

WAIMAKARIRI DISTRICT COUNCIL**MEMO**

FILE NO AND TRIM NO: RDG-31 / 2112061944959

DATE: 6th December 2021

MEMO TO: Council

FROM: Joanne McBride – Roading & Transport Manager
Allie Mace-Cochrane – Graduate Engineer

SUBJECT: Further Information about Speed Limits, Speed, and Crash Data

1. Introduction

The purpose of this memo is to provide background on the effects that speed limits have on both road users and the outcomes of crashes, including outlining when improving road infrastructure should be considered. This memo is provided in conjunction with the Speed Limit Review Briefing and reports referred from the Community Boards.

2. New Zealand's Road Safety Direction

Vision Zero aims to achieve a transport system where no one is killed or seriously injured on the road, in which, every New Zealander has a part to play in making it a safer place. Vision Zero has three core messages:

- Everyone should get to where they are going safely, whether they are walking, cycling, driving, riding a motorcycle, or using public transport.
- Put the safety of people before efficiency and travel time.
- Change the way the country thinks about road safety and how many people the country is willing to let die on New Zealand roads.

This vision cannot be achieved without multiple solutions and as such, action is required in the following five areas:

- Infrastructure improvements and speed management
- Vehicle safety
- Work-related road safety
- Road user choices
- System management

From this vision, speed limit reviews are one way in which the Council can start to address the number of deaths and serious injuries which occur on the districts road. This is alongside infrastructure improvements and driver education throughout the district.

3. Speed Limit Myths**3.1. Bad Drivers**

It is common for people to think that bad drivers are the problem and not the speed limit. Whilst this may be true in some cases, there are many other occurrences where an individual simply makes a mistake. This can happen to anyone, and death or a life changing injury should not be the outcome.

3.2. Travel Time

Speed can be the difference between a correctable mistake and a fatal error. Every extra km/h increases the likelihood of someone being killed or injured in a crash. Regardless of what causes a crash, speed always plays a part in the outcome.

Driving at the safe and appropriate speed for a road has a small effect on travel time. Over a one kilometre distance, there is a nine second difference between driving at 100 km/h and 80 km/h (travelling at a constant speed).

3.3. Modern Cars

While modern cars have improved safety features, the human body has not evolved to withstand more force, meaning that there is still significant risk of death or serious injury in a higher speed crash. On top of this, New Zealand's vehicle fleet still remains relatively old and as such there are a high proportion of vehicles on the road which do not have basic safety features.

Half of the cars on the road lack basic safety features, like stability control or side airbags. Even the best technology will not stop another car crashing into you or mean that that driver will not make a mistake on the road.

3.4. Will all Speed Limits within the District will be reduced?

Nationally, there is a trend towards lower speed limits under the guidance of Waka Kotahi. However, as the Road Controlling Authority, it can be decided to retain certain speed limits by 'Engineering Up'. This means improving infrastructure on the road. It is impracticable to achieve this on every road throughout the district; but it is possible to 'engineer up' roads which service the highest traffic volumes and extend long distances, whilst other roads will have their speed limits reduced.

Roads with high-risk intersections are of particular concern within the district, as these contribute to a number of deaths and serious injuries (e.g. West Rangiora route, Tram Road etc.). As is described below in Section 4, speed affects the severity of a crash, and therefore these intersections may need to be addressed with lower speed limits.

4. Effects of Speed

Speed always affects the severity of a crash, independent of whether this was the causing factor or not.

As impact speeds increase, the forces that a vehicle and its occupants must absorb, increases drastically. This is because kinetic energy is proportional to both the mass and the squared velocity of the object, and in accordance with energy principles, this is transferred to other forms of energy as the vehicle comes to a stop.

When vehicles crash head on, the kinetic energy is doubled and therefore doubles the resultant force experienced by the occupants. As vehicle crashes are not an idealised physical system, some of the kinetic energy is lost to heat energy which also increases the risk of fire, particularly in high speed crashes. Furthermore, as impact speeds increase, the deceleration is far greater, generating greater force on the occupants of the vehicle.

Sudden crash forces and high decelerations in a crash are what cause harm to occupants of the vehicle(s). Studies have shown that the impact of a crash at 50 km/h is equivalent to falling from the 3rd storey of a building and at 100 km/h is equivalent to falling from the 13th storey of a building.

To pedestrians, the risk of death or serious injury is far greater if hit by a vehicle. These impacts are shown in Figure 1. Cyclists, motorcyclists, the elderly, and young children are also at greater risk of death or serious injury in a crash.



Figure 1. Death and injury risk percentages for pedestrians at different vehicle speeds (Auckland Transport).

Vehicle speed also affects the chances of an individual being in a crash because there is less time for a driver to respond to hazards. Figure 2 shows the reaction and braking distance, and resultant impact speed for vehicles travelling in dry conditions at different speeds.

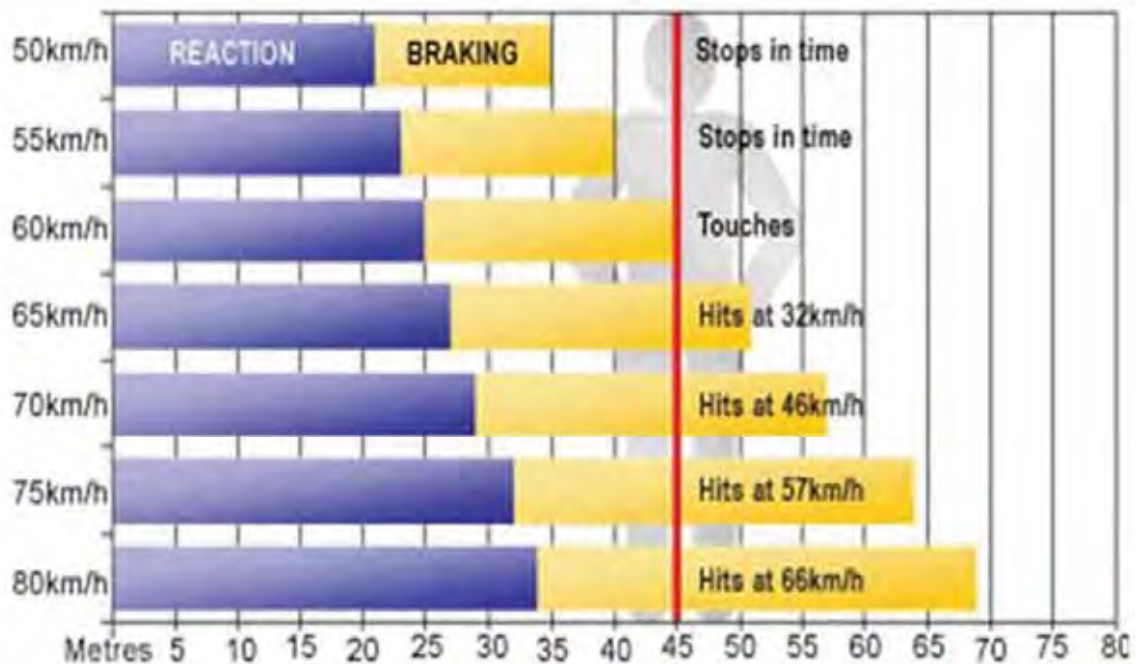


Figure 2. Reaction distance, braking distance and impact speeds in dry conditions (Waka Kotahi).

Even a small reduction in speed can have a significant impact on whether a crash occurs and if it does, the resulting severity.

5. Infrastructure Improvements

In comparison to other countries, New Zealand roads are at a lower standard, including state highways. In the future, unless roads are 'engineered up' with treatments (such as median safety barriers, to separate lanes and reduce the risk of a head on crash or run-off road), then it is expected that many of these rural 100 km/h roads will be posted at 80 km/h. High cost treatments cannot be provided across all rural roads within the district due to the substantial cost implications, and therefore lower volume rural roads (such as Mt Thomas Road), which carry far less traffic volume, are appropriate to be reduced to 80 km/h and budget prioritised for arterial roads such as Tram Road.

6. Waimakariri Crashes

It is a common misconception that the majority of the crashes in our district happen at intersections. This is not correct.

In Waimakariri over the last five years, 47% of crashes were at intersections while 53% were defined as mid-block (not at intersections). This is shown in Figure 3.

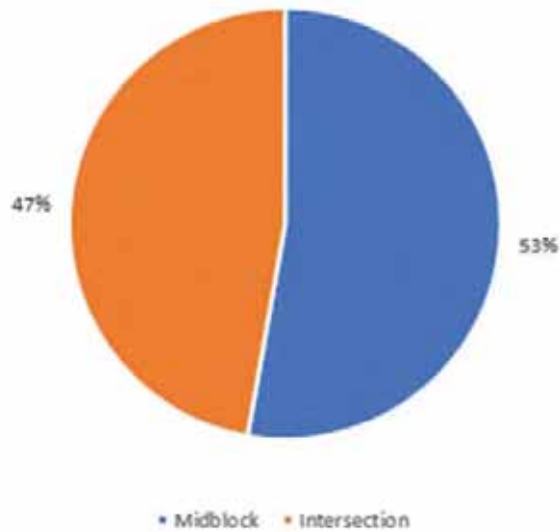


Figure 3. Location of crashes within the district over the last five years.

Of the crashes that occur in our district, 50% are defined as loss of control and 30% of crashes involve restricted drivers. When drivers lose control, there are often hazards close by which increase the risk of serious harm or injury. Within the district, there has been an upward linear trend of fatal crashes over the last five years, with the number of fatal crashes in 2020 and 2021 accounting for 59% of the fatal crashes within this five year period. This data is shown in Figure 4.

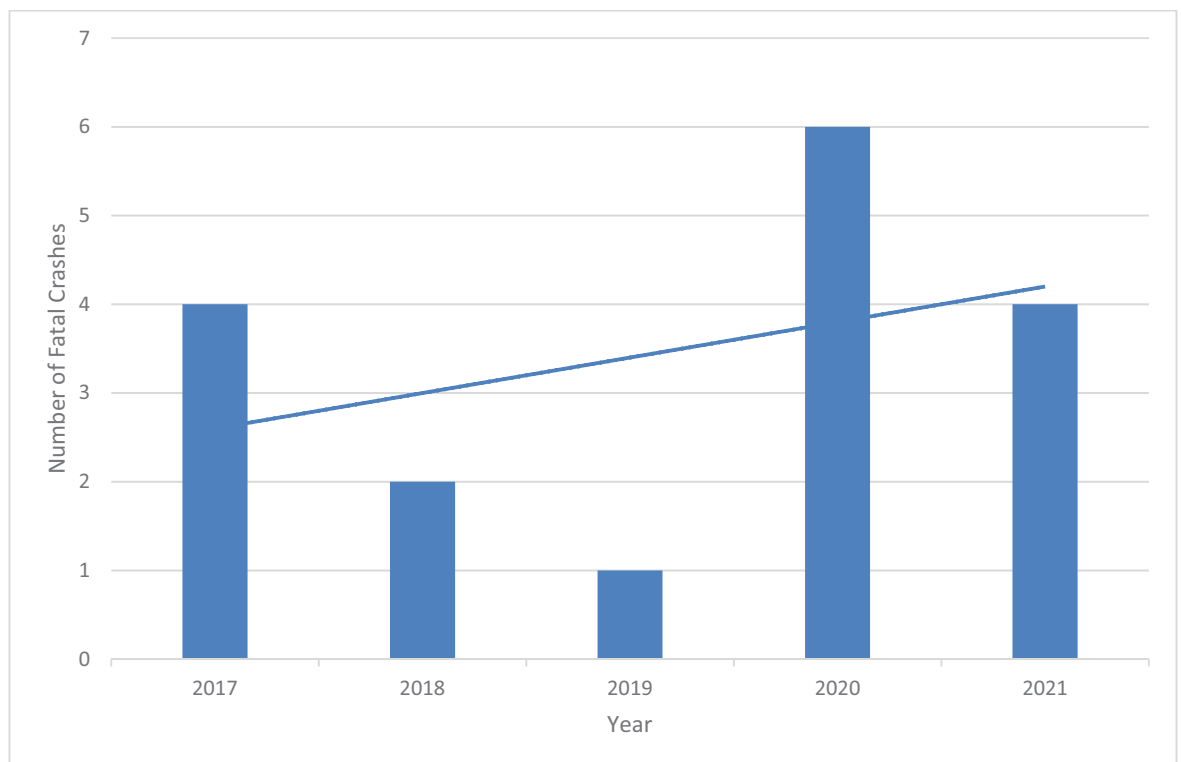
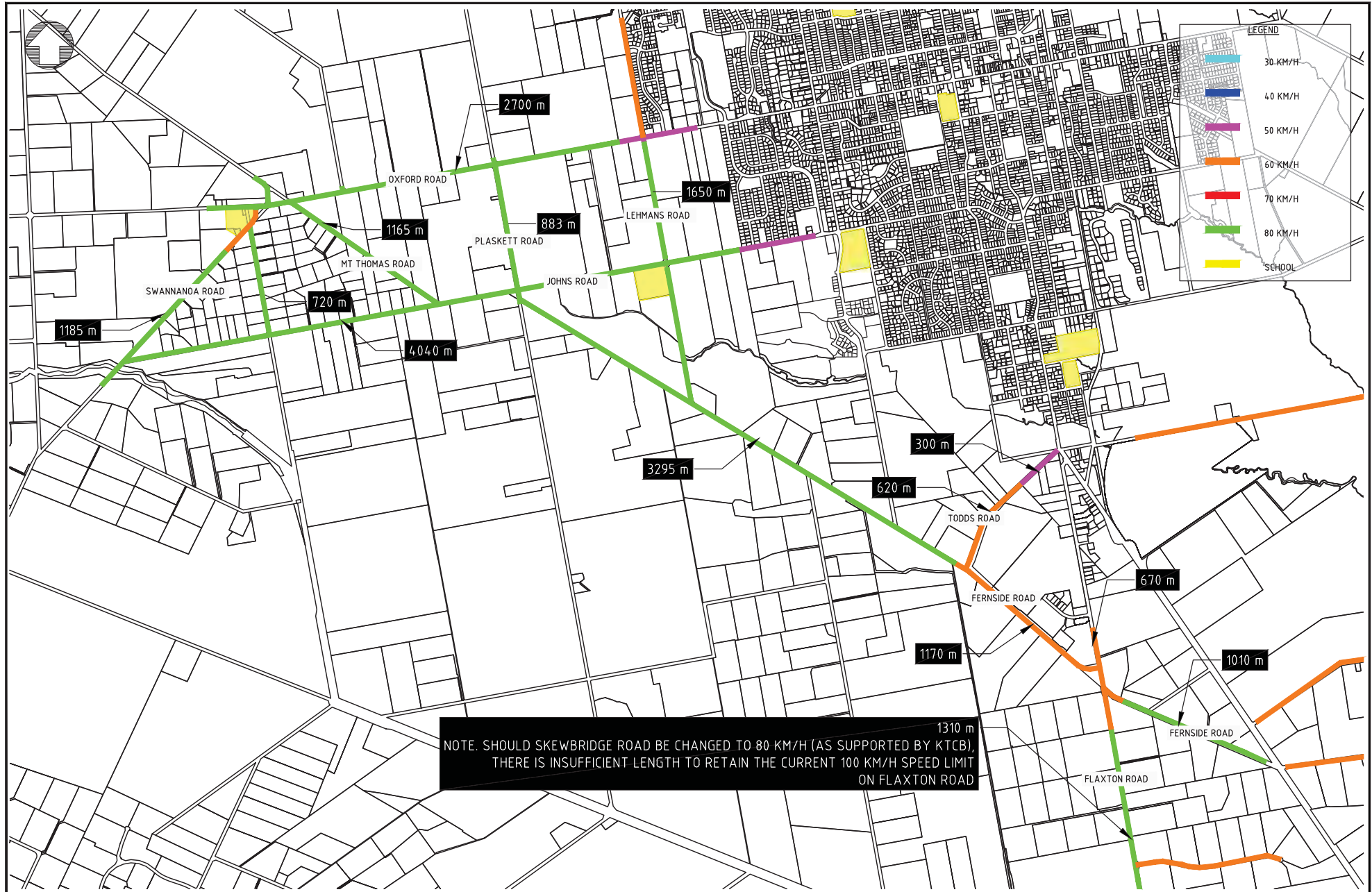


Figure 4. Number of fatal crashes within the district over the last five years.

As has been indicated in Section 4 of this memo, the speed that drivers are travelling at has a **direct impact on the severity of a crash** should it occur.



NOTE. SHOULD SKEWBRIDGE ROAD BE CHANGED TO 80 KM/H (AS SUPPORTED BY KTCB), THERE IS INSUFFICIENT LENGTH TO RETAIN THE CURRENT 100 KM/H SPEED LIMIT ON FLAXTON ROAD

REV	REVISION DETAILS	DRN	CHK	APP	DATE

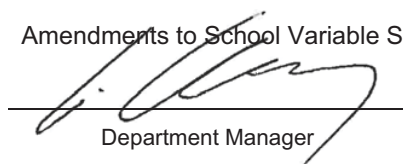
SURVEYED	PROJECT No
DRAWN	PD001172
DRAWING CHKD	CON No
DESIGNED	SCALE (A3) NOT TO SCALE
DESIGNED CHKD	DATUM ORIGIN
APPROVED	HORIZONTAL NZTM GD2000
	VERTICAL



PROJECT
SPEED LIMIT REVIEWS TOWN ENTRANCES

SHEET TITLE
RANGIORA

FOR INFORMATION	
DRAWING	
SHEET	REVISION
01	

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION****FILE NO and TRIM NO:** RDG-31 / 211207195592**REPORT TO:** COUNCIL**DATE OF MEETING:** 1st February 2022**AUTHOR(S):** Joanne McBride – Roading and Transport Manager
Allie Mace-Cochrane – Graduate Engineer**SUBJECT:** Amendments to School Variable Speed Zones**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)


Department Manager



Chief Executive
1. SUMMARY

- 1.1. The purpose of this report is to seek approval from Council to amend the variable speed limit operation times on Tram Road (at Swannanoa School) and Hodgsons Road (at Loburn School), and reduce the length of the variable speed limit zone on Hodgsons Road.
- 1.2. Both of these school speed zones were flagged by Waka Kotahi as part of the National Speed Limit Register data merge, which is currently being undertaken in preparation for the new Setting of Speed Limits Rule becoming legislation. It was noted that these do not align with all of the conditions set-out in the gazette notice shown in Attachment i.
- 1.3. The new Land Transport Rule: Setting of Speed Limits 2021 will enable the Road Controlling Authority to make minor amendments to speed limits without Council resolution; however, the implementation of this rule has not yet been completed and there is no set date for it becoming legislation in 2022.
- 1.4. It is therefore recommended that these school speed zones are amended by Council resolution.

Attachments:

- i. Rural School Variable Speed Limit Gazette Notice 2013 (TRIM No. 211217202342)
- ii. Swannanoa School and Loburn School Variable Speed Signs – approval to change the speed limits (TRIM No. 120918062930)
- iii. Variable Speed Sign Installation at Schools (TRIM No. 130529039840)

2. **RECOMMENDATION**

THAT the Council:

- (a) **Receives** Report No. 211207195592;
- (b) **Approves** reducing the specified time period of operation for the variable speed limit zone, on both Tram Road and Hodgsons Road, to 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school;
- (c) **Approves** reducing the length of the variable speed limit zone on Hodgsons Road to 500 m;
- (d) **Notes** that the operation of the variable speed limit zone before the start of school will remain as 35 minutes on both Tram Road and Hodgsons Road;
- (e) **Notes** that the length of the variable speed limit zone on Tram Road will remain the same;
- (f) **Notes** that the Register of Speed Limits will be updated to reflect these amendments;
- (g) **Circulates** this report to the Rangiora-Ashley and Oxford-Ohoka Community Boards for their information.

3. **BACKGROUND**

- 3.1. In 2012, Waka Kotahi (NZ Transport Agency), approved trials for variable speed signs at two rural schools in the Waimakariri District (Loburn School and Swannanoa School). This was formalised as the Variable Speed Limit at Rural Schools (Turning Vehicle Hazard) notice in the New Zealand Gazette, 17 May 2012, No. 55. The notice was further updated in the New Zealand Gazette, 6 June 2013, No. 72 to include Ashley School.
- 3.2. This notice legislated the maximum operating times for the variable speed limit signs as:
 - 35 minutes before the start of school to the start of school; and
 - 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school; and
 - 10 minutes at any time when vehicles are entering or leaving the school grounds or there is pedestrian or cycle activity on the road outside the school, at schools where all approaches to the variable speed limit are controlled by "variable speed limit (rural schools turning vehicle hazard)" signs.
- 3.3. Swannanoa School is located adjacent to Tram Road and Loburn School is adjacent to Hodgsons Road. These roads have a posted speed limit of 100 km/h and 80 km/h, respectively.
- 3.4. The variable speed limits at Swannanoa School and Loburn School were set by Council resolution, as allowed for under the Speed Limit Bylaw (2009), at the Council meeting on the 2nd October 2012. Refer to Attachment ii for details. This included a 70 km/h speed limit in the Swannanoa School Zone and a 60 km/h limit in the Loburn School Zone.
- 3.5. The variable speed limit at Swannanoa School was amended after the trial and set at 60 km/h by Council resolution at the Council meeting on the 2nd July 2013. Refer to Attachment iii for detail.
- 3.6. The length of the variable speed zone along Tram Road and Hodgsons Road is 432 m and 620 m, respectively.
- 3.7. The current Land Transport Rule: Setting of Speed Limits 2017 (Rule 54001/2017) was initially due to be replaced by the 2021 Rule in December 2021; however, delays have pushed this out to an unknown date in 2022.

- 3.8. Prior to the implementation of the new Rule, the Road Controlling Authority (RCA) must transfer all existing speed limit data, both variable and permanent, into a national register. This register will then act as the governing document for enforcing speed limits across New Zealand.
- 3.9. As part of this data merge, Waka Kotahi has reviewed the Waimakariri District Speed Limit Register, and noted anomalies between the bylaw and existing speed limit sign locations.
- 3.10. Further to this, the Agency has indicated that the period of operation for the after school variable speed limit, outside Loburn School and Swannanoa School, does not align with the time period specified in the gazette notice. These two variable speed zones operate for 30 minutes and 45 minutes, respectively.
- 3.11. It is not clear why the recommendation provided by staff at the two Council meetings in 2012 and 2013 did not align with the gazette notice. The minutes recorded at these meetings do not provide any commentary as to why these were not set in accordance with the gazette notice.

4. **ISSUES AND OPTIONS**

- 4.1. The time period of operation for the variable speed limit on Hodgsons Road (Loburn School) and Tram Road (Swannanoa School), noted in the Register of Speed Limits, does not align with the conditions specified in the gazette notice (refer to Attachment i). Therefore, these speed limits are not enforceable.
- 4.2. On-site, the variable speed limit along Tram Road operates for a 20 minute period after school and it is assumed that this is also the case on Hodgsons Road. Therefore, it is the Register of Speed Limits (Speed Limit Bylaw) making these speed limits unenforceable.
- 4.3. Staff have engaged in discussions with Waka Kotahi; in which, the Agency has provided two options to amend the time period; by Council resolution or by waiting for the Setting of Speed Limits 2021 Rule to become legislation. The new rule enables the RCA to make minor amendments to speed limits, without requiring Council resolution.
- 4.4. Since discussions with Waka Kotahi, staff have also noticed that the length of the variable speed zone on Hodgsons Road is greater than that specified in the gazette notice in Attachment i; therefore, this also needs to be addressed.
- 4.5. The Council has the following options available to them:
- 4.6. Option One: Approve Changes to the Variable Speed Zones

This option involves Council granting approval to amend the variable speed limit bylaw on Tram Road (Swannanoa School) and Hodgsons Road (Loburn School). This amendment will include reducing the after school operating time of the variable speed zone to 20 minutes and reducing the length of the zone on Hodgsons Road to 500 m.

This is the recommended option because the variable speed limit on these roads is not currently enforceable. Completing these changes as soon as practicable means that these variable speed zones can then be enforced with only minimal cross-over with the start of the school year. It also removes the reliance on central government to legislate the 2021 Setting of Speed Limits Rule, which may continue to be delayed.

- 4.7. Option Two: Retain the Current Variable Speed Zone as is, until the Setting of Speed Limits Rule is replaced by the New 2021 Version

This option involves Council retaining the current variable speed zone operation times on Tram Road and Hodgsons Road, and retaining the existing variable speed zone length on Hodgsons Road (Loburn School). This will leave the RCA to make these amendments when the 2021 Setting of Speed Limits Rule becomes legislation.

This is not the recommended option because children will return to school in early February and there is currently no firm date indicated by the Ministry of Transport for the implementation of the new Speed Limit Rule. This will therefore leave the variable speed zones unenforceable until this is legislated and the required changes can be made.

4.8. **Implications for Community Wellbeing**

4.8.1. There are not implications on community wellbeing by the issues and options that are the subject matter of this report.

4.9. The Management Team has reviewed this report and support the recommendations.

5. **COMMUNITY VIEWS**

5.1. **Mana whenua**

5.1.1. Te Ngāi Tūāhuriri hapū are not likely to be affected by, or have an interest in the subject matter of this report.

5.2. **Groups and Organisations**

5.2.1. There are groups and organisations likely to be affected by, or to have an interest in the subject matter of this report, including Swannanoa School, Loburn School, Ashley School, and the New Zealand Police.

5.2.2. The schools have been notified that these changes will be made to their adjacent variable speed zones to ensure that the speed limit is enforceable.

5.2.3. The period of operation for the Tram Road variable speed zone is already in alignment with the gazette notice in Attachment i and it is therefore assumed that the variable speed zone on Hodgsons Road operates for the same period. This indicates that these schools will not be affected by changes to the period of operation.

5.3. **Wider Community**

5.3.1. The wider community is not likely to be affected by, or to have an interest in the subject matter of this report.

6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

6.1. **Financial Implications**

6.1.1. There are financial implications of the decisions sought by this report and this budget is not included in the Annual Plan/Long Term Plan.

6.1.2. There is cost associated with relocating the signage on Hodgsons Road. This cost is low and therefore there is sufficient funding within maintenance budgets to relocate the existing signs.

6.2. **Sustainability and Climate Change Impacts**

6.2.1. The recommendations in this report do not have sustainability and/or climate change impacts.

6.3 **Risk Management**

6.2.2. There are not risks arising from the adoption/implementation of the recommendations in this report.

6.3 **Health and Safety**

6.2.3. There are health and safety risks arising from the adoption/implementation of the recommendations in this report, as the adoption only involves a contractor moving existing signage.

- 6.2.4. The physical works to move the existing signage will be carried out by the District Maintenance Contractor, Sicon Ltd., using contract approved Health & Safety systems. Sicon Ltd. have a SiteWise score of 100%.

7. CONTEXT

7.1. Consistency with Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. Authorising Legislation

7.2.1. The Local Government Act (2002), Land Transport Rule: Setting of Speed Limits 2017 (Rule 54001/2017), New Zealand Gazette No. 72 (2013), and the Speed Limit Bylaw (2009) are the authorising legislations.

7.2.2. The Land Transport Rule: Setting of Speed Limits 2017 (Rule 54001/2017) outlines the responsibility of the RCA in reviewing and setting speed limits. Furthermore, it requires that permanent and variable speed limits are set by bylaw.

7.2.3. The New Zealand Gazette No. 72 (2013) outlines the conditions of setting a variable speed limit at rural schools and the Waimakariri District schools which are approved to have a variable speed along the adjacent stretch of road.

7.2.4. Section 145 of the Local Government Act (2002) enables the Council to make a bylaw for its district, in order to protect, promote, and maintain public health and safety.

7.2.5. The Speed Limit Bylaw (2009) enables Council to set speed limits and undertake amendments, by Council resolution, on roads which are within their jurisdiction.

7.3. Consistency with Community Outcomes

7.3.1. The Council's community outcomes are relevant to the actions arising from recommendations in this report.

7.4. Authorising Delegations

7.4.1. The Speed Limit Bylaw (2009) allows Council to set speed limits and undertake amendments by Council resolution.

6 JUNE 2013

NEW ZEALAND GAZETTE, No. 72

1925

Person	Purpose	Term
Deloitte	<ul style="list-style-type: none"> • Determining who the registered owner of a vehicle is that we believe is owned by a company in liquidation or receivership. • Tracing the sale of vehicles that were owned by a company in liquidation or receivership where ownership is disputed or registration may have been changed when ownership is disputed. • Ensuring all assets of a company are identified to allow for assets to be insured, and liquidators and receivers to comply with the requirements of the Companies Act 1993 and Receiverships Act 1993. 	For a period of five years beginning on 10 June 2013 and ending at 12.00 midnight on 9 June 2018.

Conditions

- (a) The personal information is accessed only by Deloitte on its own behalf and solely for the specified purpose;
- (b) The fees charged for the provision of the personal information from the Motor Vehicle Register are duly paid;
- (c) Any identified instances of unauthorised access are immediately notified to the NZ Transport Agency (NZTA) and the Privacy Commissioner;
- (d) Before being permitted to access the Motor Vehicle Register under section 241 of the Act all staff must receive training that emphasises that such access must only be for the specified purposes, and refresher training also must be undertaken at appropriate intervals;
- (e) Access must be restricted solely to members of staff for whom authorised access is essential to achieving a specified purpose;
- (f) The names and addresses obtained under this authorisation shall not be disclosed to any third party unless such disclosure is necessarily incidental to achieving a specified purpose;
- (g) The terms and conditions, if any, imposed by the NZTA for access to Motor Vehicle Register information; and
- (h) The authorisation is valid for a period of five years commencing on 10 June 2013 and ending at 12.00 midnight on 9 June 2018.

Dated this 31st day of May 2013.

MICHAEL PAUL BEEDELL, Manager Adjudications, NZ Transport Agency.

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Land Transport Rule: Setting of Speed Limits 2003

Variable Speed Limit at Rural Schools (Turning Vehicle Hazard) Notice No. 3

Pursuant to clause 6.1 of Land Transport Rule: Setting of Speed Limits 2003 and a delegation from the NZ Transport Agency, I, Glenn Bunting, Network Manager, approve a variable speed limit at the schools listed in the Schedule, where there is a turning vehicle hazard, in accordance with the conditions set out in this notice:

Conditions**1. Variable speed limit**

A road controlling authority may set a variable speed limit of 60km/h or 70km/h, as specified in the Schedule, to manage the hazard caused by turning vehicles at the schools listed in the Schedule.

2. Length of variable speed limit

The variable speed limit on the main road on which the school is located must be a minimum length of 300 metres, unless this condition is impractical, but should not be longer than 500 metres. The length of variable speed limit on side roads may be shorter than 300 metres.

3. Periods of operation

The 60km/h or 70km/h speed limit may operate for a maximum period of:

- (a) 35 minutes before the start of school, until the start of school; and
- (b) 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school; and
- (c) 10 minutes at any time when vehicles are entering or leaving the school grounds or there is pedestrian or cycle activity on the road outside the school, at schools where all approaches to the variable speed limit are controlled by "Variable speed limit (rural schools turning vehicle hazard)" signs.

4. Signs

- (a) Signs that comply with the "Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial" notice published in the *New Zealand Gazette*, 17 May 2012, No. 55, page 1606, must be installed on every approach to a variable speed limit at a school listed in the Schedule as follows:
 - (i) At least one "Variable speed limit (rural schools turning vehicle hazard)" sign on each approach to the variable speed limit on the main road outside the school and on each approach on a major side road that intersects with the road controlled with a variable speed limit; and

- (ii) at least one “Variable speed limit – fixed (rural schools turning vehicle hazard)” sign on each approach on a minor side road that intersects with the road controlled with a variable speed limit.
- (b) R1-1, R1-1.1 or R1-3 signs that comply with Land Transport Rule: Traffic Control Devices 2004 must be installed at the end of the variable speed limit on every road that leaves the variable speed limit.

5. Bylaw

A road controlling authority must set a variable speed limit for a school listed in the Schedule by making a bylaw in accordance with Land Transport Rule: Setting of Speed Limits 2003.

6. Savings

A variable speed limit that was set in accordance with the “Variable Speed Limit at Rural Schools (Turning Vehicle Hazard)” notice published in the *New Zealand Gazette*, 17 May 2012, No. 55, page 1605 (as amended¹) remains in force until it is replaced by the variable speed limit specified in the Schedule in this notice.

7. Revocation

The “Variable Speed Limit at Rural Schools (Turning Vehicle Hazard)” notice, published in the *New Zealand Gazette*, 17 May 2012, No. 55, page 1605, is revoked.

Schedule

Road Controlling Authority	School	Road	Local authority	Permanent Speed Limit	Variable Speed Limit
Auckland Transport	Ararimu School	Ararimu Road Steel Road	Auckland Council	80km/h	60km/h
Auckland Transport	Dairy Flat School	Dairy Flat Highway	Auckland Council	80km/h	60km/h
Auckland Transport	Puni School	Aka Aka Road Waiuku Road	Auckland Council	80km/h	60km/h
Horowhenua District Council	Opiki School	Poplar Road Tane Road	Horowhenua District Council	100km/h	60km/h
Invercargill City Council	Myross Bush School	Mill Road North	Invercargill City Council	100km/h	70km/h
Matamata-Piako District Council	Elstow–Waihou Combined School	Bowler Road Mellon Road Ngutumanga Road Tautiti Road	Matamata-Piako District Council	100km/h	70km/h
NZ Transport Agency	Amisfield School	State Highway 1	South Waikato District Council	80km/h	60km/h
NZ Transport Agency	Kaihere School	State Highway 27	Hauraki District Council	100km/h	60km/h
NZ Transport Agency	Kai Iwi School	State Highway 3	Wanganui District Council	100km/h	70km/h
NZ Transport Agency	Kaimai School	State Highway 29	Western Bay of Plenty District Council	100km/h	70km/h
NZ Transport Agency	Newstead School	State Highway 26	Waikato District Council	80km/h	60km/h
NZ Transport Agency	Opiki School	State Highway 56	Horowhenua District Council	80km/h	60km/h
NZ Transport Agency	Opoutere School	State Highway 25	Thames-Coromandel District Council	100km/h	60km/h
NZ Transport Agency	Pahoia School	State Highway 2	Western Bay of Plenty District Council	100km/h	70km/h
NZ Transport Agency	Paki Paki School	State Highway 50A	Hastings District Council	80km/h	60km/h
NZ Transport Agency	Pukehou School	State Highway 2	Central Hawke’s Bay District Council	100km/h	70km/h
NZ Transport Agency	Pyes Pa Road School	State Highway 36	Western Bay of Plenty District Council	80km/h	60km/h
NZ Transport Agency	Te Uku School	State Highway 23	Waikato District Council	80km/h	60km/h
NZ Transport Agency	Waikuku School	State Highway 1	Waimakariri District Council	80km/h	60km/h

South Waikato District Council	Amisfield School	Dumfries Road Lochmaben Road Moffat Road	South Waikato District Council	80km/h	60km/h
Waimakariri District Council	Ashley School	Boundary Road Fawcetts Road High Street Marshmans Road	Waimakariri District Council	80km/h	60km/h
Waimakariri District Council	Loburn School	Hodgsons Road	Waimakariri District Council	80km/h	60km/h
Waimakariri District Council	Swannanoa School	Tram Road	Waimakariri District Council	100km/h	60km/h
Wanganui District Council	Westmere School	Francis Road Rapanui Road	Wanganui District Council	100km/h	70km/h
Western Bay of Plenty District Council	Pahoia School	Esdaile Road Pahoia Road	Western Bay of Plenty District Council	100km/h	70km/h

Signed at Wellington this 4th day of June 2013.

GLENN BUNTING, Network Manager.

Annotation

¹Variable Speed Limit at Rural Schools (Turning Vehicle Hazard) Amendment and Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial Amendment, *New Zealand Gazette*, 23 August 2012, No. 101, page 2825

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Land Transport Rule: Traffic Control Devices 2004

Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial – Amendment No. 2

Pursuant to clause 3.4(1) of Land Transport Rule: Traffic Control Devices 2004 and a delegation from the NZ Transport Agency, I, Glenn Bunting, Network Manager, make the following notice.

Amendments

The “Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial” notice published in the *New Zealand Gazette*, 17 May 2012, No. 55, page 1606 (as amended¹), is further amended by:

(a) Deleting the following lines from the table in Schedule 3:

Road Controlling Authority	School	Road	Local Authority
NZ Transport Agency	Dairy Flat School	State Highway 17	Auckland Council
NZ Transport Agency	Te Wharekura o Te Rau Aroha	State Highway 27	Matamata-Piako District Council
NZ Transport Agency	Tirohia School	State Highway 26	Hauraki District Council

(b) Adding the following lines to the table in Schedule 3:

Road Controlling Authority	School	Road	Local Authority
NZ Transport Agency	Pukehou School	State Highway 2	Central Hawke’s Bay District Council
Waimakariri District Council	Ashley School	Boundary Road Fawcetts Road High Street Marshmans Road	Waimakariri District Council

(c) Deleting the text under the heading Speed Limit in Schedule 5 – Conditions, and replacing it with:

“The variable speed limit at a location listed in Schedule 3 must be set in accordance with Land Transport Rule: Setting of Speed Limits 2003 and the ‘Variable Speed Limit at Rural Schools (Turning Vehicle Hazard) Notice No. 3’ published in the *New Zealand Gazette*, 6 June 2013, No. 72, page 1927.”

Signed at Wellington this 4th day of June 2013.

GLENN BUNTING, Network Manager.

Annotation

¹Variable Speed Limit at Rural Schools (Turning Vehicle Hazard) Amendment and Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial Amendment, *New Zealand Gazette*, 23 August 2012, No. 101, page 2825

au3453

WAIMAKARIRI DISTRICT COUNCILREPORT

FILE NO: RDG-31, RDG-32-36 / 120918062930


REPORT TO: Council


DATE OF MEETING: 2 October 2012

FROM: Colin Roxburgh, Civil Engineer, Project Delivery Unit
Ken Stevenson, Roading Manager

SUBJECT: Swannanoa School and Loburn School Variable Speed Signs – approval to change the speed limits

SIGNED BY:
(for Reports to Council or Committees)

 Department Manager

 Chief Executive

1. SUMMARY

- 1.1. The purpose of this report is to seek Council approval to change the speed limits on Tram Road at Swannanoa School and on Hodgsons Road at Loburn School to enable the Variable Speed Signs Trial to be undertaken. The report also gives background information regarding this trial.
- 1.2. Council will recall that NZTA recently approved the installation of variable speed signs at Swannanoa School and at Loburn School. The speed limits will be 70km/h at Swannanoa School and 60km/h at Loburn School and these speed limits will apply at the school start and end times only. Electronic signs will display the speed limit when it is in force.
- 1.3. In order to implement the new speed limits and the new signs the Council must formally approve the change in speed limit in terms of the Speed Limit Bylaw and as defined in the Land Transport Rule: Setting of Speed Limits.
- 1.4. The cost for the supply and installation of the variable speed signs is estimated at \$43,200. Funding has been approved in the Minor Improvements Programme for this project.
- 1.5. Letters have been written seeking feedback from NZTA, the Police, the Road Transport Association, the Automobile Association and the relevant schools, as required by the Land Transport Rule: Setting of Speed Limits. Written support has been received from the Road Transport Association and from the Automobile Association, and NZTA has approved the trial and so they support the proposal. No formal feedback has been received from the Police however discussions with local police representatives indicate they support the proposal.
- 1.6. Swannanoa School and Loburn School provided their feedback and support for this trial when it was announced in May.

Attachments:

- i. Site Plan showing location of the proposed speed limits (120919063512 and 120919063511).

- ii. Response letters from affected and relevant parties (see TRIM documents 120918062911, 120919063398, 120918062989, 120919063223).
- iii. Gazette Notice Rural Schools TCD Trial 17-5-2012 (TRIM reference 120615037620).
- iv. NZTA Standard Operating Procedures for Rural School Speed Management Variable Speed Limits Trial (TRIM reference 120615037620).

2. RECOMMENDATION

THAT the Council:

- (a) **Receives** report No. 120918062930
- (b) **Approves** a variable speed limit of 70km/h on Tram Road as shown on the attached plan (120919063511) between the hours of 8:30am – 9:05am and 2:55pm – 3:15pm on any school day, and for up to ten minutes at any other times when vehicles are entering or leaving the school grounds or there is pedestrian or cycle activity on the road outside the school.
- (c) **Approves** a variable speed limit of 60km/h on Hodgsons Road as shown on the attached plan (TRIM 120919063512) between the hours of 8:20am – 8:55am and 2:55pm – 3:25pm on any school day, and for up to ten minutes at any other times when vehicles are entering or leaving the school grounds or there is pedestrian or cycle activity on the road outside the school.
- (d) **Notes** that the existing speed limit on Tram Road is 100km/h and on Hodgsons Road is 80km/h and these speed limits will remain outside of the times referred to in (b) and (c) above
- (e) **Notes** that the Speed Limits Bylaw 2009 allows speed limits to be changed by Council resolution following consultation as required by the Land Transport Rule: Setting of Speed Limits (2003)
- (f) **Notes** that the Register of Speed Limits will be updated to include these changed speed limits
- (g) **Circulates** this report to the Utilities and Roading Committee, Woodend Ashley Community Board and Oxford Eyre Advisory Board

3. ISSUES AND OPTIONS

- 3.1. NZTA has recently approved trials of Variable Speed Signs at Swannanoa School and Loburn School. This is part of a nationwide trial involving 18 schools. The purpose of the *Rural Schools Variable Speed Limit (Turning Vehicle Hazard Trial)* is to evaluate the effectiveness and safety of variable speed limit signs to manage the side-impact crash risk at rural schools where there is a concentration of vehicles making turning manoeuvres before and after school
- 3.2. The history surrounding the speed limit at Swannanoa School is discussed below:
 - It is located on Tram Road, which is a high volume and high speed road. Historically there has been public dissatisfaction with the posted speed limit of 100km/h. This has led to the following series of events:
 - In September 2009, the Roading Manager carried out an investigation into the speed limit at the school and recommended that Council approve an 80km/h speed limit (see report 090715021070)
 - Submissions were taken regarding the recommendation. A large number of submitters requested a 70km/h speed limit and a 40km/h variable speed zone rather than the proposed 80km/h limit. Alternatively some submitters opposed a lower speed limit. As a result the Council did not approve any

change to the speed limit and instead recommended that the use of Active Warning Signs be investigated to operate at school times only (see report 090715021170)

- The installation of Active Warning Signs was then investigated, approved and finally installed in April 2010. They have proven to be relatively successful, as is documented in report 100624021444.
- Although the Active Warning Signs have been relatively successful, it is thought that had the option of installing Variable Speed Signs been an option in 2009, this would have been the preferred outcome. It is only now, due to the current trial being carried out by NZTA, that the use of Variable Signs at rural schools is permitted. Previously Variable Speed Signs were only permitted in urban environments with a posted speed limit of up to 80km/h.

3.3. The Loburn School background is discussed below:

- Loburn School has a posted speed limit of 80km/h, which in some circumstances is permitted to have a variable speed of 40km/h. In order to qualify for this there are several other criteria that need to be satisfied too however. As the number of students crossing the road does not exceed 50 the 40km/h variable speed signs are not permitted. The criteria required for a 40km/h variable speed zone are documented in Traffic Note 37, and the previous analysis carried out at the school is presented in report 100129002568.
- Loburn School however meets the requirements for the current trial for a variable speed zone of 60km/h. It has been recommended for the trial by NZTA as there is a potential hazard associated with the relatively large volume of vehicles turning into the school at the start and end of the school day. Combined with the high operating speed of the road, the turning vehicles present a significant hazard.

3.4. Variable Speed Zones

3.4.1. Definition

A variable speed school zone is a designated area around a school where motorists are legally required to slow down to a specified speed for defined periods at the start and end of a school day. Distinctive flashing lights and the orange number representing the temporary speed limit set in a circle of red light, against a black background is used to warn motorists of school children arriving and leaving the school grounds and to advise them that they are required to slow down to the temporary speed limit.



Figure 1: Variable Speed Zone Sign Layout for 60km/h Zone

3.4.2. Objectives

There are three general objectives of variable speed limits in school zones:

- Provide a safer road environment outside schools
- Reinforce driver expectations of the likely presence of children
- Encourage safe and active travel to school

In particular the 60km/h and 70km/h variable speed zones are designed to significantly reduce the risk of injury from a side impact crash, while the 40km/h zones are intended to reduce the risk of injury if a child is struck by a vehicle.

Both Swannanoa School and Loburn School have good infrastructure to provide separation between the students and the live traffic lane. For this reason impact between vehicles and pedestrians is not seen as the primary risk. There is seen to be a significant risk of a collision between a vehicle turning into the school and a vehicle travelling straight through, and this is the area where a lower speed limit at the start and end of the school day would have the greatest impact. For this reason variable speed limits of 60-70km/h are appropriate speed limits for the trial sites.

3.5. Assessment of Sites

3.5.1. Swannanoa School

Description of Site

Swannanoa School has a roll of approximately 220. It is located on Tram Road, which is an Arterial Road with a 100km/h posted speed limit. The Average Daily Traffic (ADT) on Tram Road is 2,558 vehicles per day.

Current traffic control involves traffic calming in the form of islands on either side of the road with a variation in the road surface texture both before and after the school. Each of the islands is fitted with an active warning sign that flashes at designated times at the start and end of the school day to warn motorists of the potential for hazards. There is also a median strip to allow for vehicles turning into and out of the school, a turning bay into the school carpark (which is separated from the road), and a bus stop on the side of the road separated from the live traffic lane.

Operating Speed of Road

The appropriate posted speed limit was calculated using the procedures described in the Setting of Speed Limits Rule (Schedule 1 – Speed Limits New Zealand). Although this method is intended to determine the appropriate permanent speed limit (not variable speed limits), it is a useful exercise as background information.

The first exercise undertaken was to determine the existing operating speed of the road. The mean and 85th percentile speeds were determined directly outside Swannanoa School in March 2010, prior to the installation of the active warning signs. A mean speed of 89.3 km/h and an 85th percentile speed of 102.6 km/h were recorded. Based on *Table SLNZ3 Mean and 85th Percentile Operating Speeds* from the Setting of Speed Limits Rule a posted speed limit of 100km/h is the most appropriate posted speed limit.

Analysis has been carried out outside Swannanoa School specifically at the start and end of the school day also. The results from this analysis are presented below:

Table 1: Mean Speeds outside Swannanoa School at Morning and Afternoon Times, Before and After Installation of Active Warning Signs (from Report 100624021444).

	BEFORE	AFTER
MORNING	69	60
AFTERNOON	59	52
ANY TIME	89	87

It should be noted that the mean speeds on the table above can be misleading, in that the mean speeds are those for all cars, not just the through traffic. This means that the vehicles slowing down to turn into the school will be lowering the recorded mean speed relative to the mean speed of the vehicles travelling straight through. Regardless some important conclusions can be drawn from the above data.

The operating speed outside Swannanoa School is significantly different at the start and end of the school day, relative to the overall average operating speed. Even prior to the installation of the Active Warning Signs the mean speed in the morning and afternoon period on a school day was significantly lower than the mean speed the remainder of the time. This reinforces the theory that a variable speed limit depending on the time of the day is appropriate for this site.

Speed Limit Survey (using Rating Diagram)

As well as looking at the actual operating speed of the road, the theoretical speed limit was determined. This was done based on Section 4.0 of the Setting of Speed Limits Rule. The 500m stretch of road bordered by the traffic islands east and west of the school was analysed.

Over this distance a Development Rating of 22 and a Roadway Rating of 4 were calculated. This gives a total rating of 26, which equates to an average rating of 5.2 per 100m. Based on *Table SLNZ12 Speed limit flow chart summary table*, the average rating of 5.2 equates to a posted speed limit of 80 km/h.

It should be noted that of the total Development rating of 22, 15 of these points are due to the presence of the school. Excluding the start and end of the school day, very little traffic is generated by the school. For this reason a temporary speed limit seems a more logical solution than having a permanent posted limit of 80km/h due almost solely to the school that only presents a hazard at very specific times.

This was the conclusion drawn when the assessment was carried out in 2009, and it remains relevant for the present situation.

3.5.2. Loburn School

Description of Site

Loburn School has a roll of approximately 160. It is located on Hodgsons Road, which is a collector road with an 80km/h posted speed limit. The ADT is 984 vehicles per day. The current traffic control measures are standard school signs (PW-32) either side of the school, and a 'Drop off lane' outside the school to separate the area where children are dropped off from the live traffic lane.**statistic sourced from report 100129002568.*

Operating Speed of Road

There have been no speed counts taken directly outside the school in the 80km/h zone. The nearest site is on Hodgsons Road 200m west of Round Hill Road. This site is in a 100km/h zone, and the survey was taken in May 2012. The mean speed observed was

93.1 km/h and the 85th percentile speed was 104.4 km/h. These speeds indicate that the appropriate speed limit for this section is 100km/h, however this cannot be assumed to be the operating speed of the section of the road directly outside the school. As part of this project before and after speeds directly outside the school will be investigated to confirm the appropriateness of the posted speed limit, and the effectiveness of the variable speed limit.

Speed Limit Survey (using Rating Diagram)

The theoretical speed limit of the road was calculated. The calculation was carried out over the section from the Loburn Whiterock Road intersection west 1000m to point where the speed limit changes to 100km/h. The development rating was calculated at 22 and the roadway rating 34. This gave a total rating of 56, which averages 5.6 per 100m. Based on *Table SLNZ12 Speed limit flow chart summary table*, the average rating of 5.6 equates to a posted speed limit of 80 km/h. This confirms that the current posted speed limit is appropriate for the normal operating conditions of the road.

This does not detract from the fact that the use of variable speed signs would be beneficial in reducing the hazard of turning vehicles and improving driver behaviour at the start and end of the school day.

3.6. Trial Requirements

As part of the requirements of the trial the following tasks will be carried out:

- Traffic Speed Profiles: The speed of vehicles will be monitored for 7 day periods one month before, one month after and six months after the trial.
- Road user behaviour will be monitored before, during and after the installation of the signs. This will be done using the following methodology:
 - Video capture of road user behaviour
 - Road safety expert observations
- School focus groups held collecting information on the operation of the signs and the effects of the speed reduction on the traffic outside the school
- Operational and maintenance feedback will be collected regarding information on any issues involving failures or vandalism etc.
- Interim Report to be produced following the 1-month post installation data collection. To be submitted to the NZTA Project Manager and NZTA Consultant.
- Final Report to be completed and submitted following the 6 month post implementation data collection.

3.7. Proposed Implementation Programme

Tuesday 2 nd October	Council Approval
Monday 8 th October	Supply and Installation of Signs Tendered
Wednesday 18 th October	Tenders Close
Monday 22 nd October	Contract Awarded
24 th – 31 st October	'Before' Surveys Carried Out
21 st December – 25 th January	Signs Installed and Tested
Monday 28 th January 2013	Signs Operational
25 th February – 4 th March 2013	'After' Surveys Carried Out
April 2013	Interim Report Produced
August 2013	'6 Month After' Surveys Carried Out
September 2013	Final Report Produced

- 3.8. The Management Team/CEO has reviewed this report and supports the recommendations.

4. COMMUNITY VIEWS

- 4.1. The Land Transport Rule: Setting of Speed Limits 2003 [54001] as amended, requires the Council to formally consult with a number of external agencies during the review of a speed limit. The following persons have been consulted in accordance with this requirement and their views have been taken into account:
- Swannanoa School and Loburn School
 - The Commissioner of Police
 - The Chief Executive Officer of NZ Transport Agency
 - The Chief Executive Officer of the NZ Automobile Association Inc
 - The Chief Executive Officer of the Road Transport Association NZ
- 4.2. Of the specific organisations consulted written support has been received from the Road Transport Association and from the Automobile Association, and NZTA has approved the trial and so they support the proposal. No formal feedback has been received from the Police however discussions with local police representatives indicate they support the proposal. Swannanoa School and Loburn School both provided their feedback and support for this trial when it was announced in May
- 4.3. The Woodend Ashley Community Board and the Oxford Eyre Ward Advisory Board, along with all Councillors, were advised that the trial had been approved by NZTA on 18 May 2012. The feedback that was received was all positive.

5. FINANCIAL IMPLICATIONS AND RISKS

- 5.1. The cost of the variable speed signs is estimated at approximately \$7,200 per sign. This is based on the cost to install active warning signs at Swannanoa and Ashley Schools. Swannanoa School currently has a 'gateway' at the approach to the school from both the east and the west, with a sign either side of the gateway. This requires a total of 4 signs for the site.
- 5.2. Two signs are recommended for Loburn School, one either side of the school.
- 5.3. With four signs at Swannanoa and two at Loburn, six signs in total are required. This gives a total estimated cost of \$43,200. At Swannanoa School there is some existing equipment from the Active Warning Signs that may be able to be utilised. At this point it is unclear what savings could be achieved by this so it is recommended that the full replacement cost of \$43,200 be allowed for.
- 5.4. Funding for this project is included in the Minor Improvements Programme that was approved by the Utilities and Roading Committee in June 2012 for this financial year.
- 5.5. There is a risk that the trial is not successful and NZTA do not approve the ongoing use of these signs. While this may happen it is unlikely the existing signs will be required to be removed. The most likely scenario is that no future installations will be approved.
- 5.6. There are no significant risks associated with changing this speed limit.

6. CONTEXT

6.1. Policy

This is not a matter of significance in terms of the Council's Significance Policy.

6.2. Statute

Section 145 of the Local Government Act 2002 empowers the Council to make a bylaw for its district to protect, promote and maintain public health and safety.

The Land Transport Rule: Setting of Speed Limits Rule (54001/1) requires that permanent speed limits be set by bylaw.

The Speed Limits Bylaw 2009 enables the Council to set speed limits by Council resolution.

6.3. Community Outcomes

6.3.1. There is a safe environment for all:

- Crime, Injury and road accidents are minimised
- Harm to people from natural and manmade hazards is minimised

6.3.2. Transport is accessible, convenient, reliable, affordable and sustainable

- The standard of our District's roads is keeping pace with increasing traffic numbers

Colin Roxburgh
Civil Engineer

Ken Stevenson
Roading Manager

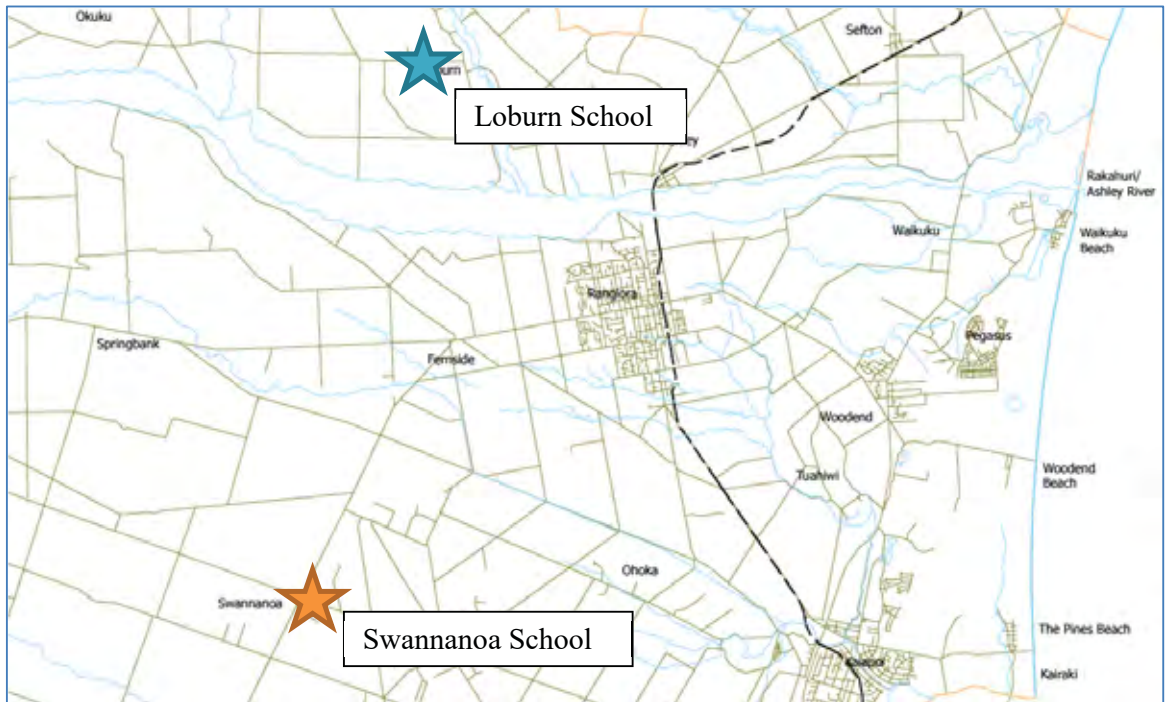


Figure 1: Map showing Loburn and Swannanoa School Locations



Figure 2: Loburn School Approximate Proposed Sign Locations

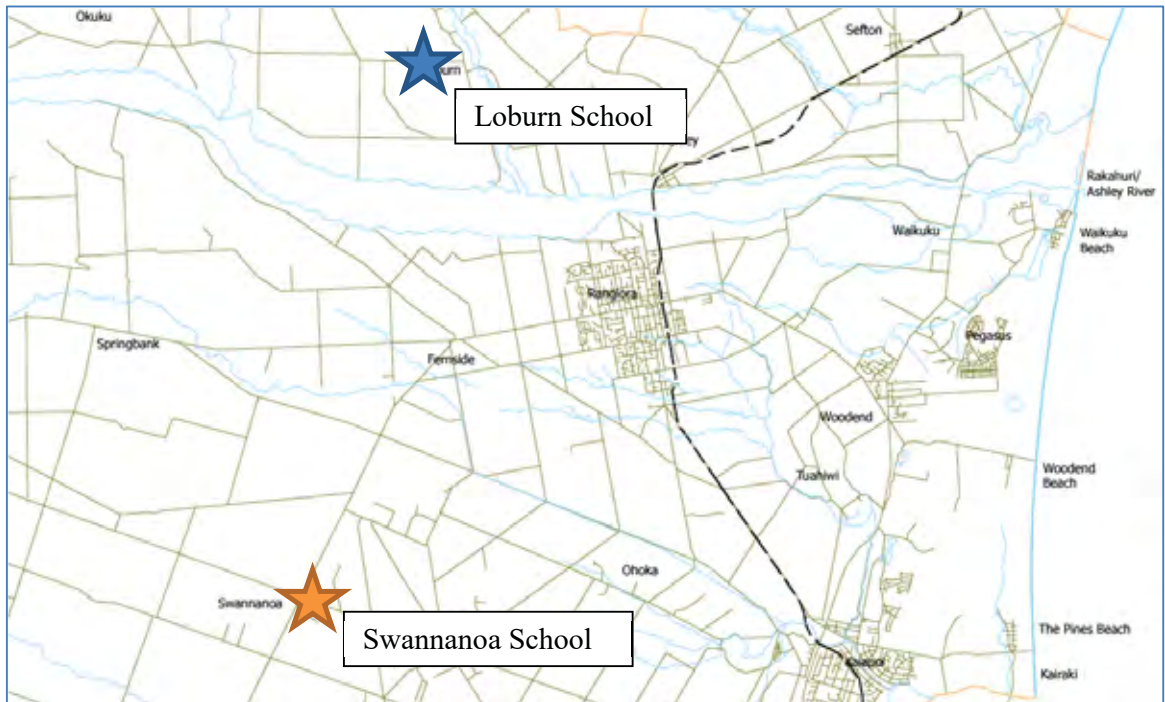


Figure 1: Plan Showing Swannanoa and Loburn School Locations



Figure 2: Approximate Potential Sign Locations

Colin Roxburgh

From: Ken Stevenson
Sent: Friday, 14 September 2012 1:40 p.m.
To: Colin Roxburgh
Subject: FW: Proposed Variable Speed Signs - Swannanoa & Loburn Schools

FYI and TRIMing etc

From: 0_Office
Sent: Wednesday, 12 September 2012 10:16 a.m.
To: Ken Stevenson
Subject: FW: Proposed Variable Speed Signs - Swannanoa & Loburn Schools

Zena Branch
Customer Services Officer
Waimakariri District Council



Ph: (03) 311 8900
 Fax: (03) 313 4432
<http://www.waimakariri.govt.nz>

From: John Collins [<mailto:jcollins@rtanz.co.nz>]
Sent: Wednesday, 12 September 2012 10:15 a.m.
To: 0_Office
Subject: Proposed Variable Speed Signs - Swannanoa & Loburn Schools

Attn: Ken Stevenson

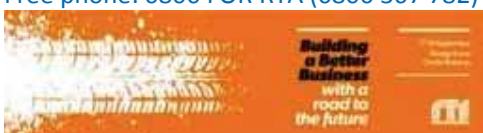
Ken,

In response to your letters regarding the Waimakariri District Council's proposed trial of Variable Speed Signs at both Swannanoa and Loburn schools, The Road Transport Association supports this trial being conducted.

In the interest of Road Safety and for the protection of the children and their parents or guardians as the drop off or collect the children from school it is important to make this environment as safe as possible.

Regards

John Collins
 Area Executive - Region 4
 Road Transport Association New Zealand
 41 Carlyle Street (8023)
 PO Box 7392, Christchurch (8024)
 Ph 03 3669854
 Mobile: 0274 448 136
 Free phone: 0800 FOR RTA (0800 367 782)



Fraser Hill
Principal
Swannanoa School
Tram Road
R.D. 6 RANGIORA 7476



Ken Stevenson
Roading Manager
Waimakariri District Council
Private Bag 1005
Rangiora 7440

19-09-2012

Dear Ken,

Thank you for the letter received regarding the proposal to install variable speed signs outside Swannanoa School.

As a school community we are strongly in favour of trialing the variable speed signs outside our school. It is our belief that the current speed limit presents a hazard to our students particularly at the beginning and end of the school day. We will continue to advocate for a national policy of reduced speed outside all rural schools. We believe our students and parents deserve this safety precaution.

I would like to thank the Roading Team at Waimakariri District Council for being strong advocates of reduced speed outside of rural schools. We look forward to continuing to work constructively with you if and when the variable speed signs are installed.

Yours Sincerely,

Fraser Hill
(Principal)

SWANNANOA SCHOOL

Tram Road

R.D. 6 Rangiora 7476

Phone: (03) 312 6813, (03) 312 6815, Fax: (03) 312 6814, E-mail: principal@swannanoa.school.nz

Website: www.swannanoa.school.nz

120918062989
RDG-32-36
CON201251-02

From: [O_Office](#)
To: [Records Staff](#)
Subject: FW: Roading Manager - Feedback on Proposed variable speed signs at schools
Date: Tuesday, 18 September 2012 1:09:46 p.m.

From: Carla Dodds [mailto:CDodds@aa.co.nz]
Sent: Tuesday, 18 September 2012 1:00 p.m.
To: O_Office
Subject: ATT: Roading Manager - Feedback on Proposed variable speed signs at schools

Hi Ken,

We forwarded your letters regarding the proposed variable speed signs at Swannanoa and Loburn schools to Mike Noon, and Mark Stockdale of our Motoring policy division in Wellington for their comments – please find below their comments which we hope will be of assistance to you.

If you have any further queries – please feel free to refer them to this office.

From Mike Noon, Motoring Affairs Manager:

The AA has been working with the NZTA in Wellington and there are a number of trials underway as well as a comprehensive study of the design and traffic issues around rural schools.

The AA welcomes the trials. The AA is also asking that the Ministry of Education consider a safe system approach with regard to school loading areas and if possible have these areas on a side entry road rather than on the principal road past the school. We are looking forward to the trial results.

I bumped into Hekia Parata, Minister of Education on a plane today, and had a chat about this and she has promised to raise with her property people.

From Mark Stockdale, Motoring Policy Team Leader:

I haven't seen the original attachments, but the NZTA are investigating 2 variable speed limits in rural school zones: 60km/h in an 80km/h area, and 70km/h in a 100km/h area. These are deemed to be the 'safe speeds' in these environments: low enough to be survivable in a crash (vehicle on vehicle) but not so low that motorists will ignore them. The AA supports the trials, so if they're effective we're likely to support those two limits. It's unlikely we would support a 40km/h school zone in a 100km/h area which certain vocal people propose, as motorists will not slow that much (without 'self explaining' engineering treatments), it's also unsafe (other motorists overtake the slow vehicle) and the police have said they won't enforce 40km/h as its inappropriate for the road.

Note that the trial of 60km/h in 80km/h is occurring in areas that were formally 100km/h, so they have been re-engineered to meet the 80km/h criteria in order that a 60km/h variable limit can be imposed. I think the AA should oppose 60km/h variable limits if the area has not been modified to justify an 80km/h fixed limit. In other words, if it looks like a 100km/h road, the variable school zone limit should be 70km/h.

The AA strongly supports engineering treatments to make the road safer for all users and avoid the need for children to cross the road, including bus and car parking bays off the road (on the same side as the school gate), and moving the school entrance to a side road etc.

Regards


Carla Dodds

(On Behalf of Warren Master, Chairman of Canterbury West Coast District Council of NZAA)

CARLA DODDS | SOUTHERN REGIONAL ADMINISTRATOR, CENTRE NETWORK
The New Zealand Automobile Association Incorporated
Level 1, Cnr Brougham & Buchan Street, Christchurch 8023 | PO Box 994, Christchurch 8140
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Please think before you print out this email.

E-mail Message

From: [Stuart Priddy \[SMTP:principal@loburn.school.nz\]](mailto:Stuart.Priddy@loburn.school.nz)
To: [Ken Stevenson \[EX:/O=WAIMAKARIRI DISTRICT COUNCIL/OU=WMK/CN=USERS/CN=KEN.STEVENSON\]](mailto:Ken.Stevenson@waimakariri.govt.nz)
Cc: [Chris Neason \[EX:/O=WAIMAKARIRI DISTRICT COUNCIL/OU=WMK/CN=RECIPIENTS/CN=RANGIORA/CN=CHRISN\]](mailto:Chris.Neason@waimakariri.govt.nz)
Sent: 18/05/2012 at 5:17 p.m.
Received: 18/05/2012 at 5:54 p.m.
Subject: Re: Variable Speed Limit Trial at Loburn School

Ken

We really appreciate this and the ongoing support we have had from the council.

Thanks
Stuart

Stuart Priddy
Principal
Loburn School
RD 2 Rangiora
Ph: 3128828
Mob: 0273541496
HYPERLINK "mailto:principal@loburn.school.nz"principal@loburn.school.nz

On 18/05/2012, at 10:18 AM, Ken Stevenson wrote:

Hi Stuart, I would just like to let you know NZTA have approved a variable speed limit trial for Loburn School. What this means is the speed limit outside the school will be reduced to 60km/h during school opening and closing times. There will be electronic signs installed that will display the speed limit. We hope to get this done later this year. I will get more details to you when Chris Neason gets back from holiday.

This is good news and another step in improving the safety at the school.

Cheers

Ken

Ken Stevenson

Roading Manager

DDI: 03 313 9817

Mob: 021 480 644

215 High Street
Private Bag 1005
Rangiora 7440
Ph: 03 313 6136
HYPERLINK "http://www.waimakariri.govt.nz/"www.waimakariri.govt.nz

Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial

Pursuant to subclause 3.4(1) of Land Transport Rule: Traffic Control Devices 2004 (“the Rule”) and a delegation from the NZ Transport Agency, I, Glenn Bunting, Network Manager, hereby authorise the installation and maintenance of alternative signs for variable speed limits at rural schools:

- (a) for the purpose described in Schedule 1;
- (b) in the form and layout set out in Schedule 2;
- (c) at the locations stated in Schedule 3;
- (d) for the period specified in Schedule 4; and
- (e) subject to the terms and conditions detailed in Schedule 5.

The alternative signs shall be used for the purpose of evaluating their use and the trial shall be called the “Rural schools variable speed limit (turning vehicle hazard) trial”.

Schedule 1—Purpose of Trial

The purpose of the trial is to evaluate the effectiveness and safety of:

- (a) variable speed limit signs to manage the side-impact crash risk at rural schools where there is a concentration of vehicles making turning manoeuvres before and after school;
- (b) supplementary “School” warning signs below variable speed limit signs, as an alternative to signs specified in Schedule 1 of the Rule, to explain the reason for a reduced speed limit; and
- (c) fixed signs, installed on minor roads intersecting with the variable speed limit, specifying the times of operation of the variable speed limit, as an alternative to signs specified in Schedule 1 of the Rule.

Schedule 2—Form and Layout of Signs

The signs must be as specified in the following descriptions:

Variable speed limit (rural schools turning vehicle hazard) sign

The speed limit is the number of km/h shown on the sign at a rural school where there is a turning vehicle hazard.

Shape and Size: R1-2.1 variable speed limit sign above a W16-5.1 “School” supplementary sign



Example – “Variable speed limit (rural schools turning vehicle hazard)” sign

Variable speed limit – fixed (rural schools turning vehicle hazard) sign

The speed limit is the number of km/h shown on the sign during the time specified. Must only be used on minor side roads intersecting with a variable speed limit on a main road at a rural school where there is a turning vehicle hazard.

Shape and Size: Rectangle 860 x 1200 above a W16-5.1 “School” supplementary sign

Background: White (R)

Border: Red (R) 30mm

Legend:	Description	Colour	Size
	R1-1 sign above for example	As for R1-1 sign	As for R1-1 sign
	“8:25 – 9 AM”	Black	80/12.4
	“2:55 – 3:15 PM”	Black	80/12.4
	“SCHOOL DAYS”	Black	80/12.4



Example – “Variable speed limit – fixed (rural schools turning vehicle hazard)” sign

Schedule 3—Locations for Trial

The locations approved for this trial are as follows:

Road Controlling Authority	School	Road	Local Authority
Invercargill City Council	Myross Bush School	Mill Road	Invercargill City
Matamata-Piako District Council	Elstow–Waihou Combined School	Bowlers Road	Matamata-Piako District
NZ Transport Agency	Amisfield School	State Highway 1	South Waikato District
NZ Transport Agency	Dairy Flat School	State Highway 17	Auckland City
NZ Transport Agency	Kaihere School	State Highway 27	Hauraki District
NZ Transport Agency	Kai Iwi School	State Highway 3	Wanganui District
NZ Transport Agency	Kaimai School	State Highway 29	Western Bay of Plenty District
NZ Transport Agency	Newstead School	State Highway 26	Waikato District
NZ Transport Agency	Opiki School	State Highway 56	Horowhenua District
NZ Transport Agency	Opoutere School	State Highway 25	Thames-Coromandel District
NZ Transport Agency	Paki Paki School	State Highway 50A	Hastings District
NZ Transport Agency	Pyes Pa Road School	State Highway 36	Western Bay of Plenty District
NZ Transport Agency	Te Uku School	State Highway 23	Waikato District
NZ Transport Agency	Te Wharekura o Te Rau Aroha	State Highway 27	Matamata-Piako District
NZ Transport Agency	Tirohia School	State Highway 26	Hauraki District
Waimakariri District Council	Loburn School	Hodgsons Road	Waimakariri District
Waimakariri District Council	Swannanoa School	Tram Road	Waimakariri District
Wanganui District Council	Westmere School	Francis Road	Wanganui District

Schedule 4—Period of Trial

The trial may begin on **1 June 2012** and, unless terminated earlier, must end by **31 May 2014**.

Schedule 5—Conditions

Speed Limit

The variable speed limit at a location listed in Schedule 3 must be set in accordance with Land Transport Rule: Setting of Speed Limits 2003 and the “Variable Speed Limit at Rural Schools (Turning Vehicle Hazard)” notice published in the *New Zealand Gazette*, 17 May 2012, No. 55, page 1605.

Signs

- (a) Signs described in this notice must be installed on every approach to a variable speed limit at a school listed in Schedule 3 as follows:
 - (i) At least one “Variable speed limit (rural schools turning vehicle hazard)” sign on each approach to the variable speed limit on the main road outside the school and on each approach on a major side road that intersects with the road controlled with a variable speed limit; and
 - (ii) at least one “Variable speed limit – fixed (rural schools turning vehicle hazard)” sign on each approach on a minor side road that intersects with the road controlled with a variable speed limit.
- (b) R1-1, R1-1.1 or R1-3 signs that comply with Land Transport Rule: Traffic Control Devices 2004 must be installed at the end of the variable speed limit on every road that leaves the variable speed limit.

Evaluation

An evaluation and analysis shall be undertaken as outlined in the trial application document received from the NZ Transport Agency Highways and Network Operations Group, dated the 21st day of October 2011.

An interim evaluation report must be sent to me after six months of operation and a final report by **30 June 2014**.

Signed at Wellington this 14th day of May 2012.
GLENN BUNTING, Network Manager.

au3024

Standard Operating Procedure for Rural School Speed Management Variable Speed Limits Trial

Author: M Lilley

Date: June 2012

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1. Background

The aim of this trial is to use a safe system approach for improving road safety outside rural schools where the greatest risk of a high severity crash is associated with traffic turning in and out of the school and adjacent intersections. Generally rural schools have none or few pedestrians crossing the road outside the school and therefore they do not meet the criteria for a 40km/variable speed limit. This trial investigates if a safe and appropriate speed environment for a mainly vehicle side impact risk can be achieved using 60 or 70km/h variable speed limits which are only activated during the school start and finish times. The duration of this trial is expected to be for two years.

2. Layout of signs

The trial signs are a similar format, and have the same terms of operation as the current 40km/variable speed limit signs, but display either 60 or 70 km/h speed limits depending on the location of the school. The electronic 60 km/h speed limit sign is for schools situated on roads with a permanent 80km/h speed limit, and the electronic 70 km/h speed limit sign is for schools situated on roads with permanent 100km/h speed limit.



60km/h variable speed limit school sign for roads with an 80km/h permanent speed limit



70km/h variable speed limit school sign for roads with a 100km/h permanent speed limit

The sign layouts are included in Appendix E. At least one electronic 'variable speed limit school sign' is required at each end of the variable speed limit on the main road passing the school entrance, and on any significant side roads adjoining the school zone. The 'fixed variable speed limit sign' (shown in Appendix E) may be installed on no exit or minor side roads that are stop or give way controlled adjoining the variable speed limit providing the speed of traffic entering from the side road and passing the school are not likely to exceed the variable speed limit. At the end of the variable speed limit, a standard speed limit disk displaying the posted speed limit shall be placed on the back of the variable speed limit sign and on the opposite side of the road if the traffic volume exceeds 500 vehicles per day.

The requirement in the *Land Transport Rule: Setting of Speed Limits 2003* subclause 8.1(2)(a) to have variable speed limit signs on both sides of the road (gated) if the traffic volume exceeds 500 vehicles per day is overridden by subclause 8.4(1) for this trial. Hence, at least one electronic variable sign is required at each end of the

Standard Operating Procedure for Rural School Speed Management Variable Speed Limits Trial

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variable speed limit on the main road unless it is a multilane road, or if the roadway is more than 15m wide, in which case gated signs will be needed.

The standard size for the electronic variable speed limit signs has been replicated from the 40km/h variable speed limit signs intended for urban areas. For sites on state highways and major local roads the larger dimensions for the electronic variable speed limit signs shall be used.

3. Operation of signs

The signs may be operated manually by a supervisor approved by the school principal, or programmed to automatically operate at the standard times on school days only.

The signs may operate for a maximum period of:

- 35 minutes before the start of school until the start of school
- 20 minutes at the end of school commencing no earlier than 5 minutes before the end of school
- 10 minutes at any other time of the day when children cross the road or enter or leave vehicles at the roadside (only if all signs are electronic signs).

4. Monitoring

The following measures are required to monitor the signs:

- **Traffic speed profiles.** Speed recording tube counters are to be used to measure traffic speeds past the school one month before, one month after, and six months after installation of the signs. Additional six monthly speed counts should if possible be undertaken until the end of the trial. The tube counters must be placed directly outside the school to measure the speed reduction changes. The location is to be accurately recorded for reporting purposes, and for repeating the counts. Automatic tube counters capable of measuring the 85th percentile free speeds (i.e. can determine headway greater than 4 seconds) over at least seven consecutive days shall be used. Individual speed counts are required and not "bin" counts.
- Apart from traffic speed, an understanding of road user behaviour is needed at each site to ensure the signs are having desired effects and that there are no undesired effects (for example, traffic deceleration, turning traffic gap selection and road user behaviour before, during and after the activation of the signs is of particular interest). To evaluate this the following data collection activities are needed:
 - **Video capture of road user behaviour.** Limited video data collection of road user behaviour prior to and post installation of the signs is to be carried out. The video data will be analysed qualitatively to identify any areas of interest following the installation of the signs. Contact Hamish Mackie (TERNZ) for more information about the video data collection requirements.

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- **Road safety expert observations** are to be carried out to evaluate the signs effectiveness. This will require structured interviews to be carried out using a pre-defined set of questions, administered in a standardised format while the signs are in operation. When it is impractical for road safety experts to visit the site, the video recordings may be used for the observations. Contact Hamish Mackie for more information about the road safety expert observations.
- **School focus groups** (including the school principal, teachers, parents, board of trustees and NZ Police representatives) is to be carried out following the installation of the signs to collect feedback on the operation of the signs, and the effects of the speed reduction on the traffic outside the school.
- **Operational and maintenance issues.** Feedback should be collected from Asset Managers regarding failures, vandalism etc. Feedback will also be useful on when the signs are operational, and the consistency of operation if they are activated manually.

Due to the time/resource consuming nature of the video data collection and school focus groups, these activities will only be carried out one month following sign installation.

5. Reporting

The various data surveys, focus group findings, comments from road safety expert observations, and records of operational and maintenance issues are to be collated and reported on to determine the overall effectiveness of the signs.

- **Interim report.** Following the 1-month post installation data collection, a interim report is to be completed with the pre and post sign installation data and then submitted to the NZTA Project Manager and NZTA Consultant.
- **Final report.** A final report is to be completed and submitted to NZTA Project Manager and NZTA Consultant following the 6-month post implementation data collection. This report shall also include an analysis of any reported crashes, and a summary of the costs involved to implement the trial.

6. Consultation

It is essential for the school to be formally involved in the decision to introduce the proposed signs. For the signs to be effective and remain so they must only be switched on when activity relating to the school is occurring on, or alongside the road. The road controlling authority must meet with the school involved both before and during the trial. A sample memorandum of understanding to operate the signs is attached as Appendix B. There are also other things that the school might do to improve road safety at their school and these things should be discussed in parallel with any move towards the implementation of active warning signs. Care needs to be taken to ensure that any supplementary measures do not 'contaminate' the effects of the sign trial, but this can be achieved by considered staging of activities. Please contact Hamish Mackie if you would like more information regarding this.

Before installing the signs, the road controlling authority must also consult with persons that may be affected by the variable speed limit in accordance with section 7

Standard Operating Procedure for Rural School Speed Management Variable Speed Limits Trial

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of the *Land Transport Rule: Setting of Speed Limits 2003*. The persons that must be consulted are:

- Road controlling authorities that are responsible for roads that join, or are near to the road on which the speed limit is to be set or changed; and
- A territorial authority that is affected by the existing or proposed speed limit; and
- Any local community that the road controlling authority considers to be affected by the proposed speed limit; and
- NZ Police; and
- Automobile Association Incorporated (AA); and
- Road Transport Forum NZ (RTFNZ); and
- Any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit; and
- The NZTA Planning and Investment Group.

A sample consultation letter and feedback form is provided in Appendix A.

A local media release may also be carried out when the signs are installed. The purpose of this will be to raise the general awareness of the concept, and advise of the risks to drivers at rural schools. A sample media release is provided in Appendix D.

Details about the trial can also be presented and discussed at local and regional road safety action plan meetings, and at transport industry forums and conferences.

7. Sites

This treatment is part of a national traffic control devices trial and only those sites approved by the NZTA Network Manager may have this treatment. The list of approved sites is included in the gazette notice for the trial in Appendix C.

The road controlling authority is required to set a variable speed limit using the procedures outlined in the *Land Transport Rule: Setting of Speed Limits 2003* for each of the trial sites.

8. Funding

It is intended for the monitoring, design, and construction of the trial sites to be funded from within the state highway regional minor improvements programme (or local authority minor improvements programme for local road sites). In addition to this, in January 2012 the Road Safety Trust approved funding for five sites on state highways.

The on-going maintenance of the trial sites is to be funded from within the road controlling authorities maintenance funding.



Standard Operating Procedure for Rural School Speed Management Variable Speed Limits Trial

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9. Contact Details

NZTA Project Manger:

Mark Lilley

NZTA Hamilton Office

07 958 7265

Mark.lilley@nzta.govt.nz**NZTA Consultant:**

Hamish Mackie

TERNZ/Mackie Research (Auckland)

09 337 0542

h.mackie@mackieresearch.co.nz

10. References

- Land Transport Rule: Setting Of Speed Limits 2003 Rule 54001
<http://www.nzta.govt.nz/resources/speed-limits/speed-limits-nz/>
- Traffic Note 37 Variable speed limits in school zones and Traffic Note 56 Active school warning signs <http://www.nzta.govt.nz/resources/traffic-notes/traffic-notes.html>
- P32 Specification for electronic warning signs on state highways
<http://www.nzta.govt.nz/resources/electronic-warning-signs/>

11. Attachments

- Appendix A: Sample consultation letter and feedback form
- Appendix B: Sample memorandum of understanding
- Appendix C: Gazette notice for trial
- Appendix D: Sample media release
- Appendix E: Sign layouts



**Appendix A:
Sample consultation letter and feedback form**

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8 September 2011

XX
Whenuakite School
1055 Tairua Whitianga Road
RD 1
Whitianga

Dear X

State Highway 25: Whenuakite School 70km/h Variable Speed Limit Trial

The NZ Transport Agency is proposing to include Whenuakite School in a national trial for improving road safety outside rural schools. The trial investigates if a safe and appropriate speed environment for rural schools can be achieved using a range of variable speed limits.

At Whenuakite School we are proposing to trial a 70km/h variable speed limit which will be operated using electronic signs at the school start and finish times. The proposed variable speed limit will be from 350m south-east of Hot Water Beach Road, to 700m south-east of Hot Water Beach Road. The duration of this trial is expected to be for two years.

To install the variable speed limit, we are required to amend our speed limits bylaw, which requires us to seek feedback from various parties on the proposed change. We welcome any feedback you may have before 31st March 2012. We will then consider your feedback before making any changes.

If you have any concerns or require additional information, please do not hesitate to contact XX on 07 958 7265, or email mark.lilley@nzta.govt.nz.

Yours sincerely

XX
Principal Safety Engineer
Highway and Network Operations



**Appendix A:
Sample consultation letter and feedback form**

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Attn: Mark Lilley
NZ Transport Agency
PO Box 973
Waikato Mail Centre
Hamilton 3240

Please tick the appropriate box:

**Proposed speed limit change:
SH25 Whenuakite - apply an 70 km/h variable speed limit**

- We support this proposal
- We do not support this proposal

Comments on the proposal:

Feedback made on behalf of:

Organisation: _____

Contact name: _____

Address: _____

Phone: _____

Please return this feedback form before 31st March 2012

Thank you

Post to: NZTA, P O Box 973, Waikato Mail Centre, Hamilton 3240
Fax to: 07 957 1437
Email to: mark.lilley@nzta.govt.nz



Appendix B: Sample memorandum of understanding

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MEMORANDUM OF UNDERSTANDING BETWEEN NEW ZEALAND TRANSPORT AGENCY, XXX DISTRICT COUNCIL, AND XXX SCHOOL TO OPERATE A XXXKM/H VARIABLE SPEED LIMIT.

NAME OF SCHOOL: xxx School

ADDRESS: xxx

Pursuant to the *NZ Transport Agency Traffic Note 37*, the NZ Transport Agency and xxx District Council as the road controlling authorities authorise the Principal of xxx School to appoint adult persons to manually activate the variable speed limit signs.

It is understood the school accepts responsibility for manually activating the variable speed limit signs during the times of operation. On each occasion they are to be used, the maximum periods of operation are:

- 35 minutes before the start of school until the start of school
(Sign to be activated at 8:25am and deactivated when school starts at 9:00am)
- 20 minutes at the end of school, commencing no earlier than five minutes before the end of school
(Sign to be activated at 2:55pm and deactivated at 3:15pm)
- 10 minutes at any other time of the day when children cross the road or enter or leave vehicles at the roadside (only if all signs are electronic signs).

The school will ensure that:

- The variable speed limit signs are not activated on public holidays and during school holiday periods.
- All adult supervisors have a clear understanding of their role in the activation of the variable speed limit signs.
- An accurate log must be kept to record the occasions and times the variable speed limit signs are manually activated. The records are to be kept by the school and made available when requested either by NZ Police, NZ Transport Agency or Council.
- The school is responsible for recording and reporting any faults or maintenance issues for the variable speed limit signs on the below roads to the responsible road controlling authority:
 - State Highway xx – NZ Transport Agency, xxx Office
 - *Name any local roads on which signage is to be installed* – xxx District Council

Signed:

xxx District Council

Date

Principal - xxx School

Date

State Highway Manager

NZ Transport Agency

Date

Appendix C: Gazette notice

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Extract from *New Zealand Gazette*, 17/5/2012, No. 55, p. 1605

Variable Speed Limit at Rural Schools (Turning Vehicle Hazard)

Pursuant to clause 6.1 of Land Transport Rule: Setting of Speed Limits 2003 and a delegation from the NZ Transport Agency, I, Glenn Bunting, Network Manager, approve a variable speed limit at the schools listed in the Schedule, where there is a turning vehicle hazard, in accordance with the conditions set out in this notice.

Conditions

1. Variable Speed Limit

The road controlling authorities listed in the Schedule may set a variable speed limit of 60km/h on a road with a permanent speed limit of 80km/h or a variable speed limit of 70km/h on a road with a permanent speed limit of 100km/h to manage the hazard caused by turning vehicles at the schools listed in the Schedule.

2. Length of Variable Speed Limit

The variable speed limit on the main road on which the school is located must be a minimum length of 300 metres, unless this condition is impractical, but should not be longer than 500 metres. The length of variable speed limit on side roads may be shorter than 300 metres.

3. Periods of Operation

The 60km/h or 70km/h speed limit may operate for a maximum period of:

- 35 minutes before the start of school, until the start of school;
- 20 minutes at the end of school, beginning no earlier than five minutes before the end of school;
- 10 minutes at any other time when vehicles are entering or leaving the school grounds or there is pedestrian or cycle activity on the road outside the school, at schools where all approaches to the variable speed limit are controlled by "Variable speed limit (rural schools turning vehicle hazard)" signs.

4. Signs

- Signs that comply with the "Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial" notice published in the *New Zealand Gazette*, 17 May 2012, No. 55, page 1606, must be installed on every approach to a variable speed limit at a school listed in the Schedule as follows:
 - At least one "Variable speed limit (rural schools turning vehicle hazard)" sign on each approach to the variable speed limit on the main road outside the school and on each approach on a major side road that intersects with the road controlled with a variable speed limit; and
 - At least one "Variable speed limit – fixed (rural schools turning vehicle hazard)" sign on each approach on a minor side road that intersects with the road controlled with a variable speed limit.
- R1-1, R1-1.1 or R1-3 signs that comply with Land Transport Rule: Traffic Control Devices 2004 must be installed at the end of the variable speed limit on every road that leaves the variable speed limit.

5. Bylaw

A road controlling authority must set a variable speed limit for a school listed in the Schedule by making a bylaw in accordance with Land Transport Rule: Setting of Speed Limits 2003.

Schedule

Road Controlling Authority	School	Road	Local Authority
Invercargill City Council	Myross Bush School	Mill Road	Invercargill City
Matamata-Piako District Council	Elstow-Waihou Combined School	Bowlers Road	Matamata-Piako District
NZ Transport Agency	Amisfield School	State Highway 1	South Waikato District
NZ Transport Agency	Dairy Flat School	State Highway 17	Auckland City
NZ Transport Agency	Kaihere School	State Highway 27	Hauraki District
NZ Transport Agency	Kai Iwi School	State Highway 3	Wanganui District
NZ Transport Agency	Kaimai School	State Highway 29	Western Bay of Plenty District
NZ Transport Agency	Newstead School	State Highway 26	Waikato District
NZ Transport Agency	Opiki School	State Highway 56	Horowhenua District
NZ Transport Agency	Opoutere School	State Highway 25	Thames-Coromandel District
NZ Transport Agency	Paki Paki School	State Highway 50A	Hastings District
NZ Transport Agency	Pyes Pa Road School	State Highway 36	Western Bay of Plenty District
NZ Transport Agency	Te Uku School	State Highway 23	Waikato District
NZ Transport Agency	Te Wharekura o Te Rau Aroha	State Highway 27	Matamata-Piako District
NZ Transport Agency	Tirohia School	State Highway 26	Hauraki District
Waimakariri District Council	Loburn School	Hodgsons Road	Waimakariri District
Waimakariri District Council	Swannanoa School	Tram Road	Waimakariri District
Wanganui District Council	Westmere School	Francis Road	Wanganui District

Signed at Wellington this 14th day of May 2012.

GLENN BUNTING, Network Manager.

43/023

NOTICE NO: 3023

Appendix C: Gazette notice

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Extract from *New Zealand Gazette*, 17/5/2012, No. 55, p. 1606

Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial

Pursuant to subclause 3.4(1) of Land Transport Rule: Traffic Control Devices 2004 ("the Rule") and a delegation from the NZ Transport Agency, I, Glenn Bunting, Network Manager, hereby authorise the installation and maintenance of alternative signs for variable speed limits at rural schools:

- (a) for the purpose described in Schedule 1;
- (b) in the form and layout set out in Schedule 2;
- (c) at the locations stated in Schedule 3;
- (d) for the period specified in Schedule 4; and
- (e) subject to the terms and conditions detailed in Schedule 5.

The alternative signs shall be used for the purpose of evaluating their use and the trial shall be called the "Rural schools variable speed limit (turning vehicle hazard) trial".

Schedule 1—Purpose of Trial

The purpose of the trial is to evaluate the effectiveness and safety of:

- (a) variable speed limit signs to manage the side-impact crash risk at rural schools where there is a concentration of vehicles making turning manoeuvres before and after school;
- (b) supplementary "School" warning signs below variable speed limit signs, as an alternative to signs specified in Schedule 1 of the Rule, to explain the reason for a reduced speed limit; and
- (c) fixed signs, installed on minor roads intersecting with the variable speed limit, specifying the times of operation of the variable speed limit, as an alternative to signs specified in Schedule 1 of the Rule.

Schedule 2—Form and Layout of Signs

The signs must be as specified in the following descriptions:

Variable speed limit (rural schools turning vehicle hazard) sign

The speed limit is the number of km/h shown on the sign at a rural school where there is a turning vehicle hazard.

Shape and Size: R1-2.1 variable speed limit sign above a W16-5.1 "School" supplementary sign



Example – "Variable speed limit (rural schools turning vehicle hazard)" sign

Variable speed limit – fixed (rural schools turning vehicle hazard) sign

The speed limit is the number of km/h shown on the sign during the time specified. Must only be used on minor side roads intersecting with a variable speed limit on a main road at a rural school where there is a turning vehicle hazard.

Shape and Size: Rectangle 860 x 1200 above a W16-5.1 "School" supplementary sign

Background: White (R)

Border: Red (R) 30mm

Legend:	Description	Colour	Size
	R1-1 sign above for example	As for R1-1 sign	As for R1-1 sign
	"8:25 – 9 AM"	Black	80/12.4
	"2:55 – 3:15 PM"	Black	80/12.4
	"SCHOOL DAYS"	Black	80/12.4

Appendix C: Gazette notice

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Example – “Variable speed limit – fixed (rural schools turning vehicle hazard)” sign

Schedule 3—Locations for Trial

The locations approved for this trial are as follows:

Road Controlling Authority	School	Road	Local Authority
Invercargill City Council	Myross Bush School	Mill Road	Invercargill City
Matamata-Piako District Council	Elstow-Waihou Combined School	Bowlers Road	Matamata-Piako District
NZ Transport Agency	Amisfield School	State Highway 1	South Waikato District
NZ Transport Agency	Dairy Flat School	State Highway 17	Auckland City
NZ Transport Agency	Kaihere School	State Highway 27	Hauraki District
NZ Transport Agency	Kai Iwi School	State Highway 3	Wangamui District
NZ Transport Agency	Kaimai School	State Highway 29	Western Bay of Plenty District
NZ Transport Agency	Newstead School	State Highway 26	Waikato District
NZ Transport Agency	Opiki School	State Highway 56	Horowhenua District
NZ Transport Agency	Opoutere School	State Highway 25	Thames-Coromandel District
NZ Transport Agency	Paki Paki School	State Highway 50A	Hastings District
NZ Transport Agency	Pyes Pa Road School	State Highway 36	Western Bay of Plenty District
NZ Transport Agency	Te Uku School	State Highway 23	Waikato District
NZ Transport Agency	Te Wharekura o Te Rau Aroha	State Highway 27	Matamata-Piako District
NZ Transport Agency	Tirohia School	State Highway 26	Hauraki District
Waimakariri District Council	Loburn School	Hodgsons Road	Waimakariri District
Waimakariri District Council	Swannanoa School	Tram Road	Waimakariri District
Wangamui District Council	Westmere School	Francis Road	Wangamui District

Schedule 4—Period of Trial

The trial may begin on 1 June 2012 and, unless terminated earlier, must end by 31 May 2014.

Schedule 5—Conditions

Speed Limit

The variable speed limit at a location listed in Schedule 3 must be set in accordance with Land Transport Rule: Setting of Speed Limits 2003 and the “Variable Speed Limit at Rural Schools (Turning Vehicle Hazard)” notice published in the *New Zealand Gazette*, 17 May 2012, No. 55, page 1605.

Signs

- (a) Signs described in this notice must be installed on every approach to a variable speed limit at a school listed in Schedule 3 as follows:
 - (i) At least one “Variable speed limit (rural schools turning vehicle hazard)” sign on each approach to the variable speed limit on the main road outside the school and on each approach on a major side road that intersects with the road controlled with a variable speed limit; and
 - (ii) at least one “Variable speed limit – fixed (rural schools turning vehicle hazard)” sign on each approach on a minor side road that intersects with the road controlled with a variable speed limit.
- (b) R1-1, R1-1.1 or R1-3 signs that comply with Land Transport Rule: Traffic Control Devices 2004 must be installed at the end of the variable speed limit on every road that leaves the variable speed limit.

Evaluation

An evaluation and analysis shall be undertaken as outlined in the trial application document received from the NZ Transport Agency Highways and Network Operations Group, dated the 21st day of October 2011.

An interim evaluation report must be sent to me after six months of operation and a final report by 30 June 2014.

NOTICE NO: 3024



Appendix C: Gazette notice

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Signed at Wellington this 14th day of May 2012.

GLENN BUNTING, Network Manager.

m3024



Appendix D: Sample media release

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17 May 2012

Trial aims for safer speeds around rural schools

The NZ Transport Agency (NZTA) will begin a trial of variable speed limits outside rural schools next month as part of the agency's ongoing effort to reduce serious crashes and improve safety on rural New Zealand roads.

NZTA Chief Advisor, Safety Directions Lisa Rossiter says the speed of traffic around schools is a concern to parents, teachers and others in many rural communities, as school drop-offs and pick-ups often take place in high speed traffic environments.

"Our aim is to create a road system in which crashes are survivable. To do that we really need to reduce speeds around our vulnerable youngsters and we also need to accept that people, including children, will make mistakes on the road. It's up to all of us to share responsibility for making the system as safe as we can. Driving at lower speeds around schools when kids are coming and going is part of that."

Ms Rossiter said NZTA investigations have show that for many rural New Zealand schools the main traffic safety issue is the risk of crashes with vehicles turning into or out of the school grounds to drop-off or pick-up children.

She said the trial will examine whether safer speeds can be achieved and a safer environment created during these times using a range of permanent and variable school speed limits.

"By reducing speed limits at specified times before and after school, we're aiming to reduce the risk of serious crashes involving turning traffic," says Ms Rossiter. "It should also provide a safer road environment for pedestrians or cyclists using the road outside the schools."

Ms Rossiter said a similar approach had been employed successfully around many urban schools in New Zealand and the use of variable speed limits was increasingly common overseas.

The NZTA's efforts to manage speeds outside schools is part of the agency's commitment to the Government's road safety strategy *Safer Journeys*. *Safer Journeys* adopts the world leading 'Safe System' approach to reducing unnecessary deaths and serious injuries from road crashes. The safe system approach aims to create an environment that is forgiving of human error so that people do not needlessly die or get seriously injured as the result of a simple mistake, such as misjudging the speed of an oncoming vehicle. It focuses on safer speeds, safer roads and roadsides, safer road use, and safer vehicles.

Ms Rossiter said five schools would initially take part in the trial, with the first step being the introduction of a permanent 80km/h speed limit at four of the trial schools.

This will be followed up with the installation of 'variable message' electronic signs at each of the five schools (similar to those currently being used outside schools in urban areas). The signs, funded for the trial by the Road Safety Trust, will display the variable speed limit for each school during their key pick up and drop off times.

The five schools taking part in the trial (and each of their variable speed limits) are detailed below:



Appendix D: Sample media release

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- Whenuakite School (SH25) near Whitianga will have a new permanent 80km/h speed limit with a variable 40km/h school zone speed limit.
- Te Uku School (SH 23) near Raglan will have a new permanent 80km/h speed limit with a variable 60km/h speed limit.
- Paki Paki School (SH50A) near Hastings will have a new permanent 80km/h speed limit with a variable 60km/h speed limit.
- Opiki School (SH56) near Palmerston North will have a new permanent 80km/h with a variable 60km/h speed limit.
- Kai Iwi School (SH3) near Wanganui will have a new variable 70km/h speed limit (and no change to the permanent speed limit of 100 km/h).

The NZTA is aiming to have the variable speed limit signs in place and operating at all schools by the end of June. This is an excellent example of working together to make our roads safer, says Ms Rossiter. This type of project requires commitment from a wide range of groups, including the schools and communities involved, the Road Safety Trust, the NZ Police and organisations involved in planning, implementing and monitoring the changes. And most of all it requires support from the NZ public to slow down around schools.

To assess the effectiveness of the variable speed limits, monitoring of traffic speeds and driver behaviour will be undertaken during the trial. The initial trial is expected to continue for up to two years. During that time, the NZTA will continue investigations into identifying other schools to be added to the trial.

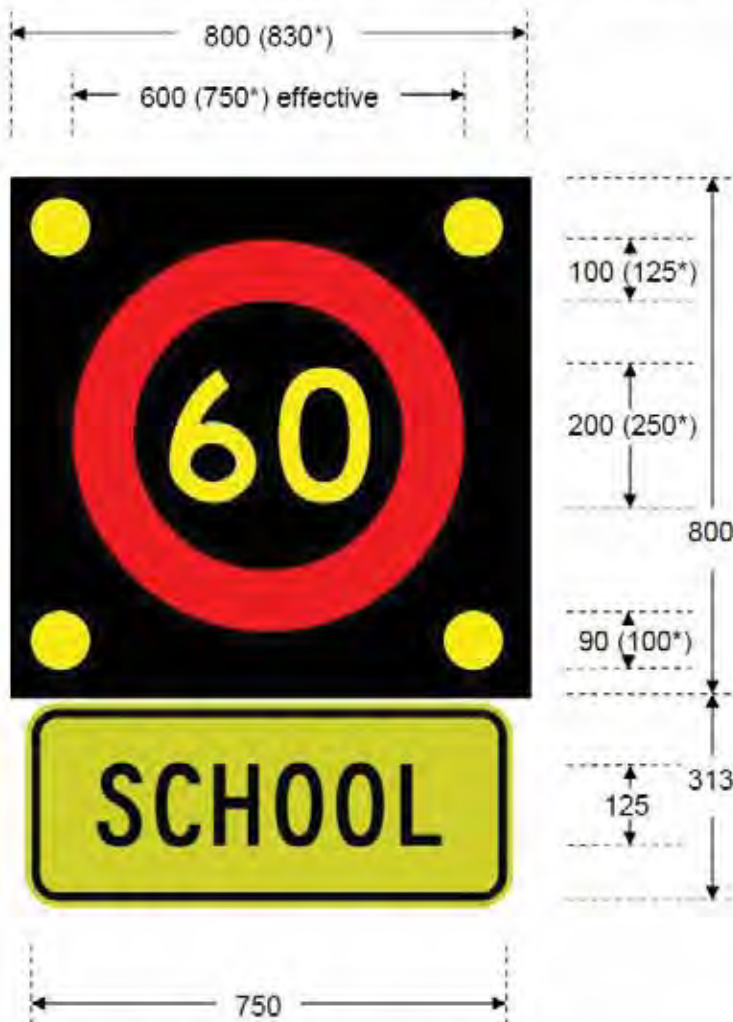


Appendix E: Sign layouts

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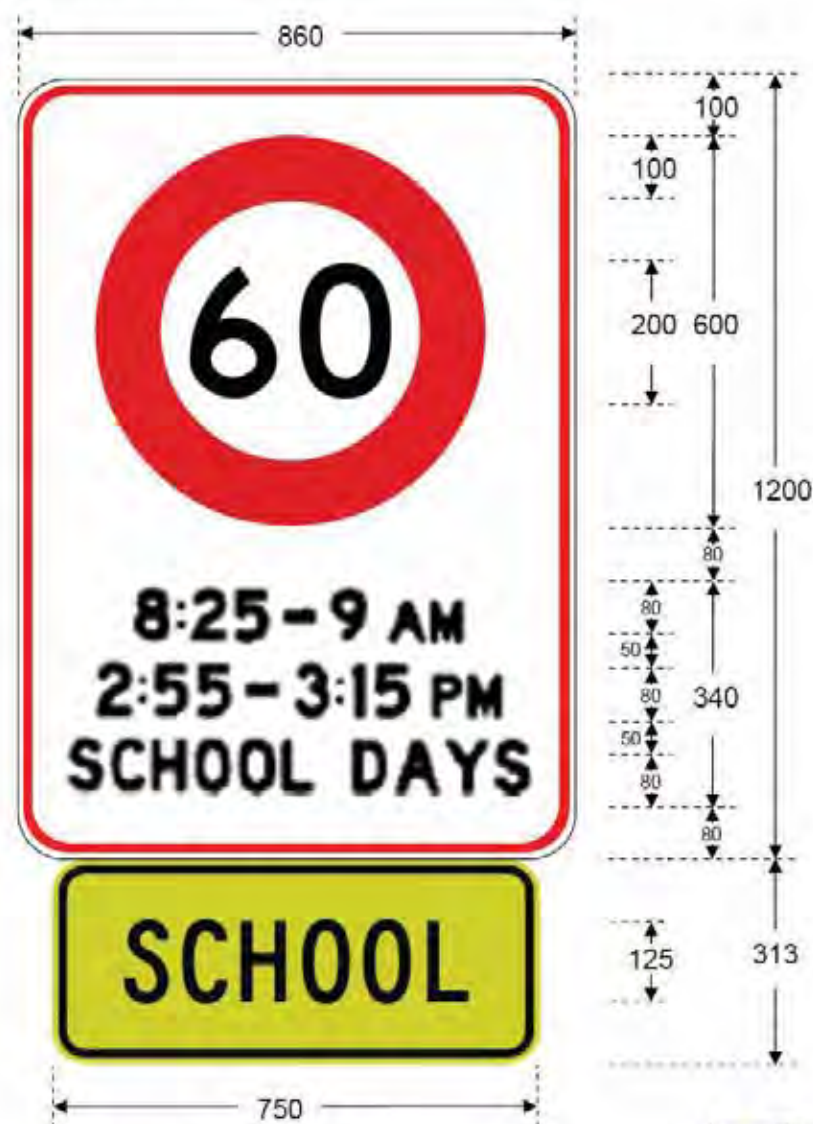
Two pages attached

Rural School Speed Management Variable Speed Limits Trial Signs Layout



* for state highways and major local roads the larger dimensions shall be used.

'Variable 60km/h (or 70km/h) speed limit' sign
(variable sign lit measurements are effective)



'Fixed 60km/h (or 70km/h) speed limit' sign
(for use on minor side roads only)

State Highway 23: Te Uku School 60km/h Variable Speed Limit



WAIMAKARIRI DISTRICT COUNCIL**REPORT**

FILE NO: RDG-31, RDG-32-36 / 130529039840


REPORT TO: Utilities and Roading Committee

DATE OF MEETING: 18 June 2013

FROM: Colin Roxburgh, Civil Engineer, Project Delivery Unit
Ken Stevenson, Roading Manager

SUBJECT: Variable Speed Sign Installation at Schools

SIGNED BY:
(for Reports to Council or
Committees)


Department Manager


Chief Executive

1. SUMMARY

- 1.1. The purpose of this report is to present the results of the variable speed limit trials at Swannanoa School and Loburn School and, as a consequence of the success of these trials, to seek approval to change the speed limit at Swannanoa School and to install new variable speed limit signs at Ashley School.
- 1.2. Following the success of the variable speed limit trials at Swannanoa School and Loburn School sites, and other sites around the country, NZTA has decided to amend the conditions of the Variable Speed Signs at Rural Schools Trial to allow variable speed limits of 60km/h in 100km/h zones. The trials showed the speed reductions were greater than expected and speeds of 60km/h were being achieved at the 100km/h sites. As a consequence the variable speed limit in Tram Road at Swannanoa School can be reduced from 70km/h to 60km/h. The change can be made on site easily by reprogramming the electronic signs to display 60 rather than 70.
- 1.3. NZTA has also approved Ashley School for the Variable Speed Signs at Rural Schools Trial and has approved full funding for the signs as well as the before and after surveys. The variable speed limit at Ashley School on Fawcetts Road will be 60km/h noting the current speed limit is 80km/h.
- 1.4. As Ashley School has existing Active Warning Signs it is proposed to shift these signs to Sefton School.
- 1.5. In order to implement the new speed limits and the new signs the Council must formally approve the changes in speed limit in terms of the Speed Limit Bylaw and as defined in the Land Transport Rule: Setting of Speed Limits.
- 1.6. Letters have been written seeking feedback from NZTA, the Police, the Road Transport Association, the Automobile Association and the relevant schools, as required by the Land Transport Rule: Setting of Speed Limits. Written support has been received from Swannanoa School and the Automobile Association, and NZTA has approved the trial and so they support the proposal. No written feedback has been received from the Police, the Road Transport Association or Ashley School. However Ashley School have verbally and enthusiastically supported the variable speed limit.
- 1.7. The full report on the Swannanoa School and Ashley School variable speed limit trial is attached.

Attachments:

- I Report on Variable Speed limit Trials at Swannanoa and Loburn schools (130417027680[v2])
- ii Response letters from effected and relevant parties (see TRIM documents 130524038919, 130522037774).
- iii Plan showing proposed variable speed limit at Ashley School and required change in 80km/h speed zone (TRIM 130530040594)

2. RECOMMENDATION

THAT the Utilities and Roading Committee:

- (a) **Receives** report No. 130529039840
- (b) **Recommends** to Council that it
 - i. **Approves** a variable speed limit of 60km/h on Tram Road from 140m west of Swannanoa school to 190m east of the school between the hours of 8:35am – 9:10am and 2:50pm – 3:35pm on any school day.
 - ii. **Approves** a variable speed limit of 60km/h between the hours of 8:25am – 9:00am and 2:50pm – 3:10pm, outside Ashley School, on any school day on Fawcetts Road, approximately 100m east of Marshmans Road to approximately 150m west of Boundary Road, and on Boundary Road to a point approximately 120m north of Fawcetts Road.
 - iii. **Approves** the extension of the existing 80km/h speed limit on Boundary Road to a point 180m north of the Fawcetts Road intersection (as shown in attached document 130530040594) to allow a more logical transition between the permanent and variable speed limits.
 - iv. **Notes** that the existing speed limit on Tram Road is 100km/h and on Fawcetts Road is 80km/h and these speed limits will remain outside of the times referred to in (i) and (ii) above.
 - v. **Notes** that the Speed Limits Bylaw 2009 allows speed limits to be changed by Council resolution following consultation as required by the Land Transport Rule: Setting of Speed Limits (2003).
 - vi. **Notes** that the Register of Speed Limits will be updated to include these changed speed limits.
- (c) **Notes** that NZTA will fully fund the Ashley School variable speed signs including installation and the before and after surveys
- (d) **Approves** the relocation of the existing Active Warning Signs at Ashley School to Sefton School
- (e) **Circulates** this report to the Woodend Ashley Community Board and Oxford Eyre Ward Advisory Board.

3. ISSUES AND OPTIONS

- 3.1. NZTA recently approved trials of Variable Speed Signs at Swannanoa School and Loburn School and the signs were installed in January 2013. This was part of a nationwide trial involving 18 schools. The purpose of the *Rural Schools Variable Speed Limit (Turning Vehicle Hazard Trial)* is to evaluate the effectiveness and safety of variable speed limit signs to manage the side-impact crash risk at rural schools where there is a concentration of vehicles making turning manoeuvres before and after school.

- 3.2. The effectiveness of the variable speed limits has been evaluated with before and after speed surveys as well as focus group meetings with school representatives. The results of this evaluation are detailed in the attached report and they show the signs have been very effective at slowing traffic down during school opening and closing hours.
- 3.3. These results are similar to the results from other schools around the country and as a result NZTA has decided to allow 60km/h speed limits in 100km/h areas. Previously they only allowed 70km/h variable speed limits in 100km/h areas. Consequently the speed limit at Swannanoa School can be reduced to 60km/h.
- 3.4. In addition NZTA has approved Ashley School for the variable speed limit trial with full funding from them.
- 3.5. The Ashley School site will require additional signs on Marshmans Road, High Street, and Boundary Road as these roads intersect with Fawcetts Road within the speed restricted area. These additional signs will be static signs.
- 3.6. Each of these side roads has a permanent speed limit change close to the intersection so care will need to be taken where to place the new static variable speed limit signs. For Marshmans Rd and High St the static signs can be placed between the permanent signs and the intersection so no other changes are required. For Boundary Road the existing permanent 80/100 sign is very close to the Fawcetts Road intersection and there is no room to place the static variable speed limit sign between that sign and the intersection. Also the school fronts onto Boundary Road so it is not logical to have the variable speed limit sign past the school; it needs to be before the school. It is proposed to shift the permanent 80/100 speed limit change 180m north along Boundary Rd and place the static variable speed limit sign 120m north along Boundary Road to the school boundary. The 180m point was chosen as it where the 'lifestyle' blocks start so is a natural change in road environment. The proposed changes are shown in attachment iii.
- 3.7. The Ashley School background is discussed below:
 - Ashley School has a posted speed limit of 80km/h. In 2010 the safety outside the school was analysed as part of a district wide study (see report 100129002568). It was identified as a critical site, due to the high speed environment combined high level of school related activity on the road.
 - As a result of the study Active Warning Signs were installed to alert drivers of the presence of children at the start and end of the school day. The Active Warning Signs have proven to be relatively successful, as is documented in report 100624021444.
 - NZTA has recently extended the scope of the Variable Speed Signs at Rural Schools trial to include Ashley School. It is thus recommended that the existing Active Warning Signs be replaced with 60km/h Variable Speed Signs, to be activated at the start and end of each school day. Although the Active Warning Signs have been successful, had the option of Variable Speed Signs been available at the time of their installation this would have been the recommended option.

3.8. Variable Speed Zones

3.8.1. Definition

A variable speed school zone is a designated area around a school where motorists are legally required to slow down to a specified speed for defined periods at the start and end of a school day. Distinctive flashing lights and the orange number representing the temporary speed limit set in a circle of red light, against a black background is used to warn motorists of school children arriving and leaving the school grounds and to advise them that they are required to slow down to the temporary speed limit.



Figure 1: Variable Speed Zone Sign Layout for 60km/h Zone

3.8.2. Objectives

There are three general objectives of variable speed limits in school zones:

- Provide a safer road environment outside schools
- Reinforce driver expectations of the likely presence of children
- Encourage safe and active travel to school

In particular the 60km/h and 70km/h variable speed zones are designed to significantly reduce the risk of injury from a side impact crash, while the 40km/h zones are intended to reduce the risk of injury if a child is struck by a vehicle.

Both Swannanoa School and Ashley School have good infrastructure to provide separation between the students and the live traffic lane. For this reason impact between vehicles and pedestrians is not seen as the primary risk. There is seen to be a significant risk of a collision between a vehicle turning into the school and a vehicle travelling straight through, and this is the area where a lower speed limit at the start and end of the school day would have the greatest impact. For this reason a variable speed limit of 60km/h is appropriate for the trial sites.

3.9. Assessment of Sites

3.9.1. Swannanoa School

Description of Site

Swannanoa School has a roll of approximately 220. It is located on Tram Road, which is an Arterial Road with a 100km/h posted speed limit. The Average Daily Traffic (ADT) on Tram Road is 2,558 vehicles per day.

Current traffic control involves traffic calming in the form of islands on either side of the road with a variation in the road surface texture both before and after the school. Each of the islands is fitted with an active warning sign that flashes at designated times at the start and end of the school day to warn motorists of the potential for hazards. There is also a median strip to allow for vehicles turning into and out of the school, a turning bay into the school carpark (which is separated from the road), and a bus stop on the side of the road separated from the live traffic lane.

Operating Speed of Road

Detailed speed analysis has been carried out recently on Tram Road outside Swannanoa School both before and after the installation of the 70km/h variable speed signs (see document 130417027680[v2] for full report). The most recent survey (after the installation of the Variable Speed Signs) showed a mean vehicle speed of 60km/h during the sign operating times. The 85th percentile speed during the operating times was found to be 77km/h. It is these drivers that would be targeted by the reduced variable speed limit.

3.9.2. Ashley School

Description of Site

Ashley School has a roll of approximately 180. It is located on the corner of Boundary Road and Fawcetts Road. Fawcetts Road is a strategic road with a posted speed limit of 80km/h and an ADT of 4,647 vehicles per day. The current traffic control measures are Active Warning Signs either side of the school and kerbing to formalise a crossing point on Fawcetts Road.**statistic sourced from report 100129002568.*

Operating Speed of Road

Detailed speed analysis was carried out on Fawcetts Road outside Ashley School both before and after the installation of the Active Warning Signs in 2010. The mean vehicle speed during operating times after the installation of the Active Warning Signs was 56 km/h while the mean vehicle speed at all times is 70km/h.

3.10. Trial Requirements

As part of the requirements of the trial the following tasks will be carried out:

- Traffic Speed Profiles: The speed of vehicles will be monitored for 7 day periods one month before, one month after and six months after the trial.
- Road user behaviour will be monitored before, during and after the installation of the signs. This will be done using the following methodology:
 - Video capture of road user behaviour
 - Road safety expert observations
- School focus groups held collecting information on the operation of the signs and the effects of the speed reduction on the traffic outside the school
- Operational and maintenance feedback will be collected regarding information on any issues involving failures or vandalism etc.
- Interim Report to be produced following the 1-month post installation data collection. To be submitted to the NZTA Project Manager and NZTA Consultant.
- Final Report to be completed and submitted following the 6 month post implementation data collection.

3.11. Proposed Implementation Programme

Tuesday 18 th June	Report to Utilities and Roading Committee
Tuesday 2 nd July	Council Approval
Friday 12 th July	'Before' speed surveys completed
Friday 26 th July	Sign Installation Complete and Signs Operating
Friday 30 th August	'After' speed surveys completed
October 2013	Interim Report Produced
January 2014	'6 Month After' Surveys Carried Out
February 2014	Final Report Produced

3.12. The Management Team has reviewed this report and supports the recommendations.

4. COMMUNITY VIEWS

- 4.1. The Land Transport Rule: Setting of Speed Limits 2003 [54001] as amended, requires the Council to formally consult with a number of external agencies during the review of a speed limit. The following persons have been consulted in accordance with this requirement and their views have been taken into account:
- Swannanoa School and Ashley School
 - The Commissioner of Police
 - The Chief Executive Officer of NZ Transport Agency
 - The Chief Executive Officer of the NZ Automobile Association Inc
 - The Chief Executive Officer of the Road Transport Association NZ
- 4.2. Of the specific organisations consulted written support has been received from the Automobile Association and Swannanoa School, and NZTA has approved the trial and so they support the proposal. No formal feedback has been received from the Police or the Road Transport Association. Ashley School has provided verbal support for the trial.
- 4.3. The proposal to shift the 80km/h speed limit on Boundary Road 180m north of the Fawcetts Road intersection has been discussed with Ashley School, the residents on Boundary Road opposite the school, and with NZTA. They all support this proposal.
- 4.4. On the 13th of May a memo was sent to all Boards seeking feedback on the proposal to relocate the Active Warning Signs at Ashley School to Sefton School. The Woodend Ashley Board fully supported this proposal and other Boards have indicated no objection to the proposal.
- 4.5. Staff also approached Sefton School representatives to get their feedback on the proposal to relocate the Active Warning Signs to Upper Sefton Road at Sefton School. They fully support this proposal.

5. FINANCIAL IMPLICATIONS AND RISKS

- 5.1. The cost of the 2 electronic variable speed signs and three static variable speed signs at Ashley School is estimated at approximately \$20,000. This is based on the recent cost to install variable speed signs at Loburn School, and discussions with the contractor. In addition to the signs the speed surveys will cost around \$300. The Ashley School signs, along with survey costs, will be fully funded by NZTA. The NZTA funding for this project comes from the Road Safety Trust.
- 5.2. Swannanoa School currently has 70km/h Variable Speed Signs. The cost to change the settings of the signs to display 60km/h is estimated at \$500. This will be funded from the Traffic Services operational budget.
- 5.3. The cost to relocate the existing Active Warning Signs at Ashley School to Sefton School is estimated to be \$5,000. This will be funded from the Minor Improvements budget.
- 5.4. There is a risk that the trial is not successful and NZTA do not approve the ongoing use of these signs. Given the initial trial results and feedback from NZTA this is seen as highly unlikely. NZTA have confirmed that regardless of the final decision from the trials any existing signs at the trial sites will be allowed to remain.
- 5.5. There are no significant risks associated with changing these speed limits.

6. CONTEXT**6.1. Policy**

This is not a matter of significance in terms of the Council's Significance Policy.

6.2. Statute

Section 145 of the Local Government Act 2002 empowers the Council to make a bylaw for its district to protect, promote and maintain public health and safety.

The Land Transport Rule: Setting of Speed Limits Rule (54001/1) requires that permanent speed limits be set by bylaw.

The Speed Limits Bylaw 2009 enables the Council to set speed limits by Council resolution.

6.3. Community Outcomes

6.3.1. There is a safe environment for all:

- Crime, Injury and road accidents are minimised
- Harm to people from natural and manmade hazards is minimised

6.3.2. Transport is accessible, convenient, reliable, affordable and sustainable

- The standard of our District's roads is keeping pace with increasing traffic numbers



Colin Roxburgh
Civil Engineer

Ken Stevenson
Roading Manager




**REPORT ON THE EFFECTIVENESS OF
VARIABLE SPEED SIGNS AT RURAL SCHOOLS:
LOBURN AND SWANNANOA SCHOOLS TRIAL**

Prepared by Waimakariri District Council

April 2013



Prepared by:  Colin Roxburgh Civil Engineer

Reviewed by:  Gary Boot Project Delivery Manager

Approved by:  Ken Stevenson Roading Manager

TS Number: TS11840

Author: Waimakariri District Council

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Report Status: FINAL

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1.0 EXECUTIVE SUMMARY

This report has been produced to document Waimakariri District Council's (WDC) participation in the trial of variable speed signs at rural schools. This is part of a nationwide trial initiated by NZTA (New Zealand Transport Agency). The two Waimakariri schools participating in the trial are;

- Loburn School, located on Hodgsons Road. There is a posted speed limit of 80km/h outside the school, and the variable speed limit during school times is 60 km/h.
- Swannanoa School, located on Tram Road. There is a posted speed limit of 100km/h and a variable speed limit during school times of 70 km/h.

The primary aim of the trial was to evaluate the effectiveness of variable speed limit signs to manage the side impact crash risk at rural schools where there is a concentration of vehicles making turning manoeuvres before and after school. This report describes the background to the trial, the implementation of the signs, the results of the project evaluation process and presents recommendations based on the trial outcomes.

Results

The results were measured by collecting quantitative data regarding vehicle speeds before and after the implementation of the signs, and also by collecting qualitative data through expert observations of the sites and interviewing the local school communities to obtain their thoughts regarding the effectiveness of the signs.

The quantitative results are summarised on the table below:

Table 1: Speed Data During School Times

Before / After Sign Installation	Loburn Eastbound		Loburn Westbound		Swannanoa Eastbound		Swannanoa Westbound	
	Before	After	Before	After	Before	After	Before	After
Speed Limit (km/h)	80	60	80	60	100	70	100	70
Mean (km/h)	44	45	47	43	64	60	58	60
85th Percentile (km/h)	68	67	80	64	89	76	86	78
% Exceeding Variable Limit	22%	20%	30%	18%	40%	22%	28%	25%

It can be seen that in general the mean speeds were below the variable speed limit at both sites, even prior to the installation of the signs. The improvements that were achieved were in the small proportion of drivers that were travelling in the higher speed band. The reduction in the speeds of these drivers can be seen in the reduction in the 85th percentile speeds, or the change in the percentage of vehicles exceeding the variable speed limit. It should be noted that these improvements varied with the direction of the traffic. At Loburn School for example there was very little change in the behaviour of the eastbound traffic however a significant improvement in the behaviour of the westbound traffic was observed. Therefore based on the above it can be

concluded that overall the variable speed signs have had a positive impact on reducing vehicle speeds while they were operating, however there was some variation in the results achieved.

It should be noted that as part of the trial follow up speed surveys are required to be carried out in six months' time. This report will be updated to include these results once they have been obtained.

At both sites, following the installation of the signs, meetings were set up to discuss the schools' perspective on the impact of the signs. At both sites overall the schools were happy with the signs, and believed that they were having a positive impact on driver behaviour. Both schools however noted that the variable speed limit was still higher than they would like.

NZTA have recently advised that based on the preliminary results of the trials they are proposing to amend the trial to allow 60km/h variable speed limits in 100km/h areas.

Recommendations

Based on the findings of this trial, the following recommendations are made:

1. Given that the variable speed signs had a positive impact in reducing vehicles speeds outside schools, particularly in reducing the 85th percentile speeds of drivers, it is recommended that the use of variable speed limit signs in rural areas be continued.
2. Given that the mean driver speed at both sites is well below the variable speed limit, it can be concluded that the operating speed of the road at both sites during school times is less than the variable speed limit, and hence a lower variable speed limit may be appropriate. In order to set a lower variable speed limit the criteria around the setting of variable speed limits in rural areas would need to be reviewed.
3. If NZTA confirm their proposal to amend the trial to allow a variable speed limit of 60km/h at sites with a permanent posted speed limit of 100km/h then it is recommended that a 60km/h variable speed limit be implemented at Swannanoa School. The 60km/h speed limit can be implemented on the existing sign at a relatively low cost.

2.0 BACKGROUND

This section describes the series of events that led to the implementation of the variable speed signs trial.

2.1 Rural School Road Safety Study, 2011

In 2011 NZTA carried out a project to gain a better understanding of the road safety issues faced by rural schools (*Rural School Road Safety, Mackie 2011*)¹. Two broad areas of concern were identified regarding road safety within the immediate vicinity of schools;

- The highway environment near the school; and
- The design of drop off / pick up areas within the school property, their interface with the highway and the school procedures and systems.

With regard to the highway environment near the schools, two main risk categories were identified;

- Turning movements into and out of school property where side impacts are the main risk. In these instances side impacts of no more than 50km/h would contribute to a 'Safe System' and therefore traffic speeds of 60-70km/h are needed (allowing for braking); and
- Pedestrian movement across or alongside the highway. In this situation speeds of no more than 40 km/h would result in survivable impact speeds in most cases.

2.2 Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial, 2012

Based on the findings above, NZTA approved a trial of Variable Speed Signs at Rural Schools (*Rural Schools Variable Speed Limit (Turning Vehicle Hazard) Trial, 2012*). As the name suggests this trial aims to evaluate the effectiveness and safety of variable speed signs to manage the side impact crash risk at rural schools where there is a concentration of vehicles making turning manoeuvres before and after school. This trial aimed to address the issue of sites not suited to 40 km/h variable speed signs but with a significant risk of side-impact crashes. Thus it is suited to sites with a high concentration of vehicle activity surrounding the school that could be addressed by variable speed signs of a higher variable speed limit (i.e. 60 or 70 km/h).

Swannanoa School and Loburn School were identified as suitable sites for this trial (amongst a total of 18 sites nationwide), with both schools being located on roads with a high speed environment, and with a large number of vehicles turning in and out of the schools at the start and end of the school day.

NZTA subsequently approved these sites for the trial and the Council approved the work in the Minor Improvements Programme.

¹Mackie, H.W. (2011). Rural School Road Safety. A report prepared by NZ Transport Agency by TERNZ Ltd.:

2.3 Community Feedback

As part of the formal process for changing the speed limit letters were written by Council seeking feedback from the Police, the Road Transport Association, the Automobile Association and the relevant schools (as required by the Land Transport Rule: Setting of Speed Limits). Written support was received from the Road Transport Association and the Automobile Association and the two schools. No formal feedback was received from the Police however discussions with local Police representatives indicated that they support the proposal.

2.4 Council Approval

Following the recommendation by NZTA to include Swannanoa and Loburn Schools in the variable speed limit at rural schools trial and the support from the Community, the proposal was taken to Council for consideration. In October 2012 a report was prepared by the WDC PDU (Project Delivery Unit) on behalf of the Roading Manager and taken to Council requesting approval to formally change the speed limits at the specified sites, and notifying them of the expected costs and budget source (refer Council report 120918062930). Council approved the proposal.

3.0 TRIAL SITES

This section describes the trials sites within the Waimakariri District.

3.1 Loburn School

Loburn School has a posted speed limit of 80km/h, and is situated on a collector road with an ADT (Average Daily Traffic) of 1459 vehicles per day. The surrounding landscape is rural, and there is a preschool situated next to the school.

The location of the school on Hodgsons Road is shown on Figure 1 below:



Figure 1: Loburn School Location

As can be seen Loburn School is situated on a straight stretch of road. There are some minor inundations in the road to the east of the school which can restrict visibility to some extent. On the school side of the road there is a 'drop off lane' where parents can pull over to pick up the students away from the live traffic lane.



Figure 2 Drop off Lane outside Loburn School

On the opposite side of the road there is more parking available for parents, and there is an informal crossing point that has been set up to assist parents and students in crossing the road if required. Several years ago the school started an initiative encouraging parents to turn on their hazard lights as they wait for the students in order to warn the through traffic of the presence of children. Overall the school appears to be very conscious of the road safety issues surrounding schools and are proactive in encouraging safe practices.

Loburn School was recommended for the current trial of variable speed signs at rural schools by NZTA as there is a potential hazard associated with the relatively large volume of vehicles turning into the school at the start and end of the school day. Combined with the high operating speed of the road, the turning vehicles present a significant hazard.

3.2 Swannanoa School

Swannanoa School is located on Tram Road, which has an ADT of approximately 2,500 vehicles per day and a posted speed limit of 100km/h. The surrounding environment is generally rural with some rural residential development. There is a pre-school located next to the school.

The location of the school on Tram Road is shown below:

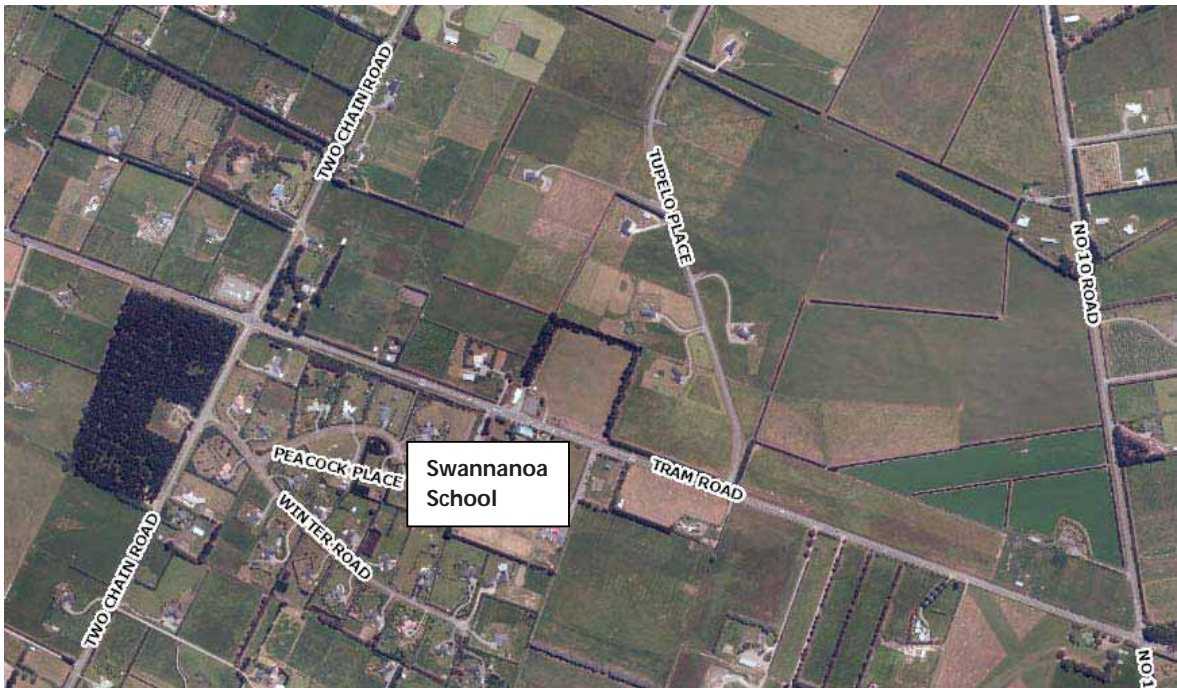


Figure 3: Swannanoa School Location

Swannanoa School has a carpark allowing parents to pick up and drop off children away from the roadside.



Figure 4: Swannanoa School Car Park Entrance

Historically there has been dissatisfaction from the local community with the posted speed limit which has led to the following series of events:

- Gateways were installed at each end of the school to create a school zone and traffic calming. A flush median and right turn bays were also created to improve safety for vehicles turning in and out of the school.

- In September 2009, the Rooding Manager carried out an investigation into the speed limit at the school and recommended that Council approve an 80km/h speed limit (see report 090715021070)
- Feedback was invited from the community on this proposal. A large number of submitters requested a 70km/h speed limit and a 40km/h variable speed zone rather than the proposed 80km/h limit. Alternatively some submitters opposed a lower speed limit. As a result the Council did not approve any change to the speed limit and instead recommended that the use of Active Warning Signs be investigated to operate at school times only (see report 090715021170)
- The installation of Active Warning Signs was then investigated, approved and finally installed in April 2010. They have proven to be relatively successful, as is documented in report 100624021444.

Although the Active Warning Signs have been relatively successful, it is thought that had the option of installing Variable Speed Signs been an option in 2009, this would have been the preferred outcome. It is only now, due to the current trial being carried out by NZTA, that the use of Variable Signs at rural schools is permitted. The Swannanoa site is well suited to the variable speed signs trial with a high operating speed and a significant number of vehicles turning in and out of the school.

4.0 SIGN IMPLEMENTATION

The following table shows the normal speed limit, the variable speed limit and the operating times for both of the sites:

Table 2: School Speed Limits and Sign Times

School	Location	Existing Speed Limit (at all times)	Variable Speed Limit (at school times)	School Sign Times (AM)	School Sign Times (PM)
Loburn	Hodgsons Rd	80 km/h	60 km/h	8:20 – 8:55am	2:55 – 3:25am
Swannanoa	Tram Road	100 km/h	70 km/h	8:30 – 9:05am	2:55 – 3:15am

The layout of the variable speed signs is shown below. At Loburn School one sign was used on each approach, while at Swannanoa two signs were used at each approach. This was used to maintain the current 'gateway' approach that is used as a form of traffic calming at the site.



Figure 5: Layout of Variable Speed Signs

The dimensions of the signs are as per the diagram given in Appendix B, using the larger dimensions specified for state highways and major local roads. The signs are 830mm wide and 800mm high, excluding the 'school' sign.

A contract document was prepared for the installation of the signs which was tendered by invited tender. The tenders were assessed using the lowest price conforming methodology, and Electrix Limited were selected to carry out the works.

The cost of the variable speed sign installations are summarised below:

Table 3: Cost Summary

Site	Details	Cost
Swannanoa	Supply and Installation of 4 x Variable Speed Signs + Controller	\$ 26,046.40
Loburn	Supply and Installation of 2 x Variable Speed Signs + Controller	\$ 16,453.60
Total		\$ 42,500.00

5.0 EVALUATION APPROACH

The evaluation methodology has been taken from the report *Evaluation of variable speed limit signs at rural schools (TERNZ, 2012)*. The report was produced to document the implementation and outcomes of the trial at 5 North Island sites. The measures focus on traffic speed and school feedback. The same methodology was followed in order to give consistency between reports allowing for accurate comparison of results.

5.1 Vehicle Speeds

Prior to the variable speed limit signs being installed, speed measurements were carried out using speed recording tube counters placed across both lanes outside the school. Data was collected over an 8 to 12 day period at both sites (duration varied for before and after surveys). Speed measurements were also carried out following the implementation of the variable speed limits signs. This gave a set of pre/post speed data for both sites.

This data was analysed using the following parameters:

- All data with a headway of less than 4 seconds was removed, to eliminate vehicles following another vehicle which may not provide a true representation of a driver's speed choice;
- Removal of weekend data;
- Removal of speed data outside the variable speed limit activation times;
- Direction of travel separated and analysed;
- Due to varying survey periods all data was analysed by calculating the proportion (%) of vehicles travelling at various speeds

In addition to this, general speed profiles were also created to provide information on the general underlying speed patterns. The general speed data was analysed using the following parameters:

- All data with a headway of less than 4 seconds was removed;
- Direction of travel was separated and analysed;
- Due to varying survey periods all data was analysed by calculating the proportion (%) of vehicles travelling at various speeds

Descriptive statistics (provided in the next section) for each condition were calculated, including mean, median, mode, 85th percentile and standard deviation (as per the TERNZ report). In addition to these the percentage of vehicles exceeding the variable speed limit during the activation time was also calculated.

Graphs were created to show the distribution of speeds for school times for the various speed limit conditions.

5.2 School Focus Groups

Workshops involving the school principal, teachers, parents and board of trustees representatives were carried out following sign implementation to collect feedback on the operation of the signs, and the effects of the new speed limits on traffic behaviour outside the school.

5.3 Sign Operational Issues

At the focus groups the schools were asked to discuss any operational issues with the signs.

6.0 EVALUATION OUTCOMES

6.1 Vehicle Speeds

Loburn School

The following table summarises the speed data collected prior to and following the installation of the 60km/h variable speed signs at Loburn School:

Table 4: Loburn School - Speed Data During School Times (8:20am - 8:55am / 2:55pm - 3:25pm)

	Eastbound		Westbound	
Speed Limit (km/h)	80	60	80	60
Count (vehicles)	956	659	572	444
Mean (km/h)	44	45	47	43
Median (km/h)	39	41	40	39
Mode (km/h)	61	42	27	16
85th Percentile (km/h)	68	67	80	64
Std. Deviation (km/h)	19	19	25	20
% Exceeding Variable Limit	22%	20%	30%	18%

The following conclusions and observations can be made from the above data:

- 60% of the traffic at the operating times is eastbound, while the remaining 40% is westbound.
- The greatest reductions in speed came with the westbound vehicles as opposed to the eastbound. The reason for this is likely that the eastbound vehicles are required to slow down from the 100km/h zone several hundred metres west of the school while the westbound vehicles are likely still gaining speed after the Hodgsons Road / Loburn Whiterock Road intersection. It would appear that it is easier to encourage the motorists to delay speeding up rather than to slow down sooner.
- The mean speed of all cars both before and after the installation of the signs was well below the variable speed limit of 60 km/h (mean speed ranged from 43 – 47km/h). This suggests that as the 'average' driver was already travelling below the variable speed prior to the sign installation there would be little expectation of reducing their speeds further. The potential changes would more likely come from the 85th percentile drivers who were travelling above 60km/h prior to the sign installations.
- There was little reduction in the 85th percentile speed for the eastbound traffic (1 km/h), however a significant reduction of 16km/h was achieved for the westbound traffic (from 80km/h down to 64km/h)

- There was a significant reduction in the percentage of westbound cars exceeding the variable speed limit following the installation of the signs (i.e. reduced from 30% exceeding to 18%, meaning that roughly one third of the cars that used to exceed 60km/h as they pass the school no longer do).

The following table summarises the speed data collected for the general traffic (i.e. at all times, not just during school times):

Table 5: Loburn School - Speed Data at All Times (Prior to sign installations)

	Eastbound	Westbound
Speed Limit (km/h)	80	80
Count (vehicles)	8,191	7,567
Mean (km/h)	68	74
Median (km/h)	71	78
Mode (km/h)	70	79
85th Percentile (km/h)	82	90
Std. Deviation (km/h)	18	19
% Exceeding Variable Limit	76%	84%

The above data shows that the profiles for the east and westbound data are different. Generally it can be concluded that the westbound traffic is approximately 6 – 8km/h faster than the eastbound (i.e. the mean is 6km/h higher, the standard deviation 8 km/h higher). A possible reason for this may be that the westbound traffic is leaving a low speed environment and heading towards a higher speed environment, while the eastbound traffic may be slowing down early as it enters a lower speed environment.

Swannanoa School

The following table summarises the speed data collected prior to and following the installation of the 70km/h variable speed signs at Swannanoa School.

It should be noted that prior to the Variable Speed Sign installation, Active Warning Signs were operating at Swannanoa School. For this reason also included is before speed data recorded in March 2010 prior to the Active Warning Sign installations as well as speed data recorded in May 2010 immediately after the installation of the Active Warning Signs.

Table 6: Swannanoa School - Speed Data During School Times (8:20am - 8:55am / 2:55pm - 3:25pm)

	Eastbound				Westbound			
Survey Date	March 2010	May 2010	Nov 2012	Mar 2013	March 2010	May 2010	Nov 2012	Mar 2013
Electronic Sign Type	None	AWS	AWS	VSS	None	AWS	AWS	VSS
Speed Limit (km/h)	100	100	100	70	100	100	100	70
Count (vehicles)	1263	809	1413	1056	961	1112	989	757
Mean (km/h)	71	56	64	60	61	61	58	60
Median (km/h)	75	51	63	61	56	61	59	57
Mode (km/h)	82	55	67	40	44	73	48	67
85 th Percentile (km/h)	97	80	89	76	91	84	86	78
Std. Deviation (km/h)	24	22	21	17	24	20	22	20
% Exceeding Variable Limit	62%	22%	40%	22%	44%	25%	28%	25%

The following conclusions and observations can be made from the above data regarding the impact of the Variable Speed Signs (i.e. comparing March 2013 data to November 2012):

- 59% of the traffic at the operating times is eastbound, while the remaining 41% is westbound.
- The greatest reductions in speed came with the eastbound vehicles as opposed to the westbound. There was a 4km/h reduction in the mean speed of the eastbound traffic, and a 2km/h increase in the mean speed of the westbound traffic.
- The mean speed of all vehicles both before and after the installation of the signs was below the variable speed limit of 70 km/h (mean speed ranged from 58 – 64 km/h). This suggests that as the 'average' driver was already travelling below the variable speed prior to the sign installation there would be little expectation of reducing their speeds further. The potential changes would more likely come from the 85th percentile drivers who were travelling above 70km/h prior to the sign installations.

- For the eastbound traffic, the majority of the vehicles that reduced their speed were those that used to exceed the variable speed limit of 70km/h prior to the installation of the signs. This is shown the percentage of vehicles exceeding the variable speed limit (70km/h) reducing from 40% to 22% due to the installation of the signs.
- For the westbound traffic there was less of a reduction in the percentage of vehicles exceeding the variable speed limit due to the installation of the signs (reduced from 28% to 25%). The reason that there was not such a great reduction for the westbound compared to eastbound may have been that there were less vehicles exceeding 70km/h prior to the installation of the signs, meaning that there was less room for improvement.
- For both the eastbound and westbound traffic there was a reduction in the 85th percentile speeds of 8 - 13km/h.

The following conclusions and observations can be made from the above data regarding the initial of the Active Warning Signs, immediately after their installation (i.e. comparing the March 2010 data with the May 2010 data):

- The impact of the Active Warning Signs varied significantly depending on which direction the traffic was travelling in, as can be seen when comparing the change in the speeds of the eastbound traffic with that of the westbound traffic.
- For the eastbound traffic there were significant improvements made in all the key parameters measured. The mean speed decreased by 15km/h, the 85th percentile speed by 17km/h and the percentage of vehicles travelling above 70km/h decreased from 62% to 22%.
- For the westbound traffic the improvements due to the installation of the Active Warning Signs were significant in most parameters measured. There was no change in the mean speed, however a 7km/h reduction in the 85th percentile speed and the percentage of vehicles travelling above 70km/h decreased from 44% to 25%.

The following conclusions and observations can be made from the above data regarding the change in the impact of the Active Warning Signs over time (i.e. comparing the May 2010 data with the 2012 and 2013 data):

- Although the Active Warning Signs had a positive impact initially, with the mean speed directly after their installation ranging from 56 – 61 km/h, this deteriorated with time for the eastbound data. This is illustrated by the fact that the mean speed increased from 56km/h in May 2010 to 64 km/h in November 2012. This suggests that while the signs are new they have an initial impact on some drivers but this can wear off. For this reason it is recommended that following up speed tests be carried out at both sites to determine whether the Variable Speed Signs have a lasting impact or not.

The following table summarises the speed data collected for the general traffic (i.e. at all times, not just during school times):

Table 7: Swannanoa School - Speed Data at All Times (Prior to sign installations, November 2012)

	Eastbound	Westbound
Speed Limit (km/h)	100	100
Count (vehicles)	15,551	14,176
Mean (km/h)	89	88
Median (km/h)	93	92
Mode (km/h)	99	96
85th Percentile (km/h)	103	101
Std. Deviation (km/h)	17	17
% Exceeding Variable Limit	88%	87%

The above data shows that the profiles for the east and westbound vehicles are similar. This is not surprising given that the school is located on a long straight stretch of road, so there is no obvious reason why drivers' behaviour would be expected to differ depending which direction they are travelling in.

6.2 School Focus Groups

This section outlines the key points from the focus groups held at the two sites:

Loburn School

Meeting Date: 26th March 2013

Attended By: Stuart Priddy (Principal), Sandy (parent), John (preschool owner), Chris Neason (WDC Road Safety Coordinator), Colin Roxburgh (WDC Engineer).

Comments from School / Preschool:

- Signs stand out well and are very visible;
- Cars appear to be travelling slower than previously as a result of the signs;
- The timing of the lights is good;
- They feel as though a lower speed limit would be better, as 60km/h still feels too fast, although it is acknowledged that most cars are actually travelling less than this speed;
- The biggest concern appeared to be cars performing u-turns before and after picking up students, and not checking adequately for children / other traffic. This is still perceived as an issue following the installation of the signs;

- There are also issues with school traffic using the preschool carpark as a turning bay. This has been an ongoing issue. It highlights an issue with a lack of space for parents to perform turning manoeuvres.

Swannanoa School

Meeting Date: 9th April 2013

Attended By: Fraser Hill (Principal), 6 parents, comments from bus driver (passed on by Fraser Hill), Chris Neason (WDC Road Safety Coordinator), Colin Roxburgh (WDC Engineer).

Comments:

- Two parents and a school staff member (front desk) commented that the signs are very visible compared to old Active Warning Signs, and can be seen from a significant distance away.
- Two parents commented that they do not believe the signs are operating properly as they always appear to be turned off, and another was not aware that there were new signs. The Principal believed the signs were working as they should be, however this will be monitored over time to ensure that there isn't a fault. He did however comment that they did have an issue during the change from daylight savings in that they were not able to change the time on them so they didn't operate at the correct times for a couple of days until a technician was able to set the times correctly (see operational issues section).
- The bus driver (who sits in the bus for approximately 20 minutes every afternoon while the signs are operating) believes that they have made a significant difference to the speed of the vehicles travelling through. He did believe that there are still some drivers who travel through too fast despite the lights.
- 3 other parents believed that the signs have reduced the speed of vehicles travelling through. There was a general consensus however that 70km/h is still too fast and they would prefer a lower variable speed limit.
- The Principal felt that the lights had made a difference, and believed that it is good to give the drivers a speed to obey (which the Active Warning Signs did not). He also commented that the Police had been targeting motorists during school times recently.
- Comments were also made that seeing as there is a school bus parked outside the school for most of the time the signs are active in the afternoon that the cars should be travelling at no more than 20km/h during this time. This speed was not being obeyed however.

6.3 Sign Operational Issues

Loburn School

No operational issues have been reported regarding the new signs. They have been set up such that they automatically turn on and off at the correct times on weekdays, with the school needing to manually turn them off during school or public holidays.

Swannanoa School

The school was not able to change the timing of the signs over at the end of daylight savings, and had to call in the contractor to change the time for them. Even when they were shown what to do it appeared very difficult with them having to stick a paper clip into the control unit, and they were not sure if they would be able to change the time correctly when daylight savings commences again. The manufacturer of the signs was Harding Traffic Limited.

As was noted in the previous section some parents did not believe the signs were operating as they had not seen them turned on. The Principal and other parents believed that they were working however. This will continue to be monitored over time.

7.0 DISCUSSION

Based on the quantitative results, it can be seen that in general the mean speeds were below the variable speed limit at both sites, even prior to the installation of the signs. The improvements that were achieved were in the small proportion of drivers that were travelling in the higher speed band. The reduction in the speeds of these drivers can be seen in the reduction in the 85th percentile speeds, or the change in the percentage of vehicles exceeding the variable speed limit.

It should be noted that these improvements varied with the direction of the traffic however. At Loburn School for example there was very little change in the behaviour of the eastbound traffic however significant improvements in the behaviour of the westbound traffic. Thus based on the above it can be concluded that overall the variable speed signs did have a positive impact in reducing vehicles speeds while they were operating, however there was some variation in the results achieved.

At both sites overall the schools were happy with the signs, and believed that they were having a positive impact on driver behaviour. Both schools however noted that the variable speed limit was still higher than they would like. Although the aim of the trial was to reduce the risk of injury from a side impact crash, it became apparent upon talking to the schools that a primary concern at both the schools is the risk of injury to a child from a car on pedestrian collision. If the operating speed of the road during the time when the signs are activated is sufficiently low, the possibility of lowering the allowable variable speed limit at rural schools could be considered.

8.0 RECOMMENDATIONS

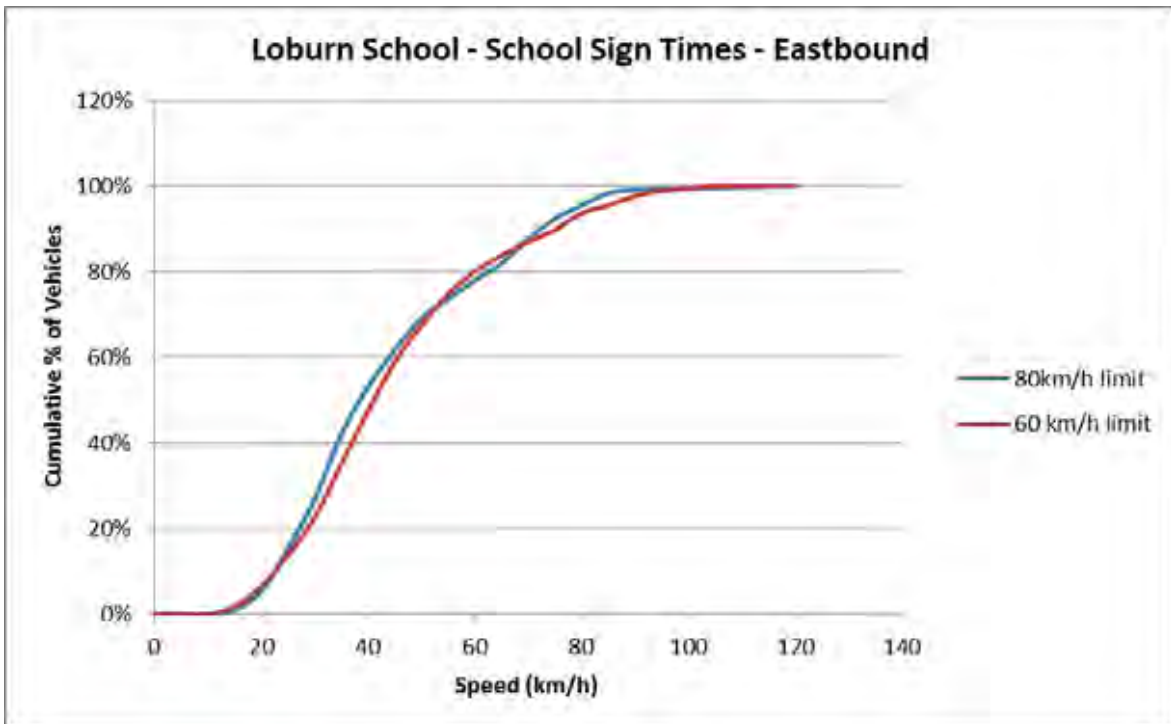
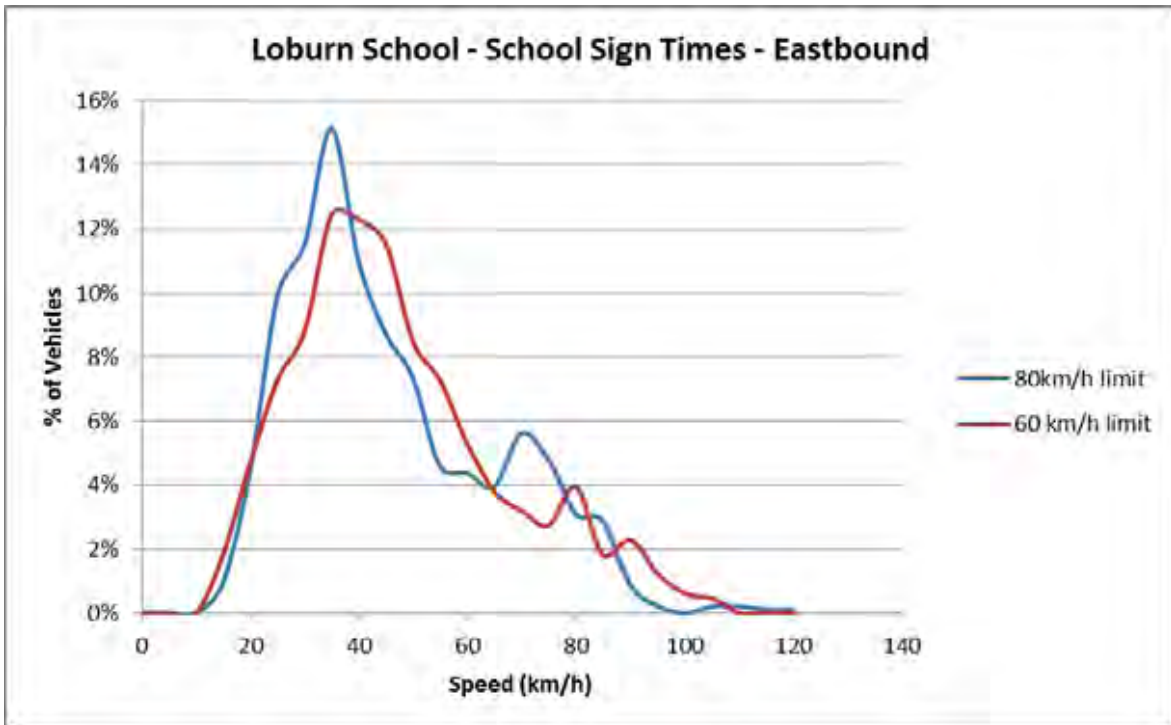
Based on the findings of this trial, the following recommendations are made:

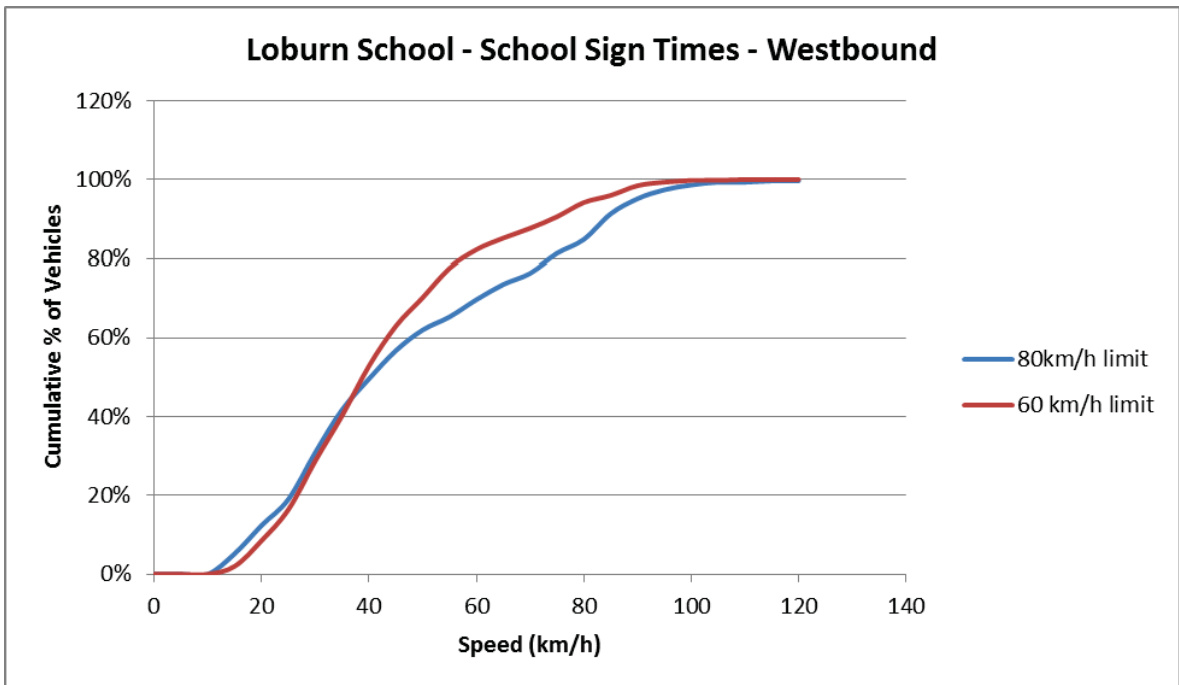
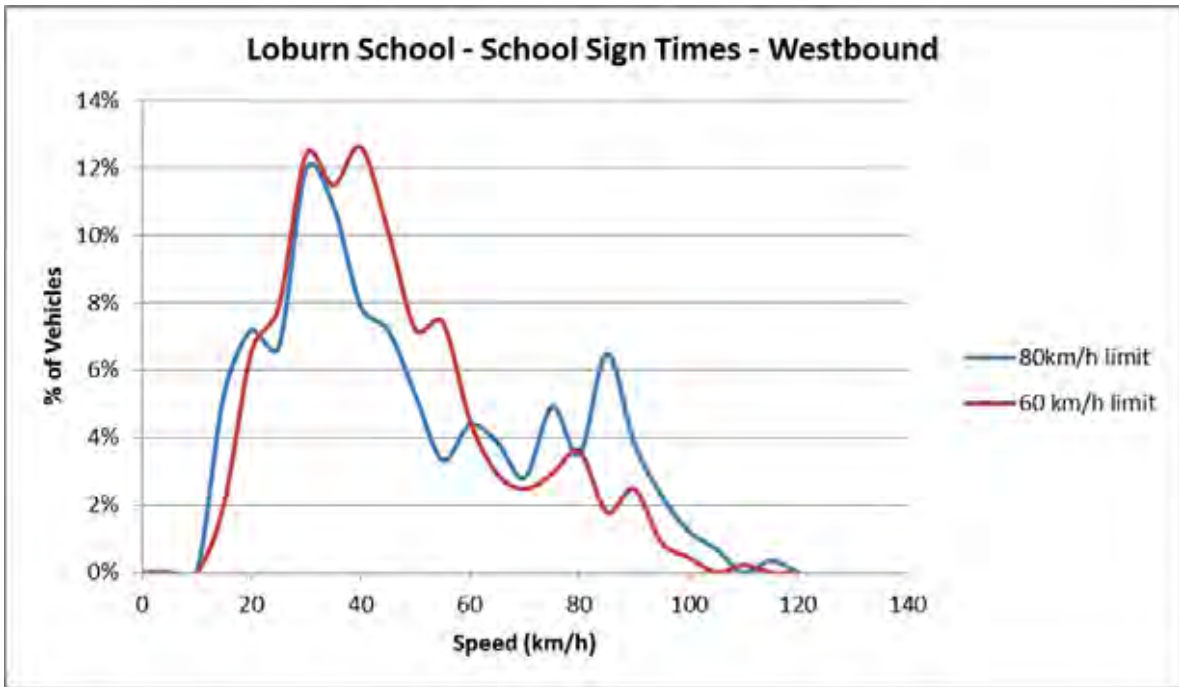
1. Given that the variable speed signs had a positive impact in reducing vehicles speeds outside schools, particularly in reducing the 85th percentile speeds of drivers, it is recommended that the use of variable speed limit signs in rural areas be continued.
2. Given that the mean driver speed at both sites is well below the variable speed limit, it can be concluded that the operating speed of the road at both sites during school times is less than the variable speed limit, and hence a lower variable speed limit may be appropriate. In order to set a lower variable speed limit the criteria around the setting of variable speed limits in rural areas would need to be reviewed.
3. If NZTA confirm their proposal to amend the trial to allow a variable speed limit of 60km/h at sites with a permanent posted speed limit of 100km/h then it is recommended that a 60km/h variable speed limit be implemented at Swannanoa School. The 60km/h speed limit can be implemented on the existing sign at a relatively low cost.

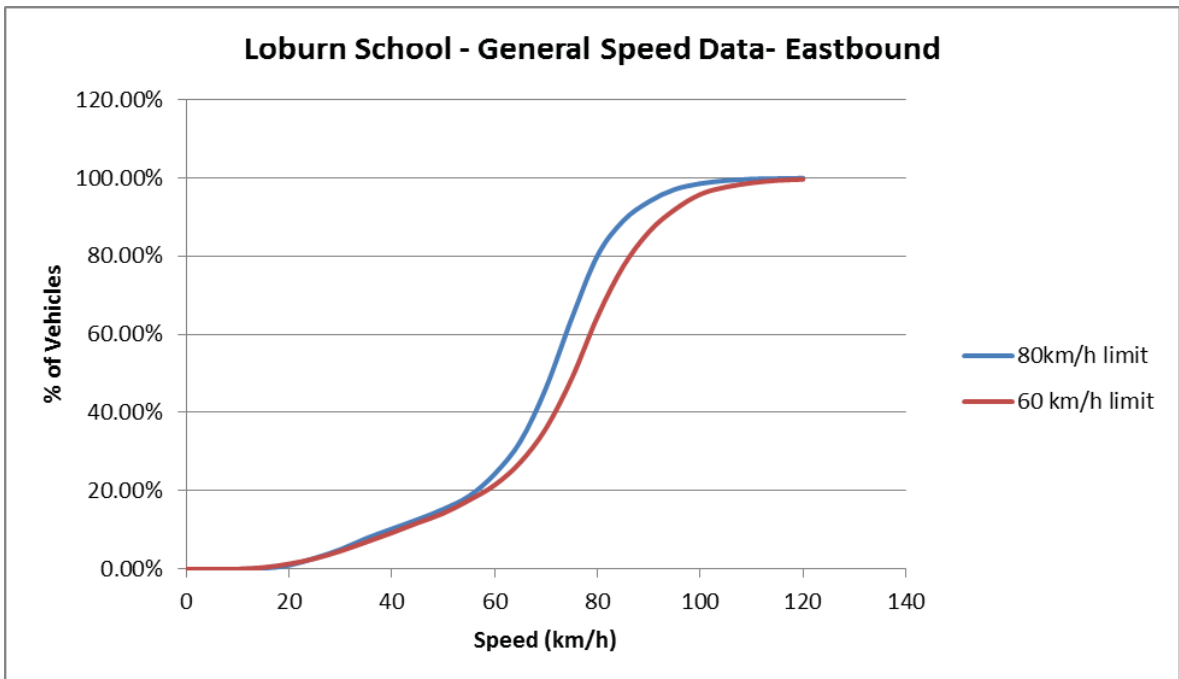
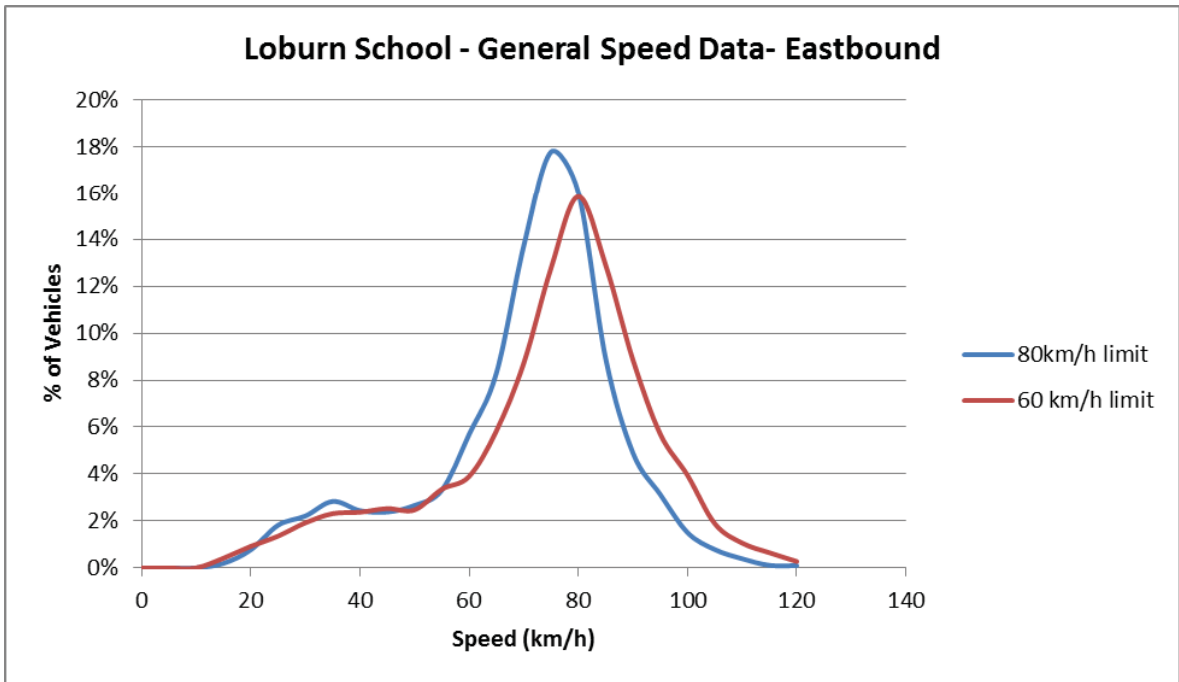
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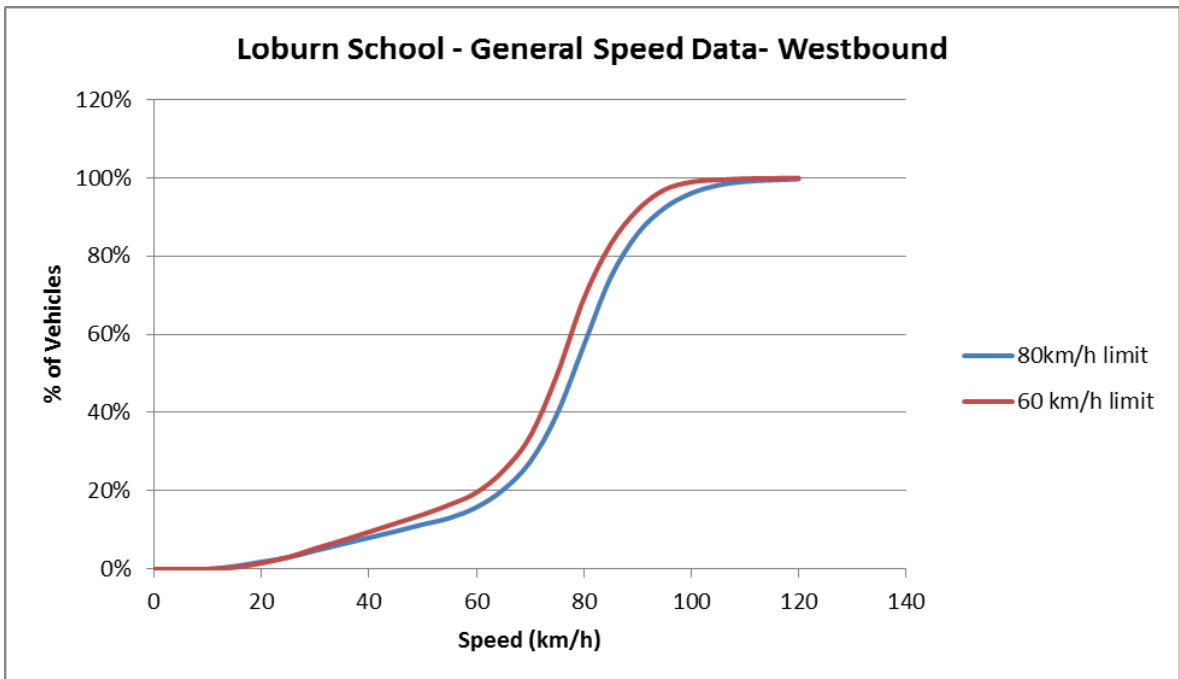
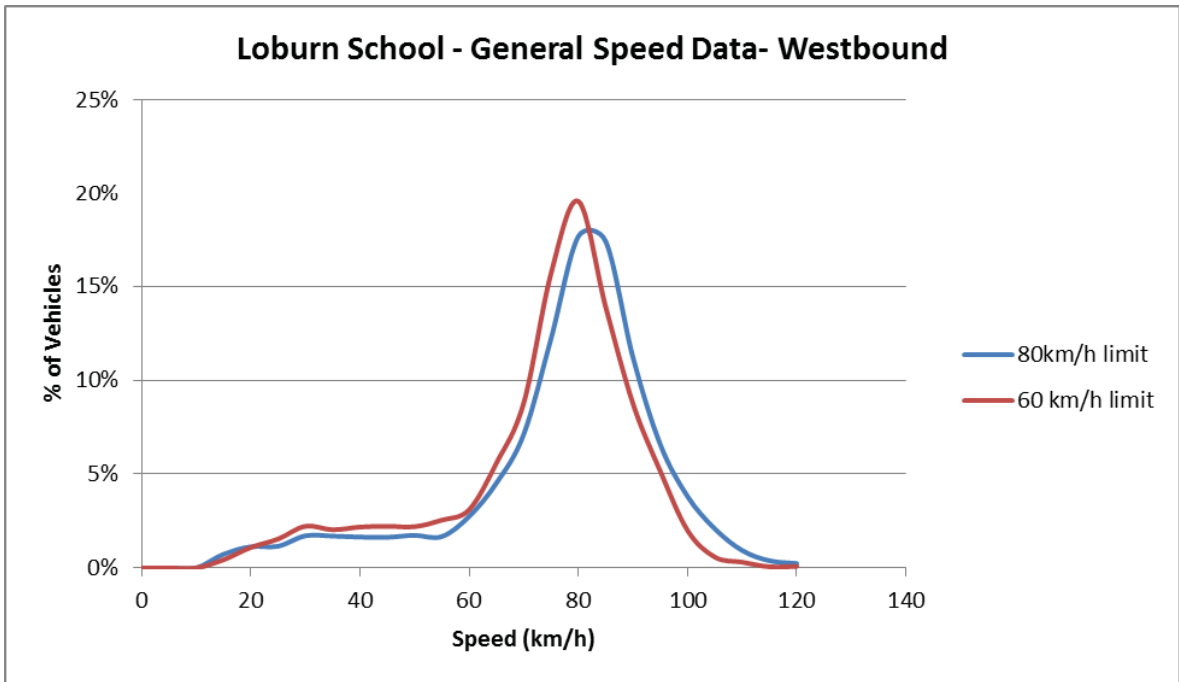
APPENDIX A – SPEED DISTRIBUTION GRAPHS

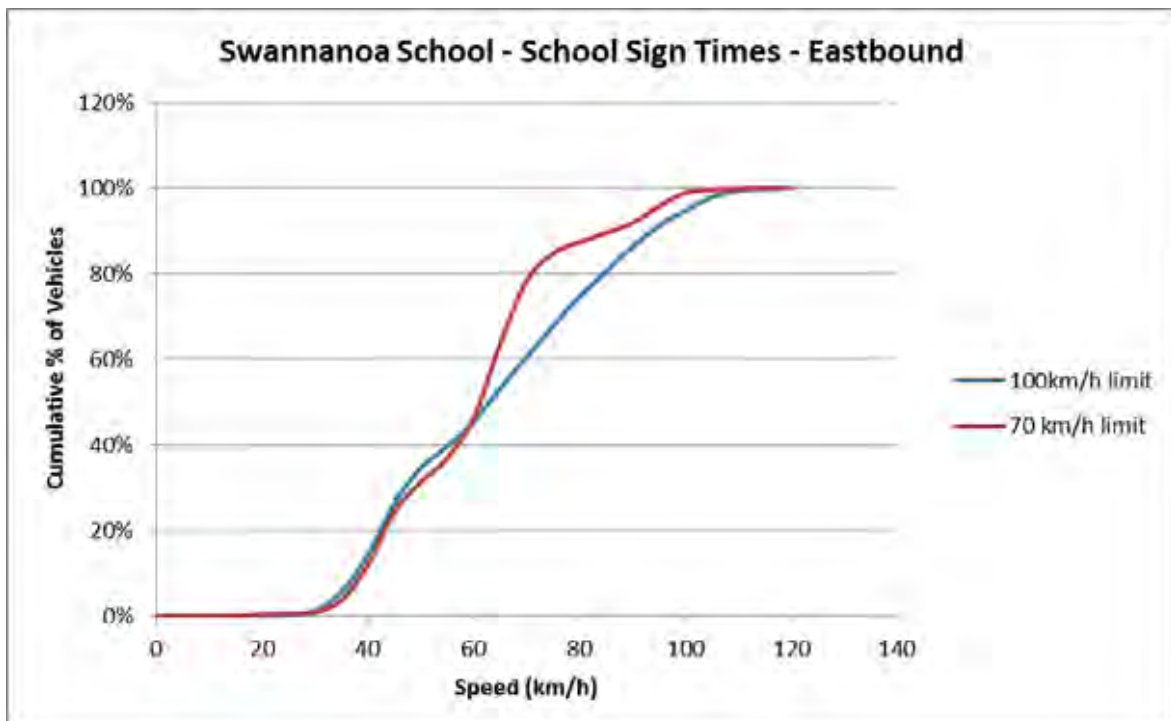
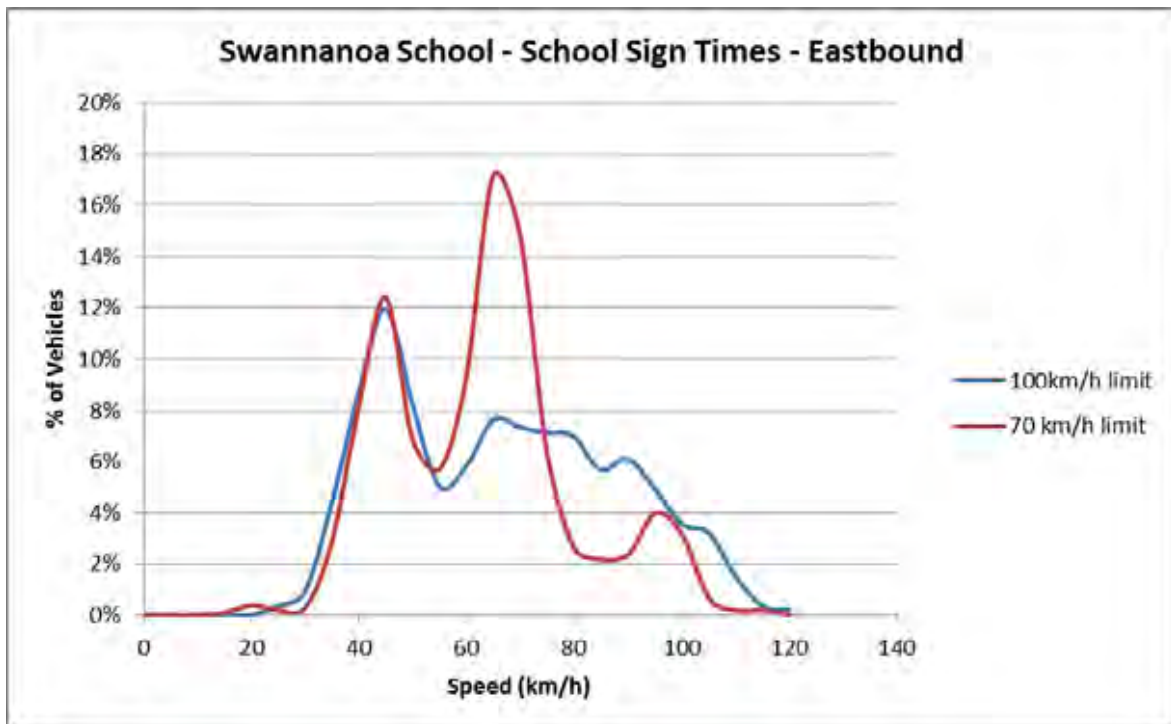
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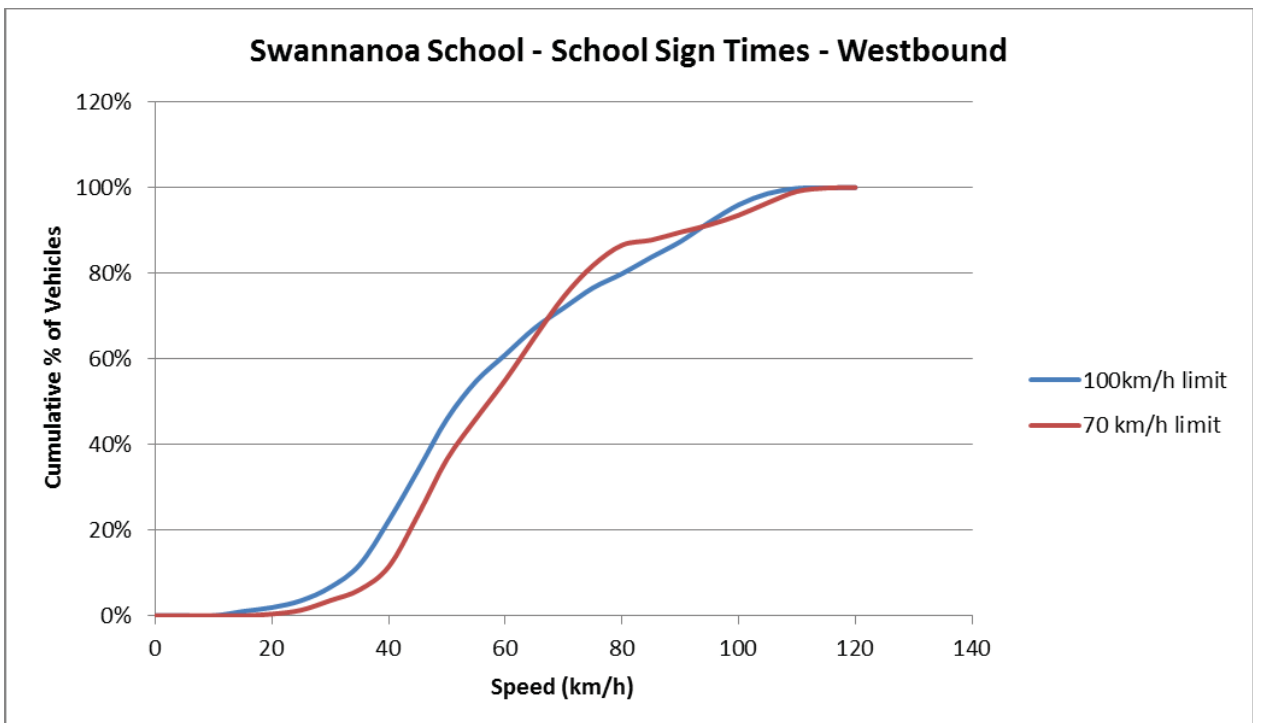
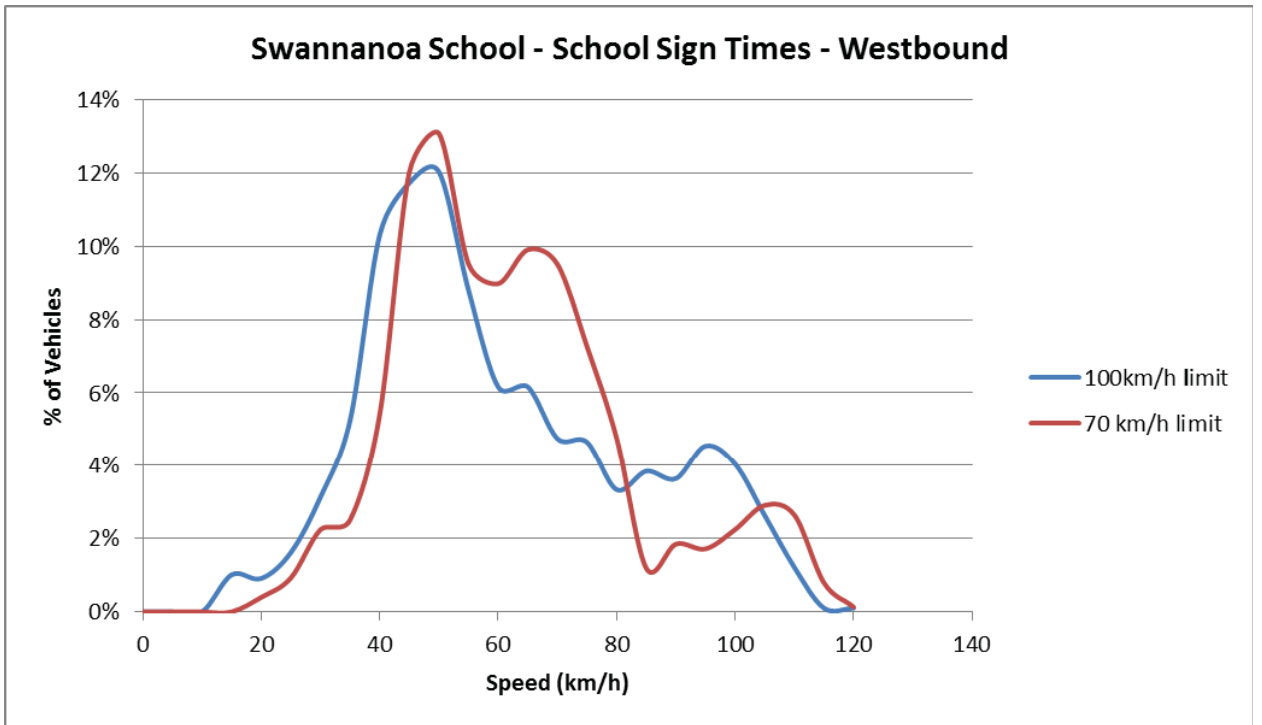


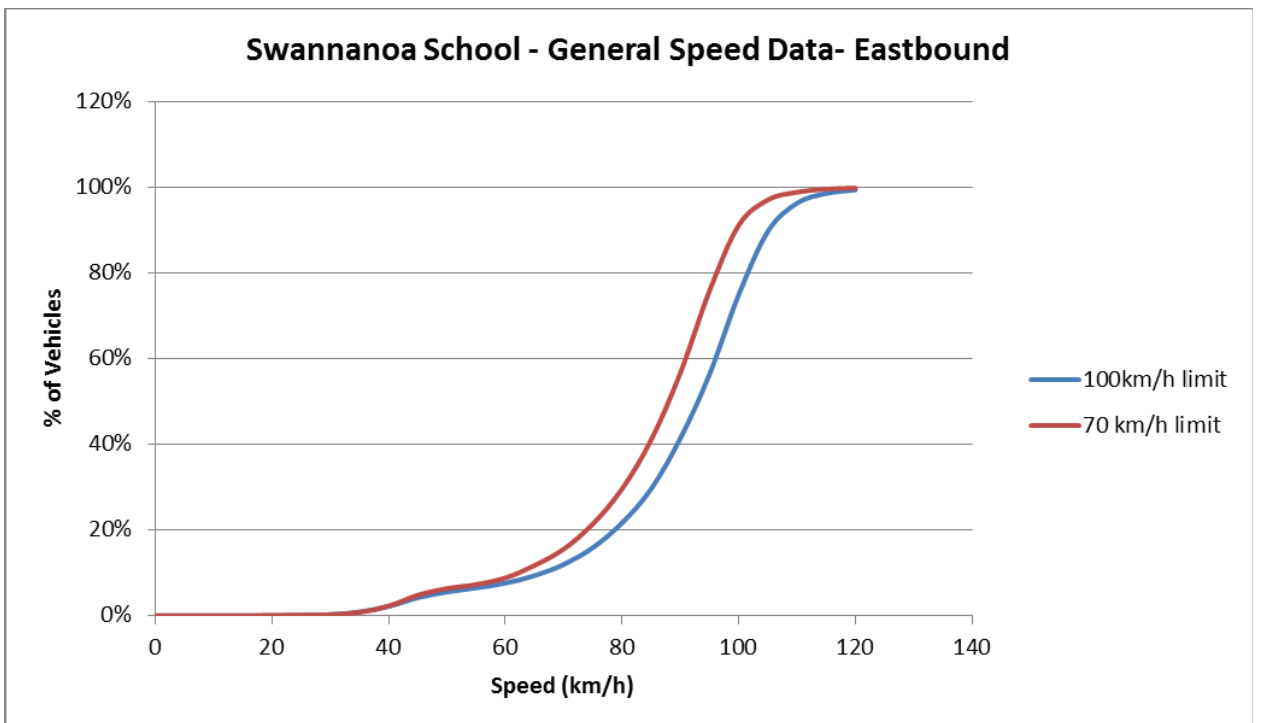
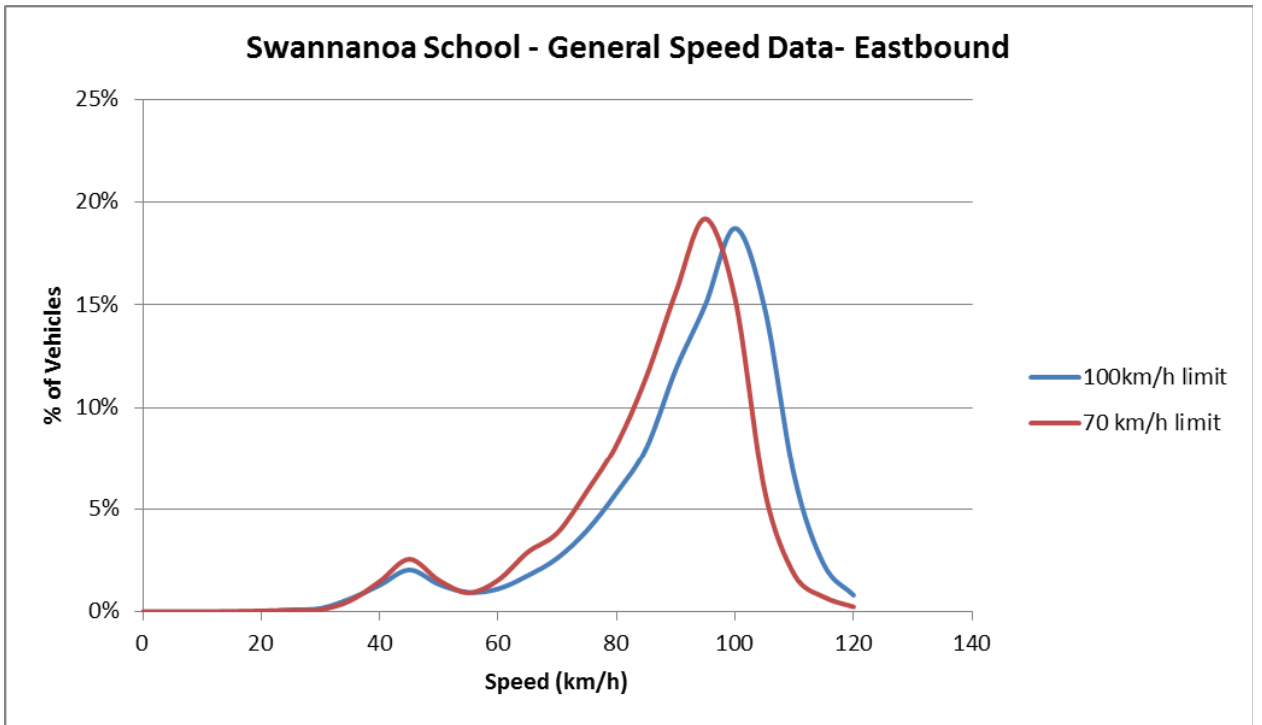


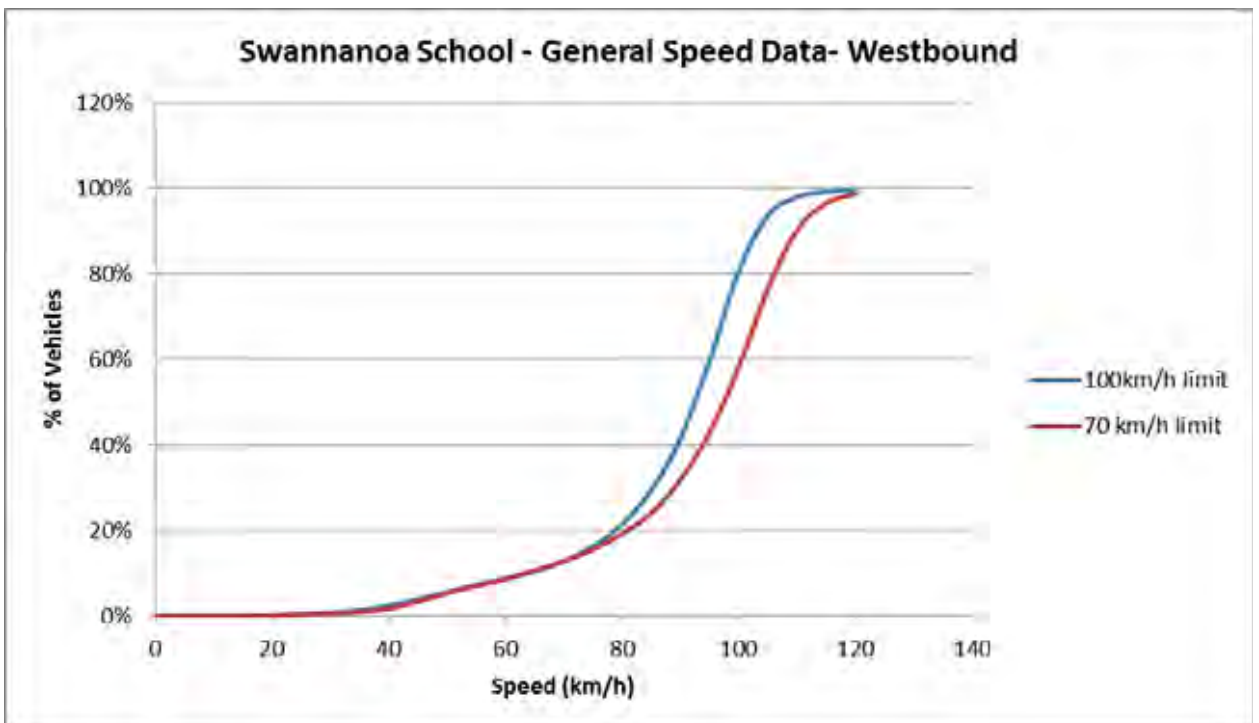
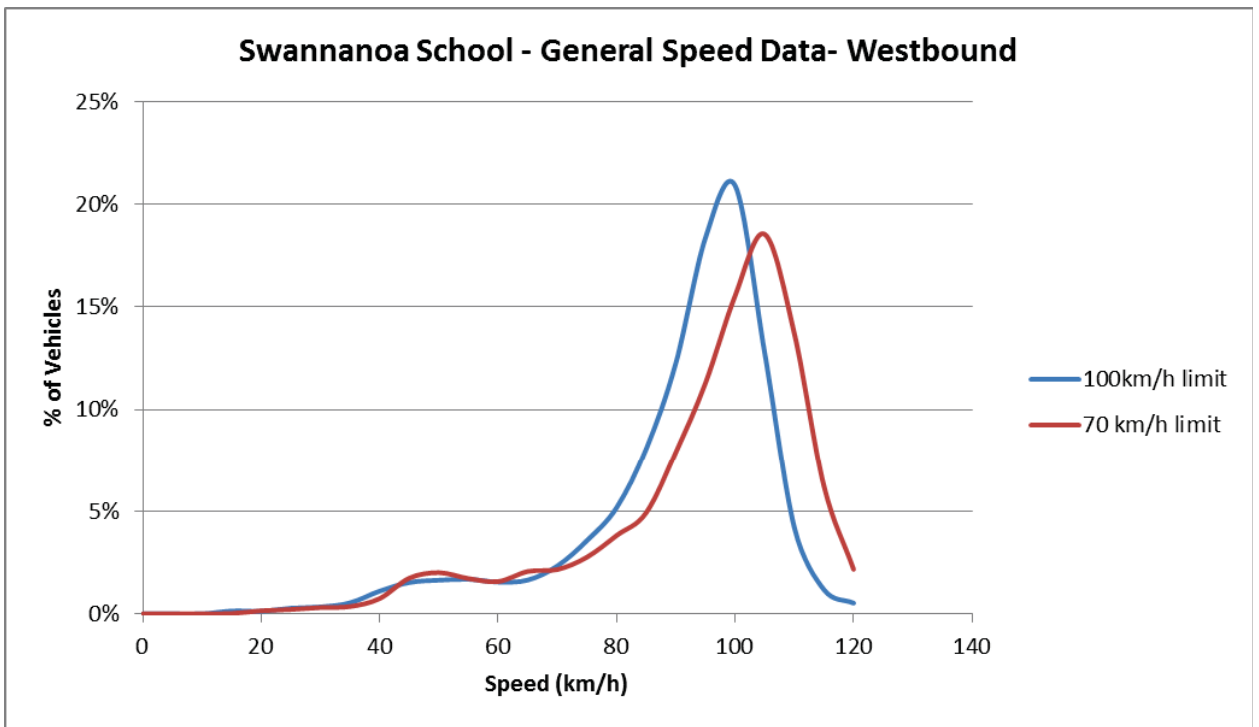


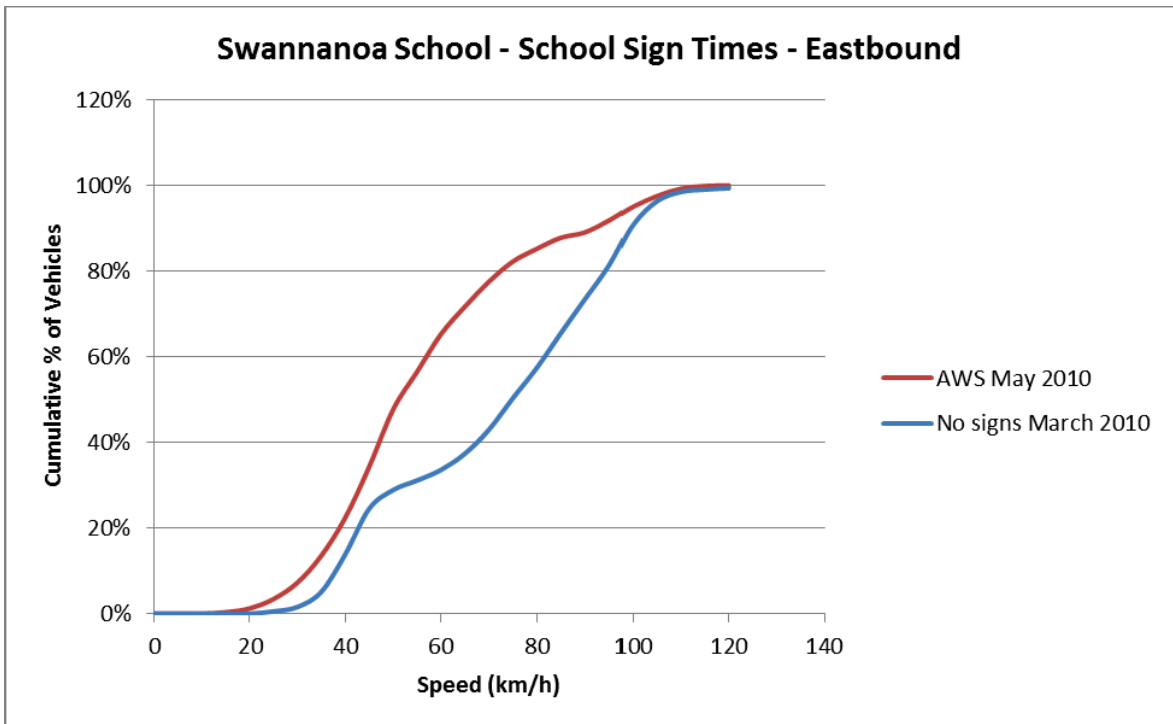
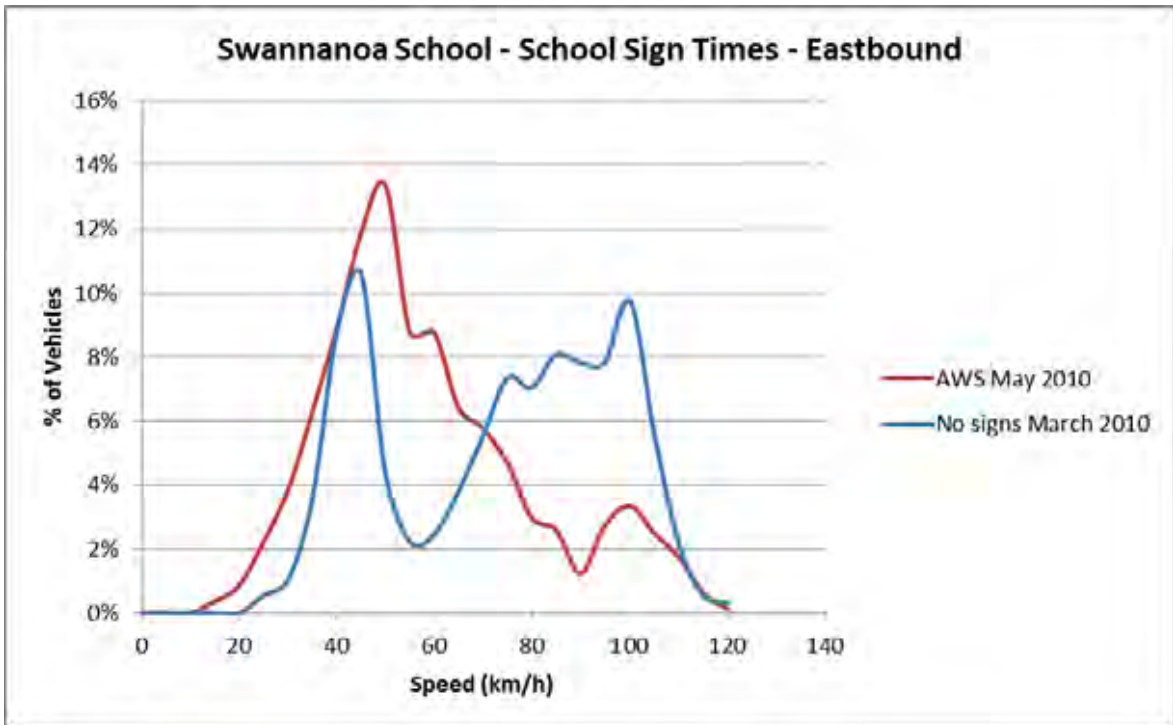


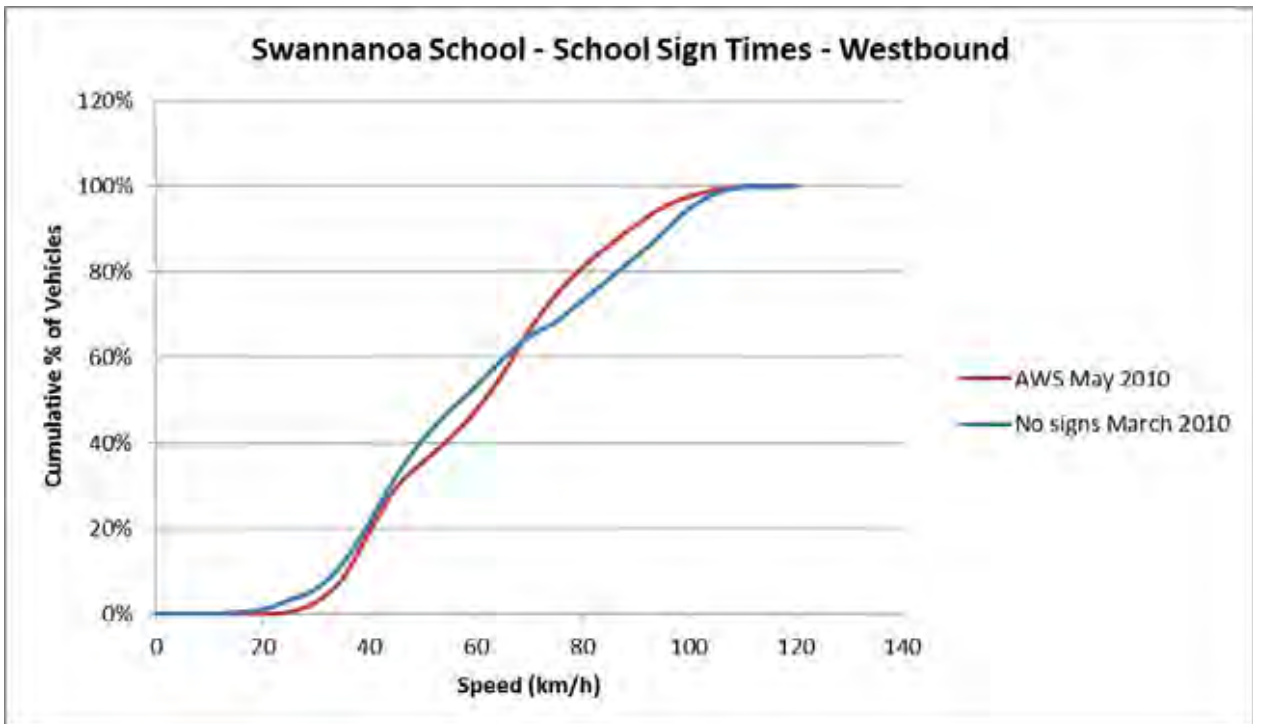
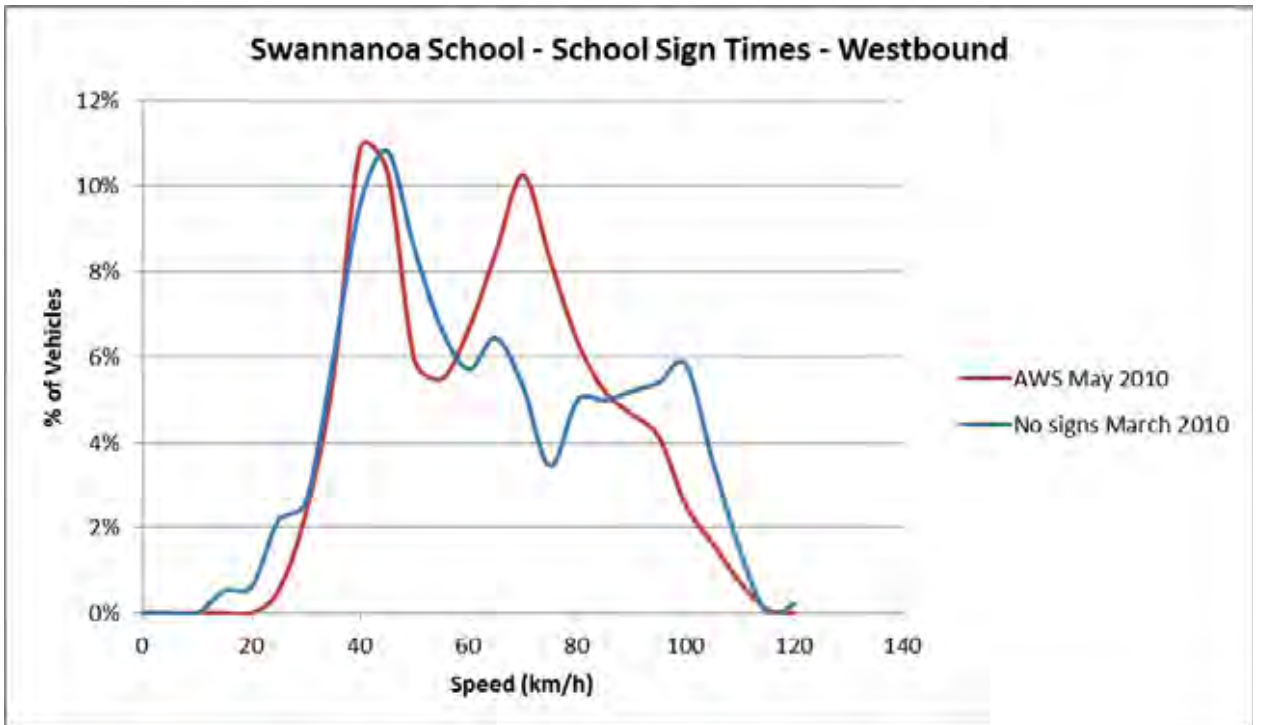






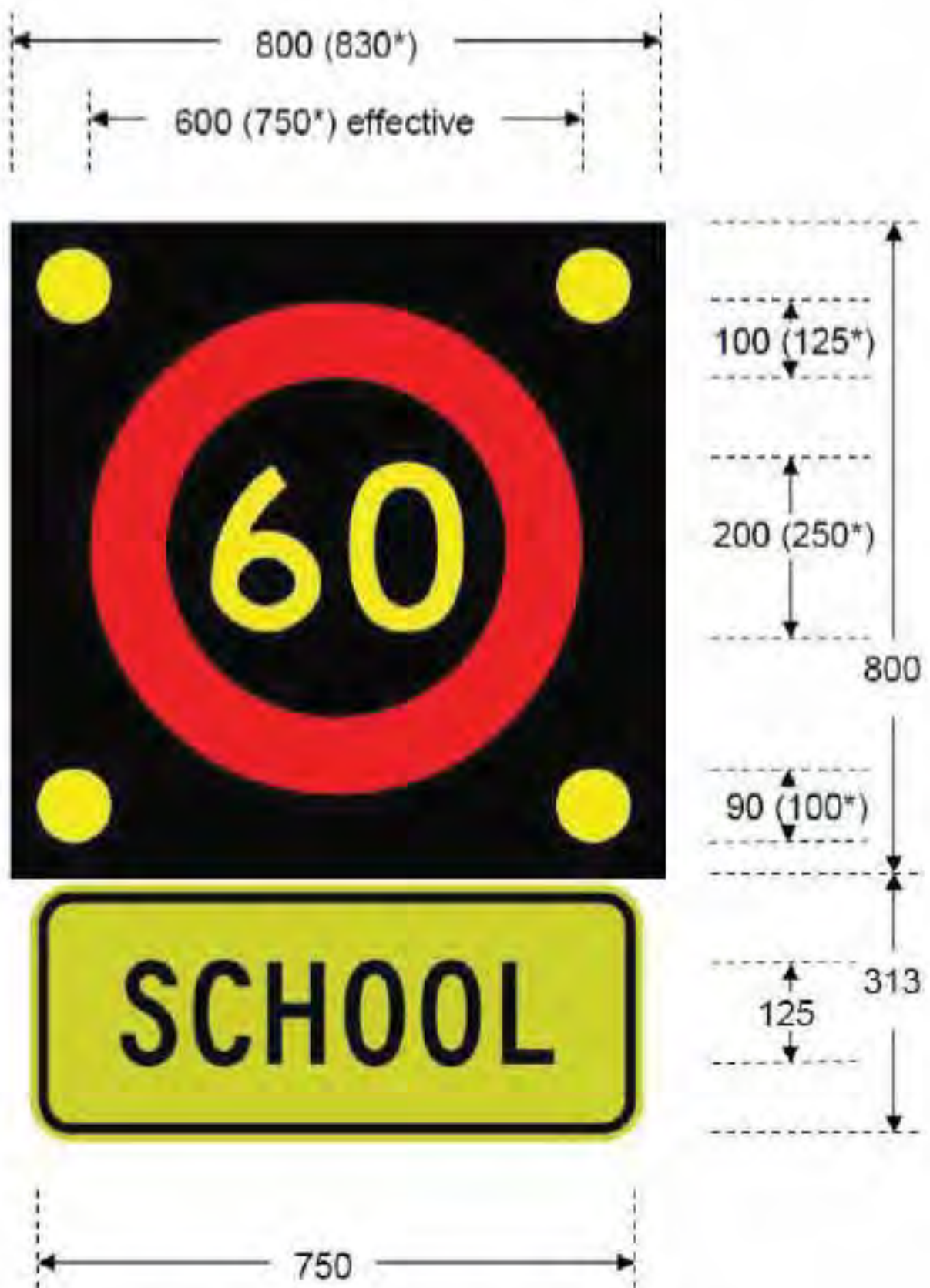






APPENDIX B – VARIABLE SPEED SIGNS LAYOUT

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* for state highways and major local roads the larger dimensions shall be used.

'Variable 60km/h (or 70km/h) speed limit' sign
(variable sign lit measurements are effective)

130524038919
RDG-31

From: [0_Office](#)
To: [Records Staff](#)
Subject: FW: Feedback - Proposed change of variable Speed Limit at Swannanoa School and Proposed Variable Speed signs at Ashley School
Date: Friday, 24 May 2013 2:54:32 p.m.

From: Carla Dodds [mailto:CDodds@aa.co.nz]
Sent: Friday, 24 May 2013 2:53 p.m.
To: 0_Office
Subject: Feedback - Proposed change of variable Speed Limit at Swannanoa School and Proposed Variable Speed signs at Ashley School

File Ref – RDG-31/130509034416 – Ken Stevenson, Roading Manager

The NZAA Canterbury West Coast District are in full support of the proposed change of variable speed limit at Swannanoa School and proposed variable speed signs at Ashley School, as outlined in your letter dated 9th May 2013.


Regards

Carla

(On behalf of Canterbury West Coast District of NZAA)

CARLA DODDS | SOUTHERN REGIONAL ADMINISTRATOR, CENTRE NETWORK
The New Zealand Automobile Association Incorporated
Level 1, Cnr Brougham & Buchan Street, Christchurch 8023 | PO Box 994, Christchurch 8140
DDI: +64 3 964 3651 F: +64 3 964 3665 E: cdodds@aa.co.nz W: www.aa.co.nz

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130522037774

RDG-31



TRIM Record Number

Fraser Hill
Principal
Swannanoa School
Tram Road
R.D. 6 RANGIORA 7476



Roading Manager
Waimakiriri District Council
Private Bag 1005
Rangiora 7440



20/05/2013

Dear Ken,

I am writing in response to the letter I received dated May 9, 2013 regarding, proposed change of variable speed limit at Swannanoa School.

The Board of Trustees and our community vehemently support any initiatives that will assist in making our school and its surrounds a safer place for our students, parents, staff and visitors. A reduction in speed limit is sure to make the entrance to our school and the boundary a much safer place while the variable limit of 60km/h is in place.

I wish to thank Waimakiriri District Council and the New Zealand Transit Authority for putting this measure in place on behalf of our school community.

We will continue to campaign for lower speed limits outside all rural schools and hope the implementation and analysis of this trial will take us one more step towards achieving this.

Yours Sincerely,

Fraser Hill

SWANNANOA SCHOOL

Tram Road

R.D. 6 Rangiora 7476

Phone: (03) 312 6813, (03) 312 6815, Fax: (03) 312 6814, E-mail: principal@swannanoa.school.nzWebsite: www.swannanoa.school.nz

Colin Roxburgh

From: Ken Stevenson
Sent: Thursday, 6 June 2013 1:59 p.m.
To: Colin Roxburgh
Subject: FW: Ashley School Variable speed limit

FYI

From: Stephen Parry [<mailto:Stephen.Parry@nzta.govt.nz>]
Sent: Thursday, 6 June 2013 1:25 p.m.
To: Ken Stevenson
Subject: RE: Ashley School Variable speed limit

Thanks Ken

I agree with the proposal to adjust the speed limits on Boundary as detailed in your email below.

Regards

Steve

From: Ken Stevenson [<mailto:ken.stevenson@wmk.govt.nz>]
Sent: Wednesday, 5 June 2013 9:01 a.m.
To: Stephen Parry
Cc: Colin Roxburgh
Subject: Ashley School Variable speed limit

Hi Steve, for the Ashley School variable speed limit change we need to install static signs on the side roads at Marshmans Rd, High St and Boundary Road. However each of the side roads has a permanent speed limit change close to the intersection so we need to be careful where to place the new static variable speed limit signs. For Marshmans Rd and High St the static signs can be placed between the permanent signs and the intersection so they are ok.

For Boundary Road the permanent 80/100 sign is very close to the intersection and there is no room to place the static variable speed limit sign between that and the intersection. Also the school fronts onto Boundary Road as well so it would not make sense to have the variable speed limit sign past the school. It needs to be before the school. To do that we need to put the 80/100 beyond the static variable one. The attached plan shows this.

So, what we are planning is to shift the 80/100 back up Boundary Rd 180m and place the static variable speed limit sign 120m up Boundary Road to the school boundary. The 180m point was chosen as it where the 'lifestyle' blocks start so is a natural change in road environment.

I note Clause 2.4 (2) of the Setting of Speed Limits Rule states that "In addition to applying to the road for which it has been calculated, a speed limit may apply to short lengths of road adjoining that road, even though those short length of road would not comply with Table 2.1."

Can you confirm you would be happy with this adjustment to the speed limits on Boundary Road so as to implement the new variable speed limit.

Thanks
Ken



Figure 1: Existing Sign Locations

Move 80/open road sign back to existing school children sign(PW-31) location



Figure 2: Proposed Sign Locations

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION****FILE NO and TRIM NO:** 211007162316**REPORT TO:** COUNCIL**DATE OF MEETING:** 01 February 2022**AUTHOR(S):** Libica Hurley, Project Planning & Quality Team Leader on behalf of the Hearing Panel:

Councillors S Stewart (Chair), W Doody and A Blackie

SUBJECT: Stockwater Race Bylaw 2021 – Request for Adoption**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)
Department Manager
Chief Executive**1. SUMMARY**

- 1.1. This report is presented on behalf of the Hearing Panel and requests that the Council accept their recommendations and adopt the Stockwater Race Bylaw 2021.
- 1.2. This review of the bylaw was undertaken as requested by the Council upon adoption of the 2019 bylaw which saw only minor changes made. The hearing and deliberations were held on 22 September 2021. A total of 51 submissions were received and four submitters were heard in person.

Attachments:

- i. Stockwater Race Bylaw 2021 (Record No. 211007162310)
- ii. Minutes of the Stockwater Race Bylaw Hearing & Deliberations 22 September 2021 (Record No. 210921152018)

2. RECOMMENDATION**THAT** the Council:

- (a) **Receives** Report No. 211007162316;
- (b) **Accepts** the recommendations of the Hearing Panel, as detailed in Table 1 below;
- (c) **Adopts** the Stockwater Race Bylaw 2021, effective from 01 February 2022;
- (d) **Circulates** this report to Community Bards and Mahi Tahi Rūnanga Liaison Committee;
- (e) **Notes** that Council staff intend to collate an information package to stockwater race rate payers as recommended by the Hearing Panel;

3. BACKGROUND

- 3.1. Section 159 of the *Local Government Act 2002* (LGA) requires Council to review a bylaw every 10 years. Section 160A allows an additional 2 years before the bylaw is automatically revoked.
- 3.2. The 2019 review was required under Section 159 and exercised Section 160A, however the 2021 review was undertaken at the request of Council and was not a statutory requirement.

- 3.3. When the Council adopted the Stockwater Race Bylaw 2019, which was limited to minor changes only, the Council recommended that staff undertake another review of the bylaw over the following 2 years with provision for public consultation.
- 3.4. The timing of this review has coincided with Environment Canterbury's Land and Water Regional Plan (LWRP) Plan Change 7 (PC7).

4. ISSUES AND OPTIONS

- 4.1. A brief was given to the Council on 11 May 2021, and the Statement of Proposal (Record No. 201112152669) and Communications and Engagement Plan (Record No. 210617098223) were approved by the Utilities and Roading Committee (U&R) on 20 July 2021. The Hearing Panel was also appointed by the U&R Committee being Councillors W. Doody, A. Blackie and S. Stewart as chair.
- 4.1. The consultation period ran from Monday 26 July until Tuesday 7 September 2021 with a variety of tools used to create awareness;
- A hardcopy feedback form was posted to all stockwater race rate payers requesting feedback online or by return post (2,347)
 - Facebook post (3 August) reached 4,046 people
 - Let's Talk online page
 - Community Noticeboard adverts in the North Canterbury News and the Northern Outlook 4 & 5, 25 & 26 August 2021
 - Let's Talk flyers distributed to Service Centres
 - Digital (screen in service centre)
- 4.2. The hearing and deliberations were held on 22 September 2021. A total of 51 submissions were received and four submitters were heard in person.
- 4.3. The submission points raised are grouped into the following key themes, noting the number of comments received relating to each theme;

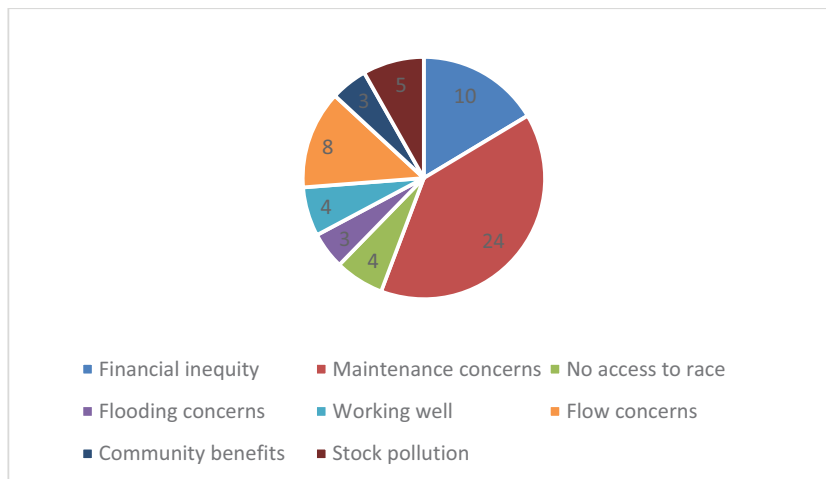


Figure 1: Key themes raised in submissions

- 4.4. Maintenance was the biggest concern raised by submitters, with 24 providing feedback on this theme. Feedback included general disappointment in the Council and WIL due to a lack of maintenance and supervision, overflows, weed control, flooding, lack of Council response when queries or concerns are raised and depositing race clearings on grass verges hindering mowing and causing damage.

- 4.5. Financial inequity was raised by ten submitters and flow concerns by eight. These concerns included instances where properties are rated when they don't consider that they have access to the network. The Hearing Panel deliberated that a number of the submissions received (e.g. related to rates, access, maintenance and flow) should be investigated by staff on a case by case basis to fully understand the issues raised. It was agreed these submissions should be logged as service requests for staff resolution on a case by case basis, given that these issues do not directly relate to the bylaw.
- 4.6. Five submitters felt that pollution (including weeds and cows defecating/urinating into races) was of concern. One submitter who was heard felt that the photo used to advertise the consultation was not representative of the water race network and felt that instead of displaying best practice (trough) a polluted race should have been shown to be more representative.

Land and Water Regional Plan (LWRP) Plan Change 7 (PC7)

- 4.7. The Hearing Panel requested that Council staff await adoption of the proposed rules under Plan Change 7 (PC7) of the Canterbury Land and Water Regional Plan (LWRP) before sending this report to Council for adoption of the bylaw, to ensure additional changes weren't required as a result.
- 4.8. The Stockwater Race Bylaw 2021 itself doesn't impose major changes relating to stock exclusion however staff were conscious when reviewing the bylaw that it should not contradict the draft LWRP rules available at the time. As a result an explanatory note is proposed to be included in the bylaw, referring stockwater race users to the LWRP stock exclusion rules. It was agreed reference to the LWRP rules within the bylaw isn't appropriate, especially given that Waimakariri District Council staff are not responsible for enforcing Environment Canterbury LWRP rules. We (WDC) can however educate our rate payers of their obligations under our bylaw and the LWRP; this can be done without directly referencing the LWRP in the stockwater race bylaw itself. The explanatory note avoids risk to Council should the stock exclusion rules be updated by ECan, subsequently requiring WDC to review its bylaw un-necessarily.
- 4.9. On 17 November 2021 the following LWRP (PC7) stock exclusion rules were adopted by ECan, with a 15 day appeals period allowed thereafter;

Stock Exclusion from Waterbodies

Notes: 1. *Regional Rules 5.68A, 5.68B, 5.68, 5.69, 5.70 and 5.71 (Stock Exclusion) apply in the Waimakariri sub-region.*

2. *Rule 8.5.33 extends the application of Regional Rules 5.68, 5.69, 5.70 5.71 to additional surface waterbodies.*

3. *Rule 8.5.34 applies as an addition to Regional Rule 5.71.261*

8.5.33 Within the Waimakariri sub-region any reference in Rules 5.68A, 5.68B, 5.68, 5.69, 5.70 and 5.71 to the bed of a lake, river or wetland also includes a spring that discharges into a surface water body, and an artificial watercourse that discharges into a lake, river or wetland, but does not include any sub-surface drain or artificial watercourse that does not have surface water in it.

8.5.34 Within the Waimakariri sub-region Regional Rule 5.71 includes the following additional condition:

1. Within the Ashley-Waimakariri Plains Area as shown on Planning Maps.

- 4.10. The following explanatory note is proposed to direct stockwater race users to the LWRP stock exclusion rules;

Explanatory note: The Canterbury Land and Water Regional Plan sets out livestock exclusion rules for artificial watercourses, including water supply races, which also need to be complied with.

- 4.11. According to Environment Canterbury Planners an animal that requires stock exclusion (cattle, pigs, deer) is able to have a stock drinking bay where they put their heads only into the water e.g. through a fence, but the stock drinking bays that allow a concrete pad with stock standing in the water is not permitted. The activity status is prohibited, i.e. landowners can't apply for a consent to have their drinking bay with stock hooves in the water, so they instead will have to change their drinking bay design.
- 4.12. The Panel raised concerns about having stockwater race users generally directed to the LWRP in the explanatory note rather than making reference to a specific rule, given that they consider the LWRP to be hard to navigate. Staff recommended it is appropriate for Council to utilise another mechanism to inform stockwater race users of their responsibilities, obligations under the LWRP, level of service and how to raise a service request outside of the bylaw itself.

Information Package to Stockwater Race Ratepayers

- 4.13. The Hearing Panel request that an information pack on stockwater races be collated by staff and made available to each property owner rated for stockwater. The reason for this being that many of the submissions could have been raised as service requests suggesting that there is a possible lack of awareness of Council processes (e.g. Snap, Send, Solve app) and the ability to contact staff regarding stockwater race issues or concerns. There was also a significant amount of confusion around land owner responsibilities and maintenance, the difference between the irrigation and stockwater scheme and a lack of knowledge around the level of service to be provided by WIL as Council's agent. When the Hearing Panel asked the submitters present (who were heard) if they had seen the stockwater race factsheets available on the Council's website, none of them had.
- 4.14. The information pack can also include reference to the stock exclusion rules in the LWRP as supplementary information to the bylaw itself. This will avoid risk to Council in terms of replicating and/or referencing ECan's rules directly in the bylaw but also assist stockwater race users in navigating the rules and their responsibilities. It may be appropriate to collaborate with Environment Canterbury on creating this information pack given that the stock exclusion rules for stockwater races that discharge to a lake, river or wetland are new under PC7 and ECan are responsible for enforcing these rules. At the very least staff intend to have ECan review the information pack content. The information would initially be distributed to all ratepayers and then via LIMs/Property File to prospective purchasers.

Access/Ownership

- 4.15. As a result of a verbal submission, discussion was had during the deliberations regarding ownership and access over the stockwater race network.
- 4.16. K Simpson noted that WIL act in the same capacity as Council staff and are issued with a Warrant of Appointment. WIL staff are still expected to contact property owners prior to visiting their property. This matter will be raised by Drainage Staff with WIL, however it isn't considered appropriate to specify WIL's processes within the bylaw itself.
- 4.17. Additionally the Hearing Panel sought clarification of use of the word "ownership" of land, not owned by the Council. Staff explained that the land is not owned by the Council, but the excavation and infrastructure undertaken is owned by the Council.

Summary of Proposed Changes to the Stockwater Race Bylaw 2019

- 4.18. The following table shows the proposed changes to the Stockwater Race Bylaw 2019 including the reasons for these changes, recommended by the Hearings Panel for adoption. Please note the elements referenced are as per the 2019 bylaw, as a result of the changes proposed renumbering has occurred:

Table 1: Summary of proposed changes to Stockwater Race Bylaw 2019

Element	Proposed Change	Reasons
Clause 2.5	Remove 'from time to time' <i>Add in consultation with affected parties.</i>	The 2019 bylaw lacked clarity as to the supply area however the proposed changes provide more confidence to users.
Clause 2.12	Remove clause 2.12	The bylaw does not require gender references
Clause 2.15	Update the name of the bylaw.	For consistency
Clause 2.16	<i>Add which in this case is exclusive to Waimakariri Irrigation Limited,</i>	To make it clear that Commercial irrigation refers only to WIL as per the contractual agreement
Clause 2.18	Remove clause 2.18	It is unnecessary and does not add value
Clause 2.20 & 3.4.20	<i>Add whether piped or open</i>	To add clarity of existing practice add reference to <i>piped</i> races to be consistent with LGA Section 5 (1)(c)(iv).
Section 3.2	Update name of Regional Plan.	For consistency
Section 3.3	Remove unclear terms including <i>that may be</i> and <i>from time to time</i> .	Reduce ambiguity
Clause 3.3.3	Update reference to Council's agent to specifically name Council's agent being Waimakariri Irrigation Limited.	To add clarity. Note: parts of the irrigation system are referred to in the bylaw so that there are no adverse effects on the stockwater network.
Clause 3.4.3	<i>Add hazardous substances and unwanted organisms,</i>	Also considered a form of contamination that wasn't specified.
Clause 3.4.4 Explanatory note	Add an explanatory note to direct readers the Canterbury Land and Water Regional Plan.	It is important that stockwater race users are aware of their obligations under the plan.
Clause 3.4.4	Replace first sentence with <i>Use or disturb a water race (including the banks) by any farmed cattle, farmed deer or farmed pigs.</i>	Remain consistent with stock exclusion rules LWRP 5.71. Also RMA Stock Exclusion Reg. 2020 stock is defined as a) beef cattle, dairy cattle, dairy support cattle, deer, or pigs; and b) to avoid

		doubt, does not include any feral animal.
Clause 3.4.5	Replace 'to make less pure the water' with <i>have a detrimental effect on</i>	The Panel deliberated that this clause is impossible to meet if farming adjacent to race. Update is considered more reasonable and able to be complied with.
Clause 3.4.7	Remove 'Ride, drive or lead any animals or propel, draw or convey any vehicle or chattels into, across Add <i>Cross through a water race leading any animal or using any mode of transport except at the bridges, culverts or crossing places provided by Council and/or its agent...</i>	Update to current era
Clause 3.4.9	Update <i>previous to prior.</i>	To add clarity
Clause 3.4.22	Add <i>or detrimentally affect aquatic organisms.</i>	Adverse effects on aquatic organisms as a result of chemical/herbicide application is considered to be detrimental to the stockwater race network in addition to possible structural degradation.
Section 5.1	Add <i>or where a farm stockwater race runs adjacent to the land in road reserve</i> Add <i>on Map 1140</i>	To add clarity for users as to responsibilities for road reserve maintenance. This is consistent with current practice. Map reference also added clarity.
New Clauses 5.1.3 - 5.1.5	Add 5.1.3 <i>Keep all culverts and pipes clear of silt and blockages.</i> Add 5.1.4 <i>Where there is access, farm stockwater races adjacent to a road should be maintained by the landowner from within the property boundary.</i> Add 5.1.5 <i>When a landowner is required to undertake maintenance of a farm stockwater race from within the road reserve the property owner or its contractor is required to comply with Traffic Management requirements which may include applying for a TMP using the application form available on the Council's website.</i>	Add three new clauses relating to maintenance responsibilities making these clearer for race users. Clause 5.1.4 is proposed to explain that if possible, races within the road reserve should be maintained from within the property boundary as opposed to from within the road reserve itself. For works within the road reserve a Traffic Management Plan may be required. It is the responsibility of the landowner and/or their contractor to ensure compliance with traffic management rules when undertaking maintenance.
Clause 5.4.1	Remove 'or improves'	Too vague, panel chair recommended removing for clarity

New Section 5.5	<p>Add 5.5</p> <p>5.5.1 <i>Any fencing necessary to meet the requirements of the Land and Water Regional Plan shall ensure that access to the race for maintenance purposes is not compromised.</i></p> <p><i>Explanatory note: The Canterbury Land and Water Regional Plan sets out livestock exclusion rules for artificial watercourses, including water supply races, which also need to be complied with.</i></p>	Add reference to the LWRP without directly referencing the exact rule. Explanatory note as described throughout the report.
Section 5.5 (Now Section 5.6)	<p>Remove reference to 'Section 182 of the LGA 2002'.</p> <p>Add <i>Explanatory Note: Council will comply with Section 182 of the Local Government Act when exercising powers under clause 5.6.1.</i></p>	Provisions can't be abrogated by the bylaw therefore part of this clause should be removed and an explanatory note added.
Clause 5.5.3	Remove clause 5.5.3	Unnecessary provision given the above amendment
Clause 6.1.1	<p>Remove 'at the pleasure of'</p> <p>Add <i>to do so if the requirements of clauses 6.1.2 – 6.1.7 are not met.</i></p> <p>Remove reference to RMA 1991.</p>	2019 bylaw does not give an affected person any clarity of where they stand. The proposed changes intend to rectify this.
Clause 9.1	Add <i>The Council may also set charges or fees to recover the cost of processing the assessment of any other approval, consent, or any other monitoring, investigation, sampling or analysis charge that is required under any part of this bylaw</i>	Intends to make clearer Councils ability to charge for the works specified.
Clause 9.4	Add <i>'being Waimakariri Irrigation Limited'</i> , removed original description.	To specify who Council's agent is
New Clause 9.5	Add 9.49.5 <i>Council can issue land owners with a temporary notice of excluded access which denies use (i.e. extraction, stock drinking or water and discharge of water) of the stockwater race network if there is reason to believe there could be spread of a hazardous substance or new organism (as defined under the Hazardous Substances and New Organisms Act 1996), or stock could spread contamination or an Unwanted Organism (as defined under the Biosecurity Act 1993). This notice must be written,</i>	Intends to enhance public safety where possible, in a situation where contaminants enter the stockwater race system.

	<i>delivered to the landowner, and contain a date of expiry.</i>	
New Section 12	Add 12.1 <i>In the event of a breach of the statutory and other legal requirements including this bylaw, the Council may serve notice on the owner/occupier advising the nature of the breach and the steps to be taken within a specified period to remedy it. If after the specified period, the owner/occupier has not remedied the breach, the Council may charge a re-inspection fee.</i>	Intends to make clearer Councils ability to charge for the works specified.

- 4.19. Use of the word 'linger' has continued to be contentious and ambiguous, as a result the Panel recommended removing it from clause 3.4.4 and replacing it with language more consistent with regional rules. This change is included in the table above and the proposed 2021 bylaw.
- 4.20. The Hearing Panel noted that Map 1140 can be hard to read, there is currently a project underway which includes converting this map to an interactive GIS viewer available publically. This will replace Map 1140 of the network, associated to the bylaw.

Implications for Community Wellbeing

There are implications for community wellbeing by the issues and options that are the subject matter of this report. The stockwater race system provides amenity through supply of stockwater, the scheme holds historic value, it is in keeping with the character of the rural area, and provides environmental benefit. This bylaw supports the continued operation of the network and as a result supports community wellbeing.

- 4.21. The Management Team has reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Mana whenua

Te Ngāi Tūāhuriri hapū are likely to be affected by, or have an interest in the subject matter of this report. The bylaw was discussed on 01 July 2021 with Te Ngāi Tū Ahuriri Rūnanga Inc at a Joint Representatives meeting (Record No. 210721119130), however no submission was received.

5.2. Groups and Organisations

There are groups and organisations likely to be affected by, or to have an interest in the subject matter of this report. Staff will advise Waimakariri Irrigation Limited (WIL) and the Water Race Advisory Group (WRAG) of the updated bylaw once adopted. During monthly meetings with WIL the bylaw review was discussed, however submissions were not received from these groups during public consultation.

5.3. Wider Community

The wider community is likely to be affected by, or to have an interest in the subject matter of this report. All stockwater race rate payers were consulted of the review and it isn't anticipated that the bylaw affects the Community wider than these property owners.

It is important to note that the eastern end of the scheme continues to be developed into lifestyle blocks that don't have a need for stockwater other than for domestic irrigation supply. This affects a small geographical area mainly in Mandeville. Should any specific races require closure land owners are able to apply to close a race. Any such application is subject to the Council's closure policy process and Council does not actively initiate these applications.

6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

6.1. **Financial Implications**

There are financial implications of the decisions sought by this report. Staff time is the major financial cost of undertaking a bylaw review and Special Consultative Procedure, all associated costs have been managed through current budgets.

This budget is included in the Annual Plan/Long Term Plan.

6.2. **Sustainability and Climate Change Impacts**

The recommendations in this report have sustainability and/or climate change impacts. The adoption of this bylaw will contribute to the ongoing environmental sustainability of the district's surface water ecosystems, and will continue to provide an efficient stock-water solution for the local farming community.

6.3 **Risk Management**

There are risks arising from the adoption/implementation of the recommendations in this report. The bylaw remains an effective mechanism to manage any risks associated with the stockwater race network.

Directly referencing the Canterbury Land and Water Regional Plan rules related to stock exclusion would incur risk to Council requiring a bylaw review if the referenced legislation changed. To avoid this risk it is appropriate for Council staff to direct users to ECan's rules. If nuisance is raised (ie. through a complaint) WDC will respond reactively using powers under the bylaw and engage with ECan to prompt enforcement of stock exclusion rules.

6.4 **Health and Safety**

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

7. **CONTEXT**

7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. **Authorising Legislation**

Local Government Act 2002, s156(1)(a)(ii)

Local Government Act 2002, s159 requires the next review be done by 2031

7.3. **Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

- There is a safe environment for all
- The distinctive character of our takiwa – towns, villages and rural areas is maintained

7.4. **Authorising Delegations**

The Council has the appropriate authority to look at the Hearing Panel's recommendations and consider the adoption of the Stockwater Race Bylaw 2021 at this meeting.

STOCKWATER RACE BYLAW

~~2019~~2021

Adopted at a Council meeting held on
~~2 April 2019~~1 February 2022

Chief Executive

Governance Manager



~~2 April 2019~~

WAIMAKARIRI DISTRICT COUNCIL STOCK WATER RACE BYLAW 20192021

1 INTRODUCTION

This bylaw is made by the Waimakariri District Council in exercise of its powers and authority vested in the Council by Section 146 (b) (i) of the *Local Government Act 2002*. The bylaw is enforceable throughout the Waimakariri District Water Race area which is described on map no. 1140.

2 INTERPRETATION

- 2.1 The Council means the Waimakariri District Council or any authorised staff member.
- 2.2 Bylaw means this bylaw as altered, varied or amended from time to time.
- 2.3 Owner or occupier means the owner or occupier of land in the supply area as recorded as such in the valuation roll of the district.
- 2.4 'Holding' means any property of any area or value separately valued in the valuation roll of the district.
- 2.5 The supply area means the area over which stock and/or irrigation water is supplied and specifically includes and means the Browns Rock Subdivision as defined by Special Order made by the Waimakariri Ashley Water Supply Board on 20 September 1894, and as set forth and named as such in the Special Resolution published in the New Zealand Gazette 1894 at pages 1653 and 1654, and includes any alterations to the area which may be made ~~from time to time~~ by the Council in exercise of its powers under the *Local Government Act 2002* in consultation with affected parties.
- 2.6 Water race has the meaning prescribed in the *Local Government Act 2002*, Part 1, Section 5 (1), and means the land occupied by a water channel (other than a main river) –
- (a) constructed -
 - (i) by or under the authority of a local authority
 - (ii) in, upon, or through land for supply of water; and
 - (b) to be used -
 - (i) solely or principally for farming purposes; or
 - (ii) in the case of an existing water race, for any other purpose for which water from that water race may be used, and
 - (c) includes -
 - (i) a branch of a water race taken or made through land for the purpose of supplying water as referred to in paragraph (b); and
 - (ii) an alteration, extension, or widening of a water race or branch water race, whether done by local authority or by any person with the approval of the local authority; and
 - (iii) a flood or other bank, or a dam, sluice, flume, bridge, gauge, meter, reservoir, or other waterworks relating to, or forming part of, a water race; and
 - (iv) buildings and machinery, pipes, and other materials on the land and within the limits of a water race or relating to, or used in connection with, a water race

- 2.7 Grid References refer to points shown on map Sheet L35 "WAIMAKARIRI" Edition 1 of NZMS 260, 1:50,000; Edition 1 and Sheet M35 "CHRISTCHURCH" Edition 1, of the same map series. The method used for locating these points is that shown in the marginal notes on each sheet.
- 2.8 Water Races are of the following type: (See Map 1140, on Council's website)
- Combined stockwater and irrigation races as shown coloured red on Map No 1140; and used for both irrigation and stock water.
 - Council stockwater races as shown coloured green on Map No 1140; are mainly roadside races and end of races.
 - Irrigation races as shown coloured yellow on Map No 1140, are new races built for irrigation supply only.
 - Farm stockwater races as shown coloured blue on Map No 1140, and used for on farm stock water purposes.
- 2.9 The reference [Map No 1140](#) refers to the latest Water Race map issued by the Council on its website.
- 2.10 The Browns Rock Water Race System means that system of water races having its origin at Browns Rock on the Waimakariri River, grid reference 360 584, and from any other sources of supply from which the Council and/or its agent may take water, and includes any tail race, branch, artificial or natural channel within the water race area, or any enlargements or alterations made to the system from time to time. It also includes all of those channels which are wholly or partially supplied with water from the said water race other than those channels into which water is spilled by the Council and/or its agent as no longer required by the water race system.
- 2.11 Words in the singular include plural and vice versa.
- ~~2.12 Words importing masculine gender include feminine.~~
- ~~2.132.12~~ The words **shall** and **will** are imperative.
- ~~2.142.13~~ The word **may** is optional.
- ~~2.152.14~~ Maintenance means cleaning and maintaining the water race system in accordance with [the Water-Stock Water Race Scheme - Activity Management Plan](#).
- ~~2.162.15~~ Commercial irrigation, [which in this case is exclusive to Waimakariri Irrigation Limited](#), means where a water supply agreement has been entered into and irrigation water (by means of spraying or flooding the land with water) is supplied for agreed fees. This does not include aquaculture.
- ~~2.172.16~~ Domestic irrigation means the watering of a residential garden by pumping from the race.
- ~~2.18 Waimakariri Irrigation Ltd is a co-operative company set up to run and administer a commercial irrigation supply business with a licence to occupy a defined area of the water race for this purpose.~~
- ~~2.192.17~~ Agent means Waimakariri Irrigation Ltd or any other person or body appointed or authorised by the Council and employed as a contractor to maintain

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and administer the balance of the water race system either inside and/or outside of the defined irrigation area and empowered by a separate agreement.

~~2-202.18~~ Access to water races for rating purposes – defined as where a race, ~~whether piped or open~~, is situated on a property or along the boundary including immediately on the other side of a boundary fence.

~~2-242.19~~ Irrigation is the replacement or supplementation of rainfall with water from another source in order to grow trees, grasses, crops or plants.

3 **CONDITIONS OF USE**

3.1 **Purpose**

The primary purpose of the water race system is to supply water for stock consumption, and/or commercial irrigation within the system area. Subject to written approval by the Council, it may also be used for domestic irrigation as defined in Clause ~~2.162-162-17~~.

3.2 **Other Considerations**

3.2.1 The activities covered by this Bylaw, including the taking, use, damming and diversion of water, may be subject to regional rules contained in ~~the Canterbury Environment Canterbury's Waimakariri River Regional Plan and its Regional~~ Land and Water Regional Plan. Compliance with this Bylaw does not necessarily imply compliance with regional rules and a resource consent may be required.

3.2.2 Activities including discharge into water races and land use close to water races that may contaminate water quality are also subject to rules in ~~the Canterbury Environment Canterbury's Regional~~ Land and Water Regional Plan under which a resource consent may be required.

3.3 **Permitted Uses**

Subject to the payment of the annual charges ~~that may be determined from time to time~~ by the Council, and without any further reference to the Council:

3.3.1 Water may be used for stock water purposes.

3.3.2 Water may be used for domestic irrigation provided that only one connection per dwelling may draw through an exposed pipe of no more than 20mm internal diameter, for no more than two hours per day and provided written approval from the Council is received.

3.3.3 Water may be used for commercial irrigation from races (existing or future) that have been specifically designated as irrigation races or combined stockwater and irrigation races (as respectively defined in clauses 2.8(a) and 2.8 (c)) in accordance with ~~a water supply agreement with the Council or its agent~~ Waimakariri Irrigation Limited as applicable.

3.4 **Prohibited Uses**

No one is to permit, allow or do any of the following:

3.4.1 Bathing or washing in a water race.

- 3.4.2 Any domestic fowl, be they water-fowl or otherwise, to stray into or upon the water race.
- 3.4.3 Contamination of the water race by chemicals, [hazardous substances and unwanted organisms](#), nutrients, or by any backflow from irrigation equipment.
- 3.4.4 ~~Any animals to linger in a water race or cause or contribute to nuisance, such as bank damage.~~ Use or disturb a water race (including the banks) by [any farmed cattle, farmed deer or farmed pigs](#). Drinking stations located outside the race are the preferred method to avoid damage to the water race.
- [Explanatory note: The Canterbury Land and Water Regional Plan sets out livestock exclusion rules for artificial watercourses, including water supply races, which also need to be complied with.](#)*
- 3.4.5 Any activity carried out on land or in any building or yard to contaminate or ~~to make less pure the water in~~ [have a detrimental effect on](#) the water race.
- 3.4.6 Obstruct the flow of water in the water race by any means whatsoever.
- 3.4.7 ~~Ride, drive or lead any animals or propel, draw or convey any vehicle or chattels into, across, or~~ Cross through a water race [leading any animal or using any mode of transport](#) **except** at the bridges, culverts or crossing places provided by the Council and/or its agent or constructed with the Council's and/or its agents written permission.
- 3.4.8 Any cuttings, clippings, twigs, branches or any other part of any tree or plant or any part of any fence to fall into or remain in a water race.
- 3.4.9 Draw off water from a water race or divert any water belonging to a water race without ~~previous~~ [prior](#) written permission of the Council.
- 3.4.10 Either willfully or through neglect allow any pipe or other apparatus on their property to be out of repair so that water supplied from a water race is wasted.
- 3.4.11 Alter or interfere with any regulating gate or other apparatus or do anything else whereby the supply of water from a water race is improperly increased or decreased.
- 3.4.12 Permit a person who does not pay water race rates to take water from the race.
- 3.4.13 Widen or deepen any water race or alter the course of any water race without the written permission of the Council.
- 3.4.14 Permit or allow any Statutory Nuisance as defined under Section 29 of the *Health Act 1956*.
- 3.4.15 Obstruct any crossing point over a water race.
- 3.4.16 Remove, displace, alter, damage or interfere with any bank, dam, sluice, flume, bridge, gauge, meter, reservoir, pipe, or other work or thing used in supplying or distributing water from any water race.

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- 3.4.17 Open the ground so as to uncover any culverts belonging to any water race or to lengthen or decrease the length of any such culvert without the written permission of the Council.
- 3.4.18 Make any structure over, in, or under a water race without written permission of the Council.
- 3.4.19 Sow, plant, or permit to grow any tree, hedge, shrub or other plant of any kind, within a distance of ~~10~~^{ten} metres from either side of a water race, except that:
- (a) Crops and pasture are permitted; and
 - (b) Shrubs or plants to form any part of a live fence and maintained less than 1.5 metres in height may be sown or planted by an owner or occupier of land on one side of the race only, and then only at a distance of more than ~~4~~^{one} metre from the edge of the race.
 - (c) Otherwise approved by the Council.
- 3.4.20 Erect any building or structures of any kind or any size within ~~ten~~¹⁰ metres of either side of any water race, whether piped or open, without the written permission of the Council.
- 3.4.21 Any animal effluent or agricultural fertiliser to be discharged within 10 metres of a stockwater race.
- 3.4.22 Any chemical/herbicide or action, to be used on a water race in such a way as to destabilise the bank structure or detrimentally affect aquatic organisms.

4 COUNCIL RESPONSIBILITIES

Notwithstanding anything to the contrary that may appear in this bylaw the Council or its agent will:

- 4.1 Ensure that the races are maintained at all times.
- 4.2 Ensure maintenance provisions of any agreement between the Council and its agent are met.

5 CLEANING

5.1 Farm Stockwater Race Cleaning

Every owner or occupier of land through which a farm stockwater race runs or where a farm stockwater race runs adjacent to the land in road reserve (coloured blue on Map 1140) as identified in Clause 2.8 (d), shall:

- 5.1.1 Keep the water race, banks, and sides of the race in good order and condition and free from all silt, weeds, vegetation of all kinds, and from all other rubbish and obstructions of all kinds at their own cost.
- 5.1.2 Keep and maintain the sides, banks, and other earthworks of the water race in such a condition as to prevent or mitigate any overflow, leakage, or waste of water.

5.1.3 Keep all culverts and pipes clear of silt and blockages.

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5.1.4 Where there is access, farm stockwater races adjacent to a road should be maintained by the landowner from within the property boundary.

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5.1.5 When a landowner is required to undertake maintenance of a farm stockwater race from within the road reserve the property owner or its contractor is required to comply with Traffic Management requirements which may include applying for a TMP using the application form available on the Council's website.

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5.2 Other Race Cleaning

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The provisions of Clause 5.1 do not apply where that race is a combined stockwater and irrigation race, or an irrigation race, or a stockwater race as identified in Clause 2.8(a), 2.8(b) or 2.8(c). These races will be cleaned by the Council and/or its agent.

5.3 Removal of Debris

After cleaning a water race or clearing or removing any debris from a water race or from the banks or sides of a race the owner or occupier of the land is to without delay, at their own cost and expense, remove any and all clearings and cleanings and other obstructions from both sides of the race in such a manner and to such a distance from the race as may be necessary to:

- 5.3.1 Prevent the materials from re-entering the race;
- 5.3.2 Prevent blockage or alteration of any secondary overland flow path; and
- 5.3.3 To allow access to the race by any plant and machinery necessary to clean the race.

5.4 Maintaining Cleaning and/or Improving the Races

5.4.1 When the Council and/or its agent clears, cleans, ~~or renovates~~ ~~or improves~~ any part of a stock water race, a combined stock water and irrigation race or an irrigation race, as identified in Clause 2.8 (a), 2.8 (b) or 2.8(c) or any land adjoining any part of these races, it may deposit all or part of the materials removed by or in the course of the work onto any part of the land contiguous or adjacent to the race, except where that land is a formed public road.

Explanatory note: The above excludes works to increase the capacity of the water race to convey additional irrigation flows. The deposition of material from such works onto private land requires approval of the landowner.

5.4.2 All such material deposited by the Council and/or its agent is to be placed in accordance with Clauses 5.3.1, 5.3.3 and 5.3.3 of this bylaw.

5.4.3 When the Council and/or its agent require such material to be removed, this will be arranged by the Council and/or its agent as a charge against maintenance of the water race system.

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5.5 Fencing Requirements

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~~5.5.1 Any fencing necessary to meet the requirements of the Canterbury Land and Water Regional Plan shall ensure that access to the race for maintenance purposes is not compromised.~~

~~*Explanatory note: The Canterbury Land and Water Regional Plan sets out livestock exclusion rules for artificial watercourses, including water supply races, which also need to be complied with.*~~

~~**5.5.6 Failure To Repair or Clean the Race**~~

~~5.6.1 If the owner or occupier fails, neglects or refuses to comply with any provision of this bylaw after having been required to do so in writing by the Council, the Council and/or its agent may enter onto the land, make good such failure, neglect or refusal and charge the owner or occupier with cost and expense of the work, provided however that the provisions of Section 182 of the Local Government Act 2002 shall not be abrogated by the provisions of this bylaw.~~

~~5.5.1 *Explanatory Note: Council will comply with Section 182 of the Local Government Act when exercising powers under clause 5.6.1.*~~

~~5.5.25.6.2 Any debt incurred by the Council complying with Clause 5.6.15.6.15.6.1 of the bylaw is a debt recoverable in a court of competent jurisdiction.~~

~~5.5.3 Any remedy given by such a court shall in no way affect the liability of the owner or occupier to any penalty provided for the breach of this bylaw.~~

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6 DIVERTING OF WATER

6.1 The Council may grant written permission to any person through whose land a water race runs to divert as much water from the race as is necessary to keep a pond or other reservoir on their land to be filled or constantly filled with water, provided that:

6.1.1 No such diverting shall be undertaken until the Council has granted a permit to do so in writing. Such a permit may be revoked ~~at the pleasure of~~ the Council after giving three months notice of its intention to ~~do so if the requirements of clauses 6.1.2 – 6.1.7 are not met do except where a Resource Consent has been issued pursuant to the provisions of Resource Management Act 1991.~~

6.1.2 The pond or reservoir shall be completely watertight and lined with impervious materials.

6.1.3 The intake and outlet of any pond must be able to be shut off to ensure compliance with water restrictions or resource consent conditions.

6.1.4 An adequate outfall is provided from the pond or reservoir to allow the overflow to return to the water race, at the same water level as the race.

6.1.5 No such pond or reservoir exceeds the area volume or depth that may be specified by the Council when granting such permission.

6.1.6 No pond or reservoir shall cause any downstream reduction in water flow in the race the water is diverted from.

6.1.7 No pond or reservoir shall be created by installing a dam to raise the water level of the race.

7 EXISTING USES

7.1 If, at the date the original bylaw came into force (1999) there are existing:

7.1.1 Trees, hedges, other plants or shrubs of any kind either growing or dead, in the form or nature of stumps or otherwise, in or on land and situated contrary to the provisions of Clause 3.4.19 of this bylaw and irrespective of how, when or by what means they came to be there;

or

7.1.2 Structures, buildings or yards of any kind or ponds impounding water which are situated contrary to provisions of Clause 3.4.20 and Clause 6 of this bylaw;

and

7.1.3 If in the reasonable opinion of the Council any of the obstructions referred to in clause 7.1.1 or clause 7.1.2 are interfering with the flow of the water in any water race;

then

7.1.4 The Council shall notify the owner or occupier in writing of its intent to require the removal of such tree, hedge, other plants, shrub, structure, ponds, building and/or yard;

and

7.1.5 The owner or occupier shall be given an opportunity to be heard by the Council before any final decision is made under this clause.

7.1.6 The Council shall make a final decision at a formal meeting, taking in to account any information provided by the owner or occupier.

7.1.7 Should the Council decide that any obstructions referred to need removing, it shall notify the owner or occupier of the requirement for the owner or occupier to remove them, including any consideration for compensation.

7.1.8 In any instances where there is failure to comply, Clause ~~5-5-15.6.1~~ will apply.

8 EXTRA OR ABNORMAL SUPPLIES

The Council may, at its discretion, grant an extra supply of water from the water race for special purposes, including fire fighting, or for purposes not otherwise authorised by this bylaw, at a cost to be established by the Council at the time of its application. Such cost may be varied from time to time in accordance with the provisions of these bylaws.

9 **POWERS OF COUNCIL**

- 9.1 The Council may under powers given to it under the *Local Government Rating Act* and the *Local Government Act* and their Amendments establish, vary, alter, reduce, increase or remove charges and rates for the provision of the water race system. The Council may also set charges or fees to recover the cost of processing the assessment of any other approval, consent, or any other monitoring, investigation, sampling or analysis charge that is required under any part of this bylaw.
- 9.2 The Council may alter the basis or manner or scale on which any or all such charges or rates are to be assessed as it sees fit in accordance with the powers delegated
- 9.3 The Council may impose restrictions on the draw off of water from time to time.
- 9.4 The Council may perform its obligations, and exercise its rights, under these bylaws or otherwise in relation to the water race system through its nominated agents being Waimakariri Irrigation Limited, employees or contractors, or the Agent, as the Council determines from time to time.

~~9.4.5 Council can issue land owners with a temporary notice to exclude access which denies use (i.e. extraction, stock drinking of water and discharge of water) of the stockwater race network if there is reason to believe there could be spread of a hazardous substance or new organism (as defined under the Hazardous Substances and New Organisms Act 1996), or stock could spread contamination or an Unwanted Organism (as defined under the Biosecurity Act 1993). This notice must be written, delivered to the landowner, and contain a date of expiry.~~

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10 **BREACHES OF THIS BYLAW**

Where any person:

- 10.1 Defaults in payment of any rate imposed on their land in respect of the supply of water; or,
- 10.2 Fails to do or perform any act, or thing, that he or she is required to do by these bylaws; or,
- 10.3 Permits, allows, or does, any of the acts that are prohibited in Clause 3.4, or
- 10.4 Breaches any of terms and conditions of clauses 5 and 6 of this bylaw; or,
- 10.5 Fails to carry out anything that they have agreed to as part of their water supply agreement with the Waimakariri District Council or its agent; or,
- 10.6 Commits any other breaches of the terms and conditions of this bylaw

then they are in breach of this bylaw.

11 **PENALTIES**

- 11.1 Every person who commits a breach of any part of this bylaw is liable to a fine not exceeding \$20,000 as provided for by Section 242 of the *Local Government Act 2002*.

11.2 In addition to any penalty imposed by any court for a breach of this bylaw the Council may sue for and recover from any person, the amount of damage done or caused to a water race or any works constructed by or under the control or jurisdiction of the Council in relation to the water race, or in respect of any water unlawfully taken or diverted or wasted or lost due to any non observance or performance of any of this bylaw.

12 REMEDIES

~~12.1~~ 12.1 In the event of a breach of the statutory and other legal requirements including this bylaw, the Council may serve notice on the owner/occupier advising the nature of the breach and the steps to be taken within a specified period to remedy it. If after the specified period, the owner/occupier has not remedied the breach, the Council may charge a re-inspection fee.

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12.13 SAVINGS

~~12.13.1~~ 12.13.1 Nothing in this bylaw shall be construed to be an undertaking or guarantee by, or oblige the Council and/or its agent to provide water in any water race either at all, or to any quantity or to any specified quality.

~~12.213.2~~ 12.213.2 Nothing in this bylaw shall be construed to render the Council and/or its agent responsible or liable to any person or corporate body for the total or partial failure of any water supply from whatever cause such failure may arise.

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13.14 BYLAWS TO BE REPEALED

All bylaws concerning the water race system in force made by the Council or its predecessors are hereby repealed. This repeal shall not affect the past operation of any such repealed bylaws or the validity or invalidity of anything done or suffered, or any right required, or duty or liability incurred under those bylaws.

14.15 COMMENCEMENT

~~14.15.1~~ 14.15.1 This bylaw shall come into force on the being the day so fixed at a meeting of the Waimakariri District Council at which the resolution reviewing this bylaw was confirmed.

~~14.215.2~~ 14.215.2 The resolution to approve the proposed bylaw for notification was passed by the Waimakariri District Council on the X2nd day of April 2019XXX.

MINUTES OF THE HEARING AND DELIBERATIONS OF THE REVIEW OF THE STOCKWATER RACE BYLAW HELD IN THE MEETING ROOM, MAINPOWER STADIUM, COLDSTREAM ROAD, RANGIORA ON WEDNESDAY 22 SEPTEMBER 2021 COMMENCING AT 9.00AM

PRESENT

Councillors S Stewart (Chairperson), A Blackie and W Doody

IN ATTENDANCE

L Hurley (Project Planning and Quality Team Leader), D Lewis (Land Drainage Engineer), K Simpson (3 Waters Manager), H Street (Corporate Planner), A Smith (Governance Coordinator)

1. APPOINT A HEARING PANEL CHAIRPERSON

The selection of a Chairperson (Councillor Stewart) had previously been confirmed at the time of appointment of the Hearing panel members.

Councillor Stewart took this opportunity to welcome submitters and advise the process to be undertaken for this hearing and deliberations.

2. APOLOGIES

There were no apologies.

3. CONFLICTS OF INTEREST

There were no conflicts of interest.

4. HEARING OF SUBMISSIONS

Chris Grey

Mr Grey advised they have a stockwater creek on their property and over two years ago they paid to have the creek cleaned out due to weed growth. Mr Grey advised he was okay with having to clean out the creek because of the weed growth, but he had since learnt that if the water flow is kept up, then the silt doesn't settle and the weeds can't grow. After they had to pay to have the creek cleaned out, his neighbour and he have been making sure there is enough flow and the pipe is clean and clear of weeds, sticks and mud. They have kept this clean for two years and then recently Waimakariri Irrigation Ltd (WIL) have put a concrete block in front of the pipe to stop the flow. When asked why this was done, the WIL representative advised Mr Grey that there was too much water flow. Photos were sent to WIL of what the creek had looked like after two years of being kept clean and clear and he explained that if this flow is blocked, and the weeds grow and silt starts to lie, he will not be paying to keep cleaning out the creek. Mr Grey said they pay rates for the availability of the creek and to have to pay every year to have it cleaned out and not being able to use it, it might as well be filled in and then he wouldn't have to pay for it in his rates.

Questions

Councillor Doody asked Mr Grey if he understand the history of the stockwater races
C Grey understands the stock water races are all linked, so that there is water for use on all the farms they go through. Councillor Doody added that this stockwater race system were formed in 1896 by Marmaduke Dixon and there is a lot of heritage and history relating to this system.

Councillor Doody asked if Mr Grey understood that the stockwater races also provide a form of land drainage when there is heavy rainfall events. Mr Gray understood this matter and there were times of high rainfall when the water source was shut off, to prevent flooding.

In his opinion, Mr Grey considers that the water flow has been shut off in their stockwater race, because there is someone further down the line who has water rights for 200,000 litres out of it.

Mr Grey said he would like to have the concrete block removed and prior to this being in place, there were no issues with the water flowing and this serviced many properties. There used to be a grate in place and he would be happy for the grate to be replaced.

Question from Councillor Blackie

Mr Grey lives at (address supplied) He is not aware of the exact flow figures but the flow is more than 3/4s down on the flow before the concrete block was placed in front of the pipe.

Question from Councillor Stewart

Mr Grey confirmed that he has stock on his property. Councillor Stewart showed samples on the Fact Sheets on stockwater races etc that the Council has available on Stock Water Races, Maintenance and Biodiversity, Fencing and Stock Access. These provide information and highlight the responsibilities of landowners who have stock water races going through their properties. Mr Grey was not aware of these. Mr Grey has owned the property for over 20 years and has never had any issues with the stockwater race, but believes the placing of this concrete block cross the pipeline will cause problems.

Councillor Stewart advised that the stock water race is almost 1000k long and has an ecological and environmental benefit in reducing nitrates in groundwater. Does Mr Grey see that there is a case for the cost of the race to be spread across the whole district, rather than just the properties that they go through? Mr Grey commented that if he didn't have a stockwater race going through his property, he wouldn't want to be paying for it. He is okay paying for it as he gets to use it on his property at the moment, but doesn't want to pay for it if there is no flow. It was noted that there are some property owners who don't have stock and therefore have no need for the stockwater race.

Kit Mouat

Mr Mouat advised he had previously been Corporate Solicitor for Landcorp and was questioning reference in Council documents that states the Council owned the land that stockwater races are located on. He said this is not the case and mentioned the history of the water races, noting the granting of easements for the water race when these were installed. In Waimakariri, most of this was done on a handshake agreement with the landowners. There has recently been some subtle changes in documentation to clarify that point.

K Mouat referred to the Activity Management Plan 2021 (AMP) Stockwater Race Scheme – noted that the photo on the front is not a water race but an irrigation race (noted the gorse bush in the middle of the picture). Reference was made to page 5 of this AMP document of the – pointed out that the Council owns the right to take water from the water races but the land is owned by the property owners, including himself.

Mr Mouat pointed out that Landcorp and Ngai Tahu were two of the biggest contributors to the WIL irrigation scheme. He spoke of property owners who had WIL staff coming onto their property saying that the Council owned the land, and questioned had there been any compensation paid to property owners when the water races were widened for the irrigation scheme.

Mr Mouat said that the water race on his land belongs to him, and the Council has the right to make bylaws, so that everyone in the district keeps their water races clean on their

properties. Mr Mouat maintains the water race on his property and keeps in clean. Has concerns with referring to the Council owning the race.

Regarding the proposed bylaw, referred to new clause 2.18 defines "Agent", and questioned why this was included in the Definitions or Interpretations section. *The Agent means WIL, authorised by Council to maintain and administer the water race system either inside or outside the water race system.*

Clause 3.3 Permitted uses – use of water for domestic irrigation for no more than two hours etc. Councillor Stewart confirmed that there needs to be written application to Council for the domestic irrigation permit to use the stockwater race for domestic purposes. There are approximately 25 – 30 of these applications granted currently.

Clause 5.4 maintaining and cleaning – Mr Mouat cannot see anything in the bylaw that the Council gives authority to WIL to go on the private land for cleaning the water races. There needs to be clear instructions between the Council and WIL as to what WIL must do when it goes onto another person's land. Mr Mouat advised an instance where WIL were undertaking the clean of a stockwater race and cleared the drain and left the rubbish against a fence on the property, which is not within the rules of the Bylaw. WIL staff must go through the landowner first before entering private property.

One of the amendments to the Bylaw document allows for a Licence to Occupy to be established, but Mr Mouat questioned how can a Licence to Occupy be set up on property that the Council doesn't own.

The water race system is on land owned by private individuals. The Council has the ability to set up a bylaw so that the water race system can function well. It can't say that it owns the land and this is the point that Mr Mouat is making in his submission. As WIL is the agent of the Council, there needs to be clear instructions on how they operate as Council agent in their communications with landowners. This needs to be made clear in the Bylaw. The Bylaw says that it is the landowners' responsibility to clean the water race and there is a process to be followed if this cleaning and maintenance is not undertaken. It needs to be made clearer how this process will work – with the Council using its powers to clean the race.

The Chair clarified that this review of the Bylaw is for the stockwater races, not with the irrigation system, which flows in part through the stockwater race system.

The Hearing Panel had no questions for Mr Mouat.

James Ensor and Richard Jackson representing the Mandeville Residents Association

James Ensor declared that he is a ratepayer who has properties with two stockwater races on them which he pays rates for. He is the independent Chairperson of the Mandeville Residents Association (MRA), and spoke on the submission from the Association, accompanied by Richard Jackson. The Association accepts the proposed changes to the Bylaw, but acknowledged the previous submitters comments on ownership of the stockwater races. There is an issue with the ongoing expense of having a stockwater race on properties for those owners who are not currently using the stockwater system. Summarised comments in the submission on the variability of maintenance of the stockwater races is a problem at times; potential for flooding at times of high flow/peak rainfall; the long-term viability of maintaining the network; the changed use of the water race system over time, with life-style blocks and intense developments. Irrigation has had significant effects on water flow, and it takes all or most of the water which is unsatisfactory. The Association suggests that the Council survey the landowners to determine how widely the stockwater race system is used by landowners and for what purposes (i.e. what stock). Noted that drainage system is essential throughout the district, which are linked with the stockwater races. The Bylaw document states that no deer or cattle can graze the stockwater races, only sheep, and there are very few sheep in the district.

Following a question from Councillor Doody, J Ensor advised that there are many residents in the Mandeville area who have indicated that they no longer wish to have the water flowing through the stockwater race on their properties. Most of these would be near the end of the line of the race.

Councillor Doody asked if residents who come to live in Mandeville understand the importance of the history of the water race system there and throughout Waimakariri.

J Ensor suggested that there are some areas in Mandeville where the water race causes issues from residents in rural residential subdivisions and they would rather see it gone. It was confirmed that the race needs to stay there and not be filled in, even if the water flow was stopped in the stockwater races. Councillor Doody asked do the residents understand this. J Ensor reiterated that this is information needs to be included as part of a survey to the Mandeville residents.

Councillor Blackie asked about the issue of variability of maintenance – what would the suggestion of the submitters be for controlling how some residents maintain races on their property? J Ensor said there needs to be a reasonable flow of cold water through the water race, which takes out the growth once a year. With restricted water flow, this slows the water down, which then warms the water and promotes weed growth. It was a difficult situation to get people to clean the water races on their properties when they don't have any interest in maintaining it. J Ensor suggested that if the water flow was stopped in the stockwater races in this part of district, he believes there would be very little maintenance required, as the ground would be so dry. J Ensor noted that the maintenance of the water race on his property does not take a lot of time or effort when there is no water flowing through.

Regarding the Stockwater Race Fact Sheets, J Ensor did not believe any residents were aware of these being available.

Chris Ryder

Mr Ryder operates a hedge cutting business, in the Mandeville and West Eyreton areas and expressed his concerns with the pollution that goes into the stock water races. He sees the water race being used as a dumping place for rubbish by some landowners and also has concerns with the application of herbicide Roundup into the stockwater race system.

It was confirmed that under the current Stockwater Race Bylaw cattle, deer and pigs are not allowed in the water races, though Mr Ryder has seen cows on a property in Mandeville Road standing in the water races there and tabled photos of this. These photos were circulated to the Hearing Panel members. He believes there should not be any stock access to the stockwater races, including cows, deer or pigs. It was noted that when this stock water race was first introduced many years ago, the predominant stock was sheep.

The concerns of Mr Ryder with this stock access to the water were acknowledged by the hearing panel. Mr Ryder advised he had phoned the Environment Canterbury Pollution Hotline previously with his concerns and was told that farmers have the right for their stock to drink out of the water races. Mr Ryder asked if any photo is used in future by the Council, so use one of the photos he has tabled today. Because of the state of the water in these stockwater races, Mr Ryder would like to see the water flow stopped in the races.

In conclusion, Mr Ryder said there are some property owners who do not seem to care about the impact their practices are having on the water and environment, but there are those farmers who are doing the right thing.

All submitters were thanked for their time and coming to speak to the Hearing Panel.

The hearing adjourned at 10.22am and reconvened at 10.42am.

5. HEARING PANEL CONSIDERATION OF ALL SUBMISSIONS AND SUGGESTED BYLAW DOCUMENT UPDATES

At this time, the hearing panel considered all the submissions received, with suggested responses to the submitter.

Financial Inequity

Craig R

Chair suggested the response could include advice that submitter could apply to the Council for a domestic irrigation permit if that is what was wanted, to be accessed through the water race. It was confirmed that the unit measure of water does not apply to Stockwater Races. The control mechanism is that the water can only be used for two hours a day. Regarding the rating mechanism, K Simpson said when the Council looks at rating for 3 Waters, including stockwater, and potentially the environmental benefits of the stockwater rate system, the points raised by the submitter, will be addressed at that time.

There was discussion on the monitoring of use of domestic irrigation permits, staff advising that when these are first established, compliance is checked, but over time there can be changes made to systems and modifications made. Inspections are made reactively by WIL, or if there is an issue with the availability of water, which is traced back to excessive use of water, this is monitored.

It was asked for a follow up by staff to confirm that a domestic irrigation permit is noted on a property file, and so that this permit stays with the property when it is sold, and new owners are notified of it.

Mike 64

Mark Emberton

John and Janelle Crawley

If there is physical difficulty with accessing the water race, property owners can approach the Council and an onsite inspection undertaken by staff. If it is identified that this is the case, they can be removed from the rating database. These submissions will all will entail onsite investigation by staff.

Comment from K Simpson: These are not specifically related to the Bylaw document, but more related to the rating approach.

No details

Noted that the landowner is able to apply for a domestic irrigation permit from the stockwater race water and apply to use this. Staff to follow up

No details

There will need to be onsite inspections undertaken by staff on these individual situations to clarify these situations.

Steve19

In response, staff to send information on how to apply for domestic irrigation permit for stockwater race. This is an alternative use for the water, even though landowners may not be using the water race to provide water for stock on their properties.

Warren

Point is being made of the district wide benefit of this submitter keeping the stock water race maintained and clean and that at the price quoted, it must be permanently fenced off. Response to include congratulations on the work that the submitter had undertaken on their block.

No details

Property at (property address supplied), noted that there is a large number of shelter belts and trees that are within 10 metres of water races. This clause was introduced as part of the original 1992 Stockwater Race Bylaw that shelter belts or trees must be 10 metres or further from a water race. Response to include suggestion that the submitter should be logging a service request in future if they had any concerns with the water quality. It was suggested that WIL agents could be leaving information flyers with properties as part of their inspection process. It was confirmed by staff that this is a stock water race only on this property (i.e. not WIL irrigation). Response to submitter should also advise them, that they have the ability to apply to Council for a domestic irrigation permit through the stockwater race system.

Flooding concerns**Bryan Ashby**

This is a stockwater race only on this property and K Simpson advised that this property is prone to flooding. Council staff will follow up with this submitter and address any concerns he has. An onsite inspection will determine if there are any actions upstream on the stockwater race, that may be exacerbating the situation regarding flooding.

Ben Taylor

K Simpson advised this is a combined irrigation and stockwater race system. It was recommended that there be a joint follow up investigation with WIL and Council, with this being a combined system. The property itself is not susceptible to flooding, and the issue may be related to the combined race being inundated with flood waters.

Mandeville Residents Association

Regarding the suggestion of a survey, it was noted that the Council undertook a survey in 2016. This survey asked people using the scheme what they used it for, and one of the key questions asked in the survey, was if landowners think the scheme should still remain. From the results, 79% indicated that they were satisfied with the service, 21% were dissatisfied, 60% thought it was important to have access to the water race and 69% are using the races for a variety of purposes. This was across all users of the system. There were 616 responses received which was a 42% response rate of the 1500 surveys sent out to property owners at the time. It was noted that compared to the bigger set of stockwater race users, the Mandeville area users are at the terminal end of the race system and subject to variability and continuity of flow and also the nature of the development of lifestyle blocks there. An observation of the development of lifestyle blocks, is the having a stockwater race through a property is valuable in the first five years in assisting with getting landscaping plants established. Following this period, the water races are not such an asset and can get forgotten about behind buildings and planting.

Councillor Stewart said it is important that a communication package goes out, particularly to the smaller block sizes, highlighting the ability for people to apply for use of this water supply for domestic irrigation and other purposes, rather than having stock

on their blocks. It is not widely known that this is available to extract water for domestic use and development of properties.

Councillor Doody also noted the ability to use water in stockwater races for fire fighting if needed.

Also in response to the Mandeville Residents Association point about McHughes Road flooding, K Simpson suggested advice will be included in the response to submitter, that there is an upgrade being implemented in this financial year in the Roscrea, Weatherfield and McHughes Road to increase the capacity of the water race system itself in terms of the drainage system. The hearing panel agreed with this response.

Community Benefits

No Details

Supports the stockwater race system and believes the whole district should be rated for it. K Simpson provided a review of the timeframe for this matter to be considered by the Council with a report to Council in October to discuss rating review. The response to submitter is to include this information.

Jane Rivers

Submitter to be thanked for her submission.

Maintenance concerns (22 submission points)

K Simpson suggested response to all submitters' maintenance concerns as below.

K Simpson said the key thing to advise submitters is to submit a service request. There is a process to undertake for the Council to let landowners know what their responsibilities are, and to provide a copy of the pamphlets advising these responsibilities. If a service request is lodged with the Council on such matters, these are forwarded on to WIL, and there is a response back from WIL to update the request once they have followed up. Regarding the use of the road corridor this needs to be done in accordance with any Councils requirements, in accordance with the Stock Movement Bylaw.

It was noted that there is some uncertainty with the cleaning out of waterways and what is to happen with the cleanings afterwards. K Simpson advised this is still under discussion with the Roading department – but currently any cleanings from roadside drains are taken away, but on private property, this would be left. Roadside cleaning also depends on the environment as well as weather conditions that are expected. Any cleanings left on the side of the races, relates more to private property. One of the key things with this is that any drainage cleanings are not blocking drainage flows. It was noted that there are very few races that are maintained by the Council on the roadside. These property owners adjoining could be communicated with and advised when cleaning is to be undertaken.

Councillor Stewart noted that in the Canterbury Water Management Strategy (CWMS) the supply of stockwater is a high priority, up with the supply of drinking water. She expressed concern about any stockwater races that are going dry and believes that stockwater has a priority over irrigation systems. K Simpson said the consent for stockwater take is not limited at all. K Simpson said the Council relies on people lodging a service request or contacting WIL when they are out of stockwater. The Council can then do something about it and track that people have been out of water for more than 48 hours. People are encouraged to submit these service requests so this can be followed up on.

Re communications, WIL have a txt alert system for their customers to advise of any reduction in flow for irrigation. It was reiterated that greater flows in stock water races keeps them clear and providing adequate stockwater. There is a difference between having enough flow to supply stock with water, than having flow to keep the race clean and clear of weed

The Hearing Panel did not think that the stock water races were a thing of the past and staff will provide some context in a response to this submitter. Also, if property owners had concerns with the races not being cleaned, this can be advised to the Council by lodging a service request.

K Simpson commented on the use of water race system as part of a drainage and flood management system, and in some cases there is a need for larger pipes and culverts to be installed. The prime use of the water races is to provide water to stock, but there is some situations where it is also part of the drainage and flood management system.

Further specific responses to the following submission points on maintenance:

Ruth Melrose

K Simpson suggested a site visit could help determine the situation.

No details

Regarding the submission on the water races that go on Council land and therefore the Council responsibility for maintenance – referred to the West Eyreton Pit and through the West Eyreton Oak Reserve. Hearing Panel agreed that this should be something the Council needs to follow up.

Karen Wilson

It was agreed that this submitter be congratulated on the suggestion of an owner manual to be circulated to all property owners so they know their responsibilities and requirements to maintain the race in a good condition.

Caroline Thomson

Regarding a comment in this submission on the Council providing contractors to maintain/clean portions of water races, staff advised that WIL do not offer a cleaning service to the public but as the Council agent, they have a number of local contractors who do race cleaning, and they communicate with property owners to try to do work on the water race on adjoining properties at one time. Property owners would need to pay for this service.

Working Well

**Margaret Cotter
Pete Higinbottom
Bob Bennett
M Jenkins**

Response to thank submitters for their submission and support.

Pollution Issues

Chris Ryder

Noted the comment from C Ryder on the misleading photo on the flyer on the stockwater race review, it was noted that this is not the case, as having a photo of stock drinking

from a trough is showing what best practice is. Councillor Stewart commented that the wording in the bylaw needs to clearly reflect what is in the Canterbury Land and Water Regional Plan. In PC7 cattle, deer and pigs are banned from entering water bodies, including artificial water bodies. K Simpson noted that the approach in drafting changes to the bylaw is that no stock shall linger in waterways and best practice is to have drinking stations. There is an explanatory note that there needs to be compliance with the Canterbury Land and Water Regional Plan. This is relating to the rules of the Regional Council but there needs to be clear rules in the Bylaw on what is acceptable and what isn't. Councillor Stewart noted that NPS stated that if a waterway is over a metre wide, it needs to be stock excluded.

Regarding the specific property that C Ryder made reference to in his submission, K Simpson advised that the Council are aware of the issues with this property and have written to the landowners previously. The response to the submitter should advise that the Council will continue to work with the Regional Council to endeavour to achieve improved practices on this property.

Councillor Stewart reiterated previous comments that following the adoption of the updated Bylaw document, it is a priority for the Council to have a robust communications package in place and is also in favour of a manual going out to property owners on the stockwater network.

K Simpson said the Council has gone away from setting specific rules but more towards an outcomes based approach – if there is an activity being undertaken which is having an adverse effect on the water race system (i.e. discolouration or bank erosion because of stock access proximity to the race), there then needs to be provision to allow for an approach to the landowners to get this addressed.

With regard to stock exclusion, K Simpson said that the hearing panel needs to decide if there needs to be specific information included in the Bylaw or if it is to align with what comes out of Plan Change 7 and NPS. It was agreed that staff will provide a concise summary of the current situation regarding the Land and Water Regional Plan - Plan Change 7 and the National Policy Statement regarding stock exclusion. It is understood that PC7 will be coming to the Ecan Council October meeting. The Hearing Panel agreed that the Bylaw needs to be as up to date as possible, so the report from this Hearing Panel will either go to the Councils November or December meeting, including the decision on the PC7.

R Melrose
S Paull
Private submission (no details)
Alistair Miller

Response to include advice on the communications package to be coming out following the review of the Bylaw, noting that it is the responsibility of the landowner to remove rubbish from the stockwater race going through their properties.

No Access to Race

Mike
Mark Emberton
John and Janelle Crawley
Janet, North Eyre Road

Previous submission points from these submitters, response to advise that there will be site visits by Council staff to all these properties, following their concerns being raised.

Flow Concerns

Caroline11
Bronnie Turner
No details
Ruth Melrose
S Paull
Bob Bennett
Alistair Miller

Previous submission points considered from these submitters, with site visits to be arranged.

No details submission

While the Bylaw doesn't guarantee a flow of water in the stockwater race, with lodging a service request, there would be a response from Council within 48 hours. The provision of this service is not well known with landowners who have stockwater races going through their properties and this needs to be addressed.

Late submission (address supplied)

It was agreed that this submission be received, noting that this submission does not bring up any new matters that haven't already been covered by other submitters and staff suggested that a response be provided back to the submitter, and treat it more as a general enquiry or a service request.

The deliberations adjourned at 12.45pm and resumed at 1.12pm.

At this time the Hearing Panel went through the suggested amendments to the Stockwater Race Bylaw document, as provided by track changes in the agenda.

Clause 2.5

Hearing Panel agreed with this change. K Simpson advised that this was a suggested change from the Policy team and any change that is made will get captured as part of the Annual Plan or Long Term Plan process. There will be updates to the boundaries of the rates areas.

Clause 2.8

Councillor Stewart commented on the difficulty in reading the current maps and from the submissions received, it was noted that people haven't looked at this map. The different colours indicating combined stockwater and irrigation races, council stockwater races, irrigation races and farm stockwater races. K Simpson said currently this is a pdf document but this will be a web portal, so that people are able to interact with the map and zoom in on the details related to their property.

Clause 2.12

Staff advised there would be further review of the Bylaw document to confirm that any gender specific terms had been removed and on this basis, it was agreed that clause 2.12 be removed.

Clause 2.16

Following a question from Councillor Stewart, what commercial irrigation agreements does the Council have? K Simpson said the only commercial irrigation take out of the stockwater race is under the Waimakariri Irrigation umbrella, but that there needed to be clarity on the situation with Ngai Tahu. Once this is concerned, it was agreed that for clarity and to be specific, that this information be included in this clause.

Clause 2.18

Submitter K Mouat had noted that the word "Agent" was not included in the definitions, and it was agreed that this would now be included. He had asked what right Waimakariri Irrigation Ltd (WIL) staff have to access his property. K Simpson noted that they act in the same capacity as Council staff and are issued with a Warrant of Appointment. WIL staff are still expected to contact property owners prior to visiting their property.

Clause 2.19

Following discussion on the interpretation of the term "immediately" in this clause, dealing with access to the stockwater race. Staff acknowledged that this clause is not clear cut and "black and white" with definitive rules, but advised that there is an assessment undertaken by staff on a case by case basis for these and an appropriate outcome is reached. It was agreed that this wording remain.

Regarding inclusion of the wording "whether piped or open", K Simpson advised that this has been included as there are sections of the water race that are piped (Cust as an example). There is the ability for people to apply for the residential irrigation permit in these cases.

Clause 3.2.1

To read "*Canterbury Land and Water Regional Plan*" and remove *Environment Canterbury's*.

Clause 3.3.3

Remove the wording "*the Council or its agent*". The water supply agreement is with Waimakariri Irrigation Limited.

Clauses under 3.4 –

Clause 3.4.3 Councillor Stewart noted that some submitters are concerned with the effects of spraying on the water in the stockwater races. Councillor Blackie questioned the restrictions on nutrients and how this could be monitored, and also the monitoring of domestic fowl straying into or on the water race.

K Simpson pointed out that clause 3.4.21 states *no one is to permit, allow or do any of the following: that any animal effluent or agricultural fertiliser to be discharged within 10 metres of a stockwater race*. The list of activities under 3.4 is a reference for staff to use, as possible causes of adverse effects on the water in the stockwater races and property owners can be made aware of this. Staff can then work with the landowner to address the issue.

Clause 3.4.4, Councillor Stewart referred to the use of the word "linger" and this needs to be more specific. It should be worded that cattle, deer and pigs should be prohibited from entering the water races. Staff are to prepare a concise summary of the NPS, NES and Land and Water Regional Plan, Plan Change 7, and align this clause with the decision of the NPS and Plan Change 7.

Clause 3.4.5

Staff to look at some rewording of this clause, speaking on farming activities causing contamination or making less pure the water in the water race. Councillor Blackie suggesting it is too ambiguous. Councillor Stewart pointed out that it is the farming practices that cause pollution either through sediment runoff or fertiliser runoff if best practice is not used. Subsequently clause 3.4.21 states *it is not to be permitted for any animal effluent or agricultural fertiliser to be discharged within 10 metres of a stockwater race*.

Clause 3.4.7

The Hearing Panel agreed that updated wording is required for this clause, to make it more current for this era.

Clause 3.4.14

Staff to check if Section 29 is still the current section of the Health Act 1956.

Clause 3.4.19

Councillor Stewart said there are many examples around the district that this clause is not adhered to and it needs to be monitored S Kalley noted there is a Planting of Trees and Shrubs alongside Stockwater Races Policy (S-CP 5614)

Clause 3.4.20

Should read: "*whether piped or open*"

Regarding existing buildings, staff confirmed that any building erected prior to 1999 is covered under existing use rights.

Clause 5.1

Additional wording agreed by the Hearing Panel.

Clause 5.1.2

An explanatory note to be included on the reference to leakage.

Addition of Clauses 5.1.3, 5.1.4 and 5.1.5 approved by the Hearing Panel.

Addition of Clause 5.5 *Fencing Requirements* approved by the Hearing Panel.

Clause 5.6 Failure to Repair to clean the Race – amendment approved

Clause 6.1.1 Diverting of Water – amendments approved

Clauses 9.1 Powers of Control – amendments approved

Clause 9.5 Powers of Control – additional clause approved

Clause 12 Remedies – additional clause approved.

The Hearing Panel sought clarification of use of the word "ownership" of land, not owned by the Council. Staff suggest that the land is not owned by the Council, but the excavation and infrastructure undertaken is owned by the Council.

Staff will now prepare a report on behalf of the Hearing Panel, either for the November or December Council meeting. Once this report is written this will be circulated to hearing panel members prior to this going to Council.

Councillor Stewart suggested that the panel members and staff should meet again with staff after the Bylaw document has been adopted by the Council, to discuss a recommended communication package and there is clearly a need to get this out to the community.

There being no further business, the hearing and deliberations closed at 2.51pm.

CONFIRMATION

Chairperson

Date

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION****FILE NO and TRIM NO:** WAT-03 / 211214200158**REPORT TO:** COUNCIL**DATE OF MEETING:** 1 February 2022**AUTHOR(S):** Colin Roxburgh, Water Asset Manager**SUBJECT:** Request to Bring Forward Rangiora Renewals Budget for Church Street Renewal**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)
Department Manager
Chief Executive**1. SUMMARY**

- 1.1. This report is to request the Council's approval to bring forward \$170,000 of pipeline renewals budget from the 2022/23 financial year to the current 2021/22 financial year to allow the Church Street water main renewal to proceed as part of the Central Rangiora Sewer Stage 5 project, which is to commence in the new year for completion this financial year.
- 1.2. This will allow the Church Street water main to be renewed in conjunction with sewer works in the same area, rather than undertaking a separate contract in the same area at a separate time of year. The Church Street water main was installed in 1964, and with a base life of 60 years therefore its programmed renewal year when considering its base life is 2024.

Attachments:

- i. Nil

2. RECOMMENDATION**THAT** the Council:

- (a) **Receives** Report No. 211214200158.
- (b) **Notes** that a design has been completed and a price submitted as part of the Central Rangiora Sewer Stage 5 contract to renew a section of water main on Church Street as part of this contract in April and May 2022, for \$160,000, to align with the upgrade of the sewer main.
- (c) **Approves** the bringing forward of \$170,000 of Rangiora water main renewals budget from 2022/23 to 2021/22 to allow the separable portion for the Church Street water main to proceed.
- (d) **Notes** that the proposed approach will assist with minimising disruption to residents by allowing two services to be upgraded under one contract, and will assist with the deliverability of next year's water programme by delivering some works ahead of schedule, and that the rating impact will be minimal as this work is to be funded from the scheme's renewals account.

3. **BACKGROUND**

- 3.1. At the start of the 2021/22 financial year, a selection of water mains were identified to be renewed with the available budget of \$500,000 for the Rangiora scheme. This included water mains on Geddis Street, High Street and Duke Street. A contract has been awarded to upgrade these pipes in the current financial year, utilising the available budget already allocated.
- 3.2. As the sewer mains were being designed for the Central Rangiora Sewer Stage 5 project, it was identified by the designer that there was an opportunity to renew the 1964 asbestos cement water main on Church Street between Queen Street and High Street. This would allow efficiencies in terms of traffic management costs, as well as minimising disruption to residents by having the same contractor undertaking the sewer and water main jobs.
- 3.3. With the Church Street water main being installed in 1964, and a base life of 60 years, its programmed renewal year when considering base life is 2024. Given its criticality rating of C its overall allowable renewal window is 2021 to 2036, based on renewal from between 95% and 120% of its assumed base life.
- 3.4. Design for the Church Street water main was undertaken as part of the Central Rangiora Sewer Stage 5 design. Tenders have now closed for both the Rangiora water main renewals contract, and Central Rangiora Sewer Stage 5. Based on the prices received, it has been identified that:
 - The Rangiora renewals budget available is sufficient to award the works under this contract on High Street, Geddis Street and Duke Street, but there is no excess budget to assist with funding the Church Street water main.
 - The tendered price for the Church Street water main as part of Central Rangiora Sewer Stage 5 contract is approximately \$160,000, and is programmed to be constructed over April and May 2022 (this financial year).

4. **ISSUES AND OPTIONS**

- 4.1. The options to be considered are:
 - Bring budget forward from 2022/23 to 2021/22 to allow Church Street water main to be renewed as part of Central Rangiora Sewer Stage 5 contract in the current financial year. This is the recommended option.
 - Not award the Separable Portion for the Church Street water main renewal as part of the Central Rangiora Sewer Stage 5 contract, and run a separate tender process to complete this work in the next financial year. This is not recommended as this would:
 - Incur additional costs for re-tendering the works;
 - Incur additional traffic management and overhead costs by undertaking this work separate to the wastewater works;
 - Cause additional disruption to the residents in the area.

Implications for Community Wellbeing

There are implications on community wellbeing by the issues and options that are the subject matter of this report. The recommending option of undertaking the Church Street works through the same contract as the sewer works will minimise disruption to the community when compared to the alternative option, and therefore minimise negative impacts to community wellbeing.

- 4.2. The Management Team has reviewed this report and support the recommendations.

5. **COMMUNITY VIEWS**

5.1. **Mana whenua**

Te Ngāi Tūāhuriri hapū are not likely to be affected by, or have an interest in the subject matter of this report.

5.2. **Groups and Organisations**

There are not groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

5.3. **Wider Community**

The wider community is likely to be affected by, or to have an interest in the subject matter of this report. The community in the immediate area will be impacted by traffic management during these works, and the proposal to align the water and sewer works will minimise this impact compared to the alternative option.

6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

6.1. **Financial Implications**

There are financial implications of the decisions sought by this report. The recommendations involve moving budget from one financial year to another, but no change to the overall Rangiora renewals budget. This is not forecast to have a rating impact, as the renewals account is currently in surplus.

This budget required is included in the Long Term Plan, however is required to be moved from one financial year to another in order for the proposal to proceed.

6.2. **Sustainability and Climate Change Impacts**

The recommendations in this report do have sustainability and/or climate change impacts. By undertaking multiple projects under one contract rather than separate contracts, the works will be able to be completed more efficiently, indirectly reducing emissions associated with the works marginally relative to the alternative option of undertaking the works separately.

6.3 **Risk Management**

There are risks arising from the adoption/implementation of the recommendations in this report. If the recommendations are not adopted, there is a risk of negative public perception associated with undertaking separate contracts in the same area in a similar time period, but without coordination.

6.3 **Health and Safety**

There are not direct health and safety risks arising from the adoption/implementation of the recommendations in this report, as the contents of the report relate to the timing of a project, but not the overall scope of the project. There will be the usual health and safety risks associated with construction activities that will be managed through the Council's established health and safety practices.

7. **CONTEXT**

7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. **Authorising Legislation**

There is no legislation with direct implications with respect to the subject matter of this report.

7.3. Consistency with Community Outcomes

The Council's community outcomes are relevant to the actions arising from recommendations in this report. The relevant outcomes are:

- Core utility services are sustainable, resilient, affordable; and provided in a timely manner.

7.4. Authorising Delegations

The Council has the authority to assign and move budgets.

WAIMAKARIRI DISTRICT COUNCIL

REPORT FOR DECISION

FILE NO and TRIM NO: CPR-02-01/211201192403

REPORT TO: Council

DATE OF MEETING: 1 February 2022

AUTHOR: Rob Hawthorne (Property Manager),
Property Acquisition & Disposal - Working Group

SUBJECT: Property Acquisition and Disposal Policy

ENDORSED BY:
(for Reports to Council,
Committees or Boards)


Department Manager


Chief Executive

1. SUMMARY

- 1.1 This report seeks the adoption of the attached draft Property Acquisition and Disposal Policy – PAD Policy (Attachment 1)
- 1.2 This Policy has been developed following a report in June 2020 and the formation of a Property Acquisition and Disposal Working Group (PAD-WG) of 5 Councillors to guide its development. The make-up and Terms of Reference for this Working Group are attached (Attachment 2).
- 1.3 The Policy is important to ensure fair, transparent and compliant processes and behaviours are in place to protect the rights of property owners and Council's reputation while endeavouring to maximise the return from any property acquisition or disposal actions.
- 1.4 Alignment of decision making with the core purposes of the organisation is critical. The opportunity and financial costs of keeping underutilised or unneeded real property assets comes at the expense of an asset or service that is needed.
- 1.5 The draft Policy and associated processes provide logical and defensible criteria and a clear, consistent methodology to evaluate the business case for property acquisitions, and for assessing the rationale for retaining existing property for investment, service delivery or strategic purposes or alternately proceeding to disposals.
- 1.6 The Policy establishes a regular 3-year review of Council's property holdings by respective Activity owners within Council that are responsible for specific property assets, e.g. Greenspace, Three Waters, Libraries, Solid Waste. Housing for the Elderly etc.
- 1.7 The initial process uses an assessment that identifies properties that are well utilised and fit for purpose in relation to the primary Activity for which they are currently being used.
- 1.8 The inference is that for those properties that do not score well in the assessment, there may be value in a more detailed assessment of the rationale for retaining the property for their current use or purpose. This may give rise to consideration of options to release part or all of a site for repurposing or sale.
- 1.9 While the objective of this initial assessment is to identify properties that may not be fit for purpose (current), it is not intended to be the decision-making tool for disposal. Instead, it simply has the effect of reducing the number of properties that may then be subject to further, more detailed assessment and consideration.

- 1.10 The initial high-level review would be due in August 2022 in advance of the upcoming Long Term Plan. The initial list of properties would allow a programme of more detailed assessment to be undertaken by the Activity Unit and the Property Unit to consider the merit of retention, repurposing or disposal.
- 1.11 Delivering on the initial assessment may be challenging for some Activity areas such as Greenspace due to the large number of properties under their management and challenges associated with assessing various property and reserve classifications.
- 1.12 Some level of prioritisation by Activity/sub-portfolio may be required with regard to the completeness of the review by the target date. The initial assessment tool outlined in the Policy provides a consistent approach to evaluating the performance of a property relative to its primary activity or purpose.
- 1.13 These assessments are reliant on accurate and up-to-date data and information. In some cases, this will not be available. Therefore, it is possible that it may require several LTP cycles to be in a position to apply the assessment tool confidently. This will need to be considered when reviewing the outputs in the first cycle in August 2022.
- 1.14 Equally, the concept of assessing a highly functional and standards-based activity such as a water pumping station site, by comparison with the use and performance of a community facility, may require refinement of the assessment tool to give more appropriate weighting to the social and cultural considerations where the community interface and history can be important Activity drivers.
- 1.15 A review of the implementation of the policy is intended in mid-2023 to consider the matters mentioned above, which may result in amendments to the assessment tool and process outlined in Schedule B.
- 1.16 The list of properties that do not score well would be reviewed and prioritised into three broad groupings,
 - a. Those that have a higher likelihood of generating an enhanced value to Council as a result of being available for repurposing or being sold - with funds then being made available for other purposes.
 - b. Those that require more investigation but on face value appear reasonable candidates with regard to repurposing or being considered for disposal.
 - c. Those properties that for some reason were not able to be evaluated prior to August 2022 or where the score suggest a low likelihood of the property being a candidate for repurposing or disposal.
- 1.17 As part of the above process, the commercial feasibility of releasing the property for sale would be considered at a high level, given that there can be significant costs involved in regard to researching potential offer back obligations and revoking land status impediments.
- 1.18 The August report would summarise the grouping referred 1.16 and establish a programme of more detailed assessment. Some assumptions will be applied with regard to a likely programme of disposals over the following LTP period.
- 1.19 Sites that have had the more detailed assessment completed may be confirmed for retention or identified as potential/likely disposals. Prior to confirming a disposal, alternate uses by Council (and other acquiring agencies) would be made.
- 1.20 In some cases, consideration of other potential uses by the community or collaborative initiatives with other stakeholders and agencies may be appropriate.
- 1.21 This would also involve consideration of community and stakeholder involvement in the property, i.e. when was it acquired, who paid for it, what stakeholders and community groups were actively involved in its use or management over time and are there any heritage, social or cultural considerations that may need to be taken into account.
- 1.22 Where a property is still identified as operationally redundant and is not considered feasible to retain and repurpose, it would be passed to the Property Unit to complete statutory obligations, devise an appropriate site-specific disposal plan, and then action this.

- 1.23 The draft policy is presented as a key deliverable from the PAD-WG and is fully supported by the Chair and Members of that group.
- 1.24 The report also outlines the need for an approved implementation strategy and signals some of the factors that need to be considered in progressing this. The implementation plan and resourcing required to support this will form part of the 2022/23 Annual Plan considerations set for January/February 2022.
- 1.25 Considerations relate to risks associated with specific properties or property typologies/land tenures, the anticipated timelines associated with delivering the programme and resource requirements associated with alternate delivery options and the potential value of property that may readily be available for sale that could potentially fund an acceleration of the programme.
- 1.26 In particular, the PAD-WG have identified the 3 Waters properties as having higher criticality than others in relation to implementing the review outlined in the Policy. The level of focus and resource requirements associated with this may result in other implementation plan work streams receiving less time and effort over 2022.

Attachments:

1. Property Acquisition and Disposal policy - draft (211202192591)
2. Terms of Reference - Working Group Acquisitions & Disposals Policy, and Implementation Plan (200722092570)

2. **RECOMMENDATION**

THAT the Council:

- (a) **Receives** report No. 211201192403
- (b) **Adopts** the attached draft Policy.
- (c) **Notes** that information on the implementation of the policy will be brought to Council as part of the Annual Plan deliberations in late January/early February 2022.

3. **BACKGROUND**

Context

- 3.1 Council owns or administers well over 900 properties across the District. In addition, Council owns substantial areas of land held as unformed roads, although these areas are not held in legal land parcels.
- 3.2 The nature and land tenure of Council owned land varies considerably, and the mechanisms by which it was acquired are also varied.
- 3.3 Unlike land held in freehold by private individuals and other entities, much of Council owned land has additional or alternate legal and regulatory obligations not common to others.
- 3.4 This is not commonly understood and this policy seeks to be explicit in order to avoid mistakes that may have been made in the past and to protect the interests of Council going forward, as well as the public and property owners in relation to how Council conducts transactions and the administers its property holdings.
- 3.5 To that end, this report seeks the adoption of the attached draft Property Acquisition and Disposal Policy (Attachment 1)
- 3.6 This policy has been developed following a report in June 2020 and the formation of a Property Acquisition and Disposal Working Group (PAD-WG) of 5 Councillors to guide its development. The make-up and Terms of Reference for this Working Group are attached (Attachment 2).

- 3.7 The policy is important to ensure fair, transparent and compliant processes and behaviours are in place to protect the rights of property owners and Council's reputation while endeavouring to maximise the return from any property acquisition or disposal actions.

Scope

- 3.8 The Policy applies to most property that has permanent ownership rights. These include the following assets and property rights that are covered by the policy:
- a. Land;
 - b. Buildings Fixtures and Fittings;
 - c. Council Infrastructure and Improvements;
 - d. Vestings, offsetting and giftings (for example relating to subdivisions);
 - e. Easements, Land Covenants and a variety of other land encumbrances (on both Council and non-Council owned Property);
 - f. Rights associated with air, riparian and subterranean property interests; and
 - g. Agreements, contracts or any other legal instruments that commits Council to any of the above types of property transactions.

Exclusions

- 3.9 For clarity, the Policy does not extend to:
- a. Licenses or leases;
 - b. Hire-age of spaces and any other temporal use arrangements for Property;
 - c. Rights to attach equipment/signage to a building unless it is a permanent right;
 - d. Removable furniture, equipment, and other items not fixed to a real property asset;
 - e. Intellectual property rights; and
 - f. Naming rights.
- 3.10 It should be noted that the policy relates to decision making about the potential sale or purchase of property. Council's decision making around maintaining, renewing, replacing or extending buildings and/or other improvements on a site is dealt with separately, ideally within the relevant asset management plans.

Principles

- 3.11 The following principles provide the core directives on which the balance of the policy was formulated:
- A. Fairness and the Public's Interest
 - a. *All decisions will pursue the best interests of the community, ratepayers and the public, with alternative options and their consequences considered.*
 - b. *The rights of individuals and property owners (past, present, and future) should be preserved and protected at law and by intent.*
 - B. Transparency of Process
 - a. *Processes will (where appropriate) be undertaken in an open and transparent manner to ensure the Council is seen to be responsibly managing public assets and funds.*
 - b. *However, protecting property owner rights with respect to land acquisition and disposals will often require that certain information be kept confidential and that negotiation may, in some cases, include commercially sensitive information relating to businesses, lessees and other stakeholders.*
 - c. *In addition, Council also reserves the right to review, discuss, consider, and make decisions on commercial negotiations in a public excluded environment.*

C. Partnering with Ngāi Tūāhuriri

- a. *Decisions to acquire, use or dispose of Property will be made while building and improving upon the partnering relationship between the Council and Ngāi Tūāhuriri through ongoing and meaningful engagement that is robust, appropriate, accessible and respectful of tikanga Māori.*

D. Legislative and Regulatory Compliant

- a. *Decisions will be compliant with statutory and regulatory requirements and frameworks, their amendments and/or their equivalent replacements, in particular the Property Law Act 2007, the Land Transfer Act 2017, the Public Works Act 1981, the Resource Management Act 1991, the Reserves Act 1977, the Ngāi Tahu Claims Settlement Act 1998, the Local Government Official Information and Meetings Act 1987, the Local Government Act 1974 and the Local Government Act 2002.*

E. Financial Responsibility - Prioritised/Opportunity Cost

- a. *The Council will seek to maximise the value of its Property assets and minimise whole-of-life costs - including acquisition and disposal costs.*
- b. *Proper consideration needs to be given to viable non-ownership alternatives and their consequences, e.g. joint ventures, leasing, easements, and other arrangements.*
- c. *The opportunity and financial costs of keeping underutilised or unneeded land and Property assets comes at the expense of a needed asset or service.*

F. Needs-based

- a. *Decisions will predominantly be based on clearly identified needs of the community and the Council, both current and future.*
- b. *Decisions will be influenced by the wider context of long-term trends and their impact on the Council's services and activities and reflect the Council's strategic future planning.*

G. Scarcity/Change

- a. *As resources are finite, they will be prioritised as required at any given point in time.*
- b. *However, needs and requirements tend to change, giving rise to the need for the regular, ongoing review of all Property holdings on a periodic basis.*

H. Adaptable/Future Proofed

- a. *Given the requirement to respond to changing needs over time, decisions on Property/asset development will consider and, where possible, allow for expansion, extension, repurposing and/or anticipate the need for an exit strategy at some point in time.*

I. Consistent

- a. *Decisions will be consistent with Council (1) Policies, (2) Strategies and (3) Plans. They will, in particular, align with Council's:*
- b. *Asset Management Policy* and other relevant internal policy/external standards (*Property forms a critical part of a wider set of asset solutions that are subject to the Local Government Act and Audit NZ obligations in relation to asset management).*
- c. *Policy on Significance and Engagement.*
- d. *Infrastructure strategy and other strategies that provide a strategic framework for Council Activities or objectives - that in turn require Property assets to support delivery.*

- e. *Plans that specify property/asset requirements, e.g. Long Term Plan and Annual Plans.*

J. Sustainable

- a. *The principles of sustainable management should be applied to investment and disposal decisions to ensure a holistic understanding of costs and benefits are understood and considered – social, cultural, environmental & economic factors.*

K. Information Management

- a. *Information on Council-owned or administered Property will be easily accessible, complete and kept up-to-date to enable informed decision making regarding the acquisition, retention and disposal of Property.*

L. Embracing Diversity

- a. *Seeking out, acknowledging and considering the views of diverse cultural and ethnic groups in the community will also be an acknowledged part of relevant property acquisition and disposal activities.*

The policy helps guide decision making and process in line with the above principles.

Decision Making

- 3.12 In some cases, Council may be non-compliant with legislation where properties continue to be held after a change of use without appropriate processes being applied.
- 3.13 Alignment of decision making with the core purposes of the organisation is critical. The opportunity and financial costs of keeping underutilised or unneeded real property assets comes at the expense of an asset or service that is needed.
- 3.14 The policy provides a structure and guidance to support decision making and processes in support of the above premise but also needs to be adaptable for different settings and/or purposes within the organisation's overall purposes
- 3.15 There are three significant filters or settings that require different types of process and analysis to inform investment, retention and disposal decision making. These include:
 - a. Service Delivery
 - b. Strategic Positioning
 - c. Investment
- 3.16 The draft policy and associated processes provide logical and defensible criteria and a clear, consistent methodology to evaluate the business case for property acquisitions, and for assessing the rationale for retaining existing property for investment, service delivery or strategic purposes or alternately proceeding to disposals.

Development and Structure

- 3.17 The draft policy is presented as a key deliverable from the PAD-WG and is fully supported by the Chair and Members of that group.
- 3.18 The structure of the Policy has an overarching framework that includes objectives, principles and other governing elements, with the balance of the document providing more technical processes and obligations. These cover requirements and processes in each of the three key phases in the property lifecycle (A) Acquisition, (B) Retention/Review of existing properties, and (C) Disposal. In addition, there is a further Schedule (D) covering Related Policy, Legislation and Definitions.
- 3.19 The combined document provides a comprehensive suite of requirements, processes and mechanisms for the compliant and appropriate management of transactional matters and the required and responsible consideration of Council's ongoing retention/use, repurposing or rationalising of its property portfolio.

Accountabilities

- 3.20 Council holds most property for operational services to the public or in support of a strategy. As such, they are generally administered by internal 'Asset/Activity' owners. The review process and mechanisms outlined in the policy anticipate that these titular asset 'owners' would review their property holdings as part of the three-yearly asset management planning cycle and generate a list of potential acquisitions and disposals.
- 3.21 If this is completed in a timely way, it will enable the Property Unit to, in tandem with the Activity owner, investigate these and develop an adequately resourced programme of acquisitions and disposals over the upcoming LTP period.
- 3.22 In the interim, there are a number of critical portfolios that may require an accelerated programme, particularly the 3 Waters property asset and some properties that are clearly not currently held for a public work or a definitive strategy.
- 3.23 Given the criticality of decision-making in these areas, a separate programme is being established to progress this work as a priority.

Acknowledgement

- 3.24 The development of the policy included a review of policies that other Councils had developed and was supported by significant input from one of the Senior Partners of Corcoran French. In addition, feedback was sought from The Property Group (TPG) who specialise in this area of work.
- 3.25 The efforts of the elected members to consider and contribute to the policy provisions as they have been developed has been significant, and in addition, they have spent considerable time looking at particular examples of Council owned properties to gain an understanding and appreciation of many of the issues faced with existing properties and the challenges that need to be navigated in relation subsequent disposals.
- 3.26 It should be noted that with the wide coverage and diversity of property held by Council, there is scope for considerable learning and review once the policy is being applied for decision-making purposes. Therefore, while a normal policy review period has been set, it is anticipated that the policy, or at least operational aspects of it, may require adjustment/amendment, with the intent that the PAD-WG continue to monitor implementation actively.
- 3.27 The Working Group has now turned its attention to the implementation of the policy once it is adopted and to where Council's priorities may lay in relation to progressing a programme of review and potential disposal.

Next Steps

- 3.28 The report outlines the need for an approved implementation strategy and signals some of the factors that need to be considered in progressing this.
- 3.29 The development of the implementation plan and resourcing required to support this is underway and will form part of the 2022/23 Annual Plan considerations set for late January/early February 2022.
- 3.30 The potential outcome of the 3 Waters review creates some concern around the future status of land associated with this activity. Ideally, Council should be able to clearly identify core land holdings for this activity and identify where there is underutilisation of sites or redundant sites. Once reviewed, some of these sites may be considered surplus or repurposed for an alternate public work.
- 3.31 Other groupings of land by activity may represent a more evident opportunity for repurposing or disposal. Generally, these are where the activity is not held for a strategic purpose or a service provided by the Council to the public.

4. ISSUES AND OPTIONS

- 4.1. In response to several options in relation to Council's response to the proposed policy:

a. Do nothing.

Reject the policy. Not recommended.

b. Adopt the Policy with some amendments.

Reject the policy in part or request that certain elements be revised and represented.

c. Adopt the policy (recommended)

After due consideration, support the adoption of the policy

Implications for Community Wellbeing

The acquisition and disposal of properties generally contribute to the various Community Wellbeings as property assets contribute to service delivery, strategic direction and the cost-effectiveness of Council's operations which depending on the activity, are targeted on one or more of the wellbeings.

4.2. Staff recommend that the policy be adopted.

4.3. The Management Team has reviewed this report and supports the recommendations.

5. COMMUNITY VIEWS

5.1. Mana Whenua

Te Ngāi Tūāhuriri hapū will likely have an interest in the subject matter of this report, as they seek to enhance opportunities in relation to ancestral lands and build an economic base in the District. In addition, there may be relevant proceedings under the Ngāi Tāhu Settlement Act in some instances.

Tauranga Council has recently released a policy that includes an offer back provision for Mana Whenua separate from any legislative claim that may exist. This has not been proposed here, but it should be noted that there are other strategies and/or mechanisms by which Council can and does engage with Mana Whenua, and through which opportunities for partnering and/or development initiatives between them and Council can be promoted.

5.2. Groups and Organisations

There are other groups and organisations such as Government departments that are likely to be directly affected by, or who have a specific interest in, the subject matter of this report; however, in most cases, these relate to the legislative and regulatory commitments that should already be adhered to.

5.3. Wider Community

The wider community views have not been sought to date, as the primary elements of the policy relate to legal requirements and are less subject to preferences that individuals may have with regard to the nature of commercial transactions contemplated by the policy.

Because individuals may be impacted by the policy it is likely to be of interest to some of them. Therefore, in the interests of fairness and transparency, the existence of the policy

allows individuals to challenge Council if it does not abide by the principles and requirements enunciated within the policy.

In relation to specific property decisions, particularly around Reserve land where property sales are being proposed and/or where significant changes are anticipated, the wider community can have significant interest. This can involve public consultation and required revision of respective Reserve Management Plans where affected in some settings. These matters are noted in the policy.

6. OTHER IMPLICATIONS AND RISK MANAGEMENT

6.1. Financial Implications

The financial implications emanating from the decisions sought by this report are generally positive in relation to the potential that a review of sites and activities may generate surplus property that can be repurposed, avoiding the need to acquire additional land, and/or be sold, with the outcome being less debt and potentially reduced rates.

There will be some additional work for staff undertaking the reviews in their respective areas and for the Property Unit to progress acquisitions or disposals where appropriate. The speed with which this programme of work is required will dictate the need or not for additional staff or consultant resources.

6.2. Sustainability and Climate Change Impacts

The recommendations in this report specifically provide for consideration of Council strategies which include those relating to sustainability and/or climate change impacts. As further policy and strategy initiatives are implemented in this area there may be the need to consider the connectivity these have with this policy.

6.3. Risk Management

There are some risks arising from the adoption/implementation of the recommendations in this report, such as, members of the public identifying historic practice that falls short of the new policy standards. However, on balance, these are considered relatively modest.

The new policy establishes a framework where any acquisition or disposal being considered has a robust decision making process that fully considers the stakeholders and property required to provide community outcomes, need and levels of service, in conjunction with the Councils Engagement and Significance Policy.

6.4. Health and Safety

No health and safety risks are arising from the adoption/implementation of the recommendations in this report.

7. CONTEXT

7.1. Consistency with Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. Authorising Legislation

A significant amount of regulation and legislation is dealt with by the various parts of this policy. These are noted and summarised in Schedule D of the policy.

7.3 Consistency with Community Outcomes

The acquisition and disposal of properties generally contribute to most of Council's Community Outcomes as property assets contribute to service delivery, strategic direction and the cost-effectiveness of Council's operations.

7.4 **Authorising Delegations**

Council has general authority to acquire and dispose of property, and in keeping with this delegation, they can make policy around how this is managed and put into effect.

Property Acquisition and Disposal Policy

1. Introduction

The Council manages an extensive portfolio of property, incorporating land, buildings, infrastructure and improvements, as well as other types of property interests, including easements, land covenants and other interests (together called “Property”). This Property has been vested, gifted or acquired over many decades, with some dating back to early settlement and Crown Grants.

Council’s Property can be used and deployed in many different ways to support the Council’s core operational purposes; Property may be occupied and used directly for service delivery activities.

On occasions, the Council may acquire Property for strategic purposes, such as giving effect to a desired planning outcome that otherwise would not progress or could potentially be compromised, or setting some land aside for a likely future public or operational use.

In general, the Council does not actively acquire or retain land for development or investment purposes, but in some cases, this may be a factor that is taken into consideration. As such, the Council actively aims to minimise holding costs for Property by containing costs and maximising revenue from income and/or Property appreciation. Nevertheless, in some cases, properties have been retained as they are uneconomic to dispose of, held to accommodate longer-term service provisions, or are subject to other constraints.

The diverse and evolving needs of the Council, and its community, now and into the future, is often delivered from or supported by Council-owned Property. This requires the Council to acquire additional Property where needed as well as to sell Property that is surplus to Council’s requirements. This requires strategic oversight to ensure the best use of public funds.

2. Policy context

It is essential that the Council has policy and guidelines that ensure its processes for selling or acquiring Property are fit for purpose and soundly based, i.e. compliant with the law, including legislative frameworks and legal principles, consistent, equitable and where appropriate transparent.

It is important to protect the interest of residents and ratepayers, deliver positive outcomes for the Council and the community and ensure fair and consistent treatment for all prospective vendors and purchasers.

This Policy considers the way the Council acquires, retains, and disposes of Property.

It is a general policy that outlines Council's intended framework and criteria that will assist the Council in the acquisition, retention, and disposal of Property. This Policy also has a number of more specific processes that detail standard information, process steps and decision-making requirements, along with roles, responsibilities, and delegations.

3. *Policy objective*

This Policy provides principles, policies, and processes regarding the acquisition, retention, and disposal of Property for the Council and references the key processes involved. The overarching policy objectives are to:

- i. Ensure property and asset-related decision-making is governed by clear criteria and aligned with the Council's Policies, Strategies, Long Term Plans, and its core purposes and objectives.
- ii. Strategically manage Council's Property portfolio for the long-term best interests of the community.
- iii. Ensure fair, consistent, transparent, and compliant processes and behaviours are in place to protect:
 - The rights of property owners;
 - The enduring relationships with private, public, Iwi and Māori stakeholders;
 - Protect Council's reputation; and
 - Ensure legal compliance and best practice.
- iv. Achieve good value (financial and non-financial) in all of its Property dealings by:
 - Minimising costs for acquisitions and disposals;
 - Maximising the return from Properties held or any Property disposal actions; and
 - Reviewing existing Property holdings on a periodic basis to ensure they are required, well utilised, and fit-for-purpose.

As an overarching corporate Policy, this is directly and/or indirectly connected to Council's Community Outcomes.

4. *Policy statement*

4.1 *Policy Framework*

The Policy Framework has an overarching Policy that outlines the context, objectives, scope, principles, delegations, and the key decision-making processes, with a number of distinct operational Schedules with more detail and that give effect to the Policy.

The three primary Policy Schedules cover the lifecycle and process of Property ownership by specifying the following phases:

- (A) **Acquisition** planning, approval, criteria and processes required for new Property
- (B) **Retention/Review** existing Property, i.e. processes, programme and performance criteria
- (C) **Disposal** of surplus Property, i.e. processes, mechanisms and methods used.

In addition, Schedule D outlines relevant linkages to Policies, Legislation and Regulation and provides common definitions for this Policy.

These Schedules support and are part of the overarching Policy. They are technical in nature,

and are subject to change. The framework allows for more timely technical updates over the course of time without necessarily affecting the overarching Policy or other Schedules.

4.2 Scope

The Policy applies to the acquisition, retention, and disposal of most property with permanent ownership rights. These include the following or any combination of them:

- Land;
- Buildings Fixtures and Fittings;
- Council Infrastructure and Improvements;
- Vestings, offsetting and giftings (for example relating to subdivisions);
- Easements, Land Covenants and a variety of other land encumbrances (on both Council and non-Council owned Property);
- Rights associated with air, riparian and subterranean property interests; and
- Agreements, contracts, or other legal instruments that commit the Council to any of the above types of Property transactions.

Policy Exclusions: For clarity, the Policy does not extend to:

- Licenses or leases;
- Hireage of spaces and any other temporal use arrangements for Property;
- Rights to attach equipment/signage to a building unless it is a permanent right;
- Removable furniture, equipment, and other items not fixed to a real property asset;
- Intellectual property rights; and
- Naming rights.

Schedule D refers to policies that cover some of the above exclusions.

Of note, the Policy does not cover the development, construction, alteration, renewal, replacement or demolition of buildings, fixtures and fittings, Council infrastructure and improvements on a site, as this is dealt with separately, ideally within the relevant asset management plans.

4.3 Principles

To give effect to the Policy objectives, the following principles will be applied to decision-making in relation to the acquisition, retention (use), and disposal of Property:

4.3.1 Fairness and the Public's Interest

- *All decisions will pursue the best interests of community, ratepayers and the public, with alternative options and their consequences considered.*
- *The rights of individuals and property owners (past, present, and future) should be preserved and protected at law and by intent.*

4.3.2 Transparency of Process

- *Processes will (where appropriate) be undertaken in an open and transparent manner to ensure the Council is seen to be responsibly managing public assets and funds.*

- However, protecting property owner rights with respect to land acquisition and disposals will often require that certain information be kept confidential and that negotiation may, in some cases, include commercially sensitive information relating to businesses, lessees and other stakeholders.
- In addition, the Council also reserves the right to review, discuss, consider, and make decisions on commercial negotiations in a public excluded environment.

4.3.3 Partnering with Ngāi Tūāhuriri

- Decisions to acquire, use or dispose of Property will be made while building and improving upon the partnering relationship between the Council and Ngāi Tūāhuriri through ongoing and meaningful engagement that is robust, appropriate, accessible and respectful of tikanga Māori.

4.3.4 Legislative and Regulatory Compliant

- Decisions will be compliant with statutory and regulatory requirements and frameworks, their amendments and/or their equivalent replacements, in particular the Property Law Act 2007, the Land Transfer Act 2017, the Public Works Act 1981, the Resource Management Act 1991, the Reserves Act 1977, the Ngāi Tahu Claims Settlement Act 1998, the Local Government Official Information and Meetings Act 1987, the Local Government Act 1974 and the Local Government Act 2002.

4.3.5 Financial Responsibility - Prioritised/Opportunity Cost

- The Council will seek to maximise the value of its Property assets and minimise whole-of-life costs - including acquisition and disposal costs.
- Proper consideration needs to be given to viable non-ownership alternatives and their consequences, e.g. joint ventures, leasing, easements, and other arrangements.
- The opportunity and financial costs of keeping underutilised or unneeded land and Property assets come at the expense of a needed asset or service.

4.3.6 Needs-based

- Decisions will predominantly be based on clearly identified needs of the community and the Council, both current and future.
- Decisions will be influenced by the wider context of long-term trends and their impact on the Council's services and activities and reflect the Council's strategic future planning.

4.3.7 Scarcity/Change

- As resources are finite, they will be prioritised as required at any given point in time.
- However, needs and requirements tend to change, giving rise to the need for the regular, ongoing review of all Property holdings on a periodic basis.

4.3.8 Adaptable/Future Proofed

- *Given the requirement to respond to changing needs over time, decisions on Property/asset development will consider and, where possible, allow for expansion, extension, repurposing and/or anticipate the need for an exit strategy at some point in time.*

4.3.9 Consistent

- *Decisions will be consistent with Council (1) Policies, (2) Strategies and (3) Plans. They will, in particular, align with the Council's:*
 - Asset Management Policy* and other relevant internal policy/external standards (*Property forms a critical part of a wider set of asset solutions that are subject to the Local Government Act and Audit NZ obligations for asset management).*
 - Policy on Significance and Engagement.*
 - Infrastructure strategy and other strategies that provide a strategic framework for the Council Activities or objectives - that in turn require Property assets to support delivery.*
 - Plans that specify Property/asset requirements, e.g. Long Term Plan and Annual Plans.*

4.3.10 Sustainable

- *The principles of sustainable management should be applied to investment and disposal decisions to ensure a holistic understanding of costs and benefits are understood and considered – social, cultural, environmental & economic factors.*

4.3.11 Information management

- *Information on Council-owned or administered Property will be easily accessible, complete, and kept up-to-date to enable informed decision-making regarding Property acquisition, retention, and disposal.*

4.3.12 Embracing Diversity

- *Seeking out, acknowledging and considering the views of diverse cultural and ethnic groups in the community will also be an acknowledged part of relevant property acquisition and disposal activities.*

The policy helps guide decision-making and process in line with the above principles.

It also needs to be adaptable for different settings and/or purposes within the Council's overall purposes. This is expanded on within the relevant Policy Schedules.

Consistent application of these principles will also set the tone for what the public can expect from the Council.

4.4 Decision-Making Roles

When deciding whether to acquire, retain, or dispose of Property, the Council will follow the policies and criteria outlined in this policy, including the technical procedures and requirements detailed in the Policy Schedules.

However, the ultimate decision-making role sits with the Council as detailed below:

- i. All decisions relating to the acquisition, retention, or the disposal of Council-owned or administered Property will be made by Council resolution.
- ii. The Chief Executive and/or Delegate has the power to negotiate and enter into contracts to acquire or dispose of Property or Property rights so long as the terms of sale are conditional upon ratification by the Council.
- iii. Alternately, the Chief Executive and/or Delegate has the power to negotiate and enter into contracts to acquire or dispose of Property or Property rights within a range of values, terms and conditions where this has been delegated to them by Council resolution.

The Policy applies to all the Council's employees, consultants or agents acting on behalf of the Council.

This document also seeks to clearly identify the relevant Activity Owner's responsibilities throughout the acquisition, review/retention and disposal process and where this responsibility is then passed to Council's Property Unit to deliver.

The involvement of the Property Unit in this process is critical to ensure:

- Independence in the negotiation process in order for an arm's length transaction to occur; and
- An appropriate level of expertise to meet legislative, statutory and other compliance.

For the best outcome to be achieved for the Council, that is compliant and in the best interests of all appropriate parties, it is vital that robust, well thought out processes are in place for all aspects of the acquisition, review/retention and disposal of Property.

Transparency and impartiality are critical to maintaining the integrity of the public sector, particularly in the local government context. While conflicts of interest sometimes cannot be avoided and can arise without anyone being at fault, they need to be managed appropriately and with care throughout the process of acquisition, review, retention and disposal of Property. As part of this, it is critical that:

- The risks of any such conflicts are acknowledged;
- A conflict of interest is appropriately identified if a conflict arises or could potentially arise;
- Full disclosure occurs where a conflict arises;
- The risks associated with conflicts are appropriately managed or mitigated as appropriate in line with other Council policy in respect of elected officials and Council staff; and
- Appropriate peer review or similar processes are in place to ensure that one individual could not complete a transaction on their own without oversight.

While the above steps would reduce the risks and perceptions of any impropriety and ensure the Council maintains the trust and confidence of the public, it is also critical in obtaining the

best outcome for the Council and its ratepayers.

4.5 Consultation

The Council will apply its Significance and Engagement Policy when determining the appropriate level of engagement on decisions to acquire or dispose of Property.

Planning for significant property acquisitions and disposals generally requires the Council to undertake public engagement through the preparation of Infrastructure Strategies, Long Term Plans, Annual Plans or Structure Plans. This will identify general requirements and the intended purpose of the programme of Property acquisitions at a non-Property specific level of detail.

However, engagement with the community and stakeholders affected by potential decisions or that have specific interests in it may take a variety of forms depending on the stage of decision-making.

In some cases, such as disposal of reserves, endowments or property purchased for a specific purpose, the Council has additional legal obligations to inform specific parties, offer the Property back, or undergo further consultation when disposing of such Property.

4.6 Ongoing Property Review

On a three-yearly basis, as part of the Long Term Plan considerations build-up, a Property review will be presented to the Council to consider opportunities to repurpose (use Property for a different purpose), retain, or dispose of existing Council-owned or administered Property.

This Property review will inform the following decisions:

- i. To determine if a Property is potentially surplus or underperforming; and
- ii. To confirm the need or otherwise to retain current Council-owned or administered Property.
- iii. To reduce and amange the risks associated with Council's Property portfolio.

The review will also identify gaps within current Council-owned or administered Property and inform the Council if additional Property acquisition is required.

The outcome of these decisions will be reflected in the Long Term Plan or in the event of changed circumstances via the Annual Plan process. This will be in the form of a programme of work involving a mix of further investigations and definitive decisions.

In the case of unanticipated situations, a separate report will be required with justification and an impact assessment relative to the Annual Plan and Long Term Plan.

The review will be informed by the asset management planning processes administered by Activity Managers for each Activity, with the Property Unit providing guidance and support.

The initial assessment is based on the availability of data and information, and in some cases, this may not be available. As a result, it may take several Long Term Plan cycles to deliver a fully informed position with regard to some areas of the Council.

The Property Unit will present a Property Review Report to the Council at the beginning of the third year (August) in each triennial Long Term Plan cycle, summarising the Activity review process findings described above.

This will inform resource and budget requirements for acquisition and disposal for the

upcoming Long Term Plan period.

5. *Links to legislation, other policies and community outcomes*

This is detailed in Schedule D.

6. *Adopted by*

The Policy was approved by Council Resolution dated 1 February 2022.

7. *Review*

Review every six years or sooner on request.

Property Acquisition and Disposal Policy

Schedule A - Acquisitions

A1. *Structure - Schedule A*

This Schedule forms part of the broader Policy and specifically covers the Acquisition of Property for the Waimakariri District Council. In addition, three other Schedules respectively cover the following:

- (1) Schedule B - Review/Retention of existing Property;
- (2) Schedule C - Disposal of Property; and
- (3) Schedule D - Related Policy, Legislation and Definitions.

A2. *General Provisions*

The following requirements will apply to all Property acquisitions:

- Compliance with Section 4 of the Policy by the Property Unit and giving due consideration to the principles detailed in this Policy in support of the Policy objectives.
- Compliance with the decision-making process detailed in Section A7 and A8 of the Policy (Schedule A).
- A full report to the Council by a delegated officer(s) applying this Policy will be required as part of the Council considering a Property acquisition. In general, this will be a joint report from the Activity Owner proposing the acquisition together with the Property Unit.
- When purchasing Property, a registered valuation from a registered valuer must be obtained by the Property Unit unless it is unreasonable or impracticable to do so.
- When a need to acquire Property is identified, the Council will also assess and explore non-ownership alternatives to deliver the service and their respective implications.

A3. *Acquisition Plan and Programme*

Based on the documented needs of the various Council Activity Plans, the Council will develop an acquisition plan and an acquisition programme, which will identify needs and opportunities for Property acquisition that comply with the criteria in this Policy. This information will feed into the Council's Long Term Plan and Annual Plan.

The Council's preference is that all acquisitions are identified, planned, and budgeted for in its Infrastructure Strategy, Long Term Plan or Annual Planning documents through its acquisition plan and acquisition programme.

The ad hoc provisions in section A9 of this Schedule also apply to those acquisitions not planned for, subject to the delegations provided to the Chief Executive by the Council.

A4. Purpose of Acquisitions

The Waimakariri District Council acquires Property for a wide variety of purposes, and each acquisition will have distinct and unique requirements and business drivers.

However, several broad classifications are associated with the purpose of an acquisition that bring different requirements in relation to how an acquisition is procured and processed. In addition, in some cases, there are critical actions and processes that can mitigate risks and support better outcomes for the Council.

These acquisition types or classifications are shown in the following table, which provides a summarised description associated with each classification.

Type	Description
Public Work	Where the Council provides roads and other infrastructure for things like drinking water, stormwater or wastewater (sewage), it may need to acquire Property to provide either additional capacity for growing communities or to increase levels of service provided by existing infrastructure. "Public Work" is defined in Schedule D. In these instances, the Council acquires Property through the Public Works Act 1981 and must comply with its obligations under this legislation. This can equally apply to non-infrastructure projects, but care needs to be taken concerning the availability of alternate solutions or properties available.
Reserves and Open Spaces	Reserves and open space in the district are utilised by a range of active and passive pursuits, and assets on Council reserves provide for enhanced community use and enjoyment. Reserve assets vary from toilet blocks to play grounds and community halls. Reserves and open spaces can also be acquired to protect and preserve ecological values, historic heritage, cultural value, geological value, or landscape values. The Council acquires reserves and open spaces to accommodate the growth of our communities, and developers are required to contribute either funds (through financial or development contributions) or land towards providing this. If this land is classified as a reserve, the Council has obligations for its management, including rules for their revocation and disposal, under the Reserves Act 1977. If the reserve is Crown-derived, Council can be an "administering body" of the reserve either if the is vested in Council or Council is be appointed to control and manage the reserve.
Esplanade Strips/ Reserves	The Council acquires esplanade reserve when landowners subdivide titles adjacent to water bodies and the coast. Whilst esplanade reserves are vested as a separate title with the Council; esplanade strips are simply recognised by an instrument on the certificate of title of the underlying lot and therefore remain in private ownership; however, there will likely be requirements relating to public access, fencing, planting and so on.

Offsetting/ Developments	The Council may acquire land where a development is required under a resource consent to vest land in the Council to offset a negative effect of the development. Commonly as part of these developments, easements are provided to the Council to protect its existing/or new infrastructure and Council's specific access requirements. These are commonly cost neutral to the Council and do not require specific budget considerations.
Strategic Investment	The Council may acquire Property for investment, where the acquisition is strategically important to the Council and/or the community, or to maximise value for ratepayers.

Table A1: Acquisition Types

Council has adopted a policy covering the Designation of land for future public works. A Designation signals to owners the long term intent of the Council in relation to a Public Work, with a likely acquisition of Property at a future date. It seeks to protect the future acquisition right by making the Council's interest in the Property known to prospective buyers and limiting development of the site where this is prejudicial to the future Public Work. A Designation is not an acquisition in its own right but is an early step towards it.

A5. Methods of Acquisition

There are several methods of acquisition available to the Council depending on the purpose and nature of the land. The Waimakariri District Council can use the following methods to acquire Property:

Method	Description
Willing Seller/Willing Buyer	Direct negotiation occurs between the Council and the Property owner. Terms of the sale, including the price paid for the Property, is determined through the negotiation process.
By Negotiation under the Public Works Act 1981	The Public Works Act 1981 provides the Council with the ability to negotiate to acquire specific types of Property for a Public Work. Direct negotiation occurs between the Council and the Property owner to determine the terms of the sale, including the price paid for the Property.
Compulsory Acquisition	The Public Works Act 1981 provides the Council with the ability to compulsorily acquire specific types of Property for a public work. The landowner is compensated in accordance with the requirements of the Public Works Act 1981.
Endowment Gifting & Bequeathing	Property owners approach the Waimakariri District Council to gift or bequeath Property. When deciding whether to accept a proposal to gift or bequeath Property, the Council must consider the need for the Property, how much it will cost to develop, the ongoing maintenance costs and any other obligations or conditions imposed by the Property owner.

Vesting	Property is vested in the Council through the Reserves Act 1977 or due to a requirement in planning rules, such as those relating to esplanade reserves or subdivisions.
Land exchange and Transfer between Public Uses	<p>Generally applied to Public Work acquisitions, opportunities can arise for the mutually beneficial exchange of Property through boundary adjustments or outright 'swapping' of Property.</p> <p>The Waimakariri District Council owns Property for a wide variety of purposes, and at the end of the life of an asset, or due to changing needs, Property may become available for an alternative public use, such as a park.</p> <p>This may also apply to other Crown Acquiring Authorities/Agencies.</p>
Private-Public Partnerships	<p>The Council can enter into agreements with the private sector for capital works projects, including Property acquisition.</p> <p>In these agreements, the Council would work with and share risk with a private company to deliver better outcomes for the community.</p> <p>There are various ways to document these agreements, including Memorandums of Understanding/ Heads of Agreement, or bespoke documents that detail the commitments taken on by each party to the agreement.</p>
First right of purchase agreement	<p>The Council and the Property owner enter into an agreement that the Council has the option to purchase the Property prior to it being offered for sale on the open market.</p> <p>The agreement outlines the terms and conditions under which the Property will be offered to the Council to purchase. An encumbrance is recorded on the record of title for the Property to acknowledge the first right of purchase agreement.</p>

Table A2: Acquisition Methods

A6. Funding options

The Council obtains funding to acquire Property from a variety of sources. These sources and how they are applied to acquiring land are summarised below:

Source	Description
Targeted rates	The Council has the ability to charge a targeted rate on a group of properties for a defined purpose, such as acquiring a specific piece of land for a specific purpose. Funds collected this way must be spent on the purpose for which they are collected.
Loans	The Council can raise loans against capital works such as purchasing land, and these are used by the Council as a 'smoothing mechanism' to reduce the impact of such a large one-off expenditure on rates, balanced with a prudent approach to ensure the burden of debt does not become too large.
Financial contributions	The Resource Management Act 1991 enables local authorities to collect financial contributions when land is developed to mitigate the effects of growth.
Development contributions	The Local Government Act 2002 allows Councils to require a contribution from new developments to provide infrastructure required due to growth, such as land for infrastructure projects like Public Works or greenspace. Development contributions can only be spent on growth-related infrastructure in accordance with the Council's Development Contributions Policy.
Proceeds from the disposal of Council-owned or administered land	If the Council disposes of land it may choose, or be required under the Reserves Act 1977, to utilise the proceeds from any such sale towards acquiring new land or as otherwise set out in the Reserves Act 1977. Proceeds from asset sales will be credited to the Property Proceeds Reserve.

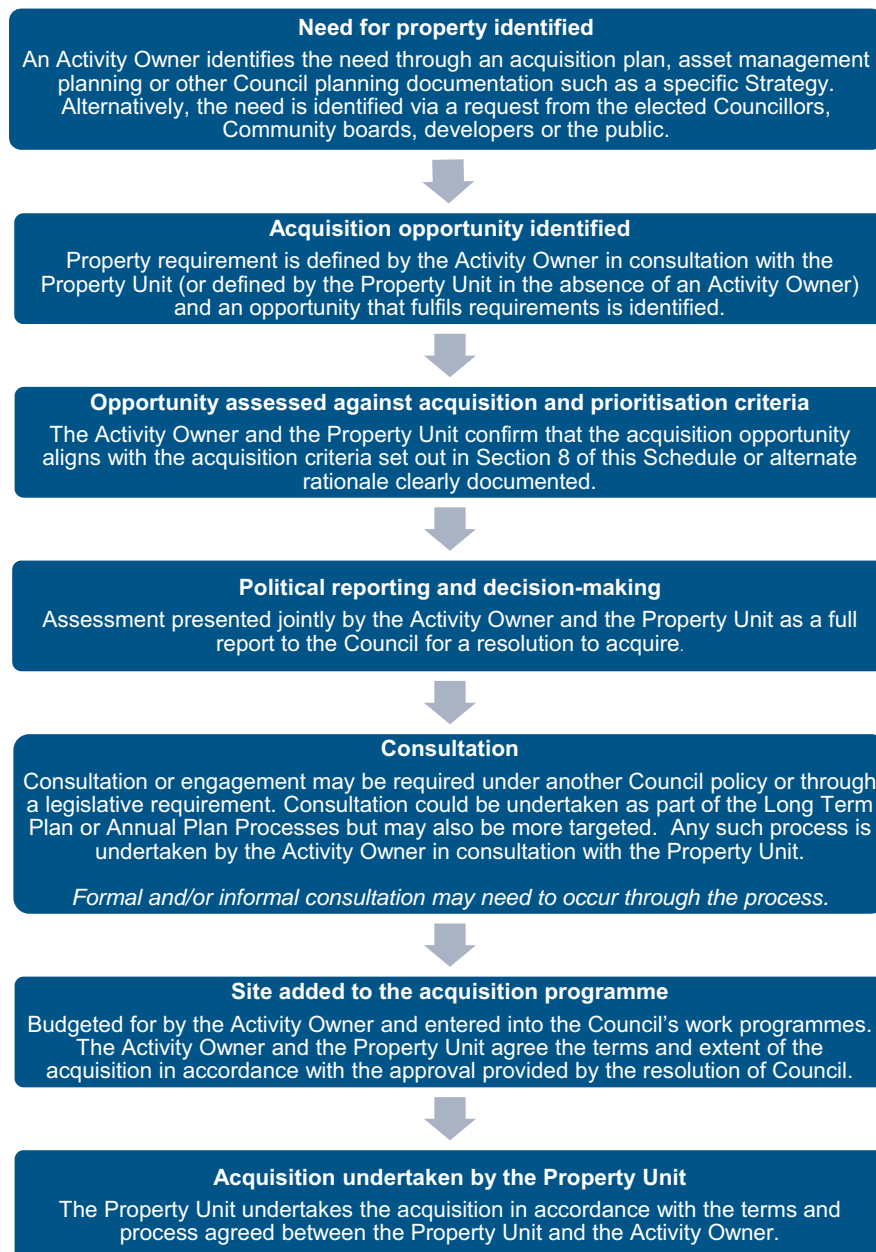
Table A3: Acquisition Funding Options

A7. Acquisition opportunity assessment process

The Council will apply a strategic approach to property acquisition. This approach is summarised in the flow chart below.

Acquisition and prioritisation criteria used to assess acquisition opportunities are explained further in this policy.

To inform a decision on whether or not to acquire land, the Council will use the following steps to assess acquisition opportunities:



A8. Criteria for determination of acquiring Property

The Council will use the following criteria to assess an opportunity to acquire Property and discover whether it contributes to the objectives and principles of this Policy.

The Council can decide to proceed with the acquisition even if one or more of the below criteria are not met. However, any criterion not met will be analysed in the decision-making report, and this will be taken into account when the Council decides whether or not to acquire the Property.

The Property acquisition criteria below is a guide for decision-making by the Council.

Every Property acquisition will be considered on its own merits, and no one of the criteria listed is necessarily of greater weight, nor is a Property acquisition required to meet every one of the criteria.

A8.1 Overall strategic fit of the acquisition

- The acquisition is identified in a growth strategy, structure plan, asset management plan or similar.
- There are no other Council-owned or administered Properties which could address the need for such Property.
- The proposed Property improves functionality or access to existing Council-owned or administered Property.
- There are demonstrable social and environmental benefits to the acquisition.
- The acquisition fills a gap or responds to a previously identified need, for example, as identified in the Council's annual property review.
- The acquisition provides a connection or improves safety and access to the coast, waterways, walkways, cycle tracks or other recreational connections.
- The acquisition is strategically important to the Council and/or the community.
- The acquisition is identified in the Long Term Plan or Annual Plan.
- The acquisition has been budgeted for in the Long Term Plan or Annual Plan.

A8.2 Community requirements

- Any known community interest or preferences for the acquisition opportunity, a particular site, or the need promoting the acquisition have been taken into account.
- The community's aspirations for the site support the planned usage.

A8.3 Costs and land value

- An appropriate source of funding has been identified.
- The whole-of-life costs of the acquisition have been taken into account.
- The funding of the acquisition will be equitable for current and future generations.
- A valuation of the land has been obtained where appropriate.
- If additional Property (to what is required for the Council's immediate need) is being purchased – such additional Property needs to be clearly identified, the reason for such additional Property being purchased and a clear timeline and plan to repurpose/dispose of it needs to be provided.

- If only that part of a Property required for the Council's immediate need is being considered for purchase, the strategic value (if any) in purchasing the balance of the subject Property needs to be considered and reviewed.

A8.4 Restrictions on land use

- Any restrictions from zoning or designations on the site are appropriate for the planned use of the site.

A8.5 Alternative ownership or acquisition options

- Opportunities for alternative ownership arrangements of the Property requirement such as easements, joint ventures, or leases have been investigated.
- The merits of any alternative ownership options have been identified.
- Other than land/improvement purchase, opportunities for alternative acquisition methods, such as endowment, vesting, easements, leasing/licences, land exchange, or partnerships, have been explored.

A8.6 Site condition and suitability

- The Property's current use does not prevent or impede the planned use of the site.
- The Property is suitable for its intended use.
- Any natural hazards identified on the site will not prevent or impede the planned use of the site.
- Community interest, financial, timing or any other implications have been considered regarding removal or refitting of any existing structures, including the need to bring it up to building code standards.

A8.7 Access and functionality of the site for the intended purpose is achievable.

- A site check for contamination, landfill, drainage does not reveal anything which will prevent or impede the planned use of the site.

A8.8 Tenure

- The Council has legal authority to undertake the activity proposed for the Property.
- There are no encumbrances on the record of title that prevent or impede the site's planned use, such as easements, caveats, memorials on titles, or Māori interests or settlement claims.
- There are no existing tenancies on the Property which prevent or impede the planned use of the site.
- The Property's LIM report findings do not include anything that would impede or prevent the Property's intended use, such as shared access, unpaid rates, or applicable planning rules.

A8.9 Cultural heritage and ecological attributes

- Acquisition of the Property promotes the Council's meaningful working relationship with Ngāi Tūāhuriri.
- Priority will be given to acquisition which will protect ecological values, historic heritage, cultural value, geological value, or landscape values.

A8.10 Disadvantages of not proceeding with acquisition

- There is a risk of the acquisition opportunity being lost or rendered unsuitable for the intended use.
- Priority will be given where there are no alternatives available, and if the specific site is not purchased, the identified need will not be able to be filled.

A9. Ad hoc Acquisition

From time to time, the Council may receive an ad hoc request or wish to take advantage of an opportunity to acquire Property outside of planned acquisitions in the Long Term Plan or Annual Plan. The request could come from a member of the public, a landowner, an elected member, or an internal Council Activity Owner.

If this occurs, subject to the delegations provided to the Chief Executive by the Council, the request must be presented to the Council to assess the acquisition opportunity using the assessment criteria outlined in this Policy.

This presentation must clearly justify the need for such acquisition to be dealt with in a responsive/reactive manner as opposed to being provided for in any Long Term Plan.

Any decisions responding to such ad hoc requests to acquire Property must be made by Council resolution based on this assessment.

A10. Acquisition of Easements and other interests in Property

This Policy recognises that the Council routinely acquires a diverse portfolio of Property, including intangible property interests such as the benefit or burden of land covenants or easements, caveats, mortgages and other interests. Council acquires these interests both in its role as the landowner and as a regulatory authority.

A10.1 Easements acquired by subdivision

It is common practice for the Council to receive the benefit or burden of easements, land covenants and other interests as part of the subdivision process or as a condition of consent for a resource consent that has been issued.

In particular, the Council often receives the benefit or burden of easements over:

- New infrastructure that may have vested in the Council as a condition of consent;
- Existing infrastructure that has vested in the Council as a consequence of a condition of consent or an agreement with a third party approved by Council resolution; or
- Existing infrastructure that is not vested in the Council but is used by the Council and other landowners.

Easements registered in this manner use the Council's approved easement terms. A Delegated Officer approves the final easement. These easements are not subject to the acquisition requirements of this Policy. Two Delegated Officers sign for registration of such easements.

A10.2 Easements acquired over new or existing infrastructure

The Council may seek to acquire an easement in gross over new infrastructure, or existing infrastructure that has been upgraded, but was previously installed under the Local Government Act 2002 or previous legislation.

A10.3 Easements over Council-owned or administered land

It is generally rare for the Council to grant easements over Council-owned or administered land, but it can occur. This commonly occurs to protect new infrastructure or part of a subdivision whereby the Council is receiving land and infrastructure, and the requirements set out above in respect of easements acquired by subdivision apply.

A10.4 Other interests to be acquired by the Council as a regulatory authority

On occasion, the Council may receive the benefit of a land covenant, encumbrance or other instrument registered on a parcel of land's Record of Title. This policy recognises and acknowledges that the acquisition and holding of such interests is dictated by the appropriate legislative provisions applying to the Council in its role as a consent authority. Accordingly, such legal requirements for acquisition and use apply instead of the acquisition requirements set out in this Policy.

A10.5 Other interests to be acquired by the Council as the landowner

Council may acquire or receive the benefit of a land covenant, encumbrance, or other instrument in its role as a landowner. Such acquisitions are subject to the requirements of this Policy unless the acquisition has been approved as part of a wider transaction that has been approved by Council resolution already.

Property Acquisition and Disposal Policy

Schedule B – Review and Retention of Existing Properties

B1. Structure - Schedule B

This Schedule forms part of the broader Policy and specifically covers the Review and Retention of Property for the Waimakariri District Council. In addition, three other Schedules respectively cover the following:

- (1) Schedule A - Acquisition of Property;
- (2) Schedule C - Disposal of Property; and
- (3) Schedule D - Related Policy, Legislation and Definitions.

B2. General Provisions

The Policy signals that there is a need to measure the strategic value of existing Property to the organisation and community by way of ensuring the Council only owns, funds, maintains and/or manages those Properties that:

- Have strategic relevance;
- Relate to core business in a cost-effective way; or
- Add value in another form.

The Policy stipulates that a three-yearly review will be conducted to assess the strategic value of existing Property. Value in this context is not financial, i.e. the value to the community or to aid the achievement of organisational objectives or initiatives can be non-financial.

For all Property Reviews, the following general requirements will apply:

- Compliance with Policy Statement set out in Section B4 (Schedule B) of the Policy and in particular giving due consideration to the Principles as detailed in this Policy, in support of the Policy Objectives;
- That such reviews are conducted every three years in advance of the Long Term Plan deliberations;
- The review will:
 - Consider the adequacy and performance of current Property holdings using consistent criteria and methodology;
 - Assess and explore non-ownership alternatives to deliver the service or strategy and their respective implications;
 - Identify Property that requires further consideration for Disposal; and

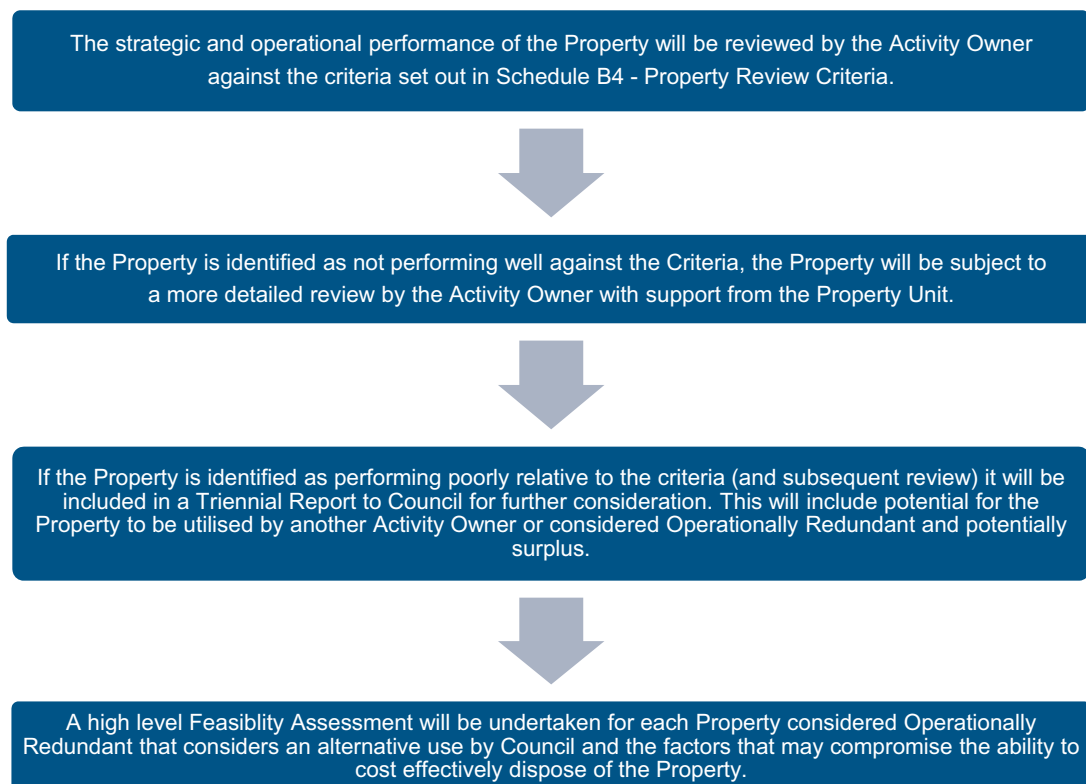
- Where a Disposal is considered, identify potential gaps in provision required to achieve/maintain stated service levels, strategies or organisational objectives stemming from the potential Disposal.
- The outcome of the reviews will be summarised in a report to the Council for each Activity;
- These reviews will inform a Property Acquisition and Disposal Plan and Programme for the upcoming Long Term Plan that is scoped, resourced and scheduled; and
- This plan and programme will be prepared by and administered by the Property Unit.

B3. Property Review Assessment and Process

The Council will apply a strategic approach to the retention of Property holdings.

This approach is summarised in the flow chart below. Retention and prioritisation criteria used to assess existing Properties are explained further in this Policy Schedule.

To inform a decision on whether or not to retain Property, the Council will use the following assessment steps:



The review will be informed by the asset management planning processes administered by the Activity Managers for each Activity, with the Property Unit providing guidance and support.

B4. Criteria for the Review of Existing Property

Council will use the following criteria to assess the appropriateness of retaining existing Property holdings in alignment with the objectives and principles of this Policy.

B4.1 Property Review Criteria

The Property review criteria below is a guide for decision-making by the staff and the Council.

It includes many elements of the acquisition criteria covered in Schedule A; however, these are framed differently relative to the current and intended use of the Property. Every Property will be considered on its own merits.

The Review Policy provides a process that facilitates this evaluation against a series of ten key criteria shown as follows;

- i. **Strategic relevance** - Has the Property been identified by the Council as being strategically relevant?
- ii. **Core business** - Does the Property contribute to the Council's core business activities?
- iii. **Location** - Is the Property in the correct location for current and future needs?
- iv. **Sufficiency** - Is the Property sufficient for delivering these services?
- v. **Functionality utility** - Is the Property in a good state of repair and 'fit for purpose'?
- vi. **Utilisation** - Is the Property well utilised/accessible for its purpose?
- vii. **Provision** - Is the Property the only one of its kind, or are there other options available?
- viii. **Cost efficiency** - Is the Property cost-effective?
- ix. **Return on investment** - Does the Property provide a good Return on Investment?
- x. **Cost** - What is the cost of maintaining the Property in a state fit for purpose?

B4.2 Property Review Scoring of Criteria

The Property review incorporates a weighted scoring approach across the ten criteria areas with a combined total of 60 points. Strategic relevance and core business/activity criteria each have a score out of ten, while the remaining eight criteria have a score of five each.

The Properties fail the initial retention benchmark if they have scores where:

- i. The cumulative score is less than 35;
- ii. Any two or more criteria, rank as one or less; or
- iii. Any four or more criteria rank as two or less.

Where all or most of the criteria are met, the Council will retain the Property.

Where the initial retention benchmark is not met, the implications for each Property and stated objectives will be assessed and noted.

Where three or more criteria are not met or where the implications of omissions of/unmet criteria are significant, then a further, more detailed assessment will be undertaken with support from the Property Unit, which may result in the Property being listed in the Report to the Council.

In some circumstances, further consideration may then be given to declaring the Property Operationally Redundant or Surplus.

However, any criterion not met will be analysed in the decision-making report, and this will be taken into account when the Council decides whether or not to retain the Property.

The following table sets out the ten headings with further definition and the corresponding scoring schedule against each of these.

Criteria	Scoring Benchmark
<p>1. Strategic Relevance Is the function or purpose of the Property identified as a strategic priority for the Council that demonstrably supports a meaningful working relationship with iwi and the social, cultural, economic and environmental benefits associated with Council's published Community Outcomes. For example, it may support/facilitate growth or provide improved amenity, functionality, safety, or access to (or for) the coast, waterways, walkways, cycle tracks, or other recreational connections.</p>	10 - The Property is required and critical to meet Council's current and future strategic priorities as detailed in an Asset Management Plan, Infrastructure Strategy or other strategies and plans adopted by the Council.
	5 - The Property provides the most cost-effective option of several required to meet Council's current and future strategic priorities as detailed in an Asset Management Plan, Infrastructure Strategy or other strategies and plans adopted by the Council.
	1 - The Property is one of several options that could meet Council's strategic priorities.
<p>2. Core Business/Activity Is the function the Property will fulfil considered a core Council business/Activity? Is it detailed in an Asset/Activity Management Plan?</p>	10 – Core Council business.
	5 – Not core Council business but desirable, and no one else is supplying the service.
	1 - Service could be/possibly should be provided by the private or voluntary sector.

3. Location In terms of the purpose for which the Property is held and utilised, how does its location complement/assist its function?	5 - The location is ideal.
	4 - The location is good to very good.
	3 - The location is good.
	2 - The location is acceptable but could be better.
	1 - The location is poor.
4. Sufficiency Is the Property sufficiently large or able to be adapted to accommodate the service and facilitate growth as required?	5 - The Property and/or improvements are large enough and have sufficient additional capacity to accommodate future development/growth (10-30%).
	4 - The Property and/or improvements are only large enough for the current purpose.
	3 - The Property and/or the improvements are too small, but this can be readily accommodated by improvements costing less than 20% of CV or acquiring adjacent Property.
	2 - The Property and/or the improvements are too large (31%-50% more than required).
	1 - The Property and/or improvements are too large (>50% more than required)
5. Functionality/Utility Is the Property fit for purpose? Notes: "Depreciation" is the loss in value from any cause. The two main components are physical depreciation and obsolescence. • "Physical depreciation" is physical wearing out due to use and natural forces. • "Obsolescence" is the loss in value from causes other than physical decay or wear. It includes functional, economic, legal and technological obsolescence.	5 - The functional utility of the Property is estimated to be within 90% of that exhibited by a new Property designed and built specifically for the purpose.
	4 - The functional utility of the Property is estimated to be within 75% to 90% of that exhibited by a new Property designed and built specifically for the purpose.
	3 - The functional utility of the Property is estimated to be less than 75% of that exhibited by a new asset Property built specifically for the purpose, but the asset can still be practically used for the purpose.
	2 - Physical depreciation and/or obsolescence is of such a degree that the usefulness of the Property is moderately and noticeably constrained.
	1 - Physical decay and/or obsolescence is of such a degree that the usefulness of the Property is significantly constrained.

<p>6. Utilisation Is the Property well-utilised? Note: Utilisation in this regard means the property is either:</p> <ul style="list-style-type: none"> • Well utilised in terms of physical space; or • The Property attracts high use levels in relation to the number of people that benefit/use such Property with due consideration to the frequency of such use. 	5 – At least 95% of the floor area and 85% of the land area are effectively utilised for the purpose. Alternatively, the Property exhibits a very high level of use for its intended purpose.
	4 – At least 85% of the floor area and land area are effectively utilised for the purpose. Alternatively, the Property has a high level of use for its intended purpose.
	3 – At least 70% of the floor area and land area are effectively utilised for the purpose. Alternatively, the Property has a reasonable level of use for its intended purpose.
	2 – At least 50% of the floor area and land area are effectively utilised for the purpose. Alternatively, the Property has a low level of use for its intended purpose.
	1 – Less than 50% of the floor area or land area are effectively utilised for the purpose. Alternatively, the Property is infrequently used in terms of its intended purpose.
	Note: The percentage utilisation estimated can include an allowance for future growth.
<p>7. Provision/Tenure Is the Property/resulting service already provided elsewhere locally by the Council or another provider? Are there opportunities to partner with others to deliver the Property/resulting service? Are there alternative ownership structures that could be practicable, such as an easement or lease?</p>	5 – The Property/resulting service fulfils local need, and there are no other providers or viable ownership options.
	3 – The Property/resulting service will need to be provided temporarily but may be provided by others or from alternative ownership modes or another Property longer-term.
	1-The Property/resulting service is already provided locally or can be provided locally by others.
<p>8. Cost Efficiency Can the function be provided more cost-effectively, and is it practical to do so?</p>	5 - No, the function cannot be practically provided more cost-effectively.
	3 - It may be possible to provide the function more cost-effectively practically.
	1 - Yes, the function can be practically provided more cost-effectively.

9. Return on Investment Does the Property achieve a good return on investment in terms of the resulting function and activity, economic return or strategic outcomes?	5 - The return from the Property is equal to or exceeds a fair market return. Alternatively, it delivers expected returns in line with Council policies.
	4 - The return from the Property is between 90% and 100% of the fair market return or of expected returns in line with Council policies.
	3 - The return from the Property is between 75% and 90% of the fair market return or of expected returns in line with Council's policies.
	2 - The return from the Property is between 50% and 75% of the fair market return or expected returns in line with Council policies.
	1 - The return from the Property is less than 50% of the fair market return or expected returns in line with Council policies.
10. Capital Costs What are the capital costs required to maintain the Property in a state fit for purpose?	5 – Capital costs are < 14% of CV over the next thirty years.
	4 – Capital costs are between 15-25% of CV over the next thirty years.
	3 – Capital costs are between 26-40% of CV over the next thirty years.
	2 – Capital costs are 41-60% of CV over the next thirty years.
	1 – Capital costs are >60% of CV over the next thirty years.

Table B1: Property Review Scoring Criteria

The initial assessment is based on the available data and information. In some cases, this may not be readily available, or there may be concerns with its accuracy. However, in some cases, reasoned assumptions may be utilised in the interim.

It may take several Long Term Plan cycles to deliver a fully informed position with regard to some areas of the Council; however, once a specific property has been reviewed, the subsequent reviews will likely focus on improving data integrity and updating the information based on documented changes; significantly reducing the ongoing workload associated with the review.

It is also likely that considerable 'learnings' will be obtained from the first review cycle, which may inform adjustments to the criteria and process and subsequent review cycles.

It is intended to monitor this closely and may result in Schedule B being reviewed and amended within the first 12 to 18 months of the policy's implementation.

B5. Strategic purchase to initiate future development

The basis of this category of strategic purchase is to secure Property to initiate development that will be beneficial for the community but which is not otherwise being initiated by the private sector. The word 'land' is commonly used for this type of strategy but can equally apply to the wider 'property' definition used in this Policy.

It is envisaged that Council's role in this form of advance purchase would generally be one

of initiation or facilitation on a case by case basis. Usually short term.

For the Property to meet the criteria for strategic purchase to initiate future development, the following needs to apply:

- There needs to be an approved land acquisition proposal for the specific Property in the form of a report and recommendation to acquire the Property. As a minimum, the report should contain supporting arguments, evidence, and a risk assessment.
- The recommendation should be signed off by the Activity Manager and approved by the Chief Executive/Council resolution.
- If the acquisition proposal is more than two years old, the Activity Manager needs to confirm that it is still currently valid.

Property Acquisition and Disposal Policy

Schedule C - Disposals

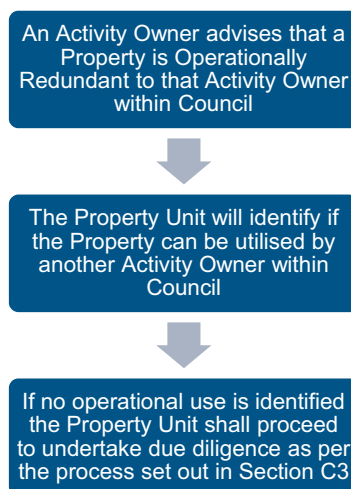
C1. Structure – Schedule C

This Schedule forms part of the broader Policy and specifically covers the Disposal of Property for the Waimakariri District Council. In addition, three other Schedules respectively cover the following:

- (1) Schedule A - Acquisition of Property;
- (2) Schedule B - Review of existing Property; and
- (3) Schedule D - Related Policy, Legislation and Definitions.

C2. Operationally Redundant

Before Property is considered for disposal and rigorous due diligence is undertaken to confirm the appropriateness or otherwise of the disposal of the Property, the following process is to be adopted:



C3. Process for Disposal and General Provisions

The following process will be adopted for all Property disposals. In some cases, this may be an extension of the review undertaken in the Property retention stage.

Such disposals are to occur following the Council staff (i.e. the Activity Owner) identifying that Property is operationally redundant to the particular Activity Owner who administers/is responsible for such Property (whether as a result of a review or otherwise).

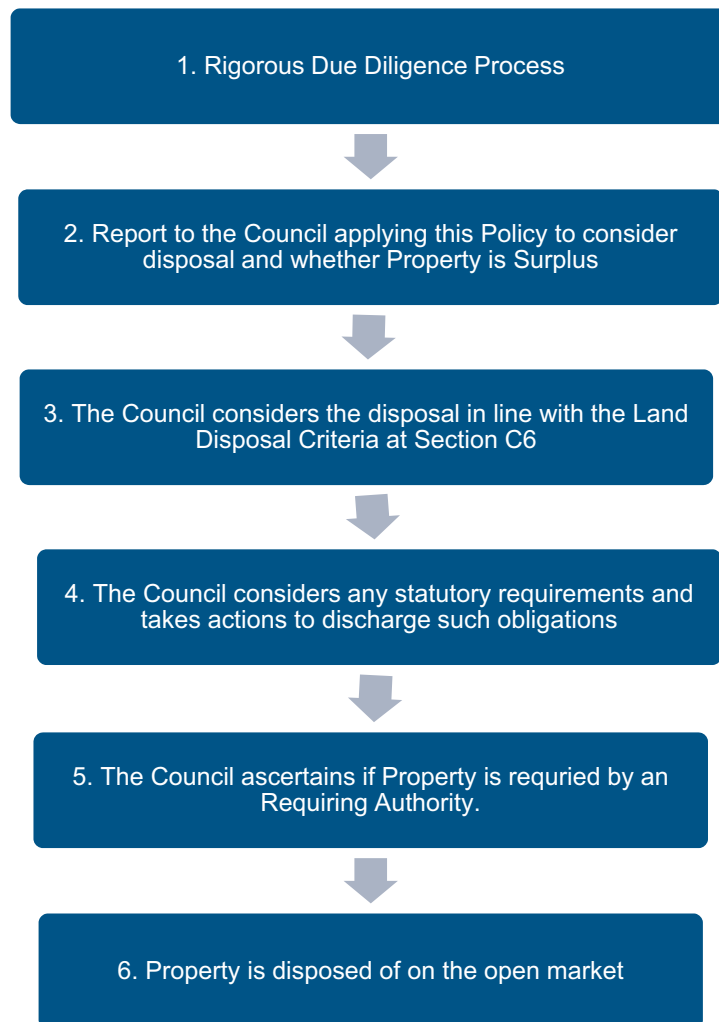
Following this, the process provided at Section C2 (Schedule C) – Operationally Redundant, shall be a prerequisite to considering Property for disposal and the rigorous due diligence process noted below:

- Prior to sale or disposal, all Property must be subject to a rigorous due diligence process by the Property Unit (and appropriate advisors) which includes;
 - identifying all possible parties (if any) with any claim on the Property,
 - confirm whether any specific obligations exist in respect of such parties,
 - confirmation of any legal or regulatory obligations in respect of the Property (including reviewing the Property’s underlying land status),
 - Identifying whether any contractual obligation exists in respect of the Property
- Part of this due diligence investigation should also include the commercial viability of disposing of such Property and whether an application of such Property in an alternative manner would be a more viable option for the Council, e.g. leasing out of the Property.
- A full report to the Council by a delegated officer, on behalf of the Property Unit and in consultation with the Activity Owner, applying this Policy will be required for the Council to consider the disposal of the Property and whether the Property is Surplus to the Council.
- Council can decide to proceed with the disposal even if one or more of the criteria in Section C6 (Schedule C) – Property Disposal Criteria below are not met. However, any criterion not met will be analysed in the decision-making report, and this will be taken into account when the Council decides whether or not to dispose of the Property.
- Where the property has been held for a Public Work and is no longer required for this Public Work or any other Public Work, the Council may deem that the Property is Surplus. In particular, “no longer required for a Public Work” means:
 - The Property has not been designated for a Public Work; or
 - Written notification has not been given to the Council that the Property is needed for a Public Work; and in particular:
 - The Acquiring Authority/Agency has not demonstrated that there is an actual need for the Property; or
 - The Acquiring Authority/Agency has not demonstrated that the Property will be used for the proposed purpose within a reasonable timeframe under the Public Works Act 1981.
- The Council must consider any statutory requirements for disposal of the Property and, in particular, where it had been used as a Public Work, comply with any s40 Public Works Act 1981 offer back requirements. This is further detailed in D3

(Schedule D) – Legislation under the Public Works Act 1981.

- Where the Property has be deemed Surplus, and the Council cannot establish any need for the Property by another Acquiring Authority/Agency, and applicable statutory requirements have been considered and have been or will be appropriately met, then the Property can be disposed of on the open market in a suitable manner by the Property Unit of the Council and in accordance with any applicable statutory requirements.

C3.1 Process for Disposal flow chart



For the avoidance of doubt, the process of disposal outlined above is to be undertaken by the Property Unit with consultation as required with any appropriate Activity Owners.

C3.2 General Provisions

The following requirements will apply to all Property disposals:

- When disposing of Property, a valuation from a registered valuer must be obtained

unless it is unreasonable or impracticable to do so.

- On behalf of the Council, the Property Unit must ensure it complies with its legislative requirements when disposing of Property, such as the Reserves Act 1977, the Public Works Act 1981 and the Local Government Act 2002. These determine the public consultation process (if applicable), who obtains the proceeds from disposing of Property, rights to purchase Property once the Council indicates it is Surplus and how the proceeds from disposal can be spent.

C4. Methods

Council needs to consider the nature of the Property and how this directly impacts the method utilised to dispose of such Property:

Type	Considerations
Council-owned Freehold Property	Where the Council has acquired Property for strategic or other purposes (not a Public Work), it commonly holds such Property as freehold property. The Council commonly can choose to sell freehold Property at its will. An assessment in accordance with this policy will ensure such decision-making is strategically aligned.
Property Previously Acquired or used for a Public Work	If Property has been acquired for or used for a Public Work and all or part of it is no longer required for that Public Work, any other Public Work, or an exchange, the Council can dispose of the Property. However, subject to the existence of a suitable and justifiable exemption in section 40(2) of the Public Works Act 1981 or a recommendation under section 40(4), it has a legal obligation to first offer the Property back to the former owner or their successor.
Reserve Land	If the Council wishes to dispose of a Property classified as a reserve, subject to any other obligation it may have, it will first need to revoke its classification as a reserve and cancel any vesting of the reserve in the Council (if it is a Crown-derived reserve). This process is detailed in the Reserves Act 1977 and includes consultation with the Department of Conservation and public consultation. If a reserve is Crown-derived, disposal will be facilitated by the Department of Conservation under the Land Act 1948 once the reserve status has been revoked. The Crown has a policy on the sharing of proceeds of such land.
Red Zone Land	Following the 2010-2011 Canterbury earthquakes, approximately 100 hectares of land in Kaiapoi, Pines Beach and Kairaki were classified as residential red zone. Government directed the Council to prepare a Draft Recovery Plan to identify the long-term uses for the District's five residential red zone areas. The Crown approved the Waimakariri Residential Red Zone Recovery Plan on 13 December 2016. The Crown agreed to divest the majority of Crown-owned land in the five regeneration areas to the Council, with the rest (parts of the Pines Beach and Kairaki regeneration areas) to be divested to Te Kōhaka o Tūhaitara Trust. Land was divested with conditions ensuring the agreed land uses will be implemented and that financial return is maximised wherever

	possible, with the Crown to receive a share of any future net financial returns (where applicable). Further detail is provided in the sale and purchase agreement between the Crown and the Waimakariri District Council.
Endowment or Trust held Property (gifted or bequeathed)	Before disposing of endowed or Trust vested Property, the Council must obtain advice/consider the conditions that were imposed on the provision of the endowment or Trust and, if required, seek the views of the original owners or their successors. Disposal may also depend on the terms of the Trust Deed, or other document creating such Trust, as well as statutory requirements. Legislative or Ministerial approval may also be required. Sections 140 and 141 of the Local Government Act 2002 provide for restrictions on the disposal of endowment property and conditions applying to the sale or exchange of such property.
Crown-derived Property	The Council formally and informally manages and administers Crown-owned and Crown-derived Property. Crown-derived property's holding or disposal will likely be subject to specific legal requirements or conditions. Consideration of such requirements is essential in evaluating the appropriateness of disposal of such Property.
Other Property interests	<p>Council has a variety of tangible Property interests, including ownership of buildings, infrastructure and improvements. The Council is also responsible for substantial tracts of land held as road and unformed (paper) road. The Council does not acquire or dispose of road; however, decision-making processes in relation to the stopping and/or dedication of road have somewhat common considerations as for other tangible Property interests. This Policy does not explicitly cover the dedication and/or stopping of roads.</p> <p>The Council also has a variety of non-tangible interests, including the benefit of leases or licences to occupy, easements, land covenants and other interests in Property. There is sometimes also an opportunity for the Council to dispose of Property while retaining a non-tangible interest in Property that aligns with the Annual Plan, Long Term Plan and other strategic documentation.</p>

Table C1: Disposal Methods

The Council's preference is that a fully transparent, publicly competitive, open market sale process is followed where possible and appropriate; however, there may be cases where this is not feasible, i.e. the sale of stopped road where there is only one feasible purchaser. Therefore, before disposing of Property, the Council must resolve that the Property is Surplus and capable of disposal.

C5. Strategic Property Disposal Criteria

The criteria in C6 (Schedule C) – Property Disposal Criteria, are a guide for decision-making by the Council. Every Property disposal will be considered on its own merits, and no one of the criteria listed is necessarily of greater weight, nor is a Property disposal required to meet every one of the criteria.

C6. Property Disposal Criteria

The criteria below, are a guide for decision-making by the Council. Every Property disposal will be considered on its own merits, and no one of the criteria listed is necessarily of greater weight, nor is a Property disposal required to meet every one of the criteria.

Council will use the following criteria to assess an opportunity to dispose of Property and discover whether it contributes to the objectives and principles of this Policy.

Council can decide to proceed with the disposal even if one or more of the below criteria are not met. Any criterion not met will be analysed in the decision-making report, and this will be taken into account when the Council decides whether or not to dispose of the Property.

C6.1 Property deemed to be surplus or under-performing by the Council

The Property is surplus for one or more of the following reasons:

- The Property no longer contributes to the strategic goals of the Waimakariri District Council or any growth strategy, structure plan, asset management plan or similar.
- The Property is no longer required for its intended purpose.
- The Property is not required or suitable for any alternative Council purposes.
- The ongoing costs of the Property are not sustainable.
- Disposing of the Property will be of financial benefit to the Council.

C6.2 Market and fiscal considerations (for disposals of Property not acquired for or used for a Public Work)

- The property market is not significantly depressed.
- There are interested parties for the purchase of the Property.
- Disposing of part of the Property has been considered and is not appropriate in the circumstances.
- The financial benefits of disposing of the Property outweigh the financial costs of holding or disposing of the Property, including consideration of:
 - The cost of the disposal;
 - Application of such Property in an alternative manner, e.g. leasing out of the Property;
 - Income generated by the Property; and
 - The ongoing maintenance costs to the community.
- A valuation from a registered valuer of the Property has been obtained where

appropriate.

- Council recognises that the best value does not necessarily mean the highest financial offer and will include non-financial considerations.

C6.3 *Legal, Tenure and Long Term Plan/Annual Plan*

- The Council can legally dispose of the Property in the manner proposed giving due consideration to its various statutory and other compliance requirements.
- Disposal of the Property aligns with the Long Term Plan and Annual Plan.
- The Property is not a strategic asset. Under section 97 of the Local Government Act 2002, any decision to transfer the ownership or control of a strategic asset to or from the Council can only be taken if explicitly provided for in Council's Long Term Plan or through an amendment to the current Long Term Plan.

C6.4 *Community views*

- Community views should be considered with regard to any decisions in relation to properties being declared Surplus.
- Any known community interest or preferences for the particular site and its retention or disposal need to be taken into account, including:
 - Consideration of the current tenants or users of the asset;
 - The ability of other assets to provide the same service;
 - Frequency of use;
 - The community's aspirations for the site support its disposal.
- However, the above considerations should be addressed as part of the review/retention process in B3 (Schedule B) – Property Review Assessment and Process.
- Where the Property has been used as a Park, consideration of the Local Government Act 2002 is required. Section 138(1) provides that *"A local authority proposing to sell or otherwise dispose of a park or part of a park must consult on the proposal before it sells or disposes of, or agrees to sell or dispose of, the park or part of the park."*

C6.5 *Cultural heritage*

- The Property does not contribute to ecological values, historic heritage, cultural value, geological value, or landscape values.
- The Property's cultural significance to hapū and iwi.

C6.6 *The Proposed Use of the Site following Disposal*

- The proposed use of the Property will complement existing activities and/or provide a valuable community service and/or provide local employment opportunities and/or cultural facility.
- The proposed owner shows they have a historical/cultural connection with the Property and/or a commitment to demonstrate an element of the site's history.
- Following disposal, the proposed owner is a local business, a resident of the district, a local community group or Iwi within the district.

C7. *Ad hoc disposal*

The Council may from time to time receive an ad hoc request or wish to take advantage of an opportunity to dispose of Property outside of a planned disposal in the Long Term Plan or Annual Plan. The request could come from a member of the public, an elected member, or from an internal Council planning exercise.

If this occurs, the request must be presented to the Council for a disposal resolution which assesses the disposal opportunity using the assessment criteria outlined in this policy. Any decisions responding to ad hoc requests to dispose of Council-owned or administered Property must be made by Council resolution based on this assessment.

Where a member of the public applies to the Council to purchase Council-owned or administered Property, all costs associated with that Property purchase shall be paid for by the applicant.

C8. *Disposal of Easements and other interests in Property*

This Policy recognises that the Council routinely acquires and disposes of a diverse property portfolio, including intangible property interests such as the benefit or burden of land covenants, easements, caveats, mortgages, and other interests. Council acquires these interests both in its role as a landowner and a regulatory authority.

C8.1 Easements and other interests to be disposed of by the Council as the landowner

The Council has the benefit of a range of interests in property, including land covenants, encumbrances, or other instruments in its role as a landowner. The disposal of such an interest held by the Council is subject to the terms and conditions of such an instrument which typically provides for their disposal, if disposal is contemplated in future.

Disposal of such interests would require consideration of the disposal under the process outlined in this Schedule. However, disposal of such interests under the Land Disposal Criteria would require careful consideration of the cost of such disposal against the likelihood of any ongoing costs for continuing to hold such interests.

C8.2 Other interests to be disposed of by the Council as a regulatory authority

This Policy does not apply to the disposal of any land covenant, encumbrance or other instrument registered on a parcel of land's Record of Title associated with Council's role as a regulatory authority.

Property Acquisition and Disposal Policy

Schedule D - Related Policy, Legislation and Definitions

D1. Structure - Schedule D

This Schedule forms part of the broader Policy and specifically covers the policy context, legislation and definitions that form part of the Policy. In addition, three other Schedules respectively cover the following:

- (1) Schedule A - Acquisition of Property;
- (2) Schedule B - Review of existing Property; and
- (3) Schedule C - Disposal of Property.

D2. Policy

D2.1 Introduction

The Property Acquisition and Disposal Policy is informed and affected by the following policies, plans and strategies:

- (1) District Plan;
- (2) Council Strategies & Plans;
- (3) Policy Manual;
- (4) Annual Plan; and
- (5) Long Term Plan.

D2.2 District Plan

The Waimakariri District Plan identifies and manages growth areas, and uses designations to set aside land and signal its use for a particular purpose, and informs structure plans. It must also give effect to higher-order statutory direction from National and Regional Policy Statements.

Ongoing monitoring of changes to the District Plan and other related planning documents is required by the Property Unit to inform property-related decisions.

D2.3 Council Strategies & Plans

The Council has adopted several Strategies and Plans which set out the vision, goals,

objectives, projects and plans to achieve outcomes relating to specific issues. Ongoing monitoring of these is required, and accordingly, this section is subject to more regular review and revision (annually). These are noted in the below table:

Type	Description
Community Development Strategy 2015-2025	The Waimakariri Community Development Strategy reflects the Council's desire to work with the community to identify community development priorities now and into the future and reflects the continuing growth and diversity of the Waimakariri community.
Organisational Sustainability Strategy & Action Plan 2020	The Organisational Sustainability Strategy and Action Plan sets out actions allowing the Council to conduct its business and operations in a more sustainable manner. It is also about retaining and enhancing a developing staff culture that embraces sustainability as normal day-to-day practice, extending the initial focus on the operations of the three Service Centres out to the wider organisation's services and infrastructure.
Corporate Sustainability Strategy 2019	The Corporate Sustainability Strategy's purpose is to provide an overarching framework that guides the adoption over time of economic, social, cultural, environmental sustainability, and wellbeing principles into the Council's strategic planning and day-to-day operations.
The Kaiapoi Town Centre Plan - 2028 and Beyond	The Kaiapoi Town Centre Plan - 2028 and Beyond promotes a vision of a vibrant Town Centre that embraces the river, attracts visitors and new businesses and creates enjoyable public spaces. It builds onto the work successfully completed as part of the 2011 Kaiapoi Town Centre Plan and strives to maintain Regeneration momentum.
Oxford Town Centre Strategy – August 2014	The Oxford Town Centre Strategy provides a vision, key themes and strategic directions to assist in planning for the future of the Oxford town centre.
Procurement Strategy 2019	The Procurement Strategy articulates the procurement vision, objectives and 'what' the Council aims to achieve for its stakeholders. It outlines the approach to procurement over the next three years and sets out the framework to achieve public value and quality outcomes through best procurement practices.
Rangiora Town Centre Strategy – September 2010	The Rangiora Town Centre Strategy is a document that provides a decision-making framework that the Council can use to make positive changes to the Rangiora town centre from now until the year 2020 and beyond.
Reserve Management Plans	Reserve Management Plans help the Council make decisions on the day-to-day management of parks and reserves throughout the Waimakariri District.

Waimakariri Accessibility Strategy 2017	The Waimakariri Accessibility Strategy acts as a guide to enhance people's independence and ability to participate, engage in, and benefit from the Council services. Accessibility in this context refers to removing barriers that prevent people from participating fully in community and civic life.
Waimakariri District Road Safety Strategy 2011-2016	The Road Safety Strategy for the Waimakariri District intends to reduce fatalities and serious injury crashes within the district.
Waimakariri District Visitor Strategy 2010-2015	Enterprise North Canterbury, the Council's economic development agency, has developed the Visitor Strategy 2010 – 2015 with the Council and key stakeholders in the visitor industry to provide a vision and direction for tourism in the Waimakariri District. It also provides a context to consider Annual District Promotions business planning.
Waimakariri Local Economic Development Strategy 2012	The Waimakariri Local Economic Development Strategy provides a decision-making framework for economic development in the Waimakariri District - it also provides clarity of the Council's roles and responsibilities in enabling and providing for a prosperous local economy.
Waimakariri Residential Red Zone Recovery Plan	Government directed the Council to prepare a Draft Recovery Plan to identify the long-term uses for the district's five residential red zone areas. The Crown approved the Waimakariri Residential Red Zone Recovery Plan on 13 December 2016. The Recovery Plan contains proposed land uses and activities for the five regeneration areas of Kaiapoi West, Kaiapoi South, Kaiapoi East, The Pines Beach and Kairaki. These include new parks and reserves, walking and cycling links, a BMX track, a dog park, mixed-use business areas, provision for heritage and mahinga kai activities, roads and infrastructure sites and rural activities.
Walking and Cycling Strategy 2017-2022	The Walking and Cycling Strategy and Implementation Plan provides a basis for identifying and prioritising demand for new or improved walking and cycling opportunities within the Waimakariri District.
Waste Management and Minimisation Plan 2018	The Waste Management and Minimisation Plan sets the way forward for the Council to manage waste to improve the efficiency of resource use and reduce the harmful effects of waste, whilst fulfilling the Council's obligations under the Local Government and Waste Minimisation Acts.
Water Conservation Strategy – June 2010	The Water Conservation Strategy identifies and priorities opportunities for water conservation within the Waimakariri District. It provides targets, initiatives and a monitoring regime to achieve higher levels of water conservation within the Council's community water supplies.

Woodend Pegasus Area Strategy – October 2013	The Woodend Pegasus Area Strategy assists in planning for the future of the Woodend Pegasus area.
Youth Development Strategy – October 2018	The Waimakariri Youth Development Strategy outlines how the Council and community can invest in developing our young people, so they feel valued and encouraged to stay and make positive contributions to the district's continued growth.

Table D1: Council Strategies and Plans

D2.4 Policy Manual

The Policy Manual contains the policies that set the basis for Council decisions and procedures, approved by resolution of the Council. This Policy forms part of the Policy Manual and seeks to incorporate all relevant policies and processes currently in use as well as considering and implementing additional steps to ensure the acquisition and disposal of Property is subject to a robust process that is less likely to be subject to legal challenge.

D2.5 Annual Plan

The Annual Plan outlines the Council's work programme and key projects for the following year.

D2.6 Long Term Plan

The Long Term Plan sets the timing and funding of infrastructure works and other capital investments, including planned land purchases on a ten-year planning horizon. It explains how the Council will respond to today's challenges while planning for the future. The Long Term Plan is developed every three years with an Annual Plan produced in the two intervening years.

D3. Legislation

The table below broadly sets out some of the key legislation relevant to this Policy and the Council's Acquisition, Retention, Review and Disposal of Property. The below noted legislation provides the Council with broad powers as a local authority and sets limits on the exercise of such powers. Therefore, the relevant legislation must be considered as it relates to any particular property's specifics.

Accordingly, the Council must be appropriately advised of this and any legal or other consequences.

Ongoing monitoring of legislative and regulatory change is required, and accordingly, this section is subject to more regular review and revision (annually).

Type	Description
Airport Authorities Act 1966	Under the Airport Authorities Act 1966, local authorities have a role alongside airport authorities which may also, in turn, be local authorities themselves. For example, a local authority may form a company that is, or is intended to become, an airport company; and may subscribe for, hold, acquire, and dispose of any equity securities or debt securities issued by any such company. Local authorities also can make grants of money, loans or leases to an airport authority under the Act subject to various conditions.
Forestry Rights Registration Act 1983	The Forestry Rights Registration Act 1983 provides for the creation and registration of forestry rights against records of title under the Land Transfer Act 2017.
Heritage New Zealand Pohere Taonga Act 2014	Heritage New Zealand has a range of statutory and regulatory obligations focused on protecting and preserving heritage. These are scaled depending on the status of the heritage feature. Their objectives and values as an organisation are generally aligned with the Council's regarding heritage. At an asset/property specific level, this can translate into limitations being applied to how a property is used, altered or changed, as well as impacting on the costs of maintenance and compliance.
Land Transfer Act 2017	<p>The Land Transfer Act 2017 governs how land ownership is registered in New Zealand. It also includes various provisions in respect of the registration and meaning of instruments and other interests within the land transfer system in New Zealand. Accordingly, it is an essential part of undertaking any transactional Property dealings in New Zealand.</p> <p>The Land Transfer Regulations 2018 are regulations created under a regulation-making power under the Act. These regulations set out the requirements for various instruments (such as caveats, land covenants, easements and many others), including specifying the information that must be contained in and documents that must accompany these instruments for registration. These regulations also imply various terms into certain instruments by default.</p>
Local Government Act 2002	<p>The Local Government Act 2002 requires the Council to consult on significant proposals or when the Council proposes to dispose of parks not held under the Reserves Act 1977. The Act also allows the Council to collect development contributions to recover growth-related costs associated with any Council-owned or administered land and allows the Council to charge a targeted rate to fund activities.</p> <p>The Act sets out that the purpose of local authorities is:</p> <ul style="list-style-type: none"> • to enable democratic local decision-making and action by, and on behalf of, communities; and

	<ul style="list-style-type: none"> • to promote the social, economic, environmental and cultural wellbeing of communities in the present and future (otherwise known as the sustainable development mandate). <p>It is important to be aware that there are a number of stipulations in the Act that apply to all local authority property activities, which must be adhered to in the decision-making and the development of specific Property policies.</p> <p>Section 12 of the Act contains what is known as the power of general competence. It provides local authorities with broad general powers to undertake any activity or enter into any transaction for the purposes of performing its role as a local authority. This power includes the power to acquire and dispose of Property.</p> <p>Section 14 of the Act places obligations on local authorities to act in accordance with several principles. Many of these have relevance for the property function, for example, the obligations for the Council:</p> <ul style="list-style-type: none"> • To conduct its business in an open, transparent, and democratically accountable manner. • To make itself aware of, and have regard to, community views. • To undertake commercial transactions in accordance with sound business practices. • To ensure prudent stewardship and the efficient and effective use of resources. <p>Since 2000, the general legislative direction has changed in that decision-making in relation to Property management by the Council (and in particular acquisition and disposal) has increased in significance.</p> <p>Section 90 of the Act requires local authorities to adopt a significance policy that determines which assets are considered to be strategic assets. Strategic assets are defined as assets held by a local authority that it needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future wellbeing of the community.</p> <p>Sections 138 – 141 of the Act contain several restrictions and conditions that apply to the disposal by a local authority of any parks, reserves (other than those held under the Reserves Act 1977), and endowment lands. Therefore, any Property disposal policies that are formulated must fully comply with these provisions.</p> <p>Property management by the Council must also be responsive to Section 97. The Act identifies certain decisions which are relevant to Property and may only be made by way of an amendment to the Ten Year Plan. These are:</p> <ul style="list-style-type: none"> • A decision to significantly alter the intended level of service provision for any significant activity undertaken by or on behalf
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	<p>of the local authority, including a decision to commence or cease such activity (section 97(1)(a)).</p> <ul style="list-style-type: none"> • A decision to transfer the ownership or control of a strategic asset to or from the local authority (section 97(1)(b)).n amendment to any of the funding and financial policies in section 102 of the Act (section 102(6)). • Regional Councils undertaking significant new activities that are currently performed by territorial authorities (section 16). <p>The requirements for prudent financial management are clearly described in section 101 of the Act. In particular that:</p> <ol style="list-style-type: none"> 1. A local authority must manage its revenues, expenses, assets, liabilities, investments and general financial dealings prudently and in a manner that promotes the current and future interests of the community. 2. A local authority must make adequate and effective provision in its Long Term Plan and its Annual Plan (where applicable) to meet the expenditure needs of the local authority identified in the Long Term Plan and Annual Plan. 3. The funding needs of the local authority must be met from those sources that the local authority determines to be appropriate, following consideration of: <ol style="list-style-type: none"> a. In relation to each activity funded: <ol style="list-style-type: none"> i. the community outcomes to which the activity primarily contributes; ii. the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals; iii. the period in or over which those benefits are expected to occur; iv. the extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity; and v. the costs and benefits of funding the activity distinct from other activities, including consequences for transparency and accountability. b. The overall impact of any allocation of liability for revenue needs on the community.
<p>Local Government Act 1974</p>	<p>The Local Government Act 1974 sets out requirements for stopping and closing of roads and disposal of land no longer required for road.</p> <p>Section 316 vests all roads (including the soil/materials they are made of or materials placed or laid on any road) in fee simple in the Council of the district in which they are situated.</p>

	<p>Section 319 provides local authorities with broad powers to construct, upgrade, repair, lay, increase the width or alter the level of roads within their district (with the exception of state highways).</p> <p>Furthermore, local authorities are able to create a temporary road while an existing road is being repaired, to name or alter the name of a road, sell surplus spoil of roads or to stop road in accordance with Schedule 10 of the Act.</p> <p>Section 342 reinforces that local authorities have the power to stop road in accordance with the procedure set out in Schedule 10 of the Act. Schedule 10 also provides a procedure for temporarily closing a road and imposing charges in accordance with Schedule 10.</p> <p>Section 349 provides local authorities with the power to turn a private road or private way into a public road. However, this power would need to be considered carefully given such a declaration may place a significant maintenance burden on the Council in future.</p>
Local Government Official Information and Meetings Act 1987	The Local Government Official Information and Meetings Act 1987 controls the public release of information in commercially sensitive situations, such as negotiations to acquire or dispose of Property.
Ngāi Tahu Claims Settlement Act 1998	On 21 November 1997, the Crown and Te Rūnanga o Ngāi Tahu entered into a settlement of all of Ngāi Tahu's historical claims. This legislation is part of that settlement. Like many landowners, the Council acknowledges its responsibility under Part 9 of the Act to offer certain land to Te Rūnanga o Ngāi Tahu before disposal on the open market.
Overseas Investment Act 2005	The Act limits the ability of overseas persons to own or control sensitive New Zealand assets (being land or otherwise) and more recently also limits the ability of overseas persons to purchase residential or lifestyle land. From a local authority perspective, the Act limits the number of parties to whom that Property can be sold.
Public Bodies Leases Act 1969	Section 303(1) of the Local Government Act 2002 provides that territorial authorities cease to be leasing authorities for the purposes of the Public Bodies Leases Act 1969. However, the Act may apply to leases where the lease was granted under that Act before the enactment of the Local Government Act 2002 or for the renewal of a lease already granted under the Act.
Public Works Act 1981	<p>The Public Works Act 1981 is the primary mechanism available to the Council for acquiring property for a Public Work and disposing of any surplus Property originally acquired for a Public Work. The Act outlines procedures for acquisition and disposal of Property, as well as providing for compensation and compulsory acquisition.</p> <p>Section 2 of the Act provides a definition of a Public Work, Work and Essential Work. These are imperative in using the Act to acquire or dispose of Property as a local authority.</p>

	<p>Section 16 of the Act provides the Council in its capacity as a local authority with the general power of acquisition of Property.</p> <p>Section 17 provides a mechanism for a local authority to acquire Property with the agreement of a landowner.</p> <p>Compulsory acquisition of land by the Council involves several statutory provisions under the Act. This process usually includes the preparation and issuing of a Notice of Desire under Section 18, a land survey followed by the issuing, publication and registration on the record of title for the land of a Notice of Intention under Section 23, followed by a request for a proclamation under Section 26 of the Act and registration of that proclamation pursuant to Section 57.</p> <p>Section 40 is the “offer back” provision under the Act. This may require a local authority to offer a Surplus piece of land back to the landowner (or the landowner’s successors) if a piece of land is no longer required for a public work and was taken for a public work. This explanation is a simplified explanation, and the consequences of Section 40 require careful consideration with the risk of significant extra costs and litigation if the process is not managed by the Council appropriately.</p> <p>Section 103 provides a mechanism for the Council as a local authority or the Minister to provide other property interests in lieu of compensation if certain requirements are met.</p> <p>Sections 114 and 116 provide the Minister with the power to declare land as road or stop road in certain circumstances. The latter is the companion provision to the power provided to local authorities to stop roads under the Local Government Act 1974 discussed above.</p> <p>Section 116 is predicated on a road being stopped in circumstances where the community and surrounding residents overwhelmingly support a proposed road stopping with no objections from the community or residents. This contrasts with the Local Government Act 1974 process predicated on public consultation and community involvement where a proposed road stopping might be contentious or subject to objections.</p>
<p>Property Law Act 2007</p>	<p>The Property Law Act 2007 is a piece of legislation that is not specific to local authorities. However, the Act impacts upon the Council in its role as a landowner stipulating the rights and powers that apply to landlords and tenants in commercial leases, powers and obligations that apply in respect of land covenants, easements, and other types of encumbrances and the powers and responsibilities of mortgagees which may apply if the Council is granted a mortgage over a landowner’s Property.</p> <p>The Act also sets out specific rules and requirements regarding property transactions more generally. In undertaking acquisitions and disposals of Property, these transactional requirements directly impact the Council’s ability to acquire and dispose of Property.</p>

<p>Resource Management Act 1991</p>	<p>The Resource Management Act 1991 allows the Council to designate land for certain purposes through the district plan, such as parks and open spaces, and signal its intention to purchase Property for public works. It also allows the Council to take esplanade reserves and strips along the coast and waterways upon subdivision and permits the Council to collect financial contributions or receive vested land upon subdivision.</p> <p>In addition:</p> <ul style="list-style-type: none"> • Section 11 of the Act sets out a prohibition on the subdivision of land except in certain limited cases. An example of such an exemption is in respect of a subdivision effected by the acquisition, taking, transfer, or disposal of part of an allotment under the Public Works Act 1981 (except that, in the case of the disposition of land under the Public Works Act 1981, each existing separate parcel of land shall, unless otherwise provided by that Act, be disposed of without further division of that parcel of land). • Section 86 of the Act provides the Council as a local authority with the ability to acquire land by agreement under the Public Works Act 1981 for the purpose of terminating or preventing any non-complying or prohibited activity in relation to that land or facilitating an activity in relation to that land that is in accordance with the objectives and policies of the plan.
<p>Reserves Act 1977</p>	<p>The Reserves Act 1977 provides for parks and open spaces held by the Council to be declared reserves and classified for a particular purpose (for example, recreation, local, scenic, scientific or historical) and sets out consultation and approval processes when land declared as a reserve is proposed to be disposed of or exchanged.</p> <p>Section 2 of the Act provides a broad definition of what constitutes a Reserve. It also provides a definition of a local authority for the purposes of the Act.</p> <p>Section 15 of the Act provides a mechanism for local authorities to exchange reserve land for other land in certain circumstances if requirements are met.</p> <p>The use of reserves by local authorities is restricted by the classification or purpose for which such reserves are held. Sections 24 and 24A of the Act provide the Minister or a territorial authority to change the purpose of classification of a given reserve in certain limited circumstances. This usually requires consultation and compliance with other legislative requirements.</p> <p>Sections 54, 56, 58A, 61, 61A, 67 and 73 of the Act provide powers regarding certain types of reserves to grant leases or licences (as the case may be). These sections primarily relate to recreation reserves (including recreation reserves set apart for racecourse purposes), local purpose reserves, scenic reserves, historic reserves and reserves for aerodromes.</p>

	<p>Section 48 of the Act provides for granting rights of way or other easements over reserve land by administering bodies in certain circumstances and subject to various legislative requirements.</p> <p>Section 111 provides a useful power that enables the Council to dedicate road reserve as legal road.</p>
Te Ture Whenua Māori Act 1993/Māori Land Act 1993	<p>The principles set out in the Act seek to reaffirm the Treaty of Waitangi in recognising the importance of land to Māori and that the land is Taonga. The Act seeks to promote the retention of Maori land and promote its occupation, development and use by its owner, their whanau and hapu.</p>
Treaty of Waitangi	<p>The Local Government Act 2002 recognises and respects the Crown's obligations under the Treaty of Waitangi by placing some specific obligations on Councils.</p> <p>The Act includes requirements for Councils to:</p> <ol style="list-style-type: none"> 1. Ensure they provide opportunities for Māori to contribute to decision-making processes; 2. Establish and maintain processes for Māori to contribute to decision-making; 3. Consider ways in which they can foster the development of Māori capacity to contribute to decision-making processes; 4. Provide relevant information to Māori; and 5. Take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other Taonga.

Table D2: Legislation

D4. Definitions

Throughout this Schedule and the wider Policy, a range of terminology is used to describe the Acquisition, Retention, Review and Disposal of Property process and particulars. The below definitions seek to inform the interpretation of this Policy and the processes and procedures that are set out within it.

Type	Description
Acquiring Authority/Agency	Acquiring Authority/Agency means a Crown Agency asking the Minister or Land Information to acquire or take land under the Public Works Act 1981, and includes a Crown property accredited supplier contracted by an Acquiring Authority/Agency.
Acquisition	Acquisition means acquiring, obtaining or receiving property through a method such as purchase or gift.
Activity Owner	Activity Owner means the relevant department or unit within the Council responsible for a particular Property, e.g. Greenspace, Three Waters.
Delegated Officer	Delegated Officer means a person identified in the Council's Delegations Manual as having the authority or responsibility to carry out a function as authorised by the Council.
Disposal	Disposal means to sell or otherwise relinquish ownership of land or Property.
Local Authority	As defined in section 2 of the Local Government Act 2002, Local Authority means a regional council or territorial authority.
Operationally Redundant	Operationally Redundant refers to an Activity Owner's decision to determine that specific Property is no longer required for its original purpose or any new purpose within that same department or team within the Council.
Policy	The Policy means the Waimakariri District Council Property Acquisition and Disposal Policy and its associated Schedules.
Property	Property as it relates to this Policy seeks to encompass Real Property including land, buildings, infrastructure and improvements, as well as other types of property interests, including easements, land covenants and other interests in land.

Parks	Parks have the definition provided in section 138(1) of the Local Government Act 2002. Parks means land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; but does not include land held as a reserve, or part of a reserve, under the Reserves Act 1977.
Public Work	Public Works generally refers to infrastructure supporting the delivery of Council services such as playgrounds, libraries, roading, wastewater or stormwater. Specifically, a Public Work means every Government work or local work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, manage, operate or maintain by or under the Public Works Act 1981 or any other Act; and includes anything required directly or indirectly for any such Government work or local work or use.
Reserve	Reserve has the meaning provided in section 2 of the Reserves Act 1977.
Return on Investment	Return on Investment in the context of this policy refers to a series of performance measures used to evaluate the efficiency and effectiveness of a Property purchase and compares this to the efficiency and effectiveness of similar Properties that have a similar use or function. These performance measures would differ depending on the use and nature of the particular Property and would also consider the opportunity cost associated with such Property and the amount of return on a particular investment, which would be both financial and non-financial, e.g. community outcomes, relative to the investment's cost.
Surplus	Surplus in the context of the disposal of Property means that a Property (or part thereof) is no longer required by the Council for its original purpose or another purpose. Surplus under the Public Works Act 1981 refers to Property no longer being required for a public work or any other public work by the Council.

Table D3: Definitions



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DISTRICT COUNCIL

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**TERMS OF REFERENCE
COUNCIL AND COMMITTEES**

**ACQUISITION & DISPOSAL POLICY
(and) IMPLEMENTATION PLAN
WORKING PARTY**

1. Introduction

Council owns over 900 properties, most acquired and used for public work i.e. for operational service delivery of Council activities (both vertical and horizontal infrastructure). These have been acquired over many decades, with some dating back to early European settlement

This Working Party is tasked with establishing a corporate approach to reviewing and where appropriate rationalising the property portfolio with the intent of establishing a well announced acquisition and disposal policy and associated processes.

2. Membership

5 x Elected Members
(Councillors Doody, Ward, Atkinson, Williams, and Redmond)
Manager Finance & Business Support
Property Manager

3. Quorum

A quorum will be 5 members, including at least 3 Councillors

4. Delegation

The Working Party is tasked with providing oversight, input and guidance, to the development of the acquisitions and disposal policy, and implementation plan.

It is also charged with reporting back to the Council on a regular on progress and ultimately with their recommendations in relation to adoption of the policy and the plan.

5. Scope

There are three significant settings that require different types of process and analysis to inform investment, retention and disposal decision making. These include:

- Service Delivery
- Strategic Positioning
- Investment

The policy and processes under development need to provide logical criteria and a clear, consistent methodology to evaluate the business case for property acquisitions, and for assessing the rationale for retaining existing property for each of the above settings or alternately proceeding to disposals.

The policy applies to real property assets that apply to permanent ownership rights being transacted. These include the following;



TERMS OF REFERENCE
COUNCIL AND COMMITTEES

ACQUISITION & DISPOSAL POLICY
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- Land
- Buildings
- Fixtures and fittings
- Easements, Right of Ways and Encumbrances (on both Council and non-council owned land and / or property)
- Air rights
- Leasehold rights that extend to 50 years or more
- Heads of Agreement or any other legal instruments that commit Council to any of the above types of property ownership

They do not extend to licenses or leases (with durations of less than 50 years), hire age of spaces and any other temporal use arrangements for land /other property, removable furniture, equipment items not fixed to a real property asset.

6. Objectives

The overarching objectives of the policy development are to

- ensure fair, transparent and compliant processes and behaviours are in place to protect
 - the rights of property owners (and)
 - Council's reputation,
- while endeavoring to
 - minimise costs for acquisitions (and)
 - maximise the return from any property disposal actions.

Alignment of decision making with the above objectives and Council's core purposes is a critical success factor.

To aid this a number of principles are proposed to help this alignment as follows:

Principles

1. **Consistency and Fairness** – *in line with Council's stated Community Outcomes the rights of individuals and property owners should be preserved and protected*
2. **Prioritised / Opportunity Cost** - *The opportunity and financial costs of keeping underutilised or unneeded real property assets comes at the expense of an asset or service that is needed.*
3. **Scarcity / Change** - *over time resources are finite but needs tend to change*
4. **Needs based** - *Acquisition & development decision making should be based on clearly identified needs.*



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TERMS OF REFERENCE
COUNCIL AND COMMITTEES

ACQUISITION & DISPOSAL POLICY
(and) IMPLEMENTATION PLAN
WORKING PARTY

5. **Adaptability / Future proofed** – *Given the need repond to changing needs over time, the policy governing property acquisitions and asset development should allow for repurposing and/or anticipate the need for an exit strategy at some point in time.*
6. **Compliant** - *Land and property form a critical part of a wider set of asset solution that are subject to the Local Government Act obligations in relation to asset management. In the WDC context compliance with Council's Asset Management Policy is needed.*

The policy should help guide decision making and process in line with the above principles, but also needs to be adaptable for different settings and / or purposes within the organisations overall purposes

Phase Two

The report also outlines the need for an approved implementation strategy and signals some of the factors that need to be considered in progressing this.

7. Programme

To update the Council every second monthly Council Meeting starting in September 2020 and a final report prepared for the Council by March 2021

8. Meeting Frequency

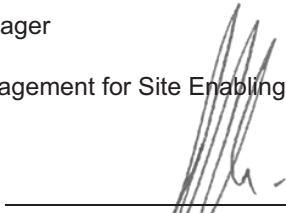
To be arranged

9. Staff Executive

Manager Finance & Business Support

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION****FILE NO and TRIM NO:** GOV-01-04 / CMS-09-10-02 / 211203193786**REPORT TO:** COUNCIL**DATE OF MEETING:** 1 February 2022**AUTHOR(S):** Tessa Sturley – Community Team Manager**SUBJECT:** Kaiapoi Community Hub – Project Management for Site Enabling Works**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)


 Department Manager



 Chief Executive
1. SUMMARY

- 1.1. This report is an update Council on progress toward the development of the Kaiapoi Community Hub in the Kaiapoi South Regeneration Area.
- 1.2. The report details existing resourcing, including funding confirmed through the Long Term Plan 2021-2031, to develop the land at 38 Charters Street Kaiapoi for a community hub where recreational and hobby groups can collocate; and where people can be welcomed connected, learn and develop new skills and be empowered toward a more positive future.
- 1.3. The report also highlights significant support from Kaiapoi Tuahiwi Community Board, alongside community, stakeholder, and funder endorsement for the hub project.
- 1.4. The report highlights a gap in provision for project management of the site enabling works to progress its establishment. It details the impact on available staff resourcing to project manage these works, resulting from a necessary restructure of District Regeneration as the Red Zone recovery project nears completion.
- 1.5. The key purpose of this report is to seek Council approval that \$100,000 of the \$300,000 provision from the COVID-19 Recover Fund, approved at the January 2021 meeting of Council, be allocated for project management to ensure effective and efficient completion of site enabling works for the Kaiapoi Community Hub Project.

Attachments:

- i. Summary work done in response to initial consultation (Trim # 211109179561)
- ii. Draft Final Concept Plan (Trim # 211109179566.)
- iii. Purpose and Objectives of the Kaiapoi Hub Trust (TRIM # 211109180134)
- iv. Kaiapoi Community Hub project development structure (TRIM # 211207195859)

2. RECOMMENDATION**THAT** the Council:

- (a) **Receives** report No. 211203193786
- (b) **Notes** that funding has been confirmed through the Long Term Plan 2021-2031, to develop the land at 38 Charters Street Kaiapoi for a community hub where recreational

and hobby groups can collocate; and where people can be welcomed connected, learn and develop new skills and be empowered toward a more positive future.

- (c) **Notes** that the Kaiapoi Community Hub is an important part of the Food Security project, central to ensuring the social recovery and on-going resilience of the community as it grows and responds to the challenges presented by COVID-19.
- (d) **Notes** that, as the project aligns with central government funding for the Food Security project, Satisfy Food Rescue will also base itself at the hub, as an essential feeder into the food education and empowerment aspects of that project.
- (e) **Notes** the project management structure for the Kaiapoi Community Trust (Attachment 4)
- (f) **Notes** that at its November meeting Kaiapoi Tuahiwi Community Board expressed their support for the Kaiapoi Community Hub Project.
- (g) **Notes** that Rata Foundation and Department of Internal Affairs have expressed interest in supporting the food security base, social aspects of the Kaiapoi community hub and associated education centre, detailed in the attached Kaiapoi Community Hub overview.
- (h) **Notes** that, following extensive community consultation, staff have now developed a draft final concept plan for the community hub and are ready to progress a resource consent application.
- (i) **Notes** that in a report to the January 2021 Council Meeting, staff flagged that targeted infrastructure project management resourcing would be necessary to progress the establishment of the Kaiapoi Hub, with the potential need for \$100K to see the enabling works development through to its completion.
- (j) **Acknowledges** that at its January 2021 meeting, Council adopted the recommendation to allow provision of \$300K from the COVID-19 Recovery Fund toward the potential resourcing of social recovery facilitation and infrastructure project management for the Kaiapoi Hub; along with any potential impacts on Aquatic Facilities operations, subject to Council approval.
- (k) **Notes** that for 2022/2023 annual plan deliberations, staff have made provision to retain the existing mainstream community development role, given the ongoing impact of COVID-19 on our rapidly growing district. Therefore community development staff do not anticipate needing to utilise the COVID recovery fund for the 2022/2023 financial year.
- (l) **Notes** taking into account \$30K allocated toward a Disaster Recovery Strategy review, only \$800K of the \$ 2.1 million has been utilised.
- (m) **Notes** that while considerable government funding for food security includes provision for an education centre as part of that hub, it does not include provision for project management for the site enabling works for the hub development.
- (n) **Notes** that central government funding is designated for project costs and therefore cannot be used for the facilitation of key projects associated with the social recovery of our District.
- (o) **Approves** that \$100,000 of the \$300,000 provision approved at the January 2021 meeting of Council be allocated for project management to ensure effective and efficient completion of site enabling works for the Kaiapoi Community Hub Project.

3. **BACKGROUND**

- 3.1 Over the past two to three years, staff have been working closely with the Kaiapoi Croquet Club, Kaiapoi Menz Shed, and Food Secure North Canterbury to potentially co-locate at a

proposed community hub in Kaiapoi. All of these groups are currently located on unsuitable sites (in the long-term) and require space to continue to operate. There are positive benefits for the groups, and the wider community, in having a proposed hub in Kaiapoi.

- 3.2 The Kaiapoi Community Hub is one of three priority projects that have emerged as being central to ensuring the social recovery and on-going resilience of the community, as it responds and adapts to the challenges presented by COVID-19. It is a key aspect of the food security project, for which staff have secured \$690,000 in central government funding. The hub will be a place where people can be welcomed connected, learn and develop new skills and be empowered toward a more positive future. This will also incorporate Kaiapoi Men's Shed, Croquet and other similar recreational activities, sympathetically aligned to the vision and goals of the greater hub.
- 3.2. As detailed in previous reports, it is proposed to locate the Kaiapoi Community Hub in the Kaiapoi South Regeneration Area at 38 Charters Street, to the west of Courtenay Drive and south of Charters Street. This site is included in the Waimakariri Residential Red Zone Recovery Plan (Recovery Plan) for rural land uses. Part of the site was included in the Kaiapoi Reserves Master Plan as a community studio, and the activity was consulted on through the 2020/2021 Annual Plan.
- 3.5 Significant community consultation on the Hub project was undertaken with affected residents throughout the 2021 calendar year. Further to the feedback on those consultations, the three key user groups have been meeting monthly alongside council staff to finalise the draft concept design and work to address some of the community's concerns. It has been a significant journey for these groups - developing working relationships and considering the bigger picture whilst holding to their individual requirement.
- 3.6 Community Development staff have supported the three key user groups to consider governance options. Following conversations with key external funders, all have agreed to the establishment of a Trust to manage the Hub. A key consideration was the long-term sustainability and future-proofing of the project. This has implications for building ownership for the user groups, in that in all likelihood, the Trust will own all buildings on the site. However, all agree that a shared and uniform approach will address many of the community's concerns, maximise funding opportunities and enable them to get on with their core business. Meetings with key funders indicate significant support for the project, including the facilities aspects. E.g. Via Lotteries Community Facilities.
- 3.7 A Kaiapoi Community Hub Trust Deed has been drafted, following completion of a workshop with the key user groups to work on the purpose, values and vision. Having such diverse groups working together now on this common vision and purpose for the benefit of the community is evidence of what the Kaiapoi Community Hub will become. It is foreseen that the Trust will be representative of the three hub user groups and have other members of the Kaiapoi community as Trustees.
- The draft deed has been submitted for review by Council's legal advisor. Terms of Reference will be finalised by key user groups as part of the Trust establishment, once the draft deed has been reviewed.
- 3.8 A detailed draft set of user guidelines have also been developed. This will be utilised by the Board of Trustees to frame the operation, management and maintenance of the facility.
- 3.9 Infrastructure and site works planning is complete. Strong governance and community development led project management for the development of the social infrastructure is in

place. However, there is currently no provision for project management for the site enabling works.

- 3.10 Attachment four to this report details the structure for the management of this project, detailing project management functions for the community infrastructure, alongside that for physical infrastructure, including the site enabling works.

4. **ISSUES AND OPTIONS**

- 4.1. At its January 2021 meeting, Council adopted the recommendation to note that “a further provision of \$300,000 has been made, to be loan funded, to cover the potential funding requirement in Recommendation (g), a further \$100,000 of funding for potential project management resourcing (as per section 4.19 of this report), and also any impacts on Aquatic Facilities operations”; and that “Any drawdown of these provisions would subject to Council approval,” It flagged that targeted project management resourcing would be necessary to progress the establishment of the Kaiapoi Hub, with the potential need for \$100K to see the development through to its completion. At that point, only \$700K of the \$2.1 million had been utilised. Taking into account \$30 allocated toward a Disaster Recovery Strategy review, only \$800K of the \$ 2.1 million has been utilised to date.

- 4.2. The table below details utilisation of the fund to date, across the various Council units:

COVID-19 loan breakdown				
		30-Jun-20	30-Jun-21	30-Jun-22
Activity	Nature of cost	Actual	Actual	Actual
Aquatic Centres	Net loss to June	269,022		
Building Consents	Net loss to June	166,702		
Civil Defence response costs	Costs unable to be recovered from MSD & CD	140,279		
Water Unit	Income lost to June CAPEX	60,000		
Water Unit	Income lost to July/Aug 21			99,477
Rents	Rentals to various groups and Airport	25,435		
Community Team	Fixed term facilitation of social recovery till June 22			70,000
Costs expensed from capital projects due to covid lockdown				
Regeneration	10.541.100.2465 PJs 101596,101436,101604		90,695	
Comm Buildings	10.500.100.2465 Waimakariri Stadium		119,735	
District Roading	10.293.100.2465 PJ 101034		9,708	
		661,438	220,137	169,477
			Total loans raised	1,051,052

- 4.3. At its March meeting, Council approved the provision of \$70,000 from the Council COVID-19 Recovery fund for continued provision of 0.75 FTE role community development provision, while enabling appropriate secondment for social recovery facilitation, through until June 2022. Staff committed to preparing a report to Council by February 2021, should utilisation of that fund be necessary.

- 4.4. The development and embedding of key COVID-19 Social Recovery projects is a priority through to at least 2024. Given the significant community support for these projects, staff are optimistic about the likelihood of success. To ensure that these can be effectively planned developed and integrated into the community, it will be necessary to maintain designated staff resourcing.

Additionally, it is important to note that alongside recovery, sustained response to the 'new normal' in the face of the ever-evolving COVID-19 climate is an ongoing challenge. Where the social recovery role initially involved the development of medium to longer term projects, the need for sustained response is increasingly evident. For example, community-based quarantine has demanded the reinstatement of the Local Welfare Committee and considerable community development staff time in developing appropriate triaging models and systems. This will see the Community Team's Civil Defence Welfare function at the centre of ensuring that isolating residents can be linked with appropriate supports and services. Given the emergence of new strains of the virus, this is unlikely to be a short term issue.

Ongoing COVID response and recovery work sit alongside a growing existing community development portfolio that seeks to respond to a range of emerging issues and opportunities to meet the needs and aspirations of our rapidly growing and increasingly diverse communities. Adequate community development provision will be vital as our District continues to grow and evolve.

In line with this, as detailed in staff commentary for annual plan deliberations, staff have made budget provision for retention of the existing mainstream community development role, given the ongoing impact of COVID-19 on our rapidly growing district.

- 4.5. Following extensive community consultation, staff have now developed a draft final concept plan and are ready to progress a resource consent application. A summary of the community consultation process and community views will be included in the resource consent application. The original concept plan was revised in response to feedback from the residents' meetings and workshop, continued consultation with the proposed hub groups and technical/practical considerations for the site.
- 4.6. At its November meeting, Kaiapoi Community Board strongly endorsed this project and its value to the Kaiapoi Community.
- 4.7. Whilst provision has been made to resource facilitation of the community and buildings aspects, no such provision is in place for project management for the site enabling works.
- 4.8. Budget forecasting includes provision for infrastructure works and District Regeneration have allocated \$60K in the 2022/2023 annual plan for the site enabling works. However, the Red Zone Regeneration project is nearing completion and a corresponding restructure of the District Regeneration team has resulted in the non-replacement of key staff leading the technical aspects of the community hub project development. This means that there is currently no-one dedicated to project manage the infrastructure-related aspects of the project; including the site enabling works.
- 4.9. Externally contracted project management will be necessary to ensure that this work is completed in a timely and cost efficient fashion. It is anticipated that such provision will be required from February 2021, through the end of the 22/23 financial year – approximately 16 months.
- 4.10. Staff request that \$100K of the \$300K provision, allocated at the January 2021 meeting of Council, be approved for project management to ensure effective and efficient completion of site enabling works for the Kaiapoi Community Hub Project, acknowledging the following available options:
 - a) OPTION 1: Approve the request to utilise an external project manager, or via Councils Project Development Unit. The associated cost would equate to at a cost of \$1,470/week. For the 68 weeks from February 2022 to end of June 2024. This

equates to just under the \$100K, anticipated project management cost for the infrastructure aspects of the Hub development.

- b) OPTION 2: Decline the request to fund the site enabling works project management from the COVID- 19 Recovery Fund and have staff resource this through the acquisition of external funding.

This is the least preferred option in that:

- i. Funding streams for staffing are limited and typically over-subscribed by our highly stretched social service and mental health sectors.
 - ii. This option would cause significant delay, resulting in a detrimental effect on the goodwill and support of major funders who have championed the project to date. This could potentially result in the loss of a significant part of the \$670K in central government funding applied to the food security project.
 - iii. Resulting delays would also likely see a loss of community impetus, given that that local schools, foodbanks and community and recreation groups have expressed a keenness to be involved in this project.
- c) OPTION 3: Approve the request in principle, but have staff recruit a fixed term internal role to reduce the overall cost. This option presents two challenges:
- i. The existing shortage of appropriately skilled engineers
 - ii. Filling a role that is essentially less than 10 hours per week is unlikely.

Implications for Community Wellbeing

The Kaiapoi Community Hub will have positive outcomes for the identified hub groups in that they would have long-term space for their activities. The proposed community hub would have significant health and wellbeing benefits for the local community and wider district

- 4.11. The Management Team has reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Mana whenua

Staff contacted Mahaanui Kurataiao Ltd (MKT) on the 4 November 2020 seeking guidance on how Te Ngāi Tūāhuriri Rūnanga would like to engage, and the level of involvement they would like to have in the planning and design of the hub. At the time of writing this report, staff were still awaiting guidance from MKT.

5.2. Groups and Organisations

There are groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

- Local community groups
- Schools
- Education providers
- Faith based groups
- Volunteer involving organisations

5.3. **Wider Community**

As identified in the background section of this report, the wider community has been consulted on multiple occasions to date, including:

- A consultation flyer inviting resident feedback,
- A public meeting on the proposed site,
- Outreach engagement at the Kaiapoi Christmas Carnival
- A targeted workshop for potentially affected residents in adjoining neighbourhoods.
- A second onsite meeting with affected residents and stakeholders, including a mapping out of the site footprint.

Eighteen submissions were received during the long-term plan consultation process - fifteen in favour of the project and three opposed.

6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

6.1. **Financial Implications**

6.1.1 Externally contracted project management will be necessary to ensure that site enabling work is completed in a timely and cost efficient fashion. It is anticipated that such provision will be required from February 2021, through the end of the 22/23 financial year – approximately 16 months, at a cost of \$1,470/week over 68 weeks. This equates to just under the \$100K, anticipated project management cost for the infrastructure aspects of the Hub development.

6.1.2. Staff request that \$100K of the \$300K provision, allocated at the January 2021 meeting of Council be approved for project management to ensure effective and efficient completion of site enabling works for the Kaiapoi Community Hub Project.

6.1.3. Staff were successful in obtaining \$435,000 from the Council through the 2021-2031 Long Term Plan. This funding is split between the Earthquake Recovery Loan and the Recreation Loan. This funding has been included in the draft Long Term Plan budgets.

6.1.4 As identified in previous reports, the funding approved in the Long Term Plan will not be sufficient to fully develop the Kaiapoi Community Hub in its entirety. In strategically looking to address this staff have:

- Worked extensively with the hub user groups on concept design to ensure it is as cost effective as possible.
- Built relationship with key funders to ensure the governance model decided on for the Kaiapoi Community Hub would be as favourable as possible. These key funders are supportive of this project. To this end, a Trust is in the process of being established.
- Enabled the user groups to develop vision, values and purpose to inform the establishment of a Trust to manage the Kaiapoi Community Hub.
- Designed a draft funding strategy that will enable the Trust to acquire corporate sponsorship and funding from other sources for the completion of the build process.

Staff will prepare a separate report detailing the planned approach to fund completion of the hub site development.

6.2. Sustainability and Climate Change Impacts

The recommendations in this report have sustainability and climate change impacts. One of the primary purposes of the Hub is education – specifically around long-term sustainability in regards to food and therefore environmental well-being.

6.3 Risk Management

There are risks arising from the adoption/implementation of the recommendations in this report. These are as follows

6.3.1 Redundant facility

Should Council fund the development of the community hub, there is a risk that the groups cannot raise sufficient funding to locate a building on site, or later chose to not to locate on site. This could potentially leave a redundant facility, make the facility not viable, or see a delay in the uptake/use of the site. The following mitigations have been considered in relation to this:

- a) All current user groups have confirmed their commitment to the hub. In addition staff are working on a draft funding strategy and will support groups in seeking funding for their buildings.
- b) The user groups have agreed to the establishment of a Trust to manage and run the Kaiapoi Community Hub. This will both assist in the procurement of third party funding and ensure sustainability of the project, long term.
- c) It is getting more and more difficult for clubs to acquire land. Should existing users move on, the Trust model will future-proof the project and ensure it continues with its purpose for the wider community long-term.

6.3.2 Community opposition

Neighbouring residents and the local community have, to date, had multiple opportunities to provide feedback on the proposed community hub project. The upcoming community consultation, partnered with the resource consent opportunity will complete the engagement on the hub.

At consultation meetings earlier this year, some residents had indicated that had not received a copy of the initial consultation flyer. Staff have given an undertaking to place information in all the residential letterboxes in an addressed envelope. At the workshop, the participants advised this was an appropriate way of sharing information.

6.3.3 Poor amenity outcomes

There is the potential that the buildings proposed would be either relocatable, or of a large barn/farm style.

As the project has progressed, the decision has been made to establish a Trust to manage the hub. The Trust will prepare user guidelines that will set out how the group/club could use and develop their site. The Trust will also have a lease agreement with Council that will mitigate some of this risk.

6.3.4 Dissolution of Trust

The draft Trust deed addresses process in the event that the Trust would need to be dissolved:

a) Board Resolution

The Organisation may be wound up voluntarily if such a resolution is passed by a 75%majority of the Board. The resolution is then subject to current regulation and conditions of the registrar of such organisations in New Zealand. A second Board meeting is required to confirm the winding up of the Organisation.

b) Assets

Upon the winding up of the Organisation all surplus assets after the payment of all costs, debts, and liabilities shall be in the first instance gifted to the user groups within the Trust structure. If declined they will be disposed of for charitable purposes to another charity with similar or the same objects within New Zealand in accordance with the directions of the High Court of New Zealand.

Health and Safety

There are health and safety risks arising from the adoption/implementation of the recommendations in this report. As the community hub progresses, all relevant health and safety elements will be considered in the design process.

7. CONTEXT**7.1. Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. Authorising Legislation

- Greater Christchurch Regeneration Act (the land use will need to be consistent with the Waimakariri Residential Red Zone Recovery Plan).
- Building Act (for relocation of any buildings on site).
- Resource Management Act (in relation to resource consents required for the development of the site).

7.3. Consistency with Community Outcomes

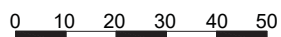
The Council's community outcomes are relevant to the actions arising from recommendations in this report.

- **The community's cultures, arts and heritage are conserved and celebrated.**
There are wide-ranging opportunities to participate in arts and cultural activities. Public places and spaces provide opportunities for cultural expression and integrated arts.
- **Public spaces and facilities are plentiful, accessible and high quality.**
The accessibility of community and recreation facilities meets the changing needs of our community.
There is a wide variety of public places and spaces to meet people's needs.
- **People's needs for mental and physical health and social services are met**
There are wide ranging opportunities to support people's physical health, social and cultural wellbeing
- **There is a strong sense of community in our District**
There are wide-ranging opportunities for people of different ages, abilities and cultures to participate in community life, and recreational and cultural activities.

7.4. **Authorising Delegations**

Council has the delegated authority to consider these matters.

Tessa Sturley
COMMUNITY TEAM MANAGER



Kaiapoi Community Hub concept design work in response to community feedback

Over the last 6 months, the three key hub user groups have worked with council staff on the concept design for the site. Many of the changes are a result of the feedback collected from the workshops in the community that were held earlier in the year.

The table below identifies key ways in which the design has progressed to address some of those concerns.

<u>Concerns raised</u>	<u>Concept design response</u>
The buildings were too close to the houses	Buildings are now further away from the houses.
Not all the buildings are needed	Buildings are only being built to identified need
That the proposed buffers would be built on	The area between the houses and the hub has been clearly identified and removed from the overall lay out.
The quality of the hub buildings A lack of maintenance and buildings falling into disrepair. What will happen if a group folds?	By establishing a Trust to give oversight and responsibility the risks can be clearly managed around building look/feel and overall aesthetic of the hub. The Trust model also takes into consideration the long-term sustainability of the hub. I.e. If a group folds the building asset stays with the Trust.
Who would look after the trees?	The Council.
Where would the services go?	Infrastructure will be completed by The Council.
Noise from the MenzShed tools and chillers	The buildings that house these groups are now situated furthest from houses and will be built in a manner that looks to contain as much noise as possible. Also important to note that the Menzshed is only operational Tuesday and Thursday mornings.
Hub groups hiring their space to other hub groups	The Trust model ensures that all buildings and spaces on the site are managed through a central coordinator. Any bookings for the buildings would come through that person and would have to adhere to user guidelines established by the Trust.
Landscaping: A pleasant outlook	These requests by the community will all be considered in due course as to their viability.

<p>Paths that everybody can use Park benches, and rubbish bins with dog waste bags Trees and gardens to screen the buildings A food forest A memorial garden Community art and lights in trees Playground for young children NCF park relocated and upgraded No path by Dawson Douglas Place Frisbee Golf somewhere in the area</p>	<p>At this stage a playground has been approved and work is being done on landscaping and pathways to ensure the hub is a welcoming place for the community to come and connect. Landscaping is a key area that we would look to engage the community further on in due course.</p>
<p>Funding How community groups would fund their buildings and activities?</p>	<p>This work being supported by staff at The Council and the Trust model assists significantly with this part of the project as it allows for funding applications for the entire project build not just one group at a time.</p>

PURPOSE AND OBJECTIVES OF THE KAIAPOI COMMUNITY HUB TRUST

1. OBJECTIVES/VALUES

The objectives/values of the Organisation are to carry out the following charitable purposes within New Zealand:

Vision: To be a thriving hub of activity, learning and connection for Kaiapoi

Mission Statement: By the community, for the community.

Values:

- a. *Connection:* The hub is a place that is welcoming and encourages rich diverse community connection.
- b. *Resourcefulness:* The hub is a space that is thriving, embraces sustainability and operates in a manner that encourages growth for the future of our community.
- c. *Accessibility:* The hub is accessible to everyone, professionally run without losing its vision of being a collective, community-focused resource for the community.
- d. *Service:* The hub focusses on participation, education and particularly inter-generational skill and knowledge sharing.
- e. *Making a difference*

2. PURPOSES

The purposes of the Trust are as follows:

1. To undertake the management and control of the Kaiapoi Community Hub Trust.
2. To have due regard for Te Tiriti o Waitangi in carrying out or undertaking any activity of the Trust.
3. To provide leadership and direction that encourages engagement of the Hub and its facilities within the community.
4. To liaise with statutory, community and other organisations within the district to ensure the hub has maximum benefit for the wellbeing of the local community.
5. To gather information about the provision of education and learning services in the neighbouring area and to make that information available to the relevant stakeholders.
6. To promote a charitable purpose to advance the wellbeing of the local area.
7. The objects of the Organisation are intended to be charitable in accordance with New Zealand law and are deemed not to include or extend to any matter or thing which is not charitable. The powers of the Board are restricted accordingly.

KAIAPOI COMMUNITY HUB PROJECT DELIVERY STRUCTURE

