



**STATEMENT OF PROPOSAL TO REVIEW THE  
SPEED LIMITS BYLAW 2004**

(This statement is made for the purposes of sections 83, 158 and 160 of the Local Government Act 2002)

**Nature of proposal**

This is a statement of proposal by the Waimakariri District Council to review the Speed Limits Bylaw 2004, which was adopted by the Council on 7 September 2004 and amended in April 2005, March 2007 and October 2007.

The proposal to review this bylaw is made pursuant to:

- The Local Government Act 2002 (LGA 2002), section 158 (1), “A local authority must review a bylaw made by it under this Act no later than 5 years after the date on which the bylaw was made”
- The Local Government Act 2002 (LGA 2002), section 145 “General bylaw-making power for territorial authorities”. This section states that a territorial authority may make bylaws for its district for the purpose of protecting, promoting, and maintaining public health and safety.
- *The Land Transport Rule “Setting of Speed Limits 2005 [54001/1]” made under the Land Transport Act 1998. This rule states that a road controlling authority that is empowered by an enactment to make bylaws must set a speed limit by making a bylaw (the Council is such an authority).*

**Reasons for this proposal**

- This review is the formal 5 year review as required by the LGA 2002, section 158 (1)
- This review has two purposes. Firstly it is to review the bylaw wording and approach to allow changes to speed limits to be made by Council resolution and secondly it is to review actual speed limits.
- The Speed Limits Bylaw 2004 will be revoked and replaced with the Speed Limits Bylaw 2009.

**The proposal:**

- It is proposed to change the wording of the bylaw to enable speed limits to be changed by Council resolution without amending the bylaw itself. All speed limits will be held in a register, and therefore it will just be the register that will be amended. This is consistent with Christchurch City Council and Selwyn District Council.
- It is proposed to amend the following speed limits. These have come about via customer requests and feedback, Council resolutions, and subdivision activity:
  - Oxford Road – from 100 to 70km/h through to Lehman's Road
  - Johns Road – extend the 50km/h to beyond the new subdivision

- Kippenberger Ave – extend the 70km/h to beyond the new subdivision
- Townsend Road –from 100 to 80km/h for full length
- Rangiora Woodend Road – from 70 to 50km/h from SH1 to the west side of School Road
- Chinnerys Road – from 70 to 50km/h for full length
- Pegasus and Mapleham – 70km/h on access road, 50km/h elsewhere.
- Tram Road – from 100 to 80km/h outside Swannanoa School
- Heywards Road – from 100 to 70km/h outside Clarkville School
- Queen Street (Oxford) – from 50km/h to 30km/h for full length
- MacDonalds Lane – from 70km/h to 50km/h for full length
- Addition of Urban Traffic Areas for the UDS growth areas.

### **The statutory requirements for reviewing this bylaw**

- Options available to the Council:

- Proceed with the review as recommended and change the bylaw to enable speed limits to be changed by Council resolution, and change speed limits as proposed.

The advantage of this option is it meets legislative requirements, it makes the changing speed limits more responsive and less costly in the future, and it changes a number of speed limits that require changing. The disadvantage is it could be perceived as lowering the level of consultation, and it may not contain speed limit changes some people were expecting.

- Proceed with the review without changing the approach to the bylaw, but change the speed limits as proposed

The advantage of this option is it keeps the status quo which requires a high level of consultation, even though it is higher than that required by the Speed Limits Rule, and it deals with the necessary speed limit changes. The disadvantage is the changing of speed limits will still be a long and costly exercise.

- Proceed with the review and only change the approach to the bylaw and leave the proposed speed limit changes until after the new bylaw comes into force.

The advantage of this option is it deals with just one aspect and so can be considered without the distraction of actual speed limits themselves. The disadvantage is the changing of speed limits will be delayed and community expectations will not be met.

- Proceed with the review with the addition of more speed limit changes or removing some of the proposed speed limit changes from the speed limits to be reviewed should the Committee deem necessary.

This option is not recommended because time is needed to research and rate the various roads to determine whether they meet the criteria in the Speed Limit Rule or not. Removing any of the recommended changes will result in inappropriate speed limits remaining or community expectations not being met.

- Benefits/costs:

There is no choice in reviewing this bylaw as it must be done as per statute, however, the benefit of reviewing the bylaw is to simplify the process of changing any speed limit within the District when required, rather than having to complete a lengthy and costly Special

Consultative Procedure, and it is also a good opportunity to consult the public on proposed speed limit changes that have come about since the last speed limit bylaw amendment.

The costs of compliance with the Land Transport Rule will be borne by the ratepayers of the District. Signage and similar costs are shared with the Crown through New Zealand Transport Agency.

- Community Outcomes:

The reviewed bylaw will contribute to:

- There is a safe environment for all
  - Crime, injury and road accidents are minimised
- Transport is accessible, convenient, reliable, affordable and sustainable
  - The standard of our District's roads is keeping pace with increasing traffic numbers
- There are wide ranging opportunities for people to contribute to the decision-making by public organisations that affects our District
  - Public organisations make information about their plans and activities readily available
  - Public organisations make every effort to accommodate the views of people who contribute to consultations

- Impact on meeting the Councils statutory obligations:

The Council has already ensured that all existing speed limits in the District are covered by a Council speed limit bylaw prior to the national regulations lapsing. This review gives the Council and community the opportunity to specifically address speed issues in certain localities and make amendments to the bylaw with public input.

- Consideration of the views and preferences of affected or interested people:

- Providing Maori with the opportunity to contribute:

To date there has been no specific consultation with Maori on the proposed review of this bylaw. The Council considers that the public notification and opportunity for the submission process will provide adequate opportunity for public response, including Maori.

### **Consultation:**

Comments received over time from ratepayers and the community have been considered as part of this review.

The Land Transport Rule: Setting of Speed Limits 2005 [54001/1] requires the Council to formally consult with a number of external agencies during the review of a speed limits bylaw. The following agencies will be consulted in accordance with this requirement, and will be consulted again with the proposed amendments:

- *Adjoining local authorities (Christchurch, Hurunui, Selwyn)*
- *The Commissioner of Police*
- *The Chief Executive Officer of NZ Transport Agency*
- *The Automobile Association*
- *Environment Canterbury*

The Council considers that the notification of this proposal to alter a speed limit will provide opportunity for further public input.

### **The form of the bylaw:**

It is a requirement of the Land Transport Rule that the Waimakariri District Council manages speed limits using a bylaw and maintains a register of speed limits that records all speed limits.

The form of bylaw that has been used for the Speed Limits Bylaw 2009 is that adopted by the Council for other bylaws. The format is clear and the content is enforceable.

### **The implications on the NZ Bill of Rights:**

Section 155(2)(b) of the Local Government Act 2002 requires that the bylaw not be inconsistent with the NZ Bill of Rights Act 1990. The NZ Bill of Rights Act 1990 states:

*Section 5: "Subject to section 4 of this Bill of Rights, the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society."*

The LGA 2002 provides for Councils to introduce bylaws for the purpose of protecting, promoting, and maintaining public health and safety. The imposing of reasonable and appropriate speed limits will contribute to a safe and efficient road network. The Land Transport Act 2003, through Rule 54001, requires that speed limits be set by way of a bylaw.

The review of this bylaw is being processed in a democratic manner by nature of the Council publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by an elected Council.

### **Related Documents**

The following documents should be read as a part of the Statement of Proposal:

- Waimakariri District Council report to the Utilities and Roading Committee 090313006968
- The existing Speed Limit Bylaw 2004 including Amendments 1, 2&3, and 4 (doc N<sup>o</sup> 070924030615)
- Proposed Speed Limits Bylaw 2009 (doc N<sup>o</sup> 090326008566)
- Proposed Register of Speed Limits for the Waimakariri District (doc N<sup>o</sup> 090330008757)