

31 May 2010

File Ref. 45-02-21

TRIM: 10033031

TO THE CHAIRPERSON AND MEMBERS OF THE POLICY COMMITTEE

PROPOSED WAIPA DISTRICT SPEED LIMITS BYLAW 2010 – CONSIDERATION OF SUBMISSIONS

1 PROPOSAL

To consider submissions on the proposed Waipa District Speed Limits Bylaw 2010 and recommend to Council the making of the Waipa District Speed Limits Bylaw 2010 (subject to any amendments) and the revocation of the Waipa District Speed Limits Bylaw 2005.

2 SUMMARY

Council is required under the Local Government Act 2002 to review the existing Speed Limits Bylaw 2005. The proposed Waipa District Speed Limits Bylaw 2010 has been advertised for public submissions, in accordance with the Local Government Act 2002 special consultative procedure.

Submissions closed on 20 May 2010 and two written submissions (attached as Appendices 1 and 2) have been received by Council, with one person requesting to be heard by the Committee in support of his submission. Both submissions relate to the provision of variable speed limits in the vicinity of schools.

The Waipa District Speed Limits Bylaw 2010 has not been amended as a result of submissions and is attached (as Appendix 3) for approval by the Committee and for recommendation to Council for confirmation at its meeting on 29 June 2010. The 2010 Bylaw is proposed to become operative on 1 July 2010, with the 2005 Bylaw to be revoked on that date.

The Bylaw only covers the process for setting speed limits. There are no proposals to alter any speed limits at this stage. Only minor changes have been made from the 2005 Bylaw to the 2010 bylaw as the required process is very prescriptive.

3 RECOMMENDATION

That

- a) *the report of the Manager Strategy, Gary Knighton dated 31 May 2010 be received;*
- b) *in accordance with section 158 of the Local Government Act 2002, the Policy Committee recommends to Council that it makes the Waipa District Speed Limits Bylaw 2010 (to be operative from 1 July 2010), as may be amended following the consideration of submissions and it revokes the Waipa District Speed Limits Bylaw 2005 as at 1 July 2010.*

4 LEGAL

4.1 Local Government Act 2002

The Local Government Act 2002 requires that any bylaw made under that Act be subject to review within 5 years, after that the next review is required within 10 years. In compliance with this, there is now a requirement to review the Waipa District Speed Limits Bylaw 2005. The review has complied with sections 83 and 86 of the Local Government Act 2002 in relation to following the special consultative procedure.

In making a bylaw, Council must consider if the bylaw is the most appropriate way of addressing the problem. At its meeting in April the Policy Committee determined that this test had been met.

5 COUNCIL POLICY

Council policy requires that Bylaws should be avoided where matters are better covered by statute, district plans or relating to private nuisances. As there is no other way of effectively regulating speed limits the Bylaw is consistent with Council policy.

6 BACKGROUND

Council has carried out a review of the Waipa District Speed Limits Bylaw 2005, in compliance with the Local Government Act 2002. When reviewing a bylaw, Council is required to follow the special consultative procedure set out in the Local Government Act 2002. As required, a Statement of Proposal and Summary of Information in relation to the review was prepared and advertised in local papers in April.

Council staff also undertook pre-consultation work. The review was signalled in the Word on Waipa in March and direct consultation with the New Zealand Transport Agency was undertaken. This led to the inclusion of some minor editorial changes in the draft Bylaw and the inclusion of a 40km/hr variable speed limit in school zones as a limit Council could set.

The 2010 Bylaw was advertised for public submissions from 20 April until 5pm Thursday 20 May 2010.

Two written submissions were received, one requesting to be heard by the Committee in support of his submission. The submissions are attached as Appendices 1 and 2, and are summarised in the table below in the Comments section (section 7) of this report, along with staff comment.

7 COMMENTS

| Submitter | Request to be heard | Submission | Staff Comment |
|---------------|---------------------|---|---|
| Alastair Kerr | Yes | <p>Unless all schools are to be covered schools should be prioritised for variable speed limit zones in terms of danger. In the Te Awamutu area the following priorities are suggested.</p> <p>Priority One: Kihikihi Primary Pokuru Primary Paterangi Primary</p> <p>Priority Two: Te Awamutu Primary Pekerau Primary Pirongia Primary Te Awamutu College</p> <p>Priority Three: Te Awamutu Intermediate Korokanui School Puahue School</p> <p>It is suggested that there should be a large sign on the road surface stating "Entering a School Speed Zone 40kph". Road signs should also be clearly visible that indicate the 40kph limit and the hours it applies.</p> | <p>An investigation is currently underway into the possible implementation of variable speed limits outside schools in Waipa.</p> <p>The information provided in the submission will be considered as part of the investigation. Schools located on State Highways will be excluded from such consideration.</p> <p>The marking of variable speed limits on the road is not supported as this will create confusion over the period of application of the variable limit.</p> |

| Submitter | Request to be heard | Submission | Staff Comment |
|-------------|---------------------|--|--|
| Betty Plath | No | School Zone: 40km/hr Variable Speed Limit. | An investigation is currently underway into the possible implementation of variable speed limits outside schools in Waipa. |

8 PUBLIC RELATIONS

The review of the Waipa District Speed Limits Bylaw 2005 involves the following communications with stakeholders and the public:

- Correspondence with NZ Transport Agency
- “Word on Waipa” in March 2010 contained a section on the review
- The Statement of Proposal was advertised in the local papers in September
- Submission forms were available for submitters, at front counters and online
- All submissions and correspondence have been acknowledged
- One submitter has requested to be heard by Council’s Policy Committee
- The results of the review will be sent to submitters
- The approved Waipa District Speed Limits Bylaw 2010 will be put on the Council website.

9 FINANCIAL IMPLICATIONS

Financial implications arising from the review of the Waipa Speed Limits Bylaw can be catered for within existing approved budgets. The implementation of variable speed zones in the vicinity of schools will have additional costs associated. These will be discussed in a forthcoming report to Council.

10 CONCLUSION

The number of submissions is relatively small, following a pre-consultation exercise. The submissions mainly relate to the provision of variable speed school zones which the Bylaw enables. No amendment is therefore recommended to the proposed Waipa District Speed Limits Bylaw 2010.

It is recommended that the Policy Committee proceed to endorse the attached Waipa District Speed Limits Bylaw 2010, which can then be confirmed by Council at its meeting on 29 June 2010 and the Waipa District Speed Limits Bylaw 2005 be revoked, when the proposed 2010 Bylaw comes into effect on the 1 July 2010.

Gary Knighton
MANAGER STRATEGY

Peer reviewed by Jennie McFarlane,
MANAGER LEGAL AND CORPORATE SUPPORT

Approved by Ross McNeil,
GROUP MANAGER PLANNING AND COMMUNITY RELATIONS

Appendix 1 – Submission – Alistair Kerr



RECEIVED

18 MAY 2010

BY: _____

DRAFT WAIPA DISTRICT SPEED LIMITS BYLAW
SUBMISSION FORM

To:
Waipa District Council
FREEPOST 167662
Te Awamutu 3840

Attn: Policy Analyst

Please indicate if you wish to speak to this submission at the Council Policy Committee meeting on 8 June 2010

From:

Name Alistair Kerr
Address 273 Elizabeth Avenue
Te Awamutu

Telephone 07 871 5488

Please tick one:

Yes I would like to speak

No I do not wish to speak

SUBMISSIONS CLOSE – 5pm – 20 May 2010

Please refer to the Statement of Proposal for details of the proposed changes to the existing Speed Limits Bylaw.

Do you have any comments relating to the proposed draft Waipa District Speed Limits Bylaw?

45-02-21/1/1/1 SPEED LIMITS BYLAW SUBMISSION

My submission is made on the basis of my experience of visiting local schools during my time as Principal of Te Awamutu Intermediate School. Please note that the content only relates to schools in the Te Awamutu part of the District. I assume that schools located on State Highways cannot be covered by this bylaw. That would eliminate Ngahinepouri, Pukeatua, Ohaupo and Ngutunui schools.

That said, my submission is that, unless the bylaw will be applied to all schools at the same time, there is, in my opinion, a danger-priority which should be considered and that the schools in the most hazardous positions should be covered first.

First Priority: Kihikihi Primary School: Located as it is just around a blind corner, where the Open Road speed limit meets the Kihikihi boundary, I believe that this school's area is a dangerous. There should be a sign about 500m back to warn motorists of the approaching limit.

Pokuru and Paterangi Primary Schools: Also located on busy highways with high speed traffic

Second Priority: Te Awamutu Primary, Pekerau Primary Pirongia Primary and Te

Awamutu College: All located on busy streets with constant traffic. The College presents a further problem in that, given the age group of its students, many consider themselves to be immortal and use the roads accordingly!

Third Priority: Te Awamutu Intermediate School: Located in a corner of Hazelmere Crescent, traffic tends to be slow there, but it should be zoned for consistency with the other school zones.

Korakanui and Puahue Primary Schools: On moderately busy roads, but still need zoning for the same reason.

My "vision" would be to see all these Zones clearly marked. There should be a large sign on the road surface well back "**Entering a School Speed Zone 40KPH**".

Then there should be clearly visible roadside signs which indicate the 40KPH Limit and the hours to which it applies

Ideally in the first and second priority areas the sign should include some sort of electronically-controlled flashing light which comes on at the peak student-traffic periods- say 8 to 9 a.m. and 3 to 4 p.m.

You may post your submission to the above address, or alternatively fax it to 07 872 0033, or email it to submissions@waipadc.govt.nz

WAIPA DISTRICT SPEED LIMITS BYLAW SUBMISSION FORM

File Ref: 45-02-21/1/1/1

10011254

Appendix 2 – Submission – Betty Plath



**DRAFT WAIPA DISTRICT SPEED LIMITS BYLAW
SUBMISSION FORM**

To:
Waipa District Council
FREEPOST 167662
Te Awamutu 3840

From:
Name Betty Plath
Address 211 Mountain View Drive
Te Awamutu

Attn: Policy Analyst

Telephone 078712147

Please tick one:

Please indicate if you wish to speak to this submission at the Council Policy Committee meeting on 8 June 2010

Yes I would like to speak

No I do not wish to speak

SUBMISSIONS CLOSE – 5pm – 20 May 2010

Please refer to the Statement of Proposal for details of the proposed changes to the existing Speed Limits Bylaw.

Do you have any comments relating to the proposed draft Waipa District Speed Limits Bylaw?

Please attach extra pages if necessary (please ensure extra pages are marked with file reference 45-02-21/1/1/1)

School Zone : 40 Km/h Variable speed limit.

You may post your submission to the above address, or alternatively fax it to 07 872 0033, or email it to submissions@waipadc.govt.nz

WAIPA DISTRICT SPEED LIMITS BYLAW SUBMISSION FORM

File Ref: 45-02-21/1/1/1

10011254



Appendix 3 – Proposed Waipa District Stock Droving Bylaw 2010



WAIPA DISTRICT SPEED LIMITS BYLAW 2010

In exercise of the powers and authorities vested in it by Section 145 of the Local Government Act 2002 and the Land Transport Rule: Setting of Speed Limits 2003, Rule 54001 made pursuant to Section 160(3) of the Land Transport Act 1998, the Waipa District Council makes this bylaw to set speed limits.

1. SHORT TITLE

This bylaw may be referred to as the Waipa District Speed Limits Bylaw 2010 and, except for those parts declared to be limited or extended in their operation, it shall apply to the whole of the Waipa District as from time to time constituted.

2. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

"Council" means the Waipa District Council.

"Designated Location" has the same meaning as in Section 4.1(2) of the Rule.

"Road" has the same meaning as in Part 2 of the Rule.

"Rule" means the Land Transport Rule Setting of Speed Limits 2003 Rule 54001 which is set out in full as Annexure "A" to this bylaw.

"Speed Limit" has the same meaning as in Part 2 of the Rule.

"Urban Traffic Area" has the same meaning as in Part 2 of the Rule.

"Vehicle" has the same meaning as in Section 2(1) of the Land Transport Act 1998.

3. APPLICATION OF THIS BYLAW

This Bylaw applies to all roads under the control and/or management of the Council.

4. BYLAW SPEED LIMITS

- (1) The Council may, by resolution, set speed limits or designate urban traffic areas for any roads under the Council's control and/or management.
- (2) The Council may, by resolution, set speed limits for roads in any designated location under the Council's control and/or management.
- (3) In setting speed limits under Clauses 4(1) or 4(2) the Council may only set speed limits of 20, 30, 40, 50, 60, 70, 80,100 km/h or a 40km/h variable speed limit in a school zone.
- (4) The Council may amend or revoke a resolution made under Clauses 4(1) or 4(2) at any time.

5. CONSULTATION

- (1) Subject to Clause 5(2), before passing a resolution under Clause 4(1) or amending or revoking such a resolution under Clause 4(4), the Council shall undertake the consultation process prescribed in Section 7.1 of the Rule.
- (2) Clause 5(1) shall not apply if the Council is passing a resolution in accordance with Section 10 of the Rule.
- (3) Before passing a resolution under Clause 4(2) or amending or revoking such a resolution under Clause 4(4) the Council shall undertake the consultation process prescribed in Section 4.1(4) of the Rule.

6. SPEED LIMIT SIGNS

Where a speed limit is set or amended the Council must mark such areas to which the speed limit applies by signs as required by the Rule.

7. REGISTER OF SPEED LIMITS

The Council shall maintain a register of speed limits that records all speed limits, except temporary speed limits, for the roads under its jurisdiction as required by Section 7.3 of the Rule.

8. TRANSITIONAL PROVISIONS

- (1) The Council shall, by resolution, designate an urban traffic area as required by Section 10.1(1) of the Rule.
- (2) The Council shall, by resolution, validate all speed limits as required by Section 10.1(2) of the Rule.

- (3) The Council may amend or revoke any resolution made under Clauses 8(1) or 8(2) at any time as if it had been made under Clauses 5(1) or 5(2) respectively.

9. OFFENCES

Every person commits an offence against this bylaw who operates a vehicle in contravention of any speed limit set under this bylaw or by the Rule unless otherwise authorized to do so.

10. PENALTIES

Every person who commits an offence against this bylaw shall be liable to an infringement fee in accordance with Part II Speeding Offences scale of fees from the Second Schedule (Infringement Offences and Fees) of the Land Transport Act 1998 or on summary conviction to a maximum fine of \$20,000.00 pursuant to Section 242(4) of the Local Government Act 2002.

11. EXEMPTION

This Bylaw does not apply to roads included on the New Zealand Transport Agency (NZTA) state highway network as the NZTA Speed Limit Bylaw covers the management of speed on these roads.

12. CONSEQUENTIAL REPEALS

The Waipa District Speed Limits Bylaw 2005 is hereby repealed.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by special consultative procedure at a meeting of Council held on the 29th day of June 2010 and became operative on the 1st day of July 2010.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereto affixed pursuant to a resolution of Council passed on the 29th day of June 2010 in the presence of:

..... Mayor

..... Chief Executive