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Signage Bylaw Review – Structure of new bylaw

For decision:

For noting:

Ngā tūtohunga / Recommendations

That the Auckland Transport Board (board):

- a. Note that Auckland Transport (AT) and Council staff have been working together to assess how best to structure the new joint bylaw approved for development to manage signs across Auckland.
- b. Note the contents of the report attached as Attachment 1 which identifies two main options for structuring the new bylaw.
- c. Agree to proceed with Option 2 (the recommended option) and direct AT's signage bylaw working group to work with Council staff to proceed with development of the bylaw as outlined for that option.
- d. Note that agreement of Council's governing body to proceed with Option 2 will separately be sought by Council's working group.

Te whakarāpopototanga matua / Executive summary

1. In December 2020 the board approved the development of a new joint bylaw with Council to manage signage impacts across Auckland, including in relation to the Auckland transport system.
2. AT and Council working groups have assessed different options for how to structure the new bylaw – the analysis is contained in the report in Attachment 1.
3. In summary, the assessment identified two options for structuring the bylaw: Option 1, which is a similar structure to the current bylaw structure; and Option 2, which is a structure similar to the way signage rules are set out in the Auckland Unitary Plan (AUP).
4. Analysis of the two options has concluded that Option 2 is the better option and should be recommended to both the board and Council's Governing Body as the option to proceed with.
5. The board is now being asked to approve Option 2.

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Ngā tuhinga ō mua / Previous deliberations

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

Date	Report Title	Key Outcomes
December 2020	Signage Bylaw – Approval needed to develop	<p>The board agreed that AT should:</p> <ul style="list-style-type: none"> (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. <p>The board directed 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 structure/content in the first half of 2021.</p>
July 2020	Signage Bylaw Review – Findings Report	<p>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.</p>
November 2018	Signage Bylaw Review	<p>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.</p>

Te horopaki me te tīaroaro rautaki / Context and strategic alignment

7. 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.
8. Review of the 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.

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9. The Signage Bylaw will automatically revoke by law in May 2022, unless earlier revoked by AT and Council.
10. The board and Council's Regulatory Committee have already decided to continue to regulate signage by way of a new bylaw (and include regulation of election signs) and retain the existing signage rules in the Unitary Plan (with the intention to replace both the existing Signage Bylaw 2015 and AT's Election Signs Bylaw 2013).
11. Protecting the public and environment from the negative effects of signs aligns with the Auckland Plan 2050 in the following way:
 - moving to a safe transport network by protecting the public from safety risks;
 - creating inclusive public places and a quality compact urban form by minimising public nuisance, protecting council-controlled places from misuse and protecting the environment;
 - creating a resilient Auckland economy by making rules that are easy to understand, appropriate and responsive to change.
12. Confirming both the board's and Council's governing body's wishes for how the new bylaw is to be structured is necessary to ensure alignment on the regulatory approach for managing signs across Auckland.

Ngā matapakinga me ngā tātaritanga / Discussion and analysis

13. Full discussion and analysis of the matters to be considered by the board are contained in Attachment 1.
14. In summary –
 - a. Option 1 is a similar structure to the current bylaw and focuses on sign types and uses (e.g. portable signage, freestanding signage, poster signage) and sets out different rules applying to each. The bylaw review findings were clear that people find the current bylaw confusing and that negatively impacts on compliance with the bylaw so retaining the same form of structure is unlikely to address that problem.
 - b. Option 2 is a similar structure to that used for signage rules in the AUP and focuses on sign location and activity (rather than sign types). It is considered that this structure will make the bylaw easier to follow and understand which is likely to result in better compliance. A key benefit of this structure is that if there is any future decision to shift sign rules over to the AUP it will be easier to do so because the rules will already follow the same format. It is also considered that this structure will more effectively reflect AT's transport focus given that its concerns regarding signage impacts on the transport network (e.g. visual distraction to drivers, physical obstruction to pedestrians) transcend across different sign types and uses.
15. Staff assessed the two options using a comparative assessment against a criteria of 'effectiveness', 'efficiency' and 'validity' of the different bylaw structures in mitigating risks to public safety, nuisance and misuse of council controlled public spaces and at protecting the environment. The analysis concluded that: Option 2 is slightly more effective than Option 1; is more efficient than Option 1; and that both options equally meet the validity criterion.
16. On balance, Option 2 is considered to be the better option and is the one recommended to the board for approval.

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Ngā reo o mana whenua rātou ko ngā mema pooti, ko ngā roopu kei raro i te maru o te Kaunihera, ko ngā hāpori katoa / Voice of mana whenua, elected members, Council Controlled Organisations, customer and community

17. Determining the appropriate structure of the new bylaw does not require engagement with external stakeholders however public consultation (using the special consultative procedure) and targeted engagement with key stakeholders will be undertaken when the bylaw has been drafted and approved by AT and Council for consultation.

Ā muri ake nei / Next steps

18. The signage bylaw working group will work with Council's working group to develop the new bylaw in accordance with the board's chosen option as to structure.

19. A joint Council / AT working group (including directors Kylie Clegg and Darren Linton as well as councillors and local board representatives) will provide input and direction on the development of the new bylaw as it progresses into the drafting phase.

20. The broad process and timing of the development of the bylaw is outlined below:





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Te whakapiringa / Attachment

Attachment number	Description
1	Te Ture a Rohe mo nga Tohu/Signage Bylaw 2015 Review – Detailed Options Report 2021 (April 2021)

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	