

**BEFORE HEARING COMMISSIONERS  
FOR CHRISTCHURCH CITY COUNCIL**

**UNDER** The Resource Management  
Act 1991

**AND**

**IN THE MATTER** RMA/2020/1877  
Application for a freestanding  
digital billboard at 235  
Manchester Street.

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**SUMMARY OF s42a OFFICERS REPORT**

**MS GEORGIA BROWN OF CHRISTCHURCH CITY COUNCIL**

**28 FEBRUARY 2022**

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### **General comments**

1. I acknowledge the amended proposal, I also consider it to be within the scope of what was notified given the size of the digital screen has not changed.
2. Otakaro have lodged an application to extend the designation of the East and South Frames, for another five years. This was received by CCC on 24 February 2022. An additional five years is sought to enable completion of the projects. In my opinion, this emphasises the intention of the remainder of the East Frame to be developed in accordance with what has already occurred.
3. With respect to the designation, I agree with Ms. Collie that the fact there are no live resource consents/outline plans on these sites related to residential. This means residential does not form part of the existing environment. However, I still consider that there is a clear intention the land is to be developed for residential purposes. If Commercial activity is proposed I consider this use is likely at ground floor level to create active use/frontage, with residential above and to the rear.
4. I note the proposed Williams Corporation Development which was in the media on 28/2/22. This proposes six storey residential apartments, on the corner of Manchester and Worcester. Whilst no resource consent has been lodged yet, this does not hold any weight, nonetheless it emphasises the intention of continued residential development in the East Frame fronting Manchester Street.

### **Permitted baseline**

5. At para 36 of Ms. Collie's planning evidence. I agree that 11m<sup>2</sup> of free-standing signage 'anticipated', but this is across two signs, 1 sign for each pedestrian entrance with a total area of 2m<sup>2</sup> and 1 sign for each vehicle entrance, with a total area of 9m<sup>2</sup>.
6. For completeness, I note that if the site had more than one vehicle or pedestrian entrance, then one sign for each could be provided. The site currently has one formed vehicle crossing.

*Note: legal advice, the references 'relating to pedestrian entrance' and 'relating to vehicle entrance' does not limit free-standing signs to only those displaying content relating to activities on the site using those entrances.*

7. The maximum height of a sign relating to a vehicle entrance is 6m, and the maximum height of a sign relating to a pedestrian entrance is 3m. The max width for a vehicle entrance sign is 2m, and 1m for a pedestrian entrance sign.
8. In my view, the differences between the permitted baseline and this application is:
  - The digital nature of the sign
  - Off-site advertising
  - 100% larger than a sign related to a vehicle entrance (9m<sup>2</sup>)
  - 3m greater in height (to a vehicle entrance sign)
  - 1m greater in width (for a vehicle entrance sign)

9. I disagree with para 45-46 of Ms. Collie's evidence which speaks about a density of signage. In this particular area of the CBD not every site has, or will have, a vehicle entrance (no min parking standards in Central City). For example, the block referred to (figure 4 of Ms. Collie's evidence), currently only has one vehicle crossing to Manchester St. Therefore, I don't think the density of signage referred to by Ms. Collie can be wholly relied upon as part of a permitted baseline for the receiving environment. I acknowledge there will be signage in this area, but consider there are differences between a 'density' of smaller signs, compared with the scale of the proposed single sign.
10. I acknowledge that signage could be installed within buildings, and that this can be expected within the commercial setting. I note the difference of the signage noted within the applicant's evidence (para 47) to that of the proposed, signage within buildings is usually related to the activity on site, and complements the overall brand of the activity, and design of the building.

### **Character and visual amenity values**

#### Light spill/luminance

11. Illuminance is the term used to describe a surface traditionally lit by a floodlight (for example), and is measured in lux. Lux levels control the amount of light spill around the sign. Luminance is the apparent brightness of the sign itself to the viewer/audience (measured in cd/m<sup>2</sup>).
12. Central City anticipates illuminance, noting the permitted light spill of 20 lux. This environment already well illuminated. However, digital billboards of this size are not anticipated. Digital billboards are more eye-catching due to their internal illumination. In relation to luminance, it is the relative prominence of the sign in relation to its surroundings that is important. As noted, the sign is freestanding and located on a vacant site, it does not fall within the backdrop of a building nor against a building. Whilst not located within a 'sensitive zone' there are still residential activities near and anticipated near, hence the recommended conditions for lower luminance levels to mitigate the size and prominence of the sign. I would also recommend a longer dwell time in the evening hours (i.e. 2minutes).

#### Size

13. The removal of the mesh frame has assisted in reducing the overall size and scale of the structure. However, I still consider it to be of a dominant size. As noted above, the sign is substantially bigger than a permitted sign.
14. I remain of the opinion that the size of the sign will detract from the visual amenity of the surroundings. Manchester Street has been upgraded significantly as part of the Central City Recovery Plan. Whilst I acknowledge there are still vacant sites, development is commencing. The wide pedestrian footpaths indicate the amenity sought for this part of the city.
15. The lack of built form on the site, or the billboard being located in close proximity to a building adds to its dominance. For example, if the billboard were attached to a building, or was located closer to a building (as many others are) I consider this would reduce its potential effect.

#### Digital/off-site signage

16. I understand the applicant is seeking to provide community advertising on their billboard, as it is stated as a 'positive effect' of the application. I do not know what percentage of community advertising is to be provided nor if any condition would be volunteered to this effect.

#### Views from the East Frame

17. The sign will appear overly prominent in skewed views from the East Frame. Most prominent 192 Gloucester Street. It is acknowledged that signage is anticipated in this area, but not in such a prominent and dominant form (i.e freestanding and vacant of built form).
18. It would be very prominent from users at the super-stop, again I acknowledge that this is in an urban environment, and signage is anticipated but not to the extent that is proposed.
19. Less prominent, to not being visible at all from the eastern most parts of the East Frame, as the super lots are developed.

#### Overall effects/conclusion

20. Disagree with the applicant's permitted baseline, the sign is much larger in area, than a sign that is anticipated on the site. It is also 3m higher. Consider the proposal will adversely affect the high quality environment and public realm sought for this area of the city.

#### **Transport**

21. The effects primarily related to traffic signal 5, for drivers travelling in the southbound in kerb side lane, whilst in the critical decision zone. Resulting from the visual overlap of the secondary traffic signal. The primary effect/concern is for the billboard to distract drivers.
22. Mr. Downard-Wilke still has concerns with the proposal from a traffic safety perspective. I acknowledge that there are clear differences between the specialists.
23. I note the applicant's comments that a number of different circumstances would have to occur at the same time for a crash. Even if the likelihood of this occurring is low, there are high pedestrian and cycle movements in the area and the RMA still considers low probability effects with high impacts (i.e. pedestrian/cyclists involved in a crash with a vehicle going through the intersection). The billboard will be very prominent in the immediate environment and will be very difficult to ignore.
24. I continue to adopt and rely on my specialist's advice.

#### Positive effects

25. The applicant confirms that the proposal enables the display of community advertising. However I am not sure how much of the advertising will be set aside for this.

#### **Objectives and policies**

#### Chapter 6.8 Signs

26. The key policies are **6.8.2.1.3** managing the potential effects of signage; **6.8.2.1.4** transport safety; **6.8.2.1.6** managing off-site signage.
27. Still of the opinion that the proposal is not consistent with Policy 6.8.2.1.3:
- For reasons already noted, the proposed sign detracts from the character and amenity of the surrounding. This is due to its overall scale and free-standing nature.
  - The billboard is not integrated with any built form on the site.
  - Point iii – neutral
  - Does not enhance the Central City. The sign (size/free-standing nature) is one that is more commonly found adjacent a main arterial (i.e. Moorhouse Ave, Blenheim Rd) where there are higher traffic movements and more infrequent pedestrian movements/lower level of amenity.
28. 6.8.2.1.4 – My specialist still has concerns from a traffic safety perspective. Therefore I consider the proposal to remain inconsistent with this policy.
29. Policy 6.8.2.1.6, further comments on this:
- Acknowledge the commercial zone and general commercial nature of the surroundings, accept the sign is within a ‘commercial context’ and Ms. Collie’s comments within her evidence. Nonetheless, the focus of the policy comes back to whether the sign is compatible with the surrounding environment, and as per my above comments, due to the size and freestanding nature of the sign, I do not consider it to be compatible with the surroundings.
  - Further, I have not considered the proposal to be consistent with the outcomes sought in Policy 6.8.2.1.3 as I do not consider that the sign will enhance the central city.
  - Therefore I remain of the opinion that the proposal is not consistent with this policy.

#### Chapter 15 Commercial

30. Objective 15.2.4 urban form, scale and design outcomes. Not inconsistent, however I note the plan anticipates buildings to be developed, not vacant sites with freestanding signage.
31. Policy 15.2.4.2., require new developments to be well-designed and laid out, encouraging pedestrian activity and amenity along streets and in adjoining public spaces, to a degree that is appropriate to the location and function of a road.
32. 15.2.5 (a)(iii) providing for key anchor projects within and around the CCCBZ.
33. **15.2.6.3 – Amenity.** The Plan (and policy framework) anticipates a building on the site. The plan does not anticipate a vacant site with carparking (discretionary activity) and a freestanding sign. The majority of the criteria of this policy is in relation to buildings. Nonetheless, the urban design assessment concludes that the proposal will not be appropriate in the location, and there are still concerns that the safety and efficiency of the adjoining transport network will be compromised.

34. My assessment remains unchanged. I do not consider the billboard to contribute to revitalisation of the central city. The area, height, free-standing design and digital display cumulatively results in a sign that will have significant adverse effects on the character and amenity of the receiving environment.

### **Conclusion**

35. The applicant notes that the billboard will not preclude development on the site. Which I acknowledge. But I also question if it acts as a disincentive towards developing the site, given the income earned from advertising. I would be interested in understanding what the applicant is seeking to develop on the site in the long-term.

36. Overall, I consider the sign to adversely affect the high quality, pedestrian environment and the anticipated outcomes of this part of the Central City. The area, height, freestanding design and digital display with off-site signage results in a sign that will have significant adverse effects on the character and amenity of the receiving environment. Furthermore, the scale of the signage is not related to any functional or operational need, on or off-site.

37. I have drafted consent conditions in the event that the decision maker considers that consent can be granted.

1. The development shall proceed in accordance with the information and plans submitted with the application. The Approved Consent Document is entered into Council Records as RMA/2020/1877 (XX pages).
2. Pursuant to s123 of the RMA, the consent shall lapse five years from the date of issue.
3. The digital sign and structure shall be removed at the end of the five year period, or at the time that the final building inspection is granted by Christchurch City Council for any residential development on the adjacent land to the east at 192 Gloucester Street, whichever occurs first;
4. The consent holder shall monitor whether a final building inspection has been applied for at 192 Gloucester Street, and provide documentation to Council, via email: [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz), every six months from the commencement of this resource consent. This documentation shall confirm whether residential development is occurring on 192 Gloucester Street, and the status of any request for a final inspection.
5. The billboard shall have a maximum dimension of 6m by 3m, and maximum height above ground level of 9m.
6. Only still images shall be displayed with a minimum duration of 10 seconds between 7am and 11pm, and 2 minutes otherwise.
7. The transition between still images shall occur only by way of a 0.5 second cross-dissolve.
8. The screen shall not display any of the following:
  - a. Live broadcast or pre-recorded video;
  - b. Movement or animation of images;
  - c. Flashing images;
  - d. Images using graphics, colours or shapes in such a way that they would resemble or distract from a traffic control device;
  - e. Sequencing of consecutive advertisements; or
  - f. More than one advertisement at any one time.
9. The screen shall not contain any retro-reflective material.
10. There shall be no sound associated with the sign and no sound equipment is to be installed as part of the screen.
11. In the event of digital screen failure, the billboard screen shall default to either black or switch off.
12. The billboard shall not exceed 10 lux spill (horizontal or vertical) of light when measured or calculated 2m within the boundary of any adjacent site, and Manchester Street.
13. The digital screen shall incorporate lighting control to automatically adjust brightness in line with ambient light levels.

14. The billboard shall not exceed the following luminance values:
  - A) Daytime: 3000cd/m and
  - B) Nighttime: 125cd/m
  
15. Within 30 working days of the display becoming operational, the consent holder shall submit a certification report from an appropriately qualified lighting designer/engineer confirming compliance with conditions 10 -12. The report shall include at least three luminance readings of the billboard, including:
  - a. One recording at midday;
  - b. One recording during the hours of darkness; and
  - c. One recording of up to 30minutes after sunrise or 30minutes prior to sunset.

The report shall be submitted to the Council via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz), Attention: Team Leader Compliance and Investigations.
  
16. The condition and appearance of the billboard shall be maintained at all times.
  
17. Prior to the erection of the billboard, a written maintenance programme, in the form set out in Appendix 6.11.16, shall be prepared by the operator/provider and submitted to the Christchurch City Council, via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz), Attention: Team Leader Compliance and Investigations.
  
18. Pursuant to Section 128 of the Resource Management Act 1991, the Council may serve notice on the consent holder of its intention to review, in whole or in part, conditions 1 – 15, in order to deal with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later time.