

Before a Commissioner
Appointed by the Christchurch City
Council

Under the Resource Management Act 1991

In the matter of a resource consent application for a free-standing digital
billboard at 235 Manchester Street (RMA/2020/1877)

Summary statement of evidence of Anita Clare Collie

1 March 2022

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- 1 My assessment of this application is presented in full in my main evidence. In this statement, I will summarise key matters.
- 2 The assessment in my evidence is based on the amended application, being for a 18m² freestanding digital billboard without the structure and plants surrounding the digital billboard, reducing the overall size of the structure to 18m² of digital display supported by a single pole.
- 3 The site is located in the Commercial Central City Business Zone (“**CCCBZ**”) and Ms Brown and I agree that resource consent is required for a discretionary activity.

Permitted Baseline

- 4 Ms Brown and I are also generally in agreement with regard to the permitted baseline, in that it allows up to 11m² of signage on the site. Permitted signs can be illuminated and up to 20 lux of light spill is permitted. This environment is expected to contain signage and be well-lit.

Receiving environment

- 5 My assessment has due regard to the existing environment, being a commercial zone, with a large amount of vacant undeveloped land utilised for car parking and tall commercial buildings to the west. My assessment of the existing environment does not include residential development on 192 Gloucester St, opposite the application site. It is not possible for this site to be developed, as of right, at this time.
- 6 Council advised me yesterday that Ōtākaro have applied to extend the lapse date of Designation V4, which applies to the entire East Frame and includes 192 Gloucester St. There is a process to go through to extend the lapse date, and then a further process to determine the outline plan for the site. There is no certainty of outcome in regard to future development on 192 Gloucester St or 185 Gloucester Street (to the north). Commercial use of this land is a possible development outcome, as is mixed use development.
- 7 However, I accept that the ordinary interpretation of the existing environment is not pragmatic in this situation and have also considered this application in a future anticipated environment under the District Plan. This future anticipated environment would include a highly urban, well lit, busy, commercial environment, with tall buildings on the land that is currently undeveloped, and includes potential for residential activities as part of mixed-use developments in the CCCBZ.
- 8 Designation V4 would not form part of this future anticipated environment, because it would not form part of the District Plan, as matters currently stand. However, given the CCCBZ provides for residential activity, and I have considered this as

part of the anticipated future environment (particularly at 192 Gloucester St), in my opinion, the status of Designation V4 is largely irrelevant.

Character and Visual Amenity Effects

- 9 Prior to addressing effects of the billboard, I firstly draw attention to the mitigation measures proposed as part of the draft conditions (**Attachment [A]**). I note that they include restrictions on luminance levels (both day and night time), the nature of imagery on the billboard, image transition, and light spill. I consider them to be representative of industry good practise. My effects assessment is on the basis of the application of these mitigation measures to the operation of the proposed billboard.
- 10 I have had regard to the permitted baseline and consider the visual representation provided by Mr Compton-Moen to be a realistic potential outcome.
- 11 I have previously noted that in the CCCBZ, the District Plan permits the illumination of signs and the largest degree of permitted light spill. The environment as it currently exists is well lit by street lighting and surrounding land uses. In this well-lit environment, and considering the controls proposed in the draft conditions, I consider the luminance of the sign to have acceptable effects.
- 12 The size of the sign is 7m² greater than the permitted baseline and located in an environment where existing commercial buildings form part of the backdrop from several viewing angles. It is smaller than the structures it is viewed alongside. In a future anticipated environment, commercial buildings are expected to be 7-28 metres tall and so I cannot consider it to be out of scale in that environment. Overall, I consider the size of the sign to have acceptable effects.
- 13 There are few signs in the surrounding environment as it exists currently, though the District Plan permits some on-site signage in the surrounding CCCBZ. Ms Brown and I agree that this proposed digital billboard will not create an unacceptable level of visual clutter¹.
- 14 The District Plan enables signage in commercial environments and recognises it as a contributor to Christchurch's recovery by supporting the needs of business. A view of a digital billboard does not automatically create an adverse effect. The context of the receiving environment is important.
- 15 Mr Nicholson and Mr Compton-Moen have both considered the effects of the proposed billboard on character and visual amenity values from a common set of viewpoints, but with substantially different conclusions.

¹ S42A report, paragraph 113, page 22.

- 16 Mr Nicholson considers that the adverse effects are high (corresponding to 'more than minor' in an RMA context) on key viewpoints from the western footpath of Manchester Street within 50 metres of the proposed billboard, from the Manchester Street super stop for bus patrons and for future residential development at 192 Gloucester Street.
- 17 I find the basis for Mr Nicholson's assessment of effects to assign undue sensitivity to the receiving environment, without regard to the permitted baseline and does not give sufficient weight to the commercial nature of the receiving environment. Additionally, there is no existing residential development on 192 Gloucester Street. If an assessment is undertaken of an anticipated future environment, this would also include additional development on the western side of Manchester Street, forming part of the wider view.
- 18 Mr Compton-Moen considers the effects on character and visual amenity from all viewpoints to be low, that is they are discernible, but do not adversely affect the viewer experience². I consider Mr Compton-Moen's assessment to be more aligned with the anticipated outcomes in the District Plan.
- 19 The District Plan does not specify unique character or visual amenity outcomes for residential or open space land uses in a commercial zone, and therefore the appropriate standard of character and visual amenity values for views from residential and open space land uses within the CCCBZ, are the same as from a commercial activity. This is different to the expectation of character and visual amenity values of a residential or open space zone. The appropriate approach is to assess the effects on the commercial character and commercial visual amenity values of the receiving environment.
- 20 I consider that the proposed billboard will be noticeable to occupants at 192 Gloucester Street. I do not consider that views of the billboard will be dominant considering the scale of the surrounding built form and side-on or angled views, nor out of context with expected city views.
- 21 I do not consider that the proposed billboard will be visually dominant to an unexpected or obtrusive degree for proximate pedestrians and users of the super stop, considering the height of the proposed billboard above eye level, the transitory nature of these viewers and expectations for signage in commercial environments.
- 22 Overall, the proposed billboard will be noticeable, but not out of context with expected city views considering the commercial character of the receiving environment. The overall effects on character and visual amenity values are

² David Compton-Moen evidence, para 26

acceptable, having regard to the permitted baseline and District Plan anticipated outcomes for the CCCBZ.

Heritage Effects

- 23 I agree with the Council's Heritage Advisor, Ms Richmond, that the proposed billboard does not prevent unobstructed views of the cluster of significant heritage buildings on Worcester Street and Manchester Streets from the north, and that it will have either limited or no effect on views of heritage buildings from the south and east.
- 24 I do not agree that there is an effects mitigation purpose served by limiting the proposed duration of this consent, as opportunities for the billboard and the heritage buildings to form part of the same view reduce as redevelopment occurs over time.
- 25 Overall, I consider that the effects of the proposed billboard on heritage values are acceptable.

Transport Effects

- 26 In regard to transport safety effects, I understand that Mr Carr and Mr Downard-Wilke agree that no more than minor transport safety effects arise from the south facing billboard.
- 27 In regard to the north-facing display, the experts agree that there is some visual overlap only for drivers traveling southbound in the kerb side lane, while in the critical decision zone for the Gloucester Street / Manchester Street intersection. The experts disagree on what degree of effect on transport safety this creates.
- 28 Mr Downard-Wilke considers that *"it should be avoided to have an electronic billboard form the backdrop to any traffic signal display while a driver travels through a critical decision zone."*³
- 29 Mr Carr considers that it is unlikely that drivers in the kerbside lane will be looking solely at signal pole 5, given its position diametrically opposite the intersection for drivers in the kerbside lane, and considering that the primary and primary overhead signals are closer, and therefore larger and more prominent in the drivers' visual field. Mr Carr further notes that mis-aligned traffic signal and billboard changes, and the black backing board for the traffic lanterns provide further mitigation to reduce the possibility of driver confusion.

³ Axel Downard-Wilke memorandum dated 31/1/2022, section 3.1.4, page 8

- 30 The question to determine is whether the presence of the digital billboard creates any additional crash risk.
- 31 Mr Carr advises based on a literature review and a specific New Zealand example that *“it is very unlikely that adverse safety-related effects will arise from the operation of the billboard, and I am able to support the proposed digital billboard from a traffic and transportation perspective.”*⁴
- 32 Mr Carr’s conclusions have been reviewed and are supported in the evidence of Mr Harries.
- 33 Proposed consent conditions control the nature of imagery displayed on the billboard so as not to resemble or distract from traffic control devices, or other types of imagery such as moving or flashing images that present a greater risk of distracting drivers. This is essential mitigation in my view.
- 34 Overall, I conclude that the proposed billboard does not give rise to any unacceptable adverse effects on transport safety.

Positive Effects

- 35 The application gives rise to a number of positive effects, including investment into the Christchurch Central City and providing a medium for other businesses to promote their services, and for the display of community messaging.

Submitter Evidence

- 36 Two submitters pre-circulated additional information.
- 37 Submitter Marilyn Wells has pre-circulated some additional evidence; an article related to the effects of marketing on children⁵. I acknowledge the submitters concerns, however, note that the subject matter is outside the scope of resource management effects that I can consider.
- 38 Urbis on behalf of Mr Lallu provided a letter further explaining his submission.
- 39 Urbis note that the development proposed by Mr Lallu is predominantly residential. I have reviewed the development plans submitted with Mr Lallu’s resource consent application and conclude that there would be no visibility of the proposed billboard

⁴ Andy Carr evidence, paragraphs 105

⁵ An objective assessment of children’s exposure to brand marketing in New Zealand (Kids’Cam): a cross-sectional study. *Lancet Planet Health* 2022; 6: e132–38, Published Online January 11, 2022 [https://doi.org/10.1016/S2542-5196\(21\)00290-4](https://doi.org/10.1016/S2542-5196(21)00290-4)

from residential apartments within Mr Lallu's development. There are no north-facing windows and balconies are shielded from north-views by wingwalls.

- 40 Urbis note their agreement with the Council's position that the proposal is not consistent with the District Plan Objectives and Policies but consider that the Council's position may well be different if the billboard were located on a building. Urbis then present photos of digital billboards on buildings, demonstrating that they are a feature in several Central City locations. Urbis then conclude that all digital advertising in the Central City should be attached to buildings⁶.
- 41 Urbis also present photos of free-standing billboards, in an environment that they position as more appropriate. I consider that these photos have limited relevance to this proposal. They are located in a different receiving environment and form part of the skyline (that is, they are not framed by buildings as views of the Applicant's proposed billboard are).
- 42 Urbis have not presented me with any new or site-specific information that would compel me to revisit my conclusions in my evidence.

District Plan Objectives and Policies

- 43 Chapter 6, Objective 6.8.2.1 requires that signage collectively contributes to Christchurch's vitality and recovery, by supporting the needs of business and community activities, maintaining public safety and contributing to Christchurch's vitality and recovery by enhancing the visual amenity and character of the surrounding area, building or structures.
- 44 Supporting policies are enabling of signage (including off-site signage) in commercial environments⁷, subject to a number of matters set out in supporting policies, the most relevant of which are 6.8.2.1.3 and 6.8.2.1.6. In my view, the matters set out in the supporting policies are not to be read in isolation, but in the context that signage is both anticipated and enabled in the receiving environment. I summarise my conclusions in respect of policy matters as follows:
- (a) While there are noticeable effects on character and visual amenity from some viewpoints, these are not to the degree that would inappropriately affect the anticipated visual amenity of the receiving environment.⁸

⁶ Urbis letter on behalf of Submitter Mr Lallu, dated 24/2/22, page 5.

⁷ Policy 6.8.2.1.1 and 6.8.2.1.6

⁸ Policy 6.8.2.1.3a.i.

- (b) The proposed billboard does not detract from views of the surrounding buildings, considering its scale and position.⁹
- (c) The proposed billboard is small compared to surrounding existing buildings and not larger than the anticipated development of the surrounding vacant land, and no adverse effects in relation to proportion or size arise.¹⁰
- (d) The proposal will provide additional development, income, visual interest, vibrancy and activity, and thus contributes to enhancing the Central City as the primary commercial centre in the District.¹¹
- (e) The proposed billboard is located in the heart of a commercial centre. The District Plan establishes the expectation for signage and illumination in the CCCBZ, and therefore I consider it compatible with the surrounding environment.¹²

45 I also consider the proposal to be consistent with Policy requirements for transport safety.¹³

46 Taking an overall view, I consider the proposal to be consistent with the Chapter 6 Signage Objective and Policies.

47 Chapter 15 Commercial Objectives and Policies seek to focus investment activity and intensification in the Central City, and that development contributes to an urban environment that is visually attractive and responds positively to local character and context and manages adverse effects on the surrounding environment.¹⁴

48 I have concluded that the proposal will add investment and activity to the Central City, and for reasons discussed previously, is appropriate in the context of local character and amenity.

49 Objective 15.2.6 seeks that the CCCBZ redevelops as the principal commercial centre for Christchurch and is attractive for businesses, residents, workers and visitors. Supporting Policy 15.2.6.1 directs the CCCBZ to provide for the widest range of activities and the greatest concentration and overall scale of built

⁹ Policy 6.8.2.1.3a.ii.

¹⁰ Policy 6.8.2.1.3a.iii.

¹¹ Policy 6.8.2.1.3a.iv.

¹² Policy 6.8.2.1.6

¹³ Policy 6.8.2.1.4

¹⁴ Objective 15.2.2 and supporting Policy 15.2.2.1, and Objective 15.2.4.

development in Christchurch. This speaks to the intensity, nature and scale of development anticipated for the CCCBZ.

- 50 Policy 15.2.6.3 is key to this proposal in that it sets specific amenity outcomes for the CCCBZ. Amenity outcomes are directed by the supporting parts of the policy. I have assessed these matters in detail in my main evidence and conclude that there is no inconsistency with the amenity outcomes sought for the CCCBZ.
- 51 Policy 15.2.6.4 provides for intense residential activity in the CCCBZ. I read this alongside the other commercial objectives and policies and conclude that the District Plan anticipates residential activity to co-exist with intense commercial built form and activity, which would include large commercial buildings, signage and lighting.
- 52 Policy 15.2.6.5 provides for a pedestrian environment that is accessible, pleasant, safe and attractive by achieving the subsequent four limbs of the policy. These four matters have very limited relevance to this proposal, therefore I consider that there is no inconsistency with this Policy. The standard of amenity for pedestrians arising from development on private land is informed by Policy 15.2.6.3.
- 53 Overall, the proposal provides investment into the Central City, contributing to revitalisation and recovery, increasing the intensification of development, maintains transport safety and avoids unanticipated adverse effects on character and visual amenity. For these reasons I consider the proposal to be consistent with the Objectives and Policies in the District Plan.

Comments on s42A report

- 54 I have read the s42A report prepared by Ms Brown, and note that our conclusions differ in respect of the degree of adverse effects on character and visual amenity. We disagree on the nature of the receiving environment. I do not agree that the proposed billboard is out of scale and character with signage anticipated in the zone, as the District Plan Objectives and Policies do enable signage (including off-site signage) in commercial zones.
- 55 The s42A report recommends that the proposed billboard not operate between 12am and 6am in order to protect residential activities. I do not consider that the District Plan provides for residential activities to be protected from views of digital signage at night and note that the CCCBZ is expected to be a well lit environment. I consider this mitigation to be inappropriate.

- 56 I note that the s42A report identifies that an information gap prevents firm conclusions in respect of traffic safety effects¹⁵. Mr Carr's evidence has provided further detail on this matter.
- 57 The Council have provided a full copy of Mr Lallu's submission, which the Applicant was not originally served a copy of. I consider that any matters raised by that submission are addressed in my main evidence.
- 58 At paragraph 127 of the s42A report, Ms Brown notes in her discussion of Policy 6.8.2.1.6 that she does not consider the site the term 'commercial context' to be the same as 'commercial zone'. Ms Brown goes on to say that the site context includes residential and open space. In my view, this interpretation is inappropriate for several reasons. Firstly, the zoning is CCCBZ and so the surrounding land, including the East Frame, could be developed as a fully commercial area. Secondly, the CCCBZ provides for residential activity even outside Designation V4. Applying the policy as Ms Brown intends would frustrate the policy where there was non-commercial activity. Thirdly, even if one accepts Ms Brown's point, the policy does not preclude or discourage off-site signage in a context that is a combination of commercial and other land uses. My conclusion remains that the Policy 6.8.2.1.6 is enabling of off-site signage in this location, subject to the detailed provisions of the policy.

Conclusion

- 59 Overall, I consider the application meets the necessary tests for approval and can be granted subject to the proposed conditions included in my **Attachment [A]**.

Anita Clare Collie

Dated 1st day of March 2022

¹⁵ S42A Report, paragraph 101