

WRITTEN SUBMISSIONS

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*Submission number relates to the order the submission was received and used here for cross reference purposes.

		<p>gns at all on private land on specific public places as per the list you propose.</p> <p>use they are on private land there is no uniformity and it look very messy, plus the sign of one party (council election or political election) can upset neighbors and they might be cause for vandals to came into a private property to damage the sign. We can see damage of the signs into public land and it is no different if they are on private property.</p> <p>2. In some European countries when there is an election (council or general) the council provide some large board in very public places and a part of the board is given to every political parties and they can put on it what they want, but no in other places.</p>
6	Dr Grant Gillon	<p>1. I question the right of Auckland Transport to promulgate such a bylaw. I don't question the right of Auckland Transport to promulgate bylaws within its jurisdiction but argue that Election matters are not matters for Auckland Transport.</p> <p>Firstly, Auckland Transport's legislative purpose is: to contribute to an effective and efficient land transport system to support Auckland's social, economic, environmental, and cultural well-being. (Auckland Transport Statement of Intent 2011-2014, p.5). It is not authorised to involve itself in democracy matters. Constitutionally that is a role for a governing body to decide rather than a CCO that is removed from democracy issues by virtue of a commercial structure and a Board. The reference above to contributing to social etc well-being is to contribute to the land transport system that in turn contributes to the well-being and not to the well-being itself.</p> <p>Secondly, there seems to be a mix of transport issues and democracy issues in this bylaw and so the proper place is for the Auckland Council to determine the final bylaw.</p> <p>Thirdly, Auckland Transport is not empowered to be involved in democracy/election issues just "effective and efficient land transport" issues. There is nothing listed in the Ministry of Transports outline of</p>

		<p>at allows this cross-over of authority (ort's main tasks include:</p> <ul style="list-style-type: none"> designing, building and maintaining Auckland's roads, ferry wharves, ys ety and community transport initiatives such as <ul style="list-style-type: none"> • planning and funding bus, train and ferry services across Auckland <p>2. Paragraph 3: Application: I oppose the application to private land. Auckland transport 's legislative purpose is : to contribute to an effective and efficient land transport system to support Auckland's social, economic, environmental, and cultural well-being. (AT p.5). It is over reaching its powers to enforce matters on private land. A number of things happen on private land that might be a distraction to users of a public road and Auckland Transport should not be involved in such matters unless there is a clear line drawn to public/road user safety issues.</p> <p>3. Part 2, 6. (2)(b) I oppose the application of this bylaw to private sites (refer above).</p> <p>4. Part 2, 6. (2)I I oppose the application of this bylaw, in this way, to vehicles as it would be difficult to ascertain the vehicle's 'principal function'. As such this aspect would be a nonsense and create unnecessary disputes and objections.</p> <p>5. Section 7 (1) (a). There needs to be a time for close of day. The close of day means different things for different people. It always used to be accepted as midnight and that time should be reinstated.</p> <p><i>Submission on the list of proposed sites</i></p> <p>6. I support the sites as determined for Kaipatiki local board area although one fails to see the value in the proposed position of signage in the Mayfield Reserve.</p> <p>7. I support the sites as determined for Devonport/Takapuna Local Board area.</p>
7	Kevin Fox	<p>I have one request, once you formulate a bylaw referring to election signs PLEASE:</p> <ol style="list-style-type: none"> 1) actually enforce it 2) enforce it the same way with ALL political parties

		<p>able and in no way fair to all</p> <p><i>of sites</i></p> <p>proposed set of sites for the Kaipatiki area. While two that are particularly unacceptable.</p> <p>The site N-K10 on Kaipatiki Road is particularly restrictive and as such it is difficult for signs to be erected on it where they can be safely viewed by the traffic. An appropriate replacement site might be Kaipatiki Park, or on the verge along the northern side of Kaipatiki Road.</p> <p>Secondly, the site at the Mayfield centre has a number of trees in the way that make it difficult for signs to be seen except at the last minute. Signs are often positioned dangerously close to the road to get around this restriction and I believe this is unnecessary. An appropriate replacement position nearby may be the war memorial hall on the northern side of Glenfield road.</p> <p>Furthermore, there is a distinct lack of signage positions in the suburb of Hillcrest, so the following sites may be suitable to allow for signs to be erected. Hillcrest reserve in Hillcrest Ave, and Stancich Reserve, on the Ocean View Road side. This would allow for a more even distribution of election sign sites across the area.</p>
6	Owen Thompson	<p>I am completely against the proposal to allow electioneering billboards on public property. This is even though I am an active member of the Labour Party and standing in the Local Board elections.</p> <p>Having your own sign on private property is far more effective as there is no clutter distracting from the message. I can foresee all sorts of childish games to place a particular sign in front of the opposition one. Personally, if a party has so little support that they are unable to get party faithful to place signs on their property, then why bother standing in that electorate?</p> <p>Having looked at the suggested locations in Manurewa, I believe signs placed there will create traffic hazards as motorists will slow down and fail to observe the road rules. Auckland Transport surely is aware of that.</p> <p>The proposal looks like there would be authorised and non-authorised sites.</p>

		taken against illegal signs on public
		Retain the bylaw from the former Manukau City Council banning any publicly owned land. I do not wish to make an oral

Local Boards Submissions

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Resolution number FR/2013/279

Member MA Kay: _

back to Auckland Transport on its draft Election Signs Bylaw

2013 as follows:

- a) The preferred option for the regulation of election signs is through an Auckland-wide bylaw, with specific controls for strength and safety but sites on public land are limited to sites designated by resolutions made under the bylaw, in order to give consistent rules across the region for election signs.

- b) The following feedback is given to specific clauses in the draft bylaw, with additional wording indicated in italics:
 - i) Clause 6 – Location of Election Signs
 - Clause 6(1)(a) allows election signs on a public place that is specified by Auckland Transport for the display of election signs.

This is a major change to the legacy controls, which did not allow election signs to be displayed on public land in the Franklin local board area. If this rule is to remain, the community should have input into the location of the public sites and therefore local boards should have the ability to propose all public sites to Auckland Transport. The clause should read as follows:
“on a site on a public place that is proposed by a local board for the display of election signs.”
 - Clause (2) states “Auckland Transport may specify, by resolution, sites that are suitable for the display of election signs under clauses 6(1)(a).”

It is requested that 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. This will enable the local boards to take into account community views when approving new sites on reserves.
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

§ 6(1)(a) above).

ed to read “Auckland Transport may specify, by resolution, all public sites that are suitable for the display of election signs, *other than local board control, which local boards may specify as*

ii) Clause 7 – Controls for all election signs

- Add words to clause (d) “Election signs must not be displayed in a way that endangers public safety *and must be kept free of graffiti*”
- Add words to clause (g) “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.*”
- Add words to clause (i) “Election signs must not be displayed on footpaths, road medians, roundabouts, traffic islands or any other traffic separation structure *or within 15m of any traffic signals or signs.*”

iii) Clause 8 – Election sign controls for specified sites on public places

- Add words to clause (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, *bus shelter, public toilet, power light, telephone pole*, 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).
- Clause (i) – it is suggested that Auckland Transport staff 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.
- Clause (2) – “Auckland Transport may by resolution make additional controls for the display of election signs on particular sites”. The Franklin Local Board requests that Auckland Transport consults with local boards on any new controls, and that this is reflected in the wording of this clause, by adding the words “*after consultation with local boards*”.

c) That the Franklin Local Board does not wish to give feedback to Auckland Transport on the

		<p>in Franklin included in Attachment C, except to te. The board wishes to be delegated the responsibility to propose all such sites in Franklin, as requested in the amendment to clause</p> <p style="text-align: right;"><u>CARRIED</u></p>
9	Howick Local Board	<p>Further to the Howick Local Board's Resolution number HW/2013/27 MOVED by Member SA Udy, seconded Member AJ White:</p> <p>That the Howick Local Board:</p> <ol style="list-style-type: none"> a) receive the tabled report. b) does not support the erection of election signs in Howick Parks, boundaries of parks or road reserves and recommends similar consideration by other boards. <p>I would like to clarify the Board's position with regard to the above and in particular provide the reasoning behind part (b) of the resolution.</p> <p>The Board's view is that the Manukau City Council bylaws should be adopted across the region i.e. it does not support making public sites, including parks, boundaries of parks or road reserves, available for the installation of election signs. It is considered that these signs add unnecessary clutter and detract from the character and appearance of an area. Both individually and cumulatively, such signs have an unacceptable impact on the visual amenity of a local area and their installation should be resisted across the region.</p> <p>I hope this is of assistance at the analysis and reporting stage of the election signs by- law.</p>
14	Manurewa Local Board	<p>Background The Manurewa Local Board promotes the social, economic, environmental and cultural wellbeing of current and future communities in the Manurewa area.</p> <p>The Local Board has considered the draft Auckland Transport Election Signs Bylaw 2013 at its business meeting on the 14th of February 2013 and made the following resolutions:</p> <p>Resolution number MR/2013/27 MOVED by Member AM Dalton, seconded Member CB Brown:</p> <ol style="list-style-type: none"> a) <i>That the Manurewa Local Board delegates authority to Member Colleen Brown to draft the Local Board's submission to the Auckland Transport Elections Signs Bylaw 2013, noting the closing date of 28 February 2013.</i>

		<p>ould apply, ie: prohibit election signs in public places bylaw.</p> <p>CARRIED</p> <p>The Manurewa Local Board would like to submit the following comments on the proposed Auckland Transport Election Signs Bylaw 2013:</p> <ol style="list-style-type: none"> 1. The Manurewa Local Board strongly <u>opposes</u> the placement of election signs in public places. The Board prefers Option 2 referred to in the Statement of Proposal published with the draft bylaw which states: 'to prohibit election signs on public places across the region'. 2. The Board also would like to submit that the election signs bylaw should be made by Auckland Council rather than Auckland Transport, because of the wide range of non-transport considerations. <p>Conclusion The Manurewa Local Board is looking forward to a constructive dialogue with Auckland Transport on this matter.</p> <p>The Local Board wishes to speak in support of this submission.</p>
8	Ōtara-Papatoetoe Local Board	<p>Submission on draft Auckland Transport Election Signs Bylaw Adopted by board resolution 19 February 2013</p> <p>Introduction Ōtara-Papatoetoe Local Board recognises the need for an election signs bylaw, but opposes this draft bylaw, in particular its proposal to allow election signs to be placed in public places. Ōtara-Papatoetoe Local Board prefers Option 2 referred to in the Statement of Proposal published with the draft bylaw, which is to prohibit election signs on public places across the region.</p> <p>The board also considers that the election signs bylaw should be made by Auckland Council rather than Auckland Transport, because of the wide range of non-transport considerations.</p> <p>These general submissions are present first below, followed by specific submissions asking for text changes, in case the general submissions are rejected.</p> <p>Submission Clause no: General Submission: Ōtara-Papatoetoe Local Board considers that Auckland Transport is not the appropriate body to make a bylaw on election signs. As a road controlling authority that is not a local authority, Auckland Transport</p>

considerations. The effects of election signs go wider than those currently covered by the draft bylaw and should be appropriately addressed in a bylaw made by the Auckland Council. Other Auckland Council issues that are beyond the scope of Auckland Transport include the impacts of signs on amenity and the visual appearance of the city centre. These issues are addressed in the Statement of Proposal such as the value of election signs and fairness for candidates. Auckland Council to develop an election signs bylaw.

Clause no: Election signs in public places

Submission: Ōtara- Papatoetoe Local Board opposes the placement of election signs in public places. The board supports Option 2 referred to in the Statement of Proposal with the draft bylaw, i.e. to prohibit election signs on public places across the region. That approach would provide a fair, simple, and certain rule for all concerned, and avoid adverse effects on amenity caused by election signs.

Relief sought:-

Clause no: 6

Submission: This clause gives Auckland Transport the power to specify public places where election signs are permissible. This is an inappropriate discretion for a CCO, and it will lead to uncertainty as multiple documents will need to be consulted to identify permitted sites. All public places that are acceptable should be stated in the bylaw directly in a schedule, and amended as necessary in future by amending bylaws, with full consultation. In any case, Otara-Papatoetoe Local Board does not want any sites within its area to be included.

Relief sought: Amend clause 6 (1) (a) to read: "(a) on a site in a public place specified in Schedule 1 to this bylaw,"

Delete subclause 6 (2).

Add Schedule 1 containing maps of public places where election signs are permitted. Do not include any sites in the Ōtara- Papatoetoe Local Board area.

Clause no: 8 (1) (f)

Submission: Clause 8 regulates the size and other details of election signs on public sites. Sub-clause (f) should also apply to signs on private sites. This is especially needed to control the height of signs in residential and rural zones, however even in business and industrial areas some height control is appropriate. In business and industrial areas, free standing signs should not exceed 3m, and sign height greater than 3m should only be allowed for signs attached to buildings up to the height of the building. This provision should be placed in clause 7, to apply height restrictions to signs on public and private sites.

Relief sought: Delete clause 8(1)(f).

Add to clause 7, a new subclause to fix a maximum 3m height for election signs in public places and on private rural and residential zoned sites.

		<p>or election signs on private business and industrial buildings no higher than the building.</p> <p>/ Auckland Transport to specify public places where election signs does not want any sites within its area to be included in any resolution.</p>
18	Papakura Local Board	<p>Papakura Local Board promotes the social, economic, environmental and cultural wellbeing of current and future communities in the Papakura area.</p> <p>The Local Board acknowledges the benefit of introducing an Auckland wide Election Signs Bylaw. Option 4 in the Statement of Proposal is therefore supported, as it introduces a consistent approach to the identification of appropriate public land sites for signs. These signs located on public land help to strengthen the democratic process, allowing a fairer allocation of space to a broad range of candidates.</p> <p>The Local Board expects an ongoing dialogue with Auckland Transport on this matter; for example the Local Board should be kept informed of any variations in the approach being proposed around the use of public land for election signs. If the outcome of adopting a consistent Auckland wide approach means a move away from the use of public land, the Board would withdraw its support and would instead wish to retain the existing legacy bylaw for Papakura (Option 1 in the Statement of Proposal).</p> <p>Papakura Local Board wishes to be heard in support of this submission. Please also see the Local Board's separate submission regarding designated public locations for the display of election hoardings.</p> <p><i>Submission on the list of proposed sites – on a separate page</i> Papakura Local Board has made a formal submission on the proposed Auckland Transport Election Signs Bylaw 2013.</p> <p>The Local Board has identified that a site at the roundabout junction of Walters Road, Tironui Road and Great South Road should be added to the list of identified public locations in the Papakura area. This site has previously been used for the display of election hoardings.</p> <p>Additionally the identified site at the junction of Short Street and Opaheke Road is hidden behind trees and should therefore instead be located on the north side of the junction.</p> <p>Further information can be provided on these locations, as necessary. The Local Board expects to be fully involved in finalising the list of identified sites.</p>

2. While the submitter is supportive of many aspects of the proposed by-law, it holds serious concerns about Section 6(2) of the proposed by-law. In light of the strength of these concerns, **opposes the by-law in its current form**. If Section 6(2) be accepted, the Board would be supportive of
3. The submitter is broadly supportive of a common set of rules to govern election signage across the Auckland Council area. This will assist political candidates in understanding their obligations, it will enable more effective enforcement, and it is consistent with the general desire to harmonise rules and regulations across Auckland.
 4. The submitter notes that the by-law only covers elections under the Local Electoral Act and the Electoral Act 1993, specifically excluding the triennial AECT elections which take place across the former Auckland City and Manukau City areas (approximately half the Auckland Council region by population). These elections attract organised political groupings and the erection of a significant number of election signs. Historically these signs have been covered by the former Auckland City Council by-laws. For the sake of ensuring the appropriate management of signage during the AECT elections we propose that the by-law be extended to also cover this particular election.
 5. The submitter supports the controls to ensure safety, strength, and fair use of sites under sections (7) and (8) and (9) of the proposed by-law. We suggest that these controls be subject to review in 2015, after which time a full cycle of local and general elections will have been completed under the new rules.
 6. The submitter's substantive objection relates to Auckland Transport's (AT's) proposal for itself to be the authority that schedules specific public sites upon which election signs may be erected.
 7. It is the submitter's view that this approach is a substantial and unnecessary over-step of AT's powers at the expense of Local Board autonomy.
 8. The submitter notes that the majority of sites that are currently used for election signage, and the majority of sites proposed by AT, are Local Board allocated parks.
 9. Since the inception of the unified Auckland Council governance structure in 2010, Local Boards have had governance oversight over local parks, that is, all parks not specifically identified as regional parks. This is reflected in the initial allocation of responsibilities made by the Auckland Transition Agency, and later in the Council Long Term Plan and Annual Plans that identify confirmed allocations. In this case:

"Local boards are allocated decision-making responsibility for the following non-regulatory activities

... the use of and activities within local parks...”

In spirit of the Auckland Council enabling legislation which enshrines the principle that decisions should be made by Local Boards as democratically elected representatives of the local community, unless there is a clear reason for this not to occur.

11. Since assuming this allocation, Local Boards across the Auckland Council region have got on with the job of overseeing local parks. In the process boards have become extremely familiar with all aspects of their local parks and the communities that surround them. Considerable institutional knowledge about local conditions has been accrued.
12. The submitter also notes that Local Boards fulfil the role of the “Administering Body” of local parks allocated by the LTP, under the Reserves Act. This empowers Local Boards to “control and manage” these reserves.
13. In all respects then, local parks are understood to be in the legitimate domain of Local Boards, who act as the landowner. This is confirmed by the current practice of seeking ‘landowner consent’ from Local Boards when certain activities (such as events or infrastructure work) are proposed within local parks.
14. Given the above the submitter finds it quite inconsistent for Auckland Transport to assume rights to schedule Local Board parks under Section 6(2) of the proposed by-law.
15. The submitter notes that there are currently no other instances of an authority other than the Local Board determining an activity within a Local Board park. Any activities proposed by a party other than the Local Board are subject to landowner approval from the Local Board.
16. It is also noted that permanent signage currently exists within many Local Board parks and that it is an accepted function of Local Boards to oversee the appropriate placement of this signage.
17. Taking the above into account, the submitter believes that the proposal for AT to control the scheduling of Local Board parks:
 - a. Breaches the clear spirit of both legislation and the LTP allocation as it pertains to Local Board authority over local parks, and;
 - b. Arguably creates a case for dispute between Local Boards and Auckland Transport over jurisdiction.
18. The submitter believes that this issue can be simply resolved in a way that satisfies the objectives of both

For the proposed solution is simply to amend section 6(2), as follows:

ites that are suitable for the display of election signs under clauses 6(1)(a)."

To:

"Local Boards may specify by resolution, sites within their boundaries that are suitable for the display of election signs under clauses 6(1)(a)."

20. The submitter believes that this alteration will result in a by-law that meets the objectives of both parties. In AT's stated "Reason for the proposal" we note that the identified reason for advancing the by-law is to achieve a regional consistency of controls. There is no mention of a need to actually control what sites signs are erected on. The approach proposed at (18) above ensures that AT's stated reasons for the bylaw are achieved, while ensuring that Local Board autonomy over Local Board parks is retained.
21. The submitter notes that this approach of setting a high-level consistent by-law, while allowing for local decision making has strong precedent. For example:
 - a. Under the old Auckland City election signage by-law, the relatively un-empowered Community Boards were given responsibility for scheduling specific sites.
 - b. Under the current governing structure, a regionally consistent by-law about dog access has been approved, but Local Boards have the right to schedule in which of their local parks dog off and on leash rules will apply.
22. Fundamentally, Local Boards expect to be able to make decisions about local assets such as parks. In every other respect this decision making power is respected, and it would be damaging to the relationship for Auckland Transport to try and remove an aspect of local decision making that rested locally, even under the old Community Board model.
23. The solution proposed in this submission allows for a regionally consistent rule, while respecting the rights of Local Boards to make decisions about Local Board parks. It is a reasonable proposal that meets the objectives of both parties, and we urge AT to alter the proposed by-law accordingly.
24. The submitter is available for further discussion, and wishes to be heard if there is a formal opportunity. (details provided)

The Waitemata Local Board welcomes the opportunity to make a submission on the proposed Election Signs

set of rules to govern election signage across the Auckland Council area. This will assist political candidates in understanding their obligations, it will enable more effective enforcement, and it is consistent with the general desire to harmonise rules and regulations across Auckland.

However, the Board has serious concerns about Auckland Transport being the designating authority; these concerns are explained further in the body of the submission.

Summary of position

- Local Boards are formal consultation party in this bylaw and should be consulted prior to the public.
- Local Boards should be the designating authority for signage in local parks consistent with their decision-making allocations.
- Local Boards should be the designating authority within the health and safety and locations parameters established by the bylaw e.g. locations not too close to footpaths or within tree driplines.
- Boards should have the ability to propose sites in the road corridor with Auckland Transport accepted as the final designating authority.

Election Signs Bylaw 2013

Part 1 – Preliminary provisions

Clause 5(1) – election means an election under the Electoral Act 1993 or the Local Electoral Act 2001

This clause specifically excludes the triennial AECT elections which take place across the former Auckland City and Manukau City areas (approximately half the Auckland Council region by population). These elections attract organised political groupings and the erection of a significant number of election signs. Historically these signs have been covered by the former Auckland City Council by-laws. For the sake of ensuring the appropriate management of signage during the AECT elections we propose that the bylaw be extended to also cover this particular election.

Part 2 – Display of election signs

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

Whilst recognising that a sensible approach is to exclude a schedule of approved election sign sites from the bylaw legislation, the Board is seriously concerned that Auckland Transport appears to be the designating

ard appears to be the most appropriate designating

Since the formation of the Auckland Council in 2010, Local Boards have had
lected in the initial allocation of responsibilities made by the
ncil Long Term Plan and Annual Plans that identify confirmed

allocations. In this case:

“Local boards are allocated decision-making responsibility for the following non-regulatory activities of Auckland Council...”

Local parks **including:**

... the use of and activities within local parks...”

In all respects then, local parks are understood to be in the legitimate domain of Local Boards, who act as the landowner. This is confirmed by the current practice of seeking ‘landowner consent’ from Local Boards when certain activities (such as events or infrastructure work) are proposed within local parks.

Therefore, the Board does not accept Auckland Transport as the designation authority for local parks signage, we argue this designating authority should be given to the local board consistent with their decision-making allocations.

This is consistent with the intent and spirit of the Auckland Council enabling legislation which enshrines the principle that decisions should be made by Local Boards as democratically elected representatives of the local community, unless there is a clear reason for this not to occur.

Further, Local Boards should be the designating authority within the health and safety and locations parameters established by the bylaw e.g. locations not too close to footpaths or within tree drip lines.

In addition, Local Boards should have the ability to propose sites in the road corridor with Auckland Transport accepted as the final designating authority.

Clause 7, 8, 9

The Board supports the controls to ensure safety, strength, and fair use of sites under Clauses (7) and (8) and (9) of the proposed bylaw. We suggest that these controls be subject to review in 2015, after which time a full cycle of local and general elections will have been completed under the new rules.

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Transport Act 1998, Auckland Transport must comply with the consultation requirements as set out under section 22AB which states "Auckland Transport may not make a bylaw under section 22AB unless it has

- (a) the occupiers of any properties adjoining the road to which the proposed bylaw would apply; and
- (b) any affected road controlling authorities that are responsible for roads that join, or are located near, the road to which the proposed bylaw would apply; and
- (c) the territorial authority for the area where the road is located; and
- (d) any affected local community; and
- (e) the Commissioner of Police; and
- (f) any other organisation or road user group that the road controlling authority considers affected; and
- (g) the Agency (if the road controlling authority is not the Agency) [the New Zealand Transport Agency].

In the Statement of Proposal it is noted "Auckland Transport will comply with the requirement to consult with stakeholders identified in (a) and (d) above by publishing notices in the newspaper, information on the Auckland Transport website and by **contacting the Local Boards.**"

The Local Board was never approached by Auckland Transport regarding this bylaw. Therefore, the Board wishes to reiterate that Local Boards are formal consultation party on this bylaw and should have been consulted priority to the bylaw going for public consultation.

The Board wishes to speak to this submission.

Submission on the list of proposed sites

Victoria Park site

The Waitemata list of proposed sites includes all those previously approved for election signs display under the former Auckland City Council Signs Bylaw 2007 except for one site located at the corner of College Hill and Beaumont Street – near Victoria Park. There was no rationale provided for excluding this site from the proposed list.

Western Park site

The proposed election site at Western Park – Corner of Hopetoun Street and Ponsonby Road is included in the list of Albert-Eden proposed sites. This is incorrect as this site falls within the Waitemata Local Board geographic area.

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reference purposes.

		<p>ottom of the sign 500 mill from the ground. Please keep that rule.</p> <p>There does not appear to be a rule for the maximum height?</p> <p>In theory I could build a sign 600 mills wide and 5 metres high plus 1200 mills above the ground =6.2 metre above the ground?</p> <p>May I suggest a maximum height of 2.4 metres, this allows the old rule of 1200 above ground and 1200 X 2400 sign.</p>
12	Communities and Residents	<p>Introduction</p> <p>This submission is from the Communities and Residents Association Incorporated. For many decades, the Association has had involvement in local authority elections within the Auckland area. It therefore understands the importance that election signs play in encouraging active participation in the democratic process and encouraging Aucklanders to vote. We wish to support the initiative Auckland Transport (AT) has taken to review the existing election sign controls and move to a consistent set of controls across all of Auckland.</p> <p>The Communities and Residents Association wishes to speak to its submission at any public hearing that AT establishes as part of this process. To arrange this we can be contacted at the postal address above, or via our Treasurer/Secretary, Leigh Morrow, email: info@c-r.org.nz or phone 0274 522 964.</p> <p>Summary</p> <p>The Communities and Residents Association supports AT's proposal to implement Option 4, that is regulating the erection of election signs by an Auckland-wide bylaw and limiting signs on public land to sites designated by resolutions made under the bylaw.</p> <p>However in reviewing the proposed bylaw we seek clarification on some matters and make a number of suggestions for change.</p> <p>We strongly urge AT to provide:</p>

		<p>required for person responsible for displaying a requirement into the Bylaw that when AT identifies a sign breaching the bylaw it notifies the relevant person and commits to providing a process to rectify the breach, rather than immediately remove and to support this should also be developed and adopted by to rectify the breach.</p> <p>For the display of one election sign on each specified site promoting a party, organisation or team that is campaigning in local elections. As currently worded this only applies to parliamentary elections and would therefore preclude Communities and Residents from promoting election messages, separately to candidate information.</p> <p>More certainty in relation to the date that election signs can be erected by departing slightly from the '2 month' period i.e. on the Saturday 9 weeks before election or referendum day.</p> <p>We also seek clarification or change on a number of points:</p> <ul style="list-style-type: none"> External on-bus advertising can be used; That private commercial billboard sites that exceed 3m² can be used; What 'contact details' mean in relation to the person responsible for displaying the election sign; That application of sticky label strips can be applied to an election sign; That the sites that will provide for V-shaped signs be identified as soon as possible and corner sites that are not large be included in the list; That the widest point for V-shaped signs be substantially increased from 1m; That provision be made for two panels to be provided on a single side, as long as these in combination are less than 3m² and stand less than 3m in height; The wording 'must be within the surface area of the fence' be improved to provide greater certainty over what is being sought; That AT's policies provide that formal advertising space that is in some bus shelters (e.g. AdShel) can be used for election signage and where it is lit that is acceptable; Provision for election signs on designated public land in relevant areas of Auckland for the Auckland Energy Consumer Trust elections are set out and align with the designated public sites as these change into the future. <p>Details of the above are set out in the following section.</p> <p>Recommended changes or clarification</p> <p>Our submission relates to the impact of the proposed bylaw on elections or by-elections for Auckland Council, local boards, DHBs and licensing trusts and also makes reference to the Auckland Energy Consumer Trust elections.</p>
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we seek confirmation from AT that this clause does provide for the use of external on-bus election

We seek confirmation from AT that election signs that are on private commercial billboard sites can be used and can exceed 3m².

Clause 7 (1) (e)

We seek clarification from AT as to exactly what this means. Does this mean that signs will need to have?

(1) the authorisation name and contact details (as per Local Electoral Act 2001 *Section 113 (2) (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business*),

and

(2) a separate name and contact details for the person responsible for displaying the election sign?

Or does AT anticipate that there will be one name with 'contact details' that fulfil both functions?

Could AT also clarify exactly what 'contact details' means. Does that mean name, phone number, physical or postal address or email, and in what combination? We recommend this clarification be placed in Clause 5 Interpretation, as we have been unable to find the definition in the Land Transport Act 1998, Electoral Act 1993 or the Local Electoral Act 2001.

We note that by requiring contact details to be printed on the election signs, AT has chosen not to provide a registration service for persons responsible for establishing and maintaining election signs and has made no commitment to notifying that person before removing election signs (as per Auckland City Council Bylaws 2007 updated 28/9/2010, p55).

We recommend that AT introduce a registration service and commitment to notification before removal, to enable rectification to be made within a fair and reasonable timeframe. We would ask that wording be included in the Bylaw providing for this and suggest the following is added to Clause 8 Enforcement.

“(c) Auckland Transport will

f an election sign before removing an
law, and

(ii) provide a reasonable period for that person to rectify the bylaw breach before

we also recommend that procedures for this be established by AT and adopted at the time of the Bylaw and updated thereafter. The procedures should cover means of notification of the proposal to remove the election sign and the time for rectification action to be undertaken by person responsible for the display of the election sign e.g. 24 hours. We would be pleased to provide further input on such a procedure.

A registration service would also enable people responsible for the display of election signs to have a contact person at AT, to consider issues that may arise on a site and to identify whether signs that have 'gone missing' were removed by AT or not.

Clause 7 (1) (q)

We seek confirmation from AT 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. These strips have been used in recent years to refresh election signs and do not flap around and do not peel off in the weather.

Clause 8 (1) (c)

Communities and Residents urges AT to change its bylaw and 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). C&R has a long history of local government campaigns and it is very important to us that our brand is able to support our candidates and teams in campaigning for votes across all of Auckland. We therefore value the ability to have Communities and Residents signs that promote election messages in addition to those that promote an individual or team of candidates.

Clause 8 (1) (e)

This clause sensibly provides for a V configuration of a single election sign however we would ask that AT review the widest point to be "not more than 1m". In our experience there are roadside locations, particularly those on corners, where having a linked sign is valuable but being restricted to 1 metre would mean that viewing would be substantially obscured. We would ask AT to substantially increase the widest point and/or identify a degree angle that it must not exceed.

hich of the proposed public specified sites signs. We note that some corner sites that are not large this configuration would be the best option so would ask AT to consider these as well. We this matter.

e 8 (1) (d)

We would like AT to confirm whether the height provisions mean that 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. By way of example, could two physical signs of 1.2 x 1m, that go together to form the one election sign be erected (still less than 3m² and still less than 3m in height). If so, could AT adjust Clause 8 (1) (d) to make explicit the provision for two panels on a single side.

Clause 8 (1) (k)

Under the Electoral Act 1993 Section 221B (3) it is possible for AT to identify that election signs can be displayed for a period longer than 2 months before polling day. AT has identified in its Statement of Proposal that it sees no reason to depart from the 2 month period and it expects commencement of the 2 month display period for the upcoming local election to be from Sunday 11 August 2013 – 61 days before the election day.

Use of the term '2 months' is however confusing and subject to interpretation. Is it 60, 61 or 62 days before election or polling day? Does it mean that AT will need to declare at each election what '2 months' means? To improve certainty about the date, Communities and Residents recommend that AT departs slightly from the proposal time period wording to instead read:

"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".

The above wording would ensure that all candidates can be absolutely certain that the time period for display will start on a weekend Saturday and there will be no room for misinterpretation. It also provides for any public referendum. For practical reasons a weekend start is good for candidates and for organising supporters to undertake the work.

Clause 9 (1) (b)

The wording "must be within the surface area of the fence" is a little unclear. We assume that AT wants to ensure that a sign remains within the private property or does not jut out into the public road area. We do not think this wording makes this point clearly enough and we ask AT to reword it.

We support Clause 6 (1) (a) where election signs must not be attached to various structures on street furniture. However, we seek confirmation from AT that bus shelters (e.g. via AdShel) can be used for election signage in some instances exists. We support the availability of this space as an option for electioneering and encourage AT to ensure provision for that in its policies if it is not already available.

AECT election signage

As provided for in the legislation, the bylaw applies to public referendum, parliamentary elections or by-elections, elections or by-elections for Auckland Council, local boards, DHBs and licensing trusts. We note from your Statement of Proposal, that the bylaw does not apply to the elections for the "Auckland Energy Consumer Trust, elections for the school boards and tertiary institutions" as they are not covered by the Local Electoral Act and Electoral Action 1993.

We therefore seek clarification from Auckland Transport as to whether candidates in these elections would have access to sites on public land or would these candidates be restricted to the use of private sites only? The Statement of Proposal (p7, Clause 12) implies that legacy bylaws will remain valid. We are concerned that this might mean inconsistency in the designated public sites that are available relating to the older areas. Could AT provide us with more clarity as to what would apply into the future for AECT elections. We support AT ensuring election signs on designated public land are provided for elections or by-elections for the Auckland Energy Consumer Trust in the areas relevant for electors of the Trust and these align with the designated public sites as these change in the future.

Election Sign Sites

We note from the Statement of Proposal (p8, Section 8) that comments on election sign sites are to be made separately from submissions on the bylaw, however we set out our comments on these in Appendix 1 to this submission and ask that AT consider them also.

Conclusion

The Communities and Residents Association supports the move to apply a consistent set of controls across all of Auckland for election signage.

We would like to thank AT for providing the opportunity for input to the Election Signs Bylaw 2013 and the list of proposed sites and for taking the time to review our submission.

sed and accepting our suggestions for change.

Submission on the list of proposed sites- separate page

The Communities and Residents Association Incorporated supports Auckland Transport in its proposal for identification of public sites for election signage. We have the following comments for consideration. We may wish to add further to these at a later time.

A1. Review period

The details of the proposed sites do not come with any information about when the sites will be reviewed. It is assumed that this could occur at anytime in response to a request from anyone, but in addition a regular time period for reviewing these sites should be set out e.g. once every three years early in the calendar year for a local authority election. We ask AT to consider and set out how frequently this will occur.

A2. Albert-Eden Local Board area

C-AE2 Campbell Road/Wheturangi Road junction. In the wording underneath the picture it incorrectly talks about the 'eastern corner of the Campbell Rd and St Andrews Rd junction', the latter should read Wheturangi Rd junction.

CAE5 Green Lane West. In addition to the site shown we would also recommend the northern side of Green Lane West be identified as a site.

New suggestion. We would recommend that the south-west corner of the intersection between Manukau Road and Green Lane West Road be added as a location.

A3. Great Barrier and Mangere-Otahuhu Local Board areas

We note that only one site has been identified for each of these areas. We would recommend AT consult further with the Local Boards and others who have been involved in elections in these areas.

Relevant for the Mangere-Otahuhu area, provision was previously made for signage on Beddingfield Park, adjacent to Frank Grey Place and also on the corner of Portage Road and Atkinson Avenue. This could be considered.

A4. Maungakiekie-Tamaki Local Board area

		<p>I we would recommend that the area alongside .</p> <p>» area identified we would recommend that the area on » into St Johns Road is also specified.</p> <p>New suggestion. Provision was previously made for signage on the corner of Apirana Avenue and Merton Road, we suggest that AT look the full roundabout area and the grassed places that surround it and identify a location where election signs could go. The roundabout covers Apirana Avenue, Merton Road, Line Road and Pt England Road.</p> <p>New suggestion. Provision was previously made for signage in the wide grassed area that is 30m east along Clemow Drive from the Mt Wellington Highway. We suggest AT reconsider adding this location.</p> <p>A5. Orakei Local Board area C-O9 Shore Road (1 of 2). We would recommend that in line with past practice, signage is allowed on the corner of Brighton Road and Shore Road in addition to the area specified.</p> <p>A6. Puketapapa Local Board area C-PU7 Mount Albert Road. In the wording under the description it indicates the location as ‘adjacent to the Metro Water building’, as Metrowater no longer exists the building should be described by a different method.</p>
15	City Vision	<p>Oral Submission: City Vision would welcome the opportunity to make an oral submission to expand the points below. (Contact details provided)</p> <p>Thank you for the opportunity to make this submission on behalf of City Vision.</p> <p>City Vision is Auckland's centre-left local body political group. It represents the local Labour, Green and Alliance Parties and other progressive people who are active and keen to represent their communities but do not belong to any political party (community independents).</p> <p>City Vision was formed in 1998 as a political grouping to work to protect and develop our city and communities. From the start, we have championed policies to grow Auckland into a beautiful, healthy, economically and environmentally sustainable city for ourselves and our children.</p>

at all levels in wards in the old Auckland City
1991 we have contested the Auckland District
Health Board. We have also been a partner in groups contesting the Auckland Energy Consumer
Trust. We have also been a partner in groups contesting many different regulations across wide areas of the new

For many years we have been scrutinising the rules governing election signs and are very pleased to see a proposal to rationalise from the diversity of regulation that existed in the legacy councils.

Here are our comments on the proposed legislation:

Part 1: section 5(1)

This section should be amended to refer to 'Electoral Act 1993 or the Local Electoral Act 2001 and similar public elections including the District Health Boards and the Auckland Energy Consumer Trust.'

Option 4:

City Vision generally supports the recommendations of Option 4: Regulate the erection of election signs by an Auckland-wide bylaw with specific controls for strength and safety but limit signs on public land to sites designated by resolutions made under the bylaw.

However, we are seriously concerned about AT being the designating authority.

Reject AT as the designating authority

Whilst recognising that a sensible approach is to exclude a schedule of approved election sign sites from the by law legislation, City Vision is concerned that AT appears to be the designating authority for resolutions on specific sites. This would not, in our view, meet the needs of the democratic process.

Even in the internet age, election signs provide an important means for candidates, especially those with fewer resources, to raise public awareness of their candidacies and their basic messages or positions.

AT has heavy responsibilities for more directly transport-related matters and is likely to have limited resources to devote time to initiating comprehensive investigations to finding new sites.

		<p>... sites and conditions. They are the structures designating authority. That is why responsibility for designating election sign sites has been exercised by community boards for some decades.</p> <p>... for election signage, and the majority of sites proposed</p> <p>It is also noted that permanent signage currently exists within many Local Board parks and that it is an accepted function of Local Boards to oversee the appropriate placement of this signage.</p> <p>Establish local boards as the designating authorities City Vision therefore considers that the best approach is for the local boards to have responsibility for determining election sign sites, subject to the by-laws, and with AT having the right to reject any proposed site on technical grounds. The proposed solution is simply to <u>amend Section 6(2)</u> as follows:</p> <p>Amendment to Section 6(2) Change: 'Auckland Transport may specify, by resolution, sites that are suitable for the display of election signs under clauses 6(1)(a).'</p> <p>To: <u>Local Boards</u> may specify by resolution, sites within their boundaries that are suitable for the display of election signs under clauses 6(1)(a).'</p> <p>Ends</p>
17	New Zealand National Party	<p>Introduction</p> <p>National agrees that a bylaw review is required to create consistency of regulation across the city, and commend Auckland Transport for initiating this review in advance of the 2013 local body elections.</p> <p>Election signage is an important part of the democratic process, enabling candidates and parties to communicate to a wide audience in a cost effective way. Any restriction of election signage beyond that required to protect public safety must be carefully balanced against adverse impacts on democratic activity.</p>

Electoral Act 1993 and the Electoral Act 2016, making minimal additional regulation

if necessary.

seen as an opportunity to create the consistent simplicity of compliance, rather than additional or more stringent regulation.

We believe some changes to the draft bylaw will be required to make it fairer and simpler for parties and candidates, and in some areas to account for unintended consequences that do not appear to have been considered in the Statement of Proposal.

The National Party makes the following recommendations:

1. That the proposed restriction on vehicle signage be removed from the bylaw.

The draft bylaw includes a prohibition on election signage on vehicles where the primary purpose of the vehicle is to display election signage [Section 6(1)(c)]. The statement of proposal justifies the prohibition on the grounds of such display adding to congestion or using parking spaces.

Given the extremely small number of vehicles concerned, and short periods of time to which election campaigns apply, we do not believe these grounds sufficient to justify such a significant restriction on legitimate democratic activity.

We also believe that, due to the adversarial nature of election campaigns, the rule may create a channel for politically-motivated complaints which – while unlikely to be upheld – create unnecessary distractions for both Auckland Transport and parties or candidates.

It should also be noted that the most recent significant changes to the Electoral Act actively 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. Given the moves of central regulators to remove barriers to vehicle advertising, this proposal seems out of step with the intentions of the Act.

There is no indication that the adverse impacts of this restriction have been considered in the Statement of Proposal, and we emphasize the need for new regulation to be carefully weighed-up against potential harm to the democratic process.

that Auckland Transport consider a time restriction on the use of vehicles for signage display rather than a total prohibition.

which signs can be displayed should be set at

The date two months prior to an election often falls on a week day. This presents logistical issues which incentivise candidates to break the bylaw in order to raise signs on the prior Saturday or Sunday when volunteers are available to assist. Honest candidates who wait until the specified week day or the first legal weekend are then penalised by losing the best sites to those who broke the bylaw.

This issue could easily be corrected by changing the law into weeks so that the first day on which signs could be erected is always a Saturday.

We recommend that the Saturday nine weeks prior to an election be the first date on which election signs can be displayed. This is the closest amount of time to the two months currently proposed (an increased display period of just two days in 2013) and, as the Electoral Act does not allow for restriction of less than two months, an eight week period could not be considered for the bylaw.

3. That in the instance that two signs are on opposing sides of a single structure, up to two candidate or two party signs may be displayed on the same site.

We agree with Auckland Transport that a limit on the number of signs a single candidate or party may erect on a single site increases the fairness for other candidates and parties.

However, we seek greater clarity and flexibility in the bylaw regarding the display of double-sided or V- shaped signs.

Section 8 Clauses (1)(d-e), which allow double-sided or V-shaped signs, appear incommensurate with the requirement under Section 7(1)(c) for a sign to be less than three square meters in size, as two standard panels would likely total almost six square meters. We believe that the bylaw should clarify that in the instance that two signs are on opposing sides of a single structure, up to two candidate or two party signs may be displayed on the same site.

Port Election Signs Bylaw 2013 (the Proposed Bylaw) to standardise the rules for signage within the Auckland Council area of jurisdiction.

In support of the Statement of Proposal, in general terms we support the recommendation that Option 4 be employed in the Proposed Bylaw. Such support must be qualified, however, by the caveat that the Proposed Bylaw's employment of Option 4 will only be fair and effective if it allows for sufficient:

- i. Certainty;
- ii. Opportunity; and
- iii. Enforcement.

Our submission, which is organised under these three headings, identifies a number of specific problems in the Proposed Bylaw (as drafted). Our submission also recommends solutions for each of these.

Except where indicated otherwise, clauses referred to throughout this submission are clauses of the Proposed Bylaw.

i. **Certainty:**

General remarks:

There must be a high degree of certainty associated with the Proposed Bylaw if Option 4 is to be fair and effective. While certainty in the Proposed Bylaw should be a priority whichever Option is chosen, there is a heightened need for certainty in the case of Option 4. This is because having a finite list of designated sites means that signage on each of those sites will assume critical importance.

Additionally, the effects of the Proposed Bylaw must be certain if it is to be fair. Simply stated, all candidates will be bound by the same rules only to the extent that all candidates interpret those rules in same way. Accordingly, the drafting of the Proposed Bylaw must allow as little room as possible for differing interpretations.

Specific problems and solutions are outlined below:

Problem:

It is not clear from clause 8(1)(d) - (e) whether double-backed V-shaped signs are allowed, although their combined effect could suggest this would be the case.

*ingle, double-sided panel or two panels displayed back to
lescribed in clause 8(1)(e)*

Problem

The Proposed Bylaw is silent on the question whether more than one candidate from same political party (eg from neighbouring electorates /local board areas) may display an election sign on a single designated site.

Solution:

Add a new clause 8(1)(n):

(n) to avoid any doubt, more than one candidate from the same political party may display an election sign on the same designated site.

Problem:

Definition of "private site" under clause 5(1) is ambiguous, as the phrase "that is visible from a road under the care, control or management of Auckland Transport" could qualify either:

- the words "public place"; or

-the words "a site",

both of which occur prior to that phrase as part of the definition.

Solution:

Amend the definitions of "private site" and "public place" as follows:

private site means a site other than a public place.

public place means an area that is:

a. open to or used by the public; and

b. visible from a road; and

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.

ii. **Opportunity:**

opportunity for candidates to display their signage. Accordingly the designated sites must not be too limited in number.

id in geographically even fashion, as this will avoid the negative lack of designated sites in areas most likely to offer them possible voter support.

We acknowledge that consideration of the list of specific designated sites is distinct from the Proposed Bylaw in sense that the list will be drafted separately and passed into law by resolution. It is important to consider the list in drafting the Proposed Bylaw, however, as support for Option 4 must be based on the assumption that a reasonable list of designated sites will be provided. If such a list will not ultimately be provided, then Option 3 would be preferable.

As a general statement of principle, we believe that in cases of doubt the drafters of the Proposed Bylaw should err on side of freedom of expression. As enshrined in section 14 of the New Zealand Bill of Rights Act 1990, this right is fundamental to a free and democratic society and any proposed limitations on it should not be made lightly.

Specific problems and solutions are outlined below:

In past elections, some candidates have erected timber frames prior to the date that election signs are allowed to be displayed. The candidate can then add the remainder of the sign on the date that election signs are allowed to be displayed. The tactic is clearly designed to secure an advantage by excluding other candidates from being able to use the most popular positions. Not only does this appear to be very much against the spirit of the legislation (though arguably not the letter of the law), if Option 4 is employed in drafting the Proposed Bylaw then each position within each designated site will be accorded considerable significance. Such tactics will have a disproportionately large - and unfair - effect.

Solution:

Amend the definition of "election sign" as follows:

election sign means a sign or any part of a sign for a public referendum, parliamentary or local authority election [...]

An additional sub-clause should also be added to clause 5:

... be displayed in accordance with the relevant
electoral 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

Problem:

A number of sites that have historically been popular with various political parties have been excluded from the list of designated sites.

Solution:

Add further designated sites, including:

- i. on the Bruce Maclaren Road/Parrs Cross Road junction;
- ii. on Summerlands Drive, by the Community Centre;
- iii. at the Summerlands Drive | Chadlington Ave intersection;
- iv. on Oratia Reserve (next to Oratia Hall, which in turn is opposite Oratia Primary School) combined with the separate area outside Oratia Cemetery;
- v. on Don Buck Road, in the vicinity of Massey Primary School (ie in front of the
- vi. on Universal Drive, along the median strip in the area between:
 - where Swanson Road meets Universal Drive; and
 - where Rathgar Road joins Universal Drive;
- vii. on Great North Road, on the reserve at Northcross Avenue;
- viii. at Awaroa Park, including the Great North Road frontage (rather than just the Awaroa Road frontage);
- ix. on Border Road, opposite where Taranui Place joins Border Road (near the bridge);
- x. in the public park where San Bernadino Drive and San Marino Drive meet Sturges Road; and
- xi. on Corban Avenue, in the vicinity of the kindergarten.

A number of designated sites are inaccurately depicted. It appears that the images used for these are outdated images from the google maps website or similar.

As an example, the designated site entitled "W-HM24" (at 230 - 242 Sturges Road) has had section development and road widening \ footpath re-alignment. The effect is that there is an area now only 2 metres between the legal boundary pegs and the edge of the footpath.

; the list of designated sites itself) needs to be revised. In every case the drafters of the list should actually visit the designated sites to verify that

A number of designated sites have numerous trees. Given the prohibition on placing signs under the driplines of trees (which we support), candidates' opportunities to place signage within such designated sites will be severely restricted.

Solution:

The list of designated sites needs to be revised with this in mind. Again, in every case the drafters of the list should actually visit the designated sites to check what effect of presence or absence of trees will have.

Having more designated sites and larger sites would alleviate this problem to some extent.

Problem:

The definition of vehicles and trailers allowed to display election signs relies on their "principal function" being able to be ascertained. Disputes relating what might or might not genuinely be the principal function of any given vehicle should be avoided.

Solution:

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 an trailer for the display of election signs.

Accordingly we recommend that the definitions of "vehicle" in clause 5(1) and clause 6(1)(c) be amended as follows:

vehicle has the meaning given by the Land Transport Act 1998, except that it does include a trailer

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[...]*

ity

General remarks.

If the Proposed Bylaw is to operate as intended its enforcement, in situations of possible non-compliance, must be fair, timely and effective.

Enforcement assumes critical importance if Option 4 is employed in drafting the Proposed Bylaw because of the limitations that will be imposed. The fewer sites that are available, the more important each site will be. Non-compliance and/or enforcement practices that are ineffective or unreasonable will accord massive advantages and disadvantages to some candidates over others.

Problem:

If a candidate's election sign is damaged by a third party (making candidate in breach of provisions about sign being able to withstand normal weather conditions) the candidate should not be further penalised by having their sign being removed. In other words, candidates should be allowed a short period of time in which to have the opportunity to repair their damaged signs.

Solution:

Clause 10 should be amended to include the following new provision (clause 10(2):

(2) 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.

Problem:

Removal of an election sign in the manner suggested by the Proposed Bylaw also raises other difficulties:

-if a sign is removed without notice having been given, then the affected candidate will not know if the sign has been removed by vandals or Auckland Transport;

- no provision is made for the return of the personal property comprising an election sign that has been removed (eg timber);

ount for this should be stated in the Proposed

Bylaw and amended from time to time,

Auckland Transport because it has been damaged by that when those opponents will be able to erect their own signs on the designated site - in other words, vandalism would be incentivised by the fact that space in the designated sites will be relatively limited.

Solution:

Clause 10 should be amended to read:

10 Enforcement

(1) Auckland Transport may use its powers under the Local Government Act 2002 to enforce this bylaw, including the power to:

(a) 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);

(b) 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

(c) 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.

Clause 10 should also be amended to include the following new provision (clause 10(3):

(3) 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.

Conclusion

If you have any questions regarding this submission, please do not hesitate to contact us.

		<p>lection signs. I submit that AT must vet the proposed location of any election signs and that using Auckland Council planning and heritage proposed sign is intended to be erected on a recorded or ge site. Should the proposed location be a recorded / snequered archaeological or cultural heritage site, 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. I note that under the Historic Places Act, the modification of an archaeological site (eg. through ground disturbance from digging footings for a sign) legally requires the authority of the HPT. As part of the authority process consultation with mana whenua is required.</p> <p>I wish to be heard in support of my submission</p> <p>Nāku nā</p>
10	Te Runanga o Ngati Whatua	<p>Introduction</p> <p>1. This submission provides a summary of the implications for Ngati Whatua in terms of proposals for regulation under the proposed election signs bylaw provision for Auckland Transport.</p> <p>2. This submission has been prepared for Te Rūnanga o Ngāti Whātua (the Rūnanga).</p> <p>3. The Rūnanga was established as a body corporate by Te Rūnanga o Ngāti Whātua Act 1988 and is a Maori Trust Board under the Maori Trust Boards Act 1955. It is also a Mandated Iwi Organisation and Iwi Aquaculture Organisation for the purposes of the Maori Fishers Act 2004. The Rūnanga is the sole representative body and authorised voice to deal with issues affecting the whole of Ngāti Whātua.</p> <p>4. The Ngāti Whātua tribal area is traditionally expressed as Tāmaki ki Maunganui i te Tai Hauāuru and Tāmaki ki Manaia I te Rāwhiti. The northern boundary is expressed as, Manaia titiro ki Whatitiri Whatitiri titiro ki Tūtamoe, Tūtamoe titiro ki Maunganui. The southern boundary is expressed as, Te awa o Tāmaki. In contemporary terms this area extends from the Otāhuhu Portage Tāmaki estuary in the south, northwards along both coasts to Whangarei in the east and Waipoua in the west. The southern neighbours are various hapū of Tainui and the northern neighbours are various hapū of Ngāpuhi.</p> <p>General Issues</p> <p>5. The quest to regulate the erection of election signs by an Auckland –wide bylaw with specific</p>

land to sites designated by resolutions made

one sign per candidate or party per site

The option of one sign per candidate be allowed at each designated public site is supported. This makes it more likely that each candidate who wants to erect a sign on a site will have room to do so. It should also be accepted that placing two signs back to back on the one structure can provide extra strength and take up no more space.

7. Signs on vehicles

The addition of signs on vehicles that would have been used in any event for day to day travel does not unduly impact on the use of the roadway for its primary purpose. It is suggested that elections signs be allowed on vehicles that are being used for ordinary travel but not on vehicles where the sole purpose for the use of the vehicle is the display of the sign (for example a trailer that is only carrying a sign and serving no other purpose.)

8. Requirement for signs to be able to withstand normal weather conditions

To manage safety and environmental effects, signs should be safely installed, secured and maintained so that signs do not present a hazard or danger to public safety. The ability for signs to withstand normal weather conditions expected at the time of year of the election will ensure the safety of road users by minimising visual and physical clutter.

9. Duplication of controls from regulations

Support the inclusion of the controls contained in the Electoral (Advertisements of a specified kind) regulations 2005 prohibiting such signs that could be confused for traffic signs should be duplicated in the bylaw to make it possible for the enforcement of these matters to be undertaken by officers with authority delegated from Auckland Transport.

10. Enforcement provisions

Support the use of consistent and clear controls for election signs in the bylaw applicable across Auckland.

Conclusion

This submission proposes that the provisions in the legacy bylaws that control election signs on or visible from a road be revoked to enable a new bylaw to be made by Auckland Transport. This should

			places and roads. It will also specify consistent such election signs. The location of the public
		sites will be specified by resolution instead of being listed in the bylaw to allow for changes to be	made to the locations of the sites listed in the bylaw.