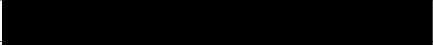


SUBMISSION ON A NOTIFIED APPLICATION FOR A RESOURCE CONSENT

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 Matcham First Pete	
Company/organisation	Hutt City Grey Power Association Inc	
Contact if different		
Address	Number Street Suburb City Postcode	
Address for Service if different	Postal Address	Courier Address
	301 Normandale Rd, Lower Hutt 5	
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 (legally described as Lot 2 DP 83751).

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

Give details

All

Submission number **RM22088-SUB46**
OFFICE USE ONLY

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 attached word document.

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

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

Decline the application.

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)*

Peter Matcham

Digitally signed by Peter Matcham
Date: 2023.10.12 14:39:17
+13'00'

Date

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.

Submission on Resource Consent Application for 47 The Esplanade.

This submission is made on behalf of the Hutt City Grey Power Association.

Hutt City Grey Power (HCGP) is an autonomous member of the Grey Power Federation. Grey Power is a non-sectarian and non-party political, advocacy organisation that aims to advance, promote and protect the welfare and well-being of older people. Grey Power Hutt engages with politicians, officials and businesses on issues that affect older people.

Contact: Pete Matcham (President)

email

Date: 2023-10-10

We wish to be heard in support of this submission

Summary

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

We consider the application should be declined in its entirety based on the following key points

- The safety hazards the application would create are unacceptable
- The application has no public good outcome consistent with a deviation from existing district plan provisions.
- The AEE fails to consider key legislation and regulation at local regional and national level.
- The AEE ignores the extensive literature and empirical evidence on driver distraction as a major factor in road safety.
- The application seeks to introduce a qualitatively and quantitatively different object into the local environment which will adversely affect current and planned future use.
- The proposed structure will disproportionately increase the risk to vulnerable road users at a point where cross carriageway pedestrian traffic is planned.
The Esplanade Optimisation Plan includes a pedestrian crossing at the Nevis St intersection close to the proposed site. We consider the potential for driver distraction as the crossing is approached an unacceptable risk.
- The urban design consideration focusses entirely on the immediately adjacent sites and fails to consider the wider design context.
The proposal would also negatively impact on the character of this location, which as noted above is a popular destination for older people.

Finally, we note the precedent set in Prime Property Group v Wellington City Council¹ and consider that the reasons for that decision are as equally valid in this instance.

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

We therefore recommend the commissioner:

Decline the application

¹ NZEnvC [2021] 169 ENV-2020-WLG-000038

Detailed considerations

Inadequate consideration of relevant s104 matters

We consider the impact on road safety of the proposed sign a key issue. We therefore submit that the applicant's AEE inadequately considers and incorrectly excludes several documents relevant to s104(b) & (c).

- The applicant does not consider the Wellington Regional Policy Statement (2013) relevant as a S104(b) issue.

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 applicant's AEE also considers there are no other relevant matters that should be considered (s104(c)).

We strongly disagree. We submit that the other matters listed below are relevant in terms of s104(c)), since any outcome from this application which decreased safety would negatively impact on the uptake and use of active mode transport.

We therefore submit that the following are relevant matters in terms of s104(c):

- Government Policy Statement on Land Transport (2021). Within the Transport Outcomes Framework: "Protecting people from transport-related injuries and harmful pollution, and making active travel an attractive option", and "Transitioning to net zero carbon emissions" must be considered as relevant to the AEE
- The Wellington Regional Land Transport Plan 2021. A priority area 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"
- Although not a formal document in planning regulations, we submit that the Petone Spatial Plan should also be considered relevant, since it reflects the aspirations of the community and includes the following objectives:
 - *Celebrate heritage through safeguards to reinforce existing character and scale*
 - *Re-establish iwi links to important sites*
 - *Establish a gateway to Petone*
 - *Maintain a sense of Community through effective investment in urban design*
 - *Resolve access to foreshore through provision of frequent pedestrian crossings.*
 - *Make Public Transport and active modes more attractive through roading changes and Esplanade improvements*

Urban design assessment

The urban design assessment (p9) considers : *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*".

We suggest that the narrow focus on the commercial nature of the immediate site ignores the wider context of the location in the "East Gateway" to the Petone foreshore and to Petone itself. It would also we consider negatively affect the cultural environment, with Te Whānganui a Tara, intending to establish a marae in this location and the proposed sign on the route between this and the Urupa in Te Puni Street where the iwi's paramount chief is buried.

We further note the popularity of the Esplanade for older people for both active and passive recreation, the exponential increase in the uptake of electric bikes by the 60+ age for recreation, and that cycle traffic of all age groups in the area is likely to increase with the completion of Te Ara Tupua – the dedicated cycling path from Petone to Ngauranga, and the Eastern Bays shared path.

Deliberate creation of a hazard.

We note that driver distraction and is a major causal factor in crashes, but especially in those involving vulnerable active mode users.

We further note that older drivers are particularly at risk in any accident due to increased bodily frailty.

Consequently we firmly support the ethos of the 'Road to Zero', that no death or serious injury due to a traffic accident is morally acceptable, that any roadside structure that is deliberately designed to distract motorists attention is contrary to this ethos and to well established principles of road safety.

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.

Research over the last twenty years has consistently identified distraction or inattention blindness as key risk factors in road safety. The US National safety Council defines inattention blindness as :*"the failure to notice a visible hazard because your attention is focused elsewhere. This phenomenon occurs regularly when drivers are cognitively distracted."*

The proposal deliberately seeks to be more effective at distracting driver. In promoting these devices, suppliers note as 'advantages' that they are *"Difficult to ignore - let's face it, it's pretty difficult to ignore bright lights that are constantly switching between ads."* and *"A great way to get your audience's attention"*² Thus their proponents admit directly that their whole purpose is to deliberately attract attention, and that they are effective at creating cognitive distraction from any other task. Clearly a high risk factor in any driving situation.

² Primary Media, Advantages of Digital Billboards, <https://www.primarymedia.com/about/advantages-digital-outdoor-advertising/> , retrieved 20231010

This view is supported by a growing body of evidence. Tay and Knowle (2004) found that “*drivers were more likely to engage in inattentive behaviour when driving on a straight and familiar road.*”³. Wundersitz(2019) notes that “*The majority of distractions were cognitive (64%) and voluntary (77%) in nature*” situations that clearly apply to an artifact that is designed to attract attention. Further that inattention crashes occur “*In metropolitan areas and in lower speed zones.*”⁴.

This is supported by Sundfør, Sagberg and Høye(2019) who note also that collision with pedestrians is the most frequent type of inattention crashes.⁵

Cyclists and pedestrians attempting to move across from town to esplanade will face particular risks given the proposal to **increase** driver distraction. Historically, serious injury crashes in this area involve vulnerable ie non vehicular users. This is relevant to the consideration of the “effect” of this proposal – which must include “any potential effect of low probability which has a high potential impact.” This is consistent with the approach taken by the Environment Court in Wellington City Council vs Prime Property Group.

The Traffic Assessment concludes : *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 for the reasons sated above.

In any environment where active mode users interact with vehicles a moments inattention on the part of a driver can result in death or serious injury. This risk is exacerbated where the active mode users are travelling across the path of vehicles. We consider that the introduction in this environment of a billboard, outside of current planning rules, that by its very nature is designed to distract drivers attention from the road is contrary to the obligations under the Road to Zero, common sense and the policies of local, regional and central government to dramatically decrease dependency on private motor vehicles and increase the ‘mode share’ of active modes.

Environment court precedent – Consideration of ‘Attractiveness’

The Court 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.

Reducing the *possibility* of collision in a route is particularly relevant to assessing proposals.

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

³ Richard TAY, David KNOWLES, DRIVER INATTENTION: Drivers' Perception of Risks and Compensating Behaviours, IATSS Research, Volume 28, Issue 1, 2004, Pages 89-94, [https://doi.org/10.1016/S0386-1112\(14\)60095-9](https://doi.org/10.1016/S0386-1112(14)60095-9). (<https://www.sciencedirect.com/science/article/pii/S0386111214600959>)

⁴ Wundersitz L. Driver distraction and inattention in fatal and injury crashes: Findings from in-depth road crash data. Traffic Inj Prev. 2019;20(7):696-701. doi: 10.1080/15389588.2019.1644627. Epub 2019 Aug 13. PMID: 31408358.

⁵ Hanne Beate Sundfør, Fridulv Sagberg, Alena Høye, Inattention and distraction in fatal road crashes – Results from in-depth crash investigations in Norway, Accident Analysis & Prevention, Volume 125, 2019, Pages 152-157, ISSN 0001-4575, <https://doi.org/10.1016/j.aap.2019.02.004>. (<https://www.sciencedirect.com/science/article/pii/S0001457519301988>)

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"⁶ - an apt description of the location of the current application.

- 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.⁷

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...

⁶ Statement of evidence of Kathryn Mairi Barrett for Waka Kotahi NZ transport Agency 8 June 2020

⁷ Esplanade Optimisation Study, Jacobson 2021 page 6

[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.” and that the billboard would add further risk to a section of road without public benefit.

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