

**Section 95A-95F of the Resource Management Act 1991  
Notification Decision Report**

1 August, 2022

Service Request No: SR 513399

File Reference: 1045050

**APPLICATION DETAILS**

<b><u>Site Address:</u></b>	2 Jervois Quay, Wellington Central
<b><u>Legal Description:</u></b>	Lot 11 DP 11204 in RT WN33D/660
<b><u>Applicant:</u></b>	New Zealand Fruitgrowers' Charitable Trust
<b><u>Proposal:</u></b>	To erect an electronic billboard to the existing framework on the roof of the building
<b><u>Owners:</u></b>	Huddart Parker Building Limited
<b><u>Service Request No:</u></b>	SR 513399
<b><u>File Reference:</u></b>	1045050
<b><u>District Plan Area:</u></b>	Central Area
<b><u>Notations in District Plan:</u></b>	Heritage Areas – Post Office Square Heritage Area Ref. 16 Heritage Building No. 155 Central Area Viewshaft #15 Ground Shaking
<b><u>Activity Status:</u></b>	Discretionary (Restricted) - Operative District Plan

**SITE DESCRIPTION**

The application site is on the corner of Jervois Quay and Post Office Square, in Wellington Central. The site accommodates the heritage-listed Huddart Parker Building, which is a 7 storey building with a ground level restaurant and café. On the rooftop is the remnants of steel support framework of a former sign which displayed the time, temperature and the letters of a company, most recently being MoreFM, but historically Caltex. The former signage was removed sometime between 2009 and 2013. The Huddart Parker Building is located within the Post Office Square Heritage Area.

**PROPOSAL**

It is proposed to install rooftop advertising signage to the existing landscape-oriented support framework on the roof of the Huddart Parker Building. It will be oriented toward southbound traffic on Customhouse Quay and Jervois Quay.

It should be noted that the applicant's description of the proposal refers to reinstatement of the rooftop signage, whereas we consider the proposal to be more accurately described as installing a new digital rooftop billboard, as the former signage included the letters of a company with gaps in between and was infrequently changed, whereas this proposal includes

a digital solid signage displaying advertisements (not just company lettering), which is proposed to change frequently (every 8 seconds).

The sign will be in the form of a digital billboard with maximum dimensions of 13m x 4m. The base of the sign will be located approximately in line with the top of the existing parapet. The billboard will be used for third-party advertising and also display the time and temperature within a portion of the screen. The digital display will change on a rotating basis and feature a combination of public information and commercial advertising. It is anticipated that there will be up to six different displays, with a minimum image display time of 8 seconds and a 0.5 second dissolve transition between images.

It is proposed to use up to six displays that will rotate with an image display time of 8 seconds minimum, with a 0.5 second dissolve to transition. It is not known yet whether the time and temperature would be present in all displays. Illumination levels will be managed automatically to be responsive to natural changes in ambient lighting.

The applicant proffers a condition to create a “deferred maintenance reserve fund” which will use profits from the billboard rental payments to provide general maintenance of the Huddart Parker Building.

Although a sign previously existed on this building using the same support framework, existing use rights in accordance with section 10 of the RMA do not apply. The previous sign has been absent for a period far in excess of the 12 months provided for by s10(2) and even if this time had not lapsed, it is considered that the proposed sign is not of the same character, intensity or scale as the previous sign. As such existing use rights do not apply and have not been considered in this assessment.

#### **NATIONAL ENVIRONMENTAL STANDARD**

There are no National Environmental Standards relevant to this proposal.

#### **NATIONAL POLICY STATEMENT**

There are no National Policy Statements relevant to this proposal.

#### **ACTIVITY STATUS**

##### **Operative District Plan:**

Resource consent is required under the following rules:

<p><b>Rule 13.3.9 - Signs</b></p> <p>The proposal is for a sign that does not meet all the standards specified in section 13.6.4.1.</p> <ul style="list-style-type: none"><li>• 13.6.4.1.2 – the proposed sign is located on a building and will project above the parapet level, or the highest part of the building to which the sign is attached.</li><li>• 13.6.4.1.4 – the proposed sign will be located on a building above 18.6m above ground level and will have a maximum area of greater than 15m<sup>2</sup> and will not bear only the name and/or logo of the building owner/occupier.</li></ul>	<p><b>Discretionary (R)</b></p>
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<ul style="list-style-type: none"> <li>• 13.6.4.1.7 – the proposed sign is located within the Post Office Square Heritage Area, and it is not intended to bear the name/logo of the owner/occupier of the building.</li> </ul> <p>As such, resource consent for a <b>Discretionary (Restricted) Activity</b> is required pursuant to Rule 13.3.9</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• 13.3.9.1 moving images, text or lights</li> <li>• 13.3.9.2 position</li> <li>• 13.3.9.3 dimensions</li> <li>• 13.3.9.4 number of signs</li> <li>• 13.3.9.5 sign display of: temporary signs, or signs located on buildings above 18.6m above ground level, or signs adjoining or opposite the Parliamentary Precinct Heritage Area.</li> <li>• 13.3.9.6 duration (for temporary signs)</li> </ul> <p><u>Centres/Business Areas</u></p> <p>As the site does not front a State Highway, the New Zealand Transport Agency are not considered adversely affected.</p> <p>It should also be noted, that the non-notification preclusion under 13.3.9 is not explicit (i.e. it states ‘do not need’ which implies discretion remains for notification) and therefore is not subject to the non-notification provisions.</p>	
<p><b>Rule 21D.3.1 – Sign on a Listed Heritage Building</b></p> <ul style="list-style-type: none"> <li>• The proposal is for a sign on a site on which a listed heritage building is located and is not a Permitted Activity because it exceeds 0.5m<sup>2</sup>.</li> </ul> <p>As such, resource consent for a <b>Discretionary (Restricted) Activity</b> is required pursuant to Rule 21D.3.1.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• 21D.3.1.1 Sign design, location and placement</li> <li>• 21D.3.1.2 Area, height and number of signs</li> <li>• 21D.3.1.3 Illumination</li> <li>• 21D.3.1.4 Fixing and methods of fixing.</li> </ul>	<p><b>Discretionary (R)</b></p>

Overall, the proposal is assessed as a **Discretionary (Restricted) Activity** under the operative District Plan.

**Activity Status – Summary:**

Overall, the proposal must be assessed as a Discretionary (Restricted) Activity.

## **WRITTEN APPROVALS**

No written approvals were provided with the application.

## **SECTION 95 ASSESSMENT AND DECISION**

### **Public Notification - Section 95A:**

#### Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

#### Preclusion to Public Notification:

The non-notification preclusion under 13.3.9 is not explicit (i.e. it states 'do not need' which implies discretion remains for notification). As such, there is no preclusion to public notification as the relevant rules in the District Plan do not preclude notification [s95A(5)(a)]. Additionally, the application is not for one of the activities listed at sections 95A(5)(b)(i) to 95A(5)(b)(iv) of the Act.

#### Public Notification – Rule/Adverse Effects:

While the application does not include an activity which is subject to any rule in the District Plan or NES which requires public notification, it has been determined in accordance with section 95D that the adverse effects of the proposal on the environment will be more than minor [s95A(8)(b)]. Refer to the assessment of effects and conclusions below.

#### Special Circumstances:

Special circumstances are circumstances that are unusual or exceptional and are assessed on a case-by-case basis, taking into account the particular circumstances of the site.

In my view there are no special circumstances applicable to this application.

## **ASSESSMENT OF ADVERSE EFFECTS**

### **Permitted Baseline:**

Pursuant to sections 95D(b) and 95E(2)(a), in deciding whether the adverse effects on the environment will be more than minor and who is an affected person, I may disregard an adverse effect of an activity if a rule or national environmental standard permits an activity with that effect ('permitted baseline').

Any sign on a site on which a listed heritage building is located must not be more than 0.5m<sup>2</sup> to be provided for as a permitted activity. Given the small extent provided for as a permitted activity, the permitted baseline is considered to be of no relevance to the proposal.

### **Potential Adverse Effects:**

Taking into account the matters of discretion under the relevant rules, the actual and potential effects of this proposal are considered to fall into the following categories:

- Traffic Effects
- Heritage Effects
- Streetscape and Visual Amenity Effects
  - moving images, text or lights
  - position
  - dimensions
  - number of signs
  - sign display of: temporary signs, or signs located on buildings above 18.6m above ground level, or signs adjoining or opposite the Parliamentary Precinct Heritage Area.
  - duration (for temporary signs).

The Urban Design advisor defers to the Heritage advisor in this regard.

### **Traffic Effects**

A Traffic Engineering Report prepared by Stantec was submitted with the application. The report identifies the stretch of road upon which the signs are located to be an area with a crash rate being 18 crashes over a period of 5 years and over a relatively short section of road. They note that five of these were in locations that could have potentially had visibility of the proposed billboard if it were present. Their report advises that none of the reported crashes listed distraction by any part of the environment, including signage, external to the vehicle that could have influenced the road users. Stantec perceived no inherent road safety concerns with this section of the road that could be impacted by the installation of the proposed billboard.

Mr Anbuselvan Pungiah, Council's Senior Transport Engineer, has carried out a review of the assessment by Stantec and reviewed the application. He has prepared an assessment of traffic effects which is held on file and should be read in conjunction with this report. Mr Pungiah considers that the proposed digital billboard is acceptable from a traffic and transport point of view. Mr Pungiah's report also proposes several consent conditions that will improve levels of traffic operations and road safety. I concur with his assessment in part, in particular the following salient points:

- The proposed billboard will comply with the technical guidelines in the Traffic Control Devices Manual Part 3 which is a key set of guidelines and recommendations produced by the NZ Transport Agency for local road controlling authorities to use when assessing the suitability of advertising signs.
- The proposed location is in CBD & urban environment. Most digital billboards existing around Wellington is within 100m of an intersection, so, with regards to transport, the location of this sign is not inconsistent with other digital billboards.
- The 8 second dwell time change recommended by the applicant is consistent with other digital billboards around Wellington and is considered an appropriate dwell time for Jervois Quay as the speed limit is 50 Km/hr.
- The crashes that occurred at this location are not due to digital billboards or comparable environmental distractions.

I note additionally to Mr Pungiah that Soon Kong, Council's Transport Engineer and Operations Manager has reviewed the reports and agrees with the conclusions reached and consider the effects on traffic safety to be minor.

I do note that digital billboards are designed to convey a message which can be a cause of distraction. I also note that the Huddart Parker building is located adjacent to a key pedestrian crossing point between Lambton Quay and the Wellington Waterfront meaning that if driver were to be distracted, there is the possibility they could miss a traffic signal and collide with a pedestrian. However, given the engineering advice by Stantec, and advice from Council's traffic engineers, Mr Pungiah and Mr Kong, who have concluded the effects are acceptable, there are not sufficient grounds to disagree with their conclusions and I therefore consider the effects on traffic and pedestrian safety to be no more than minor.

### **Streetscape and Visual Amenity Effects**

The site on the corner of Jervois Quay and Post Office Square, in Wellington Central is a prominent space that is readily visible. The existing environment is characterised by prominent heritage buildings and a high-quality landscaped setting. It forms a principal point of access between the city and the waterfront and is visible from a reasonably long distance to vehicles travelling southwards down Customhouse Quay.

Sarah Duffell, Council's Senior Urban Designer RMA, has carried out a review of the application and the photomontages provided. She prepared an Urban Design Assessment which is held on file and should be read in conjunction with this report. I concur with the assessment and conclusions made by Ms Duffell and her comments inform the discussion below.

The proposed sign would be dominant in views along Customhouse Quay and Waterloo Quay where the Huddart-Parker Building terminates south-facing viewpoints. It would also be obtrusively visible for the pedestrian route along Grey Street as evidenced by the photomontages provided with the application. Billboards, by intent, are designed to be highly visible and attract attention, particularly in this environment that is generally devoid of other signs displaying advertising. This is uncharacteristic and will not complement the environment in any way that would justify its presence. Furthermore, from several key public viewpoints the image on the sign would not appear in full, thus detracting from these viewpoints with pointless additional visual distraction. Overall, the sign is considered to compromise the visual quality of the wider streetscape and Post Office Square.

In addition to the above, the sign is within an identified viewshaft (V15). If visible the sign would appear in the distant cityscape context from the top of the Cable Car, however, due to the size and orientation of the sign and the distance it is unlikely to have any notable adverse effects from this viewpoint.

The proposed sign does not have any particular relationship with architectural features of the building and will not complement the building or location in which it is sited. In contrast, the large, solid, illuminated panel showing third-party advertising will be a distracting visual element on the host building and will alter the silhouette of the building.

It has been determined that the proposal is for the installation of a new sign, as opposed to the reinstatement of a previous sign. Nevertheless, I have considered the potential effects of the digitalisation of a sign in comparison to a static sign. In comparing the visual and character effects of the digitisation of the signs, I have considered the visual changes that have occurred throughout Wellington in converting other static signs to digital, including a number of CBD signs, and signs on Aotea Quay. Post conversion, the signs are more noticeable as they appear brighter during the day (due to the need to backlight the sign against the light from the sun).

They are also more noticeable as the content of the sign changes more frequently. At night, the nature of the lighting is different with LED technology typically being more 'vibrant' than a static sign, even though the light levels may be the same. Colours are often more pronounced when compared to printed content and light is distributed more evenly over the signage surface when compared to a static sign in natural light or under artificial lights.

In addition to the digitalisation of the sign, the proposed sign is billboard with a large (54m<sup>2</sup>) solid, flat face. This is a notable contrast to the previous sign, which was static, cut-out letters of a title (e.g. More FM) with gaps between each letter. I consider that the character, intensity and scale are not comparable in effect. The proposed sign will appear larger and more noticeable, particularly with illumination and continuously changing images, resulting in a more dominating feature.

Overall, it is considered that the proposed billboard will detract from the visual quality of the host building and the wider streetscape in which it is located. I concur with the conclusion reached by Ms Duffell that the proposed sign is inappropriate in this location. As such, it is considered that potential adverse effects on streetscape and visual amenity will be more than minor.

### **Heritage Effects**

The proposed sign is to be located on the heritage listed Huddart Parker Building and is located within the Post Office Square Heritage Area. The area has defined heritage values and presents a prominent public space. These environments need both be considered in an assessment of the potential adverse effects on heritage.

A heritage assessment prepared by Archifact – Architecture and Conservation Ltd accompanied the application. The applicant also provided a peer review of this assessment, prepared by Richard Knott Limited. The heritage assessment concluded that the proposed billboard is appropriate. They considered that the use of the existing framing on the rooftop will provide some mitigation in the integration of the sign and the building. Overall, they state that the proposed digital billboard is acceptable and will not present any adverse effects on the heritage contexts of the Huddart Parker Building or the wider Post Office Square heritage area. The peer review provided concurs with and supports the heritage assessment.

Chessa Stevens, Consultant Heritage Advisor for Wellington City Council, has carried out a review of the application and the photomontages provided. She prepared a Heritage Advisor Assessment which is held on file and should be read in conjunction with this report. I concur with the assessment, in particular the salient points listed below:

- The proposed billboard does not aid in identifying or understanding the Huddart Parker Building or the Post Office Square Heritage Area.
- The proposed billboard will project several metres above the building parapet and, because it lacks the partial transparency of previous "cut out" signs in this position, it will have a greater impact on the silhouette line and overall quality of the building than previous signage has had - particularly the Grey Street elevation which is the most significant of the four elevations and faces into the Post Office Square Heritage Area.

I concur with Ms Stevens assessment. The proposed sign has no apparent link to the architectural features of the heritage building nor the historic Post Office Square by which it is located. Additionally, the size and location (projecting above the rooftop) will result in a dominant feature on the otherwise characteristically heritage appearance. Ms Stevens believes the negative effects on the heritage values of the Huddart Parker Building and the Post Office Square Heritage Area will be notable.

The applicant indicates that the temperature display and clock could be incorporated into the visual displays of the proposed sign. The intention of this being to offer the historic community sentiment and social value derived from the weather forecast offered by the previous sign. The photomontages suggest this will not be on all displays. Ms Stevens comments the following in this regard which I concur with:

- Council has recognised that the rooftop signage on the Huddart Parker Building that was erected in the early 1960s and stood until the mid-2010s contributed to its social and townscape value, as evidenced by the Heritage Inventory Report. Social value was derived primarily from the time and temperature display, which would have provided a useful reference at a time when this information was not readily accessible to pedestrians or passing motorists via other electronic media. There is no evidence that social value was derived from the advertising.

The Application also offers to utilise some funds gathered from the proposed electronic billboard as a means of providing for building maintenance, and have indicated that they will be receptive to a consent condition as a means of ensuring this. However, as noted by Ms Stevens, this does not make the billboard necessary, nor does it counteract the adverse heritage effects.

Further, regardless of the signage, all building owners will have maintenance obligations, and this is not exception. The use of signage revenue is not at all relevant nor does it alter any obligations a building owner has for maintenance purposes.

For the reasons outlined above in conjunction with the heritage advice received, I consider that the proposed sign will result in adverse heritage effects on the Huddart Parker Building and the Post Office Square Heritage Area that will be more than minor.

#### **Effects Conclusion:**

Overall, I consider that the effects of the proposal on the environment are more than minor. Consequently, the application must be publicly notified in accordance with section 95A of the Act.

#### **NOTIFICATION DECISION**

For the reasons detailed in this report the application for digital billboard on the site at 2 Jervois Quay, Wellington Central must be assessed on a **notified** basis.

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Report prepared by: Ashleigh Wharam & Elliott Thornton



**Monique Zorn**  
Delegated Officer

(1 August 2022)



**Halley Wiseman**  
Delegated Officer

(1 August 2022)