

JAAFAR HOLDINGS LIMITED

**APPLICATION FOR CHANGE OR CANCELLATION OF
RESOURCE CONSENT CONDITIONS**

&

ASSESSMENT OF ENVIRONMENTAL EFFECTS

TO

**REDUCE THE DWELL TIME OF THE MESSAGES DISPLAYED
ON AN APPROVED DIGITAL BILLBOARD**

AT

**440 MOUNT WELLINGTON HIGHWAY
MOUNT WELLINGTON
AUCKLAND**

PREPARED BY

BENTLEY & Co

Resource Management Consultants

MARCH 2025

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Attachment 1: Approved Resource Consent LUC60326896

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Attachment 5: Traffic Engineering Report

Form 10
Application for change or cancellation of resource consent condition
Sections 127 and 145, Resource Management Act 1991

TO: Auckland Council

1. Jaafar Holdings Limited, c/- Bentley & Co. Limited at the address for service listed below, applies for a change of a condition of a resource consent.
2. The applicant is the owner of the site to which the application relates.
3. The application relates to the following resource consent:
 - LUC60326896-A
4. The application relates to the following specific condition of the resource consent:
 - Condition 1
 - Condition 10
5. The proposed change is as follows:
 - An amendment to the minimum 'dwell time' that a message can be displayed on the northernmost digital billboard.
6. The site that the resource consent relates to is as follows:
 - (a) 440 Mount Wellington Highway, Mount Wellington (LOT 1 DP 533618, LOT 2 DP 533618, LOT 3 DP 533618)
 - (b) The natural and physical characteristics and any adjacent uses that may be relevant to the consideration of the application are detailed within the assessment of environmental effects.
7. There are no other activities that are part of the proposal to which this application relates.
8. I attach an assessment of the effect of the change sought on the environment that –
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
9. I attach an assessment of the proposed change against the matters set out in Part 2 of the Resource Management Act 1991.

10. I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
11. I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act:
- Attachment 1: Approved Resource Consent LUC60326896
 - Attachment 2: Approved Variation LUC60326896-A
 - Attachment 3: Record of Title
 - Attachment 4: Pre-application Consenting Memo
 - Attachment 5: Traffic Engineering Report

Date: 17 March 2025

Signature:

Jaafar Holdings Limited

by its authorised agents Bentley & Co. Limited:



.....
Anthony Blomfield

Address for service of the applicant:

Bentley & Co. Limited
PO Box 4492, Shortland Street
Auckland 1140
Attn: Anthony Blomfield

Telephone: 0211339309
Email: ablomfield@bentley.co.nz

Address for fees/charges for the application:

Jaafar Holdings Limited
C/ Century Group Limited
Level 14, 57 Fort Street
Auckland CBD,
Auckland 1010
Attn: Husain Ali

Email: bus.dir@centurygroup.co.nz
Telephone: 09 307 2244

PROPERTY AND ZONE DETAILS

Site Area:	1.2967 hectares
Zone:	Business – General Business Zone
Overlays:	None
Controls:	Vehicle Access Restrict Control – Motorway Interchange Control Macroinvertebrate Community Index – Urban
Designations:	6774 East West Link (New Zealand Transport Agency) 1102 Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd
Other constraints:	None relevant

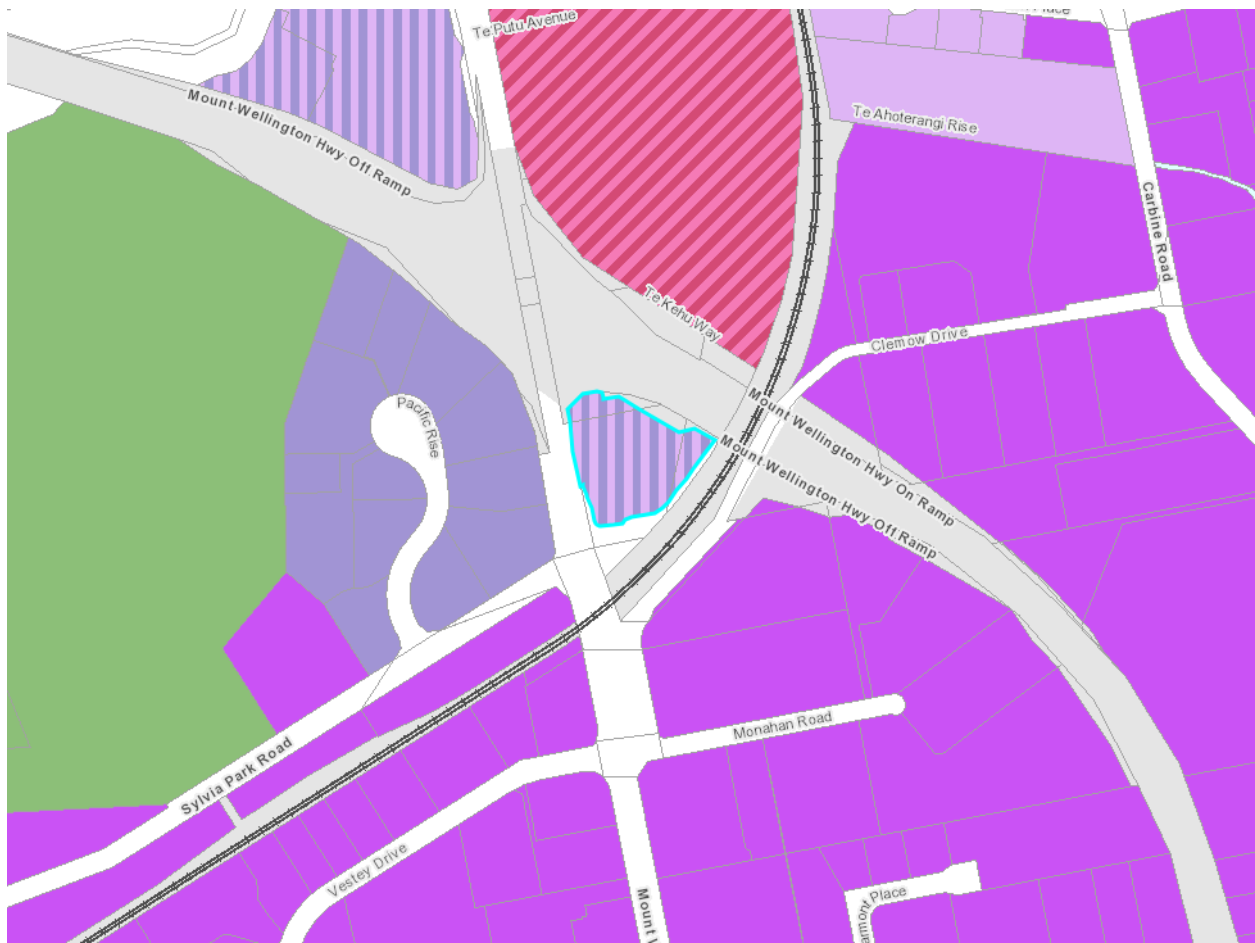


Figure 1. Unitary Plan Zoning Map (subject site outlined in blue)



Figure 2. Aerial photograph (subject site outlined in blue)

1. INTRODUCTION

- 1.1. On 30 August 2019, Jaafar Holdings Limited (the “**applicant**”) obtained resource consent (reference LUC60326896) to convert four existing ‘V-shaped’ free-standing static billboards to digital displays. The consent included the relocation of the existing southern billboard structure to reflect an adjustment of the site boundaries following the acquisition of a portion of the site for road widening.
- 1.2. Resource consent was authorised as a Restricted Discretionary activity overall and was approved by Auckland Council on a non-notified basis. A copy of the approved resource consent(s) is appended as **Attachment 1**.
- 1.3. The digital billboard displays were established on 22 December 2021.
- 1.4. In May 2023, the applicant applied to vary Condition 1 and 10 of the resource consent to reduce the dwell time of each message displayed by all four digital billboards from 30 seconds to 8 seconds. The application was amended, and on 17 October 2023, Auckland Council granted consent (LUC60326896-A) to enable the two LED screens on the southern billboard structure and the south facing LED screen on the northern billboard structure to display images with a dwell time of 8 seconds. A copy of this consent is appended as **Attachment 2**.
- 1.5. This application seeks to vary Condition 10 to amend the dwell time of the northernmost billboard to 8 seconds, consistent with the operation of the other digital billboards that are orientated to Mount Wellington Highway.

2. SITE DESCRIPTION

- 2.1. The site to which this application relates (the “**subject site**”) comprises two parcels of land located at 440 Mount Wellington Highway, Mt. Wellington. The site is an irregular shape, which is bound by Mount Wellington Highway to the west, the Mt Wellington Off-ramp from State Highway 1 to the north and east, and vacant land to the south which has been acquired by Auckland Transport for the purpose of establishing a new road to Sylvia Park, and the southern railway line further to the south.
- 2.2. The subject site has an area of 12,967m² and is currently vacant (the site was occupied by a car sales activity at the time the resource consent was approved). The site contains a combination of sealed and metalled surfaces and the site boundary is demarcated by a wire fence. The subject site

takes access from Mount Wellington Highway via the signalised intersection with Sylvia Park Road. A copy of the Record of Title is appended as **Attachment 3**.

- 2.3. Two 7.5m tall freestanding “v” shaped digital billboard structures (with four display faces) are located towards the western (road) boundary of the site, at the northern and southern ends of the site’s Mount Wellington Highway frontage. A further single-sided 12m x 3m digital billboard is located towards the sites northern boundary, facing traffic on the northbound off-ramp from State Highway 1.
- 2.4. The whole of the subject site is designated for the East West Link (ID 6774) for temporary use for construction laydown purposes for the construction of the East West Link, with the southern portion of the site designated for the East West link on-ramp/off-ramp viaducts and support structures.

3. SURROUNDING ENVIRONMENT

- 3.1. The subject site sits within a highly utilitarian transport environment, dominated by the multi lane Mount Wellington Highway corridor to the west, and the motorway off-ramp infrastructure to the north and east. The land contour is such that the site sits below the level of the motorway off ramp. To the south of the site is land which has been acquired for roading purposes, but which is currently sealed and indistinguishable from the subject site, and further south is railway land and industrial activity (on Clemow Drive).
- 3.2. Commercial activity across Mount Wellington Highway to the west (Pacific Rise Business Park) contains a variety of contemporary office/warehouse buildings which have limited outlook towards Mount Wellington Highway and the subject site, with the western side of Mount Wellington Highway containing relatively mature vegetation.
- 3.3. The immediate environment is heavily influenced by the adjoining traffic environment, with Mount Wellington Highway comprising four southbound and four northbound traffic lanes, separated by a solid median strip. A pedestrian footpath exists along the eastern side of Mount Wellington Highway (the western boundary of the subject site), but this has limited connectivity with neighbouring land and provides no amenity, serving only to separate the site from the road carriageway. The wider area is characterised by industrial activities and related built forms, and utility infrastructure.

4. THE PROPOSAL

4.1. Subsequent to the previous variation, Condition 10 of the approved resource consent requires:

10. Dwell time - the display time for each image –must be:

- a. a minimum of thirty (30) seconds for the screen labelled as ‘Face 2’ on the northern billboard as illustrated on approved resource consent plan (LUC60326896) titled: “Site Plan – Northern Billboard” drawing number: 1808-004 Rev B dated 13/08/2018 prepared by Adaptable Signs; and
- b. a minimum of eight (8) seconds for the screen labelled as ‘Face 1’ on the northern billboard as illustrated on the approved resource consent plan (LUC60326896) titled: “Site Plan – Northern Billboard” drawing number: 1808-004 Rev B dated 13/08/2018 prepared by Adaptable Signs;
- c. a minimum of eight (8) seconds for the two screens labelled as ‘Face 1’ and ‘Face 2’ on the southern billboard as illustrated on the approved resource consent plan (LUC60326896) titled: “Site Plan – Southern Billboard” drawing number 1808-003 Rev B dated 13/08/2023 prepared by Adaptable Signs.
- d. The image on the screens described in b. and c. of this condition must change at the same time or as otherwise required by monitoring the effects of this display time under condition 16.

4.2. The applicant proposes to adjust the dwell time of the messages displayed on the northern billboard display from thirty seconds to eight seconds.

Change to Conditions of Resource Consent LUC60326896-A

4.3. Pursuant to section 127 of the Resource Management Act 1991 (“RMA”), the applicant seeks the following changes to Conditions 1 and 10 (with the proposed changes shown in underline and ~~striketrough~~):

Activity in accordance with application

1. The proposed billboards shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60326896, and as varied by LUC60326896-A and LUC60326896-B:
 - Application Form, and Assessment of Environmental Effects prepared by Anthony Blomfield of Bentley & Co Ltd, dated September 2018.
 - Application for a Change of Resource Consent Conditions prepared by Anthony Blomfield of Bentley & Co Ltd, dated May 2023.
 - S92 Response, titled ‘*RE: Meeting agenda- LUC60326896-A 440 Mt Wellington Highway*’ dated 15 Sep 2023 by Anthony Blomfield of Bentley & Co Ltd.

- Application for Change or Cancellation of Resource Consent Conditions prepared by Anthony Blomfield of Bentley & Co Ltd, dated March 2025.

Report title and reference	Author	Rev	Dated
Traffic Engineering Report	Stantec	-	12/09/2018
Urban Design Assessment, 400-450 Mount Wellington Highway	Richard Knott Limited	-	28/06/2019
Proposed Consent Variation, Digital Billboard Dwell Times, 430-440 Mt Wellington Highway Mt Wellington, Traffic Engineering Report	Harries Transportation Engineers Ltd		15/05/2023
Memorandum re: LUC60326896-A : Jaafar Holdings Limited Digital Billboard Dwell Times - 440 Mt Wellington Highway, Mt Wellington Response to S.92 Request for Further Information – Traffic Engineering	Harries Transportation Engineers Ltd		4/7/2023
<u>Proposed Consent Variation, Digital Billboard Dwell Time, 440 Mt Wellington Highway, Mt Wellington, Traffic Engineering Report</u>	<u>Harries Transportation Engineers Ltd</u>		<u>17 March 2025</u>

Drawing title and reference	Author	Rev	Dated
400 - 450 MT Wellington Highway Site plan – southern billboard, drawing no. 1808-004	Adaptable Signs	B	13/08/2018
400 - 450 MT Wellington Highway Site plan – northern billboard, drawing no. 1808-003	Adaptable Signs	B	13/08/2018

Other additional information	Author	Rev	Dated
S92 Response Letter titled: “s92 Request for Further Information - LUC60326896”	Bentley & Co Ltd	-	09/04/2019
Letter titled: “LUC60326896 - Jaafar Holdings - 430 Mt Wellington	Stantec	-	17/03/2019

Highway Assessment of modified
billboards heights”

Email correspondence titled: “430
Mount Wellington Highway - traffic
signal overlap”

Anthony
Blomfield

- 18/03/2019

...

Image transition and dwell time

...

10. Dwell time - the display time for each image –must be a minimum of eight (8) seconds for all screens and the image has to change at the same time for all proposed LED billboards or as otherwise required by monitoring the effects of this display time under condition 16.:
 - a. ~~a minimum of thirty (30) seconds for the screen labelled as ‘Face 2’ on the northern billboard as illustrated on approved resource consent plan (LUC60326896) titled: “Site Plan – Northern Billboard” drawing number: 1808-004 Rev B dated 13/08/2018 prepared by Adaptable Signs; and~~
 - b. ~~a minimum of eight (8) seconds for the screen labelled as ‘Face 1’ on the northern billboard as illustrated on the approved resource consent plan (LUC60326896) titled: “Site Plan – Northern Billboard” drawing number: 1808-004 Rev B dated 13/08/2018 prepared by Adaptable Signs;~~
 - c. ~~a minimum of eight (8) seconds for the two screens labelled as ‘Face 1’ and ‘Face 2’ on the southern billboard as illustrated on the approved resource consent plan (LUC60326896) titled: “Site Plan – Southern Billboard” drawing number 1808-003 Rev B dated 13/08/2023 prepared by Adaptable Signs.~~
 - d. ~~The image on the screens described in b. and c. of this condition must change at the same time or as otherwise required by monitoring the effects of this display time under condition 16.~~

5. CONSULTATION

- 5.1. The applicant consulted with Auckland Council staff during the processing of the previous variation application, at which time concerns were raised regarding the proposal to reduce the dwell time of the northern billboard (with this being originally proposed). In order to allow the resource consent variation to be issued for the dwell time amendment for the other three billboard faces, the applicant withdrew the proposal to reduce the dwell time for the northern billboard, with the application subsequently limited to enabling the two LED screens on the southern billboard structure and the south facing LED screen on the northern billboard structure to display images with a dwell time of 8 seconds the .

- 5.2. Prior to amending the application to remove the proposal to reduce the dwell time of the north facing LED on the northern billboard structure, the applicant consulted further with Auckland Council's transport specialists (15 September 2023) to discuss what further information would be necessary to enable their review of the suitability of a lesser dwell time. Their advice was to investigate vehicle speeds, as that was their concern in respect of the safety effects of a lesser dwell time, having a greater prospect of creating a distraction to motorists. The applicant undertook further investigation of vehicular traffic speeds in the immediate roading environment of the northern billboard to ascertain whether the prevalent traffic conditions (and in particular traffic speeds) were such that a lesser dwell time would implicate traffic safety. A further meeting was held on 18 July 2024 to present the findings of this investigation. This investigation revealed that operational speeds in the southbound direction through the intersection of Mount Wellington Highway and the off-ramp from the motorway slightly increase overnight. Corresponding to this, the applicant sought feedback on a proposition to retain the 30 second dwell time between midnight and 6am on weekdays and midnight and 10am on weekends, and reduce the dwell time to 8 seconds at all other times-where the investigations determined that traffic speeds were lower.
- 5.3. The Council staff expressed concerns with the recorded traffic speeds, and advised that notwithstanding the different speeds occurring, they continued to not support a lesser dwell time at any time, on the basis that this would generate adverse traffic safety effects, with drivers being distracted by a change in image occurring every 8 seconds (with a 0.5 second dissolve) as opposed to an image change every 30 seconds. A summary of the pre-application discussions is set out in the appended Pre-Application Consenting Memo prepared by Auckland Council (**Attachment 4**).
- 5.4. The applicant has had regard to this feedback, and disagrees with the premise, and the lack of evidentiary support that the feedback is based on.
- 5.5. For completeness, this application seeks to enable an 8 second dwell time at all times (including overnight).

6. REASONS FOR RESOURCE CONSENT

- 6.1. Section 127(1) of the RMA enables the holder of a resource consent to apply to a consent authority to change or cancel a condition of the resource consent (other than any condition on the duration of the consent).
- 6.2. Section 127(3) of the RMA provides that:
- (3) Sections 88 to 121 apply, with all necessary modifications, as if –
 - (a) the application were an application for a resource consent for a discretionary activity; and
 - (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.
- 6.3. The proposal to change a condition of the resource consent is required to be assessed as a discretionary activity.

Additional matters for consent

- 6.4. There are no new matters for resource consent that are generated by the proposed change to the dwell time of the messages displayed on the billboard.

Scope of consent

- 6.5. Whether the proposal can be treated as a variation, or whether it is seeking consent for a materially different activity, is a question of fact and degree to be determined in the circumstances of the case and requires a comparison between the consented activity and the nature of the activity if the variation was approved. If the variation would result in a fundamentally different activity, or one having materially different adverse effects, or one that seeks to expand or extend the original activity, it should be treated as a new application.
- 6.6. In this instance, the activity, to operate a digital billboard, remains unchanged. The proposed variation does not alter the nature of the approved activity. The actual or potential effects of the changes are within the scope of the consent held, and the application can be processed as a variation. It is considered that the change sought does not result in materially different effects.

7. ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT

- 7.1. Section 127(3) of the RMA provides that, in considering an application for a change to consent conditions, only the effect of the change or cancellation sought is to be considered. An

application to change the conditions of a consent does not provide an opportunity to re-evaluate the consented (and established) activity, and it is not appropriate to do so.

- 7.2. In this instance, the proposal seeks to reduce the dwell time of each message on the northern billboard from 30 seconds to 8 seconds (to be consistent with the other billboard displays along the Mount Wellington Highway frontage of the site, and other billboards typically displayed in the region). The proposal does not seek to change any other condition of the consent, and does not seek to change any aspect of the established activity, including its location and its relationship to other features in the surrounding environment.
- 7.3. In this case, the adverse effects of the change sought are considered to relate to visual amenity and transportation effects.

Visual Amenity Effects

- 7.4. The original resource consent application for the digital billboards proposed a dwell time of eight seconds, which was supported by Richard Knott Limited from a visual amenity and urban design perspective.
- 7.5. The consent granted determined that the “*Adverse streetscape character and visual amenity effects are acceptably mitigated as a result of the proposed billboard’s relative like-for-like replacement of the existing billboards in respect of the orientation (to the street frontage), scale and dimensions, thus mitigating visual amenity effects associated with the billboard’s changeable messaging capability*”. The context of this reasoning did not differentiate the duration of messaging displayed, and is unchanged by the proposal to amend the dwell time of the northern billboard.
- 7.6. The site and its context is dominated by transport infrastructure and relatively constant traffic movement. As a consequence of the nature of land uses and the physical characteristics of development and utility elements, the site and surrounding area has a commercial/industrial and utilitarian aesthetic and a low level of visual amenity. The digital and changeable nature of the billboards is demonstrably appropriate in this environment, and the proposal to enable messages to be changed at eight second intervals will not change the visual amenity effects generated, relative to that for which consent is held. There will be no appreciable change in effects to the visual amenity values of the environment as a result of the proposed change to the operation of the billboards.
- 7.7. This has been further confirmed by the approval to vary the consent to reduce the dwell time of the other three billboard faces along the Mount Wellington Highway frontage of the subject site.

- 7.8. Overall, there will be no change in effects to visual amenity as a result of the proposed changed to the operation (dwell time) of the northern billboard.

Transportation Effects

- 7.9. The potential traffic effects have been assessed by Harries Transportation Engineers (**Attachment 5**). This assessment comprehensively analyses the performance of the road environment during the operation of the current digital billboard, in order to determine whether any change (effect) may result from the proposed reduction of the dwell time.
- 7.10. At the request of Auckland Council (at the pre-application stage), the analysis by Harries includes data of the operating speeds of the southbound approach on Mount Wellington Highway. In this respect, the analysis confirms:¹

The above graph demonstrates that on weekdays, hourly 85th percentile speeds are highest between about 2am and 7am, reaching a peak of 58 km/h in the hour ending 5am. However, during the day, i.e. between 6am and midnight, the 85th percentile speeds remain consistently between 52km/h and 55 km/h, being about 53km/h on average during this period.

During the weekend, the higher early morning 85th percentile speeds persist longer, remaining above 55 km/h between midnight and 10am. However, between 10am and midnight, the hourly 85th percentile speeds remain below 55km/h, being about 54km/h on average during this period.

- 7.11. The analysis then comprehensively addresses the relationship between the current digital billboard and the traffic signals that are directed to southbound traffic on Mount Wellington Highway. The analysis identifies that there is an ‘overlap’ between the digital billboard and the ‘primary’ traffic signal (the left-hand, upstream (near side) traffic signal), which is shown in Figure 3. In this regard, an ‘overlap’ means that the digital billboard display is in view beyond the traffic signal at the approach to, and at the intersection. The analysis prepared by Harries Transportation Engineers addresses the potential effects on the ability of traffic to negotiate the road corridor and intersection, relative to each lane of traffic (Lane 1, 2 and 3), which are identified in Figure 3 for reference.

¹ Traffic Engineering Report, Page 7



Figure 3. Aerial photograph showing the theoretical area where an 'overlap' occurs between the northern digital billboard and the primary traffic signal (shown with yellow shading), adapted to identify the respective traffic lanes (with blue lines) from Figure 6 of the Traffic Engineering Report prepared by Harries Transportation Engineers)

7.12. The potential effects of the 'overlap' on each lane of traffic is thoroughly assessed, and in summary, the analysis by Harries finds:²

The visual overlapping that occurs in Lane 1 is considerably less than is suggested by a plan-view analysis alone due to the vertical relationship between the primary and the billboard when viewed from within the visual overlap area. Where visual overlapping does occur, it all sits within the ASD, which means that once drivers are within the Lane 1 visual overlap area, they are already committed to either stopping at the intersection or proceeding through, regardless of any changes from green to amber that might occur on the primary. This applies regardless of what dwell time the Billboard is operating at. In other words, the proposed reduction in dwell time on the billboard will have no material impact on Lane 1 motorists.

...

² Traffic Engineering Report, Pages 19-20.

The visual overlapping in Lane 2 occurs over a greater distance of about 49.5m, although the latter half of that overlap area occurs beyond the ASD point. Throughout all of the overlap area, parallax effects mean that the primary signal face ‘moves’ reasonably rapidly across the face of the billboard (noticeably ‘faster’ than occurs in Lane 1). Throughout the period of visual overlapping, the apparent movement of the primary, and the black target board that frames the lanterns, together ensure that the primary signal face remains prominent and clearly visible, even if focussing attention on the billboard. Notwithstanding that the primary remains clearly visible and prominent throughout the overlap period, it is also supplemented by the secondary and dual primary signals that sit closer to central vision (by virtue of the driving position in Lane 2); and by the dominance of the secondary and dual primary pair by virtue of the facts that they appear closely aligned to each and that together they provide four displays at any one time compared to the single lantern displayed by the primary. As previously noted, with an 8-second dwell time as proposed, less than half the vehicles that pass through the visual overlap area in Lane 2 will see an image change. Taking all the above points into account, it is considered that the proposed dwell time reduction to 8-seconds will also have no material impact on Lane 2 motorists.

The visual overlapping from Lane 3 occurs over the greatest distance of about 76m, but also occurs farthest from both the billboard and the primary signal. Based on the assessments provided, it is considered that the visual overlapping that occurs from this lane has either a negligible or nil potential to impact on the right-turning drivers that occupy Lane 3. This occurs because when turning right, drivers are focused on the secondary and dual primary signals which are the only signals that control the right turn; and because the secondary and dual primary signals sit squarely ahead in central vision. It is simply too uncomfortable, and in practice too difficult, to be aware of the controls that apply to the right turn and to prepare for that right turn, while also looking to the left away from the controls and the alignment relating to the intended right turn. In these regards, the proposed reduction in dwell time on the billboard will likely have no impact on Lane 3 motorists

- 7.13. In addition to the conclusions above regarding the extent to which the operation of the billboard ‘impacts’ a motorists field of vision/focus on the driving task, the analysis by Harries Transportation Engineers explains and analyses the number, type and pattern of crashes both before and after the commencement of the operation of the billboards on this stretch of road, following a detailed review of the NZTA’s Crash Analysis System records.
- 7.14. The analysis of these records confirms that:
- In some crash instances the driver at fault had no visibility of the digital billboards.
 - None of the crashes indicate any distraction resulting from the billboards.
 - While two crashes have occurred where a driver at fault has cited general ‘distraction’ (being tiredness or stress), there is nothing in the records to indicate that the operation of the current digital billboard was a factor in these crashes.

- 7.15. During the pre-application meeting with Council, general concerns were raised by the Council officers that the crash records may misrepresent the role that a billboard plays in a crash, on the basis that it is not a reported factor. Harries Transportation Engineers states that there is no evidence that this is the case (either specifically in relation to crashes that have occurred at this intersection, or within New Zealand³. Notably, it is noted that drivers in crashes will routinely refer to distraction caused by other internal or external factors, such that there is no reason to suspect that the absence of distraction by billboards is a result of common and deliberate omissions by drivers involved in such crashes.
- 7.16. The analysis also assesses and compares the safety performance of the adjacent intersection during the 4.2 year operational period of the current digital billboard, with the preceding 4.2 year period prior to the digital billboard being established (during which time the billboard was a static display). This analysis finds that the safety of the intersection has not deteriorated with the presence of a digital billboard. The number of crashes that has occurred in the southbound direction has slightly reduced, and the relevant crash types that have been attributed to external distraction have reduced.
- 7.17. In addition to the site specific safety analysis, the assessment prepared by Harries Transportation Engineers includes a review of the literature related to digital billboard dwell time and traffic safety. This analysis confirms that the operation of digital billboards is not inherently dangerous to road safety, and that there is no correlation between the dwell time of messages on digital billboards and the safety of users on the transport network. In order to corroborate this research, the assessment by Harries Transportation Engineers includes a review of all crashes that have occurred in New Zealand for the preceding 13 years (from when the first digital billboard began operating). This review confirms that there have been no crashes in the country where distraction from a digital billboard (or a change from one message to another) has been cited. Pertinent to this, the majority of digital billboards operate with a default 8 second dwell time, consistent with that proposed.
- 7.18. More broadly with respect to crashes citing distraction by external advertising devices (as opposed to the operation of digital billboards) relative to the total number of recorded crashes within New Zealand (for the preceding 13 years), Harries' analysis finds that "*Even if the*

³ Mr Harries has undertaken extensive research in this field, and is not aware (in his research of crash records) of this concern being borne out.

combined total of 21 crashes involving some sort of advertising is considered (that is, the 4 static third-party advertising signs, and the 17 first-party business identification signs), they represent only 0.005% of all crashes. The four static advertising sign crashes represent 0.001% of all crashes.”.

From this evidence, Harries’ analysis concludes:

The key point to be made from all the above is that despite perceptions to the contrary, relevant research and empirical evidence confirms that digital billboards, operated as they do in New Zealand with predominantly 8-second dwell times, do not generate identifiable adverse road safety effects, even when concerted efforts are made to find those effects. The evidence therefore strongly indicates that digital billboards present a negligible level of road safety risk to road users.

- 7.19. During the pre-application discussions, the Council raised the potential for effects on the operation/functioning of the road network (including the motorway) as a result of a crash. That is, if a crash occurred in this location, what would that do to the operation of the road network. This is addressed by Harries Transportation Engineers, and in summary, any crash (caused by any one or combination of factors) has the potential to cause operational effects, and there is no evidence that the proposed dwell time reduction of the northern billboard will increase the likelihood of a crash. Therefore, this is not a contributing factor.
- 7.20. The analysis prepared by Harries Transportation Engineers is:
- (a) Comprehensive and robust;
 - (b) Based on empirical evidence of the operation of the existing billboard, and all billboards in New Zealand; and
 - (c) Supported by relevant and reliable research.
- 7.21. With reference to the comprehensive assessment prepared by Harries Transportation Engineers, the existing billboard has been operating without generating adverse road safety effects since its establishment, and the empirical evidence is that the proposed shorter dwell time will not change that outcome. On this basis, the proposed shorter dwell time will not result in a change in effect to the transportation environment. No persons are considered to be affected, in this regard.

8. NOTIFICATION ASSESSMENT

Section 95A Public notification of consent applications

- 8.1. Section 95A of the RMA prescribes the steps in order to determine whether to publicly notify an application for a resource consent.

Step 1: mandatory public notification in certain circumstances

- 8.2. The application does not meet any of the criteria within s 95A(3) that would otherwise require public notification of the application pursuant to s 95A(1), specifically:
- (a) the applicant does not request that the application be publicly notified;
 - (b) public notification is not required under s 95C; and
 - (c) the application is not jointly made with application to exchange reserve land under the Reserves Act 1977.

Step 2: if not required by step 1, public notification precluded in certain circumstances

- 8.3. The application does not meet any of the criteria within s 95A(5) that would otherwise preclude public notification:
- (a) each activity that requires resource consent is not subject to a rule or national environmental standard that precludes public notification; and
 - (b) the application is for a resource consent that is not:
 - (i) a controlled activity; or
 - (ii) a restricted discretionary, discretionary, or non-complying activity that is a boundary activity.

Step 3: if not precluded by step 2, public notification required in certain circumstances

- 8.4. The application does not meet any of the criteria within s 95A(8) that would otherwise require public notification:
- (a) any of the activities that require resource consent are not subject to a rule or national environmental standard that requires public notification; and
 - (b) having regard to the preceding analysis, and in accordance with s 95D, the activity will have or is likely to have adverse effects on the environment that are less than minor.

Step 4: public notification in special circumstances

- 8.5. There are no special circumstances in relation to the application that warrant the application being publicly notified.
- 8.6. “Special circumstances” are those that are unusual or exceptional, but they may be less than extraordinary or unique. If the plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.

- 8.7. Circumstances which are “special” will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to “special circumstances” it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.
- 8.8. In terms of whether special circumstances exist, the proposal is not “outside the common run of things which is exceptional, abnormal or unusual”. The proposal to reduce the dwell time of the messages displayed to 8 seconds will not result in adverse effects that would be unusual or out of the ordinary when compared to the effects generated by the consent held, or those effects generated by other digital billboards that operate in the Auckland region with similar dwell times. In this regard, 8 seconds has been the ‘industry standard’ dwell time from the time that the first digital billboard commenced in 2013. As such, there are no special circumstances to warrant the public notification of the application under section 95A(9) of the RMA.

Section 95B Limited notification of consent applications

- 8.9. Section 95B of the RMA prescribes the steps in order to determine whether to give limited notification of the application.

Step 1: certain affected groups and affected persons must be notified

- 8.10. The application does not meet any of the criteria within s 95B(2) or s 95B(3) that would otherwise require limited notification of the application pursuant to s 95BA(4), specifically:
- (a) There are no affected protected customary rights groups or affected customary marine title groups.
 - (b) The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

- 8.11. The application does not meet any of the criteria within s 95B(6) that would otherwise require limited notification of the application. Specifically:
- (a) each activity that requires resource consent is not subject to a rule or national environmental standard that precludes limited notification; and
 - (b) the application is not for a controlled activity (and no other activities) that requires resource consent under a district plan (other than a subdivision of land).

Step 3 if not precluded by step 2, certain other affected persons must be notified

- 8.12. The proposal does not involve a boundary activity in respect of s 95B(7).
- 8.13. With reference to s 95B(8), s 127(4) requires that, for the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who –
- (a) made a submission on the original application; and
 - (b) may be affected by the change or cancellation.
- 8.14. In this case, the original resource consent (and subsequent variation) was granted on a non-notified basis, such that no submissions were received.
- 8.15. With reference to s 95B(8), having regard to the preceding analysis, the adverse effects generated by the proposed change or cancellation on any person will be less than minor. This includes adverse effects on NZTA as the agency responsible for the operation of the state highway network that is proximate to the site of the proposal.

Step 4: further notification in special circumstances

- 8.16. For the reasons discussed above, there are no special circumstances that exist in relation to the application that warrants notification of the application to any other persons not already determined to be eligible for limited notification under s 92B(10).

9. SECTION 104 ASSESSMENT

- 9.1. When considering an application for resource consent, the Council must, subject to Part 2 and s 77M, have regard to:
- (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of –
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:

- (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- 9.2. Pursuant to s.127(3) of the RMA, the consideration of effects is limited to the effects of the change to the conditions. Therefore, the assessment provided has not sought to revisit or reassess the original proposal to its full extent.

Any actual or potential effects on the environment of allowing the activity (s 104(1)(a))

- 9.3. An assessment of effects has been undertaken within the preceding analysis, where it was concluded the effects of the proposed change of conditions will be appropriate relative to the surrounding environment, and will be consistent with the consent held.

Any measure proposed or agreed to be the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment (s 104(1)(ab))

- 9.4. No measures are proposed or necessary to offset or compensate for any adverse effects on the environment.

Relevant national environmental standards, other regulations, policy statements, plans or proposed plans (s 104(1)(b))

National Environmental Standards

- 9.5. There are no National Environmental Standards relevant to the consideration of the proposed change or cancellation of the conditions.

Other Regulations (s 104(1)(b)(ii))

- 9.6. There are no Regulations relevant to the consideration of the proposed change or cancellation of the conditions.

National Policy Statements (s 104(1)(b)(iii))

- 9.7. There are no National Policy Statements directly relevant to the consideration of the proposed change or cancellation of the conditions.

New Zealand Coastal Policy Statement and Hauraki Gulf Marine Park Act 2000 (s 104(1)(b)(iv))

- 9.8. There are no New Zealand Coastal Policy Statements relevant to the consideration of the proposed change or cancellation of the conditions.

Regional Policy Statement or Proposed Regional Policy Statement (s 104(1)(b)(v))

- 9.9. The Regional Policy Statement (Chapter B of the Auckland Unitary Plan) is adequately implemented by the 'plan' provisions of the Unitary Plan. It is not necessary or helpful to assess the proposal against the Regional Policy Statement.
- 9.10. For completeness, as the provisions of the RPS were raised in minutes of the pre-application meeting⁴, stating: 'Policy B3.3.2(5)(f) of the regional plan aims to *"improve the integration of land use and transport by: ...requiring activities adjacent to transport infrastructure to avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure"*.'; the following response is provided.
- 9.11. The assessment undertaken demonstrates that the change in dwell time will not result in an effect which may compromise the efficient and safe operation of the transport infrastructure. The consent held includes a review condition (Condition 16), which will apply to the variation sought, requiring:

Review condition

16. Under section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents at the consent holder's cost in the following circumstances:
- a. On an annual basis or upon receipt of one or more complaints to Council following commencement of consent in order:
 - i. To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects in relation to luminance and traffic safety.
 - b. If the changes are proposed at the Mount Wellington Highway and Sylvia Park Road Intersection road network in order:
 - ii. To deal with any adverse effect on the operation of the intersection which may arise or potentially arise from the exercise of this consent, in particular adverse effects in relation to traffic safety.

Advice note:

Under section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents at the consent holder's cost in the following circumstances:

⁴ Meeting of 18 July 2024, as described in the Pre-application Consenting Memo dated 31 January 2025.

- a. At any time, if it is found that the information made available to the council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions;
 - b. In the event that the results of any monitoring undertaken by Council are such that unacceptable adverse traffic effects are generated, mitigation measures such as reducing the luminance of the billboard, reducing the number of moving images, increasing the dwell time, increasing the transition time (or a combination of these measures) may be applied.
- 9.12. Such a condition, consistent with that applying to the consent held, provides the appropriate opportunity to remedy or mitigate an effect on the operation of the infrastructure/road network.

Relevant provisions of a Plan or Proposed Plan (s 104(1)(b)(vi))

- 9.13. Having regard to the limited scope of the change proposed (to change the 'dwell time' of messages displayed on the northern billboard), the proposal remains consistent with the objectives and policies of the Auckland Unitary Plan which relate to billboards and the Business – General Business Zone.
- 9.14. The analysis by Harries Transportation Engineers confirms that the effects of the proposal will be consistent with the outcomes that are anticipated by the Auckland Unitary Plan in respect of traffic safety, as expressed by Objective E23.2(2) and Policy E23.3(4). In this regard, the analysis concludes:

Based on all the above, it is considered that the Proposed Variation to enable an 8-second minimum dwell time to apply to the Billboard during the hours as identified will be appropriate and acceptable from both traffic operations and road safety perspectives. It is fully supported by research and practical trials; it is consistent with industry best practice in New Zealand; and it will ensure that appropriate levels of road safety are maintained.

Any other relevant matter (s 104(1)(c))

- 9.15. There are no other matters considered relevant to the consideration of the proposed change or cancellation of the conditions.

Part 2 of the RMA

- 9.16. It would be neither necessary nor helpful for Council to have recourse to Part 2 of the RMA in considering the application. To have recourse to Part 2 will not add anything to Council's evaluative exercise of the application because:
 - (a) the district plan was competently prepared recently;
 - (b) there have been no amendments to Part 2 since the development of the district plan; and

(c) the plan sufficiently anticipates the effects of the proposal.

10. CONCLUSION

- 10.1. Jaafar Holdings Limited has applied for resource consent to reduce the dwell time of the messages displayed on the northern digital billboard at 440 Mount Wellington Highway, Mount Wellington.
- 10.2. The actual and potential effects of the proposed change of the conditions have been considered, and as detailed in the above assessment, are indistinguishable. The proposed change of the conditions will result in a situation which remains consistent with the relevant objectives, policies, and assessment criteria of the Auckland Unitary Plan (Operative in Part).
- 10.3. The proposed change or cancellation of the conditions are consistent with the purpose and principles of the RMA.
- 10.4. It is appropriate that consent is granted in a non-notified basis.

Prepared by

Anthony Blomfield

Bentley & Co. Limited

17 March 2025