



8 October 2024

Tasman District Council
Planning Department
C/- Victoria Woodbridge
Planning Consultant

Email: vwoodbridge@propertygroup.co.nz

Dear Ms Woodbridge

RM230535 - Bekon Media Limited - Proposed Digital Billboard at 332 Queen Street, Richmond - amendments to application

Introduction

1. As you know, we are acting for Bekon Media Limited (Bekon) in connection with the above application to establish a single sided digital billboard (DBB) on an existing building at 332 Queen Street, Richmond.
2. Bekon representatives have been engaging with representatives of Waka Kotahi / New Zealand Transport Agency (NZTA) in relation to the application. NZTA has raised the following traffic safety concerns associated with:
 - (a) Traffic turning left using the left-turn slip lane at the end of Lower Queen Street being distracted by the DBB; and
 - (b) Issues of 'dominance,' also in the context of potential distraction for drivers.
3. As you are also aware, Bekon has also obtained expert advice from lighting expert, Russ Kern, in relation to the lighting effects of the proposal, in particular, concerns raised by submitters about the potential effects of the proposal on the Wai-iti Dark Sky Park. We forwarded a technical report from Mr Kern to those submitters on 19 September 2024, along with a letter from us inquiring whether they would like to discuss their concerns in light of Mr Kern's findings. Thus far, we have heard from Mr Struthers (Submission #8) and Mr Wilson (Submission #16), but no substantive engagement has occurred as yet.

Amendments to proposal

4. In order to address the concerns raised, Bekon has decided to make a number of amendments to its proposal / application in order to avoid or mitigate potential adverse effects that are alleged to arise (without conceding the validity of the criticisms raised). These amendments comprise:
 - (a) A reduction of the nighttime maximum luminance level to 125cd/m² rather than the 250cd/m² proposed in the original application. Mr Kern advises that this luminance level will ensure that any lighting effects arising from the brightness of the proposed DBB will not be a cause for concern.
 - (b) A re-orientation of the DBB so that it can only be viewed from the Gladstone Road northbound intersection approach, thus eliminating views from motorists using the left-hand slip lane to exit Lower Queen Street.
 - (c) The construction of a 'parapet' behind the proposed DBB to address concerns in relation to potential dominance from both a traffic safety and urban amenity/visual effects perspective. The parapet will be constructed of similar colour and materials as the cladding on the existing building and is considered to be acceptable from an urban design perspective.
 - (d) An increase in the dwell time of the image displayed from 8 seconds as proposed in the original application to a dwell time of 30 seconds, which reflects a highly conservative approach which will ensure that any potential concerns arising in relation to driver distraction will be addressed.
 - (e) The development of further robust conditions in relation to the monitoring of transport-related effects, as reflected in the set of proposed conditions dated 8 October 2024 which is attached to Ms Collie's letter as Attachment 5.

Documents attached

5. In order to assist your consideration of the proposed amendments, we **attach** five documents as follows.

Attachment 1 - Kern Consultants report re lighting issues

6. The first attachment is Mr Kern's technical report dated 18 September 2024 as sent to the 'dark sky' submitters. After addressing each submission in turn, Mr Kern's key conclusions are:

"27. *I have recommended that nighttime luminance should be set at 125cd/m², which is lower than that specified in the application documents but is accepted by Bekon Media. My recommendation will result in roughly half of the luminance of the original proposal per the application as lodged, with lower day and nighttime maximum limits. (Submitters should not be confused by maximum average limits, the limits noted should be read as maximum limits.)*

28. *In my opinion, there is no sound technical basis for concerns about adverse lighting effects arising as a result of the brightness of the proposed billboard, particularly in relation to Richmond's dark sky."*

Attachments 2 and 3 - DCM Urban document containing graphics showing amendments to orientation and design and report on effects

7. Attachments 2 and 3 comprise two documents, namely:
- (a) Appendix One of the Urban Design and Visual Impact Assessment – Revision N dated 7 October 2024, amended to show the re-orientated billboard and proposed parapet on a 'before' and 'after' basis.
 - (b) A report from David Compton-Moen of DCM Urban Design Limited dated 7 October 2024 addressing the urban amenity / visual effects of the re-orientated billboard and parapet.
8. Mr Compton-Moen's key conclusion is that the amendment to the proposal is favourable from an urban amenity / visual effects perspective, concluding that:

"Overall, I can support the reorientation of the proposed digital billboard, along with the addition of the parapet, and I consider that the visual effect on both road users and nearby residents, particularly for those vehicles in the left hand turning lane are consistent with our original assessment. The parapet will help integrate the sign into the existing built form of the building, reducing its visual dominance and the visual effects when viewed from both Lower Queen Street and Gladstone Road. I support this revised proposal as it better integrates with the surrounding environment and reduces visual impacts, particularly at the key intersection of Lower Queen Street and Gladstone Road."

Attachment 4 - Carriageway Consulting report re traffic issues

9. The fourth attachment is a report prepared by Andy Carr of Carriageway Consulting Limited dated 4 October 2024 that addresses traffic safety and traffic management issues relevant to the re-orientation of the DBB, the introduction of a parapet behind the DBB, and the increase in dwell time to 30 seconds.
10. As a result of these amendments, Mr Carr is able to conclude that:

"In summary, we consider that:

- *No new adverse traffic-related effects are introduced by the reorientation of the billboard;*
- *The reorientation further minimises any potential adverse traffic effects on Lower Queen Street;*
- *The proposed parapet does not have any material effects on road safety; and*
- *A dwell time of 12 to 24 seconds can be supported, and so the increase in dwell time offered by the Applicant to 30 seconds is a highly conservative approach and means that less than 5% of drivers will see a change in image.*

In conclusion, we consider that these proposed amendments introduce additional safety-related factors into the operation of the billboard, and further reduce any potential that it will give rise to adverse road safety effects. We therefore remain able to support the proposal from a transportation perspective."

Attachment 5 - The Town Planning Group – planning analysis

11. The fifth attachment comprises:
- (a) A report dated 7 October 2024 by planning consultant, Anita Collie of the Town Planning Group, which outlines the rationale for the changes made and analyses the proposed amendments by reference to the provisions of the Tasman Resource Management Plan; and
 - (b) The latest set of conditions dated 7 October 2024 reflecting the amendments made, as referred to above.
12. As a result of her analysis, Ms Collie’s professional opinion is that:

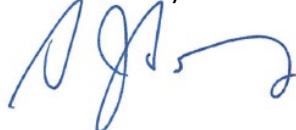
“...that the proposed amendments do not engage any additional provisions of the Plan, nor alter the activity status of the resource consent. The view shared of the digital billboard is reduced by the proposed amendments, and does not introduce any additional viewpoints, nor views from residential locations that were not otherwise available in the notified orientation of the billboard.

In other words, the proposed amendments do not give rise to any potential adverse effects that are not already addressed in the application; rather they have been proposed to address potential adverse effects of the existing proposal identified by submitters.”

Legal and procedural considerations

13. Given the nature and purpose of the amendments in light of the analysis above, it is clear to us that the proposed amendments fall squarely within the scope of the application as notified, represent an appropriate response to concerns raised by submitters and do not implicate any third parties beyond existing submitters.
14. Please arrange for this material to be placed on the Council’s website with the other application documents and advised to submitters.
15. We would be grateful if you were able to take account of these amendments in the section 42A report to be released on Friday, 11 October 2024 (or an addendum to that report). If that is not feasible, we request that you prepare a supplementary report indicating whether the proposed amendments have altered your recommendation in any way.
16. Anita or I would be happy to discuss at your convenience.

Yours sincerely



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