

Signs Bylaw

For decision: For noting:

Ngā tūtohunga / Recommendations

That the Auckland Transport Board (board):

- a) note that Auckland Transport and Auckland Council (Council) staff have worked together to draft a new joint bylaw to manage signs across Auckland, including in relation to the Auckland transport system.
- b) agree to propose (jointly with Council), the Auckland Council and Auckland Transport Te Ture ā-Rohe mo nga Tohu 2022 / Signs Bylaw 2022 and associated controls as drafted and contained in the Statement of Proposal attached as Attachment 1 of this report.
- c) adopt the Statement of Proposal in Attachment 1 for public consultation.
- d) recommend the board delegate authority to the Chief Executive to approve any amendments to the Statement of Proposal in Attachment 1 to insert or replace diagrams and pictures, correct errors, omissions or to reflect decisions made by the board.
- e) appoint two Bylaw Panel members selected from the board to a joint Bylaw Panel with Auckland Council, to attend 'Have Your Say' events and to deliberate and make recommendations to the Governing Body and the board on public feedback to the Statement of Proposal in Attachment 1.

Te whakarāpopototanga matua / Executive summary

1. In April 2021, the board directed the internal signage bylaw working group to work with Council staff to proceed with development of a new joint Auckland Transport (AT) and Council bylaw to manage signs using a unitary plan inspired structure of bylaw.
2. AT and Council staff have developed the draft Auckland Council and Auckland Transport Te Ture ā-Rohe mo nga Tohu 2022 / Signs Bylaw 2022 and associated controls.
3. The attached Statement of Proposal contains the draft new bylaw and associated controls for public consultation.
4. Recommendation to propose and consult on the draft bylaw and associated controls will be considered by Council's Regulatory Committee on 17 August 2021 and its Governing Body on 26 August 2021 (subject to recommendations of the Regulatory Committee).
5. The proposal would continue to enable Auckland Council and AT to jointly manage problems signs can cause in relation to nuisance, safety, misuse of public places, the Auckland transport system and environment. The proposal complies with statutory requirements, is appropriate and is not inconsistent with key legislation:

- the main proposals implement the board’s (and Council’s) decision to make a new bylaw, with further improvements identified during the drafting process, as follows: combine controls contained in the current Signage Bylaw 2015 and Election Signs Bylaw 2013 into a single bylaw. Those existing bylaws would then be revoked as part of this process;
 - enable the display of election signs on places not otherwise allowed up to nine weeks prior to an election;
 - allow the display of event signs on the same roadside sites as election signs;
 - increase the current portable sign prohibited area to the entire City Centre Zone;
 - increase the maximum area of flat wall-mounted signs in the Heavy Industry Zone to 6m² (currently 2.88m² for sale of a property and 5m² for goods, services or events);
 - add rules about signs that advertise temporary sales of goods such as ‘garage sales’;
 - retain the intent of the rules in the current bylaws (unless otherwise stated) in a way that is up to date, more certain and reflective of current practice; and
 - use a bylaw structure, format and wording more aligned to the Auckland Unitary Plan and current council drafting standards.
6. Adoption of the proposal will start the statutory process to make a new bylaw and associated controls. Public consultation is scheduled from September to October 2021 and will be led by Council with AT’s support. A Bylaw Panel will consider any public feedback, deliberate and make recommendations to Council’s governing body and the board in March 2022.
7. The board and Council’s governing body will be asked to make a final decision on the making of the bylaw in April 2022.

Ngā tuhinga ō mua / Previous deliberations

8. The board has previously considered the Signage Bylaw review as follows:

Date	Report Title	Key Outcomes
April 2021	Signage Bylaw Review – Structure of new bylaw	The board: <ul style="list-style-type: none"> (i) Noted that AT and Council staff have been working together to assess how best to structure the new joint bylaw approved for development to manage signs across Auckland. (ii) Noted the two main options for structuring the new bylaw. (iii) Agreed to proceed with Option 2 (unitary plan inspired structure) and direct AT’s signage bylaw working group to work with Council staff to proceed with development of the bylaw as outlined for that option. (iv) Noted that agreement of Council’s governing body to proceed with Option 2 will separately be sought by Council’s working group.
December 2020	Signage Bylaw – approval to develop	The board agreed that AT should:

Date	Report Title	Key Outcomes
		(i) develop a new bylaw to regulate impacts of signage, including election signs, on the Auckland transport system; and (ii) the new bylaw should be a joint bylaw with Council; and (iii) the new bylaw should be developed to replace AT's Election Signs Bylaw as well as the existing Signage Bylaw. The board directed AT's Signage Bylaw working group to work with Council staff to develop the new joint bylaw and report back with details of proposed bylaw structure/content in the first half of 2021.
July 2020	Signage Bylaw Review – Findings Report	The board noted the key findings of the bylaw review and endorsed the findings report. The board appointed directors Darren Linton and Kylie Clegg to attend the joint Council-AT working group workshop on the regulatory options.
November 2018	Signage Bylaw Review	The board confirmed its support in November 2018 for an AT working group to progress a review of the Signage Bylaw together with Auckland Council and to include consideration as to whether elections signage should be regulated under the Signage Bylaw.

Te horopaki me te tīaroaro rautaki / Context and strategic alignment

The proposed new Bylaw and controls would regulate most signs in Auckland

9. The proposed new bylaw and associated controls would protect the public and environment from the negative effects of signs in alignment with the Auckland Plan 2050 in the following way:

- moving to a safer transport network by protecting the public from safety risks in relation to transport;
- creating inclusive public places and a quality compact urban form by minimising public nuisance, protecting council-controlled places from misuse and protecting the environment; and
- creating a resilient Auckland economy by making rules that are easy to understand, appropriate and responsive to change.

10. The proposed new bylaw and controls:

- would continue to enable Council and AT to jointly manage signs in a single bylaw to avoid public confusion and inefficient administration that can result from having two separate bylaws that manage different aspects of signs;
- would continue to provide for signs related to activities on the same property if they meet certain conditions for their design, construction and duration of display;
- would continue to limit signs unrelated to the day-to-day activities on the land it is located (for example signs on footpaths)
- would continue to be enforced by the Auckland Council Licencing and Regulatory Compliance unit using a graduated compliance model (information / education / enforcement);

- would remain part of a wider regulatory framework; and
- must be adopted using a public consultative process and commence before 28 May 2022 to avoid a regulatory gap (the Signage Bylaw 2015 expires on 28 May 2022).

Ngā matapakinga me ngā tātaritanga / Discussion and analysis

The proposal improves how Council and AT manages signs in Auckland

11. The Statement of Proposal (Attachment 1) implements the decision of the board and Council’s Regulatory Committee to make a new bylaw and controls about signs and to make further improvements identified during the drafting process. The table below summarises the main proposals in comparison to the current bylaws:

Main proposals	Reasons for proposals
<ul style="list-style-type: none"> • To make a new bylaw and associated controls that combine the current Signage Bylaw 2015 and Election Signs Bylaw 2013. • The current bylaws will be revoked. 	<ul style="list-style-type: none"> • Reduce confusion from having two bylaws about signs. • Clarify intention to provide more opportunities to display election signs during pre-election periods. that would otherwise not be allowed for a sign that does not relate to activities on the property.
<ul style="list-style-type: none"> • To increase the current portable sign prohibited area to cover the entire City Centre Zone. 	<ul style="list-style-type: none"> • Prioritise the area for pedestrians and place-making activities. • Remove potential safety risks, nuisance and clutter. • Improve accessibility for mobility and vision-impaired pedestrians.
<ul style="list-style-type: none"> • To increase the maximum area of flat wall-mounted signs in the Heavy Industry Zone to 6m² 	<ul style="list-style-type: none"> • Allow more visible display of information in an area which has a larger built form and a lower priority on amenity values (current maximum is 2.88m² for sale of a property and 5m² for goods, services or events on a property).
<ul style="list-style-type: none"> • To retain the intent of the rules in the current bylaws (unless otherwise stated) in a way that is up to date and more certain. 	<ul style="list-style-type: none"> • Retain the intent of rules considered to still be appropriate. • Ensure rules are current, clear, and easier to understand and comply with.
<ul style="list-style-type: none"> • To use a bylaw structure, format and wording more aligned to the Auckland Unitary Plan and current council drafting standards. 	<ul style="list-style-type: none"> • Ensure rules are easier to understand and comply with. • Assist future reviews of the Auckland Unitary Plan in relation to the most appropriate sign rules.

The proposal complies with statutory requirements

12. The proposed new Bylaw and controls have been prepared in accordance with statutory requirements to:

- help manage impacts of signs on the effectiveness, efficiency and safety of the Auckland transport system (as well as other impacts for which Council has bylaw-making power to manage);
- be authorised by statute, not be repugnant to other legislation, or be unreasonable; and
- not give rise to any implications and not be inconsistent with the Bill of Rights Act or other Acts, regulations and bylaws.

Ngā tūraru matua / Key risks and mitigations

13. The following risks have been identified:

Key risk	Mitigation
The proposal does not reflect the views of the public (including by either not relaxing rules to allow business to use more advertising signage or by not tightening rules further to reduce perceived issues of signage clutter).	The extent of this risk is unknown, but this consultation should provide insight into these matters. The proposals for this restructuring and refining of the bylaw do not substantively change many of operative provisions. If there is a clear call for more change in the feedback this approach will be reconsidered.
A COVID-19 outbreak might prevent in-person public consultation and there may be negative perception about the effectiveness of the consultation on the proposed Bylaw and associated controls,	Opportunity to provide feedback through a variety of engagement methods, including online, by phone, as well as in-person to an appointed Bylaw Panel.

Ngā ritenga-ā-pūtea me ngā rauemi / Financial and resource impacts

14. There are no financial implications arising from decisions sought in this report. Costs associated with the special consultative procedure will be met within existing budgets and will be limited to AT's portion of total costs shared with Council.

Ngā whaiwhakaaro ō te taiao me te panonitanga o te āhuarangi / Environment and climate change considerations

15. There are no transport-related implications for climate change arising from decisions sought in this report.

Ngā whakaaweawe me ngā whakaaro / Impacts and perspectives

Mana whenua

16. The proposal supports the following Auckland Transport Māori Responsiveness Plan objectives:
- Māori are offered the opportunity to participate in discussions about projects and work programmes.
 - A Māori World view is valued in programme and project.
 - We will impose no cost on Māori to participate in engagement, instead offering hospitality and resourcing for their contribution.
17. The proposal does not however require the use of Te reo Māori on signs. While this is an issue of significance, there is no government legislation or AT or Council bylaw making powers to require use of te reo Māori. The Council group does however adopt and implement policies to support the use of te reo Māori in council infrastructure, communications and publications.
18. AT and Council will engage with mana whenua and mataawaka during the public consultative process to ensure Māori are able to provide views on the proposal.

Ngā mema pōti / Elected members

19. The proposal impacts local governance, for example it regulates election signs, signs about community events and signs on local facilities and parks.
20. Representative local board views were provided in April 2021 through a joint working group established by the Regulatory Committee and the board. Group members unanimously supported a new bylaw and controls that would be more aligned to the Auckland Unitary Plan and provided suggestions on the detailed content of the Bylaw. Local board suggestions have been considered in preparing the draft proposal – a summary of the views of local boards received is contained in Attachment 2.
21. Local boards will have further opportunity to provide their views on public feedback to the proposal formally by resolution to the Bylaw Panel in February and March 2022.

Ngā rōpū kei raro i te Kaunihera / Council Controlled Organisations

22. The proposal impacts the operations of several council departments and council-controlled organisations. This includes Auckland Council's Licencing and Regulatory Compliance Unit, Parks, Sports and Recreation Department, Auckland Unlimited and Eke Panuku Development Auckland.
23. Of direct relevance to AT it is noted that the proposals do not apply to traffic signs covered by the Land Transport Rule: Traffic Control Devices 2004; the proposed bylaw has only minimal impact on contracted advertising signage on AT infrastructure as these tend to be classified as billboards and are primarily governed by the Auckland Unitary Plan rather than the bylaw; and the proposals only impose general safety controls of AT wayfinding and information signage.

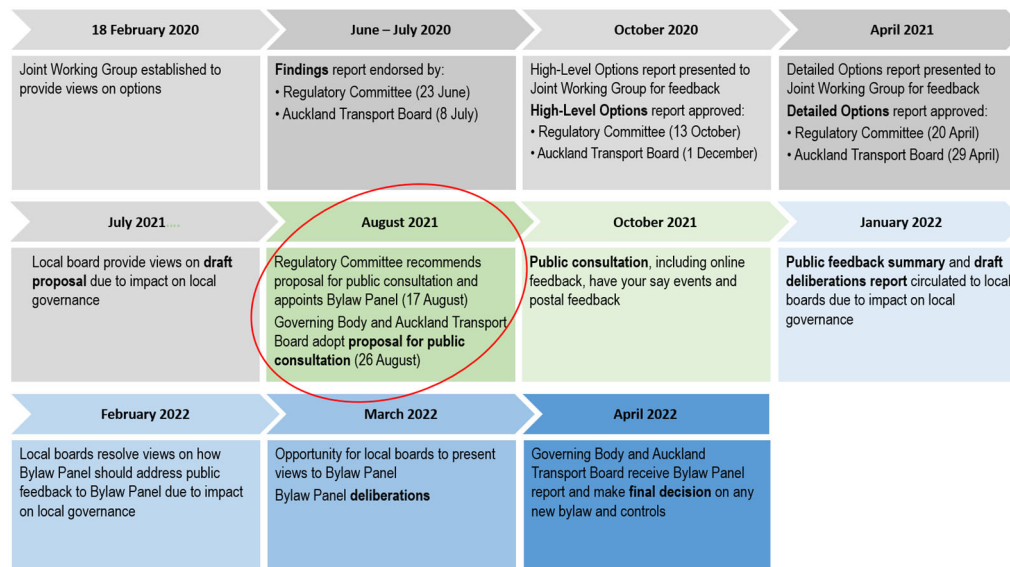
Ngā whaiwhakaaro haumarū me ngā whaiwhakaaro hauora / Health, safety and wellbeing considerations

24. The proposed new Bylaw and controls have been prepared in accordance with statutory requirements to help manage impacts of signs on the effectiveness, efficiency and safety of the Auckland transport system (as well as impacts under Council’s bylaw-making remit). The proposed controls in the bylaw aim to avoid or reduce negative impacts of signs (such as distraction to vehicle drivers) on the safety of all users of the Auckland transport system and will support AT’s Vision Zero strategy.

Ā muri ake nei / Next steps

25. Subject to the board’s acceptance of the recommendations in this report (and Council’s acceptance to move forward with the bylaw proposal), the Statement of Proposal will be released for public consultation and feedback received will be considered by the Bylaw Panel. A final decision on the proposal will be independently made by the board and Council’s governing body in April 2022.

26. Below is an outline of the process to date and proposed pathway going forward:



Ngā whakapiringa / Attachments

Attachment number	Description
1	Statement of Proposal to make a new Signs Bylaw 2022 and associated controls
2	Views of local boards on draft proposal

Te pou whenua tuhinga / Document ownership

Submitted by	Terry Sugrue Transport Controls Team Leader
Recommended by	Rodger Murphy Executive General Manager Risk and Assurance
Approved for submission	Shane Ellison Chief Executive