



**etcmedia Limited**

**Resource Consent Application - Sign**

**80 Fitzgerald Avenue**

**July 2015**

Resource Consents Unit

# Application for a Resource Consent (Land Use)

Resource Management Act 1991 - Form 9

Submit your application online at: [onlineservices.ccc.govt.nz](http://onlineservices.ccc.govt.nz); or

Email your application to [resourceconsentapplications@ccc.govt.nz](mailto:resourceconsentapplications@ccc.govt.nz); or

Deliver your application to: Christchurch City Council, 53 Hereford Street, Christchurch; or

Send your application to: Christchurch City Council, PO Box 73014, Christchurch Mail Centre, Christchurch 8154.

For enquiries phone: (03) 941 8999

## 1. General application details

This form is to be used for an application as required under Section 88 of the Resource Management Act 1991 and must be accompanied by the fee (Fee Schedule is attached), together with plans, a Certificate of Title and other supporting information.

Earthquake related work	Is this application earthquake related?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If yes, please outline why the application is earthquake related:		
Account holders	The Council has 'on-account' invoicing arrangements with some Project Management Offices (PMOs) and other high-volume applicants. Are the application fees to be invoiced to one of these organisations?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If yes, name of PMO/organisation:		

## 2. Pre-application information

Have you had a pre-application meeting or other discussions with Council staff about this proposal?  Yes  No

If yes, what was the name of the planner or other staff member(s)? *Holly Gardiner*

Date of pre-application meeting (if applicable):

Meeting reference no:

## 3. The Site

Location of the proposed activity (street address): *80 Fitzgerald Avenue, Christchurch 8011*

Legal description of application site (see the Certificate of Title) as at the date of application: *Lot 4 and Lot 4A, DP 673 Certificate of Title CB16A/1027*

## 4. The Applicant

Full Name: *etcmedia Limited*

Landline: *03 310 3141*

Mobile: *021 36 56 46*

Email: *mccaleb@etcmedia.co.nz*

Facsimile:

Postal Address: *C/- Wynn Williams, please see section 6 for details*

Post Code:

**Signature of Applicant:** (Or person authorised to sign on behalf of Applicant)

Signature:.....

Date:

Name of person signing (if signed on behalf of the applicant):

## 5. Owner/Occupier

Name(s) of the owner and occupier of the application site (if different to applicant): *Deaf Society of Canterbury Incorporated (Fee Simple).*

Postal Address: *80 Fitzgerald Avenue, Christchurch*

Post Code: *8011*

## 6. The Agent

Name of Agent: *Philip Maw*

Landline: *03 379 7622*

Email: *philip.maw@wynnwilliams.co.nz*

Postal Address: *PO Box 4341, Christchurch 8140*

Name of firm: *Wynn Williams*

Mobile:

Facsimile: *03 379 2467*

Post Code: *8140*

## 7. The Proposal

Describe what is to be carried out on the site, including a list of the ways it does not comply with the Christchurch City Plan or the Banks Peninsula District Plan (use additional pages if necessary).

*The applicant seeks resource consent to construct a sign at 80 Fitzgerald Avenue.*

*Please see attached Assessment of Effects for further detail.*

## 8. National Environment Standard (NES)

This section relates to the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health. [www.mfe.govt.nz/laws/standards/contaminants-in-soil](http://www.mfe.govt.nz/laws/standards/contaminants-in-soil)

The NES includes regulations controlling **soil disturbance, change of use, subdivision and removal/replacement of fuel storage systems** on properties which have been used either now or in the past for a hazardous activity or industry (known as HAIL) that may have resulted in contamination of the soil.

Please answer the following questions to determine whether the NES applies to your proposal.

Is the application site listed on Environment Canterbury's Listed Land Use Register (LLUR)? <a href="http://www.llur.ecan.govt.nz">www.llur.ecan.govt.nz</a> If YES, please include a copy of the LLUR statement with your application.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If the site is not listed on the LLUR, is an activity described on the Hazardous Substances and Industries List (HAIL) currently being undertaken on the piece of land to which this application relates, or is it more likely than not to have ever been undertaken on the land? The HAIL list is available at: <a href="http://www.mfe.govt.nz/laws/standards/contaminants-in-soil">www.mfe.govt.nz/laws/standards/contaminants-in-soil</a> Type of HAIL activity:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If the answer to either of the above questions is YES, then the NES <u>may</u> apply, depending on the proposed activity. Please identify whether the application involves any of the activities below.</b> <i>(If the answer to both of the above questions is NO, you do not need to answer the remaining questions in this section)</i>		
Will the proposed activity involve disturbance of more than 25m <sup>3</sup> of soil (per 500m <sup>2</sup> )? Volume of soil disturbance:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Will the proposed activity involve removal of more than 5m <sup>3</sup> of soil (per 500m <sup>2</sup> ) from the site? Volume of soil removal:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the application involve changing the use of the land to one which, because the land has been subject to a HAIL activity, is reasonably likely to harm human health? (e.g. service station to office, orchard to residential)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the application involve removing or replacing a fuel storage system or parts of it?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the application involve subdivision of the land?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If the answer to any of the above activity questions is also YES, then the NES <u>will</u> apply.</b> <ul style="list-style-type: none"><li>• Soil disturbance or removal exceeding the specified volumes requires resource consent.</li><li>• Changing the land use or subdividing the land will require resource consent if the permitted activity requirements of the NES are not complied with. These include provision of a Preliminary Site Investigation carried out by a suitably qualified and experienced practitioner.</li><li>• Removal or replacement of a fuel storage system will require consent if the permitted activity requirements of the NES</li></ul>		

are not complied with.

Does the proposed activity require resource consent under the NES?

If YES, an assessment of the application under the NES must be provided as part of your Assessment of Effects on the Environment (refer Section 9 below). A Detailed Site Investigation may be required.

Yes

No

## 9. Assessment of Effects

Assessment of any effects on the environment in accordance with Schedule 4 of the Resource Management Act 1991. **This section MUST be completed to a level of detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.** (Use additional pages if necessary).

Please see attached Assessment of Effects.

## 10. Other Applications

Have you applied for, or are you required to apply for, any other resource consents for this project, either from the Christchurch City Council or Environment Canterbury, and if so, what type?

		Has been applied for:	Is required to be applied for:	Has been obtained:	Reference No. (if applicable):
Christchurch City Council	Subdivision Consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Other Land Use Consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environment Canterbury	Water Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Discharge Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Coastal Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

OR

No additional resource consents are needed for the proposed activity.

Have you applied for a Project Information Memorandum (PIM) or a building consent for this project?

Yes

No

If yes, what is the project number?

BCN

## 11. Development Contributions

The following information is required for assessment of levies under the 2013-2022 Development Contributions Policy.

### Residential development

The use of land or buildings for living accommodation purposes including residential units such as dwellings, serviced apartments and unit/strata development but excluding retirement villages and travellers accommodation such as hotels, motels, hostels.

**Existing:** Number of residential units:

**New total (existing plus proposed):** Number of residential units:

Has a residential unit been demolished/removed from the site?  Yes  No Date: / /

The following section applies when there will be more than one residential unit on the site:

Gross floor area (all buildings): m<sup>2</sup> Gross floor area of each unit: m<sup>2</sup>  
(Attach separate page if necessary)

The following section applies where there will be two or more **attached** residential units on the site:

Impervious surface area: m<sup>2</sup> Impervious surface area: m<sup>2</sup>  
(See definition at end of this section)

### Non-residential Development

The use of land or buildings for commercial premises/offices, shopping centres, supermarkets, service stations, market, bulk

## 1. Introduction

- 1.1 etcmedia Limited (the "Applicant") seeks resource consent to construct and operate a permanent digital billboard at 80 Fitzgerald Avenue, Linwood, Christchurch, being legally described as Lot 4 and Lot 4A DP 673, and comprised in Certificate of Title CB16A/1027 (the "Site"). A copy of CB16A/1027 is attached as **Appendix 1**.
- 1.2 The Deaf Society of Canterbury Incorporated owns and occupies the Site.

## 2. The Site

- 2.1 The Site is located on the north-eastern corner of the Fitzgerald Avenue and Tuam Street intersection and has frontage onto both streets. The Site is zoned Business 3 (Inner City Industrial) in the City Plan. The surrounding land to the north, east and south is also zoned Business 3. The land to the west, on the opposite side of Fitzgerald Avenue is zoned "Central City Mixed Use".
- 2.2 The building on the Site is a two-storey painted brick building occupied by the Deaf Society of Canterbury Incorporated. There is a verandah on the building which is attached to both the Fitzgerald Avenue and Tuam Street sides of the building. The ground floor level of the building is predominantly glass, while the first floor level is a mix of windows and brick.
- 2.3 Fitzgerald Avenue is one of the roads that forms the boundary of the Central City and has a dual road classification of "Arterial Route" and "Major Arterial" in the Christchurch City Plan ("City Plan"). The digital billboard will primarily be viewed by eastbound traffic on Tuam Street (one-way) travelling towards Fitzgerald Avenue. Tuam Street is classified as a "Main Distributor Street" in the City Plan. These roads are zoned "Special Purpose Road Zone".
- 2.4 A Location Plan of the Site is attached as **Appendix 2**. The Site is shown in red and the proposed location of the Sign is marked in blue.

## 3. The Proposed Activity

- 3.1 The Applicant seeks consent to attach a digital billboard ("Sign") onto the building at 80 Fitzgerald Avenue for outdoor advertising. The Sign will be approximately 3m x 9m with a total area of 27m<sup>2</sup>. The Sign will be approximately 7m high, measured from the existing ground level to the top of the Sign and will cover approximately two-thirds of the first floor windows on the Fitzgerald Avenue side (the windows on the Tuam Street side of the building remain unmodified). The Proposed Signage Plan setting out the position of the Sign on the building is attached as **Appendix 3**.
- 3.2 The Sign is intended to be an informative display and alternative mode of communication to Christchurch residents, tourists and visitors of the current "goings-on" in the greater Christchurch community, as well as providing an advertising medium as an economic resource.
- 3.3 The façade of the building will be extended by 600mm so that the Sign will not exceed the façade height of the building. The permitted height in the Business 3 zone is 20m which will not be exceeded by this proposal.
- 3.4 The Sign is a high quality, technical design which is responsive to ambient light conditions, is network secure and all-weather durable. The images displayed will be static in nature without movement such as animation, flashing, scrolling, intermittent

or full-motion video. Images will be rotated at eight-second intervals which follows industry-standard practice.

- 3.5 As set out below, the Sign complies with all development standards within the City Plan other than development standards 3.4.1 (area and number) and 3.4.9 (architectural features).
- 3.6 The Sign will also advertise non-site related material. As one of the critical standards within the City Plan restricts non-site related advertising, the activity will be a non-complying activity.
- 3.7 The Sign complies with the glare standards for the Business 3 zone, as well as the Central City Mixed Use zone on the other side of Fitzgerald Avenue, but will not comply with the standards required for the Special Purpose Road zone.

#### **4. Planning Matters**

- 4.1 Section 9 of the Resource Management Act 1991 ("RMA") provides that:
  - (3) *No person may use land in a manner that contravenes a district rule unless the use –*
    - (a) *is expressly allowed by resource consent*
- 4.2 Therefore, an assessment of the proposed activity against the rules in the relevant district plan is required to determine whether the proposed activity can lawfully be carried out.
- 4.3 The City Plan became operative in part on 21 November 2005. All of the rules that relate to this application are beyond challenge, and are, therefore operative. As such, this proposal needs to be assessed against the rules in the City Plan.
- 4.4 Stage 1 of the Proposed Christchurch Replacement District Plan ("Replacement Plan") was notified on 27 August 2014. Stage 2 of the Replacement Plan was notified on 2 May 2015. Pursuant to section 86B of the Resource Management Act the rules do not have legal effect until decisions on the plan have been notified. Decisions on some chapters have been notified, however none of these chapters are relevant to this application.
- 4.5 As provided for in Volume 3, Part 10 (Heritage and Amenities) of the City Plan, outdoor advertisements are permitted in the Business 3 zone provided that the advertisement complies with all the development standards under clause 3.4 (volume 3, part 10) and all of the critical standards under clause 3.5 (volume 3, part 10).
- 4.6 Any advertisement that complies with all the critical standards, but does not comply with one or more of the development standards is a restricted discretionary activity. Any advertisement that does not comply with one or more of the critical standards is a non-complying activity.

*Rule Assessment*

- 4.7 A table with all relevant rules and standards that apply to outdoor advertisements (and an assessment against those standards) is set out as follows:

<b>Type</b>	<b>Rule</b>	<b>Assessment</b>	<b>Status</b>
<i>General Rule</i>	<p><b>3.2.3 Maintenance of outdoor advertising</b></p> <p>The condition and appearance of any outdoor advertisement shall be maintained at all times so that these do not detract from amenity values.</p>	This rule will be met and is also contained in the proposed conditions in <b>Appendix 4</b> .	Compliant.
<i>General Rule</i>	<p><b>3.2.4 Outdoor advertising in the Special Purpose (Road) Zone</b></p> <p>Outdoor advertisements that extend across a zone boundary and over part of a Special Purpose (Road) or Special Purpose (Pedestrian Precincts) Zone, shall be subject to the rules which are applicable to outdoor advertisements in the zone in which the site or building is located.</p>	The Sign will not extend across the zone boundary or into a special purpose zone and will be contained within the Site.	Compliant.
<i>Development Standard</i>	<p><b>3.4.1(d) Area and number:</b></p> <p>The maximum total area of outdoor advertisements on any site shall be 10% of the site frontage area<sup>1</sup> provided that the maximum area of any single free-standing outdoor advertisement shall be 18m<sup>2</sup>.</p>	The Sign has an area of 27m <sup>2</sup> . As the rule is drafted, it is unclear whether the maximum total area of outdoor signage is limited to 18m <sup>2</sup> for signs other than free-standing signs. Regardless, the proposed signage area exceeds 10% of the site frontage area so exceeds the permitted activity standards.	Standard breached.
<i>Development Standard</i>	<p><b>3.4.3 Height:</b></p> <p>(i) The maximum height of any free-standing outdoor advertising shall be 9m.</p> <p>(ii) Any outdoor advertisement</p>	The Sign will be approximately 7m high. If the Sign was freestanding, it would comply with the permitted activity standard.	Compliant.

<sup>1</sup> Site frontage area means the length of the site's road frontage, multiplied by 5m.

	attached to, or displayed on a building shall not exceed the façade height of the building.	Part of this proposal is to extend the building façade so that the Sign will not exceed this permitted activity standard.	
<i>Development Standard</i>	<b>3.4.4 Illumination:</b> Any outdoor advertisement shall not be internally or externally illuminated by intermittent or flashing light sources.	The Sign will not be illuminated by intermittent or flashing light sources.	Compliant.
<i>Development Standard</i>	<b>3.4.5 Street scene:</b> The street scene rule for a building in the Business 3 zone applies because standard 3.4.1 is breached.  5.2.3 (Volume 3, Part 3) requires the minimum building setback from road boundaries to be 3m in the Business 3 zone.	The Sign will be attached to the building on the site which is setback more than 3m from the road boundary. See <b>Appendix 3</b> for an image of the location of the proposed sign.	Compliant.
<i>Development standard</i>	<b>3.4.6 Support structure visibility</b> Any support structure attaching the outdoor advertising to a building shall not be dominantly visible from any road or public place.	The mechanism used to attach the Sign to the building will be concealed from view.	Compliant.
<i>Development Standard</i>	<b>3.4.7 Verandah related displays</b> Any outdoor advertisement shall not project more than 200mm from the face of the building.	The Sign will not project more than 200mm from the face of the building.	Compliant.
<i>Development Standard</i>	<b>3.4.9 Architectural features</b> Outdoor advertisements shall not obscure windows or significant architectural features.  Any application arising from this clause will not require the written consent of other	The Sign will obscure some of the windows on this building. It is considered that there are no significant architectural features on this building.	Standard breached.



	persons and shall be non-notified.		
<i>Development Standard</i>	<b>3.4.10 Traffic safety:</b>  (a) Any outdoor advertisement shall not be located so as to be likely to obscure or to confuse the interpretation of any traffic signs or controls.	Part of this proposal is to extend the building façade so that the Sign can be raised above the traffic lights and will not obscure or confuse the interpretation of those signals.	Compliant.
<i>Development Standard</i>	<b>3.4.11 Landscaping</b>  No landscaping required by this Plan shall be removed, other than by necessary trimming and pruning, to afford greater visibility of any outdoor advertising.	No landscaping will be removed.	Compliant.
<i>Critical Standard</i>	<b>3.5.1: Relationship to the site</b>  The advertisement shall only contain the name of the building, occupiers or tenants or details of goods and services available from the building or site.	The Sign will advertise businesses other than just those located on the Site.	Standard breached.
<i>Critical Standard</i>	<b>3.5.3: Moving, flashing or retro-reflective displays</b>  No outdoor advertisements shall involve any flashing movement or apparent movement of any of its parts or messages. No outdoor advertising shall be finished in any retro-reflective material.	The Sign will only display static images and advertisements will not have any flashing movement or apparent movement of any of its parts or messages. Images will transition through a half-second dissolve to avoid any perceived flashing movement.	Compliant.

4.8 The other standards which are not listed in the above table are not directly relevant to this proposal and have been omitted for that reason.

4.9 The development standards that will be breached are 3.4.1 (area and number) and 3.4.9 (architectural features), as well as critical standard 3.5.1 relating to the nature of the advertisement.

*Other relevant rules*

4.10 There are also rules in Part 11 of the City Plan that relate to the control of glare as follows:

**2.3.1 Standards for the control of glare and zone groupings; exclusions from rules:**

*Notwithstanding that an activity may comply with the specified glare standard for the zone in which it is located, it must also comply with the standard required at the point of measurement<sup>2</sup> on an affected site in another zone grouping where a lower (more restrictive) standard is specified, whether or not there is a common boundary between the sites.*

**2.3.2 Glare standards for Group 2 Zones (includes Business 3 and Central City Mixed Use Zones):**

*Any activity which results in a greater than 10.0 lux spill (horizontal and vertical) of light, shall be a discretionary activity.*

**2.3.5 Effect of illumination on aircraft operations and arterial roads**

*In addition to the standards applicable in Clauses 2.3.2 - 2.3.4, any activity which results in a greater than 2.5 lux spill (horizontal or vertical) of light from outside the Special Purpose (Road) Zone into any part of a road zone classified as an arterial road in Part 8 Appendix 3, or on any land outside the Special Purpose (Airport) Zone which is within 500 metres of the threshold of the main or cross runways at Christchurch Airport (except for navigation lighting) shall be a non-complying activity.*

- 4.11 By virtue of rule 2.3.1 (which specifies the zone standards that are to apply to any activity), the Sign must comply with the glare standards of both the zone in which it is located as well as the zone of an affected site in another zone grouping with a lower standard. The Site is across the road from the Central City Mixed Use Zone. As this zone is also a Group 2 zone, the glare standard for both zones is 10 lux.
- 4.12 The Sign will comply with the Group 2 glare standards at the point of measurement in the Central City Mixed Use zone across the road. However, as Fitzgerald Avenue is classified as an arterial road, rule 2.3.5 will be breached.
- 4.13 Overall, as a result of the breach of a critical standard (relationship to the site) and glare standard (effect of illumination on arterial roads), the proposed activity falls to be assessed as a **non-complying activity**. Accordingly, the provisions of sections 104,104C and 104D of the RMA are relevant to this application.

**5. Statutory Considerations**

- 5.1 Section 104D provides that an application for a non-complying activity may only be granted if:
- (a) The effects of the activity on the environment will be no more than minor; or
  - (b) The activity is not contrary to the objectives and policies of the relevant plan or proposed plan.
- 5.2 The application does not need to pass through both of the "gateways" in section 104D(1), it only needs to pass through one.

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<sup>2</sup> 2.2.2 Point of measurement - Lux spill: All standards for the following rules relating to lux spill (horizontal and vertical) shall be measured either at a point 2 metres inside the boundary, or at the closest window, whichever is the nearer, of the property affected by glare from the activity on the site from which the glare originates.

- 5.3 Once the assessment under section 104D has been carried out, consideration of any other relevant matters under section 104(1)(c) is required, followed by an assessment of the proposal against Part 2 of the RMA.
- 5.4 Section 104B provides that after considering an application for a resource consent for a non-complying activity, a consent authority may:
- (a) Grant or refuse the application; and
  - (b) If it grants the application, may impose conditions under section 108.

## 6. Assessment of Effects

- 6.1 Section 88 of the RMA requires the applicant to undertake an assessment of any actual or potential effects on the environment that may arise from a proposal, and the ways in which any adverse effects may be avoided, remedied or mitigated.
- 6.2 The actual and potential effects likely to arise from the Sign are considered to be as follows:
- (a) Visual effects;
  - (b) Lighting and illumination effects;
  - (c) Traffic safety effects;
  - (d) Socio economic wellbeing; and
  - (e) Positive effects.
- 6.3 These effects are considered below.
- Visual effects*
- 6.4 The area surrounding the Site is typical of the Business 3 zone which is described in the City Plan as "*the older industrial areas near the central city which are dominated by light industry, warehousing and service industries, and includes a range of long established industries often on small sites*".
- 6.5 The character of the wider environment is dominated by the industrial/business activities occurring along Fitzgerald Avenue between Cashel Street and Moorhouse Avenue, as well as along Tuam Street, on both sides of Fitzgerald Avenue. There are no residential dwellings in the vicinity of the proposed Sign. The closest residential area is likely to be the area bounded by Hereford and Cashel Streets, to the east of Fitzgerald Avenue, approximately 250 metres from the Site. The Sign will not be viewed from this residential area due to the distance and the positioning of the Sign attached to the building. There is a small church on Livingstone Street which is surrounded by industrial type businesses. The Sign cannot be viewed from this site.
- 6.6 It is clear from the zone description that the Business 3 zone allows a significant level of effects compared to other zones, including effects in terms of noise, traffic and building scale. The environmental results anticipated (as they relate to visual effects) include:
- (a) a diverse range of industrial and service activities with a visual dominance of the built environment, rather than open space and extensive landscaping; and
  - (b) a visually mixed environment, with a predominant industrial character but with provision to improve and enhance street scene character, through

requirements for frontage tree planting and street setbacks for buildings to mitigate building scale and storage areas as redevelopment takes place.

- 6.7 The rules in this zone are intended to avoid the establishment of incompatible activities and the potential for pressure to lower the effects of industrial and other permitted activities operating up to the levels of effects permitted in the zone.
- 6.8 It is considered that the Business 3 zone has a lower amenity value than many other zones in the City. Further, this area has been severely impacted by the Christchurch earthquakes, and except for the line of trees in the centre of Fitzgerald Avenue, is visually unattractive. Although there are a number of newer buildings scattered throughout, the area is yet to be rebuilt and there are many empty and untidy lots.
- 6.9 The expectation of landscaping in this zone is considerably lower than in other industrial areas and the building densities are generally higher in this zone. There is little landscaping in the area except for the continuous line of trees and grassed areas in the centre of Fitzgerald Avenue, and plantings along the street frontage on the adjoining site at 84 Fitzgerald Avenue. There is no existing landscaping on this Site which appears to be consistent with the zoning.
- 6.10 This type of Sign is compatible (and likely best-placed) in an Industrial Zone. The surrounding land use activities are predominantly industrial in nature (mechanics, electrical suppliers, manufacturers etc) and will not be pressured to lower their effects as a result of the existence of this Sign. Rather, the Sign will sit well with the existing activities in this area.
- 6.11 As the Sign is proposed to be attached to an existing building, on a Site that has already been developed, there is little provision to improve the street scene character through landscaping. It is considered that because the Sign is mounted on the façade of the building it visually fits within its environment and becomes a part of the building that it is attached to. It is considered that the Sign itself will improve and enhance the street scene character and improve the visual amenity of the area through its high quality design and appearance.
- 6.12 A large, high quality sign in this area that displays colourful images is likely to encourage other high quality design and buildings in this area. As much of the area is yet to be rebuilt following the earthquakes, it is considered that this Sign will contribute to a general improvement in visual amenity and character in the area.
- 6.13 The subject and design of the advertisements displayed on the Sign will vary in nature depending on the goods, services or events being promoted. Inherently, the advertisements will change over time, and will enhance the visual amenity of the surrounding area. Adverse effects regarding the content of the advertisement are controlled through the Advertising Standards Authority Code of Practice.
- 6.14 The Sign is entirely compatible with the zone, scale of buildings and other developments in the immediate area. Further, there are no residential dwellings in the nearby vicinity of the Site, nor any other sensitive features that may be considered to be adversely affected by the proposal.
- 6.15 There is no zone description for the Central City Mixed Use Zone, nor any anticipated environmental results specified. However, given that places of entertainment, industrial activities and motor servicing facilities are permitted activities provided they comply with the relevant standards, it is considered this zone also anticipates industrial type activities and a lower standard of amenity could be expected in this zone.

- 6.16 It is considered that the wider environment in this zone has a high level of tolerance for the type of effects associated with light industry, warehousing and service industry, and for this reason it is considered that the proposed Sign is appropriate in this zone and does not detract from the amenity values of the area.
- 6.17 The relevant assessment matters are addressed in detail below:
- (a) Area and number**
- (i) The visual amenities and characteristics of the locality (including tree or other planting) and whether the proposed display would be obtrusively visible beyond 50 metres (particularly in residential areas).**
- 6.18 The Sign will be predominantly viewed by the one-way traffic on Tuam Street travelling east towards Fitzgerald Avenue. While the Sign is likely to be visually dominating to this traffic, it is not considered to be dominating in an intrusive way as it is likely to improve the overall visual amenity of the area. The Sign may also be viewed by traffic travelling in both directions on Fitzgerald Avenue, however it will not be in the direct line of sight (traffic effects are discussed further below).
- 6.19 As discussed above, Fitzgerald Avenue has a line of trees planted down the centre which increase the visual amenity of the area. As the proposed location of the Sign is on a corner site at an intersection, the Sign will not interfere with these plantings.
- 6.20 Due to the positioning of the Sign attached flush to the building, it is likely that the Sign will only be viewed by the sites on the opposite side of Fitzgerald Avenue (in addition to traffic on Tuam Street). The buildings on Tuam Street face into each other and each will be screened from the Sign by the adjoining buildings on the east.
- (ii) The proximity of dwellings and the visual intrusion of the proposed display from dwellings on adjoining property or across any road from the proposed display.**
- 6.21 As discussed above, there are no residential dwellings in the vicinity of the proposed Sign.
- (iii) The nature and degree of compatibility of any other existing land use activities within 50 metres of the proposed display.**
- 6.22 The existing land use activities are all of the nature anticipated in the zone and it is unlikely the Sign would be incompatible with these activities. Due to the positioning of the Sign (facing Tuam Street), it is unlikely the Sign would draw attention away from other signage on nearby buildings on Fitzgerald Avenue as that signage is intended to be viewed by traffic on Fitzgerald Avenue.
- (iv) The classification of the road together with the nature of traffic using it and average daily traffic volumes with regard to the potential of the outdoor advertisement to distract motorists.**
- 6.23 Traffic effects are discussed further below.
- (v) The range and nature of land use activities on the site concerned, and whether it necessitates larger outdoor advertisements.**
- 6.24 The Sign will advertise goods and services, as well as local events that are not necessarily associated with the land use activities on the site. As discussed above, this type of Sign is considered appropriate in this zone.

**(vi) The length of the road frontage of the site concerned and the area of display proposed.**

- 6.25 As this Site is a corner site it has two road frontages. The approximate road frontage is 49m which allows a permitted sign area of 4.9m<sup>2</sup>. The Sign is 27m<sup>2</sup> and will exceed the permitted area; however, as discussed elsewhere, it is considered that this is an appropriate site and zone for a Sign of this type.

**(vii) The area of the proposed display in relation to the architectural characteristics of the building involved, or the site and/or frontage (where no buildings are involved); and**

**(xi) The sympathy of the proposed outdoor advertisement placement to the architectural features of the building onto which it is to be placed, or the site on which it will be located.**

Architectural effects are discussed further below.

**(viii) The heritage values, architectural characteristics and visual amenities of the buildings and/or sites in the immediate vicinity, including the number and sizes of any other existing outdoor advertisements either on the site concerned or immediately adjoining (and the need to avoid the cumulative effect of "clutter"); and**

**(xii) The extent to which the proposed outdoor advertisements are sensitive to heritage values, public open spaces or areas possessing significant natural values.**

- 6.26 There are no heritage values, significant natural values or public open spaces associated with the Site or building. Except for the effects associated with obscuring the windows which are addressed above, it is considered that there are no other architectural or visual amenities of the site or building that may be considered affected by the Sign.
- 6.27 There is an existing site-related Sign on the adjoining property to the north, however it appears to be within the permitted area and is not likely to contribute to any adverse or cumulative effects. The only other property that immediately adjoins the Site is located on Tuam Street on the east side of the Site, however as the Sign will not be viewed from that perspective, any effects on those signs are considered to be unaffected by the proposal.

**(ix) The likely visual prominence of the proposed display in comparison with what it may have looked like in compliance with the area rule concerned.**

- 6.28 As mentioned above, the proposed Sign exceeds the permitted signage area and differs significantly from what a complying sign would look like. However, for reasons discussed throughout this application, it is considered that this Site and zone is an appropriate location for this type of Sign.

**(x) The nature of existing or likely future land use activities in the vicinity of the proposed display, together with any relevant environmental results anticipated for that zone.**

- 6.29 The proposed zoning under the Replacement Plan for this Site and the surrounding area is "Industrial General". This zone, and the permitted activities within the zone, appears to be similar in nature to the current zoning. The future land use activities in this zone are likely to be similar in nature to the existing activities once they are rebuilt. Further, it is considered that the presence of the Sign will encourage a greater

level of visual amenity in the zone so that future redevelopment will be encouraged to provide a greater level of amenity.

**(xiii) The extent to which advertisements will result in visual clutter and loss of visual coherence of the character and amenity of the environment.**

- 6.30 There are two other billboards in the vicinity of this Sign, both located on Fitzgerald Avenue. It is considered that the proposed Sign will not result in any visual clutter or loss of visual coherence as the proposed Sign is not "competing" for the same viewing audience. The proposed Sign is directed at viewers on Tuam Street while the other two signs are likely to capture the attention of viewers using Fitzgerald Avenue. As this area is not considered to be saturated with signage, the effects associated with an additional sign are considered neutral.
- 6.31 Further, the two existing Signs demonstrate how large scale billboards are appropriate in particular locations. It is considered that the proposed Sign will not proliferate the amount of signage in this area, rather it will add another Sign to a different view point, within the level of acceptable effects.

**(i) Architectural features and visual appearance**

- (i) Whether the proposed display is to front onto a public street or place.**
- (ii) Whether the architectural feature(s) concerned would normally be visible to persons passing the building concerned, and obscured by advertising.**
- (iii) The nature of the activities being carried out in the building and whether these would be affected in any way by the proposed display (e.g. loss of light, access etc.).**
- (iv) The particular significance of the architectural feature(s) concerned in relation to the overall appearance of the building from any adjoining road or public place.**
- (v) The extent to which the proposed display projects beyond the edge of any building facade and creates a visual detraction.**
- (vi) The height of the proposed display above ground level, and its impacts on the quality of the building facade and skyline.**
- (vii) The spatial relationship between the building on which the display is proposed and any adjoining buildings.**
- (viii) Whether the style and appearance of the proposed sign is likely to conflict with the amenity values of the building, or public open space.**

- 6.32 The Sign will cover approximately one third of the windows on the Fitzgerald Avenue side of the building (on the first floor) but will not interfere with the windows on the Tuam Street side of the building. A breach of the development standard which states that signs shall not obscure windows or significant architectural features does not require written consent of other persons and shall be non-notified. Given the building has no particular architectural significance it is considered that any adverse effects arising as a result of the Sign obscuring the windows of the building are limited to the effects on the building itself and the activities being carried out in the building. In light of the owner's approval, it is considered that the effects of obscuring the windows are less than minor.
- 6.33 The raising of the building façade to accommodate the Sign is not considered to have any adverse effects on the building itself or the skyline. The proposed extension will be compatible with the overall look of the building and provides the additional benefit

of raising the sign above the traffic lights to avoid any traffic effects. The effects on the skyline are considered to be less than minor given the increase by only 600mm, the industrial nature of the area and the overall compatibility with the building.

- 6.34 Further, the building on which the Sign will be attached to does not have any visual relationship with the adjoining building at 84 Fitzgerald Avenue that might be impacted by the Sign. The building on the site, as well as the surrounding buildings in the area, are typical of an Inner City Industrial Zone and do not have any particularly significant features that form a relationship with one another, as may be expected from buildings in an inner-city area that was developed during a particular timeframe.
- 6.35 Due to the current nature of development on Fitzgerald Avenue, and surrounding areas down Tuam Street, it is considered that there is no conflict between the proposed Sign and the amenity values of the building that it will be attached to, or surrounding area. The City Plan recognises that Signs are a significant and essential part of the built environments of the central city and businesses zones. It is considered that due to the nature of the Site, its location of the corner of an intersection and the Sign's positioning on the building, this is an appropriate proposal for this zone.
- 6.36 Overall, it is considered that the visual effects will be less than minor.

*Lighting, glare and illumination effects*

- 6.37 The brightness of the proposed Sign will be adjusted automatically in response to changes in light levels with a photocell receptor so that the Sign is not unreasonably bright for the safety of the motoring public. The images displayed on the proposed Sign will be designed so there is no flashing or intermittent light source that would distract motorists or cause adverse visual effects on amenities in the vicinity.
- 6.38 Due to the positioning of the Sign attached to the building, the light spill will occur onto the west of the Site and beyond onto Fitzgerald Avenue. As the Sign sits flush on the building, it is considered that there will be no light spill onto the property to the north of the Site. There are no residential dwellings in the vicinity of the Sign and the surrounding activities are predominantly "daytime" activities (i.e mechanics and warehouses).
- 6.39 As Fitzgerald Avenue effectively has 8 lanes at this point in the road (including turning lanes), any light spill beyond Fitzgerald Avenue onto the properties on the west of Fitzgerald Avenue will comply with the permitted standards in that zone (10 lux). A diagram illustrating the estimated level of light spill at consecutive distances from the Sign is attached as **Appendix 6**.
- 6.40 The Fitzgerald Avenue and Tuam Street intersection is well lit, and although the Sign will not comply with the glare standards for the Special Purpose (Road) Zone of 2.5 lux, this is not considered to create any adverse effects.
- 6.41 It is considered any potential adverse lighting, illumination or glare effects created by this proposal will be less than minor.

*Traffic safety effects*

- 6.42 There is substantial research, including international studies that show there is no statistically significant relationship between the presence of digital billboards and the occurrence of accidents on the road. Rather, this research illustrates that accidents are no more likely to occur where digital billboards are present than where they are not, because billboards do not 'distract' drivers to the extent that it is likely to cause a road safety issue.



- 6.43 With reference to New Zealand standards and internationally published research papers,<sup>3</sup> traffic safety effects as they relate to advertising signage can be broadly considered in four categories:
- a. Potential creation of a visibility obstruction or a direct roadside hazard;
  - b. Potential creation of driver confusion through effects such as mimicking an official sign or directing a driver to do something;
  - c. Potential creation of indirect driver distraction due to a driver looking at the advertising sign; and
  - d. Potential creation of direct driver distraction through effects such as glare or variable/flashing messaging.
- 6.44 It has been noted that the first three categories are applicable to any existing signage. The fourth category is more relevant to a digital billboard because it provides more potential for creating glare or variable messaging.
- a. Potential for Visibility Obstruction or Direct Roadside Hazard
- 6.45 The Sign will be located within private property adjacent to the road reserve and will be more than 5m from the edge of the carriageway. Accordingly, the Sign is not considered to be a visible obstruction and will not represent a road side hazard.
- b. Potential for Driver Confusion
- 6.46 The images displayed on the Sign will be designed to ensure they do not mimic official signs, nor direct drivers to do something. The image content will conform to industry best practice standards.
- c. Potential for Indirect Driver Distraction
- 6.47 The images displayed on the Sign will:
- i. be static from first appearance to replacement (i.e will not contain moving images or emit flashing lights);
  - ii. transition from one image to the next via a half second dissolve; and
  - iii. have a minimum time of display for each image of eight seconds.
- 6.48 These recommendations will ensure that the Sign operates in a similar manner to a traditional static billboard in terms of their potential to cause driver distraction; the only difference effectively being when a driver observes the Sign transitioning from one image to the next.
- d. Potential for Driver Distraction through Animation
- 6.49 Light animation (which consists of changing graphics) may be considered acceptable from a traffic safety perspective as the extent of potential driver distraction is not materially different from that caused by a standard billboard. However, the Applicant proposes no animation or moving images whatsoever (other than the change of image displayed) in order to ensure no potential adverse traffic safety effects exist.
- e. Traffic safety effects at this Site

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<sup>3</sup> Perez, Bortola, Kennedy & Molino "Driver Visual Behaviour in the Presence of Commercial electronic Variable Message Signs (CEVMS)", US Department of Transportation Federal Highways Administration, Spetember 2013.

- 6.50 Both Tuam Street and Fitzgerald Avenue, as main distributor and arterial roads respectively, carry a significant amount of traffic. The proposed location of this Sign is ideal from both a sign operator's perspective and equally from a traffic safety perspective.
- 6.51 The Fitzgerald Avenue and Tuam Street intersection is quite unique in that because of the way Tuam Street is formed on each side of Fitzgerald Avenue, traffic travelling in any direction through the intersection will either need to stop at the traffic lights, or slow, whether making a left hand turn, a right hand turn or "turning" to continue on Tuam Street (see Appendix 5 for a map of Tuam Street at this intersection). This minimizes any potential effects of the Sign on traffic as the intended audience (coming from Tuam Street) will either be stopped, or travelling slowly. Further, as Tuam Street is a oneway street at this location, it is considered that the potential effects on traffic safety are further reduced. The Sign will be displayed above the traffic signals at this intersection to minimise any distraction or confusion for motorists.
- 6.52 The Sign will not be in the direct view of motorists travelling along Fitzgerald Avenue and will not interfere with any traffic signals or transport related signage. The Sign will not create any adverse effects on motorists using Fitzgerald Avenue.
- 6.53 It is considered that the Sign will not result in driver distraction, obstruct visibility or present a physical hazard and in turn, will not compromise the safety and efficiency of the roading network. Therefore, it is considered that any potential effects of the proposed activity on traffic safety will be less than minor.

*Socio economic wellbeing*

- 6.54 The Sign is a commercial activity and will complement the general character of the zoning of the area. The dynamic nature of the advertising will continually contribute to the vibrancy of the surrounding environment.
- 6.55 Further, signs can provide for the social wellbeing by providing those goods, services or events which do not have a physical base in the city with an advertising avenue. It can also provide a forum for 'public' or 'civic' notices to promote the greater good such as road safety messages.

*Positive effects*

- 6.56 While the sign does not advertise goods, services or activities that are taking place on the Site, it allows businesses that would not otherwise have access to such advertising, or businesses without a physical presence, to reach the market.

**Conclusion as to Effects**

- 6.57 For the above reasons, it is considered that any potential adverse effects associated with the proposed activity will be less than minor. It is considered that the positive effects associated with the proposed activity will far outweigh any potential adverse effects.

**7. Objectives and Policies**

- 7.1 The next consideration under section 104D(1) are the provisions of any relevant planning instrument. This requires an assessment of whether the proposed activity is contrary to the objectives and policies of the relevant plans and / or proposed plans. It should be noted that "*contrary to*" contemplates being opposed to in nature,

different, opposite to or repugnant to, not simply that the proposal does not find support from the objectives and policies (*NZ Rail Ltd v Marlborough District Council* [1994] NZRMA 70 (HC)).

- 7.2 The relevant planning documents that must be considered are:
- (a) The Christchurch City District Plan;
  - (b) The proposed Christchurch Replacement District Plan; and
  - (c) The Recovery Strategy for Greater Christchurch.
- 7.3 Set out below are the objectives and policies relevant to this application, together with an assessment of the proposal against those provisions.

## **Christchurch City District Plan**

### **City Identity**

#### **4.2 Objective: Amenity**

*A pleasant and attractive City.*

#### **4.2.7 Policies: Public safety**

*To encourage public safety in the design and layout of development, particularly of public open space and facilities.*

#### **4.2.14 Policy: Glare**

*To address the adverse effects of glare caused by lighting, or where practicable reflection, on the amenities of the surrounding environment.*

#### **4.4 Objective: Outdoor advertising**

*The provision for outdoor advertisements, whether temporary or otherwise, that does not detract from amenity values, does not have a detrimental impact upon natural and built heritage values, nor cause potential danger to public safety.*

#### **4.4.1 Policy: Amenity values**

*To ensure that the scale and extent of outdoor advertising, whether temporary or otherwise, is appropriate to the character of the receiving environment and does not detract from the amenity values of that environment.*

#### **4.4.2 Policy: Traffic safety and health**

*To ensure outdoor advertising whether temporary or otherwise:*

- (a) *does not have the potential to confuse or distract motorists, particularly in proximity to intersections or other complex traffic environments;*
- (b) *does not obstruct roads or footpaths, or create a hazard to vehicles, cyclists or pedestrians;*
- (c) *in the case of captive balloons, does not create a hazard to traffic or aviation.*

### **Business**

*A distribution, and diverse range, of business environments which meet the social and economic needs of the wider community, while avoiding, remedying or mitigating the potential adverse effects of their activities within the immediate area, and on the broader surrounding environment.*

#### **12.1.2 Policy: Distribution of Commercial activity**

*To provide for varying levels of commercial activity, both within and beyond identified commercial centres and areas, to meet the wider community's social and economic needs. This is to be achieved by:*

...

(b) *managing local and strategic adverse effects of commercial activity in a way that:*

- *maintains the amenity of nearby living environments;*
- *avoids reverse sensitivity effects;*
- *sustains existing physical resources and ensures the continuing ability to make efficient use of, and undertake long-term planning and management for, the transport network and other public and private infrastructural resources, including parks and community facilities;*

...

#### **12.1.4 Policy: Cumulative Effects of commercial activity**

*To take into account any cumulative effects of commercial activities and development throughout the city, including effects upon:*

- *the classified road network;*

...

- *local living environments.*

#### **12.10 Industrial areas objective: Role of industrial areas**

*A wide range of industrial areas which accommodate a diversity of appropriate business activities, where adverse effects are avoided, remedied or mitigated.*

#### **12.11 Industrial areas objective: Amenity and effects of industrial areas**

*A standard of amenity in industrial areas recognising their location and function, whilst avoiding, remedying or mitigating the adverse effects resulting from activity and development in these areas.*

##### **12.11.1 Policy: Amenity improvement**

*To improve the visual amenity and street environment in industrial areas.*

##### **12.11.3 Policy: Adverse effects**

*To control the adverse effects of hazardous substances, glare, noise, shadowing and visual distraction arising from activities and development within industrial areas, having regard to the nature of environments within and adjoining such areas.*

### **Proposed Christchurch Replacement District Plan**

- 7.4 Stage 1 and 2 of the Proposed Christchurch Replacement District Plan have been notified, and while the rules do not yet have effect, regard must be had to the relevant objectives, policies and other provisions. The proposed plan has been prepared in the context of the post-earthquake environment and the Recovery Strategy for Greater Christchurch, and incorporates the provisions of the Land Use Recovery Plan. It is therefore considered appropriate to give some weight to the objectives and policies of this plan, despite the fact that it is still at an early stage in

the public process. Set out below are the objectives and policies relevant to this proposal, together with an assessment of the proposal against those provisions.

**6.8.1.1 Objective 1**

- a. *Signs which collectively contribute to Christchurch's vitality and recovery by supporting business and communities should be allowed so long as they do not compromise public safety, visual amenity values and character of the area, buildings or structures.*

**6.8.1.1.1 Policy 1**

- a. *To ensure that the size, number, height, location, shape and form of signs do not detract from, and where possible contribute to, the character and visual amenity of the area in which they are sited.*
- b. *To ensure that the character and amenity of residentially zoned areas is protected from inappropriate or large scale signage.*

**6.8.1.1.2 Policy 2**

- a. *To ensure that signage does not detract from the integrity of the building design, historic character, structure or setting of buildings and that buildings remain the primary visual elements.*

**6.8.1.1.3 Policy 3**

- a. *To ensure that signs do not cause obstruction and/or distraction for motorists and pedestrians and other road users.*

**6.8.1.1.4 Policy 4**

- a. *To encourage signs that contribute to the public realm through their design, size and content.*

**6.8.1.1.5 Policy 5**

- a. *To enable temporary signs and signs that are permitted through other statutes, subject to meeting basic activity and built form standards.*

7.5 The Sign is designed and positioned so that it will not adversely affect traffic safety, be hazardous to the public, nor will it detract from the amenity of the surrounding area. The Sign will provide a high-quality communication tool to the wider public, encourage high amenity redevelopment in the area, as well as providing an economic resource as an advertising medium for the display of goods and services.

7.6 The Sign is considered an appropriate form of advertising which is compatible with the receiving environment. It is considered that the effects of this proposal are less than minor. The proposed activity achieves good quality design, a high level of amenity and adverse environmental effects have been avoided, remedied or mitigated.

7.7 Overall, the proposal is consistent with, and at the very least, not contrary to, the above objectives and policies of the City Plan and it is considered that this proposal is also consistent with the objectives and policies in the Replacement District Plan.

***The Recovery Strategy for Greater Christchurch***

7.8 The Recovery Strategy for Greater Christchurch prepared by CERA under the Canterbury Earthquake Recovery Act became operative on 1 June 2012 and is a relevant consideration under section 104 of the RMA. 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 under section 15 of the Canterbury Earthquake Recovery Act 2011. 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.

## **8. Overall conclusion in respect of section 104D assessment**

- 8.1 Overall it is concluded that the application meets both limbs of the section 104D as:
- a. The adverse effects of the activity on the environment are less than minor; and
  - b. The application is not contrary to the objectives and policies of the Plan.

## **9. Precedent and Plan Integrity**

9.1 The next matters which fall for consideration are those dealing with the potential precedent effect of granting this application, and any potential effect on the integrity of the City Plan. The precedent effect of granting a resource consent (in the sense of like cases being treated alike) is a relevant consideration under section 104(1)(b)(vi) and (c) when assessing an application for a non-complying activity.

9.2 The Courts have previously taken a cautious approach to assessing whether the granting of one resource consent may influence the outcome of another similar application for consent. In *Lorraine Bax Property Investments Limited v Rodney District Council* EnvC Auckland, A 149/2006 (at paragraph 30), Judge Thompson put the matter this way:

*"But we should remind ourselves that there is clearly expressed law that each application should be dealt with on its merits and that, when dealing with discretionary (and even more so with non-complying) activities, there is no true precedent"*

9.3 In *Wilson v Whangarei District Council* EnvC Wellington, W020/2007, the Court (at paragraph 43) commented that arguments about plan integrity were overused and could rarely withstand scrutiny when measured against the provisions of the RMA. The Court in *Wilson* formed the view that, as the Act specifically provides that if a non-complying proposal is not contrary to the objectives and policies of the plan, or has effects that are no more than minor, then it will be considered on its merits. The Court went on to say that any similar non-complying activity would also be considered on its merits.

9.4 This proposal is consistent with the objectives and policies contained in the Plan. It is considered that the proposed activity will not give rise to any precedent effects, and will not affect the integrity of the Plan.

## **10. Part 2 of the RMA**

10.1 Section 104 of the RMA sets out the factors that the consent authority must have regard to when considering an application for resource consent. It also states that those factors are subject to Part 2 of the Act. Part 2 of the RMA contains the purpose and principles of the Act.

10.2 Section 5(2) of the Act states:

- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 10.3 It is considered that granting consent for the proposed activity at the Site is consistent with the purpose set out in section 5(2) of the Act.
- 10.4 Overall, it is considered that the use of natural and physical resources in the manner proposed amounts to sustainable use of those resources whilst avoiding and mitigating any potential adverse effects of those activities on the environment.
- 10.5 It is further considered that the application is consistent with the principles and purposes set out in sections 6, 7 and 8 of the RMA.

## 11. Consideration of Alternatives

- 11.1 This proposal is to erect a sign for outdoor advertising at 80 Fitzgerald Avenue, Christchurch. It is not anticipated that the proposal will cause any adverse effects as a result of the high quality design of the Sign, the proposed location and the mitigation measures proposed. As a consequence, alternatives have not been considered.

## 12. Mitigation

- 12.1 The mitigation proposed for this application has been set out above (and included in proposed conditions contained in **Appendix 4**). The mitigation proposed has been designed to ensure that any potential adverse effects are adequately avoided, remedied or mitigated. By way of summary, the mitigation includes:
- (a) The condition and appearance of the Sign will be maintained;
  - (b) Lighting control to adjust brightness in line with ambient light level;
  - (c) Audit of the Site post installation by a qualified lighting designer to ensure compliance with the above recommendations and council standards;
  - (d) Compliance with Advertising Standards Authority Advertising Code of Practice and the Broadcasting Act 1989;
  - (e) No moving or animated images (except when transitioning between images); and
  - (f) Images displayed for a minimum duration of 8 seconds.

**13. Conclusion**

- 13.1 It is considered that the proposed activity will not lead to any adverse effects on the environment. The proposal is consistent with the purpose and principles of the RMA in that it enables people to provide for their economic wellbeing, whilst maintaining and enhancing the quality and amenity of the environment and avoiding adverse effects.
- 13.2 For the above reasons, it is considered that resource consent should be granted for the proposed activity.



## **Appendix 4**

### **Proposed Conditions**

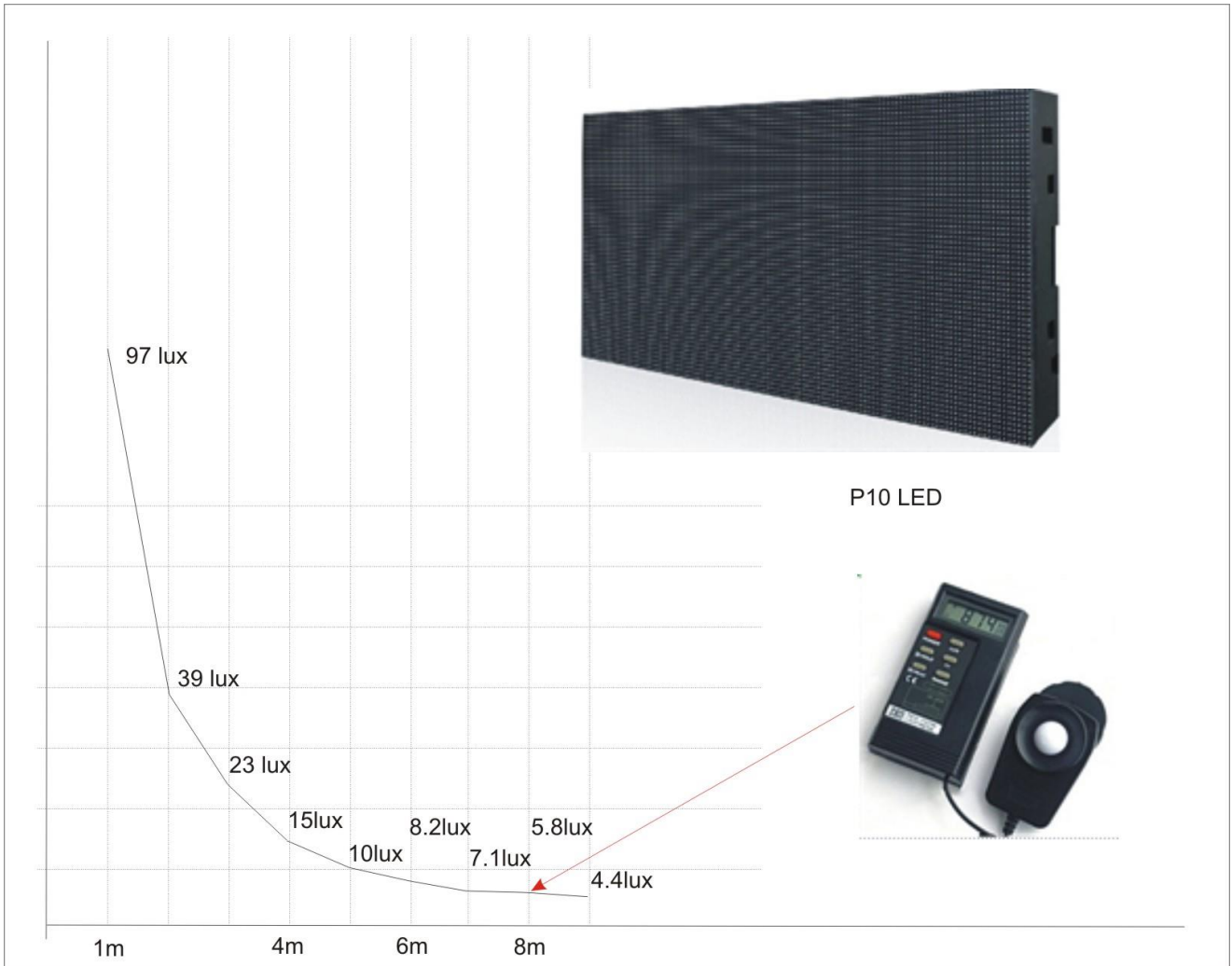
1. The development shall proceed in accordance with the information and plans submitted with the application entered into the Council records as\_\_\_\_\_.
2. No live broadcast or pre-recorded video shall be displayed on the Sign. Only still images shall be displayed with a minimum duration of 8 seconds.
3. There shall be no movement or animation of the images.
4. The material displayed on the Sign shall not contain any flashing images and the Sign shall not contain any retro-reflective material.
5. Transition between still images will be either immediate or a maximum cross-dissolve period of 0.5 seconds.
6. Any content displayed on the Sign shall comply with the Advertising Standards Authority Advertising Code of Practice and the Broadcasting Act 1989.
7. There shall be no sound associated with the Sign and no sound equipment is to be installed as part of the Sign.
8. The Sign shall incorporate lighting control to adjust brightness in line with ambient light levels.
9. The ratio between Sign brightness and ambient light is to be determined post installation. (refers to brightness levels during hours of darkness and at dusk/low ambient light times during winter.) Connetics Ltd have agreed to measure and advise appropriate settings.
10. An audit of the Sign post installation will be carried out by a qualified lighting designer to ensure compliance with these conditions and any council guidelines. This audit is to be completed within 7 days of installation and the results forwarded to the Resource Consents Manager, Christchurch City Council.
11. The condition and appearance of the Sign will be maintained so that they do not detract from amenity values.

## Appendix 5 Intersection Map

Tuam Street and Fitzgerald Avenue Intersection:



## Appendix 6 Lux Spill Diagram



14/08/2015

Julia McKeown  
Wynn Williams  
Level 5, Wynn Williams House,  
47 Hereford Street,  
CHRISTCHURCH 8013

Dear Julia

**APPLICATION FOR RESOURCE CONSENT RMA92030321  
ADDRESS 80 FITZGERALD AVENUE**

Thank you for your application for resource consent to construct a new LED billboard sign on the above site, which was paid on 30/07/2015.

I have assessed your proposal and found that the following additional information is required before your application can be considered further:

1. The Urban Design team have assessed the proposal, and asked that a photomontage be provided to show what the sign will look like when it is in operation. Similar to that which was provided for the Victoria Street project.
2. The application was sent to the Traffic Team to check whether there are likely to be any effects on the traffic at the Fitzgerald/Tuam Street intersection. The assessment below was provided from the Traffic team:

*I assessed the resource consent application for installation of a LED advertisement board on the façade of the building at 80 Fitzgerald Ave. I noticed serious concerns regarding the confusion that the proposed big electronic board can create for the Tuam Street traffic which were confirmed by CTOC specialists. The main identified concerns are listed as below:*

- a) *The proposed big board and the changing images which are to be displayed on it can impact the Tuam Street drivers' reaction time and create serious safety problems.*
- b) *Presence of red or green colours in the images might convey a wrong signal to the Tuam Street traffic.*
- c) *Illumination and the direct glare of the LED lights would make it difficult for the Tuam Street drivers to distinguish the colour of the traffic signal.*

Please provide a traffic assessment, with respect to the concerns outlined above. I note the key concern is potential conflicts between the traffic signals and the proposed sign when viewed from Tuam Street. One option may be to reduce the width of the sign and place it higher on the façade of the building, so it sits above the traffic signals.

Please note that your application will be placed on hold until the all of the requested information has been received.

Please respond within 15 working days of the date of this letter (i.e. by 04/09/2015) with one of the following:

- (a) The information requested above; or

- (b) Written advice that you agree to provide the information, and the date by which you intend to provide it; or
- (c) Written advice that you refuse to provide the requested information.

Please note that the Resource Management Act requires the Council to publicly notify your application if you do not provide the requested information before the date mentioned above (or an alternative date agreed with the Council), or if you refuse to provide the information. It is therefore important that you contact me promptly to discuss an alternative timeframe if you are unable to provide the information within 15 working days of the date of this letter.

The provision of the further information requested above may reveal the need for you to obtain written approvals from affected parties in order for the application to be processed on a non-notified basis. If that is the case, I will contact you again after I have received the information to confirm which, if any, written approvals will be required.

Please also note that if the provision of the information requested above raises any additional areas of uncertainty or matters requiring further clarification, your application will remain on hold until sufficient information has been provided to enable processing to continue.

If you are submitting amended plans as part of the further information requirements for this resource consent and you also have a current building consent application lodged with the Council, the amended plans should also be forwarded to the relevant building consent officer.

Please contact me if you have any enquiries regarding this letter or your application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Holly Gardiner', written in a cursive style.

**Holly Gardiner**

Planner  
Resource Consents Unit

DDI: 03 941 5388

18 December 2015

Attention Holly Gardiner  
Christchurch City Council  
PO Box 73013  
**CHRISTCHURCH 8154**

Dear Holly

**RESPONSE TO REQUEST FOR FURTHER INFORMATION – RMA92030321**

1. I refer to your letter dated 14 August 2015 and address the request for further information ("RFI") in respect of the application for resource consent to construct a digital billboard ("Sign") at 80 Fitzgerald Avenue (the "Site"). The RFI requested further information in relation to Urban Design and Traffic matters.
2. The Applicant engaged Tim Church, Senior Principal Urban Designer from Boffa Miskell to provide an Urban Design and Visual Assessment, and Andy Carr, Director of Carriageway Consulting to provide a Transportation Assessment.
3. Through collaboration with these experts and further discussions with the Council, a revised proposal has been produced to address the areas of concern raised in the RFI. The key features of the revised proposal include:
  - a. lifting of Sign and placing it higher on the façade to maintain the integrity of the building and to lift it out of the view of traffic signals;
  - b. traffic monitoring conditions to ensure any adverse traffic safety effect is appropriately managed; and
  - c. inclusion of a "green wall" to mitigate any adverse visual amenity effect.
4. Further, since submitting this application for resource consent with the Council, Lighting Audits have been undertaken for other signs operated by the Applicant. As a result, the Applicant can now confirm with certainty that all glare and lighting standards contained in the City Plan can be complied with.

**Urban Design**

5. The revised proposal was agreed upon after careful consideration of a number of alternatives and was chosen as the preferred option because of the way it integrated into the building and provided a high level of visual amenity.
6. Due to the zoning of the Site, the absence of any residential properties in the vicinity of the Site and the character of the streetscape, the Sign is considered appropriate in this location.
7. A copy of the Urban Design and Visual Assessment is attached as **Appendix 1**.

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## Traffic

8. During discussions with the Council, it became clear that a key area of concern was the positioning of the Sign in relation to the location of traffic signals and the potential to cause driver distraction. As a result, the proposal has been revised to elevate the Sign above the level of the traffic signal to create a visual separation so the Sign does not form the background for the signal lights themselves.
9. Andy Carr undertook a comprehensive assessment of the revised proposal and available research on digital signs and concluded that digital billboards do not distract drivers to the extent that a road safety problem arises in general, and that the revised Sign proposal will not present any particular road safety concerns provided that suitable controls are put in place in respect of the images displayed. Those controls are provided for in the proposed conditions of consent which include:
  - a. *The transport safety effects of the LED display shall be monitored for a period of two years following commencement of operation. The monitoring shall be undertaken by a suitably qualified expert retained by the consent holder and the results of that monitoring shall be provided to Council (Team Leader, Compliance and Monitoring Central); and*
  - b. *In the event that the results of the monitoring show that an average of one or more accidents per year are recorded as having driver distraction as a factor and the LED display is visible to the vehicle drivers, or if an average of one or more accidents per year are recorded on Tuam Street (west) due to 'nose to tail' accidents within the vehicle queue, then the display time, transition or both will be adjusted to address the safety effects and monitoring shall occur for a further one year.*
  - c. *Each image displayed shall be static, and not contain moving messages 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;*
  - d. *All images shall be consistent with the guidelines contained in the NZTA Traffic Control Devices Manual, Part 3, Advertising Signs;*
  - e. *The display time for each image shall be a minimum of eight seconds;*
  - f. *The transition from one image to the next shall be via a 0.5 second dissolve;*
  - g. *A split sign (that is two adverts) shall not be displayed at any one time; and*
  - h. *The consent holder shall ensure that in the event of any malfunction of the LED's or the control system, the screen default shall be designed to freeze a display in one still position until the malfunction has been repaired.*
10. A copy of the Transportation Assessment is attached as **Appendix 2**.

Yours faithfully  
Wynn Williams

A handwritten signature in blue ink, appearing to be 'Julia McKeown', with a long, wavy horizontal line extending to the right.

Julia McKeown  
Solicitor

e-mail: [julia.mckeown@wynnwilliams.co.nz](mailto:julia.mckeown@wynnwilliams.co.nz)

*Our office will be closed from 3.00pm on Wednesday 23 December 2015.  
We will reopen on Monday 11 January 2016. Thank you for your support this year.  
Wishing you a very Merry Christmas and a Happy New Year.*



**Appendix 1**  
**Urban Design and Visual Assessment**

# 80 Fitzgerald Avenue: Digital Billboard Resource Consent


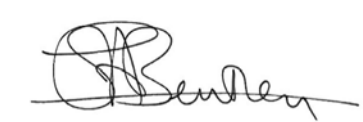
Urban Design and Visual Assessment  
Prepared for Etc Media

17 December 2015



Boffa Miskell

## Document Quality Assurance

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Reviewed by:	James Bentley Principal Landscape Planner Boffa Miskell Limited	
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## Appendices

Appendix 1: Operative Christchurch City Plan

Appendix 2: Graphic Supplement



# 1.0 Introduction

Boffa Miskell have been engaged by Etc. Media (the “Applicant”) to assist them to prepare an Urban Design and Visual Assessment for a digital billboard to be placed on an existing building at 80 Fitzgerald Avenue, Christchurch (the “Site”). This assessment provides a variation to the design submitted as part of the Resource Consent application in July 2015. This has been triggered by the need to prepare a photomontage, following an RFI request from Christchurch City Council regarding the proposal<sup>1</sup>.

In assisting the Applicant to prepare the photomontage, Boffa Miskell have sought to improve the design of the digital billboard to ensure that the proposal is integrated into the urban streetscape as best as it can be. To assist in this process, part of the engagement has been to prepare an option appraisal, based on different designs of potential alternative billboard configurations on the façade of 80 Fitzgerald Avenue. This resulted in a recommendation to seek a variation to the existing proposal submitted.

This Assessment addresses the urban design and visual effects of the proposed development variation and covers the following:

- Option selection process and proposed variation
- Description of the existing environment, site location, context and character;
- Description of the urban design and visual effects;
- Statutory considerations; and
- Conclusion.

## 2.0 Option Selection

### 2.1 Introduction to Option Selection process

Boffa Miskell Ltd (BML) have undertaken an option development exercise to determine the most appropriate design of the proposed signage on 80 Fitzgerald Avenue. Four designs were presented to the client and council, each detailing different location options for the placement of the billboard. These are highlighted below and in a larger format within Graphic Supplement (Figure 3):

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<sup>1</sup> Letter dated 14 August 2015 from Holly Gardiner Christchurch City Council Resource Consents Planner



Image 1: The four different options presented to the client and council. Option 1 is the existing design that was submitted as part of the resource consent.

## 2.2 Option Selection Process and Chosen Variation

The option selection process involved the following design concepts:

- Utilising a range of different industry standard digital billboard sizes
- Better integration of the billboard with the existing building's form and structure
- Introduction of a green wall to assist in improving the amenity of the building façade
- Reducing the extent of existing signage on the building

The options above were discussed with the Applicant, their engineer and council's urban designer on two separate occasions (6/11/15 and 30/11/15) for discussion. The favoured option was a combination of all of the above and this was identified as Option 5 (Image 2).

The combination of the digital billboard coupled with the green wall approach was the preferred option. It was discussed that this option has been designed so that the proposal is seen, as best as possible, to be coordinated with the building's façade. The framework that contains the advertising sign, green wall and rear louver screening, reinforces the concept that the billboard is integrated within the building, as a perceived third floor, therefore reducing its dominance and perceived clutter over the existing building façade. The scale of the billboard is considered to be in proportion to the size of the building (i.e. similar to a typical inter-floor height). Furthermore, the proposal removes the small advertising wing that currently extends south off the building's first storey.

The proposal is discussed further in section 4 of this report with visual simulations within Graphic Supplement (Figures 9 and 11).



Image 2: Option 5 design variation used for the purposes of this assessment.

## 3.0 Existing Environment

### 3.1 Local Context

Aerial views of the local context are provided within Graphic Supplement (Figure 1). Fitzgerald Avenue forms the eastern boundary road of the central city and is classified as an 'arterial route' and a 'major arterial' within the Christchurch City Plan. This road is also zoned a 'Special Purpose Road Zone' in relation to lighting glare, which has been addressed separately. The road corridor is wider than typical Christchurch roads, supporting 3-4 lanes each way, with an average width of 30 metres. The road corridor supports a mix of residential, commercial and light industrial land uses. Residential uses and their domestic character largely end at Cashel Street with the 'Site' being located within the light industrial and commercial part. The buildings along this road corridor are variable in built form, architectural style and colour, and the Site is part of this variability. The majority of buildings are two storey, however three storeys are evident, such as Kenrick House, some 180m north of the Site.





Image 3: Looking southwards down Fitzgerald Avenue at the variety of architectural styles



Image 4: The three-storey Kenrick House displaying a variety of signage styles is located just north of the Site

A mix of signage is apparent along the Fitzgerald Avenue corridor with some painted, attached onto the building's façade, placed on roof top structures or free-standing. The form, size and visual presence of existing signage varies considerably and are positioned either obliquely or front-on. Most signage appears to be of a scale that targets vehicle users travelling along the adjacent routes. The viewing audience from this road will be from north and south bound traffic.



Image 5: Numerous free-standing signage billboards are apparent along Fitzgerald Avenue



Image 6: A further example of signage on a building

Mature deciduous trees are apparent within the central median of Fitzgerald Avenue, which provides a physical separation from north and south bound traffic as well as providing visual softening to the predominantly urban fabric, particularly in summer months. There is a gap between the trees to the north and south of some 85 metres near the Site to allow for cross-traffic flow along Tuam Street. Other than these trees on Fitzgerald Avenue, there is limited other vegetation within the immediate vicinity of the Site.



*Image 7: Mature deciduous trees located within the central median of Fitzgerald Avenue.*

The Site sits opposite Tuam Street (a two-way street), is classified as a 'main distributor street' in the Christchurch City Plan<sup>2</sup>, where clear, open views are obtained of the building's façade. Longer distant views further west on this road are also obtained as one travels east towards the building. Although only a 20m road reserve, the urban form of Tuam Street is similar to Fitzgerald in that the buildings are predominantly commercial and light-industrial, comprising warehouses and predominantly two-storey buildings with no residences apparent. Some new three storey buildings are currently being built. A variety of signage is also evident along this road corridor. No street trees are evident and large power poles and overarching lamp fittings dominate the streetscape.



*Image 8: Building and signage variety on Tuam Street, close to Fitzgerald Avenue*

<sup>2</sup> Tuam Street is also zoned a 'Special Purpose Road Zone'.

## 3.2 80 Fitzgerald Avenue 'The Site'

The existing building façade comprises two storeys and is built up to the Fitzgerald Avenue boundary and offset from the Tuam Street corner. Photographs of the Site are provided in the Graphic Supplement (Figure 2). Proportionally, the façade of the building is divided evenly into three sections, with supporting columns defining this profile. It has a predominantly glass-clad ground floor and centralised entrance way.



*Image 9: The west facing façade of 80 Fitzgerald Avenue*

The first floor has a continuous band of windows, divided by the supporting columns. Each window area is further subdivided into five smaller panes. A large parapet forms the top of the building. The roof is flat and a small extension (assumed for advertising purposes) projects from the building's right-hand side. The building is uniformly dark in colour. The building is of medium-to-small size in comparison to other buildings along Fitzgerald Avenue, with some being larger warehouses and commercial offices up to three storeys high. The Site is currently zoned Business 3 (Inner City Industrial) in the City Plan, which anticipates taller heights and larger building forms.

The Site is currently used for commercial-related activities.

## 3.3 Key Characteristics

Key Characteristics of the Site and its surroundings, include:

- A setting within a light-industrial and commercial part of Fitzgerald Avenue and Tuam Street. There is no residential properties close to the Site.
- Zoned Business 3 (Inner City Industrial) in the City Plan. The surrounding land to the north, east and south is also zoned Business 3. The land to the west, on the opposite side of Fitzgerald Avenue is zoned "Central City Mixed Use".
- Located on a major arterial route within the Christchurch City Plan with a mix of light and heavy traffic. The road is, on average, 30 metres wide with 3-4 lanes of traffic on each side.

- Signage along the street is commonplace and varies in style and form (i.e. painted, attached, on top of a building and/or stand-alone).
- Mature trees flank the central median of Fitzgerald Avenue, however a gap of some 85 metres adjacent to the Site opens up the road corridor to allow for cross-traffic flow.
- Principal viewing locations are from Tuam Street where east bound traffic will receive direct views and from Fitzgerald Avenue where oblique views from both north and south bound traffic will be obtained.
- Viewing distances from Fitzgerald Avenue are short, reasonably close-up, transitory and oblique. Viewing distances from eastbound traffic on Tuam Street range from long distance to reasonably-close up. There are no residential views towards the proposed the building.
- The building (80 Fitzgerald Avenue) assists in defining the street edge and is of modest size. It houses commercial office activity with no heritage or character values. No signage is currently apparent on the building façade, with the exception of a small veranda sign and square sign extension (the latter is proposed to be removed).

## 4.0 The Proposal

Following the option selection process, the proposed variation is illustrated within the Graphic Supplement (Figures 4 - 11) and will comprise the following elements:

- An integrated digital billboard with rotating imagery (12 metres long by 3 metres high) into the building façade of 80 Fitzgerald Avenue.
- An extension to the height of the building to avoid interruption with the first storey windows and traffic lights. A frame surrounding the billboard assists in visually integrating the billboard into the building.
- The introduction of a green wall along the southern façade of the building, fronting Tuam Street.
- Louver screening completing the remaining eastern and northern facade extension.

## 5.0 Effects Assessment

Urban design and visual impacts result from natural or induced change in the components, character or quality of the townscape (i.e. urban landscape). Usually these are the result of landform or vegetation modification or the introduction of new structures, facilities or activities. All these impacts are assessed to determine their effects on townscape character and quality, amenity as well as on public and private views.

The assessment of potential effects is based on a combination of the townscape's sensitivity and visibility and the nature and scale of the development proposal. Particular effects considered relate to the following:

- Urban character effects;
- Visual amenity effects from public and private locations; and
- Effects on relevant statutory provisions.

The proposal, as outlined within section 4 of this report has been assessed against these (below).

## 5.1 Effect on urban character

Urban character is the distinct and recognisable pattern of elements that occurs consistently in a particular townscape. It reflects particular combinations of geology, landform, soils, vegetation, land use and features of human settlement. It creates the unique sense of place defining different areas of the landscape.

Fitzgerald Avenue is one of the principal arterial roads in Christchurch with its associated built form being variable in architectural style. The majority of buildings are one and two storey, however there are a number of three storey buildings, which include Kenrick House, some 180 metres to the north of the Site.

The buildings retain a commercial and light industrial appearance, with often bold colours and a variety of advertising. Much of the advertising is associated with the building itself, (i.e. selling its specific services), however there are also a number of specific, standalone advertising structures that are apparent. This is all consistent with the typical character of a Business 3 Zoning. All advertising structures are currently static, with the proposal being the only digital display present.

It is considered that the proposal will fit comfortably into this context, despite its different 'form' (i.e. digital slide rotation and not static). The design of the sign and the way in which it has been integrated into the façade of the building is unique along Fitzgerald Avenue, with the majority of advertising boards associated with buildings being placed on the side of buildings, the roof of buildings or covering part of a building. Unlike static billboards, the proposed digital billboard will not have the accompanying light poles that accentuate the perceived streetscape clutter. The visual outcome will be in keeping to some degree the architectural vernacular, with a frame assisting in containing the billboard with the building. The slide rotation of the imagery on the screen will be relative to the existing busy nature of the Fitzgerald Avenue corridor.

Furthermore, a green wall is proposed along the southern side of the building, fronting Tuam Street. This will assist in introducing greenery to the building which will visually soften the building's southern façade and improve the amenity of the street environment on this corner.

Increasing the height of the building is also not considered to be a departure from the existing or anticipated built forms along this road corridor, where a mix of one, two and three storey buildings and large warehouse are evident. It is considered that additional height on the building will further reinforce the definition of the street edge and emphasise the landmark qualities of this corner site without significant shading effects. As a result, it is considered that there will be no adverse effects to the urban character of Fitzgerald Avenue or Tuam Street as a result of this introduction of this proposal. The townscape/ urban character effects will be less than minor.

## 5.2 Visual effects

Visual amenity effects of proposals are influenced by a number of factors, including the nature of the proposal and the townscape's absorption capability and character of the Site and the surrounding area. Visual amenity effects are also dependent on the distance between the viewer and the proposal, the complexity of the intervening landscape/ townscape and the nature of the view.

The principal elements of the proposal that will give rise to urban design and visual effects are:

- The size, height and visual bulk of the proposed signage from the main viewing areas
- The addition of a 'perceived' extra storey
- The introduction of additional lighting during the night.
- The difference between static and digital signage

### 5.2.1 Visual Effects from Private Houses

There are currently no private residences close to the Site that would gain a visual effect from the proposal. The western side of Fitzgerald Avenue is zoned CCMU, which does anticipate residential development as part of the mix of activities. However, given the existing established light industrial development on the western side of Fitzgerald Ave, it is not considered likely that residential activity would occur in this environment in the short to medium term. Based on this understanding, this assessment does not assess potential visual impacts of the proposal on and future residential activity.

### 5.2.2 Visual Effects from Commercial Buildings

An assessment of the visual prominence of the proposal from surrounding commercial and light industrial buildings has been undertaken. Commercial and light industrial buildings hold a lower visual sensitivity (in terms of ability to absorb visual change) as the building is not resided in. People travel to and from commercial or light industrial buildings to work, as opposed to a home, where people live and may be more sensitive to visual change.

The adjacent building to the Site is Ideal Electrical Suppliers, a two storey building, with a large glass façade fronting Fitzgerald Avenue. The building is set back slightly from the road corridor and consequently will not receive views towards the proposed signage. Changes to the storey height are also not considered to have any visual effect to this building, and as a consequence the visual effects are less than minor.

Remaining on the eastern side (southbound) side of Fitzgerald Avenue and to the south of the Site and Tuam Street, a recently built commercial building (for Watty Trade Paint) is the next building closest to the Site. A large freestanding billboard is located between this building and the Site. The southern facade is also proposed as a green wall, providing a positive amenity feature for this aspect. It is considered that any visual change to the Site experienced from this building will be less than minor.

Over the road, there are a number of buildings, including a café called Bunrunners, a vehicle break mending garage, and a car sales yard. All of these buildings front Fitzgerald Avenue and look directly towards the Site. It is considered that the changes proposed to the Site will not

visually affect these commercial and light industrial buildings, principally due to the existing variety of advertising present, the variable urban typologies characterising this area, median street tree planting and intervening heavy traffic.

Cumulatively, the proposal, whilst different from other billboards and signage (i.e. its integration into a building and its digital format) is considered to be in character with the existing busy streetscape variety and broad scale. The addition of this further billboard will not detract from the streetscape environment or erode the qualities of the area. Instead it will build upon these characteristics, introducing a thoughtfully integrated and high quality piece of signage into the street scene. The potential for the future addition of large scaled signage relating to the onsite premises has also been mitigated through the proposed removal of existing sign extensions and the addition of a green wall to the southern facade. The visual effects from commercial buildings are considered to be less than minor.

### 5.2.3 Visual Effects from Roads

The Site is currently visible at close distances from the following surrounding roads:

- From northbound traffic on Fitzgerald Avenue;
- From southbound traffic on Fitzgerald Avenue, and
- From eastbound traffic on Tuam Street

Any views towards the Site from these roads will be at reasonably close distances from Fitzgerald Avenue, and slightly longer for eastbound traffic on Tuam Street, due principally to the orientation of the road. All views will be transitory. The assessment includes night time views, when the signage will be illuminated.

Northbound traffic on Fitzgerald Avenue (on the western side of the road) will obliquely view the Site from approximately the St. Asaph Street junction with Fitzgerald Road, some 110 metres to the south. Views will be transitory, oblique and be partial, as the trees within the central median will partially curtail views (notably more in summer when the trees are in leaf). Beyond the trees in the central median, views towards the Site become less obstructed and the proposed signage will become apparent, as will the green wall on the Tuam side of the building. The green wall will assist in balancing out the form of the building and supplementing any loss of street tree amenity in this area. Views start to dissipate as one passes the Site. Due to existing signage on the Avenue, as well as the variance of building typologies, it is considered that the proposal will not cause visual effects greater than minor.

Southbound traffic on Fitzgerald Avenue (on the eastern side of the road) will start to see oblique, transitory views of the Site when traffic passes the Litchfield Street intersection with Fitzgerald Avenue, some 110 metres to the north of the Site. The signage will not become clearly obvious as traffic is virtually adjacent to the Site (i.e. at the Livingstone Street turnoff). As with effects assessed for northbound traffic, views start to dissipate and/or obscured by the building's veranda as one passes the Site. Based on this, it is considered that the visual effects of the signage and additional storey will create effects no more than minor for southbound traffic.

Eastbound traffic on Tuam Street will essentially be the primary audience for the proposal, where the signage will be seen within the line-of-sight of the driver. The proposal is likely to become an orientating landmark at the end of the road and contribute positively to the urban vitality of the streetscape in this area. It is estimated that the signage will be evident along this road to varying degrees up to the Barbadoes Street turnoff, some 400 metres from the Site. At



night, the signage maybe visible slightly further, however the imagery may be difficult to perceive.

Traffic using this road will notice a taller building, faced with an advertising billboard at the terminus of the road. Due to the width of the road corridor (which is narrower in width than Fitzgerald Avenue), existing street clutter and the variety of building typologies, it would not appear uncharacteristic of its surroundings.

In night time views (i.e. when the signage is illuminated) the proposal will be seen in conjunction with other lights along this road corridor, such as from street lighting, car-lighting and building/signage lighting. The proposal will not be introducing a significant new light-source into the area, as ambient controls will be put in place. As a consequence, the effects are also considered to be less than minor.

Signage is an accepted part of the streetscape in this part of Christchurch, and is commonplace along both this road corridor, and Fitzgerald Avenue. Buildings are predominantly one or two storeys, however three storey are evident and anticipated within the City Plan. Overall, it is considered that the visual effects of users travelling eastbound on Tuam Street will receive less than minor visual effects.

### 5.3 Summary of Effects

Key considerations:

- The proposal is integrated into the façade of the building and is of an appropriate scale and proportion that it does not compete or dominate the building. It minimises the potential for additional 'clutter' that is evident throughout this road corridor.
- The new building façade is considered to be appropriate for the location in that other billboards on and adjacent to buildings are visible. It does not seek to compete with these, instead targets different viewshafts. It will provide a localised landmark and contribute to the urban vitality of the streetscape.
- The green facade component assists in visually softening the overall building, promoting urban variety and creating a corner landmark without detracting from the inherent characteristics of the building.
- The green façade also assists in improving the amenity of the area, in an area where vegetation is mostly restricted to the central median of Fitzgerald Avenue, where a large gap exists between street trees.
- Cumulatively, the billboard is different from conventional billboards evident on Fitzgerald Avenue and signage on Tuam Street. There will be no additional lighting 'arms' or 'scaffolding style gantry systems' which is often the case with other billboards. This will reduce visual clutter and cumulative visual effects.
- Any views towards the signage will be transitory, with the principal direct views received from Tuam Street. All visual effects are assessed as less than minor.

## 6.0 Statutory Considerations

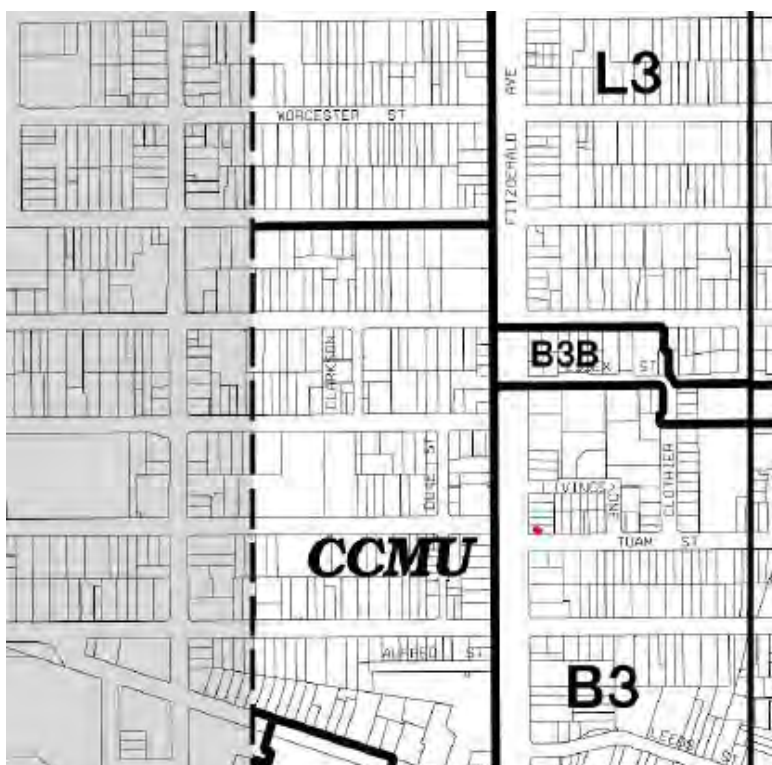
### 6.1 Resource Management Act 1991

Section 7 of the RMA concerns 'other matters' relating to managing the use, development and protection of natural and physical resources. In terms of landscape and visual considerations, particular regard has to be had to Section 7 (c) *the maintenance and enhancement of amenity values*, as well as Section 7(f) *the maintenance and enhancement of the quality of the environment*. Section 7 matters are addressed in the remainder of this report.

### 6.2 Christchurch District Plan

Under the **Operative Christchurch City Plan** the site is zoned Business 3 (Inner City Industrial). The surrounding land to the north, east and south is also zoned Business 3. The land to the west, on the opposite side of Fitzgerald Avenue is zoned "Central City Mixed Use". A replacement plan is currently been heard by an Independent Hearings Panel, however no replacement plan provisions are yet operative for this activity.

An excerpt of the relevant operative planning maps is outlined below. The small red dot illustrates the Site.



Fitzgerald Avenue is one of the roads that forms the boundary of the Central City and has a dual road classification of "Arterial Route" and "Major Arterial" in the Christchurch City Plan. Tuam Street is classified as a "Main Distributor Street" in the City Plan. These roads are zoned "Special Purpose Road Zone".

As provided for in Volume 3, Part 10 (Heritage and Amenities) of the City Plan, outdoor advertisements are permitted in the Business 3 zone provided that the advertisement complies with all the development standards under clause 3.4 (volume 3, part 10) and all of the critical standards under clause 3.5 (volume 3, part 10).

The Sign complies with all development standards within the City Plan other than development standards 3.4.1 (area and number) and 3.4.9 (architectural features).

The relevant assessment matters are addressed below:

**(a) Area and number**

**(i) The visual amenities and characteristics of the locality (including tree or other planting) and whether the proposed display would be obtrusively visible beyond 50 metres (particularly in residential areas).**

As outlined within the Visual Amenity section of this report, the proposal will not be obtrusively visible beyond 50m, especially to residential areas (as there are no residences close to the Site). The principal viewing area is eastbound traffic on Tuam Street. The sign will be seen as integrated into the building's façade, set amongst a predominantly commercial and light industrial part of Christchurch.

**(ii) The proximity of dwellings and the visual intrusion of the proposed display from dwellings on adjoining property or across any road from the proposed display.**

There are no residential dwellings that will or are expected to be impacted as a result of the proposal.

**(iii) The nature and degree of compatibility of any other existing land use activities within 50 metres of the proposed display.**

It is considered that the proposal is generally compatible within existing and anticipated activities within Business 3 and adjacent CCMU zonings. Due to the positioning of the Sign (facing Tuam Street), it is unlikely the Sign would draw attention away from other activities along Fitzgerald Avenue corridor, including associated signage on nearby buildings. Similarly, the billboard will be an isolated focus point at the termination of Tuam Street and not compete with those activities lining each side of the street.

**(iv) The classification of the road together with the nature of traffic using it and average daily traffic volumes with regard to the potential of the outdoor advertisement to distract motorists.**

Addressed separately in the Assessment of Transportation Matters.

**(v) The range and nature of land use activities on the site concerned, and whether it necessitates larger outdoor advertisements.**

The Sign will advertise goods and services, as well as local events that are not necessarily associated with the land use activities on the site. An existing sign projected from the first floor is not being utilised by the activities on the site and its removal will be a mitigating aspect of the proposal, reducing the perceived visual clutter on the building. A green wall on the southern faced will also minimise any future outdoor advertisements on the Site.

**(vi) The length of the road frontage of the site concerned and the area of display proposed**

There are two road frontages, one fronting Fitzgerald Avenue and the other fronting Tuam Street. The approximate road frontage is 49m which allows a permitted sign area of 4.9m<sup>2</sup>. The

Sign is 33m<sup>2</sup> and will exceed the permitted area; however, as discussed elsewhere, it is considered that this is an appropriate site and zone for a Sign of this type and size. This is mitigated by the provision of a 26m<sup>2</sup> green wall, which integrates an existing blank flank wall with the proposed single storey extension.

**(vii) The area of the proposed display in relation to the architectural characteristics of the building involved, or the site and/or frontage (where no buildings are involved);**

The area of the billboard meets an industry standard proportion of a 12:3 ratio and extends across the facade to form a perceived upper storey. This improves on the original consent application of a 9:3 ratio, which both partially covered the first floor windows and did not neatly align with the expressed structural columns of the building. The addition of a third storey on this corner building further improves the definition of two street edges, emphasises the corner and creates an urban landmark in conjunction with the proposed green wall.

**(viii) The sympathy of the proposed outdoor advertisement placement to the architectural features of the building onto which it is to be placed, or the site on which it will be located.**

From an urban design perspective, the building has limited architectural merit other than defining the street edge. The main architectural characteristic and visual amenity of the building are the bands of windows at ground and first floors. These also allow visual interaction with the street. The width and height of the billboard provides visual continuity with these, through an addition of a perceived upper storey in proportion with the other two floors. This is further complemented by continuing the expressed column structure up the corners and along the roofline to frame the billboard. Both design approaches help to integrate the billboard with the building. The inclusion of the green wall adds to its visual amenity in an area deficient in soft landscape features.

**(ix) The heritage values, architectural characteristics and visual amenities of the buildings and/or sites in the immediate vicinity, including the number and sizes of any other existing outdoor advertisements either on the site concerned or immediately adjoining (and the need to avoid the cumulative effect of "clutter"); and**

It is understood that there are no other buildings that retain specific heritage values in the immediate vicinity of the Site.

The Site is located on one of the 'Four Avenues' that define the Central City. The addition of the third storey is considered to further reinforce the prominence of this urban edge, particularly on a corner site, and emphasises the view shaft along Tuam Street. The green wall will add visual amenity along a stretch of Fitzgerald Avenue that is deficient in high quality soft landscaping.

There are a variety of building sizes and storeys within the general vicinity of the Site. Signage, either related to the activities on site or otherwise, is apparent on almost all of them and is of a scale, style, varying quality and colour that appears to be targeted at vehicle users travelling along the adjacent Major Arterial and Main Distributor routes. A free standing bi-directional billboard is also evident immediately across Tuam Street, facing north and southbound traffic along Fitzgerald Avenue. Two other billboards are located across Fitzgerald Avenue facing northbound traffic. All are positioned at oblique angles to the proposed billboard with the latter two positioned across the wide carriageway and planted median strip of Fitzgerald Avenue.

Obviously existing signs are positioned to capture as many viewers as possible on Fitzgerald Avenue, however the proposed billboard is positioned and orientated to capture primarily the views of traffic on Tuam Street, which has no billboards and visibly less signage than Fitzgerald Avenue. The fact that the proposed billboard is integrated into the building and does not project itself out to face traffic on Fitzgerald Avenue, reduces visual clutter. For these reasons alone, it is considered that the proposed billboard avoids the cumulative effect of “clutter”.

The application proposes to reduce clutter (i.e. no requirement for additional lighting arms and scaffolding-style gantry supports) and the potential for any additional signage with the removal of an old sign extension and by covering the southern facade with a green wall. This will improve visual amenity. The proposal addresses the architectural characteristics of the building by way of its integration and promotes a high quality digital display that is less prone to weathering than typical billboards and will be constantly refreshed.

**(x) The extent to which the proposed outdoor advertisements are sensitive to heritage values, public open spaces or areas possessing significant natural values.**

There are not considered to be any sensitive to heritage values, public open spaces or areas possessing significant natural values within the immediate vicinity of the Site.

**(xi) The likely visual prominence of the proposed display in comparison with what it may have looked like in compliance with the area rule concerned**

The proposed Sign exceeds the permitted signage area and differs significantly from what a complying sign would look like. However, for reasons discussed throughout this assessment, it is considered that this Site and zone is an appropriate location for this type of Sign.

**(xii) The nature of existing or likely future land use activities in the vicinity of the proposed display, together with any relevant environmental results anticipated for that zone.**

As discussed in this assessment, the existing land uses are similar in nature to the proposed billboard or can be easily absorbed by the variety of built form and streetscape features. Anticipated future land use activities remain compatible or are unlikely to occur in this area, such as residential activities in the CCMU zone. The anticipated environmental outcomes of future build forms in both zones significantly exceed the proposed height and bulk of the structure intended to integrate the billboard with the existing building.

**(xiii) The extent to which advertisements will result in visual clutter and loss of visual coherence of the character and amenity of the environment.**

There are three other billboards in the vicinity of this Sign, all located on Fitzgerald Avenue. It is considered that the proposed Sign will not result in any additional visual clutter or loss of visual coherence as the proposed Sign is not "competing" for the same viewing audience and does not have the same structural complexities and lighting appendages that they have. The proposed Sign is directed at viewers on Tuam Street while the other three signs are likely to capture the attention of viewers using Fitzgerald Avenue. As this area is considered to be able to absorb additional signage in the context of a broader commercial and industrial environment, the effects associated with an additional sign are considered neutral.

## 6.3 Non Statutory Guidance

There are a number of guidance documents and bylaws relating specifically to signage. The NZTA has published guidance entitled 'Advertising signs' in June 2012. For this, signs located outside of the road reserve, the NZTA will:

- *'advocate for prevention of the erection of signs outside but visible from the state highway that may adversely affect traffic safety*
- *advocate for appropriate structural construction standards for signs in the vicinity of a state highway that are equivalent to those required for official signage*
- *encourage the removal or replacement of old, poorly maintained, inadequately secured or redundant signs located outside but visible from the state highway.*

### *Amenity:*

*Control of the amenity effects of signage outside the state highway road reserve is primarily a local authority function. The NZTA will generally only seek to become involved in managing such amenity effects when state highway landscaping or other urban design outcomes may be compromised'.*

NZTA also have guidance relating to the design and location of signage. 'Advertising signs and road safety: design and location guidelines RTS7' (published 1993). Specific mention is made of the design and siting of the signage. It is considered that the proposal is consistent with this guidance.

## 7.0 Conclusion

It is considered that the digital signage proposed for 80 Fitzgerald Avenue is appropriate for the following reasons:

- **Context.** The proposal is located within a light-industrial and commercial part of Fitzgerald Avenue with signage commonplace. The streetscape character is highly urban with mixed built forms (of varying quality and height) and enhances the limited vegetation present.
- **Zoning.** The Site is currently zoned Business 3 (Inner City Industrial), opposite the CCMU and located on a major arterial route within the Christchurch City Plan. As a consequence, there no residential properties close to the Site nor is there likely to be in the short to medium future. The proposal is consistent with the character and environmental results anticipated for these zones.
- **Design.** The signage design and location on the building has been appropriately considered through a series of four options, with the chosen preferred variation to the existing resource consent application reflecting the existing vernacular of the building façade. The building retains little architectural merit, holding no heritage or character values. The proposal will be integrated into the façade of the building, extending the building to the equivalent of three-storeys. The existing architectural vernacular of the building (e.g. streetscape definition) will still be evident, and strengthened with the sign

in place. The green façade compliments the median trees and improves the amenity of the area. The integration with the building minimises cumulative visual clutter.

- **Views.** Any views towards the signage will be transitory, with the principal direct views received from Tuam Street, which is already well populated with commercial signage. The proposal will be seen as a local landmark which contributes to the urban vitality of the streetscape.

# Appendix 1: Operative Christchurch City Plan

## **Business 3 Zone**

The Business 3 Zone covers the older industrial areas near the central city which are dominated by light industry, warehousing and service industries, and includes a range of long established industries often on small sites. There are also some heavier manufacturing industries which have significant nuisance effects such as noise. Building densities are generally higher than suburban industrial areas, and the extent of landscaping is generally considerably lower. These factors derive from the old historic pattern of development on generally small sites with a grid roading network.

The purpose of this zone is to maintain existing industrial employment opportunities while progressively enhancing amenity standards.

The Business 3 Zone contains standards which exclude or control activities where the levels of effects would have an adverse effect on the environment within and adjoining the zone. Retail and office development is subject to limitations in order to avoid adverse effects on the road network, and on the amenity and functions of the central city and district centres. Such limitations also avoid the establishment of incompatible activities and the potential for pressure to lower the effects of industrial and other permitted activities operating up to the levels of effects permitted in the zone.

In comparison with other business zones, the Business 3 zone allows significant impacts in terms of noise, traffic, building scale and permitted hazardous substances. Activities generating multiple visits from the general public are therefore not generally appropriate, given the character of the zone. However, a slightly greater degree of retail is permitted in this zone than in other heavy industrial zones, such as the B5 zone, although less retail is permitted when compared to the B3B and B4 zones. This distinction in relation to other heavy industrial zones is due to its central location, with access to such retail locations being relatively easy, and due to the historical nature of certain retail activities in this area, which have established as of right under former plans.

### Environmental results anticipated

- a) A diverse range of industrial and service activities with a visual dominance of the built environment, rather than open space and extensive landscaping.
- b) A zone environment containing a high density and scale of commercial and industrial buildings, in reflection of traditional established activities, and the existing pattern of subdivision.
- c) Relatively high levels of traffic generation with standards on access and manoeuvring to mitigate any adverse effects.
- d) A visually mixed environment, with a predominant industrial character but with provision to improve and enhance street scene character, through requirements for frontage tree planting and street setbacks for buildings, to mitigate building scale and storage areas as redevelopment takes place.
- e) Residential occupation confined to on site management or security in reflection of the higher level of impacts from the dominant non-residential activities and which is limited



in scale and quality of amenity to protect the extent and operation of adjoining business amenities.

- f) Retailing activity and its wider effects limited to the sale of goods or services produced or processed on site, and other retailing which would not be incompatible with activities operating up to the levels of effects permitted in the zone, nor result in significant cumulative adverse effects, including effects on the amenity and functions of the central city and district centres and effects on the classified road network.
- g) Office activities in association with industrial activities in order to avoid incompatible activities.

# Appendix 2: Graphic Supplement

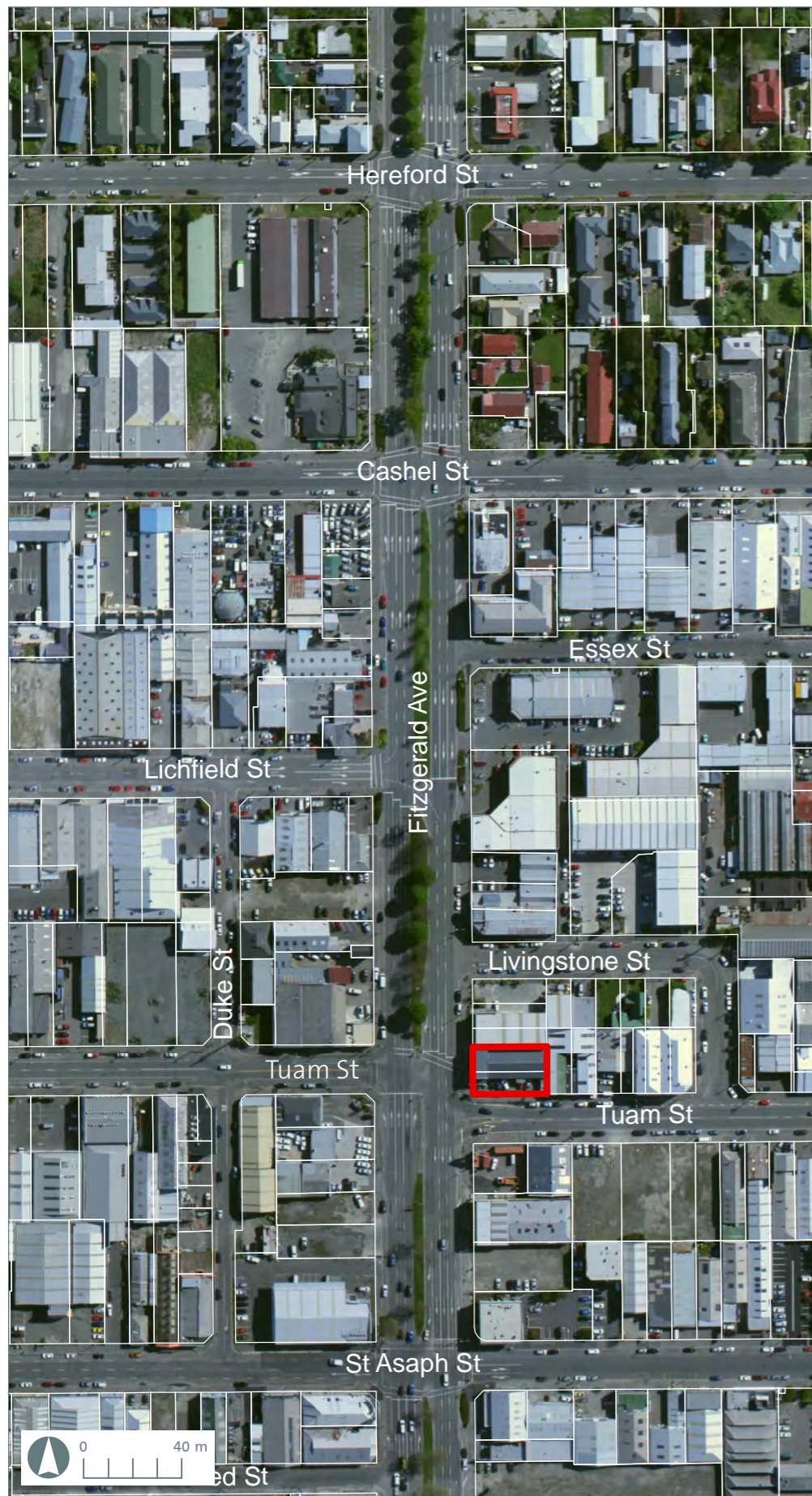
# 80 FITZGERALD AVENUE DIGITAL BILLBOARD RESOURCE CONSENT

Urban Design Assessment - Graphic Supplement  
Prepared for ETC Media by Boffa Miskell Limited

17 December 2015



Boffa Miskell



Wider Context



Immediate Context



Photograph 1: View looking east along Tuam Street (approx. 60m to building)



Photograph 2: View looking east from Tuam Street and Fitzgerald Avenue intersection



Photograph 3: View from northwest from Fitzgerald Avenue (approx. 40m to building)



Photograph 4: View from the west of Fitzgerald Avenue looking eastwards



Option 1: Original application (9x3m)



Option 2: Green façade (9x3m)



Option 3: Additional story (9x3m)



Option 4: Green façade wrapped corner (4x8m)









Preferred Option - View from Tuam Street (Westbound)



Preferred Option - View from Fitzgerald Avenue (Southbound)











**Appendix 2**  
**Transportation Assessment**



# **Proposed Digital Billboard Fitzgerald Avenue, Christchurch**

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## **Assessment of Transportation Matters**

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**CARRIAGEWAY  
CONSULTING**

traffic engineering | transport planning





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## 1. Introduction

- 1.1. ETC Media Limited proposes to install and operate a digital billboard at 80 Fitzgerald Avenue, Christchurch, located on the eastern fringes of the Central City. The siting of the billboard on the western wall of a building means that the images will primarily be visible only to traffic travelling east on Tuam Street.

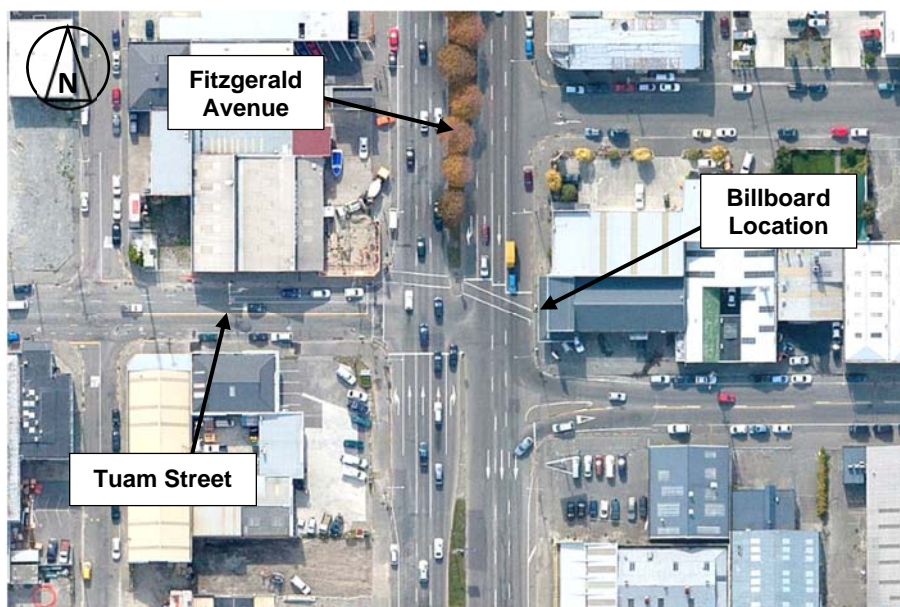


Figure 1: Proposed Location of Billboard

- 1.2. From the information provided, it is understood that the billboard will be approximately 11.5m by 2.9m in size, and that the images displayed will be static (that is, they will not contain moving messages or have flashing lights). A particular image will be displayed for eight seconds before there will then be a transition to the next via a 'dissolve', which takes 0.5 seconds.



Figure 2: Mock-Up of Billboard

- 1.3. This report considers the transportation aspects of the proposed billboard, including the potential effects on road safety.

## 2. Current Transportation Environment

### 2.1. *Roading Layout*

2.1.1. Fitzgerald Avenue marks the eastern side of the Central City and is classified as a Major Arterial road under the Christchurch City District Plan (“*City Plan*”). In this location it is a dual carriageway with three traffic lanes in each direction plus an intermittent parking lane, separated by a raised and vegetated central median that is some 4.5m wide. It has a flat and straight north-south alignment, running from Bealey Avenue to Moorhouse Avenue.



**Figure 3: Fitzgerald Avenue Southbound Approach to Billboard Location**

2.1.2. Tuam Street is classified by the City Plan as a Main Distributor Street within the Outer Zone. It has a parking lane and a traffic lane in each direction, and an alignment that is flat and straight.

2.1.3. As shown on Figure 1, the Fitzgerald Avenue / Tuam Street intersection is formed as two offset tee-intersections. On the northern side of the intersection, Tuam Street (west) meets Fitzgerald Avenue at traffic signals where all turning movements are permitted. Each approach has auxiliary turning lanes, with right and left-turn lanes on Fitzgerald Avenue (south), a right-turn lane on Fitzgerald Avenue (north), and the single eastbound traffic lane on Tuam Street splitting to provide a left-turn and a right-turn lane. The proposed billboard site is directly adjacent to this part of the intersection, on the eastern side.



**Figure 4: Tuam Street (West) Looking East towards Billboard Location**

- 2.1.4. Some 20m to the south of this part of the intersection, Tuam Street (east) meets Fitzgerald Avenue. Due to the presence of the raised median on Fitzgerald Avenue, vehicles can only turn left into and left out of Tuam Street (east), and the intersection is controlled by 'give-way' signs and markings.
- 2.1.5. There are pedestrian crossings across the Fitzgerald Avenue (north) and Tuam Street (west) approaches to the intersection. No formal provision is made across the other two approaches.
- 2.1.6. Both roads are currently subject to a 50km/h speed limit, and 'An Accessible City' (now part of the Central City Recovery Plan) sets out that this speed regime is likely to continue into the future.

## **2.2. Traffic Flows**

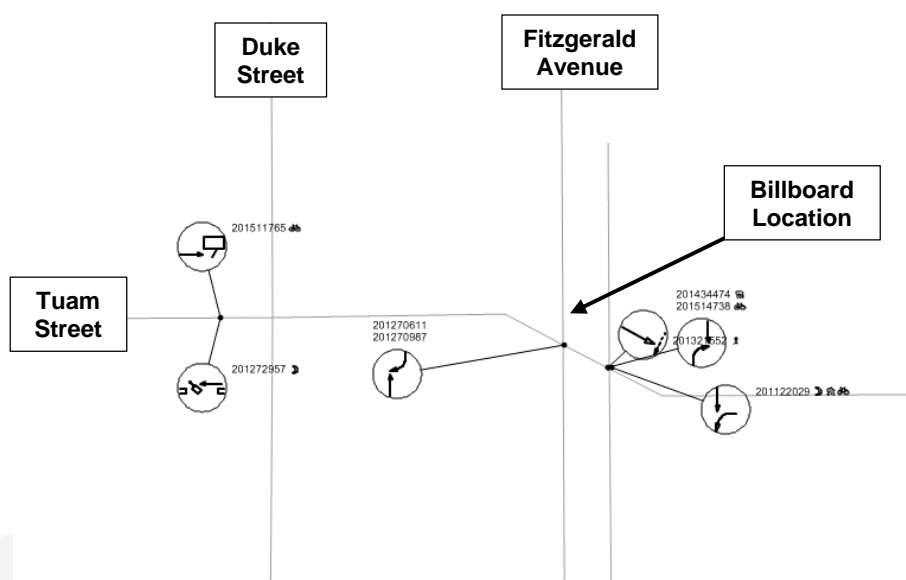
- 2.2.1. Christchurch City Council undertakes a regular programme of traffic counts within the city. The survey location closest to the billboard site on Fitzgerald Avenue is located to the north of Ferry Road (some 300m south of the billboard location). The most recent survey was undertaken in 2012, and this showed an average daily traffic flow of 32,500 vehicles (two-way), an average weekday traffic flow of 36,500 vehicles (two-way) and weekday peak hour flows in the order of 3,200 to 3,300 vehicles (two-way).
- 2.2.2. No recent surveys have been carried out on the section of Tuam Street closest to the billboard location and consequently, the NZTA Crash Analysis System ("CAS") has been reviewed as this includes traffic volumes from local authorities' RAMM databases. As a check on whether this data is reliable, the CAS data for Fitzgerald Avenue has been compared with the Council's most recent information, and the two differ by just 1.5%. It is therefore concluded that the CAS information is up-to-date.
- 2.2.3. CAS shows average daily traffic volumes of 8,000 vehicles (two-way) on Tuam Street. Applying the same factors as seen on Fitzgerald Avenue, Tuam Street carries around 9,000 vehicles (two-way) on an average weekday, and has weekday peak hour flows in the order of 800 vehicles (two-way).

2.2.4. The turning movements at the Fitzgerald Avenue / Tuam Street intersection were most recently surveyed by the Council in September 2011 but this was carried out when the central city cordon and numerous road closures were in place. Since that time, the cordon has been lifted and it is highly likely that traffic patterns will have changed. Accordingly, the earlier Council traffic surveys from 2006 and 2010 have been reviewed, which shows that in the morning peak hour 56% of the vehicles on Tuam Street were travelling into the Central City, but in the evening peak hour, 85% of vehicles travelled away from the Central City.

### 2.3. Road Safety

2.3.1. The NZTA CAS database has been used to review the reported accidents on the roading network for 100m in each direction from the proposed billboard location. This encompassed the section of Fitzgerald Avenue from just north of St Asaph Street to just south of Lichfield Street, plus Tuam Street between Fitzgerald Avenue and west of Duke Street.

2.3.2. Over the past five years (2011 to 2015), there were 8 accidents reported.



**Figure 5: Location and Type of Reported Accidents**

2.3.3. One accident on Tuam Street west of Duke Street resulted from a westbound driver pulling out of a car parking space and into the path of a another westbound vehicle. The second accident on this section of road occurred when a driver parked their vehicle and opened their door in front of an eastbound cyclist.

2.3.4. Two accidents occurred on the western side of the Fitzgerald Avenue / Tuam Street intersection, both of which involved southbound vehicles which turned right onto Tuam Street and were then struck by northbound vehicles on Fitzgerald Avenue.

2.3.5. The remaining four accidents took place on the eastern side of the Fitzgerald Avenue / Tuam Street intersection. Two accidents involved northbound vehicles which turned right onto Tuam Street and were then struck by southbound vehicles on Fitzgerald Avenue. One accident involved a westbound vehicle turning left from Tuam Street which pulled out in front of southbound cyclist on Fitzgerald Avenue. One accident occurred when a vehicle turned left into Tuam Street and struck a crossing pedestrian.

2.3.6. Overall, it is considered that the pattern of accidents is not unusual for a busy urban road, and it noted that there were no 'nose-to-tail' accidents on Tuam Street.

## 2.4. Existing Signage in the Area

2.4.1. Based on site visits, there are no statutory road signs on Fitzgerald Avenue or Tuam Street over a distance of 100m from the billboard location. However as the billboard is adjacent to the Fitzgerald Avenue / Tuam Street intersection, by definition it is within 100m of the traffic signals at the intersection.

2.4.2. As the road is predominately fronted by retail and commercial land uses, there are also numerous roadside advertising signs on the roads, defined by the NZTA Traffic Control Devices Manual Part 3 (*'Advertising Signs'*) as *"all advertising signs and devices which can or are intended to be seen by all road users"*. These include (but are not limited to):

- multiple signs associated with shop frontages;
- directory boards for premises;
- flags at the nearby car sales yard; and
- a billboard.

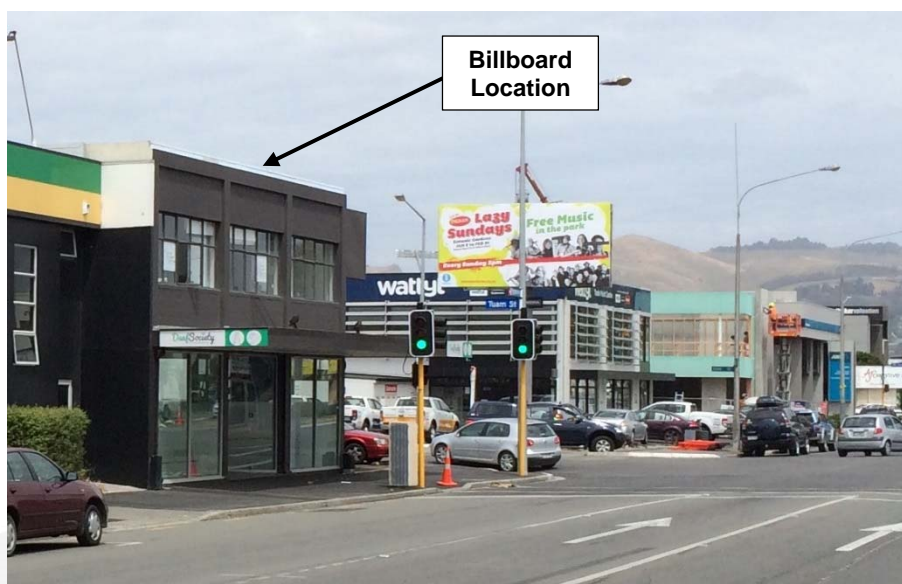


Figure 6: Existing Signage on the Southern Side of the Billboard Location

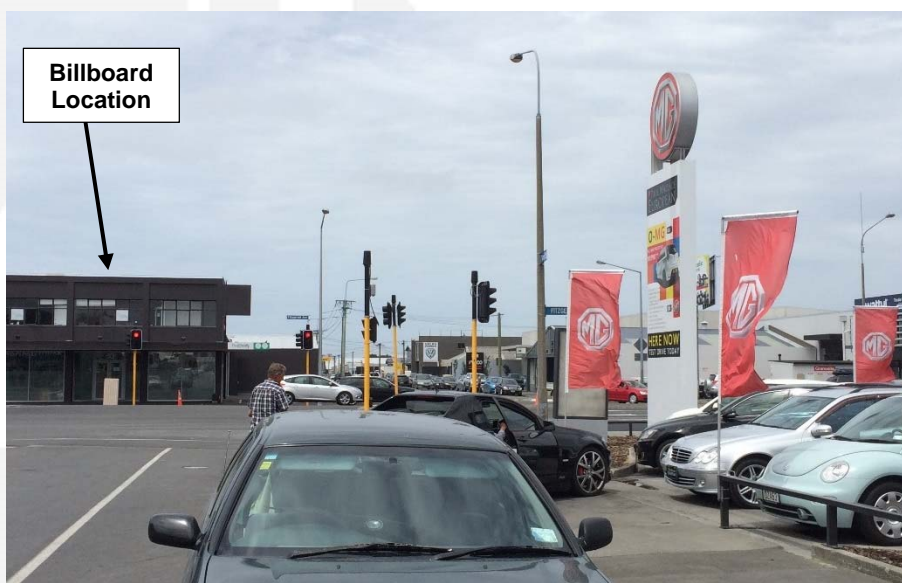


Figure 7: Directory Sign and Flags at Car Sales Yard Opposite Billboard Location



### 3. Overview of Road Safety Implications of Billboards

#### 3.1. NZTA Traffic Control Devices Manual (Part 3) Advertising Signs

3.1.1. The NZTA Traffic Control Devices Manual addresses various aspects of roadside advertising signs (which as set out above means signs, including those that are within private property that are intended to be seen by road users) and it includes billboards. Importantly, the manual sets out that each particular installation should be treated on its own merits having regard to its purpose, nature and location, and with an expectation that sound judgement is used to ensure they are effective but without compromising safety. It also notes that there is no reason why an off-site advertising sign should have more of an adverse effect than a similar on-site sign, provided that suitable controls are in place to avoid signage proliferation.

3.1.2. At a general level, any advertising sign must not:

- contain reflective material if it is likely to reflect the light from the lamps of any vehicle on the road, or fluorescent or phosphorescent material if it is likely to mislead or distract drivers from traffic signs installed in the vicinity, or mask those signs;
- be capable of being mistaken for a traffic control device, including use of red, green, orange, white or yellow in combinations of colours, or shapes which may be mistaken for a traffic control device;
- use red, green, orange, white or yellow colours in a location where it is likely to form the foreground or background to or appear alongside a traffic control device of similar colour when viewed by approaching motorists;
- contain large areas of red, green or orange displayed on illuminated signs which at night are likely to cause confusion with traffic control signals or tail lights of vehicles;
- give instructions to motorists that could conflict with any traffic sign or traffic control device; or
- compete with existing direction signs.

3.1.3. There are controls on the brightness of illuminated signs, and for a sign with more than 10sqm of illuminated area within an area with street lights, such as is proposed in this instance, a maximum 800cd/sqm is permitted.

3.1.4. To help avoid safety issues, the Manual sets out that advertising signs on urban roads (defined as where a speed limit is less than 70km/h) should not be located within 100m of intersections and permanent regulatory or warning signs, although it also sets out that there are many advertisements close to intersections or traffic control devices that apparently cause no problems.

3.1.5. The recommended visibility for signs relates to the vehicle speeds, with signs on roads with higher speeds needing to be visible from a greater distance, and within a narrowed angle of view for the driver. Figure 5.1 of the manual shows that at where there is a speed limit of 50km/h (as is the case in this instance), a 45 degree angle of vision is appropriate on either side of the road, and an additional 15 degrees can be added to allow for the driver moving their head. Minimum (unrestricted) forward sight distances of 80m are also appropriate for a posted 50km/h speed limit, and adjacent roadside advertising signs are recommended to be at least 50m apart.

3.1.6. In respect of the legibility of the sign itself, suitable controls are required in terms of letter size, style, colours and contrast. At a posted speed limit of 50km/h, the minimum letter height size is 75mm, with the primary message being at least 150mm in height.





3.1.7. Specific care is also required when considering animated, flashing and variable message signs for advertising, with regard to location and visibility distraction to motorists. Animation and flashing signs should not be used where the speed of passing traffic is more than 70km/h, and variable message signs require “*careful assessment*” where sited close to an intersection or where vehicles merge/diverge. Notably, the manual sets out that such signs should have static displays, change display over a timeframe of less than two seconds, and have a minimum time for separate displays of more than five seconds.

### **3.2. Overseas Research**

3.2.1. In a 2001 report (*Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction*) the Federal Highway Administration (“*FHWA*”) set out that there were three generic ways in which a digital billboard could give rise to road safety effects:

- Distraction of the driver: through diverting the drivers’ attention from the primary task of driving;
- Display conspicuity: particularly any motion, illumination and the complexity of the message; and
- Display legibility: because a message that is displayed in a less legible manner takes the driver longer to read and comprehend.

3.2.2. A 2003 study undertaken by the Virginia Tech Transportation Institute (*Driving Performance in the Presence and Absence of Billboards*) involved drivers travelling along a predetermined route in a vehicle that was equipped with cameras to record the forward view from the vehicle and also the driver’s face and eyes. The route included a variety of driving conditions (urban and suburban, motorway and arterial roads) and had a number of billboards of different types. The results showed that:

- Driver visual distraction was not significantly affected by billboards or other forms of advertising compared to on-premises advertisements and other roadside items;
- Drivers did not reduce speeds to look at billboards or other forms of advertising; and
- The position of the vehicle within the traffic lane when a driver was able to look at a billboard was no different to what was considered to occur during normal driving conditions.

3.2.3. Overall, the study concluded that the presence of billboards did not cause a change in driver behaviour in terms of visual behaviour, speed maintenance, or lane keeping, and that even when the billboards that were considered to be the most visually attractive were examined, there was no relationship between glance location and billboard location.

3.2.4. A further study was carried out by Virginia Tech Transportation Institute in 2007. This analysed the accident data at seven billboard locations in the 12 months before they were converted from a static display to a digital display, and the data for the 12 months after conversion. This concluded that there was no statistically significant differences between the accident records. The study also compared the accident rates on routes with billboards and routes without, and found no differences between the data sets.

3.2.5. The American Association of State Highway and Transportation Officials (AASHTO) commissioned a research study in 2009 to develop guidance in respect of digital billboards. The study was based on an extensive literature review (and over 150 reference sources are cited) but the study concluded that there were inherent difficulties with many of the studies undertaken to date, including differences in the signs examined (such as the use or otherwise of animation), different durations over which the message was displayed, and potentially



different effects during daytime compared to night-time. Ultimately this meant that the experience of each passing driver could be different and not easily compared to the experiences of others. The study concluded that advertisements per se attracted driver attention but that digital billboards attracted greater attention because of their different luminance to the background. It also noted that it was difficult to demonstrate that digital billboards “caused” accidents although there was data available which suggested that such billboards meant that drivers were distracted from their driving task to a greater extent than with passive billboards or the natural environment. The report also pointed to a FHWA study (which at the time was underway) as potentially providing further assistance.

- 3.2.6. The FHWA has published a number of studies regarding digital billboards, including “*Driver Visual Behavior In The Presence of Commercial Electronic Variable Message Signs (CEVMS)*” in 2011. The study carried out primary research on drivers using a vehicle that was equipped with an eye tracking system which, coupled with cameras recording the view ahead, was able to evaluate the amount of time that a driver spent looking at a digital billboard compared to other advertisements and other aspects of the built environment. The billboards were selected to ensure that they did not contain any dynamic elements (that is, animations). The research showed that drivers spent approximately the same amount of time looking at the road ahead in each scenario, although they did spend more time looking at digital billboards than at static billboards. However the study also drew on earlier research that indicated that glances away from the forward roadway of more than 2 seconds was an indicator of an increased risk of crashes<sup>1</sup>, and noted that no glances of this duration were observed. However the study also indicated that as the overall visual complexity of the environment increased, drivers tended to focus less on the road ahead and pay greater attention to those other elements.
- 3.2.7. There is little published data that has comprehensively investigated the traffic safety effects of animation on digital billboards. In part this may be because the term ‘animation’ covers a spectrum of effects from fully moving graphics to minor changes in the part of the image or a graphic. There appears to be a common consensus that significant amounts of animation are highly distracting to drivers, but there is very little information regarding more subtle animation. It could be argued that small amounts of animation are no different in terms of the potential for driver distraction to the motion of an advertising flag or even the ‘dissolve’ from one static image to another. On this basis, there may be a case that minor amounts of animation may be acceptable in terms of the effects on road safety.

### **3.3. Prevailing Road Safety Records**

- 3.3.1. In evaluating the potential of billboards to result in adverse road safety effects, the current incidence of reported accidents in Christchurch has been reviewed where driver distraction due to advertisements (driver factor code 356 in CAS) was noted as a contributing factor.
- 3.3.2. None of the accidents reported in the vicinity of the Fitzgerald Avenue / Tuam Street intersection between 2011 and 2015 were recorded as having driver distraction (for any reason) as a contributing factor. Consequently the search was extended to cover the period 2006 to 2010 and this showed that three accidents were reported due to driver distraction. One occurred on Fitzgerald Avenue just south of Lichfield Street when a driver was checking their rear view mirror and ran into the rear of a vehicle ahead. The remaining two accidents

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<sup>1</sup> In 2006, the National Highway Traffic Safety Administration found that “*eye-glances away from the forward roadway, especially those that do not involve checking rear-view mirrors, may be contributing factors to a high percentage of crashes*” (*The Impact of Driver Inattention on Near Crash / Crash Risk*). The report concluded that when a driver took their eyes off the road in front for more than 2 seconds, then there was an increased risk of an accident or near-miss.

occurred on the eastern side of the Fitzgerald Avenue / Tuam Street intersection, one was due to the vehicle driver feeling threatened and driving at high speed, and the other was due to the driver being distracted by the trailer that they were towing.

- 3.3.3. The assessment was then widened to encompass the whole of Christchurch. In the same time period of 2006 onwards, there were 22,475 reported accidents of which 8 had distraction due to advertisements as a contributing factor. Two of these however were not associated with roadside advertising (one was a driver distracted by a shop display, and the other was due to a driver who was reading road signs). The remaining 6 accidents represent just 0.03% of the total number of reported accidents. The locations of all 8 accidents are shown below.



**Figure 8: Locations of Reported Accidents 2006-2015 where Driver Distraction Due to Advertisements was a Contributing Factor**

- 3.3.4. It is of note that the reported accidents are dispersed throughout the city and that no clusters are evident along those roads that are fronted by significant amounts of commercial land uses. If driver distraction due to advertisements was an important factor, it would reasonably be anticipated that such clusters should be visible in the data.
- 3.3.5. Finally, an assessment has been made of the numbers of reported accidents where driver distraction of all types was recorded. Overall, there were 2,408 accidents within Christchurch that had driver distraction as a contributing factor over the past 10 years, and as noted above advertising signs accounted for just 8 (0.3%) of these. By way of comparison, there were 291 accidents where drivers were distracted by scenery (12.1% of the total), 253 accidents where drivers were distracted by passengers (10.5% of the total), and 43 accidents where drivers were distracted by animals or insects in their vehicle (1.8% of the total).
- 3.3.6. Even if there was to be under-reporting of advertisements as a factor contributing to accidents, it is evident that distraction due to advertising signs is not a significant road safety issue.

### **3.4. Conclusions**

- 3.4.1. Based on this review, the available literature is sometimes contradictory. However, it appears that digital billboards attract driver attention to a greater extent than static billboards, but that the extent of this increase is not sufficient to result in a significant increase in distraction such



that there is then a consequential increase in the accident rate. That is, digital billboards distract drivers but not to the extent that a road safety problem arises.

- 3.4.2. The accident record in Christchurch supports a conclusion that distraction due to advertisements is not a significant issue, with very few accidents recorded and no clusters of accidents in locations where advertising is the most concentrated.



## 4. Compliance with NZTA Recommendations

### 4.1. *Billboard Location*

- 4.1.1. The sign will be sited on private property beyond the edge of Fitzgerald Avenue and as noted above, the road alignments in the area are flat and straight. Consequently it will not present a hazard in terms of physically blocking the visibility of any road signs for approaching drivers.
- 4.1.2. Fitzgerald Avenue in this location is currently subject to a 50km/h speed limit. Consequently there is a recommendation to have a 100m separation between a sign and any intersections, but this is not achieved since the billboard is within a short distance of the traffic signals at the Fitzgerald Avenue / Tuam Street intersection (discussed in detail subsequently). However it can be seen on Figure 2 that there is a clear visual separation between the traffic signal heads and the billboard itself. There are no other regulatory / warning road signs on these sections of Fitzgerald Avenue and Tuam Street.
- 4.1.3. For the prevailing speed limit, the billboard needs to be visible for at least 80m on the immediate approach, and this is achieved (and exceeded) as the road alignments over this distance are flat and straight.



Figure 9: Drivers' View of Billboard Location, Viewed at 80m to the South



**Figure 10: Drivers' View of Billboard Location, Viewed at 80m to the West**

- 4.1.4. There is also a recommendation that billboards should be placed as close as possible to drivers' lines of sight. It is evident from Figures 9 and 10 above that approaching drivers need to turn their head very little to see the billboard.
- 4.1.5. Finally, under the Manual, roadside advertising signs are recommended to be a minimum of 70m apart although it is recognised that this may not be achievable in many circumstances. In this instance, there are already numerous existing advertising signs on these sections of Fitzgerald Avenue and Tuam Street where this separation distance is not achieved, and thus it is considered that in this respect, the proposed digital billboard does not introduce any new safety risk into the prevailing environment.

## **4.2. Signface**

- 4.2.1. Controls (through conditions of consent) are proposed to be put in place to ensure that the images displayed on the billboard are not capable of being mistaken for a traffic control device or which could be misconstrued as providing instruction to drivers. Similarly, the surface of the sign can be constructed from materials that do not reflect light from the lamps of any vehicle on the road and the brightness of the sign can also be suitably controlled.
- 4.2.2. Under the Traffic Control Devices Manual, for a posted speed limit of 50km/h, the minimum letter height size is 75mm, with the primary message being at least 150mm in height, and these can be achieved. It is understood that moving messages and flashing lights will not be allowed under proposed conditions of consent, and that the billboard will be operated in a manner which comprises a series of static images, meaning that the requirement to have a minimum time for separate displays of more than five seconds and to change from one display to another in under two seconds can be achieved.
- 4.2.3. With regard to the use of animation, as set out above minor changes in the displayed images are unlikely to have adverse road safety effects. The research in this area is limited however, and therefore it is considered that any animation should be used cautiously. However it does not appear that minor animation should be completely prohibited.



### **4.3. Summary of Compliance**

- 4.3.1. Overall, it is considered that the billboard can (or is able to) comply with the majority of the NZTA recommendations, although suitable conditions of consent are to be put in place to provide certainty in respect of colour of displays, font sizes, animation, display time, and time of transition to the next image.
- 4.3.2. The exception to compliance relates to the separation of the billboard from the intersection and the potential road safety implications of this. This issue is discussed subsequently.





## 5. Compliance with City Plan Requirements

### 5.1. Introduction

5.1.1. There are a number of requirements for advertising signage that are set out in the City Plan. Generally, these either relate to amenity matters or reflect the recommendations of NZTA, and thus the proposed billboard is able to comply. However for completeness the various rules which relate to transportation matters have been reviewed, below.

### 5.2. Rule 10.3.2.4: Outdoor Advertising in the Special Purpose Road Zone

5.2.1. This rule relates to advertisements that extend over the road reserve. This is not the case in this instance, and the rule therefore does not apply.

### 5.3. Rule 10.3.4.10: Traffic Safety

5.3.1. Part (a) of this rule notes that “*any outdoor advertisement shall not be located so as to be likely to obscure or to confuse the interpretation of any traffic signs or controls*”. As set out above, the location is such that other traffic signs will not be obscured, and a suitable condition of consent can be put in place to ensure that the images displayed are not confused with other traffic signs or controls.

5.3.2. With regard to the implications of the billboard location and proximity to the traffic signals at the Fitzgerald Avenue / Tuam Street intersection and the potential implications for traffic safety, this is discussed in detail subsequently in this report.

5.3.3. Parts (b) and (c) of the rule relates to roads and highways where the speed limit is 70km/h or more, and therefore do not apply in this instance since Fitzgerald Avenue is subject to a 50km/h speed limit.

### 5.4. Rule 10.3.5.3: Moving, Flashing or Retro-Reflective Displays

5.4.1. This rule sets out that no outdoor advertisements shall involve any flashing movement or apparent movement of any of its parts or messages, and no outdoor advertising shall be finished in any retro-reflective material. It is understood that the images in this instance will be static or will not include ‘apparent movement’ and as the ‘dissolve’ from one image to the next will only be 0.5 seconds in length, it is unlikely that it will be perceived to be moving or flashing. No retro-reflective images will be used.

### 5.5. Assessment Matters

5.5.1. For completeness, the particular traffic-related issues of concern to the Council as set out in Assessment Matter 10.3.6.2 have been considered. These are:

- Part (a)(iv) ‘Area and Number’: The classification of the road together with the nature of traffic using it and average daily traffic volumes with regard to the potential of the outdoor advertisement to distract motorists.
- Part (b)(ii) ‘Building identification outdoor advertisement’: Distraction to motorists in their observance of traffic conditions, directions or controls
- Part (c)(v) ‘Height’: The potential for the outdoor advertisement to distract driver's attention from traffic signs or controls in the vicinity





- Part (d)(iv) 'Illumination': The proximity of any traffic signals or controls and whether such display would be likely to distract drivers attention
- Part (e)(ii) 'Moving, flashing or retro-reflective displays': Distraction to motorists in their observance of traffic conditions, directions or controls
- Part (k)(i) 'Traffic Safety': The nature of surrounding land use activities.
- Part (k)(ii) 'Traffic Safety': The extent to which the proposed outdoor advertisement relates to the business or activity on the site and the necessity for the business or activity to identify and promote itself with the need to consider wider safety and amenity concerns.
- Part (k)(iii) 'Traffic Safety': Whether the sign has any potential to cause distraction, or confusion to motorists and/or adversely affect traffic safety due to its location, visibility, and/or content including size of lettering, symbols or other graphics.

5.5.2. Overall, the assessment matters focus on the potential of the advertisement to distract drivers from traffic signs, conditions and controls, and thus potentially result in adverse road safety effects.

5.5.3. From site visits it is evident that there are already numerous roadside advertising signs displayed in the immediate vicinity, and the road safety record does not suggest that these are currently presenting a particular safety hazard. The assessment of the research indicates that provided there are suitable controls on the images (including lettering height, colours, animation, and transition time), then the potential for driver confusion leading to a safety issue will be minimal.

## **5.6. Summary of Compliance**

5.6.1. Having due regard to the Assessment Matters, it is considered that the primary issue is again the potential effects on traffic safety, and whether the location and proximity to the intersection and traffic signal heads could potentially cause distraction or confusion to motorists.

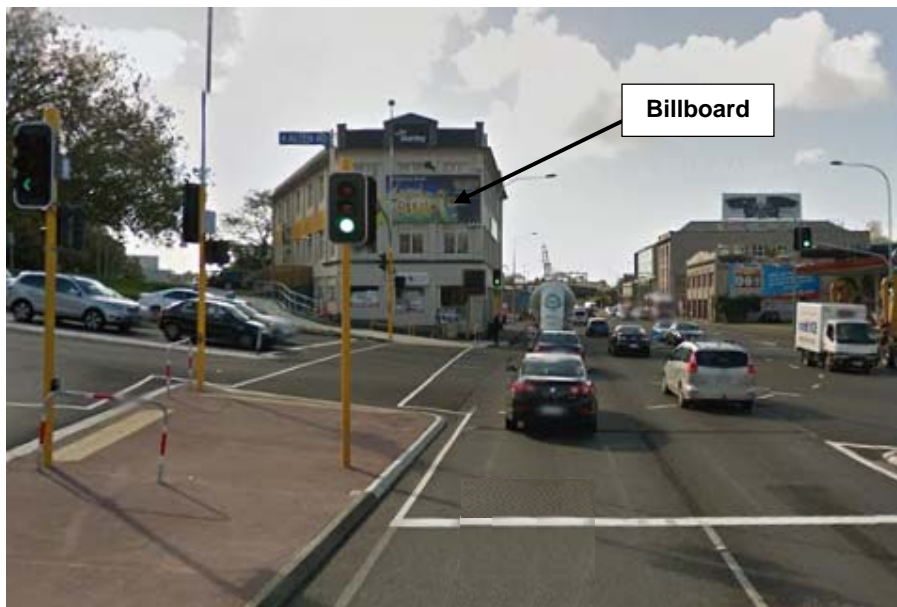
## 6. Further Analysis of Road Safety Issues

- 6.1. With regard to the existing road safety record on Fitzgerald Avenue, the historic accidents involving driver distraction are very unlikely to have been influenced by the proposed digital billboard it is was in place at the time. One driver was travelling northwards and away from the billboard location, one was attempting to escape from the threatening behaviour of the people in the car following them, and one was concentrating on their trailer rather than the road ahead. Consequently, if there are any minor effects of driver distraction arising from the digital billboard, the records do not suggest that this will exacerbate the road safety record on this part of the roading network.
- 6.2. However, the digital billboard is close to the traffic signals at the Fitzgerald Avenue / Tuam Street intersection and thus the matter of potential driver confusion requires careful consideration especially in light of the requirements of the Christchurch City Plan and NZTA guidance.
- 6.3. In the first instance, it is noted that the billboard is elevated above the level of the traffic signal head. It will therefore be visually separate from the billboard, and therefore will not form the background for the signal lights themselves. This will minimise any potential for driver confusion.
- 6.4. A literature search of the available research has been undertaken with a view to identifying whether any studies have specifically looked into the issue of billboard proximity to traffic signals, but no relevant material has been able to be identified. Consequently, an evaluation has been undertaken of three other known locations where billboards are provided.
- 6.5. One such location is at the George Bolt Memorial Drive / Tom Pearce Drive intersection near Auckland Airport. At this location, the digital billboard forms the background to the traffic signal heads. As the primary access to the airport, George Bolt Memorial Drive in this location carries around 40,000 vehicles per day (two-way) meaning that at least 20,000 southbound drivers will have sight of the digital billboard each day, which is considerably greater than would see the proposed billboard at Fitzgerald Avenue. However no accidents have been recorded at this location due to drivers being distracted by advertising signs over the past ten years.



Figure 11: Digital Billboard at the George Bolt Memorial Drive / Tom Pearce Drive Intersection

- 6.6. A further location is at the Stanley Street / Alten Road intersection, also in Auckland and which is also signalised. In this location, Stanley Street forms part of State Highway 16 and carries approximately 45,000 vehicles per day and Alten Road carries some 12,500 vehicles per day. A digital billboard has recently been installed in this location replacing a static billboard.



**Figure 12: Billboard (Now Digital) at the Stanley Street / Alten Road Intersection**

- 6.7. It can be seen from Figure 12 that the billboard formed the background for the traffic signal head, as does the new digital billboard. However no accidents have been recorded at this location due to drivers being distracted by advertising signs over the past ten years.
- 6.8. Finally, it is noted that Christchurch City Council has recently granted consent for a digital billboard at the Bealey Avenue / Papanui Road intersection. Although this is set back from the intersection, visually it appears as though it is adjacent to the traffic signal head for southbound vehicles approaching on Papanui Road. The separation distance between the lights of the signals and the billboard is similar to that at the proposed Fitzgerald Avenue site.



**Figure 13: Digital Billboard at the Bealey Avenue / Papanui Road Intersection**



- 6.9. Overall, the analysis indicates that two locations in Auckland (where traffic volumes are greater than at the proposed site) have operated safely with no reported accidents associated with distraction from advertising signs.
- 6.10. It is also considered that there is already a recent precedent for a billboard in close proximity to a traffic signal head within Christchurch. This has recently been granted consent by the City Council.
- 6.11. Accordingly, it is not considered that there is any reason to anticipate that the proposed site at Fitzgerald Avenue will result in driver confusion or any adverse safety-related effects.





## 7. Proposed Conditions of Consent

7.1. It is understood that the applicant is willing to offer a number of conditions of consent in respect of the operation of the digital billboard. Some of these are required to ensure compliance with the NZTA Traffic Control Devices Manual:

- Each image displayed shall be static, and not contain moving messages 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;
- All images shall be consistent with the guidelines contained in the NZTA Traffic Control Devices Manual, Part 3, Advertising Signs;
- The display time for each image shall be a minimum of eight seconds;
- The transition from one image to the next shall be via a 0.5 second dissolve;
- A split sign (that is two adverts) shall not be displayed at any one time; and
- The consent holder shall ensure that in the event of any malfunction of the LED's or the control system, the screen default shall be designed to freeze a display in one still position until the malfunction has been repaired.

7.2. Based on the review of the available research, it is considered that these provisions will ensure that the signfaces and the operation of the billboard meet best practice and thus minimise the potential for driver confusion or distraction.

7.3. It is also understood that the applicant is willing to monitor the effects of the digital billboard and is prepared to offer conditions of consent in this regard:

- The transport safety effects of the LED display shall be monitored for a period of two years following commencement of operation. The monitoring shall be undertaken by a suitably qualified expert retained by the consent holder and the results of that monitoring shall be provided to Council (Team Leader, Compliance and Monitoring Central); and
- In the event that the results of the monitoring show that an average of one or more accidents per year are recorded as having driver distraction as a factor and the LED display is visible to the vehicle drivers, or if an average of one or more accidents per year are recorded on Tuam Street (west) due to 'nose to tail' accidents within the vehicle queue, then the display time, transition or both will be adjusted to address the safety effects and monitoring shall occur for a further one year.

7.4. Although the research does not suggest that any adverse traffic-related effects will arise from the digital billboard, it is considered that the monitoring provisions are a pragmatic approach to ensuring that if there are any unforeseen outcomes, these can be identified and addressed as appropriate.



## 8. Conclusions

- 8.1. This report has identified, evaluated and assessed the various transport and safety elements of a proposed digital billboard at 80 Fitzgerald Avenue, Christchurch. Based on the analysis, it is considered that the billboard will not present any particular road safety concerns provided that suitable controls are put in place in respect of the images displayed. The proposed conditions of consent are appropriate for this.
- 8.2. The location of the billboard meets the recommendations of the Traffic Control Devices Manual (Part 3, Advertising Signs), other than in respect of the proximity to the traffic signals at the intersection. This matter has been specifically addressed and it is considered very unlikely that adverse safety-related effects would arise. Notwithstanding this, conditions of consent have been offered to monitor the effects of this once the billboard is operational. The billboard will also comply with the traffic-related requirements of the City Plan.
- 8.3. Overall, and subject to the preceding comments, the proposed digital billboard can be supported from a traffic and transportation perspective and it is considered that there are no traffic and transportation reasons why consent could not be granted.

Carriageway Consulting Limited  
December 2015





**CARRIAGEWAY**  
**CONSULTING**

traffic engineering | transport planning

A. PO Box 29623, Christchurch, 8540 P. 03 377 7010 E. [office@carriageway.co.nz](mailto:office@carriageway.co.nz)

8 December 2016

Attention Nathan O'Connell  
Christchurch City Council  
53 Hereford Street  
**CHRISTCHURCH**

Dear Nathan

**RMA92030321 - PROPOSED SIGN AT 80 FITZGERALD AVENUE**

1. As you know, we act for etcmedia Limited (**etcmedia** or **Applicant**).
2. etcmedia applied for a resource consent to erect a 36m<sup>2</sup> digital billboard at 80 Fitzgerald Avenue on 24 July 2015. After extensive consultation and correspondence with the Christchurch City Council (**Council**), particularly in relation to urban design matters, a revised proposal was submitted to the Council on 18 December 2015 (**revised proposal**), in response to the Council's request for further information.
3. As a result of the revised proposal, we are writing to request that the Council reconsider its report on its recommendations as to notification (dated 15 July 2016, and reviewed 18 July 2016) (**notification recommendation**) and process the application on a non-notified basis, for the following reasons:
  - a. The Applicant has gone to great lengths, both in terms of time and expense, to satisfy the Council that this sign can be operated safely in this location, and in a manner consistent with the commercial/industrial amenity of the surrounding area.
  - b. As a result of undertaking numerous lighting audits for other digital signs, the Applicant can now confirm that rule 11-2.3.5 (Effect of illumination on aircraft operations and arterial roads) in the Christchurch City Plan can be complied with.
  - c. The proposed billboard has been lifted higher on the building so that it no longer obscures the windows, and complies with Development Standard 10-3.4.9 (Architectural features).
  - d. As a result of these amendments, the application must now be assessed as a restricted discretionary activity.
  - e. The matters of discretion are limited, and the application is consistent with the objectives the plan seeks to achieve.

**Plan Rules**

4. The only rule that triggers the need for resource consent is now Development Standard 10-3.4.1 (Area and number).

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5. The Council's notification recommendation states that the following additional rules are not met:
  - a. Development Standard 10-3.4.9 (Architectural features); and
  - b. Development Standard 10-3.4.10 (Traffic Safety).

6. The Applicant considers that the revised proposal does in fact meet these rules, for the reasons outlined below.

#### *Architectural Features*

7. Development Standard 10-3.4.9 (Architectural features) provides:

*Outdoor advertisements shall not obscure windows or significant architectural features. Any application arising from this clause will not require the written consent of other parties and shall be non-notified.*

8. The revised proposal no longer obscures any windows. While the proposed sign will be mounted over part of the parapet of the existing building, neither Boffa Miskell<sup>1</sup> nor the Council's Urban Designer Mr Amerasingam<sup>2</sup> found that the large parapet was of any architectural significance.

9. In fact, Mr Amerasingam appears to support the revised positioning of the proposed sign as he notes in his Visual Amenity Assessment, dated 11 February 2016:

*"This proposal, as outlined in the application enables the signage to be integrated into the architectural lines of the existing building, avoid obscuring any windows and in terms of proportion the signage would be subservient to the remainder of the existing façade.*

...

*Putting the size of the sign to one side, overall this approach is quite a well-considered and suitable approach to integrating a large sign onto an existing building without significantly damaging the character of the building."*

10. Given the above, the Applicant does not consider that the parapet of the existing building has any degree of significance. As such, if the parapet is not a "significant architectural feature"<sup>3</sup> the revised proposal therefore meets Development Standard 10-3.4.9.
11. We also note for completeness that any application arising from Development Standard 10-3.4.9 shall be non-notified.

#### *Traffic Safety*

12. As described in Mr Carr's Assessment of Transportation Matters,<sup>4</sup> the revised proposal is able to comply with all relevant traffic safety rules. The relevant rule in this case is Development Standard 10.4.4.10 (Traffic Safety) which provides (relevantly):

*(a) Any outdoor advertisement shall not be located so as to be likely to obscure or to confuse the interpretation of any traffic signs or controls.*

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<sup>1</sup> Urban Design and Visual Assessment, included in the revised proposal dated 18 December 2016.

<sup>2</sup> Visual Amenity Assessment dated 11 February 2016, included in the notification recommendation.

<sup>3</sup> There is no definition of "significant architectural feature" in either the proposed or operative plans.

<sup>4</sup> Also included in the revised proposal dated 18 December 2016.

13. Mr Carr states that the location of the proposed billboard is such that traffic signs will not be obscured, and a suitable condition of consent can be put in place to ensure that the images displayed are not confused with other traffic signs or controls.
14. Mr Carr's interpretation of this rule is also consistent with a recent Council decision on digital signs, namely RMA2015/3596 where the Commissioner stated that the wording of this rule refers only to obscuring or confusing actual traffic signals. The Commissioner stated that in order to "confuse the interpretation" of the signals, the sign would have to look similar enough to a traffic light for drivers to respond to it rather than to real signals.<sup>5</sup>
15. Whether the proposed sign has the potential to distract drivers' attention is not a relevant matter when assessing compliance with the traffic safety rule.
16. Overall, the proposal complies with this rule because the proposed billboard is not likely to obscure or confuse the interpretation of any traffic signal or control.

#### **Relevant matters of discretion**

17. For the reasons outlined above, it is considered that the only rule that is not met is Development Standard 10-3.4.1 (Area and number). As a result, the proposal must be considered as a restricted discretionary activity. The only relevant matters of discretion are those relating to Development Standard 10-3.4.1 (Area and number), namely the matters in 3.6.2(a).

#### *Urban Design Matters*

18. The matters in 10-3.6.2(a) are addressed by Boffa Miskell at page 14-16 of the Urban Design and Visual Assessment report (except matter 3.6.2(a)(iv) relating to traffic safety which is addressed by Mr Carr).
19. The Council's notification recommendation states that Mr Amerasingam (the Council's Urban Designer) concludes in his assessment of the proposal that the overall size of the billboard is likely to have a potentially more than minor effect.
20. Upon further review of the visual amenity assessment provided by Mr Amerasingam (Appendix 1 to the notification recommendation), it is clear that Mr Amerasingam makes no conclusion at all as to the level of potential effects of the proposed billboard, and certainly does not say that the billboard is likely to have a more than minor effect.
21. In fact, Mr Amerasingam states:

*"Given the nature and character of Fitzgerald Avenue and the common occurrence of large scale signage it is fair to say that the surrounding environment is one that is characterised by large scale signage to the extent that the proposed sign would not be out of place."*

22. He goes on to state:

*"The efforts to integrate the signage into the building façade are commendable and I believe will significantly aid in reducing the dominance of the signage in relation to the immediate building. The combination of the green wall and false third storey is definitely an improvement in terms of the approach when compared to other signage applications, whereby the signs are often poorly integrated with exposed fixings."*

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<sup>5</sup> RMA2015/3596, decision dated 28 October 2016.

23. Mr Amerasingam appears to have some concerns about the size of the proposed billboard, in that it "*far exceeds the permitted allowance for signage*", and also has "*the potential to display advertising that is unrelated to the immediate site and can transition.*"
24. It is important to note that non-site related signage is permitted in this zone, pursuant to both the City Plan and Proposed Christchurch Replacement District Plan (**Replacement District Plan**) provisions.
25. The Industrial General zone<sup>6</sup> anticipates 58.8m<sup>2</sup> of signage attached to buildings (6.8.5.4(b)) as a permitted activity, provided all other relevant standards are met. While there is a restriction on the maximum area of a single billboard (18m<sup>2</sup>), we note that two signs could be erected side by side as of right, totalling a maximum signage area of 36m<sup>2</sup>. Therefore, it is considered that any lingering concerns that Mr Amerasingam may have had in relation to the size of the proposed billboard, are now appeased by the fact that a billboard of this size is anticipated in this zone.

#### *Traffic Safety Matters*

26. Assessment matter 10-3.6.2(a)(iv) relating to the classification of the road and nature and volume of traffic is assessed by Mr Carr in his Assessment of Transportation Matters. Mr Carr concludes<sup>7</sup> that provided there are suitable controls on the images then the potential for driver confusion leading to a safety issue will be minimal. Mr Carr considers that the proposed conditions of consent are appropriate for this.<sup>8</sup>

#### **Conclusion**

27. It is important to etcmedia that all of its billboards operate in a safe and efficient manner, and that it is being treated in a consistent manner to other billboard operators in Christchurch.
28. For the reasons identified above, including that the application must now be assessed as a restricted discretionary activity, we request a meeting with you to discuss these matters.
29. Please let us know a convenient time to meet with you.

Yours faithfully  
**Wynn Williams**



**Julia McKeown**  
Solicitor

P + 64 3 379 7622  
E [julia.mckeown@wynnwilliams.co.nz](mailto:julia.mckeown@wynnwilliams.co.nz)

<sup>6</sup> 80 Fitzgerald Ave is located in the Industrial General zone in the Proposed Christchurch Replacement District Plan.

<sup>7</sup> Assessment of Transportation Matters, Mr Carr, at pg 15.

<sup>8</sup> Assessment of Transportation Matters, Mr Carr, at pg 20.

**Addendum to s95 Planner's Report on a Publicly Notified  
Resource Consent Application**

Application Reference: RMA/2015/2026 (formally RMA92030321)  
Applicant: ETC Media Ltd  
Site address: 80 Fitzgerald Ave, Linwood  
Legal Description: Lots 4, 4A DP673  
Zoning: Christchurch District Plan: Industrial General  
Activity status: Restricted discretionary  
Proposal: Proposal to erect a 36m<sup>2</sup> digital screen billboard at the above address

1. Further to my s95 Notification Report (dated 15<sup>th</sup> July 2016), this addendum addresses matters raised by the applicant, and outlines the new signage provisions in the Christchurch District Plan (CDP).
2. The applicant wrote to Council on 8<sup>th</sup> December 2016 to request that Council review and reconsider its recommendation for public notification (appendix 1). The applicant considers that the application should proceed on a non-notified basis due to the changes they have made to the application, the information received which confirms that digital billboard will comply with the lux spill limit onto arterial roads of 2.5 lux, and that the application is now classed as a restricted discretionary activity under the City Plan. Further they highlight the Proposed District Plan changes. In particular they highlight that within the new planning framework an 18m<sup>2</sup> billboard could be erected in the Industrial General Zone, therefore in their opinion an 18m<sup>2</sup> billboard is a relevant permitted baseline. Within their addendum they assess the visual amenity and traffic effects, which I will refer to further below. I note that at the time of writing their addendum on 8<sup>th</sup> December 2016 the District Plan provisions were not yet made operative.
3. The decision on the signage rules (Decision 56) was notified on 21<sup>st</sup> November 2016 and from 20<sup>th</sup> December 2016 were beyond appeal and therefore treated as operative. On the 22<sup>nd</sup> February 2017 Decision 56 was made fully operative via public notice. From this date the signage rules in the City Plan no longer apply. On 17<sup>th</sup> March 2017 the Independent Hearings Panel released minor corrections to the signage rules amending the numbering and underlining definitions. The Decision 56 version of the rules is fully operative, and the minor corrections version needs to be treated as operative, therefore both versions of the rules apply. Where the numbering of plan provisions has changed I have noted this in brackets beside the operative numbering.

## Planning framework

4. As noted in the Planning Framework section of my s95 Report the proposal breached the signage rules in the City Plan relating to area and number (10-3.4.1), architectural features (10-3.4.9), traffic safety (10-3.4.10), and the effect of illumination on aircraft and arterial roads (11-2.3.5). These non-compliances classed the proposal as a non-complying activity. Given the planning framework discussed above these rules no longer apply.
5. Under the CDP the application site is zoned Industrial General. The billboard will comply with the rules applicable to the Industrial General zone. The zoning rules are now fully operative. The Industrial General zone generally provides for industrial activities that can operate in close proximity to more sensitive zones, such as residential areas, due to the nature and limited effects (such as noise, odour and traffic) of activities.
6. The proposal will also comply with the outdoor lighting rules contained in Chapter 6 – 6.3 (Chapter 6 - 6.8). In relation to glare, Rule 6.3.4.1 – P1 (6.3.4.1.1 – P1) requires that artificial lighting does not result in a greater than 2.5 lux spill (horizontal or vertical) into any part of a major or minor arterial road where this would cause driver distraction. The billboard will not emit more than 2.5 lux spill onto Fitzgerald Ave. Further, the billboard will comply with the maximum permitted light spill standard of 10 lux in the Industrial General zone under Rule 6.3.5.1 – P1 (6.3.5.1.1 – P1).
7. In the CDP digital billboards can be permitted activities in industrial zones under Rule 6.8.4.1 – P15 (6.8.4.1.1 – P15), provided a number of activity specific standards are met. The proposed billboard cannot be considered as a permitted activity as will not comply with the following activity specific standards:

P-15 Static and digital billboards located on sites fronting arterial roads within all industrial zones.	a) The maximum area of any single billboard shall be 18m <sup>2</sup> .	The proposed billboard will be 36m <sup>2</sup> and therefore does not comply with this rule.
	b) The maximum height shall be 9m.	The proposed height of the billboard will be 9.1m.
	c) The site shall have a minimum road frontage of 40m per billboard, provided that no more than 2 billboards are erected on any single site.	Complies - The application site has a total road frontage of 49.5m along Fitzgerald Ave and Tuam Street.
	d) Any billboard shall not be directly visible from any site within a residential zone.	Complies
	e) Each billboard shall be subject to a written maintenance programme, in the form set out in Appendix 6.11.16, to be undertaken by the operator/provider and lodged with Council prior to the erection of the billboard.	No written maintenance programme has been submitted with the application.
	f) The billboard shall be located at least 50m from any signalised intersection.	The billboard is located at the corner of the Tuam Street/Fitzgerald Street intersection. The billboard will be approximately 3.5m from the intersection.
	g) The billboard shall result in no more than 10.0 lux spill (horizontal or vertical) of light when measured or	Complies

	calculated within the boundary of any adjacent site and/or arterial road and/or collector road.	
	h) No live broadcast or pre-recorded video shall be displayed on the screen. Only still images shall be displayed with a minimum duration of 7 seconds.	Complies
	i) There shall be no movement or animation of the images displayed on the screen.	Complies
	j) The material displayed on the screen shall not contain any flashing images and the screen itself shall not contain any retro-reflective material.	Complies
	k) There shall be no transitions between still images apart from cross-dissolve of a maximum of 0.5 seconds.	Complies
	l) There shall be no sound associated with the screen and no sound equipment is to be installed as part of the screen.	Complies
	m) The screen shall incorporate lighting control to adjust brightness in line with ambient light levels.	Complies
	n) The billboard shall not be located on or adjacent to a state highway with a speed limit that is greater than 70km/hr.	Complies

8. Due to the non-compliances with the activity specific standards relating to size, height, a written maintenance plan not being provided, and the proximity to the signalised intersection, the proposal falls to be a restricted discretionary activity under the following rule:
  - a. 6.8.4.3 (6.8.4.1.3) Restricted discretionary activities RD3 – Static and digital billboards listed in Rule 6.8.4.1 (6.8.4.1.1) P15 that do not meet one or more of the activity specific standards in Rule 6.8.4.1 (6.8.4.1.1) P15.
  
9. This assessment of the planning framework differs to that provided by the applicant, where the applicant has outlined that the Christchurch City Plan still applies, although I note that when the applicant provided their letter in December 2016 the City Plan provisions still applied. The applicant has also outlined that two 18m<sup>2</sup> billboards could be erected on the site side by side as of right. This is not the case as the activity specific standard f) needs to be complied with, which requires a separation distance of 50m between the sign and any signalised intersection. Due to the location of the application site at the corner of Fitzgerald Ave and Tuam St this will not be able to be achieved. Further if any other signage (which is not specifically provided by the activity specific standards, or a temporary sign) was to be erected on the site compliance with the relevant built form standards is required (a total area of signage of up to 50.7m<sup>2</sup> is permitted). Rule 6.8.5.2 (6.8.4.2.2) requires signs to be located at least 100m from any official regulatory or warning sign, or traffic signal, which due to the location of the site could not be achieved.
  
10. As of 22<sup>nd</sup> February 2017 the signage rules contained in Decision 56 are fully operative via a public notice. Minor corrections have been made to the signage rules in Decision 63 which

was released on 16<sup>th</sup> December 2016, however no alterations have been made to the rules themselves. A further minor corrections decision was made on 17<sup>th</sup> March 2017 which amended the numbering as noted above. As a result of this change both the operative signage rule and proposed new wording with amended numbering apply. The changes do not result in a change to the activity status of the application.

11. Therefore as the signage rules are fully operative or treated as operative, no consideration can be given to the rules in the Christchurch City Plan. The activity must be assessed as restricted discretionary.

#### Assessment

12. The matters of discretion outlined in Rule 6.8.6.3 (6.8.5.3) Static and digital billboards are as follows:
  - a. Whether the scale, design, colour, location and nature of the billboard will have impacts on the architectural integrity, amenity values, character, visual coherence, and heritage values of:
    - i. the building and the veranda on which the billboard is displayed and its ability to accommodate the signage;
    - ii. the surrounding area (including anticipated changes in the area);
    - iii. residential activities; and
    - iv. heritage items or heritage settings, open spaces, protected trees or areas possessing significant natural values.
  - b. Whether the extent of the impacts of the billboard are increased or lessened due to:
    - i. the design, dimensions, nature and colour of the sign or support structure;
    - ii. the level of visibility of the billboard; and
    - iii. vegetation or other mitigation features.
  - c. Whether the billboard combines with existing signage on the building, the site or in the vicinity, to create visual clutter or set a precedent for further similar signage.
  - d. Whether the billboard:
    - i. Enlivens a space or screens unsightly activities; and
    - ii. Will result in an orderly and coordinated display.
  - e. Whether the extent of the impacts of the billboard are increased or lessened due to:
    - i. The frequency and intensity of intermittent or flashing light sources, and the proposed periods of illumination and frequency of image changes;
    - ii. The prominence of the billboard due to its illuminated or animated nature and ability to draw the eye;
    - iii. The nature of surrounding land use activities;
    - iv. The proximity of the display to other properties and the likely effects of such intermittent or flashing lights or changes images upon those properties and their occupants; and
    - v. The potential of the billboard to cause distraction, or confusion to motorists in their observance of traffic conditions, directions or controls.
13. Given the above matters and areas of non-compliance, I consider the effects of the billboard on the environment relate only to visual amenity and traffic safety.

## Visual amenity

14. Council's Senior Urban Designer Mr Dhanesh Amerasingam provided an assessment of the proposal for the notification recommendation, dated 11<sup>th</sup> February 2016. When this assessment was carried out only the Christchurch City Plan rules were applicable and the proposal was a non-complying activity. In their letter to Council dated 8<sup>th</sup> December 2016 (appendix 1) the applicant has raised a number of concerns regarding the assessment Mr Amerasingam made and Council's conclusions on the potential visual amenity effects. Firstly the applicant highlights the changes they made to the proposal to address a request for further information made on 14<sup>th</sup> August 2015. These changes were made in consultation with Mr Amerasingam to address his initial concerns regarding the size of the billboard and its integration with the existing building.
15. Further the applicant highlights concerns regarding the findings that the billboard will obscure architectural features, and that the effects of the billboard on the visual amenity of the site and area will be more than minor. They state that in Mr Amerasingam's assessment he considered that the design enables the signage to be integrated into the architecture of the building, which he considers is a well-considered and suitable approach. On visual amenity they highlight that the expert assessment by Boffa Miskell found that, regarding the visual amenity effects, the billboard will be appropriately situated on the application site. The applicant then refers to sections of Mr Amerasingam's assessment in which he notes the signage would not be out of place in the Fitzgerald Ave area, as large scale signage is a common occurrence. The applicant states that Mr Amerasingam makes no conclusion on the level of potential effects.
16. In relation to the applicant's comments regarding Mr Amerasingam's assessment, I note his comments that the "...proposed signage is significantly over proportioned in comparison to what is permitted under the City Plan and on that basis it is very difficult to support the applicant (application) from an urban design perspective....". Also Mr Amerasingam quantifies his comments regarding the approach of adding a false third storey, as being a well-considered and a suitable approach to integrating a large sign, by starting the comment with '[p]utting the size of the sign to one side...'. I note that in his concluding statements Mr Amerasingam acknowledges that given the receiving environment the proposed sign would not be out of place. Together with these comments he also emphasises that he will not support the application from an urban design perspective, on the basis that it far exceeds the permitted signage allowance for the site.
17. Given the changes to the planning framework since this assessment was carried out, Mr Dhanesh Amerasingam has provided an addendum to his assessment of the proposal, dated 16<sup>th</sup> February 2017 assessing the application against the PRCDP signage rules (appendix 2).
18. Overall Mr Amerasingam has concluded that though efforts have been made to integrate the billboard into the building, the scale and overall size of the billboard will have a significant impact on the surrounding environment. He considers that the billboard will be approximately 50% of the size of the original façade in surface area, and a third of the primary façade once constructed. Given the scale proposed, Mr Amerasingam considers the billboard will be significantly out of proportion with the original character and architecture of the building. Particularly as usually only small areas of signage would be erected within the shop front and onto the façade of the veranda as permitted by the Plan. He considers that the adding of the



false third storey does little to enhance the overall building, except to enable the large scale signage. Further he notes that the false third storey does not fully integrate it into the building due to the lack of architectural details on the façades.

19. Mr Amerasingam adds that the combination of high levels of visibility, potentially non-site related advertising, the digital display, and scale in relation to the building, are not in keeping with the character of the environment and will be detrimental to the overall streetscape. He considers that the billboard may enhance the existing environment as it will add additional colour and interest, but with the low pedestrian traffic levels and the positioning of the billboard on a significant intersection, Mr Amerasingam considers it is more likely to be a distraction to vehicle drivers on their approach to the intersection.
20. In general large scale signage, such as the digital billboard proposed, are best located in industrial or commercial zones on sites which can absorb the effects. For example, sites with long road frontages adjacent to arterial or collector roads. These areas are generally less sensitive to this type of signage and usually have few, if any, residential neighbours. I note that the existing environment surrounding the application site is similar to this. Mr Amerasingam notes this in his assessment, stating that there are no residential properties in close proximity to the site, nor are there any sensitive heritage buildings nearby. Further, the construction of a green wall on the southern elevation will enhance the building's position when viewed from the south. The area surrounding the site is industrial in nature with the dominant land uses immediately surrounding the site being trade suppliers, vehicle servicing and car sales yards, office space, and small food outlets. There is also a large number of billboards in this area, including a double sided billboard situated opposite the application site on the southern side of Tuam Street which was lawfully established in 2007.
21. When assessing the proposal I note that the building on the Tuam Street/Fitzgerald Ave corner site has a building façade of approximately 111m<sup>2</sup> facing Fitzgerald Ave. The proposed billboard will be 36m<sup>2</sup>, and will therefore occupy approximately 32% of the total façade of the building with the addition of the false third storey on the primary façade. None of the false third storey will be visible as the billboard will occupy this space. Though the application site is appropriately zoned for a digital billboard, it is my opinion that the proposed billboard will be disproportionate to the existing building. Further I consider the billboard will add additional visual clutter to the environment. When viewed from the western side of Fitzgerald Ave and by traffic travelling east on Tuam Street, the proposed digital billboard and the existing double sided billboard south of the application site will be viewed at the same time. In addition to this the billboard will be in addition to existing business identification signage on the site, and signage for other businesses in sites in the area. I note that the proposed green wall enhances the overall proposal, but I do not consider it will lessen the visual dominance of the billboard, nor reduce the potential effects of visual clutter.

#### Traffic effects

22. Council's Senior Transport Planner Mr Andrew Milne has provided an assessment of the proposal, dated 5<sup>th</sup> July 2016. When this initial assessment was carried out only the Christchurch City Plan rules were applicable and the proposal was a non-complying activity.
23. The applicant has outlined a number of concerns regarding the assessment of traffic safety effects within the notification report in their letter (appendix 1). The applicant highlighted the

traffic safety assessment provided by Mr Carr, in response to the request for further information made on 14<sup>th</sup> August 2015. Mr Carr's assessment concluded that the proposal was able to comply with all relevant traffic safety rules of the Christchurch City Plan<sup>1</sup>. I note however that this proposal is now only assessed against the provision of the District Plan. Mr Carr's conclusion was made on the basis that the proposal would not obscure or confuse the interpretation of any traffic signals or controls, and that the proposed conditions of consent will ensure that the potential for driver distraction is minimal.

24. The proposal is now a restricted discretionary activity under District Plan, and a distance of 50m is required between the billboard and signalised traffic intersections in order for the proposal to be a permitted activity under Rule 6.8.4.1 – P15 (6.8.4.1.1 – P15). Mr Milne has reviewed his original assessment, together with the information and assessments provided by the applicant, and provided an addendum to this assessing the application against the CDP signage rules (appendix 3). As the proposal is now a restricted discretionary activity, Mr Milne's assessment is restricted to the matters outlined in Rule 6.8.6.3 Static and digital billboards, as noted in paragraph 9. Of particular relevance to this application is matter e).v *"the potential of the billboard to cause distraction, or confusion to motorists in their observance of traffic conditions, directions or controls"*.
25. In his addendum Mr Milne considers that billboards need to be assessed on a case-by-case basis, as the traffic environment and other factors vary greatly from site to site. In undertaking his assessment Mr Milne has consulted the NZTA Traffic control devices manual Part 3 – Advertising signs dated January 2011, a roadside advertising guide dated 2013 produced by Queensland Transport and Main Roads, and a report on the impact of roadside advertising based in Australia dated 2013.
26. Mr Milne refers to these documents in his addendum, and highlights that these documents recommend separation distances between the signage and intersections. He mentions the NZTA manual which advises a separation distance in urban areas of 100m between advertising signs and intersections, permanent traffic control signs and signals (traffic lights), and pedestrian crossings. The Queensland roadside advertising guide recommends a separation distance of 45m between digital billboards and signalled intersections. Whilst the research report on the impact of roadside signage advises that the advertising should not be located so that they are visible at the approach to or from an intersection, or in any location that is likely to require high levels of attention.
27. Noting this research Mr Milne considers that the proposed digital billboard is not in accordance with road safety principles, nor the District Plan which requires a minimum separation distance of 50m. The billboard will be 3.5m from carriageway, and Mr Milne adds that it will form a backdrop to the traffic signal. Further to this Mr Milne highlights that though research has been produced by the applicant which supports digital billboards (see the attached addendum, plus the original application for references to this research), he considers that digital billboards placed in poor locations cause higher levels of distraction which can impact on road safety. In his addendum Mr Milne has included a summary of recent research<sup>2</sup>

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<sup>1</sup> Development Standard 10-3.4.10 Traffic safety states that "Any outdoor advertisement shall not be located so as to be likely to obscure or to confuse the interpretation of any traffic signs or controls"

<sup>2</sup> Attachment A – "Compendium of recent research studies on distraction from Commercial Electronic Variable Message Signs (CEVMS), Jerry Wachtel, February 2016.

and a review of the proposal by Mr Shane Turner<sup>3</sup>, which have guided the addendum to his original assessment.

28. Overall, taking into account Mr Milne's addendum to his original assessment of the proposal, I consider that the effects of the proposed digital billboard on the traffic environment at the corner of Fitzgerald Ave and Tuam Street will be more than minor. The billboard will be positioned in such a way that it will be visible over a considerable distance along Tuam Street when approaching the intersection. The billboard will be approximately 3.5m from the carriageway. The District Plan requires a minimum separation distance of 50m in order for the proposal to be considered a permitted activity. I consider the proposed separation distance is well short of that considered appropriate by the Plan. Further, guidance documents on separation distances for signage to intersections recommend distances of between 45m to 100m, or that they are positioned where they are not visible at the approach to or from an intersection. This billboard is positioned in such a way that it is visible from the majority of approaches to the intersection, and from some exit points leaving the Tuam Street/Fitzgerald Ave intersection. Further this intersection is complex due to both the high levels of traffic on Tuam Street and Fitzgerald Ave, and the angled alignment of Tuam Street which does not run straight across Fitzgerald Ave. As noted by Mr Milne the complex nature of the intersection requires high levels of driver attention for traffic to safely navigate through the intersection.
29. The research on the relationship between digital signage and driver safety is divided, and digital billboards have been placed near intersections in Christchurch before. However, this billboard is directly on the intersection and viewed from a greater number of approaches to the intersection and vantage points. The positioning of the billboard in a highly visible location, together with the layout of the Tuam Street/Fitzgerald Ave intersection, result in a high likelihood for this proposal to cause distraction to motorists in their observance of traffic conditions, directions, or controls.
30. The Plan requires Council to consider whether the extent of the impacts of the billboard are increased or lessened, due to the potential of the billboard to cause distraction or confusion to motorists in their observance of traffic conditions, directions or controls. I consider the effects of the billboard are increased as there is a high potential for the billboard to cause distraction or confusion to motorists, given its positioning at the intersection. With a greater distance between the billboard and the intersection, drivers would have more time to view the billboard and then turn their focus back to the road, traffic conditions, and the intersection.

## Conclusion

31. Having reviewed the new rules and matters of discretion under Rule 6.8.6.3 (6.8.5.3) in the Christchurch District Plan, I confirm that the proposed digital billboard at 80 Fitzgerald Ave is now classed as a restricted discretionary activity. Taking into account the matters of discretion under Rule 6.8.6.3 (6.8.5.3), along with the technical advice I've received, I consider the effects of the proposed billboard will be more the minor on the immediately neighbouring properties and surrounding environment. The billboard will be adjoining the signalised intersection of Tuam Street and Fitzgerald Ave, and will be out of proportion with the existing building.

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<sup>3</sup> Attachment B – "A review of Carriageway Billboard Installation Safety Assessment", Shane Turner, 1<sup>st</sup> December 2016.

32. None of the proposed false third storey will be visible from the street as building form, rather it provides a frame for the billboard and green wall to be attached to. By positioning the billboard on this false third storey, the height of the billboard is increased which in turn emphasises the scale of the billboard proposed and increases its visual impact; lowering the billboard would mean it is located directly behind the traffic lights. Add to this the complexity of the Tuam Street and Fitzgerald Ave intersection, further increases the chances of driver distraction. When compared to what is required by the District Plan, and given the technical advice I have received in regards to this proposal, I consider that the mitigation proposed will not be sufficient to adequately mitigate the actual and potential adverse effects.
33. Given these conclusions my recommendation is for the proposal to proceed on a publicly notified basis.



Holly Gardiner

PLANNER

13/03/2017

Reviewed by:

Nathan O'Connell

TEAM LEADER

23/03/2017

Appendix 1: Letter from the applicant dated 8<sup>th</sup> December 2016



8 December 2016

Attention Nathan O'Connell  
Christchurch City Council  
53 Hereford Street  
CHRISTCHURCH

Dear Nathan

**RMA92030321 - PROPOSED SIGN AT 80 FITZGERALD AVENUE**

1. As you know, we act for etcmedia Limited (**etcmedia** or **Applicant**).
2. etcmedia applied for a resource consent to erect a 36m<sup>2</sup> digital billboard at 80 Fitzgerald Avenue on 24 July 2015. After extensive consultation and correspondence with the Christchurch City Council (**Council**), particularly in relation to urban design matters, a revised proposal was submitted to the Council on 18 December 2015 (**revised proposal**), in response to the Council's request for further information.
3. As a result of the revised proposal, we are writing to request that the Council reconsider its report on its recommendations as to notification (dated 15 July 2016, and reviewed 18 July 2016) (**notification recommendation**) and process the application on a non-notified basis, for the following reasons:
  - a. The Applicant has gone to great lengths, both in terms of time and expense, to satisfy the Council that this sign can be operated safely in this location, and in a manner consistent with the commercial/industrial amenity of the surrounding area.
  - b. As a result of undertaking numerous lighting audits for other digital signs, the Applicant can now confirm that rule 11-2.3.5 (Effect of illumination on aircraft operations and arterial roads) in the Christchurch City Plan can be complied with.
  - c. The proposed billboard has been lifted higher on the building so that it no longer obscures the windows, and complies with Development Standard 10-3.4.9 (Architectural features).
  - d. As a result of these amendments, the application must now be assessed as a restricted discretionary activity.
  - e. The matters of discretion are limited, and the application is consistent with the objectives the plan seeks to achieve.

**Plan Rules**

4. The only rule that triggers the need for resource consent is now Development Standard 10-3.4.1 (Area and number).

JAM-101442-1327-113-V1

CHRISTCHURCH Level 5 Wynn Williams House 47 Hereford Street Christchurch PO Box 4341 DX WXX11179 Christchurch 8140 New Zealand  
P +64 3 379 7622 F +64 3 379 2467 E email@wynnwilliams.co.nz W www.wynnwilliams.co.nz AUCKLAND P +64 9 300 2600 F +64 9 300 2609



5. The Council's notification recommendation states that the following additional rules are not met:
  - a. Development Standard 10-3.4.9 (Architectural features); and
  - b. Development Standard 10-3.4.10 (Traffic Safety).

6. The Applicant considers that the revised proposal does in fact meet these rules, for the reasons outlined below.

*Architectural Features*

7. Development Standard 10-3.4.9 (Architectural features) provides:

*Outdoor advertisements shall not obscure windows or significant architectural features. Any application arising from this clause will not require the written consent of other parties and shall be non-notified.*

8. The revised proposal no longer obscures any windows. While the proposed sign will be mounted over part of the parapet of the existing building, neither Boffa Miskell<sup>1</sup> nor the Council's Urban Designer Mr Amerasingam<sup>2</sup> found that the large parapet was of any architectural significance.

9. In fact, Mr Amerasingam appears to support the revised positioning of the proposed sign as he notes in his Visual Amenity Assessment, dated 11 February 2016:

*"This proposal, as outlined in the application enables the signage to be integrated into the architectural lines of the existing building, avoid obscuring any windows and in terms of proportion the signage would be subservient to the remainder of the existing façade.*

...

*Putting the size of the sign to one side, overall this approach is quite a well-considered and suitable approach to integrating a large sign onto an existing building without significantly damaging the character of the building."*

10. Given the above, the Applicant does not consider that the parapet of the existing building has any degree of significance. As such, if the parapet is not a "significant architectural feature"<sup>3</sup> the revised proposal therefore meets Development Standard 10-3.4.9.

11. We also note for completeness that any application arising from Development Standard 10-3.4.9 shall be non-notified.

*Traffic Safety*

12. As described in Mr Carr's Assessment of Transportation Matters,<sup>4</sup> the revised proposal is able to comply with all relevant traffic safety rules. The relevant rule in this case is Development Standard 10.4.4.10 (Traffic Safety) which provides (relevantly):

*(a) Any outdoor advertisement shall not be located so as to be likely to obscure or to confuse the interpretation of any traffic signs or controls.*

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<sup>1</sup> Urban Design and Visual Assessment, included in the revised proposal dated 18 December 2016.

<sup>2</sup> Visual Amenity Assessment dated 11 February 2016, included in the notification recommendation.

<sup>3</sup> There is no definition of "significant architectural feature" in either the proposed or operative plans.

<sup>4</sup> Also included in the revised proposal dated 18 December 2016.

13. Mr Carr states that the location of the proposed billboard is such that traffic signs will not be obscured, and a suitable condition of consent can be put in place to ensure that the images displayed are not confused with other traffic signs or controls.
14. Mr Carr's interpretation of this rule is also consistent with a recent Council decision on digital signs, namely RMA2015/3596 where the Commissioner stated that the wording of this rule refers only to obscuring or confusing actual traffic signals. The Commissioner stated that in order to "confuse the interpretation" of the signals, the sign would have to look similar enough to a traffic light for drivers to respond to it rather than to real signals.<sup>5</sup>
15. Whether the proposed sign has the potential to distract drivers' attention is not a relevant matter when assessing compliance with the traffic safety rule.
16. Overall, the proposal complies with this rule because the proposed billboard is not likely to obscure or confuse the interpretation of any traffic signal or control.

**Relevant matters of discretion**

17. For the reasons outlined above, it is considered that the only rule that is not met is Development Standard 10-3.4.1 (Area and number). As a result, the proposal must be considered as a restricted discretionary activity. The only relevant matters of discretion are those relating to Development Standard 10-3.4.1 (Area and number), namely the matters in 3.6.2(a).  
*Urban Design Matters*
18. The matters in 10-3.6.2(a) are addressed by Boffa Miskell at page 14-16 of the Urban Design and Visual Assessment report (except matter 3.6.2(a)(iv) relating to traffic safety which is addressed by Mr Carr).
19. The Council's notification recommendation states that Mr Amerasingam (the Council's Urban Designer) concludes in his assessment of the proposal that the overall size of the billboard is likely to have a potentially more than minor effect.
20. Upon further review of the visual amenity assessment provided by Mr Amerasingam (Appendix 1 to the notification recommendation), it is clear that Mr Amerasingam makes no conclusion at all as to the level of potential effects of the proposed billboard, and certainly does not say that the billboard is likely to have a more than minor effect.
21. In fact, Mr Amerasingam states:  
*"Given the nature and character of Fitzgerald Avenue and the common occurrence of large scale signage it is fair to say that the surrounding environment is one that is characterised by large scale signage to the extent that the proposed sign would not be out of place."*
22. He goes on to state:  
*"The efforts to integrate the signage into the building façade are commendable and I believe will significantly aid in reducing the dominance of the signage in relation to the immediate building. The combination of the green wall and false third storey is definitely an improvement in terms of the approach when compared to other signage applications, whereby the signs are often poorly integrated with exposed fixings."*

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<sup>5</sup> RMA2015/3596, decision dated 28 October 2016.

23. Mr Amerasingam appears to have some concerns about the size of the proposed billboard, in that it "*far exceeds the permitted allowance for signage*", and also has "*the potential to display advertising that is unrelated to the immediate site and can transition.*"
24. It is important to note that non-site related signage is permitted in this zone, pursuant to both the City Plan and Proposed Christchurch Replacement District Plan (**Replacement District Plan**) provisions.
25. The Industrial General zone<sup>6</sup> anticipates 58.8m<sup>2</sup> of signage attached to buildings (6.8.5.4(b)) as a permitted activity, provided all other relevant standards are met. While there is a restriction on the maximum area of a single billboard (18m<sup>2</sup>), we note that two signs could be erected side by side as of right, totalling a maximum signage area of 36m<sup>2</sup>. Therefore, it is considered that any lingering concerns that Mr Amerasingam may have had in relation to the size of the proposed billboard, are now appeased by the fact that a billboard of this size is anticipated in this zone.

*Traffic Safety Matters*

26. Assessment matter 10-3.6.2(a)(iv) relating to the classification of the road and nature and volume of traffic is assessed by Mr Carr in his Assessment of Transportation Matters. Mr Carr concludes<sup>7</sup> that provided there are suitable controls on the images then the potential for driver confusion leading to a safety issue will be minimal. Mr Carr considers that the proposed conditions of consent are appropriate for this.<sup>8</sup>

**Conclusion**

27. It is important to etcmedia that all of its billboards operate in a safe and efficient manner, and that it is being treated in a consistent manner to other billboard operators in Christchurch.
28. For the reasons identified above, including that the application must now be assessed as a restricted discretionary activity, we request a meeting with you to discuss these matters.
29. Please let us know a convenient time to meet with you.

Yours faithfully  
Wynn Williams



**Julia McKeown**  
Solicitor

P + 64 3 379 7622  
E julia.mckeown@wynnwilliams.co.nz

<sup>6</sup> 80 Fitzgerald Ave is located in the Industrial General zone in the Proposed Christchurch Replacement District Plan.

<sup>7</sup> Assessment of Transportation Matters, Mr Carr, at pg 15.

<sup>8</sup> Assessment of Transportation Matters, Mr Carr, at pg 20.



## Appendix 2: Addendum to visual amenity assessment by Council's Senior Urban Designer Mr Dhanesh Amerasingam

**Christchurch City Council**  
**Strategy and Transformation Group**  
**Urban Design, Regeneration and Heritage Unit**  
**Memorandum**

**DATE : 16 February 2017**

**FROM : Dhanesh Amerasingam, Senior Urban Designer**

**TO : Holly Gardiner**

**SUBJECT : RMA/2015/2026 Land Use Consent - 80 Fitzgerald Avenue, LED Billboard – Additional Assessment**

### **Assessment following District Plan Review**

Below I have carried out an additional assessment of the application for a proposed digital billboard on the site of 80 Fitzgerald Avenue. My review of the application is limited to the assessment matters included in section 6.8.6.3 of the Christchurch District Plan relating to static and digital billboards.

### **Architectural integrity, amenity values, character, visual coherence, and heritage values:**

As noted in my original assessment, putting to one side the scale and nature of the signage, the proposal benefits from a well-considered approach to integrating the billboard into the host building. The billboard is proposed to be constructed as part of a false third storey with framing and a green side wall to mask the fixings. The proportions of the billboard have been altered to ensure that it sits within the architectural lines of the host building and does not obscure any of the original feature of the building.

In terms of the scale of the signage, the size and proportions of the proposed billboard are significant in relation to the host building. As noted in my original assessment, the proposed billboard will be subservient to the main façade on the basis that it is around 50% of the size of the original façade in surface area, thus making up around a third of the primary building façade once constructed. In my opinion it would be fair to say that the proposed billboard will be grossly out of proportion with the original character and architecture of the building, particularly in terms of signage, which typically would only been applied to small areas within the shop front and onto the façade of the veranda. In addition to this, whilst it is not outside of the norm to add additional storeys to existing buildings for the purpose of expansion, the construction of an additional floor for to enable large scale signage adds little value to the overall composition of the building and the surrounding street scape. Whilst it is of benefit that the additional storey will assist in helping to better emphasise the corner of the block by adding additional mass and bulk and also mask the fixings of the billboard, the lack of detailing and complimentary architectural features that are consistent with the building does not allow this additional storey to fully integrate into the building and contribute to the street in the way that a genuine additional floor would using windows, columns etc.

In terms of the surrounding area, once again, as noted in my original assessment the surrounding area is characterised by commercial uses of a similar nature and style to that of 80 Fitzgerald Avenue, alongside a range of signage types, sizes and styles. Notable points of difference between the proposed signage and that of the surrounding area is the potential for the proposed billboard to display non site related signage and the digital nature of the billboard. Arguably this is a change in the nature of the signage that goes beyond providing signage to support the use of the site, with a greater emphasis on general advertising with the potential to be unrelated to the site or wider area.

**Impact of the proposed billboard:**

In terms of impact of the proposed billboard in spite of the well-considered approach to integrating the structure into the architecture of the host building, in my opinion the proposed billboard has a significant increased the impact on the surrounding area. In addition to the size of the billboard, the relative scale of the sign in relation to the host building further reinforces the increased impact. Despite the welcome inclusion of a green side wall, the lack of vegetation in the immediate surroundings for the purposes of screening and the prominent corner nature of the site further exacerbate the impact due to high levels of visibility of the signage from the surrounding area in terms of views and distance that the billboard is visible from.

**Conclusion:**

In conclusion whilst efforts have been made integrate the billboard into the architecture of the host building and thus mitigate its impact, in my opinion the relative scale and overall size of the proposed billboard will have a significant impact on the surrounding environment. Despite the surrounding area being characterised by commercial uses and large scale signage, the combination of high levels of visibility, potential non site related and digital nature of the signage and scale in relation to the host building are not in keeping character of the environment and of detriment to the overall streetscape.

Although it could well be claimed the proposed digital billboard will contribute to the enlivening the space through adding colour and interest, given the low levels of pedestrian footfall within the vicinity and the context of it being on a significant intersection, this is likely to be more of a distraction to vehicle drivers on their approach to the intersection rather than a valuable contribution to the streetscape.

Appendix 3: Addendum to traffic safety assessment by Council's Senior Transport Planner Mr Andrew Milne



Resource Management Act 1991

Addendum Dated 24 February 2017 to Officer Report on Traffic and Transport Effects of RMA/2015/2026

Resource Consent Application Number:	RMA/92030321
Applicant:	Etc Media
Site Address:	80 Fitzgerald Avenue, Christchurch
Description of Application	To Erect a Digital Billboard (DBB)
Christchurch City Plan zone:	Business 3
Christchurch District Plan zone:	Industrial General

I consider it important that sign proposals are considered on a case by case basis as the context for each sign will vary depending on the traffic environment, and various other factors.

The proposed sign will not comply with the activity specific standards set out Rule 6.8.4.1.1 Permitted activities P15. Of importance to traffic safety, the proposal will not comply with the required 50m distance between billboards and signalised intersections. The proposal therefore needs to be assessed as a restricted discretionary activity under Rule 6.8.4.1.3 Restricted discretionary activities RD3.

As a restricted discretionary activity I have assessed the potential traffic effects of the proposal by having regard to the following matter of discretion:

*6.8.6.3e (v) The potential of the billboard to cause distraction, or confusion to motorists in their observance of traffic conditions, directions or controls*

In assessing the potential of the billboard to cause distraction I have reviewed traffic safety manuals, guidelines and research documents and summarise as follows:

- Traffic control devices manual Part 3 - Advertising signs NZTA January 2011 where it states: *Advertising signs should not be located within 100m in urban areas of: \* intersections \* permanent regulatory signs (traffic lights) \* pedestrian crossings ( page 5-5)*
- A Roadside Advertising Guide (Queensland Transport and Main Roads, 2013) while offering a lower separation distance of 45 metres between LED signs and signalled intersections nevertheless states that: *Electronic Bill boards may be installed where they are not in close visual proximity with traffic signals (page 186).*
- Austroads Research Report – Impact of Roadside Advertising on Road Safety 2013 is referred to within the application. The Austroads report considers contrasting research findings and

opinions and balances such findings to produce a set of recommendations. Key to this proposal is the Austroads report recommendation that states:  
*Advertising devices should not be located so that they are visible at the approach to, or from, an intersection, pedestrian crossing, tram stop or in any location that is likely to be highly demanding of attention (page 42)*

The NZTA guidance document while recognising that more guidance is desirable and that the NZTA is currently working to develop standards for their use, refers the reader to Part 3 of the manual. Part 3 states that *although there are many advertisements close to intersections or traffic control devices (eg in central business districts) apparently causing no problems that these advertisements may still cause a distraction to road users.*

The manual goes on to state *'Hazardous situations can arise as a result of a lack of road user's (driver, pedestrian and cyclist) concentration or excessive demands on road users at the location. TAs should use their discretion to control unnecessary distractions which may contribute to collisions at such locations. The location of advertising signs or devices in close proximity to traffic control devices may result in the advertising sign obscuring a traffic sign or otherwise detracting from the traffic sign's effectiveness. Traffic control devices place demands on a driver's attention and are often located at sites to warn of specific hazards or to control hazardous traffic movements. Distractions caused by advertising signs may result in road safety problems. To help avoid safety issues, advertising signs should not be located within 100m and 200m in urban and rural areas respectively of:*

- *intersections*
- *permanent regulatory or warning sign*
- *curves (with chevron signing)*
- *pedestrian crossing'.*

In view of the various guidance documents quoted above I find that the proposed sign which assumes a very prominent position within the context of the signalled intersection of the two key roads of: Tuam Street (Main Distributor Street) /Fitzgerald Avenue (Major Arterial) is at odds with road safety principles.

The sign is located some 3.5m from the eastbound Tuam Street approach and forms a significant backdrop to the traffic signal aspects. Clearly the location of the billboard contravenes much of the guidance documents that require advertising billboards to be set back from intersections.

While a few selective research pieces have been produced that support LED signs there is a growing volume of research papers that suggests that ill placed signs cause higher levels of distraction to the detriment of road safety. I include as **Attachment A**, a summary of recent research findings that provide an indication of the potential impact of such signs on road safety.

Debate regarding the potential and actual effects of DBBs has taken place over the last year or so as Christchurch has been targeted with a growing amount of applications for DBBs located at heavily trafficked intersections. I append as **Attachment B**, a response from Dr Shane Turner who has provided comment on the Auckland research report undertaken by Mr Carr that has been used to support the application.

Mr Turners assessment provides an opinion from a road safety expert on the validity of the Auckland research which highlights deficiencies and limitations of the Auckland report.

3.

On the basis of this assessment I consider the proposed Billboard will not comply with the minimum required separation distance of 50m and undermines road safety principles as set out in this report. I maintain that the proposed Digital Billboard sign will have a detrimental impact on the safety and efficiency of the road network.