



**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER  
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON WEDNESDAY, 18 MARCH 2009,  
COMMENCING AT 9.30 AM**

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Council by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 CONFLICTS OF INTEREST**

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



#### 4 **SPEED LIMITS REVIEW**

##### **GLOSSARY**

Kilometres per hour	(kph)
Land Transport Rule - Setting of Speed Limits 2003	(the Rule)
Local Government Act 2002	(LGA)
New Zealand Transport Agency	(NZTA)

##### **EXECUTIVE SUMMARY**

The purpose of this report is to update the Council on the progress of the proposed Speed Limits Review. The report also seeks direction from the Council regarding which of the possible changes to take forward to the Bylaw change process.

##### **RECOMMENDATIONS**

It is recommended that the Council resolve to:

1. **Receive** the Speed Limits Review report.
2. **Approve** the speed limit changes proposed in Option 1, that is schedules A and C, for consultation.

##### **BACKGROUND**

1. The policies, methods and procedures for setting speed limits are prescribed by the Land Transport Rule - Setting of Speed Limits 2003 (the Rule); a rule made under the Land Transport Act 1998. The Rule authorises Council as a road controlling authority to set speed limits in accordance with the Rule, using its power to make Bylaws under the Local Government Act 2002 (LGA).
2. Council approved a Speed Limit Bylaw in 2005. This Speed Limit Bylaw largely formalised the existing speed limits throughout the City which had existed prior to the Rule coming into effect. Subsequent to the 2005 Speed Limit Bylaw, work has been carried out to review the existing speed limits and identify where changes could potentially be made.
3. *A1-A5* Three schedules of possible speed limit changes labelled A, B, and C are attached at pages A1 to A3. Schedule A is a list of those existing speed limits that are no longer consistent with the Rule and should be lowered to bring them into line with the Rule. Schedule B is a list of those existing speed limits that are consistent with the Rule but where there is a desire from parts of the community to adopt lower speed limits. Schedule C are sites where it is proposed to formalise 40 kilometres per hour (kph) School Zone variable speed limits. Also attached at pages A4 to A5 is schedule D, which is a list of all other roads in the City with speed limits greater than 50kph where no change has been proposed.
4. The New Zealand Transport Agency (NZTA) were asked to comment in relation to the changes contained in schedules A and B prior to wider consultation being undertaken. NZTA have indicated that they agree with the proposed speed limit changes contained in schedule A, but do not support the changes proposed in schedule B.

## DECISION MAKING

### Issues

5. Under the Rule the process for setting speed limits focuses largely on the level of roadside development. The density of houses, businesses, and public facilities per length of road determines the appropriate speed limit with very little regard given to geometric constraints of the road in the absence of roadside development. In the context of Waitakere's road network, the effect of this Rule is that roads through the Waitakere Ranges with little or no development along them are required to have the default rural speed limit of 100kph although for most of the length of these roads actual safe operating speed is constrained by the physical characteristics of the roads to speeds between 50kph and 80kph.
6. Council receives frequent submissions from residents proposing that speed limits consistent with the physical characteristics of the roads should be adopted. The adopting of speed limits that reflect the actual operating speeds of the roads generally referred to as "speed zoning" is not supported by the Rule.
7. The draft speed limits contained in schedule A are justified on the basis of road side development and are consistent with the Rule. NZTA have indicated that they agree with the draft speed limits in schedule A.
8. The draft speed limits contained in schedule B are based on the geometric constraints of the roads and as such are inconsistent with the roadside development based approach of the Rule. NZTA have indicated that they do not support the draft speed limits in schedule B.
9. NZTA gave further feedback in relation to speed zoning. There is currently a national trial of speed zoning being evaluated involving a trial of approximately 20 sites nationwide. NZTA have expressed a preference that road controlling authorities wait for the outcome of the trial and the subsequent decision making by NZTA and the Ministry of Transport on speed zoning policies, before any further speed zoning sites are implemented.
10. NZTA advised that if Waitakere decides to pursue speed zoning on its rural roads immediately, it will need to use the draft New Zealand Speed Zoning Policy. This is the document that was prepared prior to the speed zoning trial to provide a process and criteria for selecting the speed zoning trial sites. The draft New Zealand Speed Zoning Policy currently requires extensive data collection (full speed profiling along the roads plus risk assessments) and is therefore fairly expensive to implement. It is estimated that collection of speed data would cost in excess of \$50,000 and substantial staff time would also be required. Based on an initial assessment it is also considered likely that only some of the roads on schedule B will meet the criteria under the draft New Zealand Speed Zoning Policy.

### Options Identified

#### Option 1

11. It is proposed to draft a Bylaw containing only the speed limits changes set out in schedules A and C at the consultation stage. This avoids raising public expectations and minimises the risks associated with attempting to implement speed limits that are inconsistent with the Rule. However, it also delivers the least in terms of speed limit reductions.

### Option 2

12. Council could propose a draft Bylaw containing all the speed limit changes in schedules A, B, and C at the consultation stage. This will raise public expectations and raises the risks associated with implementing a Bylaw as discussed in the risk section of this report. This option potentially delivers more in terms of speed limit reduction if the risks identified do not eventuate, or potentially delivers less if the risks do eventuate and the implementation of all the changes proposed in the Bylaw are delayed or overturned.

### Option 3

13. Council could propose a draft Bylaw containing all the speed limit changes in schedules A and C, then separately pursue a second round of changes to include schedule B. This option complicates the consultation process and delays undertaking consultation on the proposals in schedule B, but has the advantage of separating out the low risk changes in schedules A and C so that they are at minimal risk of being delayed or overturned. This would also allow the list of sites in schedule B to be further assessed against the draft New Zealand Speed Zoning Policy and provides an opportunity for other sites that may be raised as a result of the consultation on schedule A, to be considered for inclusion in schedule B.

### Risk

14. There are two significant risks involved in implementing speed limits that are contrary to the Rule.
15. Firstly, the Rule empowers the Director of Land Transport Safety, to require Council to review or change the speed limit and empowers the Director of Land Transport Safety to change the speed limit if Council does not.
16. Secondly, a speed limit set contrary to the Rule could be challenged in Court if someone chooses to dispute an infringement notice issued for breach of that speed limit. This could potentially lead to speed infringement notices being overturned in Court and the police being left powerless to enforce the Bylaw.

### Preferred Option

17. Due to the risk profile of Option 2 and Option 3, it is proposed that Option 1 be selected. Council can revisit the speed limit changes in schedule B once the NZTA has amended the Rule following the outcome of the speed zoning trial.

### STRATEGIC CONTEXT

18. Council's Integrated Transport and Communication platform provides the strategic context for this report. The vision is for public transport and communications systems that provide fast, effective services, and for safe City travel facilitated by integrated, environmentally-responsible and innovative design, with a focus on meeting the essential needs of all, for access, communication, and safety.
19. Reviewing and setting speed limits in accordance with the Rule meets Council's obligation as a road controlling authority, and contributes to safer operation of the road network.

## CONSULTATION

20. Under the Rule there are specific requirements to consult with the following persons:
- Road controlling authorities that are responsible for roads that join, or are near the roads on which the speed limits are to be set or changed. (Rodney District Council and NZTA's highways division);
  - A territorial authority that is affected by the existing or proposed speed limit. (Rodney District Council);
  - Any local community that the road controlling authority considers to be affected by the proposed speed limit;
  - The Commissioner of Police;
  - The Chief Executive Officer of the New Zealand Automobile Association Incorporated;
  - The Chief Executive Officer of the Road Transport Forum New Zealand;
  - Any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit; and
  - The Director of Land Transport Safety, NZTA.
21. Under the LGA there is a requirement to carry out consultation using the special consultative procedures when making or amending Bylaws. This process will require the following:
- A Bylaw determination report and the draft of the Bylaw will be submitted to the Infrastructure and Works Committee, planned for May 2009;
  - Advertising the Bylaw for submissions, planned for June 2009;
  - Hearings on the Bylaw in August 2009; and
  - Reporting to Council to adopt the Bylaw in September 2009.
22. Limited consultation has already been undertaken with NZTA and the New Zealand Police at a regional level in advance of embarking on the full public consultation.
23. It is also recommended as good practice to consult with the Community Boards, because the issue is one of local significance, prior to formal public consultation.

## RESOURCES

24. The costs associated with undertaking the consultation can be funded from Transport Assets operational budgets. Implementation of speed limit changes will ultimately require expenditure on relocations, replacements and new installations of regulatory speed limit signs. It is envisaged that this would result in a one off expenditure on road signs in the order of \$20,000 excluding the implementation of the 40kph school zone variable speed limit signs for which a separate project budget is allocated. Funding for these activities has been provided in the draft Long Term Council Community Plan 2009-2019.

## IMPLEMENTATION ISSUES

25. There are no major implementation issues identified at this stage.

**Report prepared by:** Adam Moller, Senior Transport Engineer.



## 5 REVIEW OF COMMITTEES' AND COMMUNITY BOARDS' DELEGATIONS REGISTER

### EXECUTIVE SUMMARY

The purpose of this report is to recommend to the Council that the amendments to the Committees and Community Board delegations arising from the Review be approved.

### RECOMMENDATIONS

It is recommended that Council resolve to:

1. **Receive** the Review Of Committees' And Community Boards' Delegations Register report.
2. **Approve** the amendments to the Committees' and Community Boards' Delegations Register with effect from 19 March 2009.
3. **Approve** the appointment of Councillors to the following Subcommittees:
  - Two Members of the Planning and Regulatory Committee (now a committee of the whole) to the Swimming Pool Exemption Subcommittee;
  - The Chairman of the Culture and Community Committee (who shall also Chair the Heritage Fund Allocation Subcommittee), two Members of the Culture and Community Committee and one Member of the Culture and Community Committee as an alternate to the Heritage Fund Allocation Subcommittee; and
  - One Member of the Finance and Operational Performance Committee (who shall Chair the Community Assistance Fund Allocation Subcommittee) and one Member of the Finance and Operational Performance Committee as an alternate (who shall Chair the Community Assistance Fund Allocation Subcommittee in the absence of the Chairman) to the Community Assistance Fund Allocation Subcommittee.

### BACKGROUND

1. The Council has undertaken a review of the Committees' and Community Boards' Delegations Register.
2. The Review was to reconsider how the delegations were being applied following the 2007 local elections, to establish if any changes were required for clarification purposes, review the new Committees, in particular, to ensure there is no duplication of responsibilities between the Committees' and to adjust the membership of the Planning and Regulatory Committee and the Swimming Pool Exemption Subcommittee.
3. The significant changes to the Delegations Register include:
  - The delegations with respect to Bylaws have been rationalised;
  - The delegations with respect to the Council's powers and functions under the Reserves Act 1977 have been clarified;
  - The delegations that remained with the Finance and Operational Performance Committee that should have been given to the Infrastructure and Works Committee when it was established have now been transferred;
  - Improvements and clarification of the delegations to the Culture and Community Committee;

- The delegations with respect to parking, which were incomplete and confusing have been completed and clarified. This has required a subsequent change to Community Board delegations giving them recommendatory powers to the Infrastructure and Works Committee for time limited parking restrictions and paid parking;
- The Planning and Regulatory Committee will now be a committee of the whole. The Swimming Pool Exemptions Subcommittee requires the appointment of two additional members of the Planning and Regulatory Committee to increase the numbers to help avoid quorum issues. The current Members are: Crs Flaunty (Chairman), Battersby (Deputy Chairman), Cooper, Hulse, Jolley, and Mitchell; and
- Delegations for new Subcommittees for Community Assistance Fund Allocation and Heritage Fund Allocation have been included. Both require appointments to be made to them.

- A6-A44
4. The Review of the Committees' and Community Boards' delegations has been completed, and a copy of the revised Register is attached at pages A6 to A44.

### **DECISION MAKING**

5. The Council is requested to approve the changes to the Committees' and Community Boards' delegations arising from the review.
6. The Council is also requested to appoint Councillors to the Swimming Pool Exemption Subcommittee and the two new Subcommittees as follows:
  - Two Members of the Planning and Regulatory Committee (now a committee of the whole) to the Swimming Pool Exemption Subcommittee;
  - The Chairman of the Culture and Community Committee (who shall also Chair the Heritage Fund Allocation Subcommittee), two Members of the Culture and Community Committee and one Member of the Culture and Community Committee as an alternate to the Heritage Fund Allocation Subcommittee; and
  - One Member of the Finance and Operational Performance Committee (who shall Chair the Community Assistance Fund Allocation Subcommittee) and one Member of the Finance and Operational Performance Committee as an alternate (who shall Chair the Community Assistance Fund Allocation Subcommittee in the absence of the Chairman) to the Community Assistance Fund Allocation Subcommittee.

### **STRATEGIC CONTEXT**

7. Active Democracy is one of the Council's nine strategic platforms identified in its Long Term Council Community Plan. Comprehensive committee delegations provide clear direction to Council's decision makers and support the expedient operation of committee meetings. They also inform Council officers and members of the community which Council committees have the authority to deal with particular issues, thus improving information flows and supporting the communities' own ways of interacting with the Council.

### **CONSULTATION**

8. Councillors and management have provided input into the review.

## RESOURCES

9. There are no additional resources required to implement the decision of the Council.

## IMPLEMENTATION ISSUES

10. There are no implementation issues arising from this report.

**Report prepared by:** Darryl Griffin, Group Manager: Democracy & Support Services.



## 6 RECOMMENDATION FROM THE PLANNING AND REGULATORY COMMITTEE

### PROPOSED REGULATORY FEES AND CHARGES 2009/2010

**It is recommended that the Council resolve to:**

A45-A61

**Agree** that the Proposed Regulatory Fees and Charges 2009/2010 (as attached at pages A45 to A61), for public consultation, be approved, with the following amendments:

- *Fencing of Swimming Pools Act 1987:*
  - (i) *Special Exemption Applications Pursuant To Section 6 or Clause 11 of the Scheduled to the Act (Plus any Committee Hearing Costs). This fee is non-refundable and must be paid prior to hearing.*
  - (ii) *Inspections (Related to newly approved pool building consents).*
  - (iii) *Re-inspections (As a result of non-compliance matters).*

