

Amendment of the Auckland Transport Election Signs Bylaw 2013

Recommendations

That the Board:

- i. Notes and considers the Election Signs Bylaw feedback analysis summary in Attachment 2.
- ii. Resolves to make the Auckland Transport Election Signs (Amendment No. 3) Bylaw 2017 set out in Attachment 3 pursuant to section 22AB of the Land Transport Act 1998 with effect from 1 August 2017, thereby amending the Auckland Transport Election Signs Bylaw 2013 (as shown in Attachment 4).
- iii. Authorise the Chief Executive to make any minor edits or amendments to the Auckland Transport Election Signs (Amendment No. 3) Bylaw 2017 to correct any identified errors or typographical edits or to reflect decisions made by the Auckland Transport Board.

Executive summary

1. On 30 May 2013 Auckland Transport, as road controlling authority for Auckland, made the Auckland Transport Election Signs Bylaw 2013 ("Bylaw") under section 22AB(1) of the Land Transport Act 1998. The Bylaw imposed a nine-week temporal restriction on the display of election signs on public sites. Auckland Transport on the 29 July 2014, made the Auckland Transport Election Signs (Amendment No. 2) Bylaw 2014, thereby amending the Bylaw by extending the nine-week temporal restriction to election signs displayed on private sites. Consideration was given as to whether the proposed extension of the temporal restriction placed an unreasonable limit on the right on freedom of expression and it was determined that such restriction was in the circumstances, reasonable.
2. During the 2016 local body election an Auckland mayoral candidate requested the Minister of Transport to disallow the Bylaw under the provisions of the Land Transport Act 1998 ("LTA"). It was claimed that due to the temporal restrictions on the display of election signs the Bylaw breached the right to freedom of expression in the New Zealand Bill of Rights Act 1990 ("BoRA"). A review of the temporal restrictions in the Bylaw revealed possible inconsistencies with the right of freedom of expression as provided in BoRA and on 28 March 2017 the Board approved the proposal to consult in adherence with the principles set out in the Local Government Act 2002 ("LGA'02") to amend the Bylaw by removal of the temporal restriction associated with the display of election signs and to correct other minor issues in the Bylaw ("Proposal").
3. Consultation was undertaken with the public and stakeholders between 7 June 2017 and 26 June 2017 and Auckland Transport received 51 submissions on the Proposal. Submissions were in favour of all minor amendments. Submissions did not support the removal of the temporal restriction, in relation to public sites. Most concerns raised in that regard are able, however, to be adequately addressed by imposing appropriate temporal restrictions when specifying, by resolution under the Bylaw, public sites suitable for the display of election signs.

4. As well as the proposed removal of the temporal restriction relating to the display of election signs the Proposal included minor amendments to the Bylaw concerning the obstruction of footpaths, traffic control devices, the illumination of signs and the restriction on changeable messages.
5. The proposed amendments as publicly notified are attached as Attachment 1, with a comparison of the recommended amendments attached as Attachment 2.
6. The review of the Bylaw was carried out with input from Council's legal team.

Strategic context

Scope of the Bylaw

7. The Bylaw applies to Local Government elections (including licensing trusts and district health boards), parliamentary elections and referenda and regulates the display of election signs on roads or visible from roads or public places throughout Auckland for the purposes of the safety of the public by way of minimising the potential of election signs causing traffic safety hazards.
8. The Auckland Transport Election Sign (Amendment No 3) Bylaw 2017 does not affect the scope of the Bylaw but if made will remove the nine-week temporal restriction to ensure alignment with the BoRA. It is anticipated the removal of the temporal restriction on the display of election signs will have no discernible impact on public safety.

Background

9. On 30 May 2013 Auckland Transport made the Bylaw under section 22AB(1) of the Land Transport Act 1998 which included a nine-week temporal restriction on the display of election signs on public sites only. The Bylaw was amended following the October 2013 local elections to extend the temporal restriction to private sites. It was recognised that the differentiation between public and private sites had caused confusion and resultant unnecessary visual distraction for road users during the 2013 election. On 29 April 2014 the Auckland Transport Board resolved to amend the Bylaw, considering that such amendment was not inconsistent with the BoRA.
10. An Auckland mayoral candidate in 2016 requested the Minister of Transport disallow the Bylaw (as amended in 2014) under the provisions of the LTA claiming the Bylaw breached the BoRA. A review of the BoRA aspects of the Bylaw was undertaken which identified potential issues. The Minister declined to disallow or amend the bylaw under the LTA.
11. At its meeting of 28 March 2017 the Auckland Transport Board approved that consultation proceed on the Proposal without use of the Special Consultative Procedure set out in the LGA'02 as the impact of the proposed amendment to the Bylaw was not considered to not have a significant impact on the public.
12. The Proposal, including the draft Bylaw amendments, were published in accordance with the LGA'02 and notice was given to Auckland Council, Police, the NZ Transport Agency, major political parties and affected or interested parties to the proposed amendments. Consultation with

affected parties occurred between 7 June 2017 and 26 June 2017. A total of 51 submissions were received and have been collated in the attached Election Signage Bylaw Feedback Analysis summary (Attachment 2).

Submission Analysis

Overview of the submissions

13. The following is an analysis of the submissions made and noted in the attached Election Signs Bylaw feedback analysis summary. Most submissions commented on the temporal restriction relating to the display of election signage. Submissions received in regard to the proposed minor amendments to the Bylaw were predominately in support.
14. Following the consideration of the submissions it is recommended that the amendments be largely adopted as proposed. There are two recommended changes to the Proposal in regards to the technical guidelines to be referenced and restrictions of election signs that interfere with traffic control devices. It is also recommended that attention is directed in future review of the Bylaw to matters beyond the scope of the Proposal which have been raised in submissions and highlighted in this analysis.

Table 1: Submission topics and relevant bylaw clause(s)

Topic Number	Submission Topic	Relevant Bylaw Clause(s)
1	Time Restriction	7(1)(aa)
2	Illuminated, reflective and Changeable Message Signage	5(1), 7(1)(j), (m), (o)
3	Obstruction of footpath	7(1)(d)
4	Obstruction of traffic control devices	7(1)(ma)
5	Reference to Austroad Guides	7(1)(g)
6	Other comments received	

Submission Topic 1 – Time Restrictions

Proposal as publically notified

15. Auckland Transport notified a proposal to amend the Bylaw to remove the temporal restriction in clause 7(1)(aa) of the Bylaw. This clause currently restricts the display of election signage to a nine-week period immediately prior to an election.

Matters raised in submissions

16. 40 submitters disagreed with the proposed removal of the temporal restriction. Most submitters raised concerns over visual pollution and safety impacts. Visual pollution issues included loss of amenity if election signs were to remain longer than a nine-week period. Submitters were also

concerned at the increased safety risk associated with a lack of maintenance and the inherent temporary nature of such signage and supporting structure should the display of election signs be permitted for longer than the current nine-week period.

17. Some submitters preferred having a temporal restriction affecting the display of election signs in a bylaw giving a clear single source of when election signs should be displayed (possibly not appreciating that the provisions in the Electoral Act 1993 relating to the display election signs for a general election will override the provisions of the Bylaw). Concerns were also expressed over the possibility that having no temporal restriction would give an advantage to candidates with more resources in terms of funds and staff to retain the sites and maintain election signs.

Recommendations

18. Conditions, including temporal restriction relating to the display of election signs, can be imposed by Auckland Transport when specifying (by resolution under the Bylaw) public sites suitable for the display of election signs and should address concerns raised regarding this issue.
19. It is noted Auckland Council has indicated it proposes a review of its signage bylaw and will look to make a joint bylaw with Auckland Transport controlling both the display of both general signage and election signs. Such a review should provide an opportunity to address any remaining concerns that submitters have in regards to reduction in amenity should there prove to be an unexpected proliferation of election signs.
20. The temporal restriction should be removed to ensure the Bylaw is consistent with BoRA rights. The Bylaw as made in 2013 imposed a temporal restriction only to public sites. The Bylaw was amended in 2014 to extend the temporal restriction to private sites as the distinction was causing confusion for candidates. Accordingly, it is recommended the proposal be adopted and clause 7(1)(aa) of the Bylaw removed in its entirety.

Submission Topic 2 - Illuminated, reflective and Changeable Message Signage

Proposal as publicly notified

21. The Proposal proposes the amendment of the Bylaw by including a definition of changeable message signage and prohibiting the use of such signage as well as to clarify the prohibition relating to the use of reflective materials on election signs.
22. The Proposal will propose the prohibition of any form of illumination of an election signs which would affect amenity and traffic safety.

Matters raised in submissions

23. Submitters favoured such amendment. One submitter requested that the proposed amendment relating to illuminated signs be extended to prohibit any illumination rather than the proposed wording limiting the prohibition to illumination which adversely affects surrounding amenity and traffic safety.

Recommendations

24. The restriction relating to illumination of election signs is only relevant to commercial type billboards. It is reasonable such billboards be allowed illumination subject to the restrictions provided in the proposal. Accordingly, it is recommended that the proposal be adopted, as proposed.

Submission Topic 3 – Obstruction of Footpath or Road

Proposal as publicly notified

25. It is proposed the Bylaw is amended by changing the current generic prohibition of signs being displayed in any way that endangers public safety to more specific prohibition around placement of signs that unreasonably obstruct or hinder safety and movement of persons using the road or footpaths.

Matters raised in submissions

26. Submitters were in favour of this amendment. The NZ Police noted that in absence of the definition of “footpath” and that election signs would be erected on verges which could endanger public safety. Two submitters noted that the use of “unreasonably” would create ambiguity.

Recommendation

27. The approved public sites made under the Bylaw require signs to be set back 500mm from a footpath, cycle path, vehicle crossing or roadway which addresses the safety concerns raised in regards to signs placed on verges. The use of “unreasonably” an objective standard, affords discretion to enforcement officers in relation to compliance and is considered non-contentious. Accordingly, it is recommended that the proposal be adopted, as proposed.

Submission Topic 4 – Obstruction of traffic control devices

Proposal as publicly notified

28. The Proposal also included a number of minor amendments to the treatment of elections signs which interfere with traffic control devices adding detailed and specific restrictions on the placement, shape and colour of election signs in relation to traffic control devices.

Matters raised in submissions

29. No submissions opposed this proposed amendment. The NZ Police raised concern that the drafting could lead to signage that would obstruct traffic control devices where they are of a different colour to the traffic control device and suggested removal of the reference to colour and include a complete prohibition on signage which in any way obstructs or impairs the view of a traffic control device.

Recommendation

30. The Bylaw currently prohibits the display of election signs which ‘obscure any traffic control device’. Following consideration of NZ Police’s submission, it is believed the proposed amendments have potential to create ambiguity in their application and wording can be removed in regards to the placement of election signs in the vicinity of a traffic control device which are of the same colour as this can be addressed when specifying public sites under the Bylaw which are suitable for the display of election signs. It is recommended that proposed Bylaw clause 7(1)(ma) is amended by removal the words ‘or form the background or foreground to, or appear alongside’ and ‘of similar colour when viewed by the driver of an approaching vehicle’.

Submission Topic 5 - Reference to Austroad Guides

Proposal as publicly notified

31. The Proposal amends the Bylaw by setting the standard of determining whether the signage obstructs safe line of sight as being the standards prescribed under the Austroads Guide to Road Design.

Matters raised in submissions

32. A Submitter raised concern with the complexity of the Austroads Guide to Road Design and the issue of the enforcement team at Auckland Council having to determine whether the election signs complied with that guide. A submitter preferred the use of local guidelines and noted that the 'Auckland Transport's Roads and Streets Framework, and Transport Design Manual' should be used following their approval by Auckland Transport.

Recommendation

33. Austroads Guide to Road Design was included in absence of an approved local guideline. Auckland Transport's Transport Design Manual is to be presented to the Auckland Transport Board for consideration at its October meeting. The amendment to Bylaw if adopted will have no effect on the general election as its formal effect of 1 August 2017 will be during the nine-week period prior to a general election during which the provisions of the Electoral Act 1993 regarding the display of election signs will override those of the Bylaw and so the Bylaw as amended will have no practical effect until the next relevant election held following the general election
34. Following consideration of submissions, it is recommended that the guideline material be amended to refer to the Auckland Transport's Transport Design Manual as it will be a finalised and the most relevant guideline at the time of the next applicable election.

Submission Topic 6 – Other comments received

Matters raised in Submissions

35. Submitters noted a need to make clear in the Bylaw under clause 6 that Auckland Transport still reserves the right to set a temporal restriction on a site by site basis.
36. One submitter noted that there should be a height restriction imposed on signs placed on private sites. Currently clause 8(f) of the Bylaw restricts heights on public sites to 3m.
37. Three submitters noted a need for stronger penalties for candidates who do not comply with the Bylaw including a fine for not removing election signage within a certain time after the election day.
38. One submitter noted that election signs which had been defaced should be removed.

Recommendations

39. Adopt amendments as proposed and note these issues to be considered in any future review of the Bylaw.

Financial

40. No direct financial impact is identified for Auckland Transport to make the Bylaw. The administration and enforcement of the Bylaw will be undertaken by Licensing and Compliance at Auckland Transport in accordance with their current delegation.

Stakeholder Engagement

41. Public notice of the proposal to amend the bylaw including the proposed amendments were published in accordance with the requirements of the LGA'02. Auckland Transport, in accordance with section 22AD(2) of the Land Transport Act 1998, notified affected parties (Auckland Council, Police, the NZ Transport Agency and major political parties) and invited submissions from those parties and the public on the proposed amendments via the Auckland Transport website.

Customer Impact

42. The proposed amendments are expected to clarify the election signs process and candidate requirements where ambiguities have been identified. The removal of temporal restrictions will be consistent with candidate rights in relation to private sites.

Next steps




43. If the proposed amendment to the Bylaw is made by the Auckland Transport Board, the Minister of Transport will be notified in accordance with section 22AB(4) of the LTA and public notice given confirming the date on which the amended Bylaw will come into effect accordance with section 157 of the LGA'02.

44. Licensing and Compliance Services at the Auckland Council will continue to be responsible for administering and enforcing the Bylaw in accordance with its current delegation.

Attachments

Attachment Number	Description
1	Proposed Amendments to Election Signs Bylaw 2013 as published for consultation
2	Election signage bylaw feedback analysis summary
3	Auckland Transport Election Signs (Amendment No. 3) Bylaw 2017
4	Auckland Transport Elections Signs Bylaw 2013, as amended

Document ownership

Submitted by	Mario Zambuto General Counsel	
Recommended by	Richard Morris Chief Financial Officer	
Approved for submission	David Warburton Chief Executive	

Glossary

Acronym	Description
BoRA	New Zealand Bill of Rights Act 1990
LGA'02	Local Government Act 2002
LTA	Land Transport Act 1998

Proposed Amendments to Auckland Transport Election Signs Bylaw 2013

Proposed additions are underlined

Proposed deletions are ~~scored through~~

1. Clause 5 Interpretation

Insert in subclause (1) in appropriate alphabetical position:

changeable message signage means publicly visible signage with mechanical or electronic moving images or displays, including LED, neon, and electronically projected images.

2. Clause 7 Controls for election signs:

In subclause (1), revoke paragraph (aa), add new paragraphs (ma) and (na), and amend paragraphs (b), (d), (g), (j), (m), (n) and (o) as follows:

(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 for elections under the Electoral Act 1993 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~~ election signs must not obstruct or hinder the safety or movement of persons using the roadway, or unreasonably obstruct or hinder the safety or movement of persons using the footpath or any part of the road;

(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~~ determined according to the Austroads Guide to Road Design;

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- (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~~ election signs must not contain reflective, fluorescent or phosphorescent materials that may reflect headlights, distract, or interfere with the vision of a person using the public place or road;
- (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~~ comprise or include any changeable message signage;
- ~~(ma) election signs must not obstruct, obscure, or impair the view of, or form the background or foreground to, or appear alongside, any traffic control device of similar colour when viewed by the driver of an approaching vehicle;~~
- (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~~ election signs must not resemble, or be likely to be mistaken for, a traffic control device in colour, shape or appearance;
- ~~(na) election signs must not be directed at a person driving a vehicle on a road unless the sign can be safely read by a person travelling at the legal speed limit of the road;~~
- (o) ~~election signs must not display flashing, revolving or changeable information or images~~ election signs must not use flashing or revolving lights, lasers, or any other method of illumination that may adversely affect the amenity of the surrounding area or traffic safety;
- (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.

Election signage bylaw feedback analysis

04.07.2017

For internal use only

Summary

Number of submissions

Total: 51

- Online: 41
- Hard copy/email/letter: 10

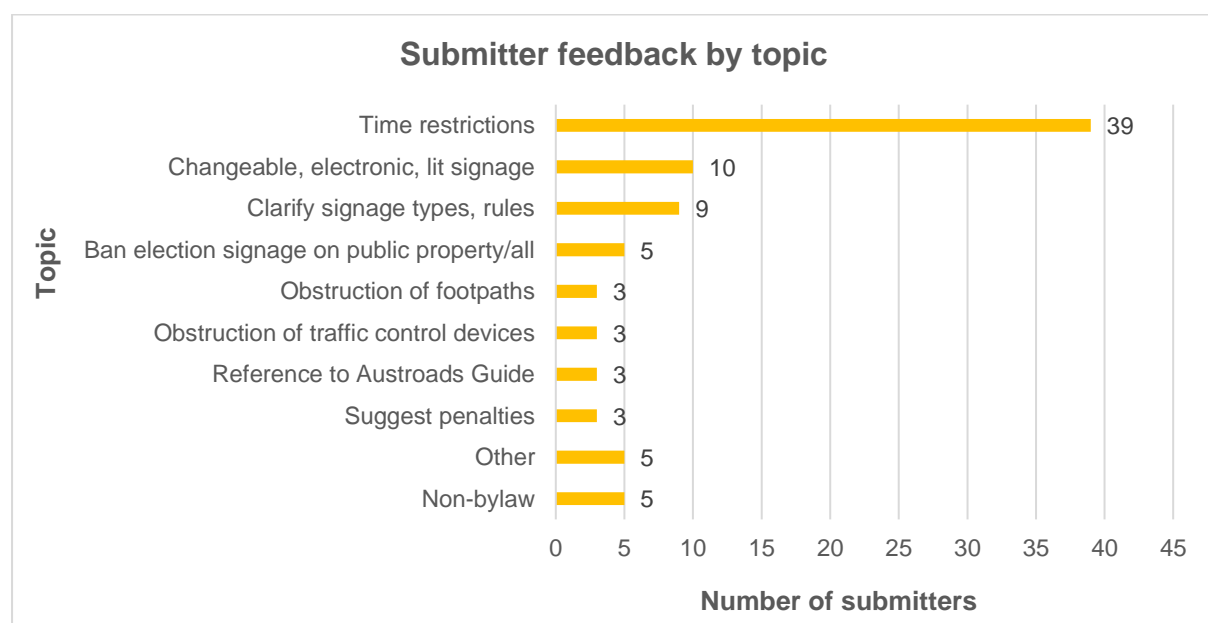
Key themes

The main theme in the feedback is concern about the deletion of clause 7 (1) (aa) (78% of submitters).

Other themes include requests to further clarify the rules around signage types and locations (18%) and support for proposed clarifications around changeable signage (12%).

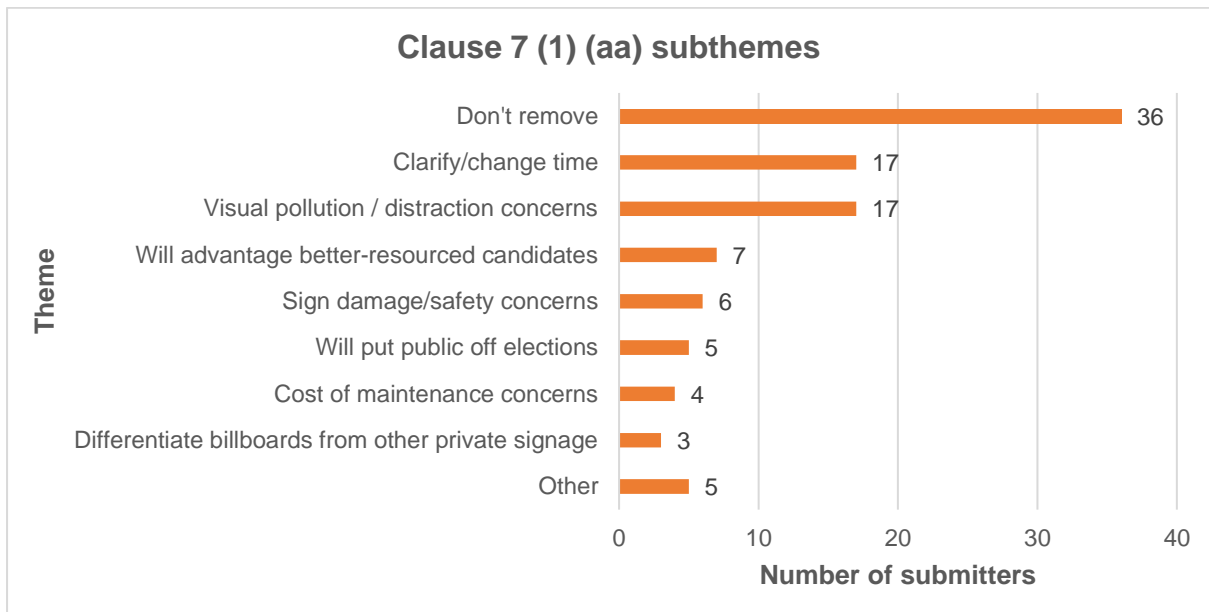
Feedback by topic

All themes



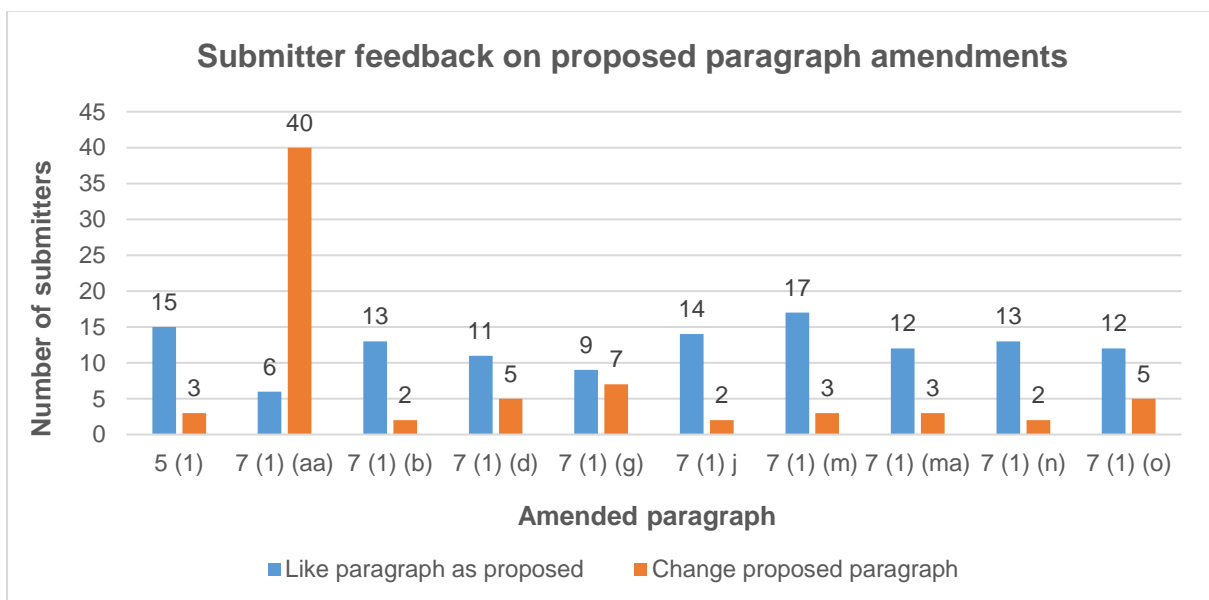
N=51. Includes positive and negative feedback on the amendments and related issues.

Time restrictions subthemes



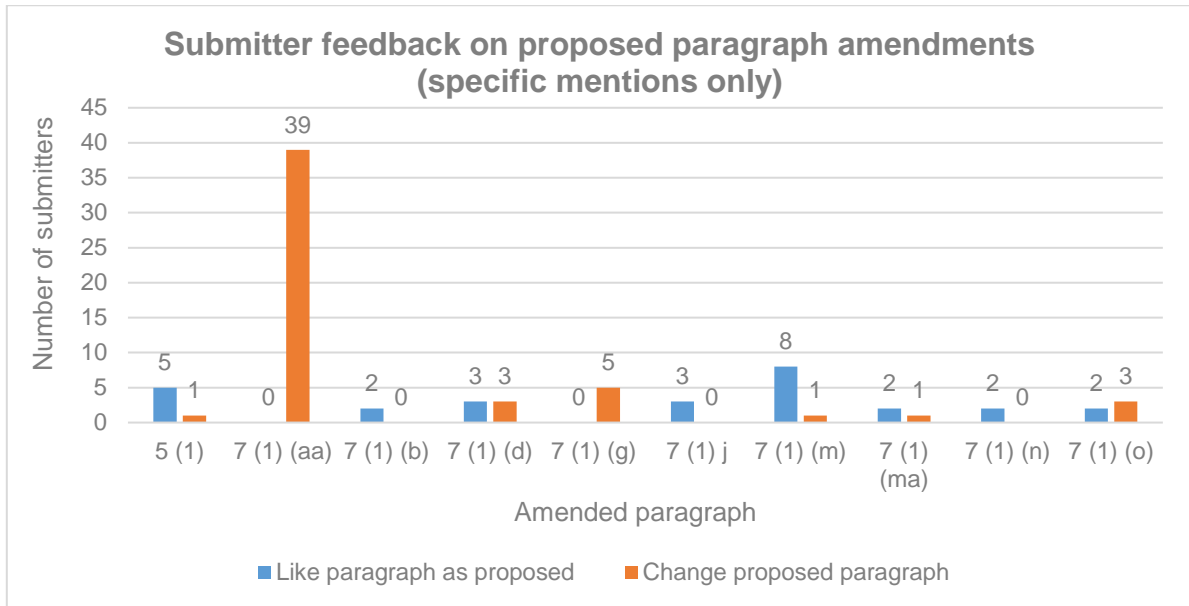
Feedback by bylaw paragraph

Like/change proposed amendments

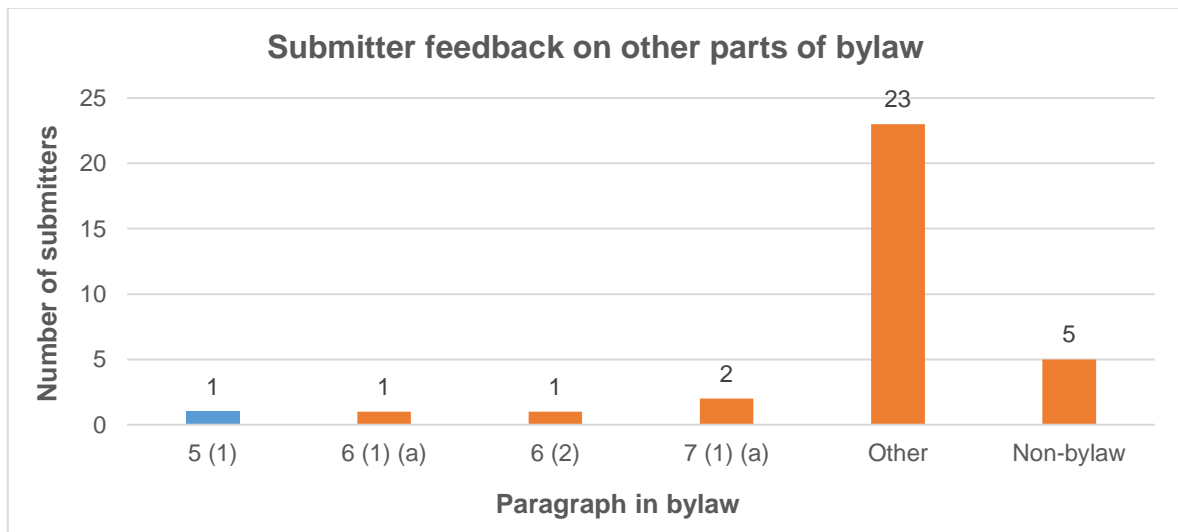


Submitters were generally supportive of most of the proposed amendments, particularly those relating to changeable signage. However, the majority (78%) had concerns about or were opposed to the removal of temporal restrictions through the proposed deletion of clause 7 (1) (aa).

*Note that submitters who state that they like/would change *all* amendments have been counted above as like/change for *each* paragraph. The graph below shows submitters who *specifically commented* on each paragraph.



Feedback on other parts of bylaw



A few suggestions were made to change other paragraphs in the bylaw, as well as a large number of suggestions which are not obviously associated with any particular section of the bylaw.

Design suggestions and AT responses

Time restrictions	5
Don't remove clause 7 (1) (aa)	5
Clarify/change time	5
Visual pollution / distraction concerns.....	6
Will advantage better-resourced candidates	7
Sign damage/safety concerns	7
Will put public off elections	7
Cost of maintenance concerns	7
Differentiate billboards from other private signage	8
Other	8
Changeable signage	9
Like amendments to clause 5 (1), clause 7 (1) (d), (j), (m)	9
Change 5 (1)	9
Change 7 (1) (m), (o)	9
Obstruction of footpaths	9
Change 7 (1) (d).....	9
Obstruction of traffic control devices	10
Like 7 (1) (g), (ma)	10
Change 7 (1) (g), (ma)	10
Reference to Austroads Guide	10
Change 7 (1) (g).....	10
Other paragraphs in Election signage bylaw	11
Like 5 (1)	11
Change 6 (1) (a).....	11
Change 6 (2).....	11
Change 7 (1) (a).....	11
Other suggested amendments	12
Clarify signage types / rules.....	12
Ban election signage on public property / all locations	13
Penalties	13
Other	13
Non-bylaw suggestions	13
Election sign site lists.....	13
Other	14

Design suggestion and illustrative quotes	Number of submitters	
Time restrictions		
<p>Don't remove clause 7 (1) (aa)</p> <ul style="list-style-type: none"> • "I think that it looks like you may have mistakenly thought that people wouldn't mind having election signs up all the time." • "I would not remove the time limit for election signs on the public sites." • "Against the removal of 1aa. " • "I would like to see some control mechanism replacing this rather than outright deletion." • "Retain this clause. There are cases where election-type signs are permanent. Why is this clause being deleted?" 	36	
<p>Clarify/change time</p> <ul style="list-style-type: none"> • "Perhaps a longer time-frame would be helpful? For example, 12 weeks instead of 9 weeks? Just not the complete removal of the temporal restriction." • "I would retain the 9 week time limit or possibly shorten it." • "It is unclear when election signs may be put up (i.e. the first day before the election date)." • "Through the deletion of this clause it becomes unclear what the period prior to the election is defined as for advertising purposes. This creates uncertainty around when candidate advertising can commence. Some clarity and reference to the Electoral Act 1993 (by way of the General Election 2017 Candidate Handbook) may resolve this issue." • "The paragraph should be amended to reflect the three month regulated period provided for in the Electoral Act 1993. It is helpful for candidates to have all related information in the one location." • Auckland Council submission: <ul style="list-style-type: none"> - "In our experience, candidates and parties are keen to erect signs as soon as they are permitted under bylaws. As there are limited public sites made available for such signage, the "popular" sites are in high demand, and all candidates and parties try to ensure they have visibility in the public eye for as long as possible..." - The community expects there to be an election period and this expectation is reflected in relevant legislation: 	17	

Design suggestion and illustrative quotes	Number of submitters	
<p>a) The Electoral (Advertisements of a Specified Kind) Regulations 2005 define a period of nine weeks prior to a general election where any other regulations, such as bylaws, are overridden to allow election signs.</p> <p>b) The Local Electoral Act 2001 includes an assumption that, for the purposes of declaring election expenses, electoral activity takes places within a period of three months prior to an election. The Act refers to this period as the 'applicable period' for electoral activity.</p> <ul style="list-style-type: none"> - The Office of the Auditor-General has issued communication guidelines to local authorities which specifically include guidance about the appropriate use of council resources in the three months prior to an election which the guidance refers to as the 'pre-election period'. This period is based on the defined 'applicable period' in the Local Electoral Act and includes an assumption that this is the period when election campaigning will take place. - Further, candidates and parties expect there to be a defined period when they can erect election hoardings – this has been the case for the entire existence of Auckland Council, and for all of the legacy councils in the region.... We recommend retaining clear guidance for candidates, parties and the public on the length of time that election signs may be displayed."] 		
<p>Visual pollution / distraction concerns</p> <ul style="list-style-type: none"> • "The current Bylaw is at best tolerated but the visual pollution to the likes of Dove Myer Robison Park is seen as significant both at the outset of the nine week provision and our community is well pleased to see the signs go on the day before polling. They are often defaced and/or physically damaged which exacerbates the level of visual pollution...The potential (and ever growing practice) for privately owned fences/walls to be used in an unlimited temporal fashion for electioneering also creates significant urban amenity loss." • "Long term signs would be subject to deterioration and become unsightly." • "Election signage already takes over public land, increasing visual pollution and decreasing the amenity of local areas, as well as distracting drivers, for far too long a period prior to elections, and I would not support anything that increased this period." • "We don't want visual pollution of our parks and roadways longer than necessary for the democratic function!" 	17	

Design suggestion and illustrative quotes	Number of submitters	
<ul style="list-style-type: none"> • "Currently parks and open spaces suffer from signage clutter, from both permitted and illegal signage. Public reserves are not an appropriate place for permanent political messaging...Signs are visual pollution and impact on other users of the space." 		
<p>Will advantage better-resourced candidates</p> <ul style="list-style-type: none"> • "Provision for long term signs will unfairly advantage those parties and candidates with the greatest resources in terms of funds and campaign workers needed to maintain and refresh their signs." • "Larger parties will shore up the best sign areas for themselves and keep newcomers from being able to participate." 	7	
<p>Sign damage/safety concerns</p> <ul style="list-style-type: none"> • "Even at the moment with them only being up for two months a lot of them will be damaged and cause a risk to my kids when they are playing on the park. Once I had to drag one back off the road when it had blown down and would have been in the way of people on bikes. If they are allowed to be up all the time, then a lot more of them will get damaged." • "These sites are not safe for permanent 3m2 signs." • "Sign maintenance because of vandalism is costly." • "The lack of a temporal restriction is also likely to result in a greater opportunity for signs and their supporting structures to become damaged, through weather and vandalism. During the nine-week election campaign in 2016, extensive damage to signs and their supporting structures occurred during major storms. The bylaw requires the signs and their structures to be securely braced and anchored, but their temporary nature necessarily means that they are prone to damage, with the potential for parts to come loose. This results in traffic hazards being created by the debris." 	6	
<p>Will put public off elections</p> <ul style="list-style-type: none"> • "Near permanent signs would generate widespread antipathy and a likely campaign to ban them entirely." • "The public tolerance of signs in public places soon fades after a couple of weeks." 	5	
<p>Cost of maintenance concerns</p> <ul style="list-style-type: none"> • "There would be unnecessary and undesirable costs required of Auckland Transport for monitoring, seeking compliance and enforcing this bylaw if enforcement was required on a 	4	

Design suggestion and illustrative quotes	Number of submitters	
<p>permanent basis, and the signs are more likely to deteriorate and cause hazards because they are up longer which will further increase the enforcement required."</p> <ul style="list-style-type: none"> "During this election period, the council's bylaw enforcement team receive many complaints regarding bylaw breaches, including disputes between parties and candidates. During the 2016 election period, the council received 165 complaints requiring the enforcement team's attention. This significantly higher volume of calls and complaints has resourcing implications, as it means the team's resources are directed towards these complaints at the expense of its day to day role. The longer the period that signs are permitted, the greater the resourcing implication for the council." 		
<p>Differentiate billboards from other private signage</p> <ul style="list-style-type: none"> "Don't remove the time limit from private sites or the public ones. Just take it away from billboards if you need to make a change at all." "Any rulings about commercial billboards need not and should not flow on to rules about management of safety and visual amenity in the road reserve and adjoining park reserves for which you have responsibility to develop and enforce appropriate requirements." "Only remove the time limit from commercial billboards and private sites." 	3	
<p>Other</p> <ul style="list-style-type: none"> "It is clearly counterproductive to the stringent residential zoning Bylaw restrictions around 3rd party billboard/signage advertising." "Please consider reducing the 9 weeks to 6 weeks as passing traffic rapidly becomes 'blind' to the messaging." "It is bad enough that a whole lot of them have signs up at the moment pretending to be about a public meeting when they are really just trying to get in early with their election signs." "Any candidate who, in this day and age needs to rely on a meaningless sign with their face plastered all over it in order to get elected probably shouldn't be standing for public office at all!" "Removal of signs during previous election cycles has not been prompt enough, and this does not need to be extended further." 	5	

Design suggestion and illustrative quotes	Number of submitters	
Changeable signage		
<p>Like amendments to clause 5 (1), clause 7 (1) (d), (j), (m)</p> <ul style="list-style-type: none"> "I agree with the other proposed changes as being sensible clarifications of what was intended and eliminating potential loopholes. There will be argument towards allowing signage with the use of technology such as changeable etc but I agree with eliminating these for firstly the 'visual pollution', secondly the 'distraction for drivers' and thirdly the increasing costs which then sideline lower budget candidates and hence drive the cost of election advertising and create an unfair playing field." "The amendments proposed to paragraphs (d), (j), and (m) provide valuable clarifications and / or elaboration of the rules to rule out undesirable signs or hazards." "Support the proposed changes to clause 7 (m) which clarifies that changeable signs are not permitted." 	6	
<p>Change 5 (1)</p> <ul style="list-style-type: none"> "Ban electronic signs or any sign that changes electronically or mechanically." 	1	
<p>Change 7 (1) (m), (o)</p> <ul style="list-style-type: none"> "[Suggest] more clarity around how those defined as changeable signs would relate to 7.1.m and o." "Do not support the proposed amendments to clause 7 (o) regarding the use of signs which have lights, lasers or illumination where that illumination may adversely affect the amenity of the surrounding area or traffic safety. These edits make the clause ambiguous and open to challenge as they only restrict illuminated signs that may adversely affect amenity, or traffic safety...Amend clause 7 (o) to restrict the use of flashing or revolving lights, lasers, or any other method of illumination." 	2	
Obstruction of footpaths		
<p>Change 7 (1) (d)</p> <ul style="list-style-type: none"> "Under Clause 7 - 1 - D I would like to see shared paths and cycleways listed with footpaths." "Would also remove 'unreasonably' from 7.1.[d]." 	3	

Design suggestion and illustrative quotes	Number of submitters	
<ul style="list-style-type: none"> "In the absence of an interpretation of the term 'footpath', Police is concerned that this amendment may result in election signs being erected on verges, which may not obstruct or hinder the safety of a roadway or foot, yet may endanger the public's safety (2.1(d)). Police would also like to note that the term 'unreasonably' is ambiguous, which may result in challenges if any enforcement action undertaken." 		
Obstruction of traffic control devices		
<p>Like 7 (1) (g), (ma)</p> <ul style="list-style-type: none"> "The Papakura Local Board supports the deletion of 'nor obscure any traffic control device' as the new paragraph (ma) covers this scenario." 	1	
<p>Change 7 (1) (g), (ma)</p> <ul style="list-style-type: none"> "Police is concerned that the removal of 2.1(g) allows for an election sign to be erected that may obscure traffic control devices. Although the new subsection 2.1(ma) somewhat addresses this, the section still allows for a traffic control device to be obscured by a sign of a different colour to that of the traffic control device. Police would like to see 2.1(ma) amended to read: 'election signs must not obstruct, obscure, or impair the view of, or form the back or foreground to, or appear alongside, any traffic control device when viewed by the driver of an approaching vehicle.'" "(g) Please add 'nor within 100m of an intersection in urban areas and 200m from rural intersections'. Refer RTS.7 Road Traffic Standards 07 Advertising signs 5.3.1 and Traffic Control Devices manual Pt3 Advertising signs 5.5 OR add a new clause." 	2	
Reference to Austroads Guide		
<p>Change 7 (1) (g)</p> <ul style="list-style-type: none"> "2(1}g) - Austroads Guide to Road Design: We question why Austroads Guide to Road Design is referred to as an authoritative source in this clause. Auckland Council's Roads and Streets Framework, and Transport Design Manual, which is our local guide [which] will be confirmed by Auckland Transport in September, making Austroads Guide to Road Design redundant. If this is a matter of the timing of confirmation for the Auckland Council productions, this should be explained in supporting documentation." 	3	

Design suggestion and illustrative quotes	Number of submitters	
<ul style="list-style-type: none"> "The Papakura Local Board supports the addition of 'determined according to the Austroads Guide to Road Design'. However, if the bylaw references a guide there should be a link to make it easy to access the information." "The proposed amendment to clause 7(1)(g) includes a reference to the Austroads Guide to Road Design. Signs must not obstruct the safe line of sight of any pedestrian crossing, corner, bend, intersection, vehicle crossing or private entrance, determined in accordance with this Guide. The Guide is a complex document, and the proposed amendment would require the general public to read, interpret, understand and then apply the requirements of this document into the placement of signs at any location. Further, bylaws enforcement staff would require training to understand, interpret and apply the document when assessing each sign at any location. We consider the assessment of road safety issues in clause 7(1)(g) should be left to officers' discretion. If the amendment is made, we respectfully ask AT to review each of their existing approved election sign sites in accordance with guidelines incorporated in the Austroads Guide to Road Design, and either confirm that signs on each site would comply, or remove the sites from the approved list." 		
Other paragraphs in Election signage bylaw		
Like 5 (1) <ul style="list-style-type: none"> "Continue to include the Auckland Energy Consumer Trust in the definition of 'Election'." 	1	N/A
Change 6 (1) (a) <ul style="list-style-type: none"> "We note your explanation that election signage on public sites is always at the discretion of Auckland Transport under clause 6(1)(a), which may allow for a temporal restriction for public sites. In our view, the restriction needs to be clear and transparent for all candidates and parties, and is communicated well in advance." 	1	
Change 6 (2) <ul style="list-style-type: none"> "We recommend that additional wording be added to clause 6 (2), making it clear that Auckland Transport may specify the period of time during which election signs can be displayed on public sites." 	1	
Change 7 (1) (a)	2	

Design suggestion and illustrative quotes	Number of submitters	
<ul style="list-style-type: none"> • "Removing the election sign the night before the election makes it seem the election is over, not that you can vote on election day - particularly for local elections. I favour the removal of that clause to say, removed the day after the election." 		
Other suggested amendments		
<p>Clarify signage types / rules</p> <ul style="list-style-type: none"> • "Better clarification of how the bylaw covers private spaces, better clarification of what constitutes an election sign and the difference between advertising vs information." • "Restrict the faux signs that are appearing all over the place purportedly advertising a public meeting with an MP, but really just being a way for the parties to get extra advertising time and space." • "Last election a candidate and supporters were standing on road reserve (at Te Atatu off ramps) waving banners in face of drivers - these distractions should not be allowed (similar in impact to moving or reflective displays on posters/billboards)." • "Not sure they go far enough. What Victoria Crone tried to do was sneak around the rules, this is like rich people trying to steal democracy away from ordinary citizens...we cannot let people like Victoria Crone try and cheat the system again." • "Limit candidates to one sign per site with max size 2 square metres in own election area only." • "I am concerned that there [are] no sign size requirements for commercial hoardings as this gives well-financed election candidates and political parties an unfair advantage in advertising candidates. Commercial hoarding sites should be the same as others." • "At some intersections there can be a plethora of elections signs. Note below reference to the Traffic Control Devices manual Pt3 Advertising signs 5.5." • "The lack of specification relating to community signage is an area that we feel could be further detailed in the proposed bylaw...provide the rationale behind the decision to permit community signage to occupy the same locations as elections signage, with no guiding regulations or parameters." • "Currently, there are no height restrictions for election signs on private sites provided in clause 9 of the bylaw. In our experience, particularly tall signs generate complaints from the public and candidates. The only relevant control that exists is contained in the Unitary Plan, in respect of height to boundary restrictions. However, this can still result in signs over 3 metres in height, which is the restriction imposed under clause 8 for public sites. We recommend that Auckland Transport consider including a restriction on height for election signs on private sites, which provides consistency with the limit set for public sites i.e. 3 metres." 	9	

Design suggestion and illustrative quotes	Number of submitters	
<p>Ban election signage on public property / all locations</p> <ul style="list-style-type: none"> • "All signs on the road side should only be for road use or safety reasons - i.e. no distractions to safe driving...Election signs and all 'advertising' should be banned." • "Election signs should not be allowed on any public property - private property only." 	5	
<p>Penalties</p> <ul style="list-style-type: none"> • "Clarify non-compliant signs will be removed and thrown away." • "Provide strong penalties for campaigns that wilfully ignore these laws. In the 2017 by-election, one candidate blatantly stapled her signs and tinsel to her opponents signs. And she got away with it without any punishment. Also, seasoned politicians put real estate signs up and down Ti Rakau on the berms and got away with that. They have done that for 3 election cycles without punishment. This gave them unfair advantage. Perhaps you need to have candidates tick a page of the most important parts of the bylaws so they can be held accountable." • "Add fines for not removing signs 2 working days after the election." 	3	
<p>Other</p> <ul style="list-style-type: none"> • "Signs that are defaced with offensive graffiti to be removed at the owner's expense." • "Recyclable or biodegradable materials only to be used." • "In developing its bylaw Auckland Transport must ensure it does not contravene the Electoral Act." • "Concern regarding Auckland Transport's ability to make a bylaw regarding election signs bylaw and requests clarification as to Auckland Transport's jurisdiction on this matter in relation to the Governing Body." 	5	
Non-bylaw suggestions		
<p>Election sign site lists</p> <ul style="list-style-type: none"> • "Include in the list of election sign sites for Albert-Eden Local Board area a time restriction, for election signs located on specified public sites... <ul style="list-style-type: none"> - Auckland Transport should work with New Zealand Transport Agency to ensure that public site C-AE3 within the Albert-Eden Local Board area is re-instated as quickly as possible. This site has been unavailable for use due to the state highway 16/20 	2	

Design suggestion and illustrative quotes	Number of submitters	
<p>construction works and is the only public site in that area. This has previously been requested by the Albert-Eden Local Board.</p> <ul style="list-style-type: none"> - Auckland Transport should note that the recent upgrade to Potters Park has resulted in less grass space at public site C-AE4, which means there is no longer suitable space for signs at that location." • "Include in the list of election sign sites for Waitematā Local Board area a time restriction, for election signs located on specified public sites." 		
<p>Other</p> <ul style="list-style-type: none"> • "Via the 3rd Party advertising Bylaw provision - strengthen the teeth of this clause to put a stop to election signs on private properties." • "I think anyone ought have the right to advertise for an election or have a banner up so long as it ain't racist, sexist, abusive or discriminatory basically adhering to 'common law'.... [Add] The right to protest so long as it peaceful and commences with the above... [Other changes] Anyone and everyone to have the right of speech." • "It doesn't matter. Russia will interfere with the outcome of the election." 	3	



Auckland Transport Election Signs

Amendment (No. 3) Bylaw 2017

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

Te Ture a rohe 2017 Ko te Huritanga (3)

Auckland Transport Board Meeting 21 July 2017

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. 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 3) Bylaw 2017.

2 Commencement

This bylaw, which amends the Auckland Transport Election Signs Bylaw 2013, comes into force on 1 August 2017.

3 Amendments

- (1) This bylaw amends the Auckland Transport Election Signs Bylaw 2013 as follows.
- (2) Insert in clause 5(1) in appropriate alphabetical position:

“**changeable message signage** means publicly visible signage with mechanical or electronic moving images or displays, including LED, neon, and electronically projected images.”
- (3) Delete clause 7(1)(aa).
- (4) Replace clause 7(1)(b) with:

“(b) election signs for elections under the Electoral Act 1993 must not be displayed on election day;”
- (5) Replace clause 7(1)(d) with:

“(d) election signs must not obstruct or hinder the safety or movement of persons using the roadway, or unreasonably obstruct or hinder the safety or movement of persons using the footpath or any part of the road;”
- (6) Replace clause 7(1)(g) with:

“(g) election signs must not obstruct the safe line of sight of any pedestrian

crossing, corner, bend, intersection, vehicle crossing or private entrance, determined according to Auckland Transport's Transport Design Manual;"

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

"(j) election signs must not contain reflective, fluorescent or phosphorescent materials that may reflect headlights, distract, or interfere with the vision of a person using the public place or road;

(8) Replace clause 7(1)(m) with:

"(m) election signs must not comprise or include any changeable message signage;"

(9) After clause 7(1)(m), insert:

"(ma) election signs must not obstruct, obscure, or impair the view of any traffic control device;"

(10) Replace clause 7(1)(n) with:

"(n) election signs must not resemble, or be likely to be mistaken for, a traffic control device in colour, shape or appearance;"

(11) After clause 7(1)(n), insert:

"(na) election signs must not be directed at a person driving a vehicle on a road unless the sign can be safely read by a person travelling at the legal speed limit of the road;

(12) Replace clause 7(1)(o) with:

"(o) election signs must not use flashing or revolving lights, lasers, or any other method of illumination that may adversely affect the amenity of the surrounding area or traffic safety;"

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 18 July 2014 by the Auckland Transport Election Signs
(Amendment No. 2) Bylaw 2014)*

*(amended with effect from 1 August 2014 by the Auckland Transport Election
Signs (Amendment No. 3) Bylaw 2017)*

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.



Contents

Clause	Description	Page
	1 Title 3	
2	Commencement	3
3	Application	3
Part 1		
Preliminary provisions		
4	Purpose	3
5	Interpretation	3
Part 2		
Display of election signs		
6	Location of election signs	5
7	Controls for all sites	6
8	Election sign controls for specified sites on public places	8
9	Election sign controls for private sites	10
Part 3		
Enforcement powers, offences and penalties		
10	Enforcement powers	11
11	Offences and penalties	11
Part 4		
Revocation		
12	Revocation of provisions in existing bylaws	11



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—

changeable message signage means publicly visible signage with mechanical or electronic moving images or displays, including LED, neon, and electronically projected images.

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) *Revoked by Auckland Transport Election Signs (Amendment No. 3) Bylaw 2017;*

- (a) election signs must be removed before midnight on the day before election day;
- (b) election signs for elections under the Electoral Act 1993 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 obstruct or hinder the safety or movement of persons using the roadway, or unreasonably obstruct or hinder the safety or movement of persons using the footpath or any part of the road;
- (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, determined according to Auckland Transport's Transport Design Manual;
- (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 contain reflective, fluorescent or phosphorescent materials that may reflect headlights, distract, or interfere with the vision of a person using the public place or road;
- (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 comprise or include any changeable message signage;
- (ma) election signs must not obstruct, obscure, or impair the view of any traffic control device;
- (n) election signs must not resemble, or be likely to be mistaken for, a traffic control device in colour, shape or appearance;
- (ma) election signs must not obstruct, obscure, or impair the view of any traffic control device;
- (o) election signs must not use flashing or revolving lights, lasers, or any other method of illumination that may adversely affect the amenity of the surrounding area or traffic safety;
- (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);
- (a) 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;
- (b) on any specified site, in a general election, a party may only display one election sign promoting that party;
- (c) 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.
- (d) 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;
- (e) 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;

- (f) 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);
 - (g) election signs must not be displayed directly under any part of a tree;
 - (h) 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;
 - (i) no alterations or additions may be made to an election sign that protrude from the original size of the sign;
 - (j) *Revoked by Auckland Transport Election Signs (Amendment No 2) Bylaw 2014.*
 - (k) election signs must be maintained in good order and condition;
 - (l) 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.