

Evidence presented by Audrey van Ryn on behalf of the Auckland City Centre Residents' Group (CCRG) in the matter of resource consent application number: LUC60312872: to erect a new 12m (high) by 4m (wide) digital billboard on the eastern façade of an approved residential building at 147-149 Victoria Street West, Auckland City

13 February 2019

Introduction

1. I am appearing as a representative of the CCRG, whose aims include “to make known the concerns of residents, placing their interests and concerns at the centre of all decision making that affects residents in the city centre, and by doing so work towards achieving the best possible living environment.”
2. I am not an expert in this hearing, but you might consider that I am, like others who have lived in the city centre for a considerable amount of time (in my case, 17 years), an expert on living in Auckland’s city centre.
3. I walk or cycle past 147-149 Victoria Street regularly, and last visited the site on 12 February 2019.
4. Many of the concerns raised in the CCRG submission are in accordance with the Unitary Plan rules relevant to **Signs**, excerpts of which are provided in Appendix 2.

Visual amenity and affected persons

5. As noted in our written submission, the Assessment of Effects contains much about impacts on motorists (and we recognise that this is certainly a consideration) but very little about the impacts on the people walking and living in the locality. Such impacts include the cumulative effects of many billboards in the city centre environment.
6. We are concerned that there seems to be no thought given by Auckland Council or expressed in the Auckland Unitary Plan as to limiting the number of digital billboards. These billboards continue to proliferate, and without knowledge of the number of digital billboards and monitoring of them, it will not be possible for Council to assess the likely cumulative effects arising from such proliferation, and it is necessary to assess those effects.
7. There is no reference in the Auckland Council Signage Bylaw 2015 to digital billboards. The Signage Bylaw is required by law to be reviewed by 26 May 2020, and Auckland Council has instigated a joint review of it with AT. In the recommendations for this bylaw, there is no mention of digital billboards (<https://at.govt.nz/media/1978972/item-98-review-of-signage-bylaw-and-election-signs-bylawfinal.pdf>) Without any policies, it is necessary to take into account the effects of billboards, particularly the ones with high visibility.
8. As regards the effect of this additional billboard on residents who live in the immediate vicinity of 147-149 Victoria Street, especially those in the 14-storey apartment at 135 Victoria Street, we draw attention to the two billboards very

close by the subject site, as per the images below: one at 89-93 Victoria Street (left) and the other on the corner of Victoria Street and Graham Street (right).



9. A large number of residents at 135 Victoria Street West living on the western side of this apartment building (we estimate 100 people) would have the proposed (third) billboard not just along the street, like the current two, but right in their window. We underline the fact that the proposed billboard, like the others in Auckland City, would operate 24/7. In the words of an enthusiastic billboard company representative, "Unlike commercials or magazine ads, you cannot flip the channel or turn the page on a billboard." (<https://www.billboardadvertisingdirect.com/billboard-advertising/ny/sweden.php>)

10. The assessment criteria in the Unitary Plan at E23.8.2(1)(h) includes "whether the sign or billboard will dominate the outlook from any dwelling or public open space." Residents at 135 Victoria Street would be able to see the billboard during the day, while at night, with their curtains/blinds drawn, they would likely still have light from the billboard coming into their bedrooms, disturbing their sleep. Anything that disturbs sleep is potentially harmful to one's health. "Light is one of the most important external factors that can affect sleep. It does so both directly, by making it difficult for people to fall asleep, and indirectly, by influencing the timing of our internal clock and thereby affecting our preferred time to sleep." <http://sleep.mysplus.com/library/category2/article1.html> It is our view that everyone in Auckland City is entitled to a good night's sleep.

11. The following comments under the two question headings are from the results of a December 2018 Auckland Council People's Panel survey on "Signage in Auckland." (Not all comments were displayed in the report, due to space restrictions.)

Question 1C Do you have any comments about the signage issues you've encountered?

- Too bright lighting can irritate.
- Flashing LED signs are very distracting, almost blinding. Large advertising signs are irrelevant these days, people are used to ignoring them due to already used to overdose on-line advertising.
- I happen to like the lights on the new Sofitel building, although other people in our building most definitely do not.
- There are far too many signs. The newer illuminated signs are particularly intrusive and unsightly.

Question 5J Do you have any other comments about signage in Auckland or this survey?

- They are visual pollutants that should be controlled like any other kind of pollutants.
- Please take action on light nuisance signage at night. It disturbs my sleep and is intrusive in my home.
- There are too many signs and they are creating a visual pollution to the environment.

Additional comments from CCRG members about digital billboards:

- They really need to ban these. Don't we have enough now? They're on so many buildings and so ugly!!
- The Anzac Ave billboard dominat[es] the view from the moment I open my front door.

12. Ms Bergin, for the applicant, states in her evidence (8 February 2019) at 3.11: "Although I acknowledge that each application needs to be assessed on its own merits, I cannot perceive any sensible planning rationale for assessing the proposed Ramada billboard in an entirely different way. (3.12) I therefore maintain the opinion expressed in my primary evidence that the proposal will provide for sustainable management of physical resources while avoiding, remedying or mitigating any potential adverse effects so that, overall, effects of the proposed billboard will be less than minor. On that basis, there is no sound planning rationale for withholding consent."

13. We quote the full text of the purpose of the RMA, section 5, with part of it italicised:

"The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. 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 well-being and for their health and safety* while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment."

14. We maintain that if assessment of the activity's effects provides for people in a comprehensive manner the effects of the proposed billboard will be more than minor, and that each new application for a resource consent for a digital billboard needs to take into account the billboards already in the locality and the effects that they are already having on residents.

15. We contrast the evidence of Ms Bergin with comments by Boffa Miskell's landscape planner Yvonne Pfluger about digital billboards: "Because they're targeted at people in vehicles their visual effects on nearby residents, pedestrians and other users of the public realm are considerations councils need to address through clear policies to ensure the amenity and urban character can be maintained. I think it needs guidance around which urban areas they're suitable for, and to avoid the cumulative effect of proliferation of the billboards and visual clutter."

(<https://www.landscapearchitecture.nz/landscape-architecture-aotearoa/2018/7/20/ieugorgypu1ehhl8qwszevsik4f0lg>)

16. We accept that the billboard location is not visible from within Albert Park. However, it is visible from the edge of Albert Park – where the "Gateway" sculpture is sited – and a digital billboard at night would be clearly visible. (See photo below, 9 Feb 2019, taken from the Gateway sculpture.)



17. The route from the Gateway sculpture at the edge of the Albert Park to 147-149 Victoria Street is that of the City Centre Masterplan's proposed "linear park." Whether or not the plans to connect "two of the city's greatest assets" (CCMP) are realised in quite this way, it is useful to outline the thinking behind Council's plans for this area, and assessment of the application needs to take considered account of the fact that the billboard would form the focal point of an important axis between Albert Park and Victoria Park. Having commerce project its presence into a green pathway between these two parks appears to be inconsistent with the intention of

Council as stated in the City Centre Masterplan. In that document it says, under "Victoria Green Link:"

A green link is envisaged across the city from Victoria Park to Albert Park to the Domain Victoria Street Linear Park will become the city centre's urban green link, allowing Victoria and Albert parks to merge. It will act as a breakout space for those visiting and working in the Engine Room and has the potential to become one of the postcard images of Auckland, with a wave of green vegetation down Victoria Street from Albert Park.

A linear park on Victoria Street will require fewer lanes for vehicles, wider footpaths, more green amenity and slower traffic movement. This will deliver a sequence of attractive, safe and engaging spaces or rooms that strongly integrate with the surrounding built form and land uses, and celebrate the public life of the city centre

Victoria Street Linear Park also provides the opportunity to develop a green infrastructure network, incorporating ecological and biodiversity corridor principles to enhance environmental sustainability.

Level of luminance

18. The luminance for the proposed billboard during the hours of darkness (500cd/m^2) exceeds the limits stated in the Unitary Plan (250cd/m^2). We note that the decision granting resource consent R/BEX/2016/3274 for the 2-8 Anzac Ave site, which involved two new digital billboards, stated under "Reasons" that: 1. "The proposed luminance levels are acceptable in the existing environment and potential effects on motorists and nearby residential properties are appropriately avoided, remedied or mitigated through the design of the billboard and proposed monitoring conditions." Further, the decision states, at 30: "The luminance level of the LED display shall not exceed the following: (a) Outside of daylight hours (dusk to dawn) the maximum luminance of any part of the sign shall not exceed 250cd/m^2 ; and (b) During daylight hours (dawn to dusk) the maximum luminance of any part of the sign shall not exceed 500cd/m^2 ."

19. A resident affected by the billboards at 2-8 Anzac Ave comments: "I note this one [at 147-149 Victoria St] has night time light levels twice what was permitted for the 2-8 Anzac Ave LED screen – and that one is plenty bright enough to light the interiors of apartments. That one has been a nightmare for the lower levels of my building but with effects assessed as minimal of course, in the report. One effect that is not covered is on cloudy days when the screen stays bright at full sunlight levels."

Effect on heritage buildings

20. Digital billboards are inappropriate in a heritage context, hence there are rules in the Unitary Plan about their placement. The proposed billboard at 147-149 Victoria Street does not comply with those rules. Whether the three heritage buildings are read as “a group” or not, they still combine to create a heritage environment. For more heritage buildings in the future to be encroached on by digital billboards, whether by billboards being affixed to them or located within the 30 metre distant Unitary Plan rule, would obviously detract from the heritage amenity.

21. The fact that the current owner of the Empire Hotel is happy to get free advertising on the proposed billboard does not constitute an assessment of the heritage effects on the hotel and the other Category B scheduled buildings in the vicinity of the proposed billboard.

Decision by Auckland Council

22. Our written submission requested that application LUC60312872 be declined. If it is not, we respectfully request is that it be granted with consideration to the following conditions, in order to minimise the negative impacts of the activity, namely:

(a) that the resource consent is limited to a period of two years

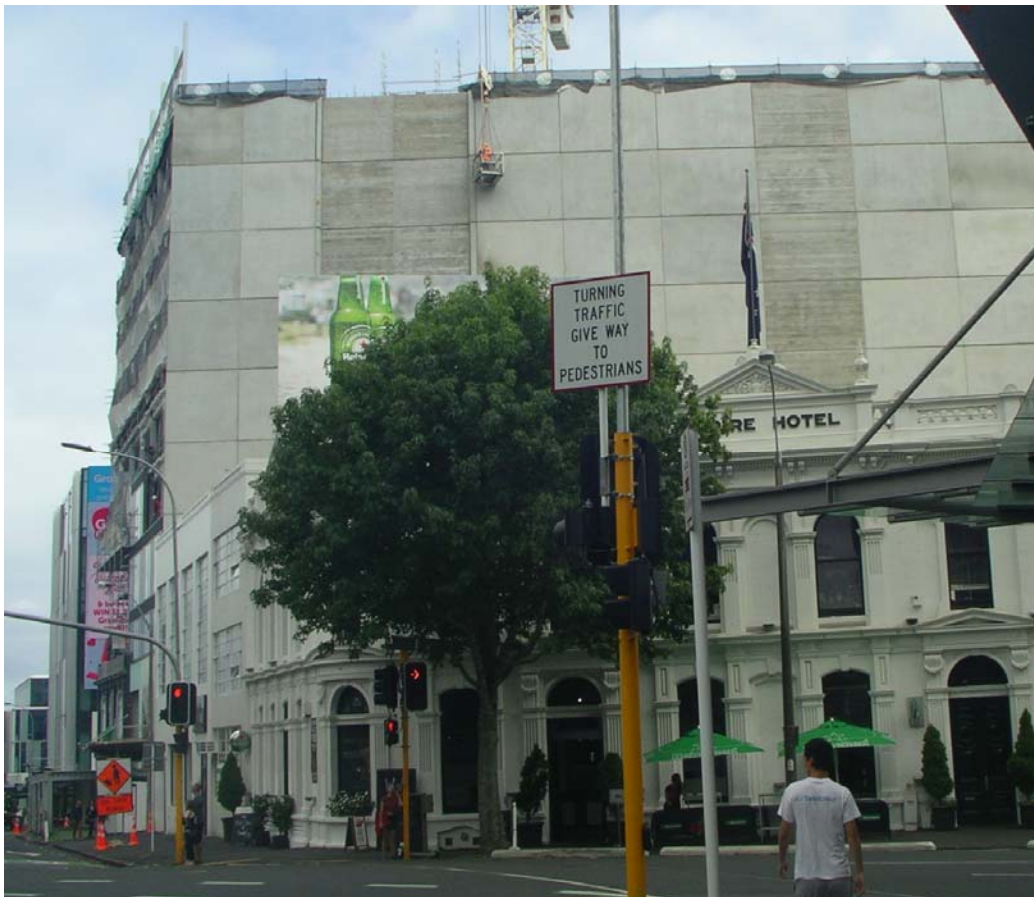
(b) that the Unitary Plan rules are adhered to (especially those relating to the level of luminance)

(c) that the billboard not be operational between the hours of 10pm and 7am. (This is in line with (for example) the Auckland Art Gallery clock, located opposite the St James Apartments, which chimes last for the night at 8pm and first in the morning at 8am, “so as not to upset city apartment-dwellers.” (<https://www.aucklandartgallery.com/article/as-the-time-draws-near>). Another example of consideration given to city centre residents is that pedestrian crossing sounds have been turned off at some crossings near apartment buildings, e.g. at the intersection of Victoria, Lorne and High Streets.)

(d) that if the billboard is not turned off during night-time hours to enable residents a good quality sleep, that their night-time images contain less blue, and overall darker images.

Appendix 1

Billboard location



Appendix 2

Unitary Plan rules relevant to this decision (our emboldening)

E23.

Signs. E23.1. **The number, type, location and size of signs can have adverse effects on the visual amenity of streets and buildings and on pedestrian traffic and safety. They may also have adverse effects on the character and heritage values of an area.**

E23.2. Objectives. Billboards and comprehensive development signage are managed to maintain traffic and pedestrian safety, historic heritage values and the visual amenity values of buildings and the surrounding environment.

E23.3. Policies. Enable billboards and comprehensive development signage while **avoiding signs creating clutter or dominating the building or environment by controlling the size, number and location of signs.** Manage the effects of billboards and comprehensive development signage to

maintain the values of scheduled historic heritage places and visual amenity values.

E23.8. Assessment – restricted discretionary activities E23.8.1. The Council will restrict its discretion to all the following matters when assessing a restricted discretionary resource consent application: **(1) visual amenity; (2) scale and location; (3) lighting and traffic safety; (4) duration of consent; and (5) cumulative effects.**

E23.8.2. Assessment criteria The Council will consider the relevant assessment criteria for restricted discretionary activities in Activity Table

E23.4.1 Billboards in zones and Activity Table E23.4.2 (1) visual amenity, scale and location: (a) the extent to which comprehensive development signage, free-standing billboards, or billboards on a side, rear or street facing building façade are appropriate in terms the zone they are located in taking into account all of the following:(i) the scale, form and type of billboard; (ii) the location of the signs or billboard in relation to other signs and billboards and adjacent structures and buildings;(iii) the size of the site in which the signs or billboard will be located (iv)(e) whether the signs or billboard detracts from the **visual amenity of any public open space from which it can be seen**, including the characteristics of the streetscape, natural environment, landscaping and open space; **(f) whether the signs or billboard, if located in close proximity to a scheduled historic heritage place, adversely affects the visual amenity or detracts from the visual qualities that are fundamental to the historic heritage values of the scheduled historic heritage place; (h) whether the sign or billboard will dominate the outlook from any dwelling or public open space.**

(2) (2) lighting and traffic safety: (a) the extent to which lighting associated with a sign or billboard is controlled to minimise adverse effects on the visual amenity of the surrounding environment during both day and night time (and the transition times between) having regard to:(i) the location of the signs or billboard;(ii) the sign's orientation to the sun; and(iii) the variance of ambient light levels within the area.

(b) the degree of compliance with Standards E23.6.1(2)(a),(b),(c) or E23.6.1(3)(a), (b), (c) and whether lighting levels, light spill or glare from illuminated or, changeable message signs or billboards that do not meet these standards will cause unreasonable levels of glare and discomfort to any person or to traffic safety (the controls of Tables 2.1 and 2.2 of Australian Standards AS 4282 - 1997 (Control of the Obtrusive Effects of Outdoor Lighting) may be used to determine glare and discomfort);

(4) cumulative effects: (a) whether the signs or billboard, in conjunction with existing signs nearby, will create visual clutter or other adverse cumulative effects.