

Hearings Panel report for the amendment of the Auckland Transport Election Signs Bylaw 2013

Recommendations

It is recommended that the Auckland Transport Board:

- i. Notes and considers the Summary of Submissions in Attachment 1.
- ii. Makes the Auckland Transport Election Signs (Amendment No. 2) Bylaw 2014 set out in Attachment 2 to take effect on Friday 4 July 2014, thereby amending the Auckland Transport Election Signs Bylaw 2013 (as shown in Attachment 3).
- iii. Authorises the Chief Executive to make any amendments to the Bylaw as agreed at this meeting or to correct minor typographical errors.

Executive summary

On 30 May 2013 Auckland Transport, as road controlling authority for Auckland, made the Auckland Transport Election Signs Bylaw 2013 under section 22AB(1) of the Land Transport Act 1998. On 12 August 2013, shortly before the local government election of October 2013 Auckland Transport made minor amendments to the Bylaw and undertook to further review the Bylaw to address policy and operational issues from the local government election.

On 29 April 2014 the board approved the Statement of Proposal for public consultation through the special consultative procedure. This consultation took place from 2 May to 3 June 2014. It was supported by public notice, information on the Auckland Transport and council websites and direct notification to registered political parties, elected representatives and statutory stakeholders.

The board also established a hearings panel to consider any submissions received and make a recommendation back to the board on a final form of the amended bylaw.

Ten written submissions were received on the proposal. A public meeting was held on 12 June and the panel considered the written submissions, two oral submissions and further information from staff of Auckland Transport and of the council.

The proposed amendments are a mixture of technical changes to wording to provide greater clarity in areas that allowed for confusion during the local elections in October 2013 and changes to some of the policies in the Bylaw on the basis of changing trends and the practical experience of that election. The proposed amendments related to the following topic areas:

- expressly allowing for the addition of explanatory notes;
- suspending approved sites that become temporarily unsuitable;
- limiting the period signs can be displayed on private sites to the same as public sites, and the height of those signs;
- size of signs and position within approved sites;

- allowing for candidates to appear on both individual and team signs on the same approved site;
- imposing number limits on signs promoting election and referenda issues in the same way as candidates, teams and parties;
- readability of the contact details for the person responsible for maintaining each election sign; and
- simplifications in various provisions.

Following their consideration of the submissions and other information the panel recommend that the amendments are largely adopted as proposed, except that the proposal concerning minimum clearances and maximum heights for private sites should not be accepted. The panel also recommend that attention is directed in future reviews to matters relating to the use of “issues” signs during elections and the placement of signs beneath trees.

Alignment with strategy

Auckland Transport has to give effect to the strategic direction in the Auckland Plan as well as any other strategic documents such as the Unitary Plan. The Auckland Plan sets out the strategic direction for Auckland to become the world’s most liveable city for the next 30 years by identifying the targets and priorities that need enhancing, whilst the Unitary Plan will combine both regional and district planning functions to give effect to the Auckland Plan, using rules and incentives to achieve high quality outcomes.

The proposed amendments do not change the outcomes sought by the Auckland Plan and the draft Unitary Plan. The amendment Bylaw continues to be consistent with the Auckland Plan’s strategic direction 12: plan, deliver and maintain quality infrastructure to make Auckland liveable and resilient, through the control on the location of the election signs.

Legislation applying to elections signs

The display of election signs is a significant part of campaigning for elections and by-elections. Election signs are subject to the provisions of the Electoral Act 1993 and the Electoral (Advertisements of a Specified Kind) Regulations 2005 as well as bylaws made under the Land Transport Act 1998 (LTA98).

As a road controlling authority, Auckland Transport is authorised to make a bylaw regulating the display of signs on roads or visible from roads. The Bylaw is consistent with the purpose of Auckland Transport in section 39 of Local Government (Auckland Council) Act 2009 to contribute to an effective and efficient transport system to support Auckland’s social, economic, environmental and cultural well-being. This includes supporting the electoral process.

Consideration was given as to whether this amendment bylaw would give rise to any implications in respect of this legislation and in particular, whether the controls place unreasonable limits on the right to freedom of expression. The amendment bylaw is considered reasonable and is fair to all candidates, and will continue to minimise adverse impacts on road safety and amenity values and ensure the mandate and purpose of Auckland Transport are appropriately delivered.

Background

The objective of the Election Signs Bylaw 2013 is to provide for a consistent set of controls for election signs and an integrated system of determining the sites on public places visible from the road that are appropriate for the display of election signs across Auckland for parliamentary and local authority elections as well as referenda.

The AT Board approved consultation to consider amendments to the Auckland Transport Election Signs Bylaw 2013 at its meeting of 29 April 2014. The proposed amendments to be consulted upon were a mixture of technical changes to wording to provide greater clarity in areas that allowed for confusion during the local elections in October 2013 and changes to some of the policies in the Bylaw on the basis of changing trends and the practical experience of that election.

The changes proposed to the provisions in the Bylaw relate to the following areas:

- expressly allowing for the addition of explanatory notes;
- suspending approved sites that become temporarily unsuitable;
- limiting the period signs can be displayed on private sites to the same as public sites, and the height of those signs;
- size of signs and position within approved sites;
- allowing for candidates to appear on both individual and team signs on the same approved site;
- imposing number limits on signs promoting election and referenda issues in the same way as candidates, teams and parties;
- readability of the contact details for the person responsible for maintaining each election sign; and
- simplifications in various provisions.

The AT Board also directed the Chief Executive of Auckland Transport to establish a panel to hear oral submissions, deliberate on those and the written submissions and to then make recommendations to the Board on the proposed amendments to the Bylaw.

Strategic Context

Scope of the Bylaw

The Auckland Transport Election Signs Bylaw 2013 covers local government elections (including licensing trusts and district health boards), parliamentary elections and referenda. The Bylaw does not cover elections for school boards or tertiary institutions.

Analysis of proposed changes and recommendations

Panel members and public meeting

The Panel was formed of the following people:

- Rabin Rabindran, Chairperson (Auckland Transport Board)
- Ian Parton (Auckland Transport Board)
- Member Glenn Wilcox (Independent Māori Statutory Board)

- Councillor Calum Penrose

It met in public on 12 June 2014 and at this meeting the panel:

- confirmed it would receive the written submissions, including the two late submissions;
- confirmed it would receive the various oral submissions presented in support of the corresponding written submissions;
- confirmed that it would deliberate upon all the oral and written submissions received in relation to the proposed amendment bylaw; and
- confirmed its view that the Auckland Transport Election Signs Bylaw 2013 be amended (as described in the body of this report and its attachments), for the purpose of recommending these changes to the Auckland Transport Board at its meeting scheduled to be held on Tuesday, 24 June 2014.

Summary of proposed changes and general comments

The proposals, and the submissions received on them, covered eight particular topics (and a range of other matters). These are noted below with a brief summary of the panel's recommendations.

Topic	Panel's recommendation
1 – Expressly allowing for the addition of explanatory notes	Adopt as per proposal
2 – Temporary closure of public sites	Adopt as per proposal Noted that the list of specified public sites can be reviewed at any time
3 – Period for use of private property to display signs	Adopt as per proposal
4 – Size of signs and position within the site	Adopt as per proposal in relation to minimum sign size and positioning (for public sites) Do not adopt proposal for private sites specifying minimum clearance or maximum height
5 – Number of team and individual signs on any one public site	Adopt proposal, with minor drafting amendments
6 – Signs promoting election issues	Adopt as per proposal Noted that provisions for issues signs, outside referenda, should be reviewed in future
7 – Readability of the contact details of the person responsible for the sign	Adopt as per proposal
8 – Simplification of provisions <ul style="list-style-type: none"> • removing a double negative • combining the clauses on internal and external illumination • wording regarding placing signs under trees • wording regarding placing signs on fences at private sites • wording regarding convictions 	Adopt as per proposal Noted that rules relating to signs not being under trees should be reviewed in future
9 – Other submission topics	No additional changes proposed Noted that V-shaped signs can still be used as currently

Each of these topics is discussed in more detail below, based on the written and oral submissions and other information available to the panel. A number of matters covered in the submissions and discussions are relevant to several topics.

In particular, several matters raised relate to the nature and range of the public sites that are available. The panel noted that some sites are larger or more desirable than others, and that sites are not equally distributed across Auckland. Some of the matters that were commented on could be addressed through any later review of the list of sites, noting that under the Bylaw anyone can propose a new site at any time. Access to sites is typically on a “first come first served” basis, and while not without its faults there is no proposal to move away from this approach.

The panel also noted that election signs are important to members of the public generally, as part of raising awareness of an election and the opportunity to vote and therefore help shape the future direction of Auckland. This is an important consideration, alongside the need and desire for candidates and others to put across their viewpoints through the election period. That said, the panel also noted that election signs were only one of the ways in which candidates and others communicate with the public.

The submissions received

Eight submissions were received by the close of submissions, with a further two submissions received the following day. One of those submitters provided an updated version of his submission the day before the hearing meeting. These ten submissions are included in the following analysis.

The content of the submissions may be summarised as follows. Submitters #2, 4, 5, 7, 9 and 10 are generally in support of the proposed amendments in its entirety. Submitter #2 is restricted to comments on the lack of enforcement of current requirements in a particular case during the local government elections in October 2013. Submitter #6 generally supports the proposals but strongly objects to allowing “team” signs during local government elections as the submitter believes it prejudices independent candidates. Submitter #8 objects strongly to any restrictions in the Bylaw on the display of election signs on private property. This submitter objects to the ability of Auckland Transport to designate or remove public sites for the display of election signs and believes the Bylaw provisions are unnecessary.

Submitter #9 requests that alternative sites are made available when a site is deemed temporarily unusable, and raises concerns over potential proliferation of “issues” signs.

Submitter #10 seeks a greater role for local boards in determining matters under the Bylaw, including establishing specified sites.

Submission Topic 1 – Expressly allowing for the addition of explanatory notes

Proposal as publically notified

The Bylaw currently does not include explanatory notes to assist with the understanding of the Bylaw provisions. While potential confusion about the provisions may be dealt with through the publication of a guide by the electoral officer, the proposed inclusion of explanatory notes in the Bylaw ensures ease of reference in a single document, authorised by the Board of Auckland Transport.

Matters raised in submissions and other information considered

None of the submissions discussed this topic and nobody opposed the amendment although submitter #6 questioned whether the provision was necessary. Staff consider it is helpful to provide for this explicitly.

Panel's recommendation

The proposal should be adopted, as proposed.

Submission Topic 2 – Temporary closure of public sites

Proposal as publically notified

Sites on public land that have been specified by Auckland Transport for the display of election signs occasionally become temporarily unsuitable, for example due to construction for roadworks or utility maintenance. Election signs have nevertheless been displayed on these sites, causing conflict between candidates and contractors. The proposed amendments allow Auckland Transport to respond more easily to review the use of such sites.

Matters raised in submissions and other information considered

Submitter #8 objects to the proposed amendment of clauses 6(2), 6(3), 6(5) and 8(1)(h) that enables Auckland Transport to designate (temporarily or permanently) or remove a public site for election signage. The objections are on the grounds that these powers may be abused and concern about what becomes of the sites that are void on the basis of electoral signs needing to be clear from any part of a tree. The submitter has concerns about Auckland Transport as an unelected body exercising the powers in the Bylaw. Submitters #8 and #9 request that alternative sites are provided by Auckland Transport to replace a site deemed temporarily unusable.

Submitter #10 states that such works should take place outside the election period (unless they are urgent), and considers that local boards should have a greater role in such matters, noting their decision-making responsibility for local parks.

This can be a particular issue for small sites and for sites where the nearest other site is some distance away.

The proposal was included because of issues that have arisen when sites become occupied by construction activities during the election period, and this has caused conflict on those sites and can cause significant safety concerns. While steps can be taken to reduce the scheduling of works during the nine week period, inevitably there will be some cases where such works need to take place then, and sites need to be removed from the list of approved sites at short notice.

It may in some cases be practical for "alternative" sites to be made available at short notice, however such sites would need to be confirmed as meeting traffic safety and amenity criteria, and have approval or endorsement from the affected local board.

The unavailability of a specified site will generally affect all candidates equally.

Panel's recommendation

The proposal should be adopted, as proposed.

It was noted that the list of specified public sites can be reviewed at any time.

Submission Topic 3 – Period for use of private property to display signs

Proposal as publically notified

While the current provisions of the Bylaw restricts the display of election signs on specified public sites during the regulated period starting on the Saturday nine weeks before the election, the restriction does not apply to any private sites. Consequently, election signs are displayed on private sites before they may be displayed on public sites, leading to confusion and unnecessary visual distraction.

Matters raised in submissions and other information considered

Submitter #8 objects to any restriction on the display of election signs on private sites unless it can be demonstrated that it affects public safety.

Signs on private sites can affect safety and amenity in a similar way to signs on public sites. The nine week period is considered to create a window where a greater level of signage is accepted, to recognise the importance of the electoral process. It is considered appropriate that this increase in signage across Auckland is for a finite period only. Nine weeks is considered to be an appropriate timeframe, noting the two month regulated period used in the Electoral Act.

Panel's recommendation

The proposal should be adopted, as proposed.

Submission Topic 4 – Size of signs and position within the site

Proposal as publically notified

A minimum size of 0.25m² was proposed for election signs on public sites. This would reduce safety risks as these signs are not always adequately secured.

The height and ground clearance limits for signs on public sites were proposed to be applied to private sites. This would reduce the use of overly high signs that have been displayed on private property and caused unnecessary harm to visual amenity of the neighbourhood.

The requirement for signs to be entirely within the boundaries of a specified public site was proposed to be clarified.

Matters raised in submissions and other information considered

Submitter #8 objects to any restriction on the display of election signs on private sites unless it can be demonstrated that it affects public safety. Submitter #10 opposes the limitations on height, clearance, and size on private sites, suggesting this will make many sites difficult or impossible to use.

Signs on private sites can affect safety and amenity in a similar way to signs on public sites. In practice, some signs on private sites will be closer to the roadway or footpath than signs on public sites. The clearance limit (of 500mm) for signs helps with ongoing maintenance (including mowing grass under the sign) and the maximum height limit (of 3m) is generally accepted as appropriate noting the potential for visual and safety impact and wind loading.

However these restrictions may operate differently for signs on private sites. In particular mowing under such signs is the domain of the site owner or occupier, and practicality will limit the height of such signs. Where an overly high sign (on private property) does cause safety issues, enforcement action can be undertaken using the general provisions of the Bylaw (eg. clause 7(1)(d) "signs must not ... endanger public safety").

The placement of signs outside the boundary of a specified area reduces the protection of amenity and safety that is being sought through specifying these areas.

Panel's recommendation

The proposal should be adopted, as proposed, in relation to minimum size of signs on public sites and the clarification for signs needing to be within specified sites.

The proposal to apply a minimum clearance and maximum height for signs on private sites (via proposed clause 9(1)(c)), should not be adopted.

Submission Topic 5 – Number of team and individual signs on any one public site

Proposal as publically notified

On each specified site on a public place the Bylaw currently provides that each candidate may only place a single sign for each election she or he is standing in. This helps to preserve visual amenity and access for all candidates.

A candidate may stand in more than one capacity in a local government election, for example as Mayor, ward councillor, and/or as local board member and/or as district health board member. In this case, the candidate could display up to four signs on a public site.

For parliamentary elections an additional sign may be displayed to promote voting for a political party. Explicit provision is made for political parties due to the mixed member proportional system (MMP) used in New Zealand for parliamentary representation. Similar explicit provision has not been made for local government elections as the election system does not provide for party votes.

However, a developing aspect of local government elections in Auckland is the association of candidates aligned to the same causes or organised in interest groups. Signs containing the particulars of a number of such candidates are therefore a feature of the local government elections. During the local government election in October 2013 the requirement of displaying one sign per candidate per site and the display of "team" signs on that site in addition to candidate signs caused confusion.

The proposed amendment therefore provides for this approach, and seeks to include these types of signs within the balance between restriction, visual amenity and access.

Matters raised in submissions and other information considered

Submitter #8 does not offer explicit support for or opposition to this part of the proposal, but does note the importance of providing for parties to put across their views and ideas. Submitters #9 and #10 note their explicit support of this proposal.

Submitter #6 requests that this amendment is not adopted. The submitter maintains that the outcome of the amendment will favour election candidates who are affiliated to a party and can advertise as both party candidates and as individuals. This submitter believes this is unfair to independent candidates. The relief sought is that the current approach is retained, or there is an amendment to the proposal so that an independent candidate could have two signs on one site.

It is noted that "team" signs are now commonly used in Auckland and it is considered that the Bylaw should explicitly address their use in some way. These signs are considered to be useful to the public and further help to promote the election and the importance of voting generally.

It was noted that other approaches were possible, including allowing independent candidates to have two signs; restricting team signs to larger sites; and prohibiting team signs. These were considered against the need for the Bylaw to balance restrictions on general freedoms, protection of amenity and public safety and the importance of the electoral process. The Bylaw must also provide clear rules that can be followed by

candidates, their agents and staff charged with enforcing the Bylaw during the election period.

Panel's recommendation

The proposal should be adopted, with the intent as proposed.

The drafting of proposed clause 8(1)(b) has been amended to ensure that the support for the use of team signs is clear.

Submission Topic 6 – Signs promoting election issues

Proposal as publically notified

Issues signs are signs that may relate to referenda or promote causes that are not related to a particular candidate or party. For example some of these signs appearing during the 2013 local government election encouraged voters to “vote local” or to protect community assets without endorsing specific candidates. Limited specific provision is made in the Bylaw for the regulation of such signs.

The proposal sought to limit the display of such signs to one per person, per specified public site. This is consistent with the limit on signs displayed by local candidates.

Matters raised in submissions

Submitter #9 noted that this could result in a significant increase in signage on public sites, and that this has the potential to “crowd out” candidates’ signs. Submitter #10 noted that this may lead to groups with less experience putting up signs and this may interfere with the work of groups running for election.

As the current Bylaw allows for any number of issues signs to be erected on a specified public site and the proposal is to impose a limit of one sign per site per person the amendment should reduce the possibility of issues signs crowding out candidate signs rather than increasing it.

Generally, those putting up issue signs may have a range of different motivations, experience and constraints from those seeking election as candidates or their parties or agents. The importance of candidates during an election (as distinct from a referendum) and their need to make themselves and their positions known was noted. It could be possible to recognise the candidates’ needs in several ways, including by restricting the time or places where issue signs could be displayed.

However the relative “importance” of candidates and others is not clear cut, and it is considered difficult to have general restrictions on issue signs that are clear and enforceable. Such restrictions would also need to be consistent with freedoms in the New Zealand Bill of Rights Act. Issues signs, as with other election signs, must include contact information.

Panel's recommendation

The proposal should be adopted, as proposed.

The use of issues signs outside referenda should be considered in any future review of this Bylaw.

Submission Topic 7 – Readability of the contact details of the person responsible for the sign

Proposal as publically notified

The Bylaw requires that each sign must clearly display the name and contact details of the person responsible for the sign. This ensures that if any issues arise in relation to the sign

there is a clear contact person who can be called upon by compliance staff to correct the situation. During the local government election of October 2013 it was often found that whilst these contact details may have been present they were not always able to be easily read by the compliance staff and they therefore were not as effective as intended.

An amendment to clause 7(1)(e) is proposed to require that the name and contact details on each election sign be legible from a distance of 1 metre.

Matters raised in submissions

Submitter #3 supports the proposed amendment. Submitter #9 notes support for the proposal. Submitter #10 notes that “legibility” may be a subjective judgement and suggests that a minimum font size may be appropriate to address this specific issue.

The wording of the proposed amendment sets a standard that could be complied with in a number of ways. For example, some candidates may prepare their contact information as a separate sticker than can be placed on each sign, or these can be written directly on each sign as it is displayed. Provided enforcement staff and others can read this information clearly, these methods all support the aim of helping a rapid response to any issues with a given sign. While a specified font size would make this requirement clearer, in practice the requirement would need to include other parameters (eg. specifying a particular typeface) and this level of detail is not considered desirable or necessary.

Panel’s recommendation

The proposal should be adopted, as proposed.

Submission Topic 8 – Simplification of provisions

Proposal as publically notified

This proposal also makes a number of minor changes to the drafting of the Bylaw to simplify the provisions or to update references to comply with recent statutory amendments.

Matters raised in submissions and other information considered

The proposal included a re-wording of the restrictions around sign placement near trees, on public sites. This re-wording retained the current intention, but replaced the reference to “drip line” with simpler wording of “directly under any part of a tree”. The potential impact of signs on trees and the impact of trees on the effective area available within some specified public sites were noted as matters that should be considered further during any future review of the Bylaw (being outside the scope of the current proposals).

Panel’s recommendation

The proposal should be adopted, as proposed.

Rules relating to placement of signs near trees should be included in any future review.

Other submission topics

Matters raised in submissions and other information considered

Submitter #1 requested for a shorter period than nine weeks for the signs to be up, that breaches of the Bylaw should have a larger penalty than \$500, and that signs should not be displayed at intersections.

The time period for display of election signs has been set to reflect a balance between temporary impacts and the importance of the electoral process. Nine weeks aligns with the two month regulated period for general elections. Auckland Transport has no ability to

amend the maximum level of \$500 for a fine for breaching the Bylaw as this is set under the Land Transport Act 1998.

Submitter #9 noted that the Statement of Proposal could be read as removing support for the use of "V-shaped" signs. However the proposed amendments did not make changes to the use of these signs.

Panel's recommendation

The proposal should be adopted, as proposed.

Financial

No direct financial impact is identified for Auckland Transport to adopt these recommended amendments to the Bylaw. The administration and enforcement of the Bylaw will continue to be undertaken by Licensing and Compliance Services at Auckland Council in accordance with their current delegation.

Stakeholder engagement

Public notice of the special consultative procedure under sections 83 and 86 of the Local Government Act 2002 was given in the New Zealand Herald of 2 May 2014. Auckland Transport also notified the registered parties participating in the forthcoming general election, the chairs of the local boards and all the elected members. All notified persons were invited to provide submissions from 2 May to 3 June 2014 and ten submissions were received. Written notice of the proposed amendment of the Bylaw was also given to the stakeholders required by s22AD of the Land Transport Act 1998, including the New Zealand Transport Agency, who made a submission.

Customer Impact

The proposed amendments are expected to make the election signs process and candidate requirements more customer friendly, and will enable compliance staff to provide consistent service and interpretation, again aiding the customer.

Next Steps

The report of the panel is to be considered by the AT Board, and a final decision made. Subject to the approval of the Board, it is recommended that the amended Bylaw will come into effect on Friday 4 July 2014. This is ahead of the regulated period for the general election that starts on 19 July 2014.

The Minister of Transport will be notified in accordance with section 22AB(4) of the Land Transport Act 1998 within one week of the Bylaw being made. Public notice confirming the date the Bylaw comes into effect will be made as soon as reasonably practicable after the Bylaw is made in accordance with section 22AE of the Land Transport Act 1998.

Affected parties (including registered electoral parties) will be advised directly of the amendments to the Bylaw. The council's Licensing and Compliance Services team will also be advised of the amendments to the Bylaw.

Attachments

Number	Description
1	Summary of submissions report (as provided to Hearings Panel; excluding attachments that are either attached directly to this report or available through the website)
2	Auckland Transport Election Signs Amendment (No. 2) Bylaw 2014, as recommended
3	Auckland Transport Election Signs Bylaw 2013, as it will appear if the recommended amendments are made

Document Ownership

Prepared by	Rabin Rabindran Chair, Hearings Panel	
Recommended by	Mario Zambuto Manager Legal Services	
Approved Submission	for David Warburton Chief Executive	

Submissions summary report to the hearing panel for the amendment of the Auckland Transport Election Signs Bylaw 2013

Recommendations

It is recommended that the bylaw hearing panel:

- i. notes and considers the full written submissions contained in Attachment 4;
- ii. authorises the chairperson of the hearings panel to sign and submit a report of the hearing panel's findings and recommendations to the Board of Auckland Transport;
- iii. accepts any submissions received after the close of the submission period on 3 June 2014 as listed in Attachment 4 (number 9 and 10), and consider those submissions in the same manner as if they were received before the close of the submission period;
- iv. thank the submitters for their submissions on the proposed amendment to the bylaw.

Executive summary

On 30 May 2013 Auckland Transport, as road controlling authority for Auckland, made the Auckland Transport Election Signs Bylaw 2013 under section 22AB(1) of the Land Transport Act 1998. On 12 August 2013, shortly before the local government election of October 2013 Auckland Transport made minor amendments to the bylaw and undertook to further review the bylaw to address policy and operational issues from the local government election.

On 29 April 2014 the board approved the Statement of Proposal (including the attached proposed amendments) for public consultation through the special consultative procedure. The proposed amendments in this Statement of Proposal are a mixture of technical changes to wording to provide greater clarity in areas that allowed for confusion during the local elections in October 2013 and changes to some of the policies in the bylaw on the basis of changing trends and the practical experience of that election.

The proposed changes to the provisions in the bylaw relate to the following topic areas:

- expressly allowing for the addition of explanatory notes;
- suspending approved sites that become temporarily unsuitable;
- limiting the period signs can be displayed on private sites to the same as public sites, and the height of those signs;
- minimum size of signs and position within approved sites;
- allowing for candidates to appear on both individual and team signs on the same approved site;
- imposing number limits on signs promoting election and referenda issues in the same way as candidates, teams and parties;
- readability of the contact details for the person responsible for maintaining each election sign; and
- simplifications in various provisions.

The Statement of Proposal in Attachment 1 to this report outlines the details of the issues identified and the options considered. The text of the amendments are in attachments 2 and 3.

Public notice of the special consultative procedure under sections 83 and 86 of the Local Government Act 2002 was given in the New Zealand Herald of 2 May 2014. Auckland Transport also notified the registered parties participating in the forthcoming general election, the chairs of the local boards and all the elected members. All notified persons were invited to provide submissions from 2 May to 3 June 2014 and ten submissions were received.

Written notice of the proposed amendment of the bylaw was also given to the stakeholders required by s22AD of the Land Transport Act 1998, including the New Zealand Transport Agency, who made a submission.

Alignment with strategy

Auckland Transport has to give effect to the strategic direction in the Auckland Plan as well as any other strategic documents such as the Unitary Plan. The Auckland Plan sets out the strategic direction for Auckland to become the world's most liveable city for the next 30 years by identifying the targets and priorities that need enhancing, whilst the Unitary Plan will combine both regional and district planning functions to give effect to the Auckland Plan, using rules and incentives to achieve high quality outcomes.

The proposed amendment bylaw addresses a number of narrowly focused problems identified after the Auckland Transport Election Signs bylaw 2013 was made and those issues that could not be addressed in the first amendment in last year.

The amendments do not change the outcomes sought by the Auckland Plan and the draft Unitary Plan. The amendment bylaw continues to be consistent with the Auckland Plan's strategic direction 12: plan, deliver and maintain quality infrastructure to make Auckland liveable and resilient, through the control on the location of the election signs.

Legislation applying to elections signs

The display of election signs is a significant part of campaigning for elections and by-elections. Election signs are subject to the provisions of the Electoral Act 1993 and the Electoral (Advertisements of a Specified Kind) Regulations 2005 as well as bylaws made under the Land Transport Act 1998 (LTA98).

As a road controlling authority, Auckland Transport is authorised to make a bylaw regulating the display of signs on roads or visible from roads and the bylaw is consistent with the purpose of Auckland Transport in section 39 of Local Government (Auckland Council) Act 2009 to contribute to an effective and efficient transport system to support Auckland's social, economic, environmental and cultural well-being. This includes supporting the electoral process.

Consideration was given as to whether this amendment bylaw would give rise to any implications in respect of this legislation and in particular, whether the controls place unreasonable limits on the right to freedom of expression. The amendment bylaw is considered reasonable and is fair to all candidates, and will continue to minimise adverse impacts on road safety and amenity values and ensure the mandate and purpose of Auckland Transport are appropriately delivered.

Background

The objective of the Election Signs Bylaw 2013 is to provide for a consistent set of controls for election signs and an integrated system of determining the sites on public places visible from the road that are appropriate for the display of election signs across Auckland for parliamentary and local authority elections as well as referenda.

The amendments in this proposal are a mixture of technical changes to wording to provide greater clarity in areas that allowed for confusion during the local elections in October 2013 and changes to some of the policies in the bylaw on the basis of changing trends and the practical experience of that election.

The changes to the provisions in the bylaw relate to the following areas:

- expressly allowing for the addition of explanatory notes;
- suspending approved sites that become temporarily unsuitable;
- limiting the period signs can be displayed on private sites to the same as public sites, and the height of those signs;
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- imposing number limits on signs promoting election and referenda issues in the same way as candidates, teams and parties;
- readability of the contact details for the person responsible for maintaining each election sign; and
- simplifications in various provisions.

The panel was established by the Auckland Transport Board at their meeting of 29 April 2014 (item 10i), resolving that the board (in part):

iv). appoints a Hearing Panel of up to four members including an elected representative and one member of the Independent Maori Statutory Board to hear submissions, deliberate and make recommendations to the board on the proposed amendments to the Election Signs Bylaw 2013.

Strategic Context

Scope of the Bylaw

The Auckland Transport Election Signs Bylaw 2013 covers local government elections (including licensing trusts and district health boards), parliamentary elections and referenda. The bylaw will not cover elections for school boards or tertiary institutions. Signs for these elections will continue to be subject to the current legacy signs bylaws and district plan rules and signs for these elections will not be able to utilise the specified public sites resolved under the bylaw.

Submission analysis

Eight submissions were received by the close of submissions, with a further two submissions received the following day. These ten submissions are included in the following analysis.

The content of the submissions may be summarised as follows. Submissions 2, 4, 5, 7, 9 and 10 are generally in support of the proposed amendments in its entirety. Submission #2

is restricted to comments on the lack of enforcement of current requirements in a particular case during the local government elections in October 2013. Submission #6 generally supports the proposals but strongly objects to allowing “team” signs during local government elections as the submitter believes it prejudices independent candidates. Submission #8 objects strongly to any restrictions in the bylaw on the display of election signs on private property. This submitter objects to the ability of Auckland Transport to designate or remove public sites for the display of election signs and believes the bylaw provisions are unnecessary.

Submission #9 requests that alternative sites are made available when a site is deemed temporarily unusable, and raises concerns over potential proliferation of “issues” signs.

Submission #10 seeks a greater role for local boards in determining matters under the bylaw, including establishing specified sites.

Submission Topic 1 – Expressly allowing for the addition of explanatory notes

Proposal as publically notified

The bylaw currently does not include explanatory notes to assist with the understanding of the bylaw provisions. While potential confusion about the provisions may be dealt with through the publication of a guide by the electoral officer, the proposed inclusion of explanatory notes in the bylaw ensures ease of reference in a single document, authorised by the Board of Auckland Transport.

Matters raised in submissions

None of the submissions discussed this topic and nobody opposed the amendment although submission #6 questioned whether the provision was necessary.

Staff comment

Staff have no additional comment.

Submission Topic 2 – Temporary closure of public sites

Proposal as publically notified

Sites on public land that have been specified by Auckland Transport for the display of election signs occasionally become temporarily unsuitable, for example due to construction for roadworks or utility maintenance. Election signs have nevertheless been displayed on these sites, causing conflict between candidates and contractors. The proposed amendments allow Auckland Transport to respond more easily to review the use of such sites.

Matters raised in submissions

Submitter #8 objects to the proposed amendment of clauses 6(2), 6(3), 6(5) and 8(1)(h) that enables Auckland Transport to designate (temporarily or permanently) or remove a public site for election signage. The objections are on the grounds that these powers may be abused and concern about what becomes of the sites that are void on the basis of electoral signs needing to be clear from any part of a tree. The submitter has concerns about Auckland Transport as unelected body exercising the powers in the bylaw. Submitters #8 and #9 request that alternative sites are provided by Auckland Transport to replace a site deemed temporarily unusable.

Submitter #10 states that such works should take place outside the election period (unless they are urgent), and considers that local boards should have a greater role in such matters, noting their decision-making responsibility for local parks.

Staff comment

The Local Government (Auckland Council) Act 2009 and the Land Transport Act 1998 enables Auckland Transport to regulate the display of signage visible from the Auckland transport system. Section 50 of the Local Government (Auckland Council) Act 2009 prohibits Auckland Council from performing any function or exercise any power conferred upon Auckland Transport. The current proposal is to enable Auckland Transport to temporarily close sites without any further consultation if the sites become temporarily unsuitable due to construction activity or other short-term reason and addresses issues experienced during the October 2013 local government election.

It is beyond the scope of the current proposal to make amendments to the bylaw in relation to Auckland Transport's ability to specify or remove public sites (after consultation with the local board) for the display of election sites. Similarly, it will not usually be practical for "alternative" sites to be made available at short notice as specified sites must be confirmed as meeting traffic safety and amenity criteria, and have approval or endorsement from the affected local board.

Submission Topic 3 – Period for use of private property to display signs

Proposal as publically notified

While the current provisions of the bylaw restricts the display of election signs on specified public sites during the regulated period of nine weeks before the election, the restriction does not apply to any private sites.

Consequently, election signs are displayed on private sites before they may be displayed on public sites, leading to confusion and unnecessary visual distraction. In addition, the current provision may be interpreted to mean that election signs may only be displayed on private sites on fences adjoining a public place. Clarification is required that signs may be displayed anywhere on private sites on condition the display meets other applicable legal requirements.

Matters raised in submissions

Submitter #8 objects to any restriction on the display of election signs on private sites unless it can be demonstrated that it affects public safety.

Staff comment

Signs on private sites can affect safety and amenity in a similar way to signs on public sites. The nine week period is considered to balance support for the electoral process with the temporary impacts from increased signage across Auckland.

Submission Topic 4 – Minimum size of signs and position within the site

Proposal as publically notified

To help provide the maximum or optimum use of the site by candidates, election signs displayed on specified sites occasionally protrude from the boundaries of the specified area. This may affect the visual amenity of the area, be a distraction to passing motorists or cause danger to passers-by.

While the bylaw prescribes the maximum size of an election sign that may be placed on a specified site, the restriction does not apply to signs on private sites. In addition, no minimum size for election signs on public or private sites has been specified. This omission has resulted in oversized signs being displayed on private property that causes unnecessary harm to visual amenity of the neighbourhood.

The display of undersized signs on designated public sites cause a safety risk as the signs are not always adequately secured. The small size of these signs also divert the attention of the drivers of vehicles, causing potential risk to public safety.

Matters raised in submissions

Submitter #8 objects to any restriction on the display of election signs on private sites unless it can be demonstrated that it affects public safety. Submitter #10 opposes the limitations on height, clearance, and size on private sites, suggesting this will make many sites difficult or impossible to use.

Staff comment

Signs on private sites can affect safety and amenity in a similar way to signs on public sites. In practice, some signs on private sites will be closer to the roadway or footpath than signs on public sites.

Submission Topic 5 – Number of team and individual signs on any one public site

Proposal as publically notified

On each specified site on a public place the bylaw provides that each candidate may only place a single sign for each election she or he is standing in. This helps to preserve visual amenity and access for all candidates.

A candidate may stand in more than one capacity in a local government election, for example as Mayor, ward councillor, and/or as local board member and/or as district health board member. In this case, the candidate could display up to four signs on a public site.

For parliamentary elections an additional sign may be displayed to promote voting for a political party. Explicit provision is made for political parties due to the mixed member proportional system (MMP) used in New Zealand for parliamentary representation. Similar provision has not been made for local government elections as the election system does not provide for party votes.

However, a developing aspect of local government elections in Auckland is the emerging association of candidates aligned to the same causes or organised in interest groups. Signs containing the particulars of a number of such candidates are therefore a feature of the local government elections. During the local government election in October 2013 the requirement of displaying one sign per candidate per site and the display of “team” signs on that site in addition to candidate signs caused confusion.

The proposed amendment therefore provides for this approach, and seeks to include these types of signs within the balance between restriction, visual amenity and access.

Matters raised in submissions

Submission #8 does not offer explicit support for or opposition to this part of the proposal, but does note the importance of providing for parties to put across their views and ideas. Submitters #9 and #10 note their explicit support of this proposal.

Submission #6 requests that this amendment is not adopted. The submitter maintains that the outcome of the amendment will favour election candidates who are affiliated to a party and can advertise as both party candidates and as individuals. This submitter believes this is unfair to independent candidates. The relief sought is that the current approach is retained, or there is an amendment to the proposal so that an independent candidate could have two signs on one site.

Staff comment

The bylaw attempts to balance restrictions on general freedoms, protection of amenity and public safety and the importance of the electoral process. Rules in the bylaw seek to

preserve that balance, without unnecessary restrictions, and those rules should be clear and able to be followed by candidates and their agents. "Team" signs are now commonly used in Auckland and it is considered that the bylaw should explicitly address their use.

Submission Topic 6 – Signs promoting election issues

Proposal as publically notified

Although the bylaw provides for signage relating to referenda and for signs promoting causes that are not related to a particular candidate as election signs, limited specific provision is made in the bylaw for the regulation of such signage.

During the October 2013 local government election signs appeared that were not endorsed or provided by particular candidates but that were displayed by community groups that were concerned about particular issues and attempted to persuade voters in a particular manner. For example some of these signs encouraged voters to "vote local" or to protect community assets without endorsing specific candidates. Similar signs displayed by local candidates are already restricted to one sign per candidate per public site as provided for by clause 8(1)(b).

Matters raised in submissions

Submitter #9 noted that this could result in a significant increase in signage on public sites, and that this has the potential to "crowd out" candidates' signs. Submitter #10 noted that this may lead to groups with less experience putting up signs and this may interfere with the work of groups running for election.

Staff comment

Issue signs have been used in the past and are likely to be a factor in future elections. Noting the freedoms in the New Zealand Bill of Rights Act, it is not considered appropriate to prohibit them, though they are subject to the general controls.

Submission Topic 7 – Readability of the contact details of the person responsible for the sign

Proposal as publically notified

The bylaw requires that each sign must clearly display the name and contact details of the person responsible for the sign. This ensures that if any issues arise in relation to the sign there is a clear contact person who can be called by compliance staff to correct the situation. During the local government election of October 2013 it was often found that whilst these contact details may have been clearly present they were not always able to be easily read by the compliance staff and they therefore were not as effective as intended.

Auckland Transport proposes an amendment to clause 7(1)(e) to require that the name and contact details on each election sign be legible from a distance of 1 metre.

Matters raised in submissions

Submissions # 3 supports the proposed amendment. Submitter #9 notes support for the proposal. Submitter #10 notes that "legibility" may be a subjective judgement and suggests that a minimum font size may be appropriate to address this specific issue.

Staff comment

Staff have no additional comment.

Submission Topic 8 – Simplification of provisions

Proposal as publically notified

This proposal also makes a number of minor changes to the drafting of the bylaw to simplify the provisions or to update references to comply with recent statutory amendments.

Matters raised in submissions

Submission #9 noted that the definition of “V” shaped signs could be clarified.

Staff comment

Staff have no additional comment.

Other submission topics

Matters raised in submissions

Submission #1 requested for a shorter period than nine weeks for the signs to be up, that breaches of the bylaw should have a larger penalty than \$500, and that signs should not be displayed at intersections.

Staff comment

Staff have no additional comment.

Stakeholder engagement

Public notice of the special consultative procedure under sections 83 and 86 of the Local Government Act 2002 was given in the New Zealand Herald of 2 May 2014. Auckland Transport also notified the registered parties participating in the forthcoming general election, the chairs of the local boards and all the elected members. All notified persons were invited to provide submissions from 2 May to 3 June 2014 and ten submissions were received. Written notice of the proposed amendment of the bylaw was also given to the stakeholders required by s22AD of the Land Transport Act 1998, including the New Zealand Transport Agency, who made a submission.

Customer Impact

The proposed amendments are expected to make the election signs process and candidate requirements more customer friendly, and will enable compliance staff to provide consistent service and interpretation, again aiding the customer.

Next Steps

The report of the panel can be considered by the board, and a final decision made. The Minister of Transport will be notified in accordance with section 22AB(4) of the Land Transport Act 1998 within one week of the bylaw being made. Public notice confirming the date the bylaw comes into effect will be made as soon as reasonably practicable after the bylaw is made in accordance with section 22AE of the Land Transport Act 1998. Subject to the approval of the board, it is recommended that the bylaw will come into effect on 12 July 2014.

Licensing and Compliance Services at the council will be responsible for administering and enforcing the bylaw in accordance with their current delegation.

Attachments

Number	Description
1	Statement of Proposal
2	Proposed Auckland Transport Election Signs Amendment Bylaw No 2 of 2014
3	Auckland Transport Election Signs Bylaw 2014, as proposed to be amended
4	Full written submissions

Document Ownership

Prepared by	Mario Zambuto Manager Legal Services	
Recommended by	Mario Zambuto Manager Legal Services	
Approved for Submission	David Warburton Chief Executive	



Auckland Transport Election Signs

Amendment (No. 2) Bylaw 2014

Te Ture a rohe mo nga Tohu Pānui Pōti a Auckland Transport

Te Ture a rohe 2014 Ko te Huritanga (2)

Auckland Transport Board Meeting 24 June 2014

Explanatory Note

This bylaw is made pursuant to section 22AB of the Land Transport Act 1998 to amend the Auckland Transport Election Sign Bylaw 2013 in time for the September 2014 parliamentary election. This explanatory note is for information purposes only and does not form part of the bylaw.

1 Title

This bylaw is the Auckland Transport Election Signs (Amendment No 2) Bylaw 2014.

2 Commencement

This bylaw, which amends the Auckland Transport Election Signs Bylaw 2013, comes into force on 4 July 2014.

3 Amendments

(1) This bylaw amends the Auckland Transport Election Signs Bylaw 2013 as follows.

(2) Replace clause 5(2) with:

“(2) The following are not election signs for the purposes of this bylaw—

- (a) an advertisement which is specified as not being an election advertisement under section 3A(2) of the Electoral Act 1993; or
- (b) an advertisement described in regulation 3(c)(i) and (ii) of the Electoral (Advertisements of a Specified Kind) Regulations 2005.”

(3) After clause 5(5), insert:

“(6) Any explanatory notes or attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without any formal process.”

(4) After clause 6(4), insert:

“(5) If a site specified under clause 6(2) is assessed by Auckland Transport as temporarily unsuitable for the display of an election sign, it may disallow the display of election signs on that site.”

(5) Before clause 7(1)(a), insert:

“(aa) election signs may only be displayed during the period commencing on the Saturday that is nine weeks before the election day and ending at midnight on the day before the election day.”

(6) Replace clause 7(1)(e) with:

“(e) the name and contact details (including a telephone number) of the person responsible for establishing and maintaining the election sign who can be contacted to repair, secure or otherwise take action in relation to the display of the election sign must clearly be displayed on elections signs and must be able to be read from a distance of at least 1m;”

(7) Replace clause 7(1)(k) with:

“(k) election signs, other than on commercial billboards, must not be internally illuminated by any means and must not be externally illuminated by artificial lighting designed specifically to illuminate the election sign;”

(8) Delete clause 7(1)(l).

(9) Replace clause 8(1)(a) with:

“(a) election signs must be free-standing on their own dedicated structure within the boundaries of the site and must not be attached to any other election sign, building, tree, litter bin, street furniture, traffic control device, bus shelter, public toilet, power pole, light pole or 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);”

(10) After clause 8(1)(a), insert:

“(aa) election signs displayed on sites specified under clause 6(1)(a) must not be smaller than 0.25m² (A2 paper size);”

(11) Replace clause 8(1)(b) with:

“(b) on any specified site, a person standing as a candidate may only be displayed on—

(i) one sign that promotes that person only, as a candidate for each elected position being stood for; and

(ii) one sign that shows that person’s association with another candidate or candidates as a team or party.”

(12) After clause 8(1)(b), insert:

“(ba) on any specified site, a person may only display one sign (that does not promote a specific candidate or party) that encourages or persuades (or appears to encourage or persuade) voters to vote in a particular way on a referendum or election;”

(13) Replace clause 8(1)(c) with:

“(c) on any specified site, in a general election, a party may only display one election sign promoting that party;”

(14) Replace clause 8(1)(d) with:

“(d) a single election sign may consist of any or all of the following so long as the combined surface area of any side does not exceed 3m² —

(i) a single-sided panel;

(ii) a double-sided panel; or

(iii) two panels displayed back to back.”

(15) Replace clause 8(1)(h) with:

“(h) election signs must not be displayed directly under any part of a tree;”

(16) Delete clause 8(1)(k).

(17) Replace clause 9(1)(b) with:

“(b) an election sign may only be affixed to the front face of a fence between private property and a public place if it is flat against the surface area of the fence and does not protrude from it.”

(18) In clause 11, delete “summary”.

Explanatory notes

The following explanatory notes will be displayed within the bylaw.

After clause 7(1)(k):

“Note: Election signs on billboards that are not available for hire or reward that are located on private or public sites, must also comply with signage bylaws, the district plans and the unitary plan.”

After clause 12(1)(c):

“Note: For the avoidance of doubt, the revocation of Part 12 (Control of Temporary Signs) of the North Shore City Bylaw 2000 does not include revocation of clause 12.5.2 that regulates the display of signs relating to political meetings. Signage for political meetings also must comply with the district plans, the unitary plan and the bylaws in Auckland regulating signage for events.”

Auckland Transport Election Signs Bylaw 2013

Te Ture a Rohe mo nga Tohu Pānui Pōti a Auckland Transport 2013

Auckland Transport Board Meeting 30 May 2013

*(amended with effect from 12 August 2013 by the Auckland Transport Election Signs
Amendment Bylaw No 1 of 2013)*

*(amended with effect from 4 July 2014 by the Auckland Transport Election Signs
(Amendment No. 2) Bylaw 2014)*

Explanatory Note

This bylaw is made pursuant to section 22AB of the Land Transport Act 1998, allows Auckland Transport to provide for the display of election signs that are on or visible from roads that are under the care, control or management of Auckland Transport. This bylaw revokes and replaces provisions of bylaws made by the previous local authorities of Auckland.

This explanatory note is for information purposes only and does not form part of this bylaw.



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1 Title

This bylaw is the Auckland Transport Election Signs Bylaw 2013.

2 Commencement

This bylaw comes into force on 8 June 2013.

3 Application

This bylaw applies to election signs on sites that are on or visible from roads under the care, control or management of Auckland Transport (which includes roads, public places and private property).

Part 1

Preliminary provisions

4 Purpose

The purpose of this bylaw is to regulate the display of election signs on or visible from roads under the care, control or management of Auckland Transport and to enable Auckland Transport to specify—

- (a) the public sites where election signs may be displayed; and
- (b) controls for the display of election signs.

5 Interpretation

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

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

election means an election under the Electoral Act 1993 or the Local Electoral Act 2001 and elections for the Auckland Energy Consumer Trust.

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

election sign means a sign or any part of a sign (including the frame and supporting structure) for a public referendum, election, or by-election, that encourages or persuades or appears to encourage or persuade voters to vote for a party or a person standing as a candidate or to vote in a particular way on a referendum or election.

private site means a site other than a public place.

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

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

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

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

traffic control device has the same meaning given by the Land Transport Rule 54002: Traffic Control Devices 2004.

unitary plan means the Auckland Council combined resource management plan.

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

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

- (2) The following are not election signs for the purposes of this bylaw
- (a) an advertisement which is specified as not being an election advertisement under section 3A(2) of the Electoral Act 1993; or
- (b) an advertisement described in regulation 3(c)(i) and (ii) of the Electoral (Advertisements of a Specified Kind) Regulations 2005.
- (3) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable legislation including Acts, regulations, bylaws and district plan or Unitary Plan rules.
- (4) Any words, phrases or expressions not defined in this bylaw have the same meaning given in the Land Transport Act 1998 or the Electoral Act 1993 or the Local Electoral Act 2001.
- (5) The Interpretation Act 1999 applies to this bylaw.
- (6) Any explanatory notes or attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without any formal process.

Part 2

Display of election signs

6 Location of Election Signs

- (1) A person must not display an election sign on or visible from a road under the care, control or management of Auckland Transport unless it is—
- (a) on a site on a public place that is specified by Auckland Transport as suitable for the display of election signs;
- (b) on a private site; or
- (c) on a vehicle provided that the movement of the vehicle or the position of a stationary vehicle in combination with the sign does not—

- (i) compromise the safe and efficient operation of the road in any way; or
 - (ii) create a nuisance where the use of a road unreasonably interferes with other road users; or
 - (iii) breach any of the provisions of this bylaw; and
 - (iv) in the case of a trailer, remain parked on any road for a period longer than 4 hours.
- (2) Subject to clause 6(3) Auckland Transport may specify by resolution, sites that are suitable for the display of election signs under clauses 6(1)(a).
- (3) Prior to specifying a site as suitable for the display of election signs Auckland Transport must—
- (a) obtain approval for any site located within a local park from the local board allocated responsibility for that local park; and
 - (b) take into consideration any comments made by a local board responsible for the area on any proposed site that is not in a local park.
- (4) Any person may propose a site on a public place for Auckland Transport to consider its suitability for the display of election signs.
- (5) If a site specified under clause 6(2) is assessed by Auckland Transport as temporarily unsuitable for the display of an election sign, it may disallow the display of election signs on that site.

7 Controls for all election signs

- (1) A person who displays an election sign must comply with the following controls—
- (aa) election signs may only be displayed during the period commencing on the Saturday that is nine weeks before the election day and ending at midnight on the day before the election day.

- (a) election signs must be removed before midnight on the day before election day;
- (b) election signs must not be displayed on election day;
- (c) election signs must not exceed 3m² in area except for signs on commercial billboards which may exceed 3m²;
- (d) election signs must not be displayed in a way that endangers public safety;
- (e) the name and contact details (including a telephone number) of the person responsible for establishing and maintaining the election sign who can be contacted to repair, secure or otherwise take action in relation to the display of the election sign must clearly be displayed on elections signs and must be able to be read from a distance of at least 1m;
- (f) election signs and their supporting structures must be securely braced and anchored, and constructed, fixed or displayed in a manner so that they will not come loose under normal weather conditions;
- (g) election signs must not obstruct the safe line of sight of any pedestrian crossing, corner, bend, intersection, vehicle crossing or private entrance, nor obscure any traffic control device;
- (h) election signs must not be displayed on roadways other than on a vehicle covered by clause 6(1)(c);
- (i) election signs must not be displayed on footpaths, road medians, roundabouts, traffic islands or any other traffic separation structure or kerbed projection;
- (j) election signs must not be made of, or have affixed, any reflective material that is likely to reflect the light from the headlights of any approaching vehicle;

- (k) election signs, other than on commercial billboards, must not be internally illuminated by any means and must not be externally illuminated by artificial lighting designed specifically to illuminate the election sign;

Note: Election signs on billboards that are not available for hire or reward, located on private or public sites, must also comply with signage bylaws, the district plans and the unitary plan.

- (l) *Revoked by Auckland Transport Election Signs (Amendment No 2) Bylaw 2014;*
- (m) election signs must not be animated;
- (n) election signs must not be similar to or the same as any traffic control device in its shape and colour, and liable to be mistaken for a traffic control device;
- (o) election signs must not display flashing, revolving or changeable information or images;
- (p) election signs must not have affixed to it, any moveable part or light that is intended to draw attention to the election sign;
- (q) posters, pamphlets, flags or other material must not be attached to election signs other than material that is securely affixed within the surface area of the sign panel under the authority of the person responsible for that sign;

8 Election sign controls for specified sites on public places

- (1) Any person who displays an election sign on a site specified in accordance with clause 6(2) must comply with the controls in clause 7 and must also comply with the following controls—
- (a) election signs must be free-standing on their own dedicated structure within the boundaries of the site and must not be attached to any other election sign, building, tree, litter bin, street furniture, traffic control device, bus shelter, public toilet, power pole, light pole or 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);
- (aa) election signs displayed on sites specified under clause 6(1)(a) must not be smaller than 0.25m² (A2 paper size);
- (b) on any specified site, a person standing as a candidate may only be displayed on—
- (i) one sign that promotes that person only, as a candidate for each elected position being stood for; and
- (ii) one sign that shows that person's association with another candidate or candidates as a team or party.
- (ba) on any specified site, a person may only display one sign (that does not promote a specific candidate or party) that encourages or persuades (or appears to encourage or persuade) voters to vote in a particular way on a referendum or election;
- (c) on any specified site, in a general election, a party may only display one election sign promoting that party;
- (d) a single election sign may consist of any or all of the following so long as the combined surface area of any side does not exceed 3m² —
- (i) a single-sided panel;
- (ii) a double-sided panel; or
- (iii) two panels displayed back to back.
- (e) a single election sign consisting of two panels (or four if back to back) attached at one edge to the same post in a V-shape may be displayed on larger sites that are specified by resolution under clause 6(2) as suitable for this configuration if the widest point of the V is not more than 2m;
- (f) the top edge of an election sign must not exceed 3m from ground level and the bottom edge must not be less than 500mm from ground level;

- (g) election signs must be set back at least 500mm from a footpath, cycle path, vehicle crossing or roadway other than on the front face of a fence separating a public place from a private site as specified in clause 9(1)(b);
 - (h) election signs must not be displayed directly under any part of a tree;
 - (i) election signs must not be displayed on sites that are recorded or scheduled as cultural or heritage sites or that are geological or archaeological features identified in the relevant district plans or unitary plan;
 - (j) no alterations or additions may be made to an election sign that protrude from the original size of the sign;
 - (k) *Revoked by Auckland Transport Election Signs (Amendment No 2) Bylaw 2014.*
 - (l) election signs must be maintained in good order and condition;
 - (m) the person responsible for an election sign must restore the site to the condition it was in before the election sign was displayed.
- (2) Auckland Transport may by resolution make additional controls for the display of election signs on particular sites.

9 Election sign controls on private sites

- (1) A person who displays an election sign on a private site visible from a road must comply with the controls in clause 7 and must also comply with the following controls—
- (a) the consent of the occupier, or if an occupier cannot be located the consent of the owner of the private site must be obtained for the display of an election sign;
 - (b) an election sign may only be affixed to the front face of a fence between private property and a public place if it is flat against the surface area of the fence and does not protrude from it.

Part 3

Enforcement powers, offences and penalties

10 Enforcement

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, if the sign is damaged or is not in good order or condition or is otherwise in breach of this bylaw and to recover any reasonable costs;
- (b) recover reasonable costs to restore a site if the site is not restored by the person who displays an election sign to the condition it was before the sign was displayed.

11 Offences and penalties

A person who fails to comply with clause 6, 7, 8 or 9 commits a breach of this bylaw and is liable on conviction to a fine not exceeding \$500.

Part 4

Revocation

12 Revocation of provisions in existing bylaws

- (1) The provisions in the following bylaws, are revoked to the extent that they relate to election signs that are on or visible from roads that are under the care, control or management of Auckland Transport—
 - (a) Auckland City Council Signs Bylaw 2007;
 - (b) Chapter 19 (Temporary Signs) of the Manukau City Consolidated Bylaw 2008;
 - (c) Part 12 (Control of Temporary Signs) of the North Shore City Bylaw 2000;

Note: For the avoidance of doubt, the revocation of Part 12 (Control of Temporary Signs) of the North Shore City Bylaw 2000 does not include revocation of clause 12.5.2 that regulates the display of signs relating to political meetings. Signage for political meetings also must comply with the district plans, the unitary plan and the bylaws in Auckland regulating signage for events.

- (d) Chapter 22 (Temporary Signs) of the Rodney District Council General Bylaw 1998;
 - (e) Franklin District Council Control of Signs Bylaw 2007;
 - (f) Papakura District Council Control of Advertising Signs Bylaw 2008.
- (2) Any schedules, resolutions, approvals, permits or other acts of authority made pursuant to the bylaws referred to in clause 12(1) relating to election signs that are on or visible from roads that are under the care, control or management of Auckland Transport are revoked.