

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2022] NZEnvC 165

IN THE MATTER of the Resource Management Act 1991

AND an appeal under s 120 of the Act

BETWEEN WILSON PARKING LIMITED

(ENV-2022-CHC-18)

Appellant

AND CHRISTCHURCH CITY COUNCIL

Respondent

Environment Judge J E Borthwick – sitting alone under s 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 30 August 2022

CONSENT ORDER

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed, and resource consent granted to establish freestanding offsite digital signage on a site at 235 Manchester Street, Christchurch, subject to the conditions of consent and plans as set out in Appendix 1, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.



B: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Wilson Parking Limited against a decision of the Christchurch City Council to refuse to grant resource consent to establish freestanding offsite digital signage on a site at 235 Manchester Street, Christchurch.

[2] The proposal requires resource consent as a discretionary activity under rule 6.8.4.1.4 D2 of the Christchurch District Plan, as the proposed digital sign exceeds the 6 m height limit specified in Built Form Standard 6.8.4.2.6, and is captured by rule 6.8.4.1.3 RD2. The decision to refuse consent was based on the assessment that the proposal would have a more than minor adverse amenity and character effect on people in the street and future residents. The independent decision-maker also recorded the parties' traffic experts did not agree as to the traffic safety effects of the proposal but declined to make a decision on these effects in light of his finding on amenity and character.

[3] I have read and considered the consent memorandum of the parties dated 9 August 2022, which details the agreement reached between the parties to resolve the appeal by modifying the proposal to address the amenity and character, traffic, and community concerns.

Other relevant matters


[4] Ms Marilyn (Marette) Wells gave notice of an intention to become a party to the appeal under s 274 of the Resource Management Act 1991 ('RMA' or 'the Act') and has signed the memorandum setting out the relief sought.

[5] The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Outcome

[6] The court understands for present purposes that all parties to the proceeding have executed the memorandum requesting this order, and are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[7] On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought under s 279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297.



J E Borthwick
Environment Judge



Appendix 1

Draft Proposed Conditions and Appendix One - Urban Design and Visual
Impact Graphic Attachment

Draft Proposed Conditions

1. The billboard shall be:
 - a. up to 8 metres high and 3m wide, with the digital screen measuring 6m (high) by 3m (wide)
 - b. located on a base with a perforated view for visibility; and
 - c. located 2.0 metres from the boundary of the site, and at least 0.5 metres from the end of the parking bayin accordance with "A. Plan for Digital" contained in the Appendix One – Urban Design and Visual Impact Graphic Attachment dated 9 August 2022.

Landscaping

2. 15 working days prior to the installation of the billboard on site, the consent holder shall submit for certification to the Manager of Resource Consents (via rcmon@ccc.govt.nz) a landscape plan depicting the plantings surrounding the base of the billboard structure. The Plan shall include shrub species capable of achieving a density of planting as depicted on "E Proposed Sign – Indicative 3D Model" and "E2. Proposed Sign – Post Mediation" contained in the Appendix One – Urban Design and Visual Impact Graphic Attachment dated 21 July 2022, and a height of at least 1.0m once mature. In addition to the landscaping required by condition 2, a specimen tree shall be located between the billboard and the road boundary as depicted on "E2 Proposed Sign – Post Mediation" contained in the Appendix One – Urban Design and Visual Impact Graphic Attachment dated 21 July 2022. The tree shall have a minimum height of 3.0m at the time of planting.
3. The landscaping shall be in place prior to the operation of the billboard commencing, and shall be maintained for the duration of consent.
4. All landscaping required by this consent shall be maintained for the duration of the consent. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.

Images

5. Only still images shall be displayed on the billboard, with a minimum duration of 10 seconds per image.
6. The transition between images shall occur by way of a 0.5 second cross-dissolve.
7. The screen shall not display any of the following:
 - a. Live broadcast or pre-recorded video;
 - b. Movement or animation of images;
 - c. Flashing lights or images;
 - d. Sequencing of consecutive advertisements (ie where the meaning of an image is dependent upon, or encourages viewing of, the image that immediately follows);
 - e. A split screen (i.e. more than one advertisement at any one time);
 - f. Graphics, colours (red, green, orange, white or yellow), text or shapes in isolation or in combinations such that they can be reasonably considered to resemble, cause confusion with, or distract from a traffic control device; or
 - g. Content that invites or directs a driver to take any kind of driving action.

8. The screen shall display the equivalent of two advertisements per hour for art and/or community displays at no cost to the advertiser.
9. The screen shall not contain any retro-reflective material to prevent sunlight or reflection which may dazzle drivers.
10. The billboard must use LED technology.
11. There shall be no sound associated with the sign and no sound equipment is to be installed as part of the screen.
12. In the event of digital screen failure, the billboard screen shall either default to black or switch off.

Luminance / light spill

13. The billboard shall result in no more than 10.0 lux spill (horizontal and vertical) of light when measured or calculated 2 metres within the boundary of any adjacent site, and any arterial or collector road.
14. The digital screen shall incorporate lighting control to automatically adjust brightness in line with ambient light levels.
15. The billboard shall not exceed the following luminance values:
 - a. Daytime: 5500 cd /m²; and
 - b. Night-time: 250 cd/m² maximum and 150cd/m² maximum average.
Advice note: maximum average luminance and maximum luminance is to be measured in accordance with Section 3.3.5.5 of AS/NZS 4282:2019. For the purpose of determining daytime, reference should be made to the sunrise and sunset date provided on the Metservice website (<https://www.metservice.com/towns-cities/locations/christchurch>).
16. 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 14-16. 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 up to 30 minutes after sunrise or 30 minutes prior to sunset.The report shall be submitted to the Council via email to rcmon@ccc.govt.nz, Attention: Team Leader Compliance and Investigations.

Maintenance

17. The condition and appearance of the billboard shall be maintained at all times.
18. 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, Attention: Team Leader Compliance and Investigations.

Duration of consent

19. The term of consent shall be 5 years.

Advice notes

The consent holder's attention is drawn to the following:

- a. The guidelines for advertising contained in the NZTA Traffic Control Devices Manual, Part 3, Advertising Signs.
- b. The Advertising Standards Authority Advertising Code of Practice and the Broadcasting Act 1989.

A cross-dissolve (condition 2) is a transition between images where one image fades out while at the same time another image fades in.

The purpose of condition 3(f) is not to prohibit the use of a particular graphics, colour, text or shapes but to manage the use of these in order to avoid confusion with traffic control devices.



APPENDIX ONE - URBAN DESIGN AND VISUAL IMPACT GRAPHIC ATTACHMENT

DIGITAL BILLBOARD PROPOSAL - WILSON CARPARK, MANCHESTER STREET
FOR WILSON PARKING



09 AUGUST 2022
Project no. 2020_049a
REVISION I

WILSONS CARPARK, MANCHESTER STREET DIGITAL BILLBOARD PROPOSAL

Project no: 2020_049 A
Document title: URBAN DESIGN AND VISUAL IMPACT ASSESSMENT
Revision: H
Date: 21 JULY 2022
Client name: WILSON PARKING

Author: David Compton-Moore | Sophie Beaumont | Will Todd | Zoe Hughes
File name: 2020_049_Wilsons_225ManchesterStreet_BillboardPostMediationIllustrations_A

CONTENTS

DIGITAL BILLBOARD PROPOSAL - MOCK UP 1
SIGN LOCATIONS 2
SIGN ELEVATIONS 3-4
VPI - VIEW SOUTH FROM 265 MANCHESTER STREET 5-6

DOCUMENT HISTORY AND STATUS

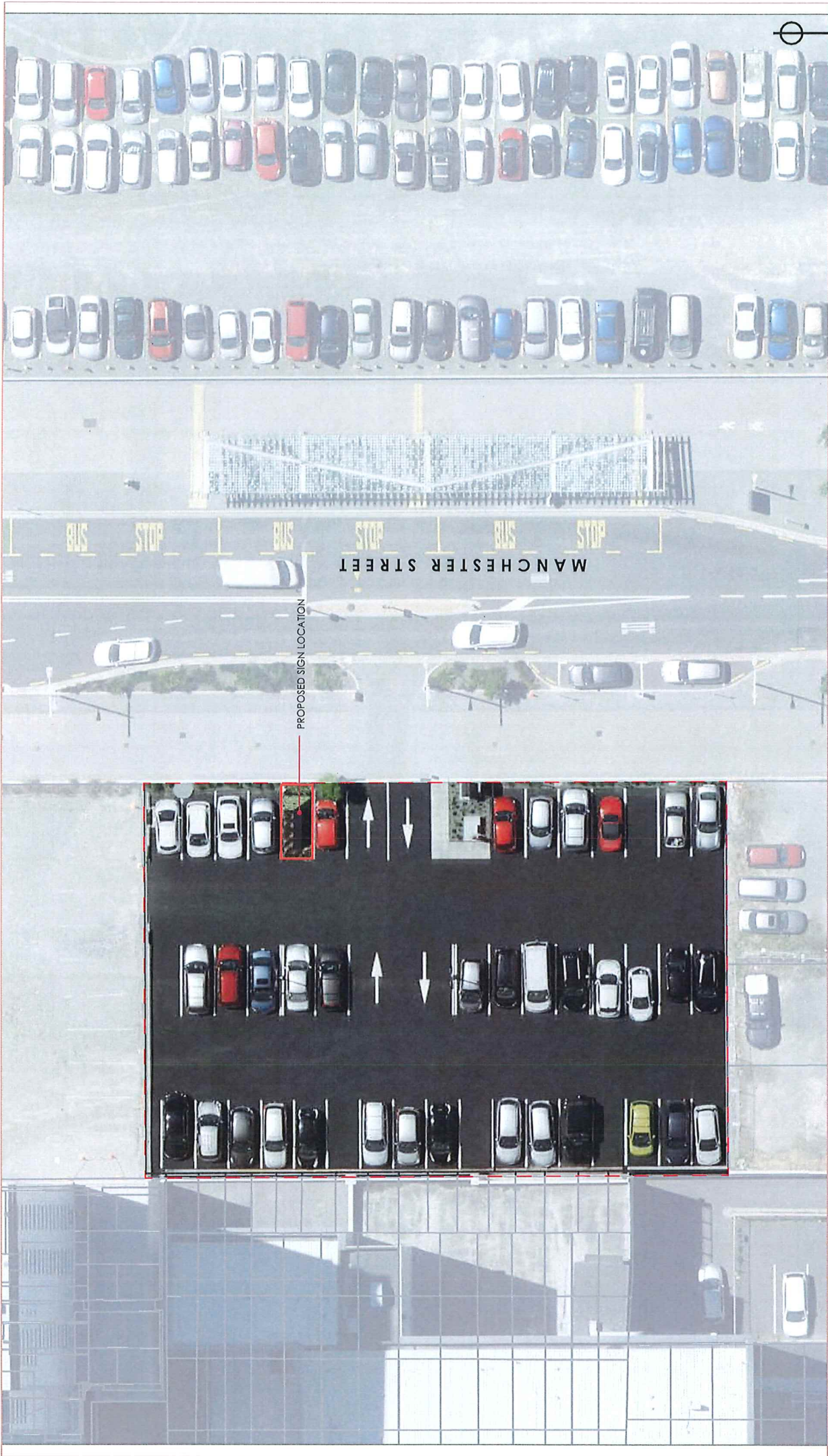
REVISION	DATE	DESCRIPTION	BY	REVIEW	APPROVED
A	31/07/2020	UDVIA REPORT	SB	DCM	
B	06/08/2020	VIEWSHED ILLUSTRATION	WT	DCM	
C	06/08/2020	ADDITIONAL VIEWPOINT	DCM		
D	12/10/2020	RFI	WT	DCM	
E	22/20/2020	RFI	WT	DCM	
F	15/02/2022	HEARING GRAPHIC ATTACHMENT	WT	DCM	
G	16/02/2022	HEARING GRAPHIC ATTACHMENT	WT	DCM	
H	21/07/2022	POST MEDIATION RESPONSE	ZH		
I	09/08/2022	MINOR AMENDMENTS	ZH		



DCM URBAN DESIGN LIMITED

Level 3, 329 Durham Street North
Christchurch 8013

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A. PLAN FOR DIGITAL SIGN

map / image source: Canterbury Maps - Scale 1:250 i.e. A3

Client / project name: WILSONS / 225 MANCHESTER STREET DIGITAL BILLBOARD

Drawing name: **SIGN LOCATIONS**
 Designed by: Dave Compton-Moen / Will Todd

Drawn by: WILL TODD

Original issue date: 31 JULY 2020

Scales: As Shown

Revision no:	Amendment
A	DRAFT
B	Viewshed Illustration
C	Additional Viewpoint
D	RFI
E	RFI
F	Graphics for evidence
G	Design amendment
H	Post mediation
I	Minor amendment

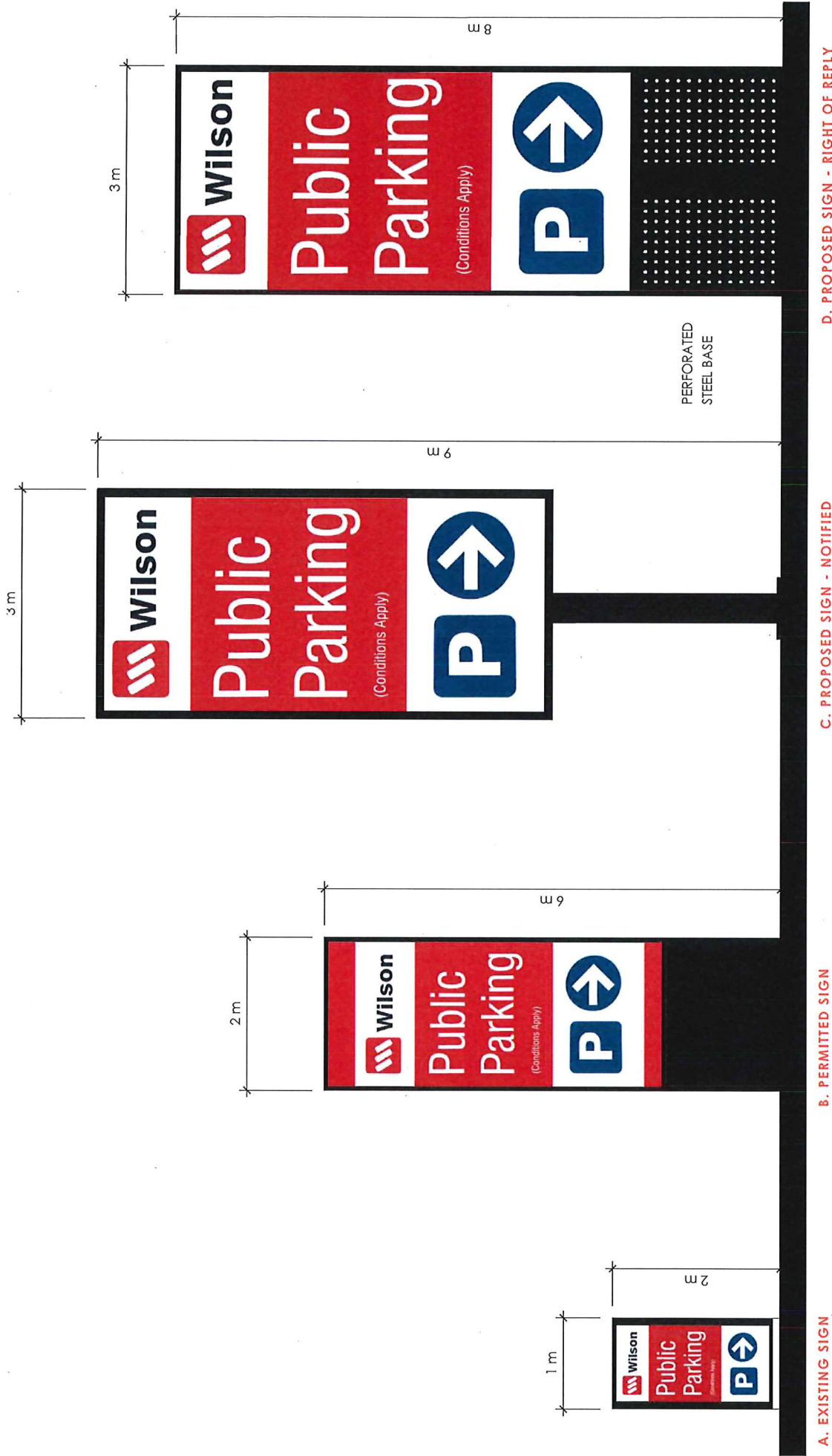
Approved	Date
DCM	31.07.2020
DCM	06.08.2020
DCM	06.08.2022
DCM	12.10.2020
DCM	22.10.2020
DCM	15.02.2022
DCM	16.02.2022
DCM	21.02.2022
DCM	09.08.2022

DCM URBAN DESIGN LIMITED
 3/329 DURHAM STREET NORTH
 CHRISTCHURCH 8013
 WWW.DCMURBAN.COM



Project no / drawing no: 2020_049 / 0001

Revision: 1



SIGN ELEVATIONS
Scale 1:50 @ A3

Upright oak tree
(*Quercus fastigata*)
or similar to be planted
between the sign
and the pedestrian
path. The tree is to
be Pb95 or larger at
the time of planting.



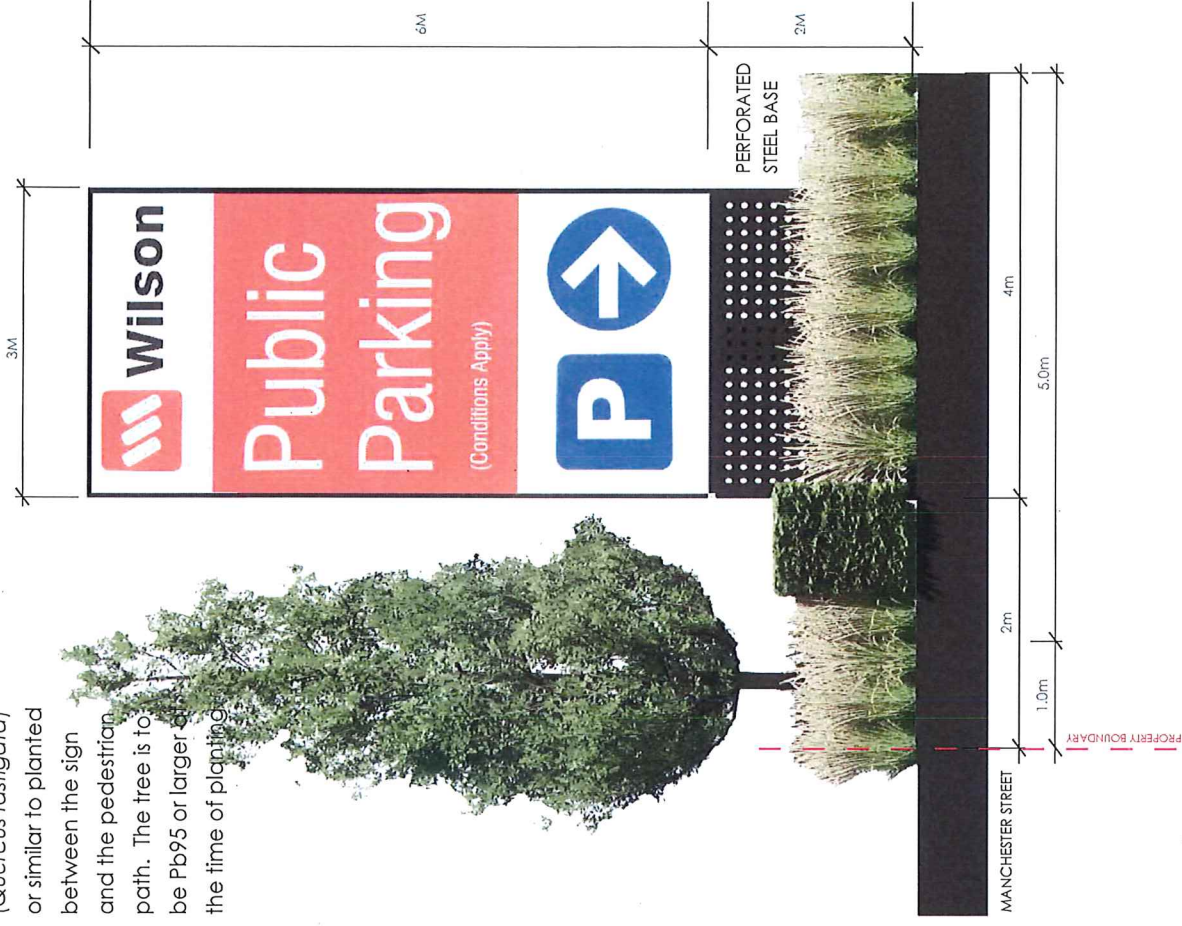
E. PROPOSED SIGN - INDICATIVE 3D MODEL

Scale: NTS

POST MEDIATION ILLUSTRATIONS

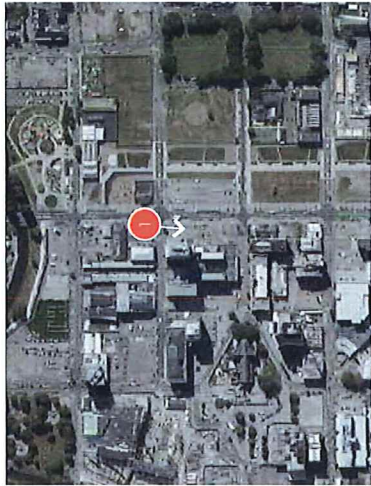
SIGN ELEVATIONS - PERMITTED BASELINE AND PROPOSAL

DIGITAL BILLBOARD PROPOSAL - 235 MANCHESTER STREET, CHRISTCHURCH

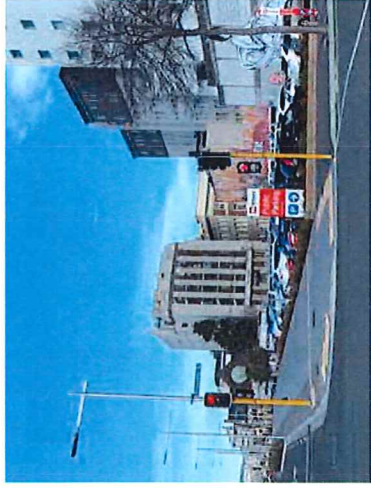


E2. PROPOSED SIGN - POST MEDIATION

Scale: 1:50 @ A3



A. IMAGE LOCATION



B. EXISTING VIEW

VISUALLY SENSITIVE RECEPTORS:

- Pedestrians / Cyclists along Manchester Street / Gloucester Street
- Users of Margaret Mahy Playground
- Visitors to Urbanz accommodation
- Office workers in the UniMed Building, 166 Gloucester Street

PROPOSED BILLBOARD



A. PERMITTED BASELINE



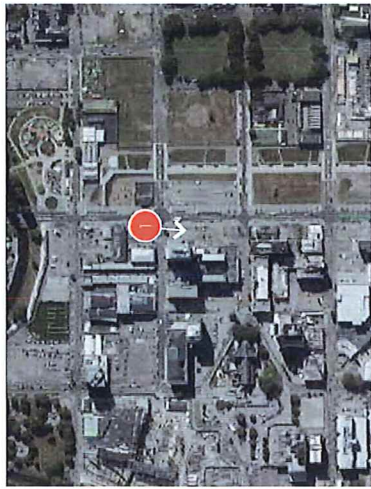
B. PROPOSAL SIGN

POST-MEDIATION ILLUSTRATIONS

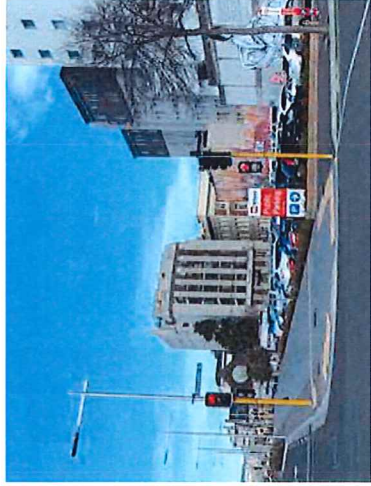
1 VPI - VIEW SOUTH FROM 265 MANCHESTER STREET

DIGITAL BILLBOARD PROPOSAL - 235 MANCHESTER STREET, CHRISTCHURCH

Image captured on Sony a6000
 Focal length of 50mm.
 Date: 01 October 2020 at 01:23 pm
 Height of 1.7 metres
 Photos merged in Photoshop CS to create panorama



A. IMAGE LOCATION



B. EXISTING VIEW

- VISUALLY SENSITIVE RECEPTORS:**
- Pedestrians / Cyclists along Manchester Street / Gloucester Street
 - Users of Margaret Mahy Playground
 - Visitors to Urbanz accommodation
 - Office workers in the UniMed Building, 166 Gloucester Street

PROPOSED BILLBOARD



C. RIGHT OF REPLY



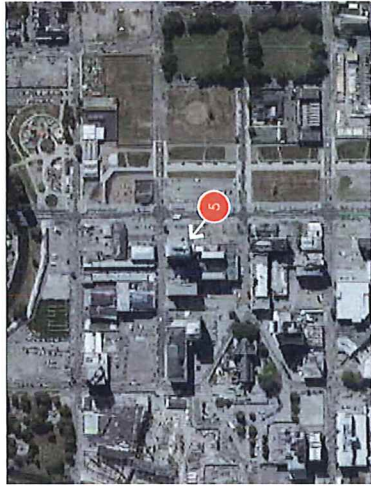
D. POST MEDIATION

POST MEDIATION ILLUSTRATIONS

1 VPI - VIEW SOUTH FROM 265 MANCHESTER STREET

DIGITAL BILLBOARD PROPOSAL - 235 MANCHESTER STREET, CHRISTCHURCH

Image captured on Sony a6000
 Focal length of 50mm.
 Date: 01 October 2020 at 01:23 pm
 Height of 1.7 metres
 Photos merged in Photoshop CS to create panorama



A. IMAGE LOCATION

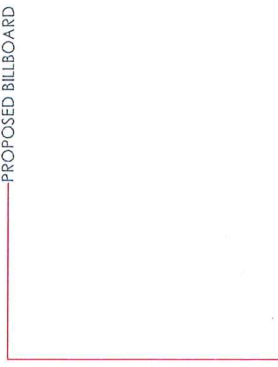


B. EXISTING VIEW

VISUALLY SENSITIVE RECEPTORS:

- Pedestrians / Cyclists along Manchester Street
- Bus Stop users
- Carpark users

PROPOSED BILLBOARD



A. PERMITTED BASELINE



B. PROPOSAL SIGN

POST MEDIATION ILLUSTRATIONS

VP5B - VIEW NORTH WEST FROM MANCHESTER STREET BUS STOP

DIGITAL BILLBOARD PROPOSAL - 235 MANCHESTER STREET, CHRISTCHURCH

Image captured on Sony a6000
 Focal length of 50mm.
 Date: 22 October 2020 at 09:12 am
 Height of 1.7 metres
 Photos merged in Photoshop CS to create panorama





A. IMAGE LOCATION



B. EXISTING VIEW

- VISUALLY SENSITIVE RECEPTORS:**
- Pedestrians / Cyclists along Manchester Street
 - Bus Stop users
 - Carpark users

PROPOSED BILLBOARD



C. RIGHT OF REPLY



D. POST MEDIATION

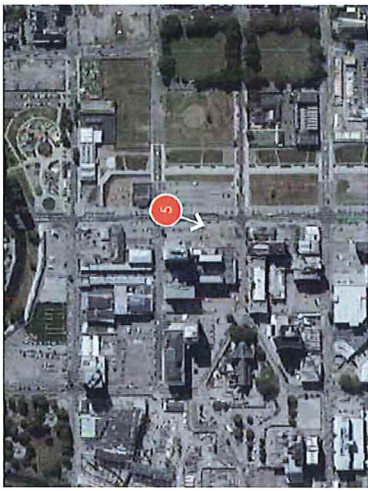
POST MEDIATION ILLUSTRATIONS

5b

VP5B - VIEW NORTH WEST FROM MANCHESTER STREET BUS STOP

DIGITAL BILLBOARD PROPOSAL - 235 MANCHESTER STREET, CHRISTCHURCH

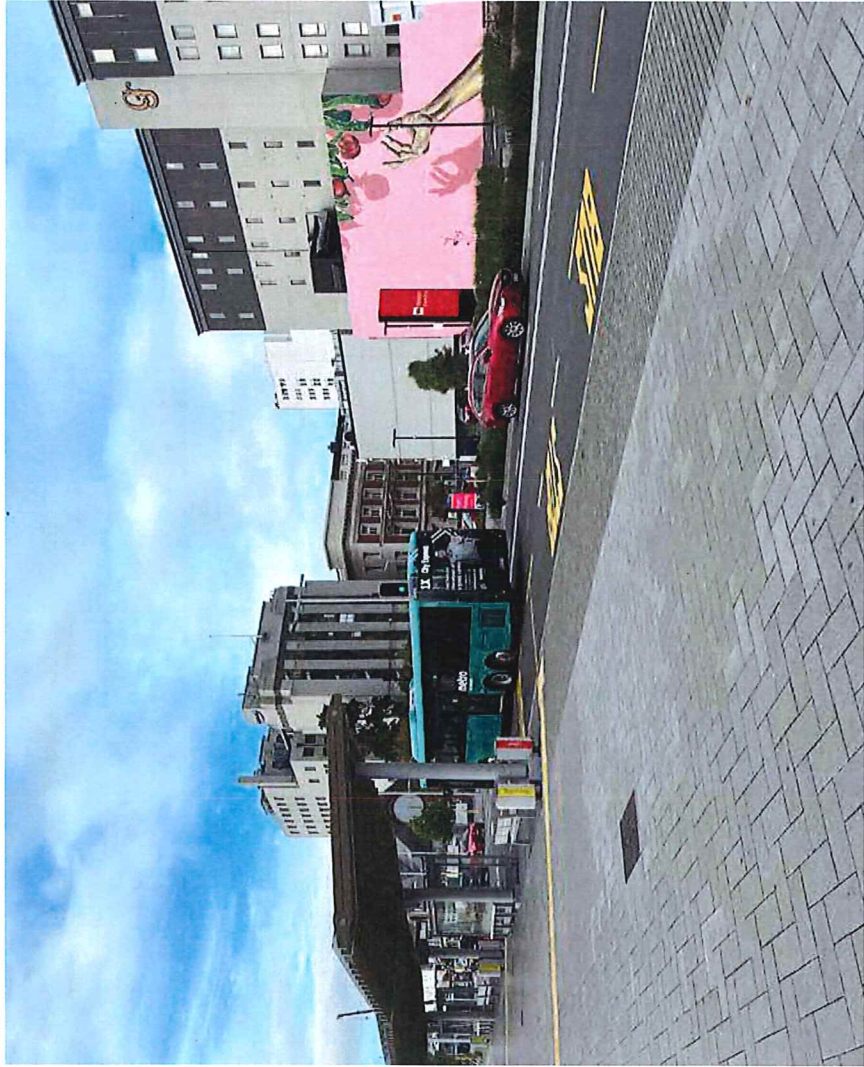
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 Date: 22 October 2020 at 09:12 am
 Height of 1.7 metres
 Photos merged in Photoshop CS to create panorama



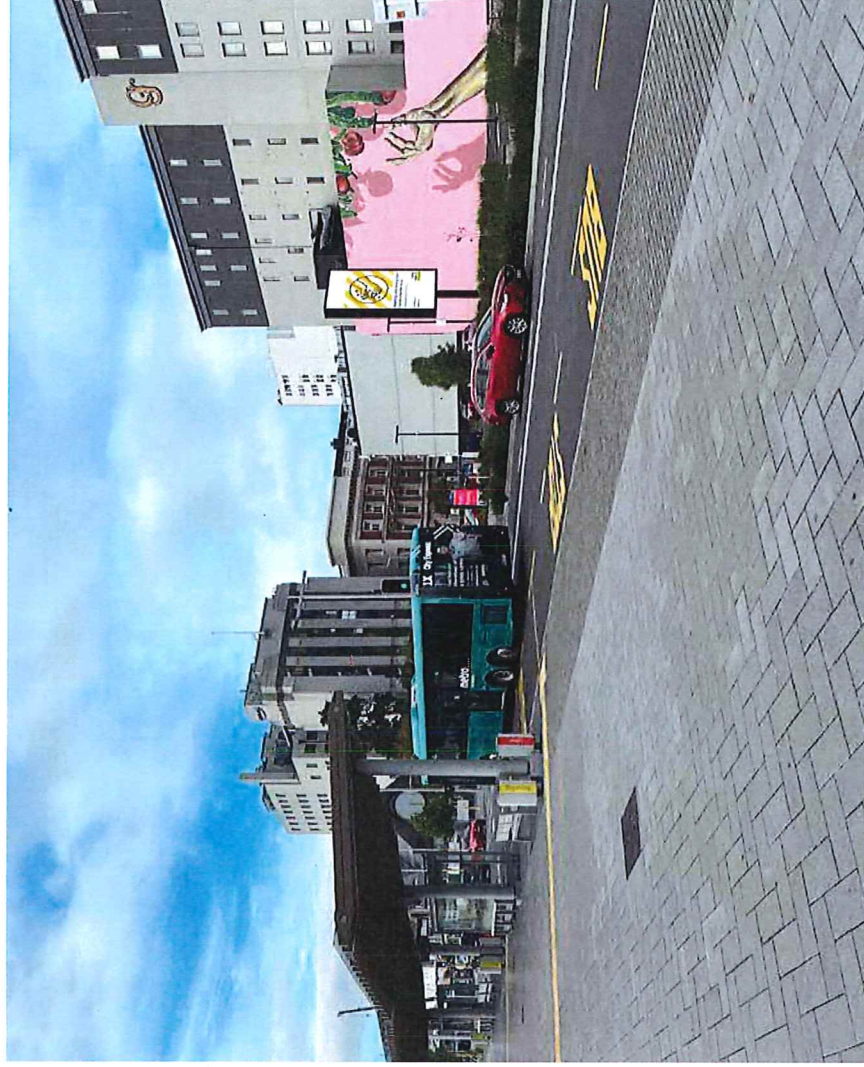
A. IMAGE LOCATION



B. EXISTING VIEW



A. PERMITTED BASELINE



B. PROPOSAL SIGN

POST MEDIATION ILLUSTRATIONS

5C

VP5C - VIEW SOUTH WEST FROM BUS STOP AND 192 GLOUCESTER

DIGITAL BILLBOARD PROPOSAL - 235 MANCHESTER STREET, CHRISTCHURCH

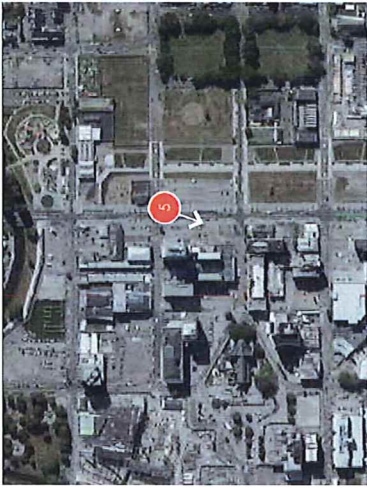
Image captured on Sony a6000

Focal length of 50mm.

Date: 15 February 2022 at 08:30 am

Height of 1.7 metres

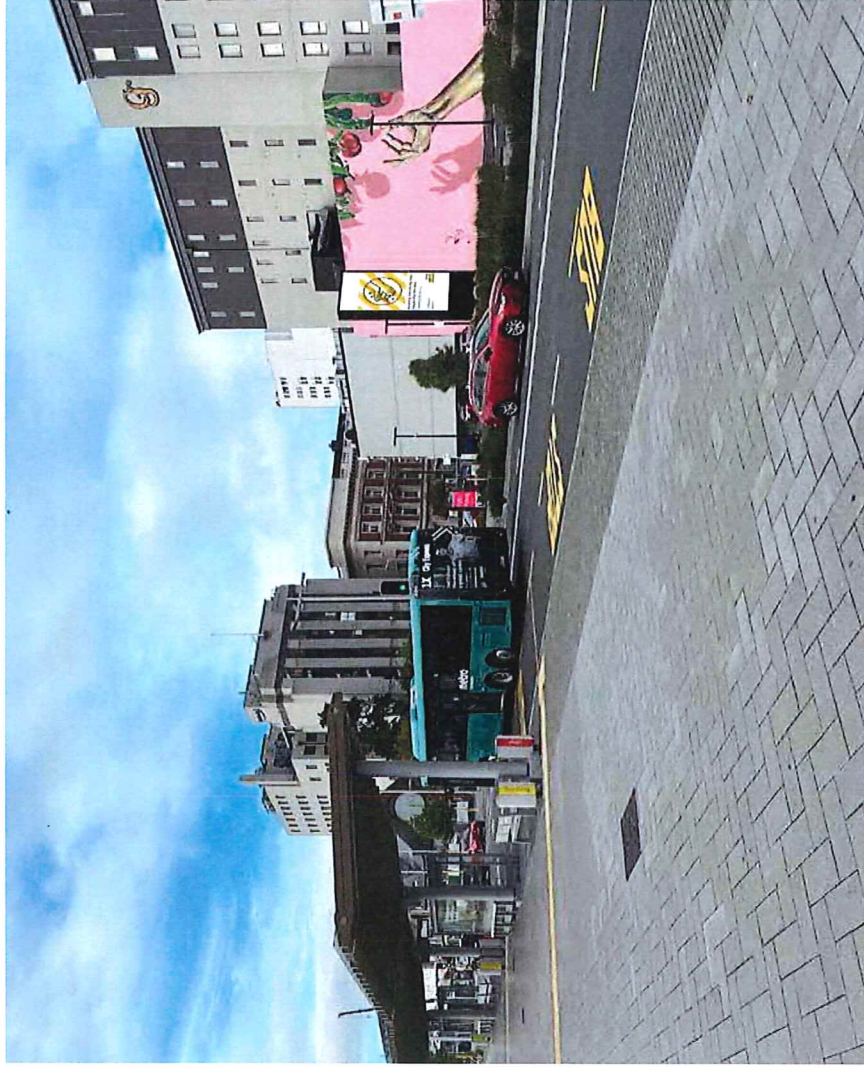
Photos merged in Photoshop CS to create panorama



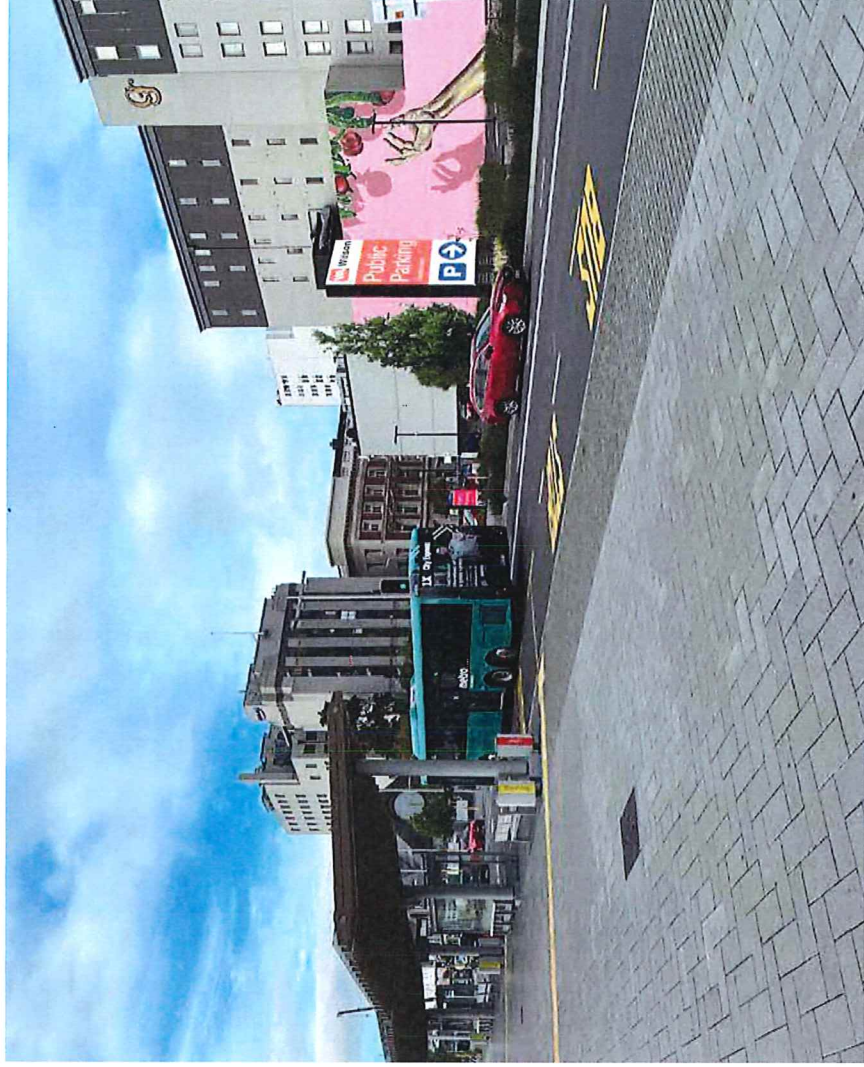
A. IMAGE LOCATION



B. EXISTING VIEW



C. RIGHT OF REPLY



D. POST MEDIATION

POST MEDIATION ILLUSTRATIONS

5C

VP5C - VIEW SOUTH WEST FROM BUS STOP AND 192 GLOUCESTER

DIGITAL BILLBOARD PROPOSAL - 235 MANCHESTER STREET, CHRISTCHURCH

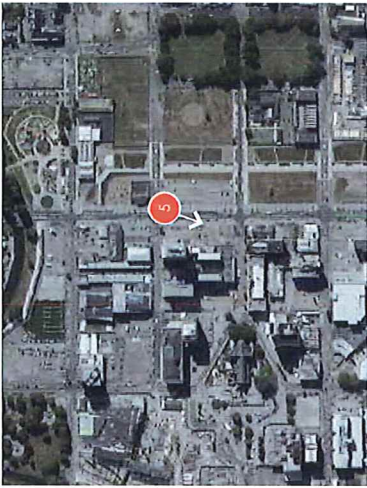
Image captured on Sony a6000

Focal length of 50mm.

Date: 15 February 2022 at 08:30 am

Height of 1.7 metres

Photos merged in Photoshop CS to create panorama



A. IMAGE LOCATION



B. EXISTING VIEW



C. POST MEDIATION

POST MEDIATION ILLUSTRATIONS

5c VP5C - VIEW SOUTH WEST FROM BUS STOP AND 192 GLOUCESTER

DIGITAL BILLBOARD PROPOSAL - 235 MANCHESTER STREET, CHRISTCHURCH

Image captured on Sony α6000
 Focal length of 50mm,
 Date: 15 February 2022 at 08:30 am
 Height of 1.7 metres
 Photos merged in Photoshop CS to create panorama