

Report on a Publicly Notified Resource Consent Application

(Section 42A – Addendum Report)

Application Reference:	RMA/2017/1276
Applicant:	Halo Media Ltd
Site address:	65 – 67 Victoria Street, Christchurch
Legal Description:	Lot 1 DP 484488
Proposal:	Establish a 46m ² LED billboard on the side of an existing multi-story building at 65 – 67 Victoria Street for off-site advertising.
Zoning:	Christchurch District Plan: Commercial Central City Business
Overlays and map notations:	Category 2: Lower Noise Level Entertainment and Hospitality Precincts, Central City Building Height 17m Overlay, Central City Outer Zone, Liquefaction Management Area
Activity Status:	Christchurch District Plan: Discretionary Activity
Submissions:	Two in support Five in opposition (One of those submitters in opposition may consider presenting a joint case at the hearing if others made a similar submission)
Date of Hearing:	20 th December 2017
Recommendation:	Decline

Preamble

1. My name is George Enersen. I am employed as a Resource Management Planner at Opus International Consultants. My role is already set out within the original s42a Report that was circulated on 28th November 2017.
2. The purpose of this report is to provide an addendum to the original s42a Report that was circulated on 28th November 2017 which omitted one of the submissions received (from Mrs Brockerhoff) due to an administrative oversight error. This addendum report is to be read in conjunction with the original aforementioned s42a Report.

Background to Submissions Received

3. This application for resource consent was received on 7th June 2017 and was publicly notified on 23rd August 2017. The submission period closed on 20th September 2017. A total of seven submissions were received during this period – two in support and five in opposition.
4. Note the total of seven submissions above includes the submission that was omitted from the original s42a Report, being an additional submission in opposition to the proposal.
5. Copies of all submissions have been provided to the Commissioner.
6. I outline in the paragraphs below the reasons in support and opposition that were considered during the preparation of the original s42a Report.
7. The reasons for the submissions in support are summarised as follows:
 - The sign will increase the livelihood of this part of the CBD
 - One submitter supports the proposal but gives no reason
8. The reasons for the submissions in opposition are summarised as follows:
 - LED billboards are extremely visually invasive and destroy the character of the city
 - A huge distraction for drivers making them a health and safety issue
 - Victoria Street has a number of highly specified office buildings attracting professional tenants servicing the people of Christchurch
 - Ruins the enjoyment of the living environment for inner city residents
 - Additional LED would impact on the potential rebuilding of residential accommodation near 65 Victoria Street
 - The proposed application will directly affect 8 apartments (12 bedrooms) and indirectly 2 apartments (4 bedrooms). The light from the billboard will shine directly into these apartments. Note: a diagram has been provided by the submitter, and the submitter requested that the operational hours for the proposal should be restricted to daylight hours to ensure the “quiet enjoyment” from apartment owners and tenants.
 - There are already too many billboards on Victoria Street and ‘the planners’ need to consider the future and stop consenting additional advertising
 - The proposed billboard will have dramatic and negative effects on outdoor dining areas located directly below the proposed sign. In the submitters view, the proposed billboard will have a distracting and aggravating effect (particularly at night) on the restaurants customers.
 - The proposed billboard will add to visual pollution that has unfortunately taken hold in Victoria Street.

9. One submission raised the issue that billboards also “*promote people buying stuff they don’t need and overconsuming the earth’s resources*”. This issue is however not a relevant planning issue that can be addressed under the RMA 1991.
10. In the section below, I outline those matters raised by the submitter where that submission was omitted during the preparation of the original s42a Report due to the administrative oversight.

The Submission Omitted

11. As noted above, this additional submission that was omitted due to an administrative error is in opposition to the proposal. The reasons for the submission in opposition are summarised as follows:
 - Visual pollution caused by LED boards is an increasing problem around the world and it is an increasing and accumulating occurrence in Christchurch particularly over recent years.
 - There is a large volume of literature demonstrating the specific and overall effect of visual pollution which can distract traffic participants causing accidents and decreasing the values and appreciation of neighbourhoods.
 - The installation of the LED board would lead to further visual pollution in Christchurch.
 - To decline the application in full and to keep any future LED board installation in Christchurch to a minimum to prevent further visual pollution in Christchurch.
12. The submitter did not wish to speak in support of their submission.
13. I have read this additional submission received in conjunction with those submissions considered during the preparation of my original s42a Report and I have not identified there to be any new concerns raised that have not already been considered.
14. While the omitted submission has not been formally considered as part of assessment of actual and potential effects on the environment pursuant to s104(1)(a) of the RMA within that original 42a Report, I provide a point by point consideration of those matters raised by the omitted submission below.

Statutory Considerations

Resource Management Act 1991

15. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104 and 104B of the Resource Management Act 1991. Subject to Part II of the Act, which contains the Act’s purpose and principles, including matters of national importance, the consent authority shall have regard to:
 - a) *Any actual and potential effects on the environment of allowing the activity.*

- b) *Any relevant provisions of a plan or proposed plan*
- c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

16. It should be noted that other than giving pre-eminence to Part II, Section 104 gives no priority to other matters. They are all matters to have regard to and the consent authority must exercise its discretion as to the weight that it gives certain matters, depending on the circumstances of the case.
17. Under Section 104B, when considering an application for resource consent for a discretionary activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108.
18. Section 104(3)(a)(ii) states that a consent authority must not have regard to any effect on a person who has given written approval to the application (unless that approval is withdrawn in a written notice before the date of the hearing). No written approvals have been provided by the applicant.

Actual and Potential Effects on the Environment (S.104 (1)(a))

19. In consideration of the concerns raised within the omitted submission as referred to in paragraph 11 above, I consider these concerns adequately fall within the effects sections below, which I will elaborate further below.
 - Traffic effects
 - Effects on Amenity and Character
 - Cumulative effects

Traffic Effects

20. The effects on traffic were assessed in paragraphs 54 – 59 of the original s42a Report.
21. The submitter noted there is a large volume of literature demonstrating the specific and overall effect of visual pollution which can distract traffic participants causing accidents.
22. The issue of distraction and subsequent safety on the transport network and its users were considered in the aforementioned paragraphs with the expert evidence of Mrs Shelley Perfect - Principal Transport Engineer of Opus International Consultants.
23. I do not consider the submitter raises any additional issues or concerns that have not already been taken into account. While in circumstances, advertising, particularly LED billboards can be determined as a distracting element for motorists and research may suggest this is the case, I remain reliant on, and agree with the evidence provided by Mrs Perfect and conclude the effects are the same as concluded within my original s42a Report.

Amenity and Character

24. The effects on amenity and character were assessed in paragraphs 69 – 120 of the original s42a Report.
25. I note the submitter stated there is a large volume of literature demonstrating the specific and overall effect of visual pollution which can decrease the values and appreciation of neighbourhoods.
26. I consider that the matter of decrease in value and appreciation of neighbourhoods is linked to the amenity value and character of such neighbourhoods. I have undertaken a thorough assessment of the adverse effects of the proposal on the amenity and character of the receiving environment with the advice provided by Mr Hattam.
27. I do not consider the omitted submission raises any new concerns that have not already been addressed within my original s42a Report and thus my conclusion as to the scale of adverse effects remains unchanged.

Cumulative Effects

28. The issue of cumulative effects was assessed in paragraphs 121 – 137 of the original s42a Report.
29. I note the applicant raises three points, which are outlined under paragraph 11 that are particularly relevant to the issue of cumulative effects.
30. I consider the omitted submission raises no new matters or issues that have not already been considered and addressed. I note the key concern is that the proposal will lead to further visual pollution in Christchurch which very much aligns with the cumulative effects discussion in my original s42a Report, particularly with paragraph 136.
31. In consideration of the points made within the omitted submission and in light of my points above, my conclusion as to the scale of adverse cumulative effects remains unchanged.

Effects Conclusion

32. On the basis of the discussion in paragraphs 19 – 32 above, I do not consider that the omitted submission raises any additional concerns that have not already been considered and addressed within the assessment of effects of my original s42a Report and thus my conclusion as to the adverse effects on the environment as a result of the proposal in light of this submission remains unchanged.

Relevant Objectives, Policies, and other Provisions of a Plan or a Proposed Plan (S.104 (1)(b))

33. I have concluded above that the omitted submission results in no implications as to the conclusion of effects made within the original s42a Report. I consider that the relevant objectives and policies that have been assessed within that same s42a Report are reflective of effects based objectives and policies and therefore my assessment and conclusion made within that respective report remain unchanged.

Relevant Other Matters (S.104 (1)(c)) and Part II of the Act

34. For the reasons outlined within this addendum report above, I do not consider that the omitted submission alters those conclusions already made with respect to other matters under s104(1)(c) and Part 2 of the Act.

Conclusion and Recommendation

35. After considering the omitted submissions received I conclude that the matters raised do not give rise to any new issues not already considered and thus my recommendation to decline the application pursuant to Sections 104, and 104B of the Resource Management Act 1991 remains.



Name George Enersen

POSITION CONSULTANT PLANNER

28.11.2017