

Report / Decision on a Non-notified Resource Consent Application

(Sections 95A, 95B and 104 / 104D)

Application Number: RMA92031239
Applicant: iSite Media Limited
Site address: 104 Victoria Street
Legal Description: Lot 1 DP 54250
Zoning: **Christchurch City Plan:** Central City Business
Proposed Replacement District Plan: Central City Business

Activity Status: **Christchurch City Plan:** Non-complying
Proposed Replacement District Plan: N/A

Description of Application: LED billboard

Introduction

The applicant seeks consent to convert an existing billboard from a standard skin to an LED display. The billboard will measure 10m high by 5m wide, and will be attached to the existing building façade facing the north. The sign will display static advertisements which will remain on the screen for 8 seconds.

The application site is currently occupied by a five storey building which accommodates a range of commercial uses. The previously existing billboard was consented in February 2006 under RMA20018659. This consent was for a portrait oriented billboard of dimensions 7m wide and 10m high. The application was publicly notified and the decision was decided upon and granted by an Independent Commissioner.

The proposal is described on page 4 of the application. The key aspects are:

- Conversion of the existing static skin billboard display to a digital LED display, capable of displaying variable images.
- A reduction in the size of the display board (from 70m² to 50m² in area).
- Removal of the two existing downward facing halogen lamps and two existing upward facing halogen lamps.

Planning Framework

The operative Christchurch district plans are under review. Stages 1, 2 and 3 of the Proposed Christchurch Replacement District Plan have been notified, and the Independent Hearings Panel has made a number of decisions on specific parts of the plan, including 'Strategic Directions and Strategic Outcomes'. Some of the rules have legal effect pursuant to section 86B of the Resource Management Act, while others are fully operative. The rules applicable to this proposal have been assessed and the breaches are identified below. Relevant objectives and policies are discussed in a later section of this report.

Christchurch City Plan

The site is zoned Central City Residential. The Plan anticipates this zone will be developed for a variety of commercial uses.

The proposal is a non-complying as it breaches the following rules:

- *Development Standard 10-3.4.1(b) Area and number - the total outdoor advertising permitted for the site is 5m².*

The proposed sign will be 50m² in area.

- *Development Standard 10-3.4.3(c) Height - the maximum height of any sign attached to or displayed on a building is 6m or 0.5m less than the façade height of the building, whichever is the lesser.*

The proposed sign will be approximately 8.5m above the ground level and will have a maximum height of 18.5m.

- *Critical Standard 10-3.5.1 Relationship to the site - (a) the sign shall be located on the site to which it relates; (b) signs shall not continue to be displayed on a building if the goods, services or events have occurred or are no longer available or relevant to the building.*

The proposed sign will not relate to the building.

Proposed and Operative Christchurch Replacement District Plans

There are no rules in either the Proposed or the Operative Replacement District Plan which are applicable to this proposal (i.e. rules with legal effect pursuant to section 86B and those with fully operative status).

The existing environment

The application site and surrounding environment are described in page 3 of the AEE submitted with the application. I adopt the applicant's description.

Written approvals [Sections 95D, 95E(3)(a) and 104(3)(a)(ii)]

No written approvals have been provided with the application.

Effects on the environment and adversely affected persons [Sections 95A, 95B, 95E(3) and 104(1)(a)]

As a non-complying activity the Council's assessment is unrestricted and all actual and potential effects of this proposal must be considered. Relevant guidance is contained in the reasons for the rules breached and the relevant assessment matters as to the effects that require consideration.

As mentioned in the applicant's AEE, the existing billboard was approved under resource consent (RMA20018659) in 2006. The existing sign did not comply with area and number, height and relationship to the site. The proposed sign will be located in the same position as the existing, at the same height and will be 20m² smaller in area. For this reason the existing consent permits the effects associated with the sign.

Traffic

The proposed billboard will be attached to the northern façade of the building at 104 Victoria Street, it will be approximately 8.5m above ground level and will have a maximum height of 18.5m. The location of the billboard means that it is unlikely to be seen by traffic heading north on Victoria Street. If it is seen, it is likely that it will only be seen by passengers in vehicles or drivers who may catch a short glimpse in the rear view mirror.

Victoria Street which can generally defined as being a busy urban road, is classified a Collector Road in the Christchurch City Plan. However it is important to note that "An Accessible City" (Central City Recovery Plan) sets out that vehicle speeds are to be slowed to 30km/h within the inner zone, which Victoria Street is located within.

The applicant has provided a traffic assessment by Traffic Engineer, Mr. Andy Carr from Carriageway Consulting Limited. This assessment reviewed the existing transportation environment and reported accidents on Victoria Street. The pattern of accidents was not considered unusual for a busy urban road and environment. In addition to this, it acknowledged that while digital billboards do attract driver attention to a greater extent than static billboards, the extent of this increase is not sufficient to result in a significant increase in distraction which consequently would increase the accident rate.

As mentioned, the proposed billboard will include advertising which is not related to the building or the site on which it is located. Mr. Carr has therefore reviewed this with regards to the NZTA Traffic Control Device Manual. He considers that the proposal will meet the requirements of this document. Specifically he notes that there is no reason why off-site signage and advertising would have any greater effect than advertising which is related to the site. I am in agreement with this statement.

Overall, the traffic assessment provided by the applicant does not consider that the proposed LED billboard will give rise to adverse safety and efficiency effects. However, certain conditions have been volunteered to ensure that the operation of the billboard will meet best practice and will not result in driver confusion or distraction. These conditions include:

- The display shall only contain static messages without movement. No animation, flashing, scrolling, intermittent or full-motion video shall be displayed;
- Each image displayed shall be static, and not contain moving images or emit flashing lights. The images shall not incorporate the predominant use of the colours white, yellow, orange, red or green in situations that the use of such colours could cause an impact on traffic safety and in particular any confusion with traffic signals.
- Images shall be consistent with the guidelines contained in the NZTA Traffic Control Devices Manual, Part 3, Advertising Signs;
- The duration of each displayed image shall be a minimum of 8 seconds;
- The transition time from one image to the next shall be via a 0.5 second dissolve;
- A split sign shall not be displayed at any one time;
- The brightness of the screen shall be adjusted in response to changes in light levels so that the images are not unreasonably bright for the safety of the motoring public;
- The screen default shall be designed to freeze a display in one position if a malfunction occurs.

Council Traffic Planner, Mr. Andrew Milne, has also reviewed the application and the traffic assessment provided. Mr. Milne considers that the adverse effects of the proposed billboard on traffic will be acceptable subject to the conditions volunteered by the applicant.

I accept both the applicant's and Mr. Milne's conclusions regarding the effects of the proposal. I consider the conditions of consent volunteered by the applicant appropriate and have redrafted and included them with this consent. Overall I consider that the adverse effects of the proposed billboard will be less than minor on the safety and efficiency of the transport network.

Illumination

With reference to the visual effects of the proposal, the billboard will be constructed using an LED screen that could potentially produce a high level of light or lux spill. The existing billboard is lit using conventional metal halide floodlights which are located above and below the billboard. The proposal will replace the existing rationally lit billboard with new multiple LED linked digital panels which will be located at approximately the same height as the existing skin (8.5m above ground level). It is proposed that the billboard will be lit 24 hours a day, 7 days a week, due to inherent LED properties similar to a traditional digital television screen which require it to be powered on to project an image. The existing skin type is lit at night only by traditional means.

The billboard will have a built in daylight sensor that will be calibrated to meet any Council imposed luminance restrictions for day and night operation. The applicant has also confirmed that the site will be equipped with a control system which automatically adjusts billboard luminance based on surrounding ambient light, and will dim the LED output to acceptable levels during the hours of darkness.

The applicant has provided a lighting assessment from lighting engineer, Mr. Russ Kern (Kern Consultants Limited). Mr. Kern confirmed that the proposal will comply with the Christchurch City Plan Traffic and Safety lighting requirements during the hours of darkness. He recommended that the luminance of the billboard be increased during the day in order to allow it to be adequately read.

Council, Environmental Health Officer, Ms. Kirsten Rayne, has reviewed the application and the lighting assessment. Ms. Rayne considers that any light spill from the billboard will be negligible. She therefore considers any adverse effects resulting from the proposed signage to be less than minor. I accept Ms. Rayne's comments.

To conclude, I consider that the adverse effects of the billboard will be less than minor on the surrounding environment.

Visual amenity

Victoria Street is a main route of access into the central city which contains a mix of retail, commercial and entertainment activities. It has been one of the quickest areas of the city to recover with many buildings on the street either completed or currently under construction. A large amount of site related signage is provided for within the immediate area, identifying the name of the development and businesses located within it to passing motorists. This signage is typical of an inner city retail and business environment.

I first consider it important to note that the existing billboard was consented in 2006 under RMA20018659. This consent approved a 70m² billboard with off-site advertising at a height of 8.5m above ground level. I consider this consented billboard, which has been located on the site for the past 9 years, to form a part of the existing environment. The proposed billboard will be located in the same position as this originally consented billboard, albeit with a slightly smaller area and a transitioning screen.

Council Urban Designer, Ms. Rachael Annan, has reviewed the application with regards to its potential effects on the surrounding visual amenity and character. She does not think that the smaller size of the sign, being 2.0m narrower than the consented sign, will reduce the level of effects for what she considers will be a more eye-catching sign being illuminated day and night. I agree with her statement, however I do not believe that the change in the sign will result in adverse effects that are more than minor. Although I acknowledge that it will be a different, and the sign will be more eye catching, I believe it to be fitting with the surrounding setting which is characterised as a busy, highly developed, business environment.

It is noted by the applicant that full sunlight will fall onto the wall and billboard for most parts of the day. This is due to the orientation of the north facing wall. Ms. Annan considers that during other parts of the day, or during cloud cover, the LED screen would have visual effects which are more comparative to a TV image. This would be distinct to the standard permitted sign which is not illuminated during the day. Whilst I acknowledge Ms. Annan's comments, I note that the proposed LED sign will comply with the relevant luminance rules set in the Plan and as mentioned earlier in the assessment Ms. Rayne considers any light spill from the billboard to be negligible. For this reason I consider that the effects of the potential light spill will be less than minor and will not detract from the surrounding visual amenity and character of Victoria Street. Further to this, the applicant has confirmed that adjustable intensity controllers will be used to automatically control the luminance of the sign during both daylight and night time hours. This will automatically adjust the billboard luminance based on surrounding ambient light. Conditions of consent will also be included to ensure the luminance is audited.

The land surrounding the application site is zoned Central City Business. The location of the billboard on the northern façade of the building means that it will only be visible from the buildings on the opposite side of Victoria Street. I do not consider that there will be any increase in adverse visual effects on these properties than those associated with the existing billboard. My reasoning behind this is that the existing billboard is already lit up at night with halogen lighting. The proposed billboard will also be lit up at night, as such the only change to the existing environment will be the transitioning images. In addition to this, the distance and angle of these buildings and the billboard will further mitigate any potential effects. I note that the building directly to the north of the application site (108 Victoria Street) is a two storey commercial building. The lower height of this building leads me to conclude that any potential views of the signage will be less than minor.

The land to the east of the application site, on the opposite side of Montreal Street, is zoned Central City Residential. Views of the billboard are visible from a select number of residential properties in this area, most notably 1/416, 418 and 420 Montreal Street. The existing billboard is already visible from these properties, however I consider that there will be a change in effects on these properties with the LED billboard. Notwithstanding this, I consider that the appropriate conditions are in place to ensure that any potential effects on these properties will be less than minor.

In her assessment, Ms. Annan has also raised a question with regards to cumulative effects associated with the application and a consented and operative LED billboard at 183 Victoria Street. She considers that for drivers travelling south the proposed LED sign will be visible within seconds of the Bealey Ave sign (183 Victoria Street). Although I consider her question a valid point, I note that the two signs are separated by an approximate distance of 250m. I believe that this distance is sufficient to disallow any potential cumulative effects. Further to this, the sign is located at a height which is above the eye level of drivers, whereas the sign at 183 Victoria Street is at direct eye level. I do note that the proposal is a prominent statement within the streetscape, however I do not believe that the change to an LED display will detract any further than that of the billboard which is currently located on the building.

To conclude, Ms. Annan has raised some concerns with the change in the existing billboard to an LED billboard with transitioning images. Although I am agree there will be a change in the streetscape and surrounding environment, I do not consider that the effects of this change will adversely affect anyone, nor will there be any adverse effects on the wider environment.

Conclusion

With regards to the above assessment, I consider that the effects of the proposal on traffic safety, lighting and visual amenity will be less than minor on the surrounding environment. I do not consider anyone to be affected by this proposal.

Relevant objectives, policies, rules and other provisions of the Plan and proposed Plan [Section 104(1)(b)(vi)]
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Regard must be had to the relevant objectives and policies in the Operative City Plan, and those in the Replacement District Plans. Of particular note, Chapter 3 of the Operative Replacement District Plan contains a number of high level strategic objectives to guide the recovery and future development of the City.

Operative District Plan

The objectives and policies of the Operative Plan relate to visual amenity, glare and outdoor advertising. I consider that these sections are of more relevance to the application and I have discussed these below.

Visual amenity

Objective 4.2 of the Plan seeks to achieve and maintain a "*pleasant and attractive city*". This is supported by Policy 4.2.3 which seeks to provide for harmonious and visually compatible buildings and Policy 4.2.7 which provides for public safety.

As previously mentioned, the billboard will be replacing an existing billboard, albeit the proposed will be slightly smaller in area and incorporate transitioning images. I consider that the billboard will be consistent with the existing environment for which it is located within. The area surrounding Victoria Street and the billboard is highly developed and I note that there are other outdoor advertisements, of various sizes, in the surrounding area. Although the proposed billboard will involve LED lighting and transitioning images, I do not consider that this will drastically change the existing amenity of the environment to any extent greater than the existing billboard. The proposal will not cause any adverse potential danger to public safety, and conditions of consent will ensure that any adverse effects of traffic safety will be mitigated.

Glare is also associated with visual amenity, and policy 4.2.14 seeks to prevent the adverse effects associated with lighting and reflectivity. The proposed billboard will comply with the relevant standards of the City Plan. Council Environmental Health Officer, Ms. Kirsten Rayne, has assessed the application and considers any effects of light spill or glare to be less than minor. On this basis I consider the proposal to be consistent with the objectives and policies related to glare.

Outdoor advertising

Objective 4.4 of the Plan ensures that outdoor advertisements will not detract from amenity values, nor will they have a detrimental impact upon natural and built heritage values, nor cause potential danger to public safety. The associated policies relate to amenity values, traffic safety, natural and built heritage which seek to ensure that advertising will not detriment the existing amenity, that the advertising won't be seen as a hazard to motorists and cyclists and that public open space and heritage is retained.

Council Traffic Planner, Mr. Andrew Milne, has reviewed the application and the traffic report provided by the applicant. He considered that the adverse effects related to traffic safety will be less than minor, with the inclusion of conditions of consent. I have accepted his comments and for this reason consider the proposal to be consistent with the relevant policies.

Proposed Replacement District Plan

As noted earlier in this report, Stages 1, 2 and 3 of the Proposed Christchurch Replacement District Plan have been notified, and the Independent Hearings Panel has made a number of decisions on specific parts of the plan, including 'Strategic Directions and Strategic Outcomes'. Of particular importance to this proposal is Chapter 3 Strategic Directions, which contains a number of high level objectives to guide the recovery and future development of the City. The relevant objectives and policies essentially seek to provide for the recovery and future development of Christchurch, in a way that meets the needs of the community and sustains the values and quality of the environment.

Overall I consider the proposal to be consistent with the Strategic Directions for the proposed District Plan. Specifically Objective 3.3.5 outlines "the critical importance of business and economic prosperity" to both the recovery of Christchurch, community wellbeing and resilience. Objective 3.3.7 emphasises the importance of providing for a high quality urban environment which is attractive to residents, businesses, and visitors. The importance of providing for the recovery and growth of commercial and industrial activities is outlined in objective 3.3.10. Objective 3.3.14 notes how to treat incompatible activities, outlining that the use of zoning in the city plan

is the primary way conflicts are minimized. Conflicts between activities are to be avoided where the activity has significant adverse effects on the health, safety, and amenity of people and communities.

I also consider it important to mention the objectives and policies relating to signage under the Proposed Replacement District Plan. The signage objectives and policies are part of Stage 2 of the District Plan Review. These rules are now going through the hearing process, with final decisions to be made by the Independent Hearings Panel. As such, in accordance with s86F of the RMA, little weight can be given to the rules but consideration should still be given the proposed objectives and policies.

The overall objective 6.8.1 for signs states that signs which contribute to the vitality and recovery of the city should be supported, provided they do not compromise public safety, visual amenity, and the character of the areas, buildings, or structures. Policy 1 notes the importance of ensuring signs do not detract from the visual amenity of an area. Policies 2 and 4 refer to the need to protect the integrity of building design from signage which may impact the primary visual elements of the building, and to ensure signs contribute to the public realm through their design. Policy 3 outlines the importance of ensuring signs do not cause an obstruction or distraction of motorists, pedestrians, and other road users.

Overall I consider the proposal to be consistent with these objectives and policies of the Proposed Replacement District Plan. The proposal will provide businesses and communities the opportunity to advertise, enabling them to get messages to residents and visitors of Christchurch. In addition to the Strategic Directions, I consider that the proposal will also be consistent with the signage objectives and policies of the Proposed Replacement District Plan. The conditions of consent will work towards mitigating any potential adverse effects on the visual amenity and traffic safety surrounding the application site.

Weighting of the City Plan and Christchurch Replacement District Plans

The Independent Hearings Panel's decision on the Proposed Plan's Strategic Directions and Strategic Outcomes became operative on 25 May 2015. Accordingly the strategic objectives should be given significant weight.

As discussed above, little weighting can be given to the General chapter of the Proposed Plan as the provisions have not yet been heard and decisions have not been released. I consider that greater weight should be given to the corresponding provisions in the Operative Plan. However I have given consideration to the relevant objectives and policies in the proposed District Plan.

Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]

Environment Canterbury and Council records indicate that the application site has not been used for an activity on the Hazardous Activities and Industries List (Ministry for the Environment) therefore the National Environmental Standard for managing contaminants in soil to protect human health does not apply.

Part II of the Resource Management Act and any other relevant matters [Section 104(1) and 104(1)(c)]

Part II

I consider the proposal to be in keeping with Part II of the Act as it will maintain amenity values and the quality of the surrounding environment.

Recovery Strategy

The Recovery Strategy for Greater Christchurch prepared by CERA under the Canterbury Earthquake Recovery Act became operative on 1 June 2012. It is a statutory document that must be "read together with, and forms part of" other relevant legislation within the greater Christchurch area. The City and District Plans must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy.

Granting consent to this application is considered to be consistent with the Recovery Strategy as it does not conflict with any of the identified goals or priorities for recovery.

Non complying activity threshold tests [Section 104D(1)]

The application satisfies both tests as the adverse effects on the environment will be no more than minor and the application is not contrary to the objectives and policies of the Plan.

General notification provisions [Sections 95A(1), 95A(4) and Section 104(3)(d)]

There are no special circumstances or other aspects of the application that warrant public notification of this application.

Recommendations

That, for the above reasons:

- A. The application be processed on a **non-notified** basis in accordance with Sections 95A - 95F of the Resource Management Act 1991.
- B. The application **be granted** pursuant to Sections 104, 104D, and 108 of the Resource Management Act 1991, subject to the following condition:
 1. The development shall proceed in accordance with the information and plans submitted with the application. The Approved Consent Documentation has been entered into Council records as RMA92031239 (18 pages).
 2. The consent shall be limited to the consent holder and shall endure so long as iSite Media Limited (the consent holder) owns and operates/manages the sign.
 3. Only still images shall be displayed on the sign with a minimum duration of 8 seconds per image. There shall be no transitions between still images from either:
 - 3a. An immediate change;
 - 3b. A cross-dissolve between images of a max of 0.5 seconds;
 4. The sign shall not contain any of the following on the display screen:
 - 4a. Live broadcast or pre-recorded video;
 - 4b. Movement or animation of the images;
 - 4c. Flashing images or any retro-reflective material;
 - 4d. A split sign (two adverts on the sign at the same time);
 5. There shall be no sound associated with the sign and no sound equipment is to be installed as part of the screen
 6. Any content displayed on the screen shall comply with the Advertising Standards Authority Advertising Code of Practice and the Broadcasting Act 1989;
 7. Image changing during the night time curfew hours of 2300 (11pm) to 0600 (6am) shall be limited to a minimum of 30 minutes per image.
 8. Any content displayed on the screen shall be consistent with the guidelines contained in the NZTA Traffic Control Devices Manual, Part 3, Advertising Signs.
 9. The maximum digital sign luminance shall be 6,500cd/m²;
 10. Luminance of the sign shall be audited by Kern Consultants Ltd (or other appropriately qualified lighting designer/engineer) within 7 days of installation and operation of the sign to confirm the maximum luminance levels in condition 8 are not being exceeded. Confirmation of this is to be forwarded to the Resource Consents Manager, Christchurch City Council within 48 hours of the audit being completed.
 11. The digital LED screen shall incorporate lighting control to adjust brightness in line with ambient light levels.

12. In accordance with s.128 of the Resource Management Act 1991, the Christchurch City Council may 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:

- (a) To review the rate of transition of the image or the use of the screen in relation to the safe and efficient use of Victoria Street by vehicular, pedestrian and cycle traffic, to address real or perceived safety issues;
- (b) 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 Note:

- The Council will require payment of its administrative charges in relation to monitoring, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:
 - (i) A monitoring fee of \$266 to cover the cost of setting up a monitoring programme and carrying out a site inspection to ensure compliance with the conditions of this consent; and

AND

- (ii) Time charged at an hourly rate of \$116 incl. GST if additional monitoring is required, including non-compliance with conditions.

Reported and recommended by: Georgia Brown, Planner

Date: 6 November 2015

Decision

That the above recommendations be adopted for the reasons outlined in the report.

Commissioner:

Name: Ken Lawn

Signature:



Date: 10 November 2015