

BEFORE THE WELLINGTON CITY COUNCIL

Independent Hearing Commissioner

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Resource Consent Application 513399,
New Zealand Fruitgrowers' Charitable
Trust, to erect an electronic billboard to
the existing framework on the roof of the
building

Statement of Evidence of Katie Monique Maxwell

Planner

29 November 2022

1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My name is Katie Monique Maxwell. I hold the qualifications of Bachelor of Urban Planning (Honours) from the University of Auckland. I am an Intermediate member of the New Zealand Planning Institute. I have over 6 years' experience working for district councils, central government, and consultancy.
- 1.2 I hold the position of Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists, and landscape architects. I have held this position since January 2022. In this role to date, I have assisted district councils with plan policy, developed structure plans, and have prepared outline plans and assessments of environmental effects for complex projects.
- 1.3 My previous experience includes as a Policy Advisor at the Ministry of Housing and Urban Development in their Large-Scale Projects team, where I was involved in the Eastern Porirua Regeneration programme, land use covenants research and general urban development and infrastructure planning.
- 1.4 Prior to this I held the position of Policy Planner at Auckland Council where I reported on private plan changes, developed plan policy, provided policy interpretation assistance for resource consents staff, reported on the efficiency and effectiveness of operational provisions, engaged with iwi and stakeholders, and reported to elected members. Before this I held the role of Graduate Planner at the Council, where I worked in several departments including Western Resource Consents, Open Space Policy, and Built Heritage Policy. In this role I provided planning advice, developed strategic open space policy, and assisted the built heritage team with resource consent assessments on alterations and additions to heritage buildings.
- 1.5 In this matter, I am representing Boffa Miskell as a submitter on the application.

2.0 CODE OF CONDUCT

2.1 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. As I stated above, in the qualifications and expertise section of my evidence, I declare that I have a relationship with Boffa Miskell as an employee of the company.

3.0 SCOPE OF EVIDENCE

3.1 My statement of evidence covers the following matters:

- a) Site and existing environment
- b) The proposed activity
- c) Reasons for consent
- d) Assessment of effects
- e) Policy assessment

3.2 In preparing my evidence I have considered the following:

- a) The application for resource consent, including the attachments and technical reports;
- b) Submissions on the application;
- c) Section 42A Report, including associated technical advice; and
- d) Evidence filed on behalf of the Fruitgrowers' Charitable Trust.

4.0 SUMMARY

4.1 Following a review of the application material and subsequent evidence, as well as my own assessment of the proposed activity, I agree with Mr Thornton's recommendation to decline consent for the following reasons:

- a) The proposal is not reinstating the rooftop signage, but rather is installing a new digital rooftop billboard.
- b) The effects, particularly on streetscape and amenity values would be more than minor and unacceptable.
- c) The proposal would be at a scale that would dominate and neither maintain nor enhance, the architectural/visual amenity of the host building or the streetscape values of Post Office Square Heritage Area.
- d) Overall, I consider the proposal is not consistent with the objectives and policies in the ODP and PDP.

5.0 SITE AND EXISTING ENVIRONMENT

5.1 I agree with the site description, site history and existing environment as outlined in Mr Thornton's recommendation report, except for one correction which is that the existing billboard attached to the building at 86 Customhouse Quay, is not currently used for advertising purposes. Rather this wall space now features public art at present (and has done so for the last several months) as indicated in Mr Coolen's evidence (point 4.8). Therefore, the proposal would not only be introducing a new digital billboard, but also the only functional billboard to the existing environment when facing south.

6.0 THE PROPOSED ACTIVITY

6.1 I agree with Mr Thornton's description of the proposed activity in the recommendation report, particularly that the proposal is not reinstating the rooftop signage, but rather is installing a new digital rooftop billboard. There is a significant difference between the

effects of a static sign and a digital billboard. This is supported by Mr Coolen's evidence (point 5.9):

"...the effects that a digital billboard will have on the character and architectural qualities of the Huddart Parker Building and the surrounding collection of heritage buildings, as well as the effect on the visual amenity of the adjacent open space are notably different than the effects that any previous signage on top of the building will have had, due to its brightness, size, solid nature (as opposed to permeable) and its transitional content."

6.2 I disagree with Mr Aburn's statement that this proposal can be considered a reinstatement of a historic condition, as it is utilising the existing framework, size, height, location, and placement (point 12.5 and 12.6). I refer to Mr Coolen's statement in his evidence (point 6.3):

"...when comparing potential differences between the proposed sign and any previous signs there are more characteristics that need to be considered, other than size, height, location and placement. To assess effects on dominance also the type of display should be considered including the perceived bulk and mass, contrast of the display with its surroundings, brightness, source of the lighting and the transitioning nature of the content."

6.3 The proposed signage is also double the height of the original 1963 display, as noted in Mr Coolen's evidence (point 6.4):

"As described in the evidence of Mr Wild (paragraph 6.14), the original display that was installed in 1963 consisted of 'a pattern of 1.5m high lights'. The current proposal is for a billboard of 4m height, which is more than double the height of the first display on the building."

6.4 Therefore, I agree with Mr Thornton's assessment in paragraph 13 of the recommendation report that the application is for a new digital

rooftop billboard and is not reinstatement of previous rooftop signage.

7.0 REASONS FOR CONSENT

7.1 I agree with Mr Thornton in his reasons for consent being required under the Wellington City Council District Plan ('ODP') as a Discretionary (Restricted) Activity under Rules 13.3.9 and 21D.3.1.

8.0 ASSESSMENT OF EFFECTS

8.1 As a Discretionary (Restricted) Activity under Rule 13.3.9 Signs and Rule 21D.3.1 – Sign on a Listed Heritage Building, discretion is restricted to:

Rule 13.3.9 Non-Compliance with Sign Standards

- 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
- 13.3.9.5 sign display (of temporary signs, or signs located on buildings above 18.6m above ground level, or signs adjoining or opposite the Parliamentary Precinct Heritage Area)
- 13.3.9.6 duration (for temporary signs)

Rule 13.3.9 Sign on a Listed Heritage Building

- 21D.3.1.1 Sign design, location, and placement
- 21D.3.1.2 Area, height and number of signs
- 21D.3.1.3 Illumination
- 21D.3.1.4 Fixing and methods of fixing.

8.2 Based on these matters of discretion, I have assessed the effects of the proposed billboard using a similar approach to Mr Thornton in the recommendation report and Mr Aburn in his planning evidence, as set out below:

- a) Traffic effects
- b) Streetscape and visual amenity effects
- c) Heritage effects
- d) Illumination effects
- e) Positive effects

8.3 I address each of these matters below.

Traffic Effects

8.4 I have read the Council's traffic engineers assessment and the traffic evidence of Mr Harries on behalf of the applicant. Based on this evidence, I agree with Mr Aburn's and Mr Thornton's assessment of traffic and/or pedestrian safety effects that they would be acceptable.

Streetscape and Visual Amenity Effects

8.5 Effects on streetscape and visual amenity of the proposed billboard result from the nature (illuminated digital billboard with changing images), size (face area), height (above the building and ground level), location and orientation of the billboard. These effects have been well covered in the Council's urban design assessment prepared by Ms Duffell, the applicant's urban design evidence of Mr Knott, and Mr Coolen's urban design evidence on behalf of Boffa Miskell.

8.6 Based on this evidence, I agree with Mr Thornton's assessment that the streetscape and visual amenity effects would be more than minor and unacceptable. Based on the collective urban design evidence, and my own field observations of the local environment, I agree with the conclusion Ms Duffell and Mr Coolen's evidence that the proposed billboard would dominate views along Customhouse Quay and Waterloo Quay looking south and from Post Office Square.

8.7 Mr Coolen supports Ms Duffell's conclusion that the proposed signage would alter the silhouette of the building (point 5.2 and 6.1), and notes that the billboard would not always be viewed against a backdrop of large buildings (point 6.6) (as originally noted in Mr

Knott's evidence). In addition, Mr Coolen highlights how the proposed billboard contrasts with the visual amenity of the building, neighbourhood and cityscape (point 6.10).

Heritage Effects

- 8.8 I have read the Council's heritage evidence of Ms Stevens, the applicant's heritage evidence of Mr Wild, and applicant's urban design evidence of Mr Knott regarding effects on heritage values. In my reading of this evidence, the applicant's evidence relies heavily on the proposed signage being reinstatement. As I discussed above in describing the proposal, I do not consider the proposed digital billboard is reinstatement.
- 8.9 I agree with Mr Thornton's assessment of heritage effects and the advice of Ms Stevens that the signage would have a negative effect on the heritage values of both the building and the Post Office Square Heritage Area.
- 8.10 I disagree with Mr Aburn's assessment that the new sign will not detract from the heritage values, and his specific reference to the Council's heritage inventory referring positively to the previous sign (point 12.9). If the sign proposed were the reinstatement of a 'like for like' visually permeable sign this may be the case, but a digital billboard with no visual permeability, displaying commercial advertising which changes every 8 seconds is not the same as the former signage referred to in the heritage inventory.
- 8.11 I agree with Mr Aburn in relation to the fact the existing sign framework does not add visually to an appreciation of the building (point 12.11) but disagree that the new digital billboard could be considered as complementary to the building. As Mr Coolen states in his evidence (point 7.4), the proposed billboard:

"...will be incompatible with the more people focussed character of the Square and will introduce a distracting element into this heritage area."

- 8.12 I also agree with Mr Coolen's statement that is contrary to Mr Aburn's evidence, the proposed billboard will draw more attention to itself, and will detract from the building, therefore worsening the visual amenity of the building (point 6.9).

Illumination Effects

- 8.13 While illumination effects (beyond effects on heritage and streetscape) were not raised in the Boffa Miskell submission, for completeness, I consider these effects. I note illumination effects were raised in the submission by the Intercontinental Hotel, and at the time of preparing this evidence, no evidence is available from the Hotel. Based on the evidence currently available, particularly the applicant's evidence of Mr Aburn and Mr Kern on illumination effects, I agree with Mr Thornton's assessment that the illumination effects could possibly be managed through controlling the illuminance of the billboard. I therefore concur that the effects of illumination could be less than minor.

Positive Effects

- 8.14 Regarding Mr Mackenzie's evidence (point 5.6 – 5.8), I accept that NZFCT has taken steps to seek positive community benefit from the signage (i.e. allowing the Council to access the sign at no cost to advertise community notices) and by prohibiting socially negative products in any lease agreement. I do not believe these positive effects outweigh the adverse effects on heritage, streetscape, and visual amenity though.

Policy Assessment

- 8.15 Mr Thornton in his recommendation report and Mr Aburn in his planning evidence have thoroughly identified and evaluated the relevant planning documents and provisions. For succinctness, I focus on the specific provisions which I consider significant in evaluating this application.
- 8.16 I agree with Mr Thornton's assessment of the proposal against the National Policy Statement on Urban Development (NPS-UD), the

billboard does not add or contribute to a well-functioning urban environment due to the adverse effects I have discussed earlier in this evidence.

- 8.17 In regard to the Regional Policy Statement assessment, while I note Mr Thornton's assessment against Policy 46 has merit, I agree with Mr Aburn's evidence (points 12.31 and 12.32) that this policy ceases to have effect once heritage sites, places and buildings are identified in the District Plan – as has happened in the Operative Wellington City District Plan.
- 8.18 I disagree with Mr Aburn's assessment against Policy 54 of the RPS (point 12.33), relying on Mr Knott's evidence that states effects will not be more than minor on the heritage significance of the building and Post Office Square Historic Heritage Area. As Mr Coolen states in his evidence (point 7.6), the proposed billboard will introduce a number of new effects that are not compatible with the architectural style and character of the building and its immediate surroundings. Based on Mr Coolen's evidence, I do not consider the proposed billboard achieves the region's urban design principles as set out in the RPS, specifically the principals of context and character.

District Plan Policy

- 8.19 I consider the ODP policies are the primary focus for this policy assessment, as they provide local and specific policy direction for signage in the Wellington central area and for heritage buildings. I agree with Mr Thornton¹ and Mr Aburn's² identification of the relevant ODP objectives and policies for assessing this application.
- 8.20 I agree with Mr Thornton's assessment of the proposed activity against the ODP policies. Mr Thornton in his assessment has highlighted/emphasised the key words in the relevant policies. For the reasons stated earlier in my evidence, I consider the signage would be at a scale that would dominate, and neither maintain nor

¹ Paragraph 114 Recommendation Report

² Paragraph 12.35 Alistair Aburn Statement of Evidence

enhance, the architectural or visual amenity of the host building or the streetscape values of the Post Office Square Heritage Area (Policies 12.2.10.2, 12.2.10.3, 20.2.1.9). Mr Coolen supports this conclusion in his evidence (point 5.9) referenced to earlier in my evidence (paragraph 6.1).

- 8.21 Regarding Mr Aburn's assessment against the ODP policies, I disagree with his statement that the reinstatement of the sign will not make a significant change to the historic built environment condition, streetscape characteristics or the skyline within the area as it is not the reinstatement of the former sign (as also noted by Mr Thornton) but is rather a new digital billboard, designed to attract your attention, as noted by Mr Coolen (point 6.9):

"A billboard typically is designed to be seen and to be visible from its surroundings. The scale, brightness and solid nature of the proposed billboard will contribute to a bulk and mass that is in contrast with the fine detailed architecture of the Huddart Parker building and adjacent heritage buildings and I consider that this will result in visual dominance within this environment."

- 8.22 Regarding the relevant objectives and policies in the Proposed District Plan (PDP), I agree with Mr Thornton's assessment regarding the primary policies mirroring those of the ODP.
- 8.23 Overall, I consider the proposal is not consistent with the objectives and policies in the ODP and PDP.

9.0 CONCLUSION

- 9.1 I agree with Mr Thornton's recommendation that consent be declined for the proposal to construct signage (digital billboard) on the site at 2 Jervois Quay, Wellington (being Lot 11 DP 11204) for the following reasons:
- a) The proposal is not reinstating the rooftop signage, but rather is installing a new digital rooftop billboard.

- b) The effects, particularly on streetscape and amenity values would be more than minor and unacceptable.
- c) The proposal would be at a scale that would dominate and neither maintain nor enhance, the architectural/visual amenity of the host building or the streetscape values of Post Office Square Heritage Area.
- d) Overall, I consider the proposal is not consistent with the objectives and policies in the ODP and PDP.

Katie Monique Maxwell

Planner

Boffa Miskell Limited

29 November 2022