

**IN THE MATTER** of the Resource Management Act 1991  
**(RMA)**

**AND**

**IN THE MATTER** of an application by New Zealand  
Fruitgrowers' Charitable Trust to the  
Wellington City Council for a resource  
consent to reinstate a sign on the building  
located at 2 Jervois Quay, Wellington (**the  
Application**)

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**EVIDENCE OF ALISTAIR ABURN**  
**ON BEHALF OF NEW ZEALAND FRUITGROWERS' CHARITABLE TRUST**  
**(PLANNER)**

**22 November 2022**

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**1. QUALIFICATIONS AND EXPERIENCE**

- 1.1 My full name is Alistair Arthur Aburn.
- 1.2 I am a resource management consultant with more than 40 years' experience in town planning, resource management and environmental mediation, and since 1996 have been a Director of Urban Perspectives Ltd, a Wellington-based planning and urban design consultancy. Previous to establishing Urban Perspectives, I was City Planner for the Wellington City Council.
- 1.3 My qualifications are BA (Hons) and MA from the University of Otago, DipTP from the University of Auckland and DipBS (Dispute Resolution) from Massey University. I am a Member of the New Zealand Planning Institute and an Associate of the Arbitrators' and Mediators' Institute of New Zealand.
- 1.4 I am familiar with the Wellington City District Plan provisions relating to heritage buildings and Central Area signs.
- 1.5 I have prepared a number of resource consent applications for Central Area signs, including for LED digital signs. One of the applications was for LED digital signs on a heritage building in a heritage area, the Courtney Place Heritage Area.

## 2 INVOLVEMENT IN THE PROJECT

- 2.1 I was engaged by the New Zealand Fruitgrowers' Charitable Trust (**Applicant**) to prepare an Assessment of Environmental Effects (**AEE**) in support of the Application. In preparing the AEE I had regard to not only the relevant District Plan provisions, but also the history of the site and building and their location within the Post Office Square Heritage Area.
- 2.2 In preparing my evidence I have reviewed all of the submissions received on the application and have reviewed the section 42A Report prepared on behalf of the Wellington City Council (**Council**).

## 3 CODE OF CONDUCT

- 3.1 I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Practice Note (2014) (**Code**) and have complied with it in preparing this evidence. I also agree to follow the Code when presenting evidence to the Independent Hearing Commissioner hearing. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

## 4 SCOPE OF EVIDENCE

- 4.1 I have been asked to provide evidence in relation to the environmental effects and planning implications of the LED digital sign proposed to be reinstated on the Huddart Parker building.
- 4.2 My evidence covers:
- (a) Proposal and Site;
  - (b) History of Huddart Parker Building Signage;
  - (c) District Plan Provisions;
  - (d) Statutory Context;
  - (e) An Overview of the Effects Associated with the Proposal;
  - (f) Planning Assessment of the Proposal;
  - (g) Comments on the Council's Report;
  - (h) Comments on Submissions; and
  - (i) Conclusions.

## 5 SUMMARY OF EVIDENCE

5.1 In summary, I have concluded that:

- (a) in relation to effects on the architecture of the Huddart Parker Building, given the separation of the sign from the building, the architecture detailing of the building will not be adversely affected;
- (b) in relation to effects on the historic heritage values of the Huddart Parker Building, effects will be no more than minor;
- (c) the sign will not visually dominate the Post Office Square Heritage Area;
- (d) the sign will not have any adverse traffic and/or pedestrian safety effects;
- (e) the sign will not result in unacceptable illumination levels, nor will it give rise to unacceptable glare;
- (f) given the specifics of the proposal, the sign is not contrary to District Plan objectives and policies;
- (g) the sign is to be assessed as a discretionary (restricted) activity, and, in my opinion, the sign results in an acceptable outcome when regard is had to the matters of discretion; and
- (h) the sign will 're-establish/reinstate' an appropriate historical relationship of a sign with the Huddart Parker Building.

5.2 In summary, therefore, I am of the opinion that consent can be granted to the proposed sign. This is on the basis that any adverse effects on the environment associated with reinstating a sign on the Huddart Parker Building, in the manner proposed, will not result in unacceptable environmental effects. In reaching this conclusion, I have had regard to the expert evidence on heritage, urban design, traffic and lighting.

## 6 PROPOSAL AND SITE

6.1 In Section 2 of the AEE I provided a description of the proposal. I do not now repeat the detail, but note as follows:

- (a) the proposal is to install a “sign” in the form of a digital (LED) billboard. The sign will be installed on the existing framework which previously supported a sign of similar dimensions - refer to **Figure 1**;<sup>1</sup>
- (b) the proposed sign will have maximum dimensions of 13m x 4m and the base of the sign will align with the top of the building parapet;
- (c) as with other recently installed LED signs in the Central Area, the sign will change on a rotating basis. It will feature a combination of public information, including time and weather information, and commercial advertising. It is expected that there will be up to six different displays, each with a minimum display time of 8 seconds and a 0.5 second dissolve time between the displays. For an image of the sign, refer to **Figure 2**; and
- (d) illumination levels will be automatically managed so that the screen is responsive to changes in ambient lighting levels.

6.2 The Huddart Parker Building is a listed heritage building and is located within the Post Office Square Heritage Area, with Post Office Square itself being within the Lambton Harbour Area (a.k.a. the waterfront) - refer Planning Map 17.

6.3 Customhouse Quay/Jervois Quay is a major arterial with a traffic light controlled pedestrian crossing providing access from Post Office Square to the waterfront at Queens Wharf.

## 7 HISTORY OF HUDDART PARKER BUILDING SIGNAGE

7.1 A rooftop sign was first installed on the Huddart Parker Building in 1963 - refer to **Figure 3** - and remained in place in one form or another for close on 50 years.

7.2 During the seismic strengthening and refurbishment of the building which commenced in 2012, the existing sign, but not the framework, was removed.

7.3 The heritage significance of the sign is recorded in the Council’s heritage inventory;<sup>2</sup>

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1 The figures are attached at the rear.

2 Huddart Parker Building, Wellington City Council Heritage Inventory (July 2012).

*The (1963) combined clock and temperature display on top of the building was also once a familiar inner-city landmark.*

*The building is situated on a prominent corner site at a corner of Post Office Square and Jervois Quay and has a strong street presence, particularly when viewed from the north. Its rooftop has long been occupied by signage, historically an illuminated clock and weather forecast, presently by an advertisement for a local radio station and a temperature display. This signage takes advantage of the prominence of the building, particularly for passing traffic along the key transport route of Customhouse and Jervois Quays.*

*The building once held community sentiment and connection for the temperature display and clock that was a prominent feature on the roof. This has somewhat diminished since the removal of the display.*

- 7.4 As confirmed in the evidence of Mr Keith Mackenzie, it was the owner's intention to reinstate a sign, but, for reasons explained by Mr Mackenzie, the intended reinstatement was delayed.
- 7.5 This intention to reinstate the sign is evidenced by Clause 19.2 in the Tenancy Lease Agreement signed by all the tenants who occupied the refurbished building in 2014-2015.<sup>3</sup>
- 7.6 I accept that the reinstatement of a sign itself on the existing framework cannot proceed under s 10 RMA existing use rights.
- 7.7 Consequently, the current application was made for the reinstatement of the sign in the form of an LED digital billboard.

## **8 DISTRICT PLAN PROVISIONS**

- 8.1 In Section 3.2 of the AEE submitted with the resource consent application, "Compliance Assessment", a detailed outline of the applicable District Plan provisions was provided. The detail is not repeated here.
- 8.2 However, in summary, the applicable District Plan provisions relate to:

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<sup>3</sup> *The Landlord may, in its sole discretion and without requiring any consent from the Tenant, (in its own right or by licence to a third party) affix, paint or exhibit any Signage to the exterior, the roof of, or in any airspace above or below, or to any appurtenances, of the building or Premises.*

- (a) Central Area signs; and
- (b) signs on heritage buildings.

8.3 The applicable rules are:

- (a) Central Area Rule 13.3.9: for a Discretionary Activity (Restricted), with the matters for assessment being restricted to:
  - 13.3.9.1 moving images, text or lights;
  - 13.3.9.2 position;
  - 13.3.9.3 dimensions;
  - 13.3.9.4 number of signs; and
  - 13.3.9.5 sign display (of signs located on buildings above 18.6m above ground level).

Note: consent is required under Rule 13.3.9 as the proposed sign does not meet all of the 'permitted activity' standards under 13.6.4.1, including that any sign:

- must not project above the parapet level, or the highest part of the part of the building to which the sign is attached (including above the verandah); and
- must bear only the name and/or logo of the building owner or occupier, or the building on which the sign is located (this restriction also applies to signs on buildings with a heritage area)

Also, signs above 18.6m above ground must not exceed 15m<sup>2</sup> on any one elevation.

- (b) Heritage Rule 21D.3.1: for a Discretionary Activity (Restricted), with the matters for assessment being restricted to:
  - 21D.3.1.1 sign design, location and placement;
  - 21D.3.1.2 area, height and number of signs;
  - 21D.3.1.3 illumination; and
  - 21D.3.1.4 fixing and methods of fixing.
- (c) Across both the Central Area and Heritage rules, consent is therefore required under s104C of the Resource Management Act 1991 (the **Act**) for a Discretionary Activity (Restricted).

## 9 STATUTORY CONTEXT

9.1 Section 104(1) of the Act sets out those matters which must be had regard to when considering the application. The relevant matters are as follows:

- (1) *When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to -*
  - (a) *any actual and potential effects on the environment of allowing the activity;*  
*and*
  - (b) *any relevant provisions of -*
    - (i) *a national policy statement*
    - (ii) *a regional policy statement*
    - (iii) *a plan or proposed plan*
  - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

9.2 Section 5 of the Act sets out the Act's 'overarching' purpose of sustainable management as follows:

#### *5 Purpose*

- (1) *The purpose of the Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **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 wellbeing and for their health and safety while –*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*  
*and*
  - (b) *Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment*

9.3 My understanding is that a consent authority is not required to consider Part 2 of the RMA beyond its expression in the relevant planning documents, unless those documents have not been prepared in a manner that appropriately reflects Part 2 (including if there is invalidity, incomplete coverage or uncertainty of meaning within the statutory planning documents). Where a statutory plan has been competently

prepared under the Act, reference to Part 2 will generally not add to the evaluative exercise that is required.

9.4 In the circumstances of the Wellington City Operative District Plan I do not consider there is a statutory need to consider Part 2, I have however provided a brief analysis in my evidence for completeness.

9.5 Against the background of the above statutory obligations, I have structured my planning assessment of the proposal as follows:

- (a) environmental effects [s.104(1)(a)];
- (b) District Plan objectives and policies [s.104(1)(b)]; and
- (c) Part 2.

9.6 I do not consider that the application raises matters of national or regional significance. Rather, it is an application for consent that should be assessed against the District Plan provisions, provisions which are, in any case, largely consistent with national and regional policy directions. Nevertheless, I will briefly touch on national and regional policy in my planning assessment.

9.7 Section 104C of the Act requires that when considering an application for a restricted discretionary activity, a consent authority must consider only those matters over which it has restricted its discretion. It may grant or refuse the application, but if it grants the application, may impose conditions only for those matters over which discretion is restricted.

## **10 PROCESS LEADING TO PUBLIC NOTIFICATION**

10.1 The first step in the current application was a Pre-Application Meeting held on 16 July 2019. In the Pre-Application Meeting Notes provided to the Applicant on 18 July 2019, it was recorded inter alia, that:

*The proposal to construct a new electronic billboard (sign) onto the existing frame on top of the Huddart Parker Building intended to display advertising is not supported by Council as:*

- *the construction of a new sign would be inconsistent with the District Plan;*



- *would likely result in adverse effects on the heritage and architectural values of the existing building and the heritage values of the Post Office Square Heritage area; and*
- *would likely result in adverse effects on townscape resulting in a built form that is inconsistent with other signage around the city.*

The advice was that:

*... public notification is likely as it would likely have adverse effects on the wider environment that is more than minor.*

However, the Pre-Application Meeting Notes also recorded that:

*It is noted that the framing of the former signs is still mounted on top of the building. Council may consider support for a static sign with cut out letters and a similar surface area to the former Caltex and/or MoreFM sign mounted on the existing framework. The sign must still show sky behind and be limited to the building name, the name/logo of the business owner or occupier of the building on which the sign is located, and of the product or service available on-site, similar to other signs of buildings nearby. A small electronic sign that displays information such as temperature or weather may also be considered.*

10.2 Due to a range of factors, including the impact of Covid-19 restrictions, the application was lodged with the Council on 22 April 2022.

10.3 The Council did not request any further information pursuant to section 92 of the Act and issued its Decision Notification Report on 1 August 2022 stating 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.*

10.4 Following the Applicant paying the public notification fee on 5 August 2022, the application was publicly notified on 23 August 2022 with a closing date for submissions of 20 September 2022.

## 11 SUBMISSIONS

11.1 Following public notification of the application, a total of thirteen submissions and one late submission were received.

11.2 Eleven of the submissions supported the proposal and two were opposed, as was the late submission.

11.3 The supporting submissions cited a number of reasons for supporting the proposal, including:

- (a) the previous sign was a distinctive and 'well-liked' landmark feature;
- (b) the provision of time and weather information was a valued public service;
- (c) the sign will provide a safe way to receive weather and time information;
- (d) a Wellington 'icon'; and
- (e) reinstatement is long overdue.

11.4 The opposing submissions cited a number of reasons for opposing the proposal, including:

- (a) light intrusion, loss of quiet enjoyment and loss of revenue (Submitter 10);
- (b) incompatibility with character of the building and Post Office Square Heritage Area (Submitter 13 and Late Submitter)
- (c) dominance effects (Submitter 13);
- (d) the sign will be visually intrusive and not integrated with the building's architecture (Late Submitter);
- (e) contrary to/not in keeping with District Plan objectives and policies (Submitter 13 and Late Submitter);
- (f) contrary to Design Guide for Signs (Submitter 13 and Late Submitter);
- (g) fails assessment against Rule 21D.3.1 assessment criteria (Late Submitter); and
- (h) existing framework is illegal and should have been removed when the sign was removed (Late Submitter).

11.5 I note that no issues were raised by the submitters in relation to traffic effects.<sup>4</sup>

11.6 I refer to the submissions and issues raised in Section 14 below.

## 12 PLANNING ASSESSMENT

12.1 In forming my planning assessment of the proposal I have drawn on the expert evidence of:

- (a) Adam Wild in relation to heritage;
- (b) Richard Knott in relation to urban design and visual amenity;
- (c) Russ Kern in relation to the operation of the sign and associated lighting effects; and
- (d) Brett Harries in relation to traffic effects.

12.2 To provide a framework for my assessment I will address each of the matters over which discretion has been restricted under the two applicable rules, being:

- (a) Heritage Rule 21D.3.1 in relation to “*effects on heritage*” associated with:
  - sign design, location and placement;
  - area, height and number of signs;
  - illumination; and
  - fixing and methods of fixing; and
- (b) Central Area Rule 13.3.9 in relation to:
  - moving images, text or lights;
  - position;
  - dimensions;
  - number of signs; and
  - sign display (of signs located on buildings above 18.6m above ground level).

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4 An independent traffic assessment prepared by Stantec was submitted with the application. The assessment concluded, inter alia, that:

*This assessment has found that subject to the recommendations below, the establishment of the billboard will not generate additional distractive effects to motorists to the extent that such effects would result in any identifiable deterioration to the safety, function, or performance of the local traffic environment.*

Referring to traffic effects, the Council's Notification Decision Report confirmed that from a traffic and transport perspective “the proposed digital billboard is acceptable” and that any effects on traffic safety would be “no more than minor”. This conclusion was repeated in the Council's s42A Report.

## Heritage Effects

12.3 Policy 20.2.1.9 seeks to:

*Ensure that signs on listed heritage buildings or objects (or sites on which they are located) or within Heritage Areas do not adversely affect heritage values and qualities and avoid unnecessary or inappropriate signage.*

12.4 In explanation of the policy it is stated that:

*The placement or erection of signs can adversely affect the heritage values. Considering signs as a Discretionary (Restricted) activity will enable the number, size, placement and means of fixing to be evaluated and assessed.*

*The environmental result will be heritage buildings, objects or areas that are not cluttered with signs.*

12.5 By utilising the existing framework, the size, height, location and placement of the proposed sign does not change in any material way from the sign(s) that were in existence for some 50 years until 2012 when the last sign, but not the sign framework, was removed as part of the seismic strengthening and refurbishment project undertaken by the Applicant. As Mr Mackenzie has confirmed in his evidence, it was always the building owner's intention to reinstate a sign on the existing framework.

12.6 Thus, in terms of 'number, size, placement and fixing' there is no change from the previous long-standing situation - that is why in the documentation supporting the application reference is made to the reinstatement of a sign.

12.7 In addition to 'number, size, placement and fixing', regard is also to be had to:

- (a) whether the sign detracts from the heritage significance or values or architecture of the host building [assessment criteria 21D.3.1.5 and 21D.3.1.6];
- (b) whether additional signs will result in clutter [assessment criterion 21D.3.1.7];

- (c) the extent to which the quality of the design of the sign and graphics complement the building [assessment criterion 21D.3.1.8];
- (d) whether the means of fixing the sign will adversely affect the heritage fabric and heritage values of the building [assessment criterion 21D.3.1.9];
- (e) whether the intensity of illumination will adversely affect the heritage value of the building [assessment criterion 21D.3.1.10]; and
- (f) the extent to which signs comply with the Design Guides for Signs [assessment criterion 21D.3.1.11].

12.8 In relation to the sign potentially detracting from the heritage significance or architecture of the building, in my opinion the answer is “no”. This is because the sign itself does not directly affect any heritage fabric or any of the building’s architectural detailing [21D.3.1.5/21D.3.1.6]. The sign framework to which the sign will be attached is already in place.

12.9 In relation to the somewhat broader concept of the building’s ‘heritage values’ and whether (or not) the proposed new sign will detract from those values, again I am of the opinion that the answer is “no”. In coming to this position I have had regard to the fact that the Council’s own heritage inventory refers positively to the previous sign. I also refer to the evidence of the Applicant’s heritage and urban experts. Both are of the opinion that the proposed new sign will not detract from the building’s, or the Post Office Square Heritage Area’s, heritage values. This position is confirmed by the following statements:

*“... the proposed reinstated sign will not have a more than minor effect on the heritage significance of the Huddart Parker Building or the Post Office Square Historic heritage Area.”<sup>5</sup>*

*“... the relatively compressed nature of the Post Office Square Heritage Area in addition to the high rooftop location of the proposed sign significantly mitigates perceived immediate effects arising from the sign on both the Huddart Parker Building and the Heritage Area.”<sup>6</sup>*

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5 EIC, Richard Knott, para 8.2, page 14.

6 EIC, Adam Wild, para 10.2, page 33.

- 12.10 The reinstatement of the sign will not result in clutter as there are no other external signs on the building [21D.3.1.7].
- 12.11 In relation to the 'quality and design of the sign', as is the case with digital LED signs, the clarity of the sign will be of a high standard. Also, as a visual addition to the building's rooftop, it will very likely draw more attention to the building itself, and in this way can be considered as complementary to the building; more so, in my opinion, than the existing framework which really does not add visually to an appreciation of the building [21D.3.1.8]. This position is supported in the evidence of Mr Adam Wild.
- 12.12 The issue of the sign's illumination is addressed in the evidence of Mr Russ Kern. Drawing on his conclusions, and with the imposition of consent conditions in line with his recommendations, any illumination effects on the building's heritage fabric and heritage values will be less than minor [21D.3.1.10].
- 12.13 Criterion 21D.3.1.11 confirms that when assessing an application for a sign on a heritage building, regard will be had to the extent to which the sign complies with the Design Guide for Signs.
- 12.14 In Section 4.3.2 of the assessment of environmental effects (AEE) report submitted with the application I noted that the Design Guide included objectives and guidelines for two specific signage issues: "signs and heritage" and "illuminated/animated signs". I draw attention to the analysis presented there.
- 12.15 Since preparing that AEE, in preparing this evidence, I have been able to take into account the expert evidence of Richard Knott, who holds both planning and urban design qualifications and who has considerable experience in both fields. Mr Knott addresses each of the guidelines and concludes as follows:
- (a) scale and location of signs: the sign will not be a dominant feature in the area or on the building, recognising that it will be viewed against a backdrop of large buildings;
  - (b) relationship to surrounding context: the sign will not be a dominant feature in the area and will have an appropriate relationship to its context;
  - (c) visual obtrusiveness: the sign will not be visually dominating or visually obtrusive. On this point I would add that high visibility does not necessarily equate to an adverse effect in visual terms;

- (d) maintenance: the location of the sign does not present any maintenance issues;
- (e) signs and heritage: the sign will not have a more than minor effect on the heritage significance of the Huddart Parker Building or the Post Office Square Heritage Area;
- (f) illuminated/animated signs: the sign will not include any animation. Illumination is addressed in the evidence of Mr Kern, who concludes that effects will be less than minor with no appreciable glare.

12.16 In conclusion in relation to heritage effects, and the assessment criteria under Rule 21D.3.1, and drawing on the expert evidence of Adam Wild, Richard Knott and Russ Kern, I conclude that effects will not be more than minor and will therefore be acceptable.

#### **Urban Design Effects**

12.17 The urban design effects identified by the Council in the s42A Report related to “streetscape and visual amenity effects”. At paragraph 68 it is stated that:

*An assessment of streetscape and visual amenity effects is contained in the Notification decision Report, and the attached Urban Design Assessment in Appendix 4.*

12.18 I note that the Urban Design Assessment attached to the s42A Report stated that it was:

*... a preliminary Urban Design Assessment to assist the planner in making a notification decision.<sup>7</sup>*

[my emphasis]

12.19 At paragraph 69 of his s42A Report, Mr Thornton states:

*In summary, I agreed with the advice of Ms Sarah Duffell, Council’s Senior Urban Designer who considers that the signage would dominate views along Customhouse Quay and Waterloo Quay for travellers travelling south. It would also be*

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7 Appendix 4 to the S42A Report “Urban Design Assessment SR 513399, 2 Jervois Quay, Wellington”, 27/06/22.

*visually obtrusive for pedestrians' route along Grey Street and other key public viewpoints, compromising the visual quality of the wider streetscape and in particular Post Office Square*

and at paragraph 71, having noted that two of the submissions raised similar concerns, states:

*As such, I considered that potential adverse effects on streetscape and visual amenity will be more than minor, and I also consider the effects to be unacceptable.*

12.20 The evidence of Richard Knott addresses “streetscape and visual amenity effects”. In particular I note the following principal conclusions:

(a) referring to views from the north, Mr Knott concludes that:

*... the sign structure, and the proposed sign, will be viewed against the backdrop of existing tall buildings located to the south and south-west of the site. As such the sign structure, and the proposed new sign, do not break the skyline. In addition, at the distance required to easily view the sign structure and proposed digital display, the sign represents a relatively small feature in a relatively expansive view*

and

*... the proposed digital sign which will be fixed to the existing sign structure, will not be a dominant feature in views from Customhouse Quay and Post Office Square and will appear as an integral part of the wider urban context;<sup>8</sup>*

and

(b) referring to views from locations in Grey Street, noting that the face of the sign will be viewed at an angle, Mr Knott concludes that it:

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8 EIC, Richard Knott, para 7.7 and 7.8, page 11.



*... will have a low visual effect and will appear as an integral part of the wider urban context ... it would have a minor effect on the amenity of the area.<sup>9</sup>*

- 12.21 Drawing on Mr Knott's conclusions, and supported by my own field observations, I do not accept that the sign will "dominate" views along Customhouse Quay and Waterloo Quay for travellers travelling south, nor will it be "visually obtrusive" for pedestrians in Grey Street or other (un-named) key public viewpoints, thus compromising the visual quality of the wider streetscape to the extent that effects are unacceptable.
- 12.22 While the sign will be clearly visible, especially from the north on Customhouse Quay, visibility (even high visibility) does not necessarily equate to an adverse effect. Given the numerous buildings and other signs that are within the view of travellers travelling south on Customhouse Quay, in my opinion the issue of 'dominance' does not arise. Yes, it will be one element in that view, and a visible element, but not a dominant one.

### **Policy Assessment**

- 12.23 Section 104(1) requires that regard be had to policy at national, regional and district levels. At paragraph 9.6 when summarising the 'statutory context', I opined that the application did not raise matters of national or regional significance, but rather that the application should be assessed in the context of the relevant District Plan objectives and policies. For completeness, I nevertheless briefly refer to the national and regional policy context.

### **National Policy**

- 12.24 The National Policy Statement on Urban Development (NPS-UD) is a relevant policy statement for development in urban areas. I note that Mr Thornton concludes that:

*Overall, the proposal is not considered to achieve outcomes sought by the NPS-UD. Notably, whether the proposal contributes to a well functioning urban environment, I do not consider the proposal to be consistent with the NPS-UD.<sup>10</sup>*

- 12.25 My view is somewhat different. Certainly signage is an element in well-functioning urban environments. The District Plan acknowledges this when it states that "*signs*

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<sup>9</sup> EIC, Richard Knott, para 7.11, page 12.

<sup>10</sup> Section 42A Report, para 107, page 14.

*are an integral part of the Central Area environment*".<sup>11</sup> I acknowledge that the District Plan also seeks to avoid adverse effects on the visual amenity of the host building or site. To this end, the District Plan provides for an assessment of Central Area signs and signs on heritage buildings that do not meet the permitted activity standards through the 'lens' of a Discretionary Activity (Restricted) application. Thus, the 'environment' associated with signs can alter and change, as is clearly evidenced by the change in signage technology with the majority of new signs being installed in Central Area, including those on heritage buildings, being LED digital signs.

- 12.26 In my opinion, changes in the lighting environment are consistent with Objective 4 of the NPS-UD:

*New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities and future generations.*

- 12.27 Also, as noted above, signs are part of a well-functioning urban environment (Objective 1).

### **Regional Policy**

- 12.28 Mr Thornton addresses Policy 46 of the Regional Policy Statement (**RPS**) in relation to historic heritage values and Policy 54 in relation to achieving the region's urban design principles, and concludes that in his opinion:

*The proposal is considered to not accord with the general strategic direction of the RPS and contrary to relevant objectives and policies noted above which are also generally reflected in the objectives and policies of the District Plan.*<sup>12</sup>

- 12.29 In reaching this conclusion, Mr Thornton refers to his conclusion on heritage effects and streetscape and visual effects, where in turn he draws on the effects conclusion reached by the Council's heritage (Ms Stevens) and urban design (Ms Duffell) advisors.

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11 Wellington City District Plan, Central Area, page 12/47.

12 Section 42A Report, Para 112, page 14.

12.30 RPS Policy 46 states that when considering an application for a resource consent, in determining whether an activity is inappropriate particular regard shall be given to a number of matters including:

*(d) The degree to which historic heritage values will be lost, damaged or destroyed.*

12.31 In the explanation to Policy 45 it is stated that:

*This policy shall cease to have effect once Policies 21 and 22 are in place in the relevant district or regional plans.*

12.32 Policy 21 relates to 'identifying places, sites and areas with significant historic heritage values', and Policy 22 relates to 'protecting historic heritage values'. Both of these matters are fully addressed in the operative Wellington City District Plan. Accordingly, and appropriately in my opinion, the RPS is effectively acknowledging that these matters should be addressed at the district level.

12.33 In relation to RPS Policy 54, which references the seven design qualities described in the New Zealand Urban Design Protocol, when assessing the proposal from an urban design perspective, and here I draw on the evidence of Mr Knott, where full regard has been had to the 'context' and 'character' of the proposed sign, with Mr Knott concluding that the proposed sign:

*... will not have a more than minor effect on the heritage significance of the Huddart Parker Building or the Post Office Square Historic Heritage Area.<sup>13</sup>*

12.34 To conclude, for the reasons summarised above, in my opinion the proposal is not inconsistent with the 'general strategic direction of the RPS'.

### **District Plan Policy**

12.35 In the AEE submitted with the application I assessed the proposed sign against the following objectives and policies:

*Central Area:*

*Policy 12.2.10.1 Guide the design of signs (and their associated structures and affixtures) to enhance the quality of signage within the Central Area.*

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13 EIC, Richard Knott, para 8.2, page 14.

- Policy 12.2.10.2 Manage the scale, intensity and placement of signs to:*
- *maintain and enhance the visual amenity of the host building or site; and*
  - *ensure public safety.*
- Policy 12.2.10.3 Ensure signs in the Central Area do not adversely affect the architectural integrity of the building on which the site is located.*
- Policy 12.2.10.4 Ensure that signs contribute positively to the visual amenity of the building and neighbourhood and cityscape above the fourth storey level.*
- Policy 12.2.10.5 Control the number and size of signs within heritage areas and areas of special character.*
- Policy 12.2.10.7 Ensure that signs in the Central Area do not adversely affect the amenity values of nearby Residential Areas.*

*Heritage*

- Policy 20.2.1.9 Ensure that signs on listed heritage buildings or objects (or sites on which they are located) or within Heritage Areas do not adversely affect heritage values and qualities and avoid unnecessary or inappropriate signage.*

12.36 I noted that in the explanation to Policy 20.2.1.9, it was stated that:

*The placement of signs can adversely affect the heritage values. Considering signs as a Discretionary (Restricted) activity will enable the number, size, placement and means of fixing to be evaluated and assessed.*

12.37 Assessing the proposal against the above policies, I recorded that I reached the following conclusions:

- (a) the sign will be attached to an existing frame and will incorporate high quality graphics [Policy 12.2.10.1];

- (b) the sign will be the only external sign attached to the building and will not detract from the visual amenity of the building or result in any public safety issues [Policy 12.2.10.2];
- (c) the roof level sign will not unacceptably affect the architectural integrity of the building [Policy 12.2.10.3], or heritage value of the building and area [Policy 12.2.10.5] as evidenced by the long-standing installation of a sign in the same position and of the same size for some 50 years. Also, and notwithstanding its size, the sign will not appear as a dominant feature in views, including in views from the north where it will be viewed against a backdrop of the existing taller buildings to the south and southwest of the site;
- (d) the reinstatement of the sign will not make a significant change to the historic build environment condition, streetscape characteristics or the skyline within the area, being located within the elevation of an existing building [Policy 12.2.10.4];
- (e) the sign will not adversely affect the amenity values of any nearby Residential Area [Policy 12.2.10.7]; and
- (f) as detailed in the Heritage Assessment and the Heritage Peer Review, the sign will not adversely affect the heritage values of either the building or the heritage area [Policy 20.2.1].

12.38 I concluded therefore that I considered that the reinstatement of the sign as proposed was not contrary to the relevant policies relating to Central Area signs and signs on heritage buildings.

12.39 Mr Thornton, on the other hand, concludes that the proposal is contrary to:

- (a) Policy 12.2.10.2: the sign will dominate and neither maintain nor enhance the architectural or visual amenity of the host building;
- (b) Policy 12.2.10.3: the sign will adversely affect the architectural integrity of the building;

- (c) Policy 12.2.10.4: the sign will not add positively to the visual amenity of the building neighbourhood and cityscape above the fourth storey level;
- (d) Policy 12.2.10.5: the sign will dominate and overwhelm the streetscape values of the Post Office Square Heritage Area, and will add to the proliferation of signage, as signage on Customhouse Quay is also visible; and
- (e) Policy 20.2.1.9: based on heritage advice, the sign will adversely affect heritage values and qualities and is therefore inappropriate.

12.40 In relation to Policy 12.2.10.5, Mr Thornton's contention that the sign will not only dominate and overwhelm the streetscape values of Post Office Square, but will also add to the proliferation of signage as the signage on Customhouse Quay is also visible, suggests there is already a proliferation. I do not agree with this observation. I have revisited the area to 'test' out this contention. In my opinion, there is no proliferation. Yes, there is other signage on other buildings, an outcome anticipated by the District Plan, but certainly not a proliferation. In any event, as discussed elsewhere in this evidence, Mr Thornton acknowledges that a sign on the roof of the Huddart Parker Building could be appropriate, which somewhat undermines his contention of 'proliferation'.

12.41 Drawing on the heritage and urban design evidence of Mr Wild and Mr Knott, I remain of the opinion that the proposed sign does not give rise to significant and therefore unacceptable adverse effects such that the outcome is contrary to the District Plan's policies for signs associated with heritage buildings in the Central Area.

12.42 In coming to my conclusions I have had regard to the Council's heritage and urban design assessments. Ms Duffell in her preliminary urban design assessment states that the proposed sign contravenes many of the rules for signs. I disagree. Ms Stevens states that the proposed sign does not conform to the applicable assessment criteria. Again I disagree. I have preferred the evidence of Mr Wild and Mr Knott as I consider that that evidence addresses the potential effects associated with the proposed sign in a more considered and balanced fashion, including giving appropriate recognition to the long historical association of a sign in the same position as now proposed.

12.43 The final point I wish to make in relation to the operative District Plan policies is that none of them are framed around an 'avoidance' directive. They all enable the consideration of proposals on their merits.

### **The Proposed District Plan**

12.44 Mr Thornton identifies PDP Policy Sign-P3, which he opines 'mirrors' Policy 20.2.1.9:

*SIGN-P3 Signs and historic heritage*

*Enable signs on heritage buildings, heritage structures and within their sites, and within heritage areas to support wayfinding and interpretation and only allow signs for other purposes where they do not detract from identified heritage values.*

12.45 The policy continues to list the matters to which regard will be had, including the extent to which:

- damage to heritage fabric from methods of fixing;
- location and placement of signs and any obscuring of architectural features or projection above the parapet level;
- the area, number and height of signs relative to the scale of the heritage building;
- the quality of the design complementing the heritage building;
- and
- the sign fulfilling the intent of the Design Guide for Signs.

The benefits of allowing additional signage to support sustainable long-term use is also noted.

12.46 Referring to the above matters, I note that:

- (a) the installation of the sign on the existing framework will not damage heritage fabric;
- (b) the location of the sign will not obscure any architectural features (evidence of Mr Wild), and while it will project above the parapet level, this

was the case for close on 50 years. Also, I note that both Ms Duffell and Ms Stevens do not appear to be opposed to a rooftop sign per se;

- (c) the proposed sign will be the only external sign on the building; and
- (d) the proposed sign will not detract from the building's architecture (evidence of Mr Wild).

12.47 In relation to the PDP Design Guide, I accept that it seeks to discourage signs above the parapet on heritage buildings. However, in the case of the current proposal, as has been demonstrated in the Applicant's heritage and urban design evidence, I consider that there are specific circumstances that make granting consent appropriate, including the history of the site and the retention of the sign framework, and the evidence of Mr Wild and Mr Knott which concludes that effects are no more than minor.

12.48 Also, in drawing particular attention to the discouragement of signs on a heritage building above the parapet level, Mr Thornton does, as do the Council's urban designer and heritage consultant, accept that a rooftop sign in the position of the existing framework could be acceptable. In Mr Thornton's words:

*... if the applicant were to amend their application to simply include the time, temperature and a cut out building or company logo, smaller than the signage proposed and reflective of the previous signage that was on the site, I would come to a different conclusion.<sup>14</sup>*

12.49 I note that Policy Sign-P3 seeks to enable signs. I also note that the policy acknowledges the potential benefits of allowing signage to support long-term sustainable use. As Mr Mackenzie confirms, the Applicant would accept a consent condition requiring that the revenue generated by the sign be held in a fund to assist with the future maintenance (i.e. long-term sustainable use) of the building.

12.50 It is for these reasons, alongside the conclusions reached by Mr Wild and Mr Knott that the proposed sign will not have heritage effects or visual amenity/streetscape effects that are more than minor, that I conclude that the proposal is not inconsistent with Policy Sign-P3. I also place some weight on the fact that it is utilising an existing structure and reinstating rooftop signage, albeit in a different format.

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<sup>14</sup> S42A Report, para 143, page 17.



## **Part 2 RMA**

- 12.51 Mr Thornton at paragraph 139 states that he has considered the purpose and principles in Part 2 of the Act and adds that:

*... I do not consider that detailed evaluation of Part 2 matters is necessary and would add anything to my evaluative exercise.*

- 12.52 On this point I am in agreement with Mr Thornton, and in line with the *King Salmon/Davidson* approach (refer paragraph 9.3 above) I do not consider it necessary to undertake a full Part 2 evaluation.

- 12.53 In my opinion, the District Plan provisions appropriately address Part 2 (i.e. are 'complete'). In particular, I draw attention to Chapters 20 and 21 of the District Plan, which are clearly directed toward ensuring the protection of historic heritage [s6(f)] from inappropriate subdivision, use and development.

- 12.54 For the reasons I have summarised above, in my opinion the reinstatement of a sign in the manner proposed does not constitute inappropriate use and development given the historical presence of rooftop signage on the site.

- 12.55 Furthermore, with the imposition of the proposed consent conditions, in my opinion appropriate regard has been had to 'avoiding, remedying or mitigating adverse effects on the environment' [s5(2)(c)].

- 12.56 Accordingly, the proposed signage is appropriate in relation to the on-going sustainable management of the Huddart Parker Building, an important physical (heritage) resource.

## **13 COUNCIL'S REPORT**

- 13.1 I have reviewed the Council's report, inclusive of the Appendices. My comments are restricted to Mr Thornton's s42A Report. I have nevertheless reviewed the comments provided by Mr Wild, Mr Knott and Mr Harries in their respective statements of evidence on the Council's heritage, urban design and traffic evidence and assessments. I have taken into account those comments as part of my assessment of Mr Thornton's planning analysis.

13.2 As will be readily apparent, I do not endorse Mr Thornton's recommendation that consent be declined. Quite the reverse. I am of the opinion that granting the consent, subject to appropriate consent conditions, would be appropriate.

13.3 I accept that Mr Thornton's report draws on the heritage and urban design advice provided by Ms Stevens and Ms Duffell. My planning analysis draws on the heritage and urban design evidence provided by Mr Wild and Mr Knott. Having reviewed and considered all of the heritage and urban design advice, I prefer and draw on that of Mr Wild and Mr Knott. My principal reasons for doing so are:

(a) in relation to Council's urban design assessment, I note that this was only a preliminary assessment to assist Mr Thornton in making a notification decision. On further analysis and assessment it is possible that Ms Duffell's views could have changed, or remained the same. Simply, we do not know. Also, I note that the preliminary design assessment is not presented in the form of a statement of evidence with the attendant rigour. Therefore, I prefer Mr Knott's updated assessment;

(b) in relation to Ms Stevens' assessment, which is a full and considered assessment, I nevertheless prefer Mr Wild's assessment as more 'balanced'. In my opinion, Ms Stevens seems to be overly dismissive of some aspects of the proposal that I consider are part of the specific considerations to which regard should be had, including the matter of the 'reinstatement of an historic condition' (including the points raised by the submitters supporting the proposal). In my opinion, the reinstatement of the historic condition, albeit with a different sign format, is what would distinguish this application from any other application to place a sign on a listed heritage building; and

(c) also, and based on my own field assessment, I consider that Ms Stevens overstates the degree of visibility that the sign will have, including from within Post Office Square. Ms Stevens comments that there are no other similar 'billboards or electronic signs' in the immediate area. That is not quite correct. Although it might depend on what Ms Stevens means by 'immediate area', a digital sign has recently been installed on the southern, Post Office Square facing elevation of the Stantec building. Although immediately outside of the heritage area, it is visible from within the heritage area.

- 13.4 At paragraphs 63-67 Mr Thornton addresses traffic effects and based on the Stantec Traffic Engineering Report submitted with the Application, and the subsequent advice from the Council's traffic engineers, concludes that effects on traffic and pedestrian safety will be no more than minor. The evidence is clear on this point, and here I refer to the evidence of Mr Harries who concludes that there are no traffic engineering or road safety reasons that preclude the establishment of the digital sign as proposed.
- 13.5 Therefore, in my opinion there are no grounds for declining consent on the basis of traffic and pedestrian safety effects. So, on this point, I am aligned with Mr Thornton.
- 13.6 Under the heading of "Other Effects" Mr Thornton refers to the submission by the Intercontinental Hotel about the effects of illumination and nuisance and correctly notes that an assessment of this matter was not provided with the application.
- 13.7 Upon receipt of the Intercontinental Hotel's submission, Mr Russ Kern, a lighting engineer, was engaged to address the issue of concern to the submitter.
- 13.8 For the reasons detailed in his evidence, Mr Kern concludes that:
- ... lighting effects will be less than minor with no appreciable glare for motorists, cyclists or occupants of nearby buildings and commercial premises, and the luminance will be controlled to acceptable levels in keeping with ambient light conditions.<sup>15</sup>*
- 13.9 This expert evidence supports Mr Thornton's conclusion that the effects of lighting nuisance on the Intercontinental Hotel to be less than minor, and therefore acceptable.<sup>16</sup>
- 13.10 Mr Thornton is dismissive of the proposal having any positive effects, and to support his position he cites a recent Environment Court case which related to an application to establish a digital billboard on the Hutt Road (State Highway 2) where the principal issues for assessment were traffic and road safety. In my opinion, the circumstances of that proposal are not relevant to an assessment of the proposed sign on the Huddart Parker Building.

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15 EIC, Russ Kern, para 9.1, page 11.

16 S42A Report, para 83, page 11.

- 13.11 To dismiss the eleven supporting submissions somewhat out of hand as being not ‘particularly relevant’ or ‘irrelevant’ is unfortunate. The Council’s own heritage inventory for the Huddart Parker Building refers to:

*The building once held community sentiment and connection for the temperature display and clock that was a prominent feature on the roof. This has somewhat diminished since the removal of the display.*

- 13.12 In my opinion, the eleven submitters supporting the proposal do make a valid point - namely, the reinstatement of a sign that incorporates public information, including time and weather information, will be a positive outcome. In addition to those components, I agree with Mr Mackenzie that advertising in and of itself provides some public benefit, for example letting the public know about events such as concerts and sports events, and products that may be of interest to them. I also refer to the evidence of Mr Frank Costello where he explains the use of LED signs to support community initiatives.

- 13.13 This conclusion, in my opinion, finds support in the following statement:

*Signs are useful for displaying important information including community messages, directions, health and safety messages, and placenames. Third-party signs are useful to advertise events, products, and services.<sup>17</sup>*

- 13.14 In its decision on the application for establishing digital signs on the Embassy Theatre, issued on a non-notified basis, the Decision Report recorded under the heading “Positive Effects” that

*The proposed digital signage will provide a revenue source to assist with the refurbishment of the heritage elements of the building, and will be removed after a defined period.<sup>18</sup>*

- 13.15 Although the Applicant does not propose to remove the sign after a defined period, as confirmed in the evidence of Mr Mackenzie, it is proposed to set aside the revenue earned from the sign into a fund dedicated to the on-going maintenance of the building. While Mr Thornton expresses caution about the practicability of a consent condition or other legal mechanisms for embedding this intention, it is a

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17 Wellington City Proposed District Plan (21/07/2022), Ngā Tohu - Signs, page 1.

18 Decision Report for Resource Consent SR 470800, 15 December 2020, page 15.

clear commitment by the Applicant and my understanding is that it would be valid under section 108AA(1)(a) of the RMA - a so-called *Augier* consent condition agreed to by the Applicant that would be required to be complied with on an on-going basis.

13.16 As I have already commented above on Mr Thornton's policy analysis, I do not propose to add anything other than to reiterate that in my opinion that I do not consider that the proposal should be declined on the basis of any inconsistency with the overall direction of the District Plan's policy framework for Central Area signs, and/or signs on heritage buildings, both of which are enabled through a restricted discretionary activity resource consent. This opinion is based on the 'not more than minor' and therefore acceptable effects on the heritage and architectural values of the Huddart Parker Building, the heritage values of the Post Office Square Heritage Area, and on visual amenities and streetscape generally.

13.17 In support of the above conclusions I specifically reference the following conclusions:

(a) heritage:

*The relatively compressed nature of the Post Office Square Heritage Area in addition to the high rooftop location of the Proposed Sign significantly mitigates perceived immediate effects arising from the sign on both the Huddart Parker Building and the Post Office Square Heritage Area.<sup>19</sup>*

*The proposed reinstatement of a sign fixed to the existing frame above the Huddart Parker Building will not detract from the architecture of the building as it is clearly separate from it and visually unrelated to the Chicago-style architectural detailing recognised in the heritage inventory record.<sup>20</sup>*

*Overall from a heritage perspective I reiterate the conclusion from my AEH that I consider the heritage*

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<sup>19</sup> EIC Adam Wild, para 10.2, page 33.

<sup>20</sup> EIC Adam Wild, para 10.6, page 33.

*effects of Proposed Sign as detailed in the application to be appropriate, and overall I am supportive of the proposal from a heritage perspective.<sup>21</sup>*

(b) urban design:

*... the proposed digital sign, which will be fixed to the existing sign structure, will not be a dominant feature in views from locations in Customhouse Quay, Grey street and Queens Wharf and will appear as an integral part of the wider urban context. It will not have more than a minor effect on the visual amenity of the area or the heritage significance of the Huddart Parker Building or the Post Office Square Historic Heritage Area.<sup>22</sup>*

## **14 COMMENTS ON SUBMISSIONS**

14.1 As noted, I have reviewed all of the submissions.

14.2 In relation to the eleven submissions supporting the proposal, contrary to Mr Thornton's position I consider they do raise legitimate RMA issues and should not be dismissed lightly, even if there is an element of 'nostalgia' evident in the submissions. This is particularly so when the matters those submissions raise are expressly recognised by the Council's own documents as being part of the heritage significance of the building, as discussed below.

14.3 I am conscious that the High Court has previously stated that to disregard positive effects and only have regard to adverse (negative) effects is to reach an unbalanced decision.<sup>23</sup>

14.4 I accept that it is a matter of weight to be placed on positive effects. However, in my opinion the points raised in the supporting submissions, especially the support for the reinstatement of time and weather information, are deserving of careful consideration. As previously noted, the Council has acknowledged that the time and weather information display is the 'raison d'être' for significant community sentiment. The Council statement also acknowledged that the sign was:

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21 EIC, Adam Wild, para 10.11, page 34.

22 EIC, Richard Knott, para 11.1, page 22.

23 *Elderslie Park v Timaru District Council* [1995] NZRMA 433 (HC) at 18:

*To ignore real benefits that an activity for which consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity.*

... a prominent feature on the roof.

- 14.5 In addition to the eleven supporting submissions, there were three submissions (including one late submission) opposing the proposal.
- 14.6 At paragraph 11.4 I summarised the issues raised, being:
- (a) light intrusion, loss of quiet enjoyment and loss of revenue;
  - (b) incompatibility with character of the building and Post Office Square Heritage Area;
  - (c) dominance effects;
  - (d) the sign will be visually intrusive and not integrated with the building's architecture;
  - (e) contrary to/not in keeping with District Plan objectives and policies (Submitter 13 and Late Submitter);
  - (f) contrary to Design Guide for Signs;
  - (g) fails assessment against Rule 21D.3.1 assessment criteria (Late Submitter); and
  - (h) existing framework is illegal and should have been removed when the sign was removed.
- 14.7 Paragraph 35 of the s42A Report identifies essentially the same issues, adding that the sign was not necessary for the building owner to fund maintenance of the building, an issue raised by the Late Submitter.
- 14.8 In relation to each of the issues, my comments are:
- (a) light intrusion: this issue is addressed in the evidence of Mr Kern who concludes that with the incorporation of an ambient light sensor in the

digital sign, lighting effects will be less than minor and there will be no appreciable glare for occupants of nearby buildings;<sup>24</sup>

- (b) Incompatibility with character of the building and Post Office Square: this issue is addressed in the evidence of Mr Wild and Mr Knott, with Mr Wild noting that:

*What distinguishes this application is the particular legible separation of the Proposed Sign from the Huddart Parker Building and its special aesthetic qualities.*<sup>25</sup>

- (c) dominance effects: this issue is addressed in the evidence of Mr Knott, who opines that:

*... the proposed digital sign which will be fixed to the existing sign structure, will not be a dominant feature in views from Customhouse Quay and Post Office Square and will appear as an integral part of the wider urban context. As such, I consider that the visual effects of the sign will be low; it is commonly accepted that a low visual effect is equivalent to a minor adverse effect.*<sup>26</sup>

- (d) the sign will be visually intrusive: as will dominance effects, this issue is addressed in the evidence of Mr Knott, who, when referring to 'visual obtrusiveness', a criterion in the Design Guide for Signs, states that:

*Amongst other things this discusses whether the signs are visually dominating, distracting or visually obtrusive. As discussed above, I have established that the sign will not be visually dominating or visually obtrusive. The proposed 8 second dwell time will ensure that the sign will not appear distracting; the utilisation of a cross fade between images will ensure that the change of one image to the next does not create a 'flash' or other effect which would attract the attention of a passer-by. A*

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<sup>24</sup> EIC, Russ Kern, para 9.1, page 11.

<sup>25</sup> EIC, Adam Wild, para 9.5, page 30.

<sup>26</sup> EIC, Richard Knott, para 7.8, page 11.



*passer-by would therefore be unlikely to be aware of the change of one image to another unless they happened to be looking directly at the sign when a change of image took place. The sign would therefore not be visually distracting.*<sup>27</sup>

- (e) not in keeping with District Plan objectives and policies: I do not agree with the submitters on this point. In my opinion, and for the reasons outlined above in my assessment of the District Plan objectives and policies (refer paragraphs 12.35 to 12.43); and based on the absence of any 'avoidance' directives in the objectives and policies, indeed the PDP policy is 'enabling', and on the conclusion that adverse effects will not be more than minor, I concluded that the proposal was not inconsistent with the applicable District Plan objectives and policies.
- (f) contrary to Design Guide for Signs: both Mr Wild and Mr Knott assessed the proposal against the Design Guide for Signs. Mr Wild comments that the Design Guide does anticipate the appropriateness of a considered design and location for signage. In his opinion, given the historical presence of signs on the Huddart Parker Building, the proposal is considered to be appropriate. I agree. Mr Knott addresses in full the Design Guide for Signs. In relation to each of the guidelines, in summary he concludes:
- scale and location of signs: the sign will not be a dominant feature in the area or on the building, recognising that it will be viewed against a backdrop of large buildings;
  - relationship to context: the sign will have a low visual effect and will have an appropriate relationship to its context;
  - visual obtrusiveness: the sign will not be visually dominating or visually obtrusive;
  - visual clutter: as there are no other signs on the building or in the immediate vicinity, the sign will not result in clutter;

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<sup>27</sup> EIC, Richard Knott, page 17.

- design quality: the new digital sign will be simple and clean cut in appearance;
  - maintenance: the sign will not present any unusual maintenance issues;
  - signs and heritage: the proposed reinstated sign will not have more than a minor effect on the heritage significance of the Huddart Parker Building or the Post Office Square Heritage Area; and
  - illuminated/animated signs: the sign will not include animation and given the dwell time and the cross fade, the sign will not appear distracting;<sup>28</sup>
- (g) fails assessment against Rule 21D.3.1 assessment criteria: I do not agree. The proposal has been assessed against the assessment criteria and found to be generally in alignment with them. Here I refer particularly to the assessment undertaken by Mr Knott, which addresses the proposal from both a heritage and urban design perspective.<sup>29</sup>
- (h) the existing sign framework is illegal: a matter for legal submission.
- (i) sign revenue not necessary to fund building maintenance: as is clearly evident from Mr Mackenzie's evidence, restoring and maintaining privately owned heritage buildings is an expensive business, with little financial assistance available from the 'public purse'. Although I cannot answer the question whether the sign revenue is necessary in the case of the Huddart Parker Building, as was accepted by Council in the case of the Embassy Theatre, generating revenue to be used in the maintenance of heritage buildings constitutes a positive effect.

14.9 With regard to the opposing submissions overall, and the issues raised, in my opinion the effects identified by the submitters are not as adverse as contended. Nor do I find that the proposal is contrary to the relevant District Plan objectives and policies, and assessment criteria. I reach this conclusion drawing on the evidence

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<sup>28</sup> EIC, Richard Knott, pages 16-18.

<sup>29</sup> EIC, Richard Knott, para 8.4, page 14.


presented on behalf of the Applicant (heritage, urban design, lighting and traffic) which enables me to conclude that any adverse effects are no more than minor.

## **15 CONCLUSION**

- 15.1 In the AEE submitted with the resource consent application, I concluded that the principal issue for assessment was the potential for adverse effects on the heritage values of the Huddart Parker Building and the Post Office Square Heritage Area.
- 15.2 In my opinion, that remains the principal issue, alongside any adverse effects on streetscape and the visual amenities of Post Office Square.
- 15.3 To reach the conclusion that consent can be granted to the proposed new sign, I have drawn on the expert evidence of Messrs Adam Wild and Richard Knott, both of whom conclude that any adverse effects on heritage (Adam Wild) and streetscape and visual amenities (Richard Knott) are less than minor.
- 15.4 Given those conclusions, I have in turn concluded that the proposal sign is not contrary to the relevant District Plan objectives and policies.
- 15.5 Accordingly, and with the imposition of appropriate consent conditions, I am of the opinion that consent can be granted under sections 104 and 104C of the Resource Management Act 1991.
- 15.6 A relevant consideration in relation to this application is the acknowledged historical presence of a sign in the same position as now proposed. That is why I have frequently referred to the 'reinstatement' of a sign, albeit a sign in the more modern LED digital format rather than a static 'neon' lit format. Nevertheless, in my opinion the change in format does not lead to the sign becoming unacceptable.
- 15.7 As is evidenced by the supporting submissions and the Council's Heritage Inventory statement, a sign in this location that incorporates public information, time and weather information in particular, in addition to commercial advertising, which was always a feature (refer Figure 3), is an important feature of the building's and the Post Office Square's history.

*The building once held community sentiment and connection for the temperature display and clock that was a prominent feature on the roof. This has somewhat diminished since the removal of the display.*

15.8 I recommend that resource consent be granted, subject to appropriate consent conditions which principally focus on the operation of the sign.



Alistair Arthur Aburn  
22 November 2022

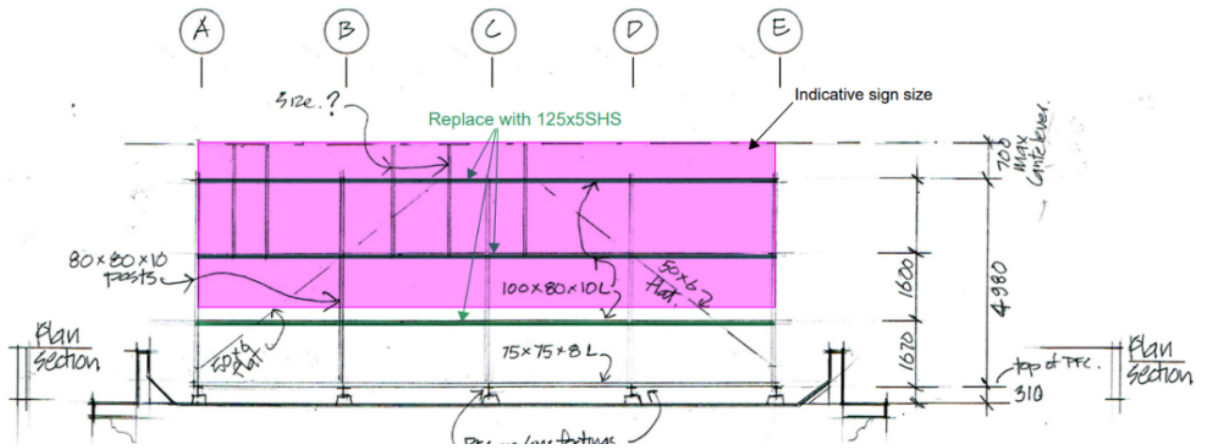
**ATTACHMENT TO EVIDENCE OF ALISTAIR ABURN**

**FIGURE 1: EXISTING SIGN FRAMEWORK**

**FIGURE 2: PHOTOMONTAGES OF PROPOSED SIGN**

**FIGURE 3: HISTORIC SIGNS**

FIGURE 1: Existing Sign Framework

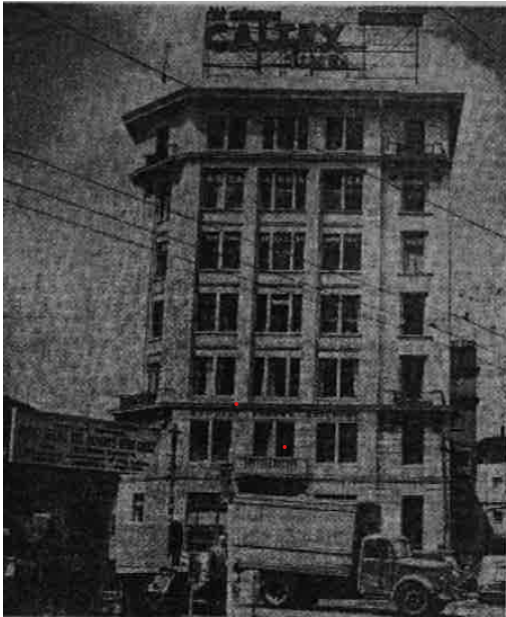


**FIGURE 2: Photomontages of Proposed Sign**





**FIGURE 3: Historic Signs**



**Figure 3:** 'rooftop signs on Huddart Parker Building - first erected in 1963 and removed during earthquake strengthening work which commenced in 2012



