

## Final Signs Bylaw approval

For decision:  For noting:

### Ngā tūtohunga / Recommendations

That the Auckland Transport Board (board):

- a) Approve the revised Auckland Transport Signs Bylaw 2022, attached as Attachment A.
- b) Revoke the provisions in the current Signage Bylaw 2015 and Election Signs Bylaw 2013, with effect from the date of adoption of the new bylaw.
- c) Approve an updated delegation to Council to administer and enforce the bylaw (as per the current situation), attached as Attachment B.

### Te whakarāpototanga matua / Executive summary

1. In April 2021, the board directed staff to work with Auckland Council to develop a new signs bylaw. This proposed new bylaw is designed to replace two previous bylaws relating to general signs and election signs, along with a parallel Council bylaw. The new bylaw will enable Council and Auckland Transport (AT) to jointly manage signs in a single bylaw to avoid the public confusion and inefficient administration associated with the previous approach.
2. AT's main interest in signs is ensuring that they do not provide an undue safety hazard, for example by distracting drivers or blocking pavements. The new bylaw supports this outcome by updating and clarifying requirements while simplifying administration.
3. Public consultation on the proposed new bylaw was undertaken in September 2021, with local board consultation in March 2022 and a Hearings Panel in early March 2022. Consultation feedback was largely around technical matters relating to sign placement and size. The Hearings Panel has considered and agreed a series of proposed amendments to the bylaw in response to feedback.
4. As this is a joint bylaw – i.e. the same for both AT and Auckland Council – it will require approval from the board to come into effect on those parts of the transport network managed by AT. The Bylaw is being considered by the board and the governing body on 26 May 2022, with the intent that it will be enacted the next day (and previous bylaws be revoked). It is important that approval is received from both bodies simultaneously so the bylaw comes into effect at the same time across Auckland.

### Ngā tuhinga ō mua / Previous deliberations

5. The board has previously considered the Signs Bylaw review as follows:

Date	Report Title	Key Outcomes
May 2022 Design and Delivery Committee	Signs Bylaw final approval.	The Committee endorsed the draft bylaw and recommended it to the board for approval.
August 2021 Board	Recommendation to propose and consult on a new joint Signs Bylaw	The board endorsed the draft bylaw for consultation including the statement of proposal and appointed directors Kylie Clegg and Darren Linton to the hearing panel.
April 2021 Board	Signage Bylaw Review – Structure of new bylaw	The board endorsed the approach of a joint bylaw in the Council style and led by Council.
December 2020 Board	Signage Bylaw – approval to develop	The board agreed that AT should develop a new bylaw to replace both the current signage bylaw and election signs bylaw, and that the bylaw should be jointly developed with Council.
July 2020 Board	Signage Bylaw Review – Findings Report	The board noted the key findings of the bylaw review and endorsed the findings report. The board appointed directors Darren Linton and Kylie Clegg to attend the joint Council-AT working group workshop on the regulatory options.
November 2018 Board	Signage Bylaw Review	The board confirmed its support in November 2018 for an AT working group to progress a review of the Signage Bylaw together with Auckland Council and to include consideration as to whether elections signage should be regulated under the Signage Bylaw.

## Te horopaki me te tīaroaro rautaki / Context and strategic alignment

6. AT currently has two bylaws which regulate signage related to the transport system: the Signage Bylaw 2015 and the Election Signage Bylaw 2013. Auckland Council has the Signage Bylaw 2015, which regulates signage outside the road corridor. The two current 2015 Signage bylaws will expire on 28 May 2022 and therefore required review and updating. Note that these bylaws do not apply to traffic signs covered by the Land Transport Rule - Traffic Control Devices 2004 and have limited impact on contracted advertising signage on AT infrastructure as these tend to be classified as billboards and are primarily governed by the Auckland Unitary Plan.
7. As outlined in paragraph 5, the board agreed to consolidate AT's two signage bylaws into a single joint bylaw with Auckland Council. The proposed new bylaw and associated controls:
  - will enable Council and AT to jointly manage signs in a single bylaw to avoid public confusion and inefficient administration that can result from having two separate bylaws that manage different aspects of signs;
  - will continue to provide for sign-related activities on the same property if they meet certain conditions for their design, construction and duration of display;

- will continue to limit signs unrelated to the day-to-day activities on the land it is located (for example signs on footpaths); and
  - will continue to be enforced by the Auckland Council Licencing and Regulatory Compliance unit using a graduated compliance model (information / education / enforcement).
8. The draft bylaw was taken to public consultation in September 2021 and feedback was received from 106 submitters. The project team also engaged with local boards (via a special engagement session on 28 March 2022) and a hearings panel, including AT Directors Kylie Clegg and Darren Linton, was convened to hear submissions in person on 1 April 2022. Proposed changes to the draft bylaw, based on the above feedback, were agreed by the hearing panel in early April 2022 for approval by the board and Auckland Council’s Regulatory Committee.
9. As this is a joint bylaw, board approval is required if the bylaw is to have effect on the parts of the transport network managed by AT.

## Ngā matapakinga me ngā tātaritanga / Discussion and analysis

10. AT’s main interest in signage relates to the impacts signs can have on the safe and efficient operation of the transport system. Examples include signage outside the road corridor (for example on commercial buildings) which could distract drivers, creating a risk of accidents, or poorly placed signage on footpaths blocking movement by people with accessibility/mobility needs. These interests have been addressed in the bylaw by ensuring sign placement and size is appropriate and avoids creating obstructions around the network. The new bylaw is also expected to encourage compliance by simplifying the regulatory framework for signs and reducing administrative barriers.
11. Most of the public feedback on the bylaw related to technical matters around signage size and placement. The key feedback themes and proposed changes made to the bylaw as a result are presented below. The full list of amendments recommended by the hearing panel is contained in Attachment C.

Feedback theme	Proposed amendments
Clarification sought on election sign placement in open space zones	Clarified that election signs can be erected on a fence directly facing an open space zone, but not on the side boundaries of those zones
Seeking certainty on the role of energy trusts regarding election signs	Confirmed in the bylaw that all energy trusts in the Auckland regions (for example Entrust and Counties Power Consumer Trust) can use election signs
Desire for no changes to portable signs on private property	Amended a number of proposed changes to the rules for portable signs on private property, to retain the status quo
Rejection of the proposal that event signs can be erected on election sign sites	Preventing event sign erection on election sign sites (including not-for-profit community event signs, major and regional signs)

Feedback theme	Proposed amendments
Requests to amend the sizes of specific types of signs, to minimise sign material manufacturing wastage	Amended the sizes of specific types of signs
Requests for approvals to include consideration of obstructions/hazards	Added “obstructions or hazards to pedestrian or vehicular visibility, access or flow across all relevant Traffic Modes” to the matters in clause 33(2) that may be considered on an application for an approval
Clarification on approval locations	Amended to attach the transfer of approvals (in clause 37) to a location

## Ngā tūraru matua / Key risks and mitigations

12. The following risks have been identified:

Key risk	Mitigation
The public may take some time to adjust to the new rules, leading to inadvertent infringements.	There will be a communications campaign informing the public of the release, and significant engagement has occurred through the consultation process. Compliance teams will use their discretion when managing enforcement of the Bylaw. However, very few changes of any significance have been made as this bylaw was design to primarily retain the same policy intent but with updated language.
There may be some feedback which has not been agreed to by the panel, leading to annoyance from submitters	Council has produced a detailed and comprehensive report on every feedback component and the hearings panel has considered all aspects. In any instance where feedback has not been incorporated this will be able to be easily communicated and this report will be released.

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

13. There are no financial implications arising from this Bylaw. The new bylaw will not require additional compliance resources.

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

14. There are no transport-related implications for climate change arising from this Bylaw.

## Ngā whakaaweawe me ngā whakaaro / Impacts and perspectives

### Mana whenua

15. Mana whenua and maata waka were notified of the proposal and given the opportunity to provide feedback through face-to-face meetings, in writing, online and in-person. Five individuals identifying as Māori (6 per cent of submitters) provided feedback. There was support from mana whenua and maata waka for most proposals, however it is difficult to apply much in the way of conclusions from such a small sample size.

### Ngā mema pōti / Elected members

16. All 21 local boards took the opportunity to provide their views on how the matters raised in public feedback to the proposal should be addressed, and 10 of those boards presented directly to the hearings panel.

### Ngā rōpū kei raro i te Kaunihera / Council Controlled Organisations

17. The proposal impacts the operations of Auckland Council's Licencing and Regulatory Compliance Unit, Parks, Sports and Recreation Department, Auckland Unlimited and Eke Panuku Development Auckland. These areas have all been engaged from the beginning and are comfortable with the final bylaw.

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

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



## Ā muri ake nei / Next steps

19. Should the board and Auckland Council governing body approve the bylaw, it will go into effect from the day of approval (Thursday 26 May 2022). The AT Delegations Manual will be updated and both organisations will commence working under the new arrangements.

## Ngā whakapiringa / Attachments

Attachment number	Description
A	Final Signs Bylaw
B	Board Delegation to Auckland Council in relation to Street Trading and Other Activities in Public Places
C	Signs Bylaw panel recommendations report

## Te pou whenua tuhinga / Document ownership

<b>Submitted by</b>	Andrew McGill <b>Head of Integrated Network Planning</b>	
<b>Recommended by</b>	Jenny Chetwynd <b>Executive General Manager Planning and Investment</b>	
<b>Approved for submission</b>	Shane Ellison <b>Chief Executive</b>	