

SUBMISSION ON A NOTIFIED APPLICATION FOR A RESOURCE CONSENT



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To: Chief Executive, Hutt City Council

Full Name Laura Skilton
Address 27 Bay Street
Petone
Lower Hutt 5012
Phone 021 929201
Email 

This is a submission on an application from
Albert Milton, Mediaworks Outdoor Limited
For a land use consent

The proposed Activity and location of the application is:
RM220088 – application for an electronic digital sign at 47 The Esplanade, Petone

The specific parts that my submission relates to are:
Driver distraction of the sign.

I seek the following decision from the consenting authority.
Decline the application.

I **wish** to be heard in support of my application.

Signature



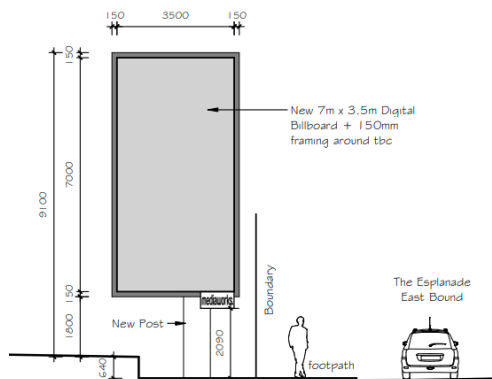
12 October 2023

Submission RM220088 – L Skilton

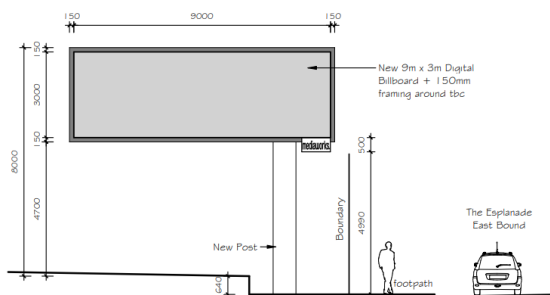
1. I have been a resident of Petone for over 35 years. I am also the Senior Transport Planner at Marlborough Roads (I work from home). One of my roles is to give transport advice on resource consent applications to Council Planners. In this role I have been involved on an electronic sign, similar to this application. I told the applicant that Marlborough Roads would not support the application. During this process I was made aware of another application and the conditions required by the New Zealand Transport Agency.

The Proposal

2. While the originally lodged application was for a portrait option sign, the documentation and updated plans has a landscape option also.
3. The original proposal was for a V-shaped double sided portrait digital sign. The sign will have a total height of 9.74m and each digital faced will have a height of 7.0m and a width of 3.5m. Each sign has a total area of 27.74m², or 55.48m² in total (including borders).



4. The updated plans also include an option for a V-shaped double sided landscape digital sign. The sign will have a total height of 8.64m and each digital faced will have a height of 3.0m and a width of 9.0m. Each sign has a total area of 30.69m², or 61.38m² in total (including borders).



5. It is assumed that both options will be lit for 24 hours a day, 7 days a week, with static images that change every 8 seconds with 0.5 seconds of fade.
6. The sign does not meet the rules of the Hutt District Plan, and therefore a resource consent is required. The rules of the District Plan are there for safety and amenity of the surrounding land use.

Traffic Environment

7. The application includes a traffic assessment. I agree with the assessment that the daily traffic flow is in the region of 30,000 vehicles per day. This volume of traffic is significant for a two lane road.

8. While the traffic assessment states that MegaMaps has a mean operating speed of 49 km/h. It should be noted that MegaMaps does not always provide accurate data.
9. For several hours of the day, The Esplanade is congested. The westbound traffic is moving at around 5-10 km/h between 06:45 and 09:30. Queuing extends as far as Sydney Street on most weekday mornings. In the evening peak eastbound traffic can be slow also.
10. While eastbound traffic is generally free flowing in the morning, due to parking manoeuvres on the Esplanade and high volumes, there can be periods of slower traffic. From 15:00 to 18:00 the eastbound traffic is slow moving, and I estimate this is in the region of 20-30 km/h.
11. It should be noted that Council's traffic count contractor was doing a count in October 2023 on The Esplanade outside number 47. This could be used by Council Officers to determine the actual traffic volumes and speeds throughout the day.
12. While the traffic assessment stated that a search of the New Zealand crash analysis system provides no evidence to indicate any degradation of road safety due to the presence of digital signs, police reporting of crashes varies significantly.
13. In 2022, 2563 crashes were recorded in New Zealand due to the attention of a driver being diverted. Another 6,918 crashes included drivers being inattentive and drivers not seeing another party. These crash causes account for 31 percent of all crashes in 2022. It should be noted that in the five year period 2018 to 2022, these codes attributed to 33.6 percent of all crashes.
14. In my opinion, drivers' attention to the road is a major cause of crashes, even if they can not be attributed specifically to a digital sign, noting that this cause is not an option for Police reporting when they complete their crash evaluation.

Sign Visibility

15. The application includes an artist's impression of the proposed sign. In the background another large sign can be seen, showing the location of the Bunnings driveway. At my site visit of 11 October 2023, the sign was no longer there. I recommend that Council Officers determine the reason why the sign has been removed, as it may have been for safety concerns.
16. RM190435 allowed the construction of a service station on The Esplanade between Fitzherbert Street and Sydney Street. The service station sign measures 9.0m x 2.8m portrait. This sign can be seen over 500m away.
17. Due to the size of the sign and road alignment, I consider that the proposed digital sign will be visible from the SH2 off ramp in the west and Nelson Street in the east, a distance of 500m in each direction. At night time, the sign is likely to be seen further due to the illumination. Depending on the brightness of the sign, I believe it could be seen from SH2 at night time.

Similar Application and Conditions

18. In April 2020, Marlborough District Council granted consent to a free standing digital billboard measuring 6m wide and 3m high. The top of the sign was 8.25m above ground height. As such, the sign is 2/3 the size of the proposed sign in the application.
19. As the sign was on a state highway, the applicant negotiated with the New Zealand Transport Agency pre consenting to get approval. A set of volunteered conditions was developed as a result of the negotiations to maintain driver safety. The conditions included that the dwell time be a minimum of 29 seconds, minimum lettering size, and a maximum characters per line. I have included the full letter of approval with conditions in Appendix A.
20. While the applicant will state that the proposed application differs to this example due to the example being on a state highway, I consider the conditions required by the New Zealand Transport Agency are very relevant. The proposed sign is larger than the example I have given and the traffic volumes on the adjacent site is 6,000 vpd compared to 30,000 at the proposed site. Both sites are within a 50 km/h speed environment.
21. I believe the probability of driver distraction at the proposed site is far higher than that at the consented site.

22. If application is granted, I strongly recommend that similar conditions are placed on the decision document.

Transition Times

23. The traffic assessment provided with the application states that there is “*a perception regarding dwell times and that drivers should see no more than one image change, as it would reduce safety if a driver was exposed to more than one image change*”. The author states that there is no evidence for that perception, however the New Zealand Transport Agency clearly disagrees with this “perception”. Refer Appendix A.
24. The traffic assessment says that, at a dwell time of 8 seconds, a vehicle travelling at the posted speed limit will see an image change 2.7 times if the sign is visible for 300m. As the sign will be visible at greater distances, the number of images would be higher. The change in images would be even higher during periods of slower traffic.
25. For a 50 km/h speed environment with 400m visibility, the New Zealand Transport Agency required a dwell time of more than 29 seconds. I consider that this should be the absolute minimum dwell time for this site also. In particular, as the background colour can completely change between images, and even if a driver is not reading the words on the sign, the change in colour can move the drivers eye from the road to the sign.
26. The traffic assessment argues that a distance of more than 100m should not be considered in determining the transition time as “*drivers will have little inherent interest in a billboard screen that cannot be read*”. I consider this to be a conflict as the whole point of the advertising sign is for drivers to see it. I also consider that, if this is true, the sign could be significantly reduced in size.

District Plan Requirements

27. Table 5-1 of the traffic assessment compares the proposal in relation to the Rule 14B 2.1.5 in the District Plan.
28. The District Plan requires that the maximum height of a sign is 8m. I do not see the need for this to be 9.5m, unless the applicant wants to distract drivers by drawing the eye of the driver away from the road and to the sign.
29. The District Plan requires that the maximum face area of a sign is 20m². I consider this to be very large and question the need for it to be extended to 24m², let alone 30m² for the alternative option. I want to remind the Commissioner that the traffic assessment states that people don't read signs more than 100m away, in which case the sign does not need to be that large.
30. The District Plan requires that if a sign is lit, they shall be lit by a constant illumination and shall not flash. I disagree with the evaluation that this rule is complied with. A changing image means that every pixel on the sign can alter and if the colours go from dark to light, then the illumination is not constant.
31. I consider that the sign could easily be adjusted to meet the District Plan requirements.

Summary

32. I consider that there is conflicting information with the consent application and supporting documents. On the one hand the sign is large to attract the attention of drivers from a distance to read the advertising, with a dwell time so that drivers see multiple advertisements, but on the other hand the traffic expert has said drivers do not acknowledge a sign further than 100m and the sign will not be a distraction.
33. As a Transport Planner, I consider an illuminated sign of the size proposed will be seen for a long distance and will be a distraction to motorists, especially given that the proposed sign can change from being largely one colour to largely another colour every 8 seconds.
34. In my role at Marlborough Roads, if a similar application was made in Marlborough, I would be advising the Council Planners to decline the application.

Decision Sought

35. While I seek that the Commissioner declines the application, should the application be approved, I consider the following conditions should be included:
- a. The digital sign must have an automatic dimming system based on the ambient light level sensor so that the maximum luminance is:
 - i. 5,000cd/m² during the day
 - ii. 600 cd/m² at dawn and dusk
 - iii. 250 cd/m² at night time
 - b. Sign brightness must be equal to or less than the brightness of a standard vinyl-skinned billboard under the same lighting conditions
 - c. Luminance levels at 2m above the road level are not to exceed 20 lux.
 - d. The digital billboard must operate with a minimum dwell time of 30 seconds
 - e. The digital billboard shall have a transition time of 0.5 seconds between image displays. The images must dissolve rather than there being an abrupt change.
 - f. The consent holder must ensure that the minimum lettering height for the billboard must be as follows:
 - i. Main message – no less than 300mm
 - ii. Secondary message – no less than 150mm
 - g. The consent holder must ensure at all times that the proposed billboard includes no more than eight words and or symbols.
 - h. The consent holder must ensure that any lettering and or symbols will be clearly legible and must contrast with the background. The font style must meet the requirements of the Traffic Control Devices Manual.
36. I also consider that a monitoring clause is added so that the conditions, or even the consent decision, can be altered should the sign cause a distraction to drivers.

Appendix A – Conditions for Digital Sign - Marlborough



Level 5, Majestic Centre
100 Willis Street
PO Box 5084, Lambton Quay
Wellington 6145
New Zealand
Telephone: 64 4 894 5200
Fax: 64 4 894 3305
www.nzta.govt.nz

Waka Kotahi - NZ Transport Agency Planning Ref: 2019-1239

5 March 2020

Go Media Limited
C/- Dean Shaw
408 Rangitikei Street
Palmerston North 4410

Sent Via Email: [REDACTED]

Dear Dean,

Waka Kotahi NZ Transport Agency Written Approval: Section 127 Variation – Static to Digital Signage – 11 Auckland Street, Picton

Thank you for your request for the Waka Kotahi NZ Transport Agency (Transport Agency) written approval. The Transport Agency has considered your proposal.

The Transport Agency understands that you seek the Transport Agency's affect party approval for the following activities:

- To undertake a variation to resource consent U100719 to replace two established 18m² static billboards with two 'like for like' 18m² digital billboards at 11 Auckland Street, Picton orientated towards both directions of traffic.

In assessing this application, the Transport Agency notes the following:

- State Highway 1 carries approximately 6,045 vehicles per day; where an average of 4% of this volume consists of heavy vehicles. SH1 has a posted speed limit of 50kph and operates at or above this speed through this section.
- This section of road corridor is subject to use by a very varied type of road user, including many tourists and vulnerable road users. The area is prone to platooning effects due to the nearby ferry, and also to crowds of pedestrians associated with the tourist train crossing to/from parks and toilets on the opposite side of the road.
- There have been 10 recorded crashes in the potential viewing area of the proposed digital signs in the past 5 years, between 2014 and 2019. Including 2 minor-injury crashes which were both cyclist dooring incidents.
- The billboard does not comply with the TCD Part 3 separation distance of 100m from an intersection. It is noted that this is an existing non-compliance.
- For the London Quay approach to SH1, drivers will have an acute view of the north-facing billboard, such that they will likely be able to see the billboard face, but not sufficient to read the message conveyed. It is noted that this is an existing non-compliance.
- Following consultation with the Marlborough District Council it is understood that a variation is required to be sought and obtained to allow for the conversion to digital signage.



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100 Willis Street
PO Box 5084, Lambton Quay
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Written approval for the activity defined above is attached, in addition the conditions volunteered by the applicant are appended. As such, the Transport Agency wishes to confirm it is now neutral to the proposal.

If you have any queries, please do not hesitate to contact Luke Braithwaite at [REDACTED] or email [REDACTED]

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L Braithwaite', written over a white background.

Luke Braithwaite
Consultant Planning Advisor
Consents & Approvals, Transport Services

Address for service: NZ Transport Agency, Level 5, Majestic Centre, 100 Willis Street, PO Box 5084, Lambton Quay, Wellington 6145

Contact person: Luke Braithwaite, Consultant Planning Advisor
Alternate email: Consentsandapproval@nzta.govt.nz

APPENDIX 1 – FORM 8A WRITTEN APPROVAL

Form 8A

Affected person's written approval to an activity that is the subject of a resource consent application Section 95E(3), Resource Management Act 1991

To: Go Media Limited

C/- Dean Shaw
408 Rangitikei Street
Palmerston North 4410

Sent Via email: [REDACTED]

Name of person giving written approval: Waka Kotahi NZ Transport Agency (Transport Agency)

This is written approval to the following activities:

- To undertake a variation to resource consent U100719 to replace two established 18m² static billboards with two 'like for like' 18m² digital billboards at 11 Auckland Street, Picton orientated towards both directions of traffic.

At: 11 Auckland Street, Picton (Lot 2 DP 8116 held in RT: MB5A/1186)

The Transport Agency has read the information dated:

- The Resource Consent Application for a Variation pursuant to S127 - Including volunteered conditions of consent – Received 3 March 2020 from Dean Shaw.

The applicant intends to volunteer conditions as part of its resource consent application.

- The conditions volunteered by Dean Shaw in the resource consent application provided on 3 March 2020; these conditions are also appended as Appendix 2 of this letter.

In signing this written approval, the Transport Agency understands that the consent authority must decide that it is no longer an affected person, and the consent authority must not have regard to any adverse effects of the proposed activity on the Transport Agency.

The Transport Agency understands that it may withdraw its written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Please notify the Transport Agency if changes to the application or volunteered conditions occur.

Advice Notes:

- This written approval does not constitute consent from the Transport Agency to work within the state highway, only agreement to your proposal pursuant to the Resource Management Act 1991 (RMA).
- It is a requirement (pursuant to Section 51 of the Government Roading Powers Act 1989) that any person carrying out works on a state highway gain the approval of the NZ Transport Agency via a Corridor Access Request (CAR).
- This written approval does not constitute approval from the Transport Agency to use land subject to a designation under Section 176(1)(b) of the Resource Management Act 1991. Additional authorisation pursuant to Section 176(1)(b) of the Resource Management Act 1991 is required to be obtained prior to use of any land subject to a designation.

Please note this approval expires within two years of the date below.

5 March 2020

Signature:



Alan Catchpole / Principal Planner - Consents and Approvals, Transport Services; on behalf of the NZ Transport Agency

Address for service of person giving written approval:

NZ Transport Agency,

Transport Services, Consents and Approvals

Level 5, Majestic Centre,

100 Willis Street,

PO Box 5084, Lambton Quay,

Wellington 6145;

Or via email on Consentsandapprovals@nzta.govt.nz using reference no. 2019-579

Contact Person: Luke Braithwaite - Consultant Planning Advisor

DDI: (04) 978 2643 / E: [REDACTED]

APPENDIX 2: VOLUNTEERED CONDITIONSLighting

- 1) Sign materials are to prevent any sunlight or headlight reflection.
- 2) The digital billboard must use LED technology that does not have the filament visible to motorists
- 3) The LED digital billboard must have an automatic dimming system based on an ambient light level sensor so that:
 - a) The billboard must have a maximum LED brightness of 5,000 cd/m² (Nits).
 - b) The daytime maximum luminance is 5,000cd/m²;
 - c) The dawn and dusk maximum luminance is 600 cd/m²; and
 - d) The night time maximum luminance is 250cd/m².
- 4) Sign brightness must be equal to or less than the brightness of a standard vinyl-skinned billboard under the same lighting conditions.
- 5) Luminance levels at 2m above the road level are not to exceed 20 lux.
- 6) Within 30 days of the LED digital billboard being operational the Consent Holder shall submit a report from a suitably qualified and experienced lighting practitioner, to the satisfaction of the Council's Compliance Monitoring Officer, confirming the following:
 - a) The automatic dimming system provides a night time maximum luminance of 250cd/m², the dawn and dusk maximum luminance of 600cd/m² and the daytime maximum luminance of 5,000cd/ m²;
 - b) Luminance 2m above the road level does not exceed 20 lux;
 - c) The suitability for providing acceptable readability during day, dawn and dusk and night situations; and
 - d) There is no disability glare to motorist during both day and night.

Dwell Time

- 7) The digital billboard must operate with a minimum dwell time of 29 seconds.

Note: The principle around dwell time is that a driver's attention should only be exposed to one message change. There is a potential sightline to this signage of 400m which at 50kph equates to 29 seconds.

- 8) The digital billboard shall have a transition time of 0.25 seconds between image displays. The images must dissolve rather than there being an abrupt change.

Image Content

- 9) Image content must be static and must not incorporate flashes, movement, scrolling, animation, full motion video, sequential advertising over multiple frames and must not emit any sound.
- 10) The display screen shall not be split to display multiple advertisements on one digital billboard display.
- 11) Sequential or multi-frame messages on the one electronic billboard, or on successive electronic billboard along a length of road, are not permitted.

Note: Messages may be linked in topic or type (i.e. a series of individual car advertisements) but each must be a stand-alone message and not reliant on, or refer to other display screens or billboards.

- 12) The digital billboard must not imitate traffic signs or any traffic control device (either wholly or partially), or give instructions to motorists that conflict with any traffic sign or traffic control device.
- 13) The consent holder must ensure that the minimum capital lettering height for the billboard must be as follows:

- a) Main message – no less than 300mm
- b) Secondary message – no less than 150mm

14) The consent holder must ensure at all times that the proposed billboard includes no more than eight words and or symbols, additionally each line of text shall contain a maximum of 40 characters.

Note: A word contained within images as part of a branding e.g. name on a bottle shall not be counted as words for the purpose of the condition above.

15) The consent holder must ensure that any lettering and or symbols will be clearly legible, and the message must contrast with the background. The sign message must be designed to best practice guidelines to ensure the message is readily understood by an approaching driver.

16) There shall be no objectionable or offensive material displayed on the billboard

Shut down ability

17) The digital billboard must be programmed to automatically go dark in the event of a billboard malfunction. The Applicant must provide an emergency (24/7) contact number and an intervention process to enable the Applicant to disable the digital billboard by manual intervention, both remote and on-site, should the automatic intervention fail. These details must be provided to the satisfaction of Council's Compliance Monitoring Officer prior to operation of the electronic billboard commencing.

Other

20) No part of the sign shall be within 1.5 meters of the state highway kerb/edge of the state highway seal.

Plans

21) The Transport Agency requires that a Construction Management and Safety Plan must be submitted and approved by the Agency, prior to the construction and instalment of the digital billboard.

Post installation monitoring

22) The traffic safety effects of the digital billboard must be assessed and a report submitted to Council's Compliance Monitoring Officer at twelve months and thirty-six months from commencement of operation. This assessment must be undertaken by a suitably qualified and experienced professional safety traffic engineer as agreed between the Applicant and Council's Compliance Monitoring Officer. The assessment shall involve an examination of the Transport Agency's Crash Analysis System (CAS) to establish whether there is an identifiable pattern of recorded crashes that include the Road User Factors 356 "Attention diverted by advertising signs" or 363 "Driver dazzled"; and which appear directly attributable to the digital billboard.

23) If the assessment in condition 22 above identifies a pattern of recorded crashes is identified, the Applicant shall, within 24 hours of being advised of this pattern, propose to the Council's Compliance Monitoring Officer (in consultation with Council's Manager Network Operations), 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:

- a) Adjustments to the daytime and/or night time luminance levels;
- b) Adjustments to the transition time;
- c) Increases to the dwell time of each image at particular times of the day; and/or
- d) Controls on image content.
- e) The nature and extent of measures to be applied must be to the satisfaction of Council's Compliance Monitoring Officer (in consultation with Council's Manager, Network Operations) and implemented as soon as practicably possible. If such changes are required to the operation of the digital billboard, then six monthly monitoring shall continue for a further two years from the date of change

Note: In reviewing monitoring conditions [22] and [23] above the Council will consult with the NZ Transport Agency.

Data Logging

- 24) Digital billboards located within the road corridor or visible from the road, must record data related to the operational criteria of the digital billboard. A log of the digital billboards activity must be retained by the operator for a minimum of one year and be made available on request to allow a review of the digital billboards activity in the event of a complaint or traffic crash.