

Auckland Transport Election Signs Bylaw 2013 – Hearing Report Summary of Submissions and Recommendations

The clauses of the Auckland Transport Election Signs Bylaw 2013 for public consultation are highlighted in blue. Proposed amendments to these clauses based on the submissions are included under the “Analysis and Recommendations” for each clause.

General Submissions on the proposed bylaw

Submitter	Summary of submissions
Dr Grant Gillon	The submitter opposes Auckland Transport making the bylaw. The statement of intent 2011-2014 did not list the making of an election signs bylaw as the responsibility of Auckland Transport; Auckland Council is the appropriate body to make the bylaw and Auckland Transport is not empowered to be involved in democracy issues.
Dr Adriana Gunder	Supports Option 4 but would like no signs at all on private land except on specific public places as per the list you propose.
Franklin Local Board	The board supports an Auckland wide bylaw. Restricting sites to private sites isn't an equitable approach. The temporary placement of signs means the advantages outweigh the disadvantages of the placement of signs in a public place. The board asked for more public sites to be identified in consultation with the board.
Howick Local Board	Does not support elections signs in Howick's parks boundaries or parks or roads reserves and recommends similar consideration by other boards.
Manurewa Local Board	The board submits that Auckland Council should be the bylaw making body for election signs instead of Auckland Transport.
Ōtara-Papatoetoe Local Board	Abandon the bylaw and request Auckland Council to develop an election signs bylaw. Adopt Option 2: prohibit the erection of election signs in public places including roads by way of an Auckland wide bylaw. Specific submissions on clauses of the proposed bylaw clauses are included if option 2 is not accepted.
Papakura Local Board	The board supports an Auckland wide bylaw. The board expects AT to maintain on-going dialogue with the Local Board on the use of public land if this approach is not adopted in the bylaw.
Puketapapa Local Board	The board supports an Auckland wide bylaw but objects to AT being the authority that schedules specific public sites in parks and in road reserves and says the local boards should specify these sites. The board also suggest that the controls are reviewed in 2015. The board seeks to apply the bylaw to the AECT elections.
Waitemata Local Board	The board supports an Auckland wide bylaw but submits that the local boards should be the designating authority for signage in local parks and have the ability to propose sites in the road corridor. The board submit they were never approached by AT regarding this bylaw. Local Boards act as the landowner for parks and should be the designating authority for the signage in local parks. Local Boards should be able to propose sites in the road corridor. The board wants to extend the bylaw to AECT elections.

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	The board would like the bylaw to be reviewed in 2015.
City Vision	The submitter supports an Auckland wide bylaw
Communities and Residents	The submitter supports an Auckland wide bylaw and limiting signs on public land to sites made by resolution. The submitter seeks clarification on whether candidates running for the Auckland Energy Consumer Trust (AECT) would have access to the proposed sites on public land or are restricted to the use of private sites only; and that the election signs bylaw should apply to the AECT elections as well as local and parliamentary elections.
Community First	“Mostly everything is excellent.” Comment on height in clause 8(1)(f)
New Zealand National Party	The submitter supports an Auckland wide bylaw
New Zealand National Party (Waitakere Electorate)	The submitter supports an Auckland wide bylaw but seeks a high degree of certainty to ensure consistent interpretation of the bylaws.
Te Runanga o Ngati Whatua	The submitter supports an Auckland wide bylaw.

Analysis of submissions

Dr Gillon, Ōtara-Papatoetoe Local Board and Manurewa Local Board - AT's authority to make a bylaw

Auckland Transport has legislative jurisdiction to make bylaws that control signs that are on, or visible from the Auckland transport system in accordance with section 22AB of the Land Transport Act 1998 (LTA). Auckland Transport's legislative authority derives from sections 45 and 46 of the Local Government (Auckland Council) Act 2009. Section 50 of that Act prohibits Auckland Council from making a bylaw where the legislative power has been conferred on Auckland Transport.

Auckland Transport officers worked jointly with the Auckland Council officers to develop the bylaw to ensure the controls in the bylaw address Council concerns.

The bylaw includes controls for visual amenity and road safety which are both authorised by the LTA98. The traffic controls in the bylaw are included in transport legislation. Including these controls in the bylaw sets out the rules comprehensively and enables enforcement.

No recommendation is necessary

Communities and Residents, Puketapapa Local Board, Waitemata Local Board and City Vision-signs for AECT elections (see also submissions on AECT under clause 5).

Elections for AECT are not public elections but the fact that these signs in the Auckland City Council legacy area have historically been allowed to put signs in public places argues in favour of them being treated the same as the elections covered by national legislation.

In response to the submitter while it is established that having elections signs are part of the democratic process the location of those signs is largely a concern of Auckland Transport as it relates to the road reserve. The primary review of sites relates to traffic safety considerations so assessment of sites would still need AT involvement.

Recommendation: The bylaw should be extended to include the AECT elections in addition to public referendums, local elections and parliamentary elections. This is consistent with the approach taken under the Auckland City Council Signs Bylaw, and various public sites specified in that bylaw have been used for the display of these signs.

Howick, Manurewa and Ōtara-Papatoetoe Local Boards – Option 2 bylaw prohibiting all election signs on public places

The approach considered in option 2 in the consultation proposal is not recommended as it would not enable a consistent approach across Auckland. In addition option 2 may reduce public awareness of the

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related election and be contrary to efforts to encourage greater voter turnout and participation in elections. Prohibiting signs on public sites raises a concern about fairness to candidates who do not have equal access to private sites. For example a candidate standing on a platform that favours renters over owners might find that owners blocked their private sites from being used. Also limiting election signs to private sites may unfairly favour sitting candidates who may be more well-known than new candidates.

Although option 2 was followed by two legacy councils. Two other councils allowed community boards to specify sites signs on public places in their particular areas and three of the community boards prohibited signs in their areas. It is considered unreasonable to prohibit the display of election signs on all public places in Auckland.

Recommendation: The proposed bylaw recommends a consistent approach across Auckland allowing the use of public land for the display of election signs as outlined in option 4 of the consultation proposal.

Puketepapa Local Board and the Waitemata Local Board – Subsequent review of the bylaw

A bylaw review following the upcoming local elections and parliamentary elections in 2015 could be an appropriate time for a review.

Recommendation: This date can be considered when bylaws are scheduled for review. No change is needed to the wording of the bylaw.

Waitemata Local Board – Greater consultation with local boards on the bylaw and the proposed public sites for election signs.

Papakura Local Board - The board expects AT to maintain on-going dialogue with the Local Board on the use of public land if this approach is not adopted in the bylaw.

Franklin Local Board - Submitted that more sites need to be identified by AT in consultation with the Local Board.

In October 2012 material was sent to all the Local Boards on the review of legacy bylaws for elections signs and the proposal for a harmonised approach on election signs across Auckland. Local board members were invited to attend 4 local board cluster workshops for a joint presentation by AT and Auckland Council staff. Feedback from the local boards at these workshops was incorporated in the proposal for a draft bylaw. The Boards were also provided with maps of the proposed public sites in road reserves and parks in each local board area. These were based on sites approved under legacy council bylaws or traditional sites used in legacy council areas. It was noted that these sites are not included in the proposed bylaw but the mechanism to approve sites by resolution is in the proposed bylaw and that any proposals for new sites or to remove sites would be considered as a separate process.

On 21 December the Local Boards were sent the Statement of Proposal and a copy of the proposed Auckland Transport Election Signs Bylaw 2013 that the Board of Auckland Transport had approved for public consultation in February 2013. This was to give the Local Boards and other affected stakeholders including the political parties the opportunity to consider their comments on the form and content of the bylaw for as long as possible.

Just prior to the public consultation the Local Boards were invited to make formal submissions on the proposed bylaw during the 1 to 28 February consultation period. The Boards were also reminded that more information regarding the proposed sites was on the AT website and they were invited to make comments on the public sites noting that the approval of sites would be considered as a separate process from the bylaw during April.

AT staff will continue to engage with the local boards collaboratively on the proposal for the display of signs in public sites. AT recognises the role of local boards (allocated to the local boards by Auckland Council) as “landowner” in local parks, and their role in determining the appropriate place to put signs in local parks. In April/May local boards are being requested to formally approve sites in local parks, and provide comments on sites in road reserves in their respective local board areas that they consider appropriate. Recommendations by the local boards for new sites on road reserves or for the removal of

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any of the proposed sites will be taken into account by AT if a case can be made with respect to the particular site on the road.

Recommendation: A proposed amendment to add new subclauses 6(3) and (4) (discussed in clause 6(2) below) will require local board **approval** for sites for the display of election signs **in local parks** and will require **consultation** with the local boards for other public sites prior to a resolution being made under the bylaw to specify public sites for signs.

Part 1- Clause 5 Interpretation

(1) In this bylaw, unless the context otherwise requires—

election means an election under the Electoral Act 1993 or the Local Electoral Act 2001.

election day means the day on which the voting period for an election ends.

election sign means a sign for a public referendum, parliamentary or local authority election, parliamentary or local authority by-election, or an election directed by a local authority under the Local Electoral Act, that encourages or persuades or appears to encourage or persuade voters to vote for a political party or a person standing as a candidate or to vote in a particular way on a referendum or election.

private site means a site other than a public place that is visible from a road under the care, control or management of Auckland Transport.

public place means an area that is open to or used by the public, that is visible from a road and that is under the control of the Auckland Council, or one of its Council Controlled Organisations, and includes roads, reserves, parks, beaches and recreational grounds.

reflective material means any material or surface that tends to reflect a beam of light parallel to the path of the beam and in an opposite direction to that path.

road has the meaning given by the Local Government Act 1974.

roadway means that portion of the road used or reasonably usable for the time being for vehicular traffic in general.

traffic sign means a traffic control device within the meaning of Part 2 of Land Transport Rule 54002: Traffic Control Devices 2004.

vehicle has the meaning given by the Land Transport Act 1998.

vehicle crossing means a formed access for vehicles to enter or leave private land from or to a roadway.

(2) In this bylaw, election signs do not include any advertisement which is specified as not being an election advertisement under section 3A(2) of the Electoral Act 1993, or advertisements of a specified kind referred to in regulation 3(c) of the Electoral (Advertisements of a Specified Kind) Regulations 2005

(3) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable legislation including Acts, regulations, bylaws and district plan or unitary plan rules.

(4) Any words, phrases or expressions not defined in this bylaw have the same meaning given in

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the Land Transport Act 1998 or the Electoral Act 1993 or the Local Electoral Act 2001.

(5) The Interpretation Act 1999 applies to this bylaw.

Submitters	Summary of submissions
Communities and Residents	The submitter requests confirmation that election signs that are on private commercial billboard sites can be used and can exceed 3m ² .
City Vision	The submitter seeks to amend to include elections to refer to <u>‘Electoral Act 1993 or the Local Electoral Act 2001 and similar public elections including the District Health Boards and the Auckland Energy Consumer Trust.’</u>
Waitemata Local Board	The board seeks to amend the definition of the election to include AECT elections.
New Zealand National Party (Waitakere Electorate)	<p>The submitter seeks to amend the definition of</p> <p>1) “ private site” and “public place” as private site means a site other than a public place.</p> <p>public place means an area that is:</p> <p>a. open to or used by the public; and</p> <p>b. visible from a road; and</p> <p>c. under the control of the Auckland Council or one of its Council Controlled Organisations including but not limited to roads, reserves, parks, beaches and recreational grounds.</p> <p>2) election sign means a sign <u>or any part of a sign</u> for a public referendum, parliamentary or local authority election [...]</p> <p>An additional sub-clause should also be added to clause 5:</p> <p>(6) Prior to the date on which election signs may be displayed in accordance with the relevant legislation including Acts, regulations, bylaws and district plan or unitary plan rules, a person must not place in a public place any materials to be used for a purpose connected with displaying an election sign.</p>

Proposed amendments to definitions in the Bylaw based on submissions [new wording is underlined and revoked wording is struck through]

“Commercial billboard” - size and definition

Analysis: As drafted clause 7(1)(c) the bylaw would allow for the use of commercial billboard sites but with the 3m² size limit.

The intent was not to prohibit the use of election signs on commercial billboards which are generally larger signs. It is noted that clause 5(3) provides that compliance with this bylaw does not remove any requirement to comply with applicable legislation for billboards including Acts, regulations, bylaws, district plan or unitary plan rules.

The question from the submitter also arises in relation to the size of signs on buses which could potentially exceed 3m².

Recommendation: That commercial billboards be exempt from the 3m² size requirement by making an amendment in clause 7(1)(c) and by inserting a new a definition of a commercial billboard for clarity in clause 5. In addition public transport buses that are normally used as a form of mobile

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billboard could be exempted from the size requirement which was the intent reflected in the ACC legacy bylaw. This would require an alternately worded definition.

Clause 5 [New definition]

commercial billboard means a permanently erected structure available for hire or reward that is designed and used for the display of advertisements and includes a large passenger service vehicle so used.

Clause 7

(1) A person who displays an election sign must comply with the following controls-

(c) election sign panels must not exceed 3m² in area, except for signs on commercial billboards which may exceed 3m².

Definition of “election” to include AECT elections

Elections for AECT are not public elections but the fact that these signs in the Auckland City Council legacy area have historically been allowed to put signs in public places argues in favour of them being treated the same as the elections covered by national legislation.

In response to the submitter while it is established that having elections signs are part of the democratic process the location of those signs is largely a concern of Auckland Transport as it relates to the road reserve. The primary review of sites relates to traffic safety considerations so assessment of sites would still need AT involvement.

Recommendation: The definition for “election sign” should be amended to extend the bylaw to include the AECT elections in addition to public referendums, local elections and parliamentary elections. This is consistent with the approach taken under the Auckland City Council Signs Bylaw and various public sites specified in that bylaw have been used for the display of signs. The definition of “election” will need to be amended.

Clause 5(1) election means an election under the Electoral Act 1993 or the Local Electoral Act 2001 and elections for the Auckland Energy Consumer Trust.

Definition of “election sign” to include the frame of the sign and changes to include AECT signs

While signs can only be displayed during the 2 month period before election day this bylaw does not explicitly prohibit the frame for a sign to be on a public place prior to the 2 month period when an election sign is allowed. Whilst other legacy bylaws for public places may allow enforcement officers to remove any materials or things left in a public place including a change in the wording of this bylaw will make it explicitly clear to those responsible for the erection of elections signs that spaces cannot be “reserved” by erecting the frame in advance.

Recommendation: A change is made to the definition to plug a potential loophole which may allow a person to put up a timber frame for an election sign prior to the allowed period. Other unnecessary wording can be removed to improve readability.

Clause 5(1) election sign means a sign or any part of a sign (including the frame and supporting structure) for a public referendum, ~~parliamentary or local authority~~ election, ~~parliamentary or local authority~~ by-election, ~~or an election directed by a local authority under the Local Electoral Act~~, that encourages or persuades or appears to encourage or persuade voters to vote for a political party or a person standing as a candidate or to vote in a particular way on a referendum or election.

Definition for “private site”

Recommendation: Changes to the definitions to remove ambiguity by striking out wording from the definition.

Clause 5(1) **private site** means a site other than a public place. ~~that is visible from a road under the care, control or management of Auckland Transport.~~

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Definition for “public place”

Recommendation: The submission recommends a drafting style change which is not necessary, however this prompted a review of the definition and some unnecessary wording was deleted. References to the categories of land controlled by Council and CCOs is not an all-inclusive and is considered superfluous.

Clause 5(1) public place means an area that is open to or used by the public, that is visible from a road and that is under the control of the Auckland Council, or one of its Council Controlled Organisations. ~~and includes roads, reserves, parks, beaches and recreational grounds.~~

Definition for “traffic sign”

Recommendation: Use the term “traffic sign” as short hand for the formal term “traffic control device”

traffic sign control device has the ~~same means a traffic control device within the~~ meaning given by ~~of Part 2~~ of the Land Transport Rule 54002: Traffic Control Devices 2004.

Clause 5 [New definition]

unitary plan means the Auckland Council combined resource management plan.

Clauses 5(3) and 8(1)(i) make reference to the unitary plan. The unitary plan is a combined plan to combine regional and district documents prepared by Auckland Council. The Resource Management Reform Bill 93-1 is proposing an amendment to the Local Government (Auckland Transitional Provisions) Act 2010 relating to the first combined planning document for Auckland Council prepared under the transitional legislation and the Resource Management Act 1991. Once operative the plan will be prepared thereafter under the Resource Management Act 1991.

Part 2 Clause 6 Location of Election Signs

- (1) A person must not display an election sign on or visible from a road under the care, control or management of Auckland Transport unless it is-
- (a) On a site on a public place that is specified by Auckland Transport for the display of election signs

Submitters	Summary of submissions
Te Runanga o Ngati Whatua	The submitter supports the identification of election sign sites in public places and roads.
Dr Adriana Gunder	The submitter supports the use of specific public places and not private sites) for the display of election signs. In some European countries when there is an elections the council provide some large boards in public places and political parties can use part of the board but no other places can be used for signs.
Owen Thompson	The submitter is opposed to the use of specific public places for the display of election signs and seeks to retain the bylaw from the former Manukau City Council which bans electioneering material from public land. The reason given for this is that signs on private property are more effective.
Franklin Local Board	The board submits that this clause should be amended to read “on a site on a public place that is proposed by a local board for the display of election signs”, so that the local boards should have the ability to propose all public sites to Auckland Transport. In the case of areas in Franklin, the board wishes to be delegated the responsibility to propose all sites in Franklin.
Howick Local Board	The board opposes the erection of election signs in Howick Parks, boundaries of parks or road reserves and recommends similar

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	considerations by other boards. The board's view is that the former Manukau City Council bylaw should be adopted across the region. The reason given is that election signs create clutter and detract from the character and appearance of an area, impacting on the visual amenity of a local area.
Manurewa Local Board	The board opposes the use of specific public places for the display of election signs and seeks to prohibit election signs on public places across the region.
Ōtara-Papatoetoe Local Board	The board opposes the use of specific public places for the display of election signs and seeks to prohibit election signs on public places across the region. The reason given is that this approach will provide a fair, simple and certain rule for all concerned and avoid adverse effects on amenity.
Papakura Local Board	The board supports a consistent approach to the identification of appropriate public land sites for signs. If the use of specific public places for the display of election signs is not adopted then the board would withdraw this support and would seek to retain the existing legacy bylaw for Papakura.
Puketapapa Local Board	The board objects to AT being the authority that schedules specific public sites in parks and in road reserves and says the local boards should specify these sites.
Waitemata Local Board	The local boards should be the designating authority for signage in local parks and have the ability to propose sites in the road corridor.

Analysis

Issue 1: Use of public sites for election signs

There is a range of support for the use of public sites from entities, individuals and local boards. The use of public sites for the display of elections signs is consistent with the approach taken by many of the legacy councils and is consistent with national legislation which recognises signs can be put on public or private land during the 2 month period prior to an election.

There is also opposition to any public sites across Auckland from the Manurewa, Otara-Papatoetoe and Howick Local Boards. Franklin and Papakura Local Boards support the use of public sites. One submission from an individual from the former Auckland City Council (ACC) area supports the use of public places on poster boards set aside for such use. The ACC bylaw allows sites on designated public sites and on private land. No provision has been made for the use of poster boards in public places. One submission from an individual from the former Manukau City Council (MCC) area opposes public sites. The MCC bylaw prohibited election signs on public sites and allowed election signs on private sites.

Recommendation: The proposed bylaw recommends a consistent approach across Auckland allowing the use of public land for the display of elections signs for only a limited time period, as outlined in option 4 of the consultation process on the bylaw.

Issue 2: Delegation to specify public sites

The Franklin Local Board has requested a delegation for local boards to propose public sites in their local board areas. Other local boards made specific comments on this which are discussed in detail under clause 6(2) below.

AT recognises the role of local boards (allocated to the local boards by Auckland Council) as “landowner” in local parks, and their role in determining the appropriate place to put signs in local parks. Recommendations by the local boards for new sites on road reserves or for the removal of any of the proposed sites will be taken into account by AT if a case can be made with respect to the particular site on the road.

Recommendation: A delegation of this power is not recommended as it may lead to a lack of consistency across the region. A proposed amendment to add new subclauses 6(3) and (4) will require that prior to a resolution being made under the bylaw to specify public sites (in local parks or

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road reserves) for election signs, the local boards must **approve** such sites for any election signs in **local parks** and AT must **consult** with the local boards for sites on **road reserves**. New sites can be proposed by any person subject the requirements for approval and consultation with local boards. Proposed new subclauses discussed in clause 6(2) below.

Part 2 Clause 6 Location of Election Signs

- (1) A person must not display an election sign on or visible from a road under the care, control or management of Auckland Transport unless it is-
- (b) On a private site

Submitter	Summary of Submission
Dr Grant Gillon	The submitter opposes the application of the bylaw to private land unless there is a clear linkage drawn between the public/road user safety issues.
Dr Adriana Gunder	The submitter does not support the use of private sites for election signs as there is no uniformity and it looks messy and vandals might cause damage. by supports the use of specific public places (and not private sites) for the display of election signs.

Analysis

The Land Transport Act 1998 specifically enables a bylaw to be made to regulate the display of signs on roads or visible from roads and regulate any road-related matters to enhance or promote road safety or to provide for the protection of the environment. The controls in clause 7 apply to all signs including signs on private land. These address traffic and safety concerns from signs on private land that may pose a danger to the public or impact public land for example if such signs are not secured adequately they may endanger the public or cause damage to a public place.

Recommendation:

No change is recommended to the bylaw as the legislation supports the application of the bylaw to private land and in particular the application of the controls in clause 7.

Part 2 Clause 6 Location of Election Signs

- 1) A person must not display an election sign on or visible from a road under the care, control or management of Auckland Transport unless it is-
- (c) on a vehicle and/or including a trailer that is being used for day to day travel and the principal function of the vehicle or trailer is not the display of the election sign.

Submitters	Summary of Submissions
Dr Grant Gillon	The submitter opposes to the application of the bylaw to vehicles as it would be difficult to ascertain the vehicle's "principal function".
Te Runanga o Ngati Whatua	The submitter supports the clause as drafted.
New Zealand National Party (Waitakere Electorate)	The characteristics of any given vehicle or trailer, rather than its principal function, should determine whether it can be used to display election signs. It would be clearer and more reasonable to allow the use of any vehicle and prohibit the use of a trailer for the display of election signs. The submitter recommends that the definitions of "vehicle" in clause 5(1) and clause 6(1)(c) be amended as follows: <i>vehicle has the meaning given by the Land Transport Act 1998,</i>

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	<p><i>except that it does include a trailer</i></p> <p>6 <i>Location of Election Signs</i></p> <p>1. <i>A person must not display an election sign on or visible from a road under the care, control or management of Auckland Transport unless it is [...]</i></p> <p>(c) <i>on a vehicle and does not pose a risk to traffic safety</i></p>
Communities and Residents	The submitter seeks clarification that this clause does provide for the use of external on-bus election advertising.
New Zealand National Party	The submitter proposes this clause to be removed from the bylaw. The reasons given were: extremely small number of vehicles concerned and short period of time to which election campaigns apply; the rule may create a channel for politically motivated complaints; the recently changed Electoral Act made the use of vehicle signage simpler and more accessible by removing the requirement for vehicle running costs to be included in a candidate's spending limit, therefore this clause is not line with the intentions of the Act; the adverse impacts of this restriction have not been considered.
<p>Analysis</p> <p>Controls on vehicles are generally intended for safety to prevent obstruction on roads from vehicles that are parked for extended periods. Election signs on vehicles are for a temporary time and while there may not be that many of them as part of a larger picture AT generally does not want any sort of advertising on vehicles that is not serving some other transport purpose as this could become a major nuisance if lots of advertisers started to use this method.</p> <p>The provision aims to preserve the transport system for transport purposes and is not in accord with the right to pass and repass. Vehicles should not unduly clutter up space that other road users could be using for transport purposes and should avoid travelling in peak traffic in the peak direction, and in any way that contributes to congestion.</p> <p>The Land Transport Act 1998 authorises the making of bylaws regulating any road-related matters including enhancing or promoting road safety or providing protection for the environment. A number of the legacy bylaws had similar provisions regulating signs on vehicles. It is accepted that there are areas of grey in terms of this provision however enforcement of this will be informed by the following considerations: The provision sent out for public consultation is not intended to cover vehicles that are being used for day to day travel and is also not intended to deal with written signs on vehicles used for daily travel e.g. on public transport and candidate's private vehicles parked outside their residence, business or other places that they are visiting.</p> <p>However there are practical considerations for recommending that this provision is made simpler with the intent of ensuring a fair control for candidates and a clearer control for enforcement. This will still address the specific reasons for restricting signage on vehicles and reduce any adverse impacts and specifically address the concerns of submitters that election activity covers a limited time period.</p> <p>In light of these considerations several recommended options are included below which have been considered in light of a reasonable and justifiable restriction in response to any concern that may be raised in relation to freedom of expression under the New Zealand Bill of Rights.</p> <p>It is noted that provisions on the use of other types advertising signs on vehicles are contained in a number of the legacy bylaws for signs and also in the AT Traffic Bylaw will remain unaffected by this provision.</p> <p>It is further noted that signs mounted on vehicles (including trailers) must comply with the Land Transport Rule: External projections 2001.</p> <p>The clause does prevent the use of external on-bus election advertising. The issue of the size of signs buses is considered further under clause 7(1)(c).</p>	

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Recommendation [noting the controls in clause 7 also apply]

This is based on a provision in the NZTA State highway Signs Bylaw 2010 and the proposed Auckland Transport Public Safety & Nuisance Bylaw 2013 currently having completed consultation and awaiting a hearing. This option is also consistent with section 39 Local Government (Auckland Council) Act 2009 which provides that the purpose of Auckland Transport is to contribute to an effective and efficient transport system to support Auckland's social, economic, environmental and cultural well-being.

Clause 6 Location of Election Signs

- 1) A person must not display an election sign on or visible from a road under the care, control or management of Auckland Transport unless it is-
- ~~(c) on a vehicle and/or including a trailer that is being used for day to day travel and the principal function of the vehicle or trailer is not the display of the election sign.~~

Replace with new subclause (c)

- (c) on a vehicle provided that the movement of the vehicle or the position of a stationary vehicle in combination with the sign does not—
- (i) compromise the safe and efficient operation of the road in any way; or
 - (ii) create a nuisance where the use of a road unreasonably interferes with other road users; or
 - (iii) breach any of the provisions of this bylaw; and
 - (iv) in the case of a trailer, remain parked on any road for a period longer than 4 hours.

Part 2 Clause 6 Location of Election Signs

- (2) Auckland Transport may specify, by resolution, sites that are suitable for the display of election signs under clauses 6 (1) (a)

Submitters	Summary of Submissions
Ōtara-Papatoetoe Local Board	A list of public places where election signs are allowed should be in a schedule in the bylaw (excluding the Papatoetoe local board area); Amend clause 6 (1) (a) to read: "(a) on a site in a public place specified in Schedule 1 to this bylaw," Delete sub-clause 6 (2).
Puketapapa Local Board	The board opposes Auckland Transport as the authority that schedules specific public sites upon which election signs may be erected. The board advised that local boards act as the landowner and the administering body of local parks allocated by the LTP under the Reserves Act which allows it to control and manage these reserves. As such the board proposes to amend this clause to " <i>Local Boards may specify by resolution, sites within their boundaries that are suitable for the display of election signs under clauses 6(1)(a).</i> "
City Vision	The submitter does not support this clause. The submitter seeks to have local boards as the designating authority to have responsibility for determining election sign sites. The submitter propose to amend this clause to " <i>Local Boards may specify by resolution, sites within their boundaries that are suitable for the display of election signs under clauses 6(1)(a).</i> "
Franklin Local Board	The board requests Auckland Council delegates the power to pass resolutions to approve public sites for election signs on reserve land to local boards, as this land is under local board control, while the decision-making ability on all other public sites that are suitable for election signs, such as road reserves, should remain with Auckland Transport, but the sites should first be proposed by local boards (as clause 6(1)(a) above). The board request this clause to be amended

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	to “ <i>Auckland Transport may specify, by resolution, all public sites that are suitable for the display of election signs, other than those on reserve land, under local board control, which local boards may specify as suitable sites by resolution</i> ”
Waitemata Local Board	The board does not support Auckland Transport as the designation authority for local parks signage. The board seeks that this designating authority should be given to the local board.

Analysis

Issue 1 Local Board role in decisions on public sites for the display of election signs

Some local boards propose amending the bylaw to state that the local board can specify public sites. Some boards have suggested they determine sites in parks.

The following considerations have been identified with regard to how decisions should be made on sites and who should make these decisions:

- An important consideration in determining the decision-making on sites in parks is the non-regulatory role of the local boards to manage the use and activities in local parks including the placement of signs allocated to the local boards by Auckland Council as “landowner” in local parks, and their role in determining the appropriate place to put signs in local parks.
- There are significantly more roads reserves that have been identified as potential sites across Auckland than sites in parks;
- If local boards were given the power to determine sites Auckland Transport would still need to do safety assessments of the sites of signs in accordance with the controls in the bylaw whether the sites are located on parks or roads;
- It is clear that different local boards would seek to pursue quite different outcomes which would mean the current lack of consistency would remain. Some boards may seek to ban all public sites for all elections. Potentially regional consistency cannot be guaranteed;
- Even if it was not stated in the bylaw that this power is given to the local boards, AT could delegate this function to them after it determines to make the bylaw.
- It is also noted that this bylaw applies to parliamentary elections and the submissions from a national political entity made submissions in support of public sites.

Noting these considerations in April/May local boards are being requested to formally approve sites in local parks, and provide comments on other public sites in their respective local board areas that they consider appropriate. Recommendations by the local boards for additional public sites or for the removal of any of the proposed sites will be taken into account by AT if a case can be made with respect to the particular site.

Recommendation: AT recognises the role of local boards (allocated to the local boards by Auckland Council) as essentially the “landowner” in local parks, and their role in determining the appropriate place to put signs in local parks.

A delegation of the decision making for all public sites is not recommended and for consistency it is not recommended for just the local parks. Instead a proposed amendment to add new subclauses 6(3) and (4) will require that prior to a resolution being made under the bylaw to specify public sites for election signs, AT must consult the relevant local boards and must obtain **approval** for sites **in local parks** and AT must **take into account comments for other sites**. New sites can be proposed by any person subject the requirements for approval and consultation with local boards.

Proposed new subclauses:

- (2) Subject to clause 6(3) Auckland Transport may specify, by resolution, sites that are suitable for the display of election signs under clauses 6(1)(a).
- (3) Prior to specifying a site as suitable for the display of election signs Auckland Transport must—

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- (a) obtain approval for any site located within a local park from the local board allocated responsibility for that local park; and
- (b) take into consideration any comments made by a local board responsible for the area on any proposed site that is not in a local park.
- (4) Any person may propose a site on a public place for Auckland Transport to consider its suitability for the display of election signs.

Issue 2 Schedule of the public sites in a bylaw

The proposed bylaw provides for election signs sites on roads and other public places to be specified by resolution rather than the bylaw containing a list of sites in a schedule ensures sufficient flexibility to add or remove sites or remove sites without the need to modify the bylaw. This approach is specifically authorised by the Land Transport Act 1998 section 22AB.

Recommendation: Retain this resolution making power rather than including a schedule listing sites in the proposed bylaw.

Part 2 Clause 7 Controls for all election signs

- (1) A person who displays an election sign must comply with the following controls-
- (a) election signs must be removed before the close of the day before election day

Submitter	Summary of Submission
Dr Grant Gillon	The submitter requests to include a time for close of day and to reinstate midnight as the close of day. The close of day means different things for different people.

Analysis

“Close of day” is an expression used in election legislation including the Electoral Act 1993 but is undefined. The Interpretation Act which applies to this bylaw only provides for the computation of time by providing that a period of time described as ending before a specified day, does not include that day or the day of the act or event.

Recommendation: Clause 7(1)(a) of the bylaw be amended to state a specific time of midnight of the day before election day. This would still be consistent with national legislation which allows signs to be displayed in place beginning 2 months before polling day and ending with the close of the day before polling day.

Clause 7 Controls for all election signs

- (1) A person who displays an election sign must comply with the following controls-
- (a) election signs must be removed before midnight on the ~~close of the~~ day before election day;

Part 2 Clause 7 Controls for all election signs

- (1) A person who displays an election sign must comply with the following controls-
- (c) election sign must not exceed 3m² in area

Submitter	Summary of Submission
Communities and Residents	The submitter requests confirmation that election signs that are on

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	private commercial billboard sites can be used and can exceed 3m ² .
<p>Commercial billboard - size</p> <p>Analysis: As drafted clause 7(1)(c) the bylaw would allow for the use of commercial billboard sites but with the 3m² size limit.</p> <p>The intent was not to prohibit the use of election signs on commercial billboards which are generally larger signs. It is noted that clause 5(3) provides that compliance with this bylaw does not remove any requirement to comply with applicable legislation for billboards including Acts, regulations, bylaws, district plan or unitary plan rules.</p> <p>The question from the submitter also arises in relation to the size of signs on buses which could potentially exceed 3m².</p> <p>Recommendation: That billboards be exempt from the 3m² size requirement by making an amendment in clause 7(1)(c) and by inserting a new a definition of a commercial billboard for clarity in clause 5. In addition public transport buses that are normally used as a form of mobile billboard could be exempted from the size requirement which was the intent reflected in the ACC legacy bylaw. This would require an alternately worded definition.</p> <p>Clause 5 [New definition]</p> <p>Commercial billboard means a permanently erected structure available for hire or reward that is designed and used for the display of advertisements and includes a large passenger service vehicle so used.</p> <p>Clause 7</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(c) election sign <u>panels</u> must not exceed 3m² in area, <u>except for signs on commercial billboards which may exceed 3m².</u></p> <p>NB Insertion of the word <u>panels</u> in Clause 7(1)(c) recommended for consistency with Clause 8(1)(d) which provides that a sign can consist of a single, double-sided panel or two back to back panels. See also submission and recommendation in Clause 8(1)(e).</p>	
<p>Part 2 Clause 7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(d) election signs must not be displayed in a way that endangers public safety</p>	
Submitter	Summary of Submission
Franklin Local Board	The board requests to amend this clause to read “ <i>Election signs must not be displayed in a way that endangers public safety and must be kept free of graffiti</i> ”
<p>Analysis</p> <p>The proposal by the local board to include a provision about graffiti is unnecessary to regulate and would put an undue burden on those responsible for a sign if their sign is made unlawful e.g. by someone drawing on it. In addition other legacy bylaws regulate damage and nuisance issues. There are also provisions in legislation that allow enforcement or recovery of damages.</p> <p>Recommendation: It is not necessary to amend the bylaw to include this as this issue is covered by other bylaws and provisions in national legislation.</p>	
<p>Part 2 Clause 7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(e) election signs must clearly display the name and contact details for the person responsible for the display of the election sign</p>	

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Submitter	Summary of Submission
Communities and Residents	The submitter requests greater clarification in regards to what “contact details” mean and requests that “contact details” be defined in Clause 5 - Interpretation. The submitter proposes that AT introduce a registration service and commitment to notification before removal, to enable rectification to be made within a fair and reasonable timeframe and suggest rewording clause 8 “enforcement”.
<p>Analysis</p> <p>Issue 1 Define contact details of person responsible for a sign</p> <p>Election advertisements are required by national legislation to have a name and contact details (name and address). The bylaw requirement for the name and contact details for the person responsible for the sign to be included on the signs enables enforcement officers to contact the person responsible for the display of the sign if the sign is in breach of a control in the bylaw. There may be instances where for safety reasons (e.g. if a sign has been damaged and is a danger to the public) that an enforcement officer may need to remove the sign immediately and the person responsible will be informed in all instances the enforcement officer may be able to contact the person responsible for the sign and request that action be taken.</p> <p>Recommendation: Proposed amendment to clause 7(1)(e) to clarify the contact requirements include a phone number to give the person responsible for the sign the ability to remedy any breach of a control.</p> <p>Proposed amendment to Clause 7(1)(e) and consequential amendment proposed to clause 8(1)(m)</p> <p>7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(e) election signs must clearly display the name and contact details <u>(including a telephone number) of for the person responsible for establishing and maintaining the election sign and who can be contacted to repair, secure or otherwise take action in relation to the election sign;</u></p> <p>8 Election sign controls for specified sites on public places</p> <p>(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-</p> <p>(m) <u>the person responsible for an election sign must</u> restore the site to the condition it was in before the election sign was displayed.</p> <p>Issue 2: Register of signs</p> <p>A register of signs would have significant cost implications. A system of contacting those responsible for signs could only work if a register for signs and those responsible for them was maintained. There would be additional cost involved in such a system to AT budgets so there would need to be a user pays fees structure. This would also place an additional administrative burden and a cost on candidates. There is also a prescribed process that must be followed for enforcement under clause 10. Removal of a sign must be in accordance with the Local Government Act 2002.</p> <p>Recommendation: A registration system for election signs is not recommended considering the cost and administrative considerations for AT and candidates.</p>	
<p>Part 2 Clause 7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(f) election signs and their supporting structures must be securely braced and anchored, and constructed, fixed or displayed in a manner so that they will not come loose under normal weather conditions;</p>	
Submitter	Summary of Submission

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Te Runanga o Ngati Whatua	The submitter agreed with the rationale in the statement of proposal in supporting this clause.
<p>Analysis</p> <p>This provision was discussed with the local boards also and was adapted at their request during early consultation in October 2012.</p> <p>No Recommendation is made due to general support for this provision.</p>	
<p>Part 2 Clause 7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(g) election signs must not obstruct the safe line of sight of any pedestrian crossing, corner, bend, intersection or vehicle crossing</p>	
Submitter	Summary of Submission
Franklin Local Board	The board requested this clause be amended to read: "Election signs must not obstruct the line of site of any pedestrian crossing, corner, bend, intersection or vehicle crossing, road sign, private entrance, road marking, pedestrian crossing or traffic signal, and must be designed and located so as to be safely read by a motorist travelling at the legal speed limit of the adjacent road."
<p>Analysis: Obstruction of safe sight lines and font size on signs</p> <p>The safe sight line of sight for each site is calculated by an engineering assessment of sites which is based on an approved standard in place by AT taking into account the particular speed on a road. Adding a "private entrance" to this list as a consideration for assessing safe lines is a useful addition. Including wording to make it clear "road signs" cannot be obscured is consistent with the Land Transport Rule: Traffic Control Devices 2004. However using "traffic control device" is the terminology used in the Rule.</p> <p>The font size on signs is regulated by national legislation for roads and is determined by the speed on the road. Roads with a speed limit less than 70 km per hour must have lettering not less than 120 mm in height. Roads with a speed limit of 70 km or more must have lettering not less than 160 mm in height. Including these standard font size requirements within the bylaw would give enforcement officers working on AT's behalf a clearer authority to act in cases of non-compliance.</p> <p>Recommendation 1: Clause 7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(g) election signs must not obstruct the safe line of sight of any pedestrian crossing, corner, bend, intersection or vehicle crossing <u>or private entrance, nor obscure any traffic control device;</u></p> <p>Recommendation 2: A new control is proposed in the bylaw with respect to font size and line spacing to be consistent with the national legislation. This control has been inserted at the end of clause 7 for ease of reference however it may be appropriate to be placed following Clause 7(1)(p) with other similar controls.</p> <p>NEW Provision Clause 7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(r) election signs lettering must not be less than –</p> <p>(i) 120 mm in height on a road with a speed limit less than 70 km per hour;</p> <p>(ii) 160 mm in height on a road with a speed limit of 70 km or more; and</p> <p>(iii) the spacing between lines of text must not be less than 50 mm.</p>	
<p>Part 2 Clause 7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p>	

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(i) Election signs must not be displayed on footpaths, road medians, roundabouts, traffic islands or any other traffic separation structure or kerbed projection;	
Submitter	Summary of Submissions
Franklin Local Board	The board requests an amendment to the clause to read “Election signs must not be displayed on footpaths, road medians, roundabouts, traffic islands or any other traffic separation structure or <i>within 15m of any traffic signals or signs</i> ”
<p>Analysis</p> <p>The proposal to restrict the placement of signs within 15 metres of any “traffic signs” is too broad as traffic signs include all sorts of signage and road markings under traffic legislation. The AT engineers considered this unnecessary as it would exclude too many locations. In addition AT engineers assessed the proposed sites for signs for clear line of sight and other controls in the bylaw.</p> <p>Recommendation: This amendment is not considered appropriate.</p>	
<p>Part 2 Clause 7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(q) posters, pamphlets, flags or other material must not be attached to election signs.</p>	
Submitter	Submissions
Communities and Residents	The submitter seeks confirmation that this wording does not preclude the application of sticky label strips which are used to highlight particular issues or encourage voting closer to the close of polling.
<p>Analysis</p> <p>This clause is not intended to prevent sticky labels that fit within the current size dimensions of the sign being affixed by people responsible for the sign but the wording can be clarified to confirm this.</p> <p>Recommendation: Amendment to clause to clarify intent</p> <p>Clause 7 Controls for all election signs</p> <p>(1) A person who displays an election sign must comply with the following controls-</p> <p>(q) posters, pamphlets, flags or other material must not be attached to election signs <u>other than material that is securely affixed within the surface area of the sign panel under the authority of the person responsible for that sign.</u></p>	
<p>Clause 8 Election sign controls for specified sites on public places</p> <p>(2) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-</p> <p>(a) Election signs must be free standing on their own dedicated structure and must not be attached to any building, tree, litter bin, street furniture, traffic sign, post or other structure of any kind, other than on the front face of a fence separating a public place from a private site specified in clause 9 (1) (b)</p>	
Submitters	Summary of Submissions
Communities and Residents	The submitter supports this clause and seeks confirmation that formal advertising space that exists in some bus shelters (e.g. via AdShel) can be used for election signage, noting that provision for lighting in some instances exists.
Franklin Local Board	The board requests an amendment to the clause to read “Election signs must be free-standing on their own dedicated structure and

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	<p>must not be attached to any building, tree, litter bin, street furniture, traffic sign, <i>bus shelter, public toilet, power light, telephone pole</i>, post or other structure of any kind, other than on the front face of a fence separating a public place from a private site specified in clause 9(1)(b).</p>
<p>Analysis</p> <p>Issue 1 Signs on bus shelters (e.g. Adshel)</p> <p>Adshels are currently used for advertising under contract. The contract precludes the display of political advertising. This is appropriate to ensure public transport infrastructure is not linked to particular political views. A number of legacy bylaws prohibited signs on public facilities including bus shelters</p> <p>Recommendation: Elections signs should not be put on bus shelters.</p> <p>Issue 2 inclusion of specific public structures on which election signs are prohibited</p> <p>The clause sets out a number of specific places where election sites are prohibited and a general catchall prohibiting election signs from any structure of any kind.</p> <p>Recommendation: Add the wording recommended by the Franklin Local Board to make it explicit that these places are also prohibited.</p> <p>Clause 8 Election sign controls for specified sites on public places</p> <p>(1) Any person who displays an election sign on a site specified in accordance with clause 6(2) must comply with the controls in clause 7 and must comply with the following controls-</p> <p>(a) election signs must be free standing on their own dedicated structure and must not be attached to any building, tree, litter bin, street furniture, traffic sign, <u>control device, bus shelter, public toilet, power pole, light pole or telephone pole</u>, post or other structure of any kind, other than on the front face of a fence separating a public place from a private site specified in clause 9(1)(b);</p>	
<p>Clause 8 Election sign controls for specified sites on public places</p> <p>(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-</p> <p>(b) Only one election sign promoting a person standing as a candidate may be displayed on a specified site</p>	
<p>Submitters</p>	<p>Summary of Submissions</p>
<p>Te Runanga o Ngati Whatua</p>	<p>The submitter supports one sign per candidate at each designated site in the interests of fairness as it is more likely that each candidate who wants to erect a sign will have room to do so.</p>
<p>New Zealand National Party (Waitakere Electorate)</p>	<p>The submitter also seeks clarification whether more than one candidate from the same political party (e.g. from neighboring electorates /local board areas) may display an election sign on a single designated site and a proposed new clause 8 (1) (n) to read : <i>“(n) to avoid any doubt, more than one candidate from the same political party may display an election sign on the same designated site”</i></p>
<p>Analysis</p> <p>Different candidates from the same political party can display an election sign on a single designated site.</p> <p>Recommendation: The bylaw allows for this as appropriate given that candidates may wish to erect signs on sites outside their electorate but where residents of their electorate are likely to see them. No change is required to the bylaw.</p>	

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<p>Clause 8 Election sign controls for specified sites on public places</p> <p>(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-</p> <p>(c) for a parliamentary election, in addition to any election sign promoting a candidate, each political party may display one election sign promoting that party on each specified site;</p>	
Communities and Residents	The submitter requests the bylaw provide for the display of one election sign on each specified site promoting a party, organisation or team that is campaigning in local elections (i.e. Auckland Council, local boards, DHBs and licensing trusts). As currently worded it only applies to parliamentary elections.
<p>Analysis</p> <p>It is intended that signs on the limited space available be limited to candidates and parties at national elections as they are voted on. Allowing clearly associated groupings to also erect signs would take up space and could give an unfair advantage to candidates supported by such groups over more independent candidates.</p> <p>Recommendation: No change is required to the bylaw.</p>	
<p>Clause 8 Election sign controls for specified sites on public places</p> <p>(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-</p> <p>(d) a single election sign may consist of a single, double side panel or two panels displayed back to back.</p>	
Submitters	Summary of Submissions
Te Runanga o Ngati Whatua	The submitter supports this clause as it should be accepted that placing two signs back to back on the one structure can provide extra strength and take up no more space.
New Zealand National Party (Waitakere Electorate)	The submitter seeks clarification whether double-backed V shaped signs are allowed and a proposed amendment to this clause to read “a <i>single election sign may consist of a single, double-sided panel or two panels displayed back to back, including in the case V-shaped signs described in clause 8(1)(e).</i>
Communities and Residents	The submitter request confirmation whether a single election sign could have two panels on one side i.e. edge of bottom panel is 500mm from ground level, edge of next panel is 1700mm from ground level. If so, could AT adjust Clause 8 (1) (d) to make explicit the provision for two panels on a single side.
<p>Analysis</p> <p>Panels on a Single sign</p> <p>There is no precedent that can be found in the legacy bylaws that explicitly states that 2 physically separated sign panels on one side of a single structure would be considered a single sign. However while no safety issues can be identified, explicitly allowing this variation may open arguments for other possible sign structures and create less certainty. This may be considered acceptable so long as the total of the panels on a single sign face does not exceed 3m² in area.</p> <p>Recommendation: Proposed amendment</p> <p>Clause 8 Election sign controls for specified sites on public places</p> <p>(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-</p> <p>(d) a single election sign may consist of a <u>single-sided panel</u>, double-sided panel, or two</p>	

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panels displayed back to back <u>or combinations of panels so long as the combined surface area of any side does not exceed 3m²</u> ;	
Clause 8 Election sign controls for specified sites on public places	
(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-	
(e) a single election sign consisting of two panels attached at one edge to the same post in a V shape may be displayed on larger sites that are specified by resolution under clause 8 (2) as suitable for this configuration if the widest point of the V is not more than 1m.	
Submitters	Summary of Submission
New Zealand National Party (Waitakere Electorate)	The submitter seeks clarification whether double-backed V shaped signs are allowed and a proposed amendment to this clause to read <i>“a single election sign may consist of a single, double-sided panel or two panels displayed back to back, including in the case V-shaped signs described in clause 8(1)(e).</i>
New Zealand National Party	The submitter advised double sided or V-shaped signs would be incommensurate with the requirement in Clause 7 (1) (c). The submitter seeks that 2 signs on opposing side of a single structure, up to 2 candidates or 2 party signs may be displayed on the same site.
Communities and Residents	The submitter requests that the widest point of 1m to be increased substantially to improve the viewing opportunity of the signs located on corners.
Analysis	
Issue 1 Double sided V-shape sign	
It is not clear that V-shaped signs in clause 8 can be double sided as is the case for single signs	
Recommendation: Proposed amended wording underlined below to make this explicit.	
NB Insertion of the word “panels” in Clause 7(1)(c) recommended for consistency with Clause 8(1)(d) and 8(1)(e) to clarify that a single sign or a V-shape sign can consist of two or four panels respectively.	
Issue 2 Width of opening of V-shape sign	
The considerations for allowing an opening for a V-shape sign to be wider than 1 metre relate to the size of the site. The wider the angle of the opening the larger the area taken up by a sign. Appropriate larger sites would be required to promote accessibility for other signs on a site. Noting there are no specific traffic issues identified with V-shape signs, public sites for V-shape signs will be assessed against the traffic and safety controls in clauses 7 and 8.	
Recommendation: Proposed amended wording underlined below. [NB editorial correction required - clause 8(2) should read 6(2)]	
Clause 8 Election sign controls for specified sites on public places	
(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-	
(e) a single election sign consisting of two panels <u>(or four if back to back)</u> attached at one edge to the same post in a V-shape may be displayed on larger sites that are specified by resolution under clause <u>6</u> (2) as suitable for this configuration if the widest point of the V is not more than <u>2m</u> .	
Clause 8 Election sign controls for specified sites on public places	
(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-	
(f) the top edge of an election sign must not exceed 3m from ground level and the bottom	

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edge must not be less than 500mm from ground level	
Submitters	Summary of Submissions
Community First	The submitter supports 500mm from the ground and proposes a maximum height of 2.4 metres to allow the 1.2m above ground and 1.2m x 2.4m sign.
Ōtara-Papatoetoe Local Board	The board seeks to delete clause 8 (1) (f) and placed it in clause 7 as it considers that this clause should also apply to signs on private sites. The board request clause 7 to include a height restriction for signs on public and private sites, a maximum 3m for signs in public places and on private rural and residential zoned sites. Also, a new sub clause to fix a maximum height for election signs on private business and industrial zoned sites, of 3m for free standing signs, and for signs fixed to buildings no higher than the building.
Papakura Local Board	Oral submission made that supported the minimum clearance from the ground for security reasons.
<p>Analysis</p> <p>Clause 8 (1)(f) restricts the height of signs on public land to 3m from ground level. This does not apply to private land. The bylaw is consistent with national legislation which provides that the size of the sign during the 2 month period for the display of election signs on public or private land must not exceed 3m² in area however no height restriction is included national legislation. The minimum space must be 500mm. This does not prevent signs from being 1.2 m above the ground.</p> <p>Restrictions in clause 7(1) applying to all signs on public and private land address the main concerns of safety and preventing obstruction of traffic e.g. signs must not obstruct safe site-lines of traffic and must be strongly braced. The proposal in the bylaw is to limit the height of signs on public sites to 3m based on the rules that applied under the national legislation imposed for the 2010 triennial local elections in Auckland. The Building Act 2004 and Resource Management Act 1991 and district plan rules may also apply to height of a structure, including a sign, on private land.</p> <p>Recommendation</p> <p>The height restriction should only apply to public land.</p>	
<p>Clause 8 Election sign controls for specified sites on public places</p> <p>(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-</p> <p>(i) Election signs must not be displayed on sites that are geological or archaeological features identified in the relevant district plan</p>	
Submitters	Summary of Submissions
Ngāti Whātua Ōrākei	The submitter requested that AT vet the proposed location of any election signs and that using Auckland Council planning and heritage resources confirm whether any proposed sign is intended to be erected on a recorded or scheduled archaeological or cultural heritage site. Should this be the case then Auckland Council heritage, the Historic Places Trust (HPT) and Ngāti Whātua Ōrākei (NWŌ) must be consulted to approve (or reject) it as a signage location.
Franklin Local Board	The board suggest that AT work with the Unitary Plan team to amend the rule to include the draft Unitary Plan terminology for areas of importance, e.g. significant natural features, historic character areas, sites of significance to Mana Whenua etc.
<p>Analysis - Cultural and heritage sites</p> <p>Clause 8(1)(i) of the bylaw prohibits election signs being displayed on sites that may have geological</p>	

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or archaeological features. It does not refer to scheduled or recorded cultural or heritage sites.

Sites would only be selected after consultation with Council to ensure recorded cultural or heritage sites are not specified. Consultation would be undertaken with those entities with responsibility in relation to the sites and in accordance with the relevant legislation.

Recommendation:

Proposed amendment to subclause (1)(i) to clearly reflect this requirement by inserting the underlined words:

Clause 8 Election sign controls for specified sites on public places

(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-

- (i) Election signs must not be displayed on sites that are recorded or scheduled as cultural or heritage sites or that are geological or archaeological features identified in the relevant district plans or unitary plan;

Clause 8 Election sign controls for specified sites on public places

(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-

- (k) election signs may only be displayed during the period two months commencing on the day that is two months before the election day and ending with the close of the day before the election day

Submitters	Summary of Submissions
Communities and Residents	The submitter requests greater certainty on the date that election signs can be erected as the term “2 months” is considered confusing. The submitter recommends the clause to be amended to read: <i>“election signs may only be displayed from the Saturday nine weeks before the election or referendum day and ending with the close of day before the election or referendum day”.</i>
New Zealand National Party	The submitter proposes that the period before an election for which signs can be displayed be set at Saturday nine weeks prior to the election as the date two months prior to an election often falls on a week day which incentivize candidates to break the bylaw in order to raise signs on the prior Saturday or Sunday when volunteers are available to assist.

Analysis

The proposal in the bylaw is consistent with the national legislation which uses the same terminology. However it is accepted that a change could be beneficial for consistency and to assist in making it easier for volunteers.

Recommendation:

Agree with the proposal to amend this clause to have a specific time period could be considered if this assists in certainty for candidates and for enforcement.

Clause 8 Election sign controls for specified sites on public places

(1) Any person who displays an election sign on a site specified in accordance with clause 6 (2) must comply with the controls in clause 7 and must comply with the following controls-

- (k) election signs may only be displayed during the period ~~two months~~ commencing on the day Saturday nine weeks before the election day and ending ~~with the close of~~ at midnight on the day before the election day;

Clause 8 Election sign controls for specified sites on public places

(2) Auckland Transport may by resolution make additional controls for the display of election signs on

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particular sites.	
Franklin Local Board	The board requests Auckland Transport to consult with local boards on any new controls and recommends that this clause be amended to read “ <i>after consultation with local boards</i> ”.
<p>Analysis</p> <p>AT staff will continue to engage with the local boards collaboratively on the proposal for the display of signs in public sites. AT recognises the role of local boards (allocated to the local boards by Auckland Council) as essentially the “landowner” in local parks, and their role in determining the appropriate place to put signs in local parks. In April/May local boards are being requested to formally approve sites in local parks, and provide comments on sites in road reserves in their respective local board areas that they consider appropriate. Recommendations by the local boards for new sites on road reserves or for the removal of any of the proposed sites will be taken into account by AT if a case can be made with respect to the particular site on the road.</p> <p>Recommendation: A proposed amendment to add new subclauses 6(3) and (4) [discussed in clause 6(2)] will require local board approval for sites for the display of election signs in local parks and will require consultation with the local boards for sites on road reserves prior to a resolution being made under the bylaw to specify public sites (in local parks or road reserves) for signs.</p>	

Clause 9 Election sign controls on private sites	
<p>(1) A person who displays an election sign on a private site visible from a road must comply with the controls in clause 7 and must also comply with the following controls-</p> <p>(b) Election signs may be affixed to the front face of a fence between private property and a road but it must be within the surface area of the fence.</p>	
Submitter	Summary of Submission
Communities and Residents	The submitter request clarification of this clause as currently the wording “must be within the surface area of the fence” is unclear.
<p>Analysis</p> <p>The intent of this clause is to ensure a sign on a fence does not protrude above or below the surface area of the fence and is flat against a fence.</p> <p>Recommendation: No change is necessary. However the following wording changes could be made to clarify the intent.</p> <p>Clause 9 Election sign controls on private sites</p> <p>(1) A person who displays an election sign on a private site visible from a road must comply with the controls in clause 7 and must also comply with the following controls-</p> <p>(b) election signs may <u>only</u> be affixed to the front face of a fence between private property and a road but it and must be within <u>flat against</u> the surface area of the fence <u>and must not protrude from it.</u></p>	
Part 3 Clause 10 Enforcement powers, offences and penalties	
<p>10. Enforcement- Auckland Transport may use its powers under the Local Government Act 2002 to enforce this bylaw, including the power to:</p> <p>(a) remove or alter an election sign, if the sign is damaged or is not in good order or condition or is otherwise in breach of this bylaw and to recover any reasonable costs;</p> <p>(b) recover reasonable costs to restore a site if the site is not restored by the person who displays an election sign to the condition it was before the sign was displayed.</p>	

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Submitters	Summary of Submissions
Kevin Fox	The submitter request that enforcement is carried out and is enforced the same way with all political parties.
Te Runanga o Ngati Whatua	The submitter supports the use of consistent and clear controls across Auckland for enforcement.
New Zealand National party (Waitakere Electorate)	<p>The submitter proposes a time allowance to enable candidates to remove their damaged sign. This would serve to prevent political opponents damaging the sign to try to secure the better site. Clause 10 is proposed to be amended and to include the following new provision Clause 10 (2)</p> <p>(1) <i>Auckland Transport may use its powers under the Local Government Act 2002 to enforce this bylaw, including the power to:</i></p> <p>(a) <i>remove or alter an election sign on the basis of an apparent breach of these Regulations, unless such breach can be attributed to the actions of a person other than the candidate (whether or not the identity of that other person is known);</i></p> <p>(b) <i>recover any reasonable costs incurred in removing of an election sign in accordance with this clause, provided however that such cost shall not exceed \$200; and</i></p> <p>(c) <i>recover any reasonable costs incurred in restoring a site, in situations where the site has not been restored by the person who displays an election sign to the condition it was before the sign was displayed, provided however that such cost shall not exceed \$200.</i></p> <p>(2) <i>In exercising such powers, Auckland Transport shall not remove any election sign without first giving the candidate to whom that sign belongs 24 hours' notice. Such notice must be in writing to the relevant candidate and must state the nature of the apparent breach</i></p> <p>Clause 10 should also be amended to include the following new provision (clause 10(3):</p> <p>(3) <i>If an election sign is removed in accordance with this clause then the candidate to whom the sign belongs shall be given a reasonable opportunity to collect the election sign from Auckland Transport.</i></p>
Communities and Residents	The submitter proposes that a new clause that when a sign is breaching the bylaw AT notifies the relevant person and commits to providing a reasonable period for that person to rectify the breach, rather than immediately remove and charge the person for that.
Owen Thompson	The submitter says the proposal looks like there will be authorised and non-authorised sites and asks what is the enforcement action will be taken against illegal signs on public land.
<p>Analysis</p> <p>Issue 1 Need for fair consistent enforcement:</p> <p>Agree with the submitter that clear consistent rules across Auckland are important to provide certainty for candidates and the public in the enforcement of signs.</p> <p>Issue 2 Enforcement</p> <p>The requirement for the name and contact details for the person responsible for the sign to be included on the signs enables enforcement officers to contact the person responsible for the display of the sign if the sign is in breach of a control in the bylaw.</p>	

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A 24 hour notice period prior to the removal of a sign may not be appropriate in all circumstances. There may be instances where for safety reasons (e.g. if a sign has been damaged and is a danger to the public) that an enforcement officer may need to remove the sign immediately and the person responsible will be informed. Enforcement is going to depend on the circumstances. There is also a prescribed process that must be followed for enforcement under clause 10 in accordance with the Local Government Act 2002. It was not considered practical to include this level of detail in the bylaw.

The Local Government Act 2002 sets out the process enforcement officers must follow when removing property in breach of a bylaw and returning such property. The Act also provides that costs can be recovered for removing signs in breach of the bylaw. Costs should not be included in the bylaw as these may vary depending on the circumstances.

Recommendations: Amendments are not recommended to the enforcement clause.