

About Hutt Cycle Network (HCN)

We are a network advocating for the climate, urban design and health benefits of cycling in Lower Hutt. Hutt City would be ideal for cycling, but over many decades the infrastructure and culture necessary to promote cycle as a safe, attractive and everyday transport choice have been neglected in favour of private cars. We now all pay a high and increasing price in terms of climate change, congestion, and poorer health.

HCN now brings considerable expertise and experience to this task. We have worked with generations of local, regional and central government politicians, officials and consulting experts. We have submitted on numerous district and annual plans. We were most recently involved in successful legal challenge in the Environment Court over Riverlink consent conditions and are on that project's Design Liaison Group

But our most important expertise is our lived experience. We do this every day. We understand traffic safety. We have to – our lives are at stake each time we ride. We know what works and what doesn't. On a daily basis we experience the planning decisions made others in office blocks.

In this instance, the author of this submission (Dr David Tripp) has commuted from Petone into Wellington by cycle for nearly 30 years through this location. Generally though he takes a longer route down Hutt Rd given the significant existing risks of cycling on the Esplanade. David is a general physician and intensive care specialist also active with Doctors for Active Safe Transport.

David is one of HCN's representative on the Te Ara Tupua Project Design Liaison Group, and has participated as an invited representative in Hutt City Council's Esplanade Optimisation studies and subsequent workshops.

Relevant Documents

A number of relevant s104(b) and (c) documents have not been considered by the applicant.

The AEE does not consider the Wellington Regional Policy Statement (2013) is relevant as a S104(b) issue (para 5.6).

We strongly disagree. Policy 57 of the RPS states:

When considering an application for a resource consent particular regard shall be given to the following matters:

...

(d) provision of safe and attractive environments for walking and cycling;

...

The AEE does not consider there are other relevant matters that should be considered (s104(c)).

We strongly disagree.

Relevant other matters (in terms of s104(c)) are:

- The Government Policy Statement on Land Transport (2021). This includes as part of its Transport Outcomes Framework the following outcomes:
 - "Protecting people from transport-related injuries and harmful pollution, and making active travel an attractive option", and

- “Transitioning to net zero carbon emissions”
- The Wellington Regional Land Transport Plan 2021. One of five priority areas for investment is “Travel Choice: Make walking, cycling and public transport a safe and attractive option for more trips throughout the region”.
- The Hutt City Council Integrated Transport Strategy (2022), the first guiding principle of which is: “Changes to our existing transport network should seek to make other modes of transport as appealing as traveling by private car”
- The 2040 Petone Spatial Plan (discussed below)
- The 2021 Esplanade Optimisation Study (prepared by Jacobs) and subsequent presentations and reports prepared by Aecom

The Place of the Esplanade Within Petone

The Urban Design Guidance only focuses narrowly on the commercial nature of the immediate site. It states:

“There are already a wide range of signs within the local area. This is all in keeping the commercial character of the north side of the street. While some of this signage can be viewed from the open space and beach to the south of the street, the separation provided by the road and raised grass central median ensures that this existing signage does not have a negative impact on the visual amenity values of the reserve and beach”.¹

This assessment does not reference the place of the Esplanade within Petone, or the intentions for the Esplanade in the Petone 2040 Spatial Plan (2016).

This plan includes the following objectives and map:

- *Heritage and Character:*
 - *Celebrate heritage through safeguards to reinforce existing character and scale*
 - *Important to re-establish iwi links to important sites*
 - *Establish a gateway to Petone*
- *Real Place:*
 - *Sense of Community must be retained through effective investment in urban design*
- *Managed Change:*
 - *Esplanade blocks access to foreshore and can be resolved through provision of frequent pedestrian crossings.*
 - *Make Public Transport and active modes more attractive through roading changes and Esplanade improvements*

¹ Urban Design Assessment, page 9. Also of note, council has proposed removing the grass median if its preferred option of a bi-directional cycle path on the seaward side of the road was to be installed.

Petone 2040

Problems with the Esplanade:

Series of stand-alone foreshore facilities such as the wharf, rowing club, settlers museum.

Foreshore access barrier due to wide carriageway

Poorly sheltered foreshore

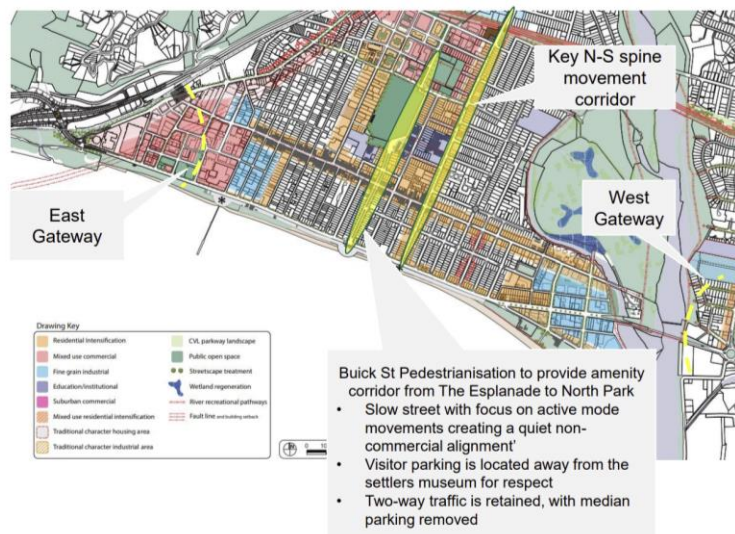
Plan:

Revitalise the foreshore through high quality streetscape to reorient Petone towards the harbour.

Cross valley link will likely reduce traffic demand, but increase parking and space demand.

Recommendation to split the corridor into several functions such as a regional recreational facility in the west.

Establish attractive town gateways (east and west)



<https://www.slideshare.net/Council2016/preliminary-petone-spatial-plan-final-report-020516>
<http://portal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=4581567>

aecom.com

None of these factors are acknowledged by the application but are central to the planning in this environment. In particular:

- The location of the proposed digital billboard is in the “East Gateway” – the most common entrance way into Petone. No assessment is given of whether a large, rapidly cycling advertising board will enhance this ‘gateway’. We consider it will be a significant detractor from this function.
- The Te Ara Tupua cyclepath from Petone to Ngauranga is seeing the Honiana Te Puna reserve developed beside the Petone roundabout, with the local iwi, Te Whānganui a Tara, intending to establish a marae at this location. It has already established the Tāwharau Pods within line of site of the proposed billboards. These pods will house artists, principally to create culturally appropriate art work for the path. Te Puni Street is the location of the Urupa where the iwi’s paramount chief is buried. The proposed sign is on the route between the two.

The Traffic Context

According to the AAE “the above-mentioned parameters can be incorporated in the proposed billboard without compromising traffic safety of the surrounding roads”. (Page 13)

We strongly disagree with this assessment.

The Esplanade as a transport corridor is characterised by the Jacobs Esplanade Corridor Optimisation Study (2021) as follows:

- Congestion through the day during both weekday and weekend, with the worst performing period occurring westbound in the weekday morning peak;
- Traffic capacity constraints at both Hutt Rd roundabout and Waione bridge;
- Rat running through the town centre via Jackson Street and side access roads;
- Safety concerns for the vehicles turning in and out of side access roads;
- Multiple purpose of the corridor that creates multi modal conflicts among general traffic, public transport and active modes;

- Lack of provision for commuter cyclists especially with the linkage to the Te Ara Tupua once its implemented;
- Safety concerns for multilane pedestrian crossings; and
- Inefficient public transport priority measures.

The Applicant's traffic assessment seeks to minimise the crash history on the Esplanade, citing 4 accidents over 5 years within 100m of the proposed sign.²

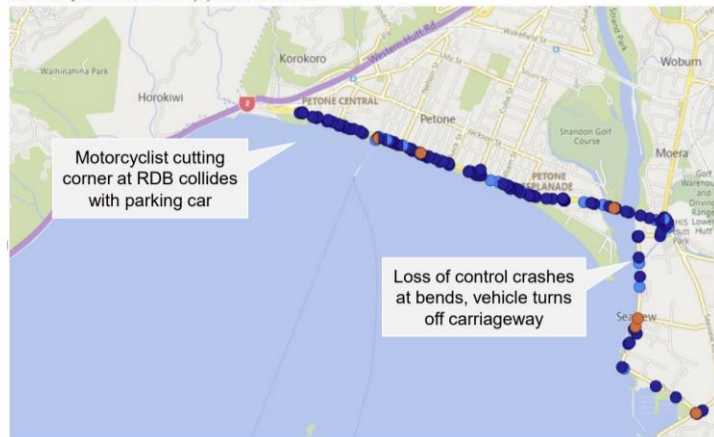
The safety of this roading environment is better characterised by AECOMs 2022 work, continuing the Esplanade Optimisation Work commenced by Jacobs. In summary, there is a high number of crashes evenly spread along the Esplanade:

- 50% of the serious injury crashes involve vulnerable road users
- 24% of crashes involved rear-end accidents in queues – many of which will be attributable to inattention

All Crash Data 2016-2021

Crash severity, Latitude and Longitude

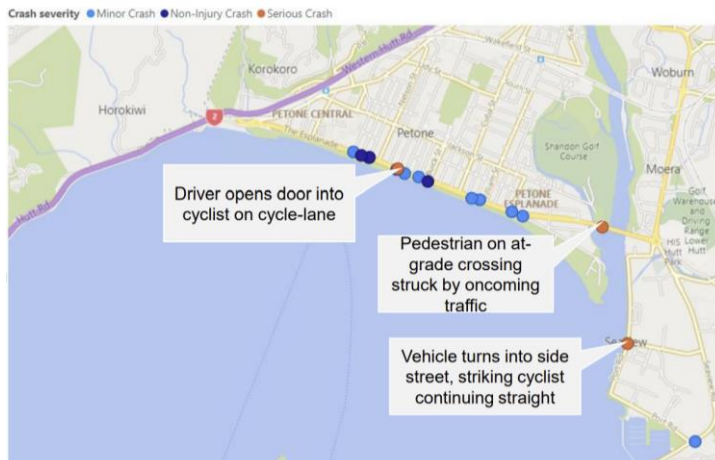
Crash severity: Minor Crash (blue dot), Non-Injury Crash (dark blue dot), Serious Crash (red dot)



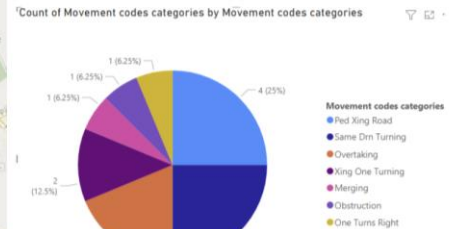
- 47 Crashes (24%) involve rear end collision, as a result of traffic queuing
- 194 Crashes recorded in 5 year period
- Relatively even spread of crashes on The Petone Esplanade.
- 66% of crashes occur at intersections (Consistent with The Esplanade optimisation study)

² Appendix 3, Traffic Assessment, section 5.2, page 4

Walking and Cycling Crash Data 2016-2021



- 50% of serious crashes involve vulnerable users
- Cyclists are mostly involved in same direction movements with vehicles and vehicle turning manoeuvres



aecom.com

Cycling Related Issues

For cyclists the environment around the proposed digital billboard is particularly poor. The broader cycling context is described by the Cross Valley Link Transport Connections Programme Business Case as follows:

[The] perception that the road is unsafe for cycling and walking, discouraging people from walking/cycling.



Cyclists currently have two options:

- Cycling on the shared path along the top of the foreshore. The cyclist level of service on the foreshore shared path varies from C (fair) to E (bad)³. Opposite the proposed digital billboard the path:
 - Is shared with pedestrians,
 - Provides access to a “dogs off lead” area of the beach so is used by many dog walkers, often with dogs already off leads
 - Is unlit
 - Has poor line of sight
 - Is often overgrown and exposed to sand off the beach
- Cycling on the road – however, there is no shoulder west bound, meaning cyclists must ride in the lane, with cars often accelerating towards SH2, with speeds of 70 kh/hr not uncommon. Travelling eastbound, cyclists are sandwiched in between the “door-opening-zone” of parked cars, and constant traffic, often heavy traffic, as seen in this photo from the applicants Urban Design Assessment (page 4):



Cyclists will face particular risks given the proposal to **increase** driver distraction in this vicinity. Although rare, any resulting accidents could be fatal. This is relevant to consideration of the “effect” of this proposal – which must include “any potential effect of low probability which has a high potential impact.”⁴

³ Jacobs, 2021 Esplanade Optimisation Review, page 14

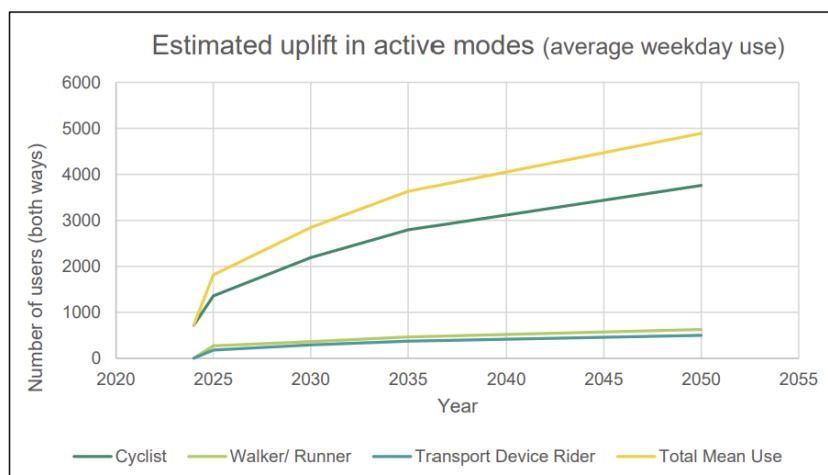
⁴ RMA, s(3)f.

The Future for Cycling in this Vicinity

The Traffic Assessment states ⁵that “cyclist numbers are light to moderate”.

The following graph shows the impact of the opening of Te Ara Tupua – the seaside path currently under construction from Ngauranga to Petone:

Estimated uplift in active modes (average weekday use) on the *Ngauranga to Petone Shared Path* is as below:



The completion of this path will therefore see a dramatic increase in cyclists in this vicinity in the near future. Further, the completion of the Eastern Bays shared path from Eastbourne through to Port Rd will see a further increase in cycling not foreshadowed in the above estimates. The above estimates also pre-date the rapid increase in cycling over long-distances attributable to e-bikes.

While these paths are not yet “existing”, as they are consented and are under construction they should be considered as relevant to this decision. This is consistent with the approach taken by the Environment Court in *Wellington City Council vs Prime Property Group*.⁶

Other traffic issues in this vicinity

In 2022, Hutt City Council considered a number of options to improve the performance of the Esplanade for all modes. This work has been deferred due to budget pressures, but remains ‘high priority’. This would see:

- Pedestrian crossing and/or signalised intersection at the corner of Nevis St
- A bi-directional cycle-only path along the seaward side of the westbound traffic lane.

Although not yet funded, these well-developed options give a strong indication of the “direction of travel”.

Conclusions for Cycling

The Traffic Assessment concludes:

⁵ Appendix 3, Traffic Assessment, section 5.2, page 11

⁶ NZEnvC [2021] 169 ENV-2020-WLG-000038, para 28

Accordingly, given the lack of any evident pedestrian or cyclist safety issues; and with the operational and physical design attributes of the proposed billboard, the potential for the generation of any change to existing levels of risk exposure to either cyclists or pedestrians as a consequence of the proposal will be indiscernible.⁷

We strongly disagree with this assessment.

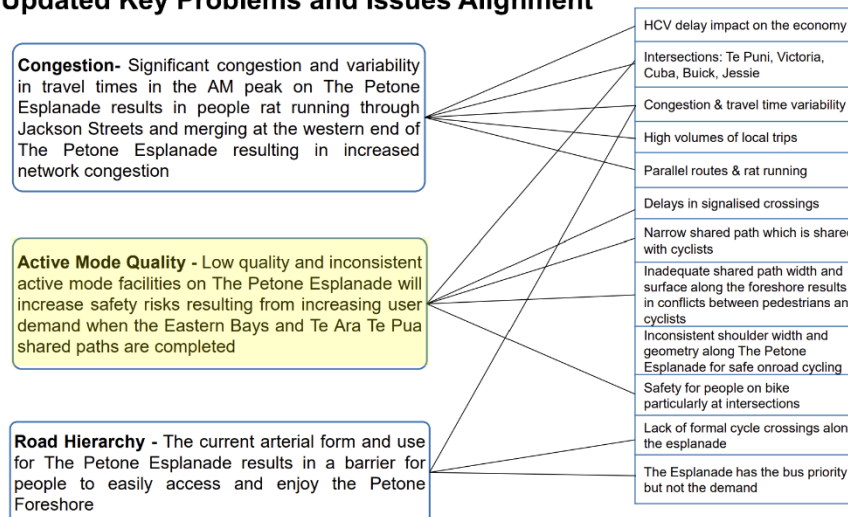
Cyclists are face with a ‘Hobson’s choice’ – a very poor-quality Esplanade Path or ‘on-road’ cycling on a narrow, busy road, with a high volume of accidents, with a high volume of trucks, where they must frequently cycle “in the lane”, and where a moments inattention on the part of a driver or the cyclist could be fatal.

It is into this latter environment that the applicant proposes to introduce a billboard, outside of current planning rules, that by its very nature is designed to distract the attention from the road.

Impact of Increasing Safety Risks for Cycling

The Petone Esplanade Project⁸, continuing the work of the Esplanade Optimisation Study, identified the following key problems (highlighting ours):

Updated Key Problems and Issues Alignment



aecom.com

Does Improving the Environment for Cycling Matter?

Local, regional and central government all have policies to dramatically decrease dependency on private motor vehicles and increase the ‘mode share’ of active modes, including cycling.

This was considered by the Environment in its consideration of Riverlink. Having considered the Regional Planning Statement and the GWRC Regional Transport Plan, the Court concluded that:

taking all reasonable steps to increase mode share is an important factor⁹

⁷ Traffic Report, Appendix 3, Labelled Page 11 (actual page 15)

⁸ AECOM Consulting, May 2022

⁹ Decision No [2022] NZEnvC 161 ENV-2021-WLG-000039, para 248

The Court also considered the meaning of ‘attractive’ in “the provision of safe and attractive walking and cycling environments” as used in policy 57 of the Regional Policy Statement.

the attribute of safety - eg the reducing of the possibilities of collisions with other users is, in our view, very much part of being attractive. We note too the definition of attractive in the Concise Oxford Dictionary - having qualities or features which arouse interest.

Both of these conclusions of the Court are directly relevant to this case:

- Taking all reasonable steps to increase the mode share of cycling is relevant to any planning decision within Hutt City.
- Reducing the *possibility* of collision and “arousing interest” in a route are particularly relevant to assessing proposals.

It is our strong contention that increasing the potential for driver distraction at this location is contrary to these concerns of the Court.

Further, Te Ara Tupua is a very substantial investment in cycling, costing over \$300 million. It is non-sensical, and certainly not in the public interest, to make changes close to its northern end that further compromise cyclist safety.

The Impact of Prime Property Group v Wellington City Council¹⁰

The Applicants AAE states (page 4):

In this regard, the reference in the RFI to the recent Environment Court decision [Prime Property Group v Wellington City Council] has little practical relevance to the assessment of this proposal, mainly because:

- 1. The billboard does not face a State Highway.*
- 2. The billboard is within a 50km/h speed environment, not a 100km/h one.*
- 3. The section of The Esplanade within which the billboard is proposed to be established has an insignificant crash rate, which sharply contrasts with the much higher crash rate (including death and serious injury crashes) on the relevant section of Hutt Road.*
- 4. The Esplanade carries about 17,000 vehicles per day, compared to the Hutt Road which carries over four times that volume at around 70,000 vehicles per day.*
- 5. New Zealand has a wealth of experience to draw from in terms of digital billboard operations on low-speed roads (as noted there are now in excess of 650 throughout New Zealand that have been developed over the past decade); whereas the Hutt Road application (at the time it was made) was the first of its kind on a 100km/h road.*

We disagree with this assessment on the following grounds:

- That the billboard was on a state highway was not treated as relevant by the court
- Expert evidence in this case was relevant not just to ‘high-speed roads’. Experts stated “The Proposal would add to driver distraction in a complex and high-risk environment”¹¹ - an apt description of the location of the current application.

¹⁰ NZEnvC [2021] 169 ENV-2020-WLG-000038

¹¹ Statement of Evidence of Kathryn Mairi Barrett for Waka Kotahi NZ Transport Agency, 8 June 2020

- The decision considered crash data on the whole of Petone to Ngauranga as relevant to the environment under consideration, whereas the applicant in this case has only considered the immediate environmental of the proposed signs. As discussed above, the Esplanade in general has a high crash rate.
- We disagree with the characterisation of vehicle numbers. The Jacobson Study (2021) cites 27,000 ADT per day.¹²

The judgement concluded that the billboard would add further risk to a section of road without public benefit. This is exactly that case in this application.

Other aspects of this judgement are relevant.

The judgement noted that signs by their nature were designed to distract drivers:

[16]... To do so, the signage must be prominent enough in size, colouring, or other facets of attractiveness to make them think about the message long enough to be able to process it, and to later recall it. That process inevitably means that for however long it takes, the viewer who is driving a vehicle will not be focussing on the other thing he or she is doing at the time...

[48] "...the sole purpose of advertising billboards is to attract the attention of those who come within viewing range of them, and to hold that attention for long enough to instil in the viewer the notion that the product being advertised is attractive and is something to be put on the viewer's to-do list."

The judgement also noted that digital signs were more likely to attract attention than static or printed signs.

[15] It is obviously considered that the proposed billboards are a viable commercial proposition - and that must be, at least in part, because they are likely to attract more attention than the less expensive existing ones..

[49]"... the proposed change is to a medium that will change the image on screen many times during the course of each 24 hours. They will change while a vehicle is on the stretch of road in which they are visible - meaning that there will, in that instance, be two messages to be seen and considered. Even if the image does not change while any one driver is passing through the visibility range, it will be likely that on subsequent passages through the range, that driver will see a different message, and there will not be a seen that before dismissal of interest."

Further, the decision considered the precedent setting effect of digital signs in that location – with evidence that risk would accumulate with further signs:

[29]... Consideration of effects (s(3) of the RMA) should include "any cumulative effect which arises over time or in combination with other effects regardless of the scale, intensity, duration, or frequency of the effect" any "potential effect of low probability which has a high potential impact".

The judgement endorsed this assessment, citing expert witness assessment calling for a precautionary approach given "the consequences of getting this wrong are unacceptable."

¹² Esplanade Optimisation Study, Jacobs, 2021, page 6

The judgement concluded that the billboard would add further risk to a section of road without public benefit.

There is a material difference between SH2 and the Esplanade locations. The decision with respect to SH2 stated:

[23] But we do not regard cyclist safety of itself as being the significant factor. Even if there were no cyclists at all, the issue is that of traffic safety generally.

It is our view that cycling safety is a particular and more significant issue in this case.

Relief Sought

We recommend that the Commissioner decline the application.

In the event that the Commissioner considers the proposal is not inconsistent with the Petone Spacial Plan and does not set a precedent with cumulative negative effects, and wishes to allow the proposal but mitigate the risk to cyclists, this could be achieved by imposing a condition that:

“the proposed billboard shall not be constructed until a bi-directional separated cyclepath along the Esplanade between the Petone Wharf and Honiara Te Puni Reserve is constructed and operational”