

**SUBMISSION: Proposed New Signs  
Bylaw 2022  
22ND OCTOBER 2021**

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## **Submission to the Proposed New Signs Bylaw 2022.**

### **Introduction**

Business North Harbour (BNH) representing the North Harbour Business Improvement District welcomes the opportunity to make this Submission on the Proposed New Signs Bylaw 2022.

BNH is a significant commercial and industrial Business Improvement District (BID), representing over 4,500 commercial property owners and businesses within the North Harbour area. Collectively they employ over 35,000 Auckland residents and ratepayers.

The organisation is located within the Upper Harbour Local Board area, which remains one of the fastest growing areas in the country, in both absolute and percentage population terms, which brings both challenges and opportunities to the North Harbour business district.

BNH represents and works with a wide range of businesses comprising of a mix of sole traders, Small Medium Enterprises (SME), through to multi-national organisations representing sectors such as ICT, business services, specialist manufacturing, light – medium warehousing, logistics, retail and hospitality. In addition, we have key educational institutions within or on our boundary, including Massey University, Albany and AUT Millennium, along with a variety of primary and secondary schools including Rangitoto College, the largest secondary school in New Zealand.

### **Background**

Aucklanders use signs every day to advertise goods and services and to communicate information. Signs can however also cause problems in relation to public safety, nuisance, misuse of council-controlled public places, the Auckland transport system and environment. For example, the number, size and location of signs can affect traffic safety, obstruct pedestrians and cause visual clutter.

Auckland Council and Auckland Transport use two Bylaws (Signage Bylaw 2015 and Election Signs Bylaw 2013) to enable them to make rules about signs, including the type, number, size, placement and duration of display.

Auckland Council and Auckland Transport recently checked how the rules are working and discovered they can manage the issues caused by signs more effectively and efficiently by combining the two current bylaws into a new Signs Bylaw 2022. The new Bylaw proposes to make several key changes to the current rules including:

- increasing the area where portable signs are prohibited to cover the entire city centre zone
- enable the display of election signs on places not otherwise allowed up to nine weeks prior to an election or referendum
- increasing the maximum area of flat wall-mounted signs in the heavy industry zone

- clarifying the rules so they are easier to understand, reflect current practice, remove confusion and fill perceived gaps

Auckland Council and Auckland Transport are seeking feedback on the Proposed New Signs Bylaw 2022 and associated controls which may include feedback about the size, number and location of signs contained in the proposed Bylaw and controls.

## **Business North Harbour Feedback**

### **1. Banners**

#### **Proposal: Clarify current rules, including the placement and conditions for the display of banners**

*We want to provide rules that are more certain.*

*We are proposing to update the current rules for banners, for example to clarify that:*

- *banners that are displayed on a site (such as over a private road on a commercial property) and that are visible from a council-controlled public place or the Auckland transport system must only advertise products, services, goods or events available from or taking place on the site*
- *banners over private property must comply with health and safety legislation*
- *banners on council-controlled public places require an approval (for example, by Auckland Council or Auckland Transport)*
- *banners may need to comply with rules for other sign types and may be displayed at any location if they comply with those rules.*

#### **What is your opinion on the proposed rules for banners?**

BNH agrees with this proposal as certainty and clarification should support compliance and ensure that all health and safety risks are mitigated. Additionally, it provides businesses with an opportunity to advertise their products, goods and services safe in the knowledge that other businesses cannot compete with them for the same space. BNH would ask that any fees charged noted in Appendix C (New and Existing Bylaw and Controls Comparisons) are fair and reasonable for businesses.

### **2. Election signs**

#### **Proposal A: Clarify that election signs may be displayed on some sites for nine weeks and are permitted on billboards and poster board sites**

*We want to provide rules that:*

- *align with central government legislation*
- *treat election signs consistently with how the Bylaw enables other temporary sign types for specific time periods.*

*The Electoral Act 1993 sets a nine-week period before an election where a bylaw cannot prohibit or restrict the period of display of an election sign under three square metres (3m<sup>2</sup>) in area.*

*We are proposing to:*

- *clarify that election signs may be displayed in places they would not otherwise be allowed, for nine weeks before an election*
- *add related information notes about the council-controlled public places approved for the display of election signs and about central government regulations rules for election signs.*

*Please note that **election signs would be permitted at all times in the nine-week period (except on polling day) in places that allow advertising about activities unrelated to the site.** This includes poster board sites and billboards.*

#### **What is your opinion on the proposed nine-week period for election signs?**

BNH agrees with this proposal. Aligning with Government legislation regarding the 9-week display period brings Auckland in line with national guidelines and introduces consistency with specific timeframes for temporary signage. This reduces any

complexity, increasing clarity, thus making the requirements easier to understand and comply with.

#### **Proposal B: Prohibit election signs directed at a council-controlled park, reserve or Open Space Zone**

*We want to provide rules that protect the amenity of council-controlled parks, reserves and Open Space Zones.*

*We are proposing to add a new rule that does not allow election signs on private property to be primarily directed at a council-controlled park, reserve or Open Space Zone. For example, under this rule an election sign on a residential fence directly opposite one of these spaces would be prohibited.*

#### **What is your opinion on the proposed rule for election signs directed at a council-controlled park, reserve or Open Space Zone?**

BNH agrees with this proposal. The proposed Bylaw allows sufficient time and provides for the display of election signs on places not otherwise allowed. BNH believes this offers adequate opportunities for election signs to be displayed, thus removing the need for signs to be directed opposite council-controlled parks, reserves or open zones, thereby preserving the amenity of these places.

#### **Proposal C: Clarify the current rules, including to remove Entrust from the types of permitted election signs**

*We want to provide rules that reduce repetition, remove contradictions and treat similar types of signs consistently.*

*We are also proposing for example to:*

- *clarify where signs can be installed to increase certainty*
- *clarify that all election signs must comply with the special and general rules in Subparts 2 and 3 of Part 2 of the new bylaw.*

*We are also proposing to remove the rule allowing the display of election signs related to Entrust.*

*Entrust is the only Auckland energy trust that the Election Signs Bylaw 2013 allows to display election signs. This proposed rule change aims to:*

- *treat all of Auckland's energy trusts consistently*
- *focus on enabling more significant types of elections that currently use election signs.*

#### **What is your opinion on the proposed rules for election signs?**

BNH agrees with this proposal. BNH believes that by combining both Bylaws and aligning with Government legislation regarding the 9-week display period brings Auckland in line with national guidelines, reduces any complexity and increases clarity thus making the requirements more consistent and easier to understand and comply with.

We also believe that all Auckland energy trusts should be treated consistently thus the Bylaw should provide that all or none of them are permitted to display election signs not only Entrust.

### **3. Event signs**

#### **Proposal A: Allow people to advertise temporary sales (like garage sales) on the day of the event**

*We want to address a gap in the Bylaw by adding rules about signs that advertise temporary sales of goods on residential properties, for example 'garage sales'. We are proposing to introduce new rules that treat these 'temporary sale of goods' signs in a similar way to real estate signs.*

- *People advertising a temporary sale of goods would be allowed to use one wall-mounted or freestanding sign and three directional signs.*
- *The signs would only be able to be displayed on the day of the sale.*

### What is your opinion on the proposal for rules for signs advertising a temporary sale of goods?

BNH agrees in part with this proposal. We would ask that the signs are able to be displayed for two days prior to the sale to enable more people to be made aware of the sale thus helping anyone having the sale to dispose of more goods, potentially reducing the amount which may otherwise end up in landfill.

### Proposal B: Allow event signs to use election sign sites and clarify that community events must be provided by not-for-profit groups

*We want rules that provide opportunities to advertise major, regional, sub-regional and community events while reducing potential nuisance and clutter. We are proposing to update the current rules for event sign sites, for example to:*

- *allow the display of event signs on the same roadside sites as election signs*
- *clarify that community event signs (for events that attract participants from, or have significance to, a local area) that are on sites associated with the community may only be displayed if the event is provided by a not-for-profit group.*

### What is your opinion on the proposal for rules for event sign sites?

BNH agrees in part with this proposal. We agree with allowing the display of event signs on the same roadside sites as election signs.

BNH disagrees that only community events provided by not-for-profit groups may display a community event sign. BNH would suggest that if a community event which is defined in the Bylaw as 'an event that is not a major or regional event and which attracts participants from or has significance to a local area' is being provided by a private business or commercial group, then these providers should also be allowed to display a community event sign, especially when there is a proven benefit for the local community.

### Proposal C: Clarify the current event sign rules, including their definition and placement

*We want to provide rules for event signs that increase public safety and that address gaps and contradictions in the current rules. We are proposing to update the current rules for signs promoting events, for example to:*

- *clarify that event signs do not include real estate or election signs*
- *clarify 'community events' as events that attract participants from, or have significance to, a local area*
- *clarify that 'regional events' include sub-regional events attracting participants from multiple local areas.*
- *add a related information note with a list of council-controlled locations where people can display event signs*
- *clarify that there is a maximum projection of 0.03m metres (3 centimetres) from the wall for flat-wall mounted event signs on a ground floor*
- *move rules unrelated to event signs to separate clauses (for example rules about approving a dedicated site for event signs to a new clause 34 and references to signs on major recreational facilities to a new clause 20)*
- *clarify that free-standing community event signs are allowed.*

### What is your opinion on the proposal for rules for event signs?

BNH agrees with this proposal as it aims to keep public safety at the forefront of the decisions being made. Providing clear definitions and locations, separating unrelated clauses and introducing new clauses for different signs, makes the event signs section of the Bylaw more relevant and easier to understand and comply with.

#### 4. Free-standing signs

##### **Proposal: Clarify current rules, including the definition and separation distances for free-standing signs**

*We want to provide rules that are more certain and reflect current practice.*

*We are proposing to update the current free-standing sign rules, for example to clarify that these signs:*

- include large portable signs that can't be easily moved by hand*
- need to be separated by 10 metres if they are on the same site and by two metres if they are on different sites.*

##### **What is your opinion on the proposed rules for free-standing signs?**

BNH agrees with this proposal provided that the distances referred to accurately reflect best practice.

#### 5. Portable signs

##### **Proposal A: Increase the area where portable signs are prohibited to cover the entire City Centre Zone**

*Portable signs are currently prohibited in a number of streets in the City Centre Zone. This removes potential safety risks, nuisance and clutter. It also improves accessibility for pedestrians who are mobility or vision impaired, and prioritises the area for pedestrians and place-making activities.*

*We are proposing to expand the area where portable signs cannot be displayed. The proposed area covers any council-controlled public places within or immediately adjacent to the City Centre Zone of the Auckland Unitary Plan. This would include:*

- footpaths on Queen Street and Karangahape Road*
- civic spaces such as Aotea Square, Freyberg Place, Khartoum Place, Queen Elizabeth Square and St Patrick's Square.*

##### **What is your opinion on the proposal to increase the prohibited area for portable signs to include the entire City Centre Zone?**

BNH disagrees with this proposal. Businesses are facing huge challenges as a result of the pandemic. Displaying signs which would attract customers is an integral part of most marketing strategies therefore BNH believes that the prohibited area should not be increased and would indeed argue for its removal. BNH believes that public safety and accessibility can be catered for with restrictions that do not require a total ban.

##### **Proposal B: Clarify current rules, including the definition and placement of portable signs**

*We want to provide rules that are more certain and less repetitive.*

*We are proposing to update the current rules for portable signs, for example to clarify:*

- the definition by including examples of portable signs*
- the definition by specifying that in order to be 'portable' one person must be able to move the sign with their hands or a non-mechanical trolley*
- that portable signs can be displayed on sites that are not council-controlled public places (such as a footpath within a private commercial property).*

##### **What is your opinion on the proposed rules for portable signs?**

BNH agrees with the proposal. Clear definitions, particularly in relation to what is classed as 'portable' and where and how portable signs can be displayed along with the reduction of repetition will make the requirements easier to understand and comply with.



## 6. Posters

### **Proposal: Clarify current rules, including that poster board sites require approval**

*We want to provide rules that reflect current practice.*

*We are proposing to update the current rules for posters, for example to clarify that a poster board site must be approved before it can be installed.*

### **What is your opinion on the proposed rules for posters?**

BNH agrees with this proposal given the clear definition of a poster sign which in this Bylaw means 'a temporary sign fixed to a structure without the need for a supporting device'. Additionally, BNH agrees that any poster displayed in a window must be on the inside of the window reducing the risk to the display of removal or defacing, thus maintaining the amenity of the area.

## 7. Real estate signs

### **Proposal A: Increase the maximum area of certain flat wall-mounted real estate signs in Heavy Industry Zones to 6m<sup>2</sup>**

*We have heard a range of views about the size of real estate signs in Heavy Industry Zones of the Auckland Unitary Plan (areas that allow industrial activities that may produce odour, dust and noise). Currently, these signs can have a maximum area of 5m<sup>2</sup>, if they are attached to the wall of a building. We are seeking feedback on whether to increase the maximum area of flat wall-mounted signs on buildings in Heavy Industry Zones to 6m<sup>2</sup>.*

*These zones have a lower priority on amenity and contain larger buildings that are often set back further from the road. Having larger signs would allow people involved with real estate to display more information to their customers.*

*Real estate signs that are attached to fences or walls that are not part of a building would continue to have a maximum area of 2.88m<sup>2</sup>.*

### **What is your opinion on the proposal to increase the area of flat wall-mounted signs on the walls of buildings in Heavy Industry zones?**

BNH agrees with this proposal. Property owners whether domestic or commercial / industrial should be able to maximise the information that real estate agents acting on their behalf can provide to potential purchasers. Increasing the size of the flat wall-mounted signs in heavy industrial zones means that the property owners will be able to make the availability of their premises more visible to passers-by, due to the reduced amenity in these areas, thus hopefully securing a sale in a shorter time which will be of benefit to the vendor, purchaser and the area.

### **Proposal B: Clarify current rules, including the maximum number and placement of real estate signs**

*We want to provide rules that reflect current practice and reduce risk of nuisance.*

*We are proposing to update the current rules for real estate signs, for example to:*

- clarify that real estate signs are allowed for each property in a sub-division or housing development*
- update rules about separation distances, including specifying when signs on grass verges and kerbs must comply with rules for the distance signs must be set back from a kerb face in clause 24*
- clarify that real estate signs attached to or secured by a vehicle directly outside the property must not protrude from the side of the vehicle*
- clarify that directional real estate signs (signs directing people to a property) can be placed on the 'three nearest intersections' to the property being sold.*

*Please note that the Bylaw currently permits illuminated real estate signs, including in*

**Residential Zones.** *These signs must comply with the illumination rules for all illuminated signs. Maximum light levels depend on the size of the illuminated area of the sign and whether there is street lighting.*

### What is your opinion on the proposed rules for real estate signs?

BNH agrees with this proposal. Once more, updating the rules to promote best practice and clarify the requirements which need to be met to display real estate signs means that incidents of non-compliance should be minimised. This means that the amenity of the local area will generally be maintained as a result of this proposal and public safety has been taken into consideration with the introduction of clarity and restrictions regarding real estate signs attached to vehicles.

## 8. Stencil signs

### **Proposal: Clarify current rules, including the definition and placement of stencil signs**

*We want to provide rules that are more certain and reflect current practice.*

*We are proposing to update the current rules for stencil signs, for example to:*

- *clarify that a stencil sign can also be a 'wall-mounted' or window sign*
- *clarify that a stencil sign on a council-controlled public place requires an approval (for example, from Auckland Council or Auckland Transport)*
- *move references to approval matters (including prohibited areas) to Part 3 (Controls and Approvals) of the proposed new bylaw.*

### What is your opinion on the proposed rules for stencil signs?

BNH agrees with this proposal. The clarification of what constitutes a stencil sign and where and how they can be displayed should remove any confusion for people wishing to display them. The need for approval from Auckland Council or Auckland Transport to display a stencil sign in a council-controlled public place maintains consistency with other signs but BNH would request that any associated charges for approval are fair and reasonable for businesses.

## 9. Vehicle signs

### **Proposal: Clarify the current rules, including when a person may display a sign on a vehicle and what rules regulate signs advertising a vehicle for sale**

*We want to provide rules that are easier to read and understand.*

*We are proposing to update the current rules for signs on vehicles to:*

- *add a related information note about rules for the sale of a vehicle set out in the Auckland Transport Traffic Bylaw 2012*
- *clarify the circumstances in which a sign may be displayed on a vehicle, including a real estate sign and an election sign.*

### What is your opinion on the proposed rules for signs on vehicles?

BNH agrees with this proposal as clarifying the rules and making them easier to understand should reduce the risk of non-compliance and the inclusion of sub-clause 2(c) in Clause 18, identifies the need to consider public safety when displaying signs on a vehicle.

## 10. Verandah signs

### **Proposal: Clarify the current rules, including the definition of verandah**

*We want to provide rules that people can interpret with more certainty.*

*We are proposing to update the current verandah signs rules, for example to make them easier to read and understand.*

### What is your opinion on the proposed rules for verandah signs?

BNH agrees with this proposal. The definition of a verandah in sub-clause 1 of Clause 18 along with the illustrations in sub-clauses 3 and 4 will enable people to easily understand what the requirements of the Bylaw are, reducing any confusion and the risk



of involuntary non-compliance, as illustrated in Section 4 of the Statement of Proposal Signs Bylaw 2022.

## 11. Wall-mounted signs

### **Proposal A: Increase the maximum area of flat wall-mounted signs in Heavy Industry Zones to 6m<sup>2</sup>**

*We have heard a range of views about the size of signs in Heavy Industry Zones of the Auckland Unitary Plan (areas that allow industrial activities that may produce odour, dust and noise). Currently, these signs can have a maximum area of 5m<sup>2</sup>.*

*We are seeking feedback on whether to increase the maximum area of flat wall-mounted signs to 6m<sup>2</sup> in Heavy Industry Zones.*

*These zones have a lower priority on amenity and contain larger buildings that are often set back further from the road. Having larger signs would allow businesses to display more information to their customers.*

### **What is your opinion on the proposal to increase the area of flat wall-mounted signs in Heavy Industry Zones?**

BNH agrees with this proposal. Business owners located in these zones should be able to maximise the information that they can provide to potential customers. Increasing the size of the flat wall-mounted signs in heavy industrial zones, which often sees premises set back further from the road, means that the business owners will be able to make this information more visible to customers thus hopefully securing more customers for the business owner. BNH also believes that the reduced amenity in these areas will allow for this increase in the size of signage without any detriment to the amenity of the area.

### **Proposal B: Clarify the current rules, including locations, separation distances and dimensions**

*We want to provide rules that reflect current practice, are more certain and improve safety.*

*We are proposing to update the current wall-mounted signs rules, for example to clarify that:*

- these signs can be displayed on fences*
- there is a five-metre separation distance between horizontal wall-mounted signs*
- flat-wall mounted signs on the ground floor of a building can project a maximum of 0.03 metres (3 centimetres) from the wall.*

### **What is your opinion on the proposed rules for wall-mounted signs?**

BNH agrees with this proposal. Clarification of the fact that these signs can be displayed on a wall, fence or building and the illustrations provided in the sub-clauses to Clause 9, showing how these signs can be displayed, makes the Bylaw easier to understand and therefore comply with. The clarification that, for public safety, there is a maximum projection of 3cm for ground floor flat-wall mounted signs, if within 3m of the ground BNH believes identifies the need to consider public safety when displaying any such signs.

## 12. Window signs

### **Proposal: Clarify current rules, including that there are no restrictions on window signs in the City Centre Zone**

*We want to provide rules that are more certain.*

*We are proposing to update the current rules for signs in windows, for example to clarify that there are no restrictions on window signs in the City Centre Zone of the Auckland Unitary Plan.*

*This recognises the unique vibrant urban environment of the city centre. Other areas such as town centres have restrictions on the percentage of window area that a window sign can cover.*

### What is your opinion on the proposed rules for window signs?

BNH agrees with this proposal. By including a definition of what constitutes a window sign to reduce cross-referencing and converting and combining similar rules into a table, the clarity of requirements relating to window signs has been improved. Additional clarification regarding there being no restrictions in the City Centre Zone of the Auckland Unitary Plan will also help to clear up any confusion for those business owners who can take advantage of this opportunity to promote their goods and services.

### 13. Special rules for certain signs

Subpart 2 of Part 2 of the proposed new Bylaw contains rules that signs must comply with.

#### **Proposal A: Clarify rules for signs in Major Recreational Facility zones and the conditions for their display**

We want to provide rules that are easier to read and understand.

We are proposing for example to:

- separate rules for signs in Major Recreational Facility Zones from rules for major and regional event signs.
- clarify the conditions that need to be met in order to display a sign on a site in a Major Recreational Facility Zone.

### What is your opinion on the proposed rules for signs in Major Recreational Facility zones?

BNH agrees with this proposal. Many major recreational facilities may wish to display self-promotion signs so providing clear guidelines for this is important, especially given the large number of such facilities in Auckland.

BNH also believes that separating events to be held at these facilities which do not come under the current criteria for a major event or a regional event, also supports the event organisers to display the appropriate signage, by removing any confusion that was previously generated due to the lack of clarity.

#### **Proposal B: Clarify the rules for signs in Open Space Zones, including which signs do not require an approval**

*We want to provide rules that people can interpret with more certainty, that group similar rules together, and that make the bylaw easier to comply with.*

*We are proposing to update the current rules for signs in Open Space Zones, for example to:*

- *clarify the conditions signs must meet to be displayed without an approval*
- *move references to signs that do require an approval to Part 3*
- *clarify that signs on boundary fences with an Open Space Zone require council approval (for example, from Auckland Council or Auckland Transport)*
- *make rules easier to read and understand.*

### What is your opinion on the proposed rules for signs in Open Space Zones?

BNH agrees with this proposal. BNH believes that it is important to provide accurate and relevant information including clear guidelines regarding what signs can be displayed, where and how without an approval.

Similarly, if having read the information, people know that their sign needs an approval, the information explaining the criteria regarding an approval should be readily available, which is the case with the proposed new Bylaw.

#### **Proposal C: Clarify a limit of one sign per commercial sexual service premises**

*We want to provide rules that people can interpret with more certainty.*

*We are proposing to clarify that commercial sexual service premises are limited to one sign per premises advertising their services.*

*The current rules remain unchanged. Signs:*

- have a maximum area of 0.33 square metres in a residential zone and 1 square metre in all other zones
- must be a wall-mounted sign attached to either a fence or a wall of the premises
- may only contain the name of the operator or registered business, the street number, and the telephone number of the service
- must not contain flashing lights, changeable message signage, or sexualised shapes or images.

### **What is your opinion on the proposed rules for signs advertising commercial sexual services?**

BNH agrees in principle with this proposal. We would suggest however that the area for signage be reduced in both residential zones and all other areas to 0.25m<sup>2</sup> and 0.75m<sup>2</sup> respectively. BNH believes that most people making use of these premises already know where they are, so for amenity and for the greater community good, smaller signs would suffice.

### **14. General rules for all signs**

Subpart 3 of Part 2 of the proposed new Bylaw contains rules that all signs must comply with.

#### **Proposal A: Clarify the rules that ensure signs do not endanger public safety, cause a nuisance or affect the safe, efficient movement of traffic or vessels**

*We want to provide rules that reduce repetition and group similar rules together.*

*We are proposing to update the rules about safety in clauses 23, 24 and 25, for example to:*

- combine similar traffic-related rules from the current Signage Bylaw 2015 and the current Election Signs Bylaw 2013 into one clause to reduce repetition (**cl 24**)
- clarify that signs should not block kerb ramps or similar areas, to improve accessibility (**cl 24**)
- add a related information note about relevant sign standards made by Auckland Transport and Waka Kotahi / New Zealand Transport Agency that must also be complied with (**cl 24**)
- clarify that a sign must not use illumination, movement or materials that may cause a distraction to a person on navigable waters (**cl 25**)

### **What is your opinion on the proposed rules about safety?**

BNH agrees with this proposal. Public safety must be a major consideration in the display of signage and the rules in Clauses 23, 24 and 25 serve to safeguard the public and minimise nuisance caused by signage. In addition to covering pedestrians, drivers and people operating vessels moving on navigable waters are safeguarded from distraction, again keeping themselves and anyone in their vicinity as safe as practically possible.

#### **Proposal B: A person must not alter the top of a building to display a sign**

*To make the Bylaw easier to read and understand, we are proposing to create a separate clause 26 to prohibit a person from adding or extending a structure to the roof, architectural top, or above the outline of a building for the sole purpose of displaying a sign.*

### **What is your opinion on the proposed rules for the tops of buildings?**

BNH agrees with this proposal in the interests of public safety.

#### **Proposal C: Clarify the rules for illuminated signs, including that signs must use static images and lighting, and that the person displaying the sign must demonstrate it is compliant**

*We want to provide rules that people can interpret with more certainty and that reflect current practice.*

*We are proposing to update the rules about illuminated signs in clauses 27 and 28, for example to clarify that:*

- changeable messages relate to transitions between static images and must not 'shimmer' or

*'sparkle' (cl 27)*

- *luminance rules apply between 'sunset and sunrise' (cl 27)*
- *the person who displays the sign must provide satisfactory evidence that the sign complies with the rules, if required by Auckland Council or Auckland Transport (cl 27 and 28)*
- *a static illuminated sign must not be illuminated in a way that makes it appear to shimmer, sparkle or revolve (cl 28)*
- *LED signs must comply with the maximum luminance standards for static illuminated signs (cl 28)*

### **What is your opinion on the proposed rules for illuminated signs?**

BNH agrees with this proposal in the interests of public safety. The conditions specified in the table in sub-clause (1) of Clauses 27 and 28 will avoid both pedestrians and drivers from being unduly distracted by any illuminated sign. Additionally, ensuring that the sign luminance remains within the guidelines stated in both Clauses will also limit distraction and will maintain the general amenity of the sign's location.

### **Proposal D: Clarifying rules for businesses that have ceased to trade, including when and where signs must be removed**

*We want to provide rules that are easier to read and understand, that people can interpret with more certainty and that reflect current practice.*

*We are proposing to make a separate clause 29 for businesses that cease to trade and to update the rules in this clause, for example to:*

- *clarify the time period for the removal of signs of a business that has ceased to trade from 'three calendar months' to '60 working days', to better account for public holidays*
- *clarify that if the sign has historic heritage value or is an integral part of the structure of a building then the display area of a sign can be removed or covered.*

### **What is your opinion on the proposed rules for businesses that have ceased to trade?**

BNH agrees with this proposal as the new Clause 29 clarifies exactly what needs to be done depending upon the different circumstances noted in sub-clauses (1) and (2), thus removing any confusion.

## **15. Controls (additional rules) and Approvals (permissions)**

### **Proposal: Clarify ability for council to make additional rules and to approve signs that do not comply with the Bylaw**

*We want to provide rules that group similar rules together, that reflect current practice and that people can interpret with more certainty.*

*We are proposing to create a new Part of the Bylaw that consolidates all of the matters that Auckland Council and Auckland Transport can make a control (additional rule) for and how we may approve signs that do not comply with the Bylaw (permissions).*

*We are proposing to update the current rules for controls, for example to:*

- *specify locations and conditions of use of council-controlled public places to display event signs and election signs*
- *specify areas of council-controlled public places where portable signs and stencil signs are prohibited*
- *add a related information note about current controls and delegations, and the process for creating a control.*

*We are proposing to update the current rules for approvals, for example to:*

- *clarify that this Subpart applies to people who must obtain an approval*
- *clarify those applications for approval which are intended to be provided for in appropriate circumstances (poster boards, cross street banners, event signs and signs in Open Space Zones) and clarify that all other applications will only be granted by exception*
- *add a related information note about Auckland Council's fee-setting process*

- *add new criteria about conditions that the council or Auckland Transport may impose, from other bylaws that manage impacts similar to signs*
- *make a separate clause about the review of approvals.*

### **What is your opinion on the proposal to update the current rules for controls and approvals?**

BNH agrees in principle with the proposal. Making the rules regarding controls and approvals easier to understand should help to make the process more efficient and easier to complete. BNH would ask that any additional controls are fair and reasonable and wherever possible are in line with the general requirements of the Bylaw.

BNH also asks that Auckland Council and Auckland Transport look to grant approvals rather than refuse them when circumstances allow, thus granting exemptions when appropriate and safe to do so.

We would also ask that any fees set for approvals are fair and reasonable and aren't prohibitive to people wishing to seek approvals.

### **16. Enforcement powers, penalties and transitional rules (how the new rules apply to existing signs)**

#### **Proposal: To clarify the current enforcement powers and penalties and how we transition to the new rules**

*We want to provide rules that make the bylaw easier to understand and comply with, and provide for how the new bylaw will regulate signs that are already displayed or approved under the current rules.*

*We are proposing to create two new Parts of the Bylaw. Part 4 would consolidate all of the Bylaw's enforcement powers and penalties. Part 5 would clarify how we would transition to the new rules.*

*We are proposing to update the current enforcement rules in the Bylaw, for example to:*

- *clarify that enforcement action may be taken against people who fail to comply with an approval or who provide inaccurate information for an approval*
- *add related information notes referencing the powers and penalties to enforce the Bylaw*
- *move rules about removing signs from a business that has ceased to trade to a new clause (cl 29)*
- *clarify that a person does not commit an offence if the reason they did not comply with the Bylaw was because they followed directions from Auckland Council or Auckland Transport.*

*We are proposing to update the transition rules, for example to:*

- *clarify that signs that currently comply with the Signage Bylaw 2015 or the Election Signs Bylaw 2013 can continue to be displayed, if they also comply with the general rules for all signs in Subpart 3 of the proposed new Bylaw*
- *clarify the time period by which an existing sign and temporary sign must comply with the proposed new Bylaw*
- *clarify that approvals and exemptions applied for or granted under the Signage Bylaw 2015 will continue to be processed or apply as if they were made under the proposed new Bylaw*
- *clarify that we will use the Signage Bylaw 2015 to address any compliance and enforcement actions that started before the proposed new Bylaw comes into effect.*

### **What is your opinion on the proposal to update the current rules for enforcement and transition?**

BNH supports this proposal. To enable compliance people must fully understand what is required of them in relation to the Bylaw. Making the information easier to understand and having Council staff available to answer questions that anyone may have regarding the Bylaw, should increase the number of people willing to do the right thing as illustrated in Section 4 of the Statement of Proposal Signs Bylaw 2022. It should also reduce the occurrence of unintentional non-compliance illustrated in the same diagram, if Council has sufficient resource to provide the interventions to assist with compliance noted in the same diagram.

BNH believes that regardless of how easy the Bylaw is to understand, compliance and enforcement can only be successful if the mechanisms required for their implementation are adequately resourced.

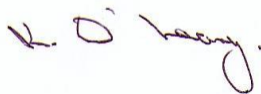
### **Conclusions**

BNH supports most of the proposed changes with the exceptions duly noted above, as we believe that in general, the proposed changes support the main purposes of the Bylaw which are to make the rules easier to understand and comply with and to reduce the problems caused by signs in relation to public safety, nuisance, misuse of council-controlled public places, the Auckland transport system and environment.

BNH would also ask that Auckland Council and Auckland Transport give due consideration to the needs of businesses in their approach to the New Signs Bylaw 2022, as many face another uncertain year ahead.

Should there be any questions or other matters arising from this Submission, we would be pleased to respond to those.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "K. O'Leary".

Kevin O'Leary  
General Manager