

Signage Bylaw Review – Approval needed to develop new bylaw

For decision:

For noting:

Ngā tūtohunga / Recommendations

That the Auckland Transport Board (board):

- a. Note that following the board's acceptance of the Signage Bylaw review findings in July this year, Auckland Transport's (AT's) Signage Bylaw working group has sought to identify the best regulatory approach for AT to manage signage issues impacting the transport system;
- b. Note the analysis of AT's Signage Bylaw working group in **Attachment 1** which supports the view that a bylaw is the best regulatory mechanism available to AT to manage the identified signage issues impacting the Auckland transport system and that there is no policy reason to treat election signs differently to other types of signage;
- c. Note the contents of Part A of the Signage Bylaw 2015 High Level Options Report 2020 attached as **Attachment 2**;
- d. Note that Auckland Council's Regulatory Committee endorsed the Signage Bylaw 2015 High Level Options Report 2020 on 13 October 2020 and agreed that its preferred approach for regulation of signs in Auckland is by a single bylaw and the Unitary Plan.
- e. Approve that, to align with Council's preferred regulatory approach, AT should:
 - i. develop a new bylaw to regulate impacts of signage, including impacts of election signs, on the Auckland transport system; and
 - ii. the new bylaw should be a joint bylaw with Council (to also meet Council's needs to regulate signage across Auckland); and
 - iii. the new bylaw should be developed to replace AT's Election Signs Bylaw as well as the existing Signage Bylaw.
- f. Direct AT's Signage Bylaw working group to work with Council staff to develop the new joint bylaw and report back with details of proposed bylaw content in the first half of 2021.

Te whakarāpopototanga matua / Executive summary

1. This paper summarises key work to date on determining the best regulatory approach for AT to manage signage issues impacting the Auckland transport system. Approval is sought for development of a new joint bylaw with Council with the intention for such a bylaw to replace the existing Signage Bylaw and the Election Signs Bylaw.

Ngā tuhinga ō mua / Previous deliberations

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

Date	Report Title	Key Outcomes
July 2020	Signage Bylaw Review – Findings Report	The board noted the key findings of the bylaw review and endorsed the findings report. Indicated support to investigate opportunities to improve the regulatory framework for managing signs in Auckland. The board appointed directors Darren Linton and Kylie Clegg to attend the joint Council-AT working group workshop on the regulatory options.
November 2018	Signage Bylaw Review	The board confirmed its support in November 2018 for an AT working group to progress a review of the Signage Bylaw together with Auckland Council and to include consideration as to whether elections signage (currently regulated by AT's Election Signs Bylaw) should be regulated under the Signage Bylaw.

Te horopaki me te tīaroaro rautaki / Context and strategic alignment

3. AT's and Council's review of the existing Signage Bylaw has confirmed that signs continue to present issues across Auckland both from a transport perspective in relation to the Auckland transport system, as well as from a non-transport perspective. The findings of the review confirmed that there is a need for continued regulation of signage into the future to address these issues.
4. The Signage Bylaw will automatically revoke by law in May 2022, unless earlier revoked by AT and Council.
5. Council has considered the different regulatory approaches available to it and has decided to continue to regulate signage by bylaw as well as retain existing signage rules in the Unitary Plan, with a view to further explore greater regulation in the Unitary Plan in future.
6. Confirmation is now needed as to whether AT wants to develop a new joint bylaw with Council to continue to regulate signage impacts in relation to the Auckland transport system, including impacts of elections signs.

Ngā matapakinga me ngā tātaritanga / Discussion and analysis

Issues with signage in relation to the Auckland transport system

7. AT's focus with regard to signage needs to align with its statutory purpose of contributing to an effective, efficient and safe Auckland land transport system in the public interest.
8. AT's working group identified what impacts signage has on the effectiveness, efficiency and safety of the Auckland transport system and considered how such impacts can and should be controlled – see the table of analysis in **Attachment 1**.
9. In summary, the working group has concluded that:
 - a. AT does have a need to regulate signage – the findings of the review of the existing bylaw confirm this and the concerns/issues now identified support this.
 - b. A bylaw is the best regulatory mechanism available to AT - AT can make a bylaw under the Land Transport Act 1998 and/or the Local Government Act 2002. We need to determine which type best addresses the identified concerns and provides the enforcement powers needed. (Note that AT doesn't currently have enforcement resource and would likely need to continue to rely on Council to enforce going forward).
 - c. AT should make a bylaw to address all of its identified concerns as far as they are not regulated by Council under the Unitary Plan (which currently deals with billboards). AT should have a strong voice with respect to any of its transport-related concerns with signage that are dealt with by the Unitary Plan.
 - d. Election signs should be regulated under the same bylaw as for other signs as there is no good policy reason to deal with them separately.
 - e. If Council decides to also continue to regulate signs by bylaw, it would make sense to continue to have a joint AT/Council bylaw to ensure consistency of regulation and avoid confusion for all stakeholders.

Existing regulatory framework for signage in Auckland

10. Council and AT both have a mandate to regulate signage in Auckland. However, each agency has separate and distinct powers to regulate. AT may make bylaws regulating signage for 'transport-related purposes' in relation to the Auckland transport system, whereas Council may make bylaws to regulate signage for 'non-transport related purposes' across Auckland, including in respect of any part of the Auckland transport system. Council may also set rules for signage in the Unitary Plan. This separation of responsibilities can be confusing and is one of the reasons a joint bylaw approach was adopted in 2015.
11. The current regime used by Council and AT to regulate signs across Auckland consists of two bylaws (the Signage Bylaw made jointly by AT and Council, and AT's Election Signs Bylaw) and the Unitary Plan.

12. AT currently delegates all of its enforcement and administration powers and responsibilities under the existing Signage Bylaw to Council.

Council's preferred approach for regulation of signs in Auckland

13. In response to the bylaw review revealing that the existing regulatory approach in Auckland is confusing, cumbersome and inconsistent, Council staff investigated options for simplifying the regime, while taking into account the following constraints:

- Council and AT have mutually exclusive jurisdictions relating to signs;
- bylaws and the Unitary Plan have different regulatory purposes and powers, and both are needed to cover all signage impacts and locations (public and private property).

14. Council staff compared bylaws and the Unitary Plan in terms of their effectiveness, efficiency and fairness as regulatory tools, and with regard to Council's statutory obligations. From this analysis, six options for simplifying the regulatory framework were identified (refer page 2 in **Attachment 2**).

15. Council staff completed a comparative assessment of the six options against three assessment criteria – effectiveness, efficiency and fairness and assessed that the preferred option is to have a single bylaw (i.e. one bylaw to replace the Signage Bylaw and Election Signs Bylaw) and retain existing rules in the Unitary Plan ('Option 2 – Enhanced Status Quo' in High Level Options Report - **Attachment 2**).

16. A joint AT-Council workshop on the Signage Bylaw regulatory options took place on 7 October 2020 and was attended by board directors Kylie Clegg and Darren Linton as well as members of Council's Regulatory Committee and a local board representative. This workshop discussed different regulatory options for managing signage impacts across Auckland and confirmed support for the single bylaw and Unitary Plan recommendation.

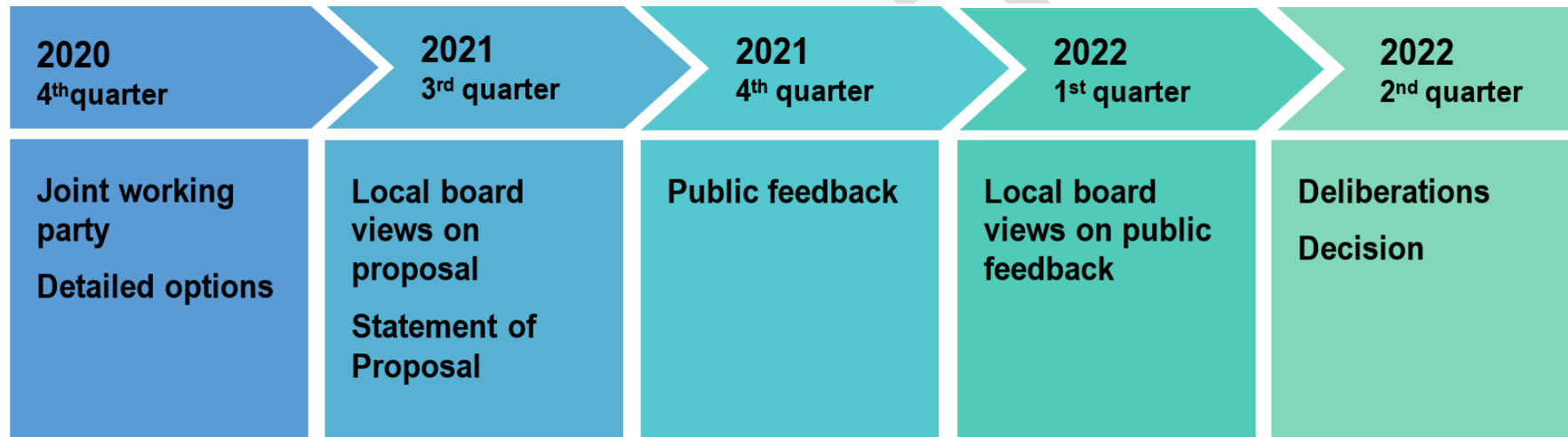
17. At its meeting on 13 October 2020, Council's Regulatory Committee agreed that the preferred option is to have a single bylaw and the Unitary Plan to regulate signs. While the Committee showed interest in moving more signage rules into the Unitary Plan, it accepted that given the time and cost involved with any change to the Unitary Plan, changing the rules for signage in the Unitary Plan cannot be done by the time the existing Signage Bylaw expires but should be explored as part of a longer term plan to more effectively manage signage impacts.

AT's approval to develop new joint bylaw will respond to review findings and align with Council's preferred regulatory approach

18. To address the findings of the review, meet AT's control needs in relation to signage, and align with Council's preferred regulatory approach, it is recommended that the board agree to development of a new joint (AT and Council) bylaw to regulate signs across Auckland, including the Auckland transport system, and for this new bylaw to capture election signs. This is the most desirable approach from a policy perspective.

Ā muri ake nei / Next steps



19. Subject to the board’s approval to develop a new joint bylaw, AT’s working group will work with Council on what to include in the bylaw and will report back to the board in the first half of 2021 with details of the proposed bylaw content for approval.
20. The broad process moving forward is outlined below:



Ngā whakapiringa / Attachments

Attachment number	Description
1	AT Working Group Analysis Table – ‘Auckland Transport concerns/issues with signage on or visible from the Auckland transport system’
2	Copy of High-level Options Report 2020 to Council’s Regulatory Committee

Te pou whenua tuhinga / Document ownership

Submitted by	Melanie Alexander Traffic Operations Manager Joanne Rua Legal Counsel (Public Law)	
Recommended by	Rodger Murphy Executive General Manager Risk and Assurance	
Approved for submission	Shane Ellison Chief Executive	

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