

Minute #3 of Independent Hearing Commissioner
2 Jervois Quay
Reference (SR) No. 513399

The hearing for this application is set for Wednesday 7 December 2022, starting at 9am.

1. Attendance of experts and matters in dispute

I have read through all evidence and other material provided to date.

It is apparent that the only remaining area of dispute in respect to traffic and safety matters are the draft conditions in respect to the dwell time for the signs, use of colours and contact details. Given the draft conditions are inconsistent with the recommendations of the Council's traffic experts, Mr Thornton is to consider whether Council's traffic expert needs to attend the hearing or not.

Given there is no evidence to the contrary, Mr Harries will need not address any traffic and safety matters except the three matters he has raised in respect to the draft conditions.

2. Preliminary questions

Without limiting my ability to enquire at the hearing, I have some preliminary questions that I would like the applicant's planner and / or counsel and Council planner to address before or at the hearing:

- (a) Given the building is a historic heritage item under the Proposed District Plan, does the proposed sign trigger any consent requirements under that Plan?
- (b) Was the previous sign erected lawfully?
- (c) Was there a District Plan in place at the time the sign was first erected? If so, was a consent required? (ties to question 1)
- (d) Would the scaffold have existing use rights? (ties to questions 1 and 2)
- (e) Would the reinstatement of the sign have been permitted, without a consent required (where existing use rights had been lost)?
- (f) How does this application differ to the consent granted for the digital billboards on The Embassy Theatre?
- (g) How many other digital billboards are there on heritage buildings in the City?
- (h) Is Change 1 to the Regional Policy Statement relevant to this application?

3. Correspondence

Any correspondence with me should be directed through Krystle Leen via Krystle.Leen@wcc.govt.nz



Gina Sweetman
Independent Commissioner
30 November 2022