

**AGENDA FOR A MEETING OF THE INFRASTRUCTURE AND WORKS COMMITTEE TO BE
HELD IN THE COUNCIL CHAMBER AT WAITAKERE CENTRAL, 6 HENDERSON
VALLEY ROAD, HENDERSON, WAITAKERE, ON MONDAY, 28 JUNE 2010
AND TUESDAY, 29 JUNE 2010, 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 Committee 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 Committee 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 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 DRAFT WAITAKERE CITY COUNCIL SPEED LIMITS BYLAW 2010 – HEARING REPORT

GLOSSARY

Special Consultative Procedure	(SCP)
Draft Waitakere City Council Speed Limit Bylaw 2010	(the draft bylaw)
Land Transport Rule 54001: Setting of Speed Limits 2003	(The Rule)
Local Government Act 2002	(LGA)
New Zealand Transport Agency	(NZTA)
Waitakere City Council Speed Limits Bylaw 2005	(the 2005 bylaw)
kilometres per hour	(kph)
Speed Limits New Zealand	(SLNZ)

EXECUTIVE SUMMARY

The purpose of this report is to enable the Infrastructure and Works Committee to consider submissions received as a result of the Special Consultative Procedure (SCP) regarding the Draft Waitakere City Council Speed Limits Bylaw 2010 (the draft bylaw).

Feedback from the New Zealand Transport Agency (NZTA), key stakeholders in the community, and the general public has been incorporated into this report.

RECOMMENDATIONS

It is recommended that the Infrastructure and Works Committee resolve to:

1. **Receive** the Draft Waitakere City Council Speed Limits Bylaw 2010 report.
2. **Approve** the form of the proposed Waitakere City Council Speed Limits Bylaw 2010 with amendments, if appropriate, after consideration of the submissions received.
3. **Invite** the Council to adopt the Waitakere City Council Speed Limits Bylaw 2010.

BACKGROUND

1. On 16 December 2009 the Council considered a report which concluded that Council should review and continue its bylaw controlling speed limits.
2. At its meeting on 16 December 2009, the Council resolved as follows:

“The Council resolved to:

1. **Receive** the Determination Report – The Waitakere City Council Speed Limits Bylaw report.
2. **Agree** that:
 - (a) *The problem to be addressed is excessive vehicle speeds in the City. Council is also required by Land Transport Rule 54001: Setting of Speed Limits 2003 (“The Rule”) to set and review speed limits by making a bylaw in a prescribed form;*
 - (b) *Under the Local Government Act 2002, the Council should only make or continue a bylaw if a bylaw is the most appropriate way of addressing the perceived problem at issue;*
 - (c) *Having considered the possible options, council considers that there continues to be a need for a Waitakere City Council Speed Limits Bylaw because the problems addressed in the bylaw cannot be effectively dealt with through other means;*
 - (d) *The Draft Waitakere City Council Speed Limits Bylaw 2010 gives rise to no implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990;*
 - (e) *The Statement of Proposal and Summary of Information attached at pages A2 to A5 to these minutes and subject to amendment of Schedule 5 so that the 40 kilometre per hour speed limit be applied to all schools in Waitakere, be approved for use as part of the special consultative procedure required by section 83 of the Local Government Act 2002;*
 - (f) *Officers be directed to implement the special consultative procedure as set out in Section 83 of the Local Government*

Act 2002 and any additional consultation that may be required to meet the specific requirements of section 7 of the Land Transport Rule 54001: Setting of Speed Limits 2003;

- (g) *The Infrastructure and Works Committee be directed to hear any submissions arising from the consultation”*

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DECISION MAKING

3. The SCP has taken place. It is now for the Infrastructure and Works Committee to consider submissions received, and determine whether it is appropriate to amend the draft bylaw before referring the final version to the Council for approval and adoption.

Issues

4. The Local Government Act 2002 (LGA) imposes a statutory test on all local authorities in the review of and adoption of new bylaws. This is to ensure that a proposed bylaw is relevant and meets the criteria set out in section 145 of the LGA. In respect of speed limits local authorities are empowered under section 145 of the LGA to make bylaws for the purpose of “protecting, promoting and maintaining public health and safety.”
5. The Land Transport Rule – setting of Speed Limits 2003 (The Rule) requires road controlling authorities to review and set speed limits. Where the road controlling authority has bylaw making powers The Rule prescribes that speed limits shall be set by making a bylaw.
6. The Council has determined that a bylaw continues to be the most appropriate means of dealing with the problem of excessive vehicle speeds in the City.
7. The SCP sought comment on all aspects of the draft bylaw. Public input was not restricted to the changes proposed in the draft bylaw, with submissions on all speed limits invited regardless of whether the draft bylaw proposed changes to them or not. The consultation documents contained information about the process and the options the Council considered.

Options Identified

8. As reported to Council on 16 December 2009, there are three options open to Council:
- Option 1 – Do nothing;
 - Option 2 – Amend the Waitakere City Council Speed Limits Bylaw 2005 (the 2005 bylaw); or
 - Option 3 – Make a new Speed Limits Bylaw

Assessment of Options

Option 1 – Do nothing

9. There is not a “do nothing” option, as Council is obligated by both the LGA and The Rule to review its speed limit bylaw.

Option 2 – Amend the Waitakere City Council Speed Limits Bylaw 2005

10. Council has the option of retaining the existing 2005 bylaw and amending it to incorporate new provisions and areas. This is less than optimal as it would require cross-referencing one document (the 2005 bylaw) to the other (the amendment).

Option 3 – Make a New Speed Limit Bylaw

11. Making a new bylaw would ensure clarity and satisfy the requirements of The Rule and the Council's Transport Strategy, and is preferable to amending the 2005 bylaw. Council determined that Option 3 was the preferred option, and at its meeting on 16 December 2009, the Council approved the form and content of the draft bylaw for use in the SCP process. The Infrastructure and Works Committee now needs to consider whether or not to alter the draft bylaw based on the issues raised in the submissions received.

Consideration of Community Views

12. The views of the community have been canvassed through the SCP as required under the LGA and through consultation with the organisations specified under section 7.1(2) of The Rule. The details of the consultation and the submissions received are detailed below in the consultation section of this report.
13. There are no special considerations to local Maori required in terms of section 77(c) of the LGA. Nevertheless, in line with the purpose of the LGA, local iwi were consulted on the draft bylaw. A representative of Te Kawerau A Maki advised that they were supportive of the proposals to lower speed limits in the draft bylaw. A representative of Ngati Whatua indicated that they did not consider the draft bylaw to be a matter of interest to them.

Preferred Option

- A1-A171*
14. The draft bylaw to be recommended to Council for consideration for adoption has been amended in response to submissions (see underlined amendments), and is attached at pages A1 to A12. A summary of these submissions is attached at pages A13 to A18 and the full submissions are attached at pages A19 to A171.

STRATEGIC CONTEXT

15. Council's Transport Strategy 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.
16. 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.
17. The draft bylaw is not inconsistent with any other plans or policies of the Council.

CONSULTATION

- A172*
18. In accordance with the SCP, public notices of the draft bylaw were published in the *New Zealand Herald* (15 February 2010); *Western Leader* (17 February 2010); and *The Aucklander* (19 February 2010). The notices (attached at page A172) advised how to obtain a copy of the consultation documents. The Council website also advertised that the 2005 bylaw was being reviewed and provided all the relevant information including the date by which submissions were required to be submitted by, being 29 March 2010. Copies of the same documents which were on the Council website were also distributed to libraries, Citizens Advice Bureaux and Community Centres. Consultation documents were also mailed out to schools and ratepayer groups.
 19. To comply with the requirements of section 7.1(2) of The Rule consultation documents were also sent to the following organisations:

- Rodney District Council (adjacent road controlling authority);
- Auckland City Council (adjacent road controlling authority);
- NZTA – Highways and Network Operations (adjacent road controlling authority);
- New Zealand Police (enforcement agency);
- New Zealand Automobile Association Incorporated (road user group);
- Road Transport Forum New Zealand (road user group);
- National Road Carriers Incorporated (road user group); and
- NZTA – Policy division (oversight of the implementation of The Rule).

Submissions received

20. In total 82 submissions were received. The majority of submissions were supportive of the proposed changes although many of the submissions requested further changes beyond those proposed. A number of requests contained within submissions also related to other Council work programmes which are outside the scope of the bylaw.
21. A summary of all submissions and the issues raised is attached at pages A19 to A171.

Responses to section 7.1(2) consultation

22. Rodney District Council responded specifically to four proposed changes in roads adjacent to the boundary of Rodney District. They indicated that they have no objection to the proposed changes in Amreins Road, Red Hills Road, and Sunnyvale Road, Waitakere and that they supported the proposed change to the speed limit in Waitakere Road, Waitakere.
23. Auckland City Council did not respond to the consultation. However, the impacts on roads at the boundary of Auckland City were very small with the only change proposed being a short length of 40 kilometres per hour (kph) zone in Bolton Street, New Lynn to facilitate part of a school zone for a school that is on the Auckland City side of the boundary.
24. NZTA – Highways and Network Operations responded specifically to proposed changes to the speed limit in Trig Road, Massey adjacent to the new motorway interchange, which they supported, and to a proposed school zone in Royal Road and Makora Road, Massey close to existing on and off ramps of the north western motorway, which they had no objection to.
25. New Zealand Police did not respond to the consultation, however, they had been previously consulted during development of the draft bylaw and indicated they were generally comfortable with speed limit changes as long as they were implemented in accordance with The Rule.
26. New Zealand Automobile Association Incorporated requested clarification on whether electronic signs would be used for the proposed school zones, and subsequently indicated their support for the implementation of the 40kph school zones conditional upon the use of electronic signage.
27. Road Transport Forum New Zealand acknowledged the consultation letter and advised that they had referred it to National Road Carriers Incorporated as the matter was a local one and the local organisation was better placed to represent the interests of their members.

28. National Road Carriers Incorporated responded with a general submission supportive of proposed changes that will improve road safety.
29. NZTA – Policy division responded with a submission supporting the proposed changes to the permanent speed limits which had been previously discussed with them during preparation of the draft bylaw. With regard to the proposed school zones, NZTA supported approximately 75% of these but raised significant concerns about the legality of the remaining 25% of these. The issues raised are discussed in more detail in the officer's response section of the report below.

Officer's response

30. A submission identified an error in schedule 2 of the draft bylaw. The point at which Henderson Valley Road ends and Mountain Road, Henderson Valley begins had been incorrectly described in both the 2005 bylaw and the draft bylaw. A correction of these descriptions in schedule 2 has been made.
31. A submission requested a 50kph speed limit on the 70kph part of Simpson Road, Henderson Valley. Due to a large amount of recent development including a Kura Kaupapa close to Metcalfe Road and a new residential subdivision taking place between Babich Road, Henderson Valley and the western end of Lake Panorama Drive, Henderson the speed limit assessment for this road was updated during April 2010. Based on this assessment the part of Simpson Road between Metcalfe Road and Tasman Avenue is now right on the margin for qualifying as a 50kph zone under the process prescribed in The Rule, and it is envisaged that further subdivision and the development of the primary school at Metcalfe Road will proceed in the near future. Therefore it is proposed to incorporate a change into the bylaw that moves the 50kph/70kph boundary in Simpson Road south to a point 90 metres south of Tasman Avenue. As a consequence of this change two minor side roads off Simpson Road will also have their speed limits changed to match the new speed limit on Simpson Road. The other roads impacted on by this change are Babich Road and Tasman Avenue, Henderson Valley which are proposed to be changed from 70kph to 50kph zones.
32. A submission requested adjustment of the speed limit in McEntee Road, Waitakere. The current boundary between the 50kph zone and the derestriction (100kph) zone is located on a blind crest immediately east of Amreins Road, Waitakere. It was already proposed in the draft bylaw to change the derestriction to an 80kph zone however a further concern was raised that placement of the speed change on the blind crest encourages drivers to drive faster than the available sight distance over the crest allows. After reviewing this on site it is recommended that the new 50kph/80kph boundary be moved 90 metres further east to a location where better sight distance is available for drivers entering the 80kph zone.
33. A submission requested adjustment of the speed limit on Brigham Creek Road, Hobsonville, east of Kauri Road, Hobsonville. The current speed limit in most of Brigham Creek Road is 80kph. However the part of Brigham Creek Road east of Kauri Road is becoming a more urbanised environment as a result of the sequence of roundabouts being built as part of the new State Highway 18 motorway interchange and the proposed development of the land between the motorway and Hobsonville Road under Plan Change 14. It is therefore recommended that the 50kph zone on Brigham Creek Road be extended from Hobsonville Road to a point 80 metres west of Kauri Road.

34. A submission requested adjustment of the speed limit in Kauri Road, Hobsonville. The draft bylaw included a proposed change to remove an existing area of 100kph zone and extend the adjacent 70kph zone to include that area. The submission suggested that the new boundary of the 50kph and 70kph zones should be moved closer to Kingsway Road, Whenuapai. The boundary location in the draft bylaw is 450 metres south of Kingsway Road. This location was appropriate when the speed limit was 100kph as the small number of houses south of Kingsway Road, Whenuapai while not justifying a 50kph zone did justify a speed limit of less than 100kph. However now that it is proposed to lower this speed limit to 70kph it is recommended that the new 50kph/70kph boundary be moved to 100 metres south of Kingsway Road, Whenuapai.
35. Numerous submissions were received seeking speed limit reductions in a wide range of roads not included in the changes proposed in the draft bylaw and in some cases seeking even lower speeds limits in roads where the draft bylaw proposes a reduction in speed limits. However, aside from the specific cases in paragraphs 27 to 31 above, these submissions proposed speed limits that were inconsistent with The Rule and the speed limit setting process it prescribes.
36. The rule prescribes the use of the methodology contained with a document titled Speed Limits New Zealand (SLNZ). Under the procedures contained within SLNZ the main emphasis is placed on the level of road side development. While some account is taken of road geometry and pedestrian and cyclist activity the way the procedures work means that where road side development is low then open road speed limits are prescribed regardless of the other factors.
37. NZTA have recognised the limitations of this approach and have been developing as an alternative speed limit setting process known as speed zoning, which places greater emphasis on the road geometry and less on roadside development. The speed zoning processes are still only under trial in draft form and are relatively complex, time consuming and expensive to implement as they require considerable data gathering such as speed surveys of the existing road use, detailed analysis of crash patterns, and auditing the safety of the existing road environment.
38. Seven submissions were received related to the part of Crows Road between Bradnor Meadows and Sunnyvale Road, Swanson. This part of Crows Road, Swanson is presently a 100kph zone. The draft bylaw proposed changing this to 80kph based on an assessment of the road in accordance with the requirements of The Rule. All seven of the submissions sought a lower speed limit than the proposed 80kph with most favouring a 50kph speed limit. Crows Road is a rural road with relatively sparse distribution of houses aside from a small cluster of almost urban density near the western end of the road. The road has an approximately 5.5 metre to 6 metre wide seal carriageway with no marked centreline. Some parts of the road have tight bends with very limited sight distances resulting in safe operating speeds of around 35-40kph on those bends. Elsewhere the road has straight sections in the order of 200 to 300 metres long where it is possible and relatively safe to get up to speeds of 80kph provided that drivers slow down on the rare occasions where they encounter other road users (either vehicles or pedestrians). A maximum speed limit of 80kph is reasonable for this road however drivers need to drive to the conditions and slow down on the parts of the road that have constrained alignment or in the presence of other road users. Many of the concerns raised in the submissions relate to inconsiderate driving and/or illegal street racer activity, and there are tyre marks on some areas of Crows Road that are indicative of illegal street racer behaviour. It is unlikely that lowering the speed limit further will actually prevent these problems. It is recommended to change the speed limit to 80kph on Crows Road as proposed in the draft bylaw.

39. Six submissions were received related to Scenic Drive. All six submissions advocated reductions in the speed limits on Scenic Drive. Half sought a reduction from 100kph (derestriction) to 70kph on part/all of the open road sections of Scenic Drive while the remainder of submissions requested lowering of speed limits to 50kph in existing 70kph parts of the road. The main issues raised by submitters were:
- The high number of vulnerable road users, particularly recreational cyclists and to a lesser extent pedestrians;
 - The physical alignment of the Scenic Drive constraining speeds to less than 100kph along much of the roads length; and
 - The number of changes in the speed limit along Scenic Drive.
40. With regard to the number of speed limit changes that occur along Scenic Drive, while there are a significant number of changes, these are spread over a road that is 20 kilometres long and each section of speed limit is applied for greater than the minimum length required under The Rule. It is recommended to retain the existing speed limits on Scenic Drive.
41. Two submissions were received related to the existing 70kph zone on Piha Road, Piha. Both submissions sought a reduction of the speed limit in this area to 50kph. The key issue raised by submitters was the high number of vulnerable road users particularly pedestrians with children accessing school bus stops in this part of Piha Road, and the presence of hikers as this part of Piha Road is used by the new Hillary Trail walking route through the Waitakere Ranges. It is recommended to retain the existing speed limits on this part of Piha Road.
42. A submission was received in relation to the part of Huia Road between Huia Dam Road and Whatipu Road, Little Huia. This is an existing 70kph zone and the submission sought a reduction of the speed limit to 50kph. Again the key issue in this location is vulnerable road users particularly pedestrians. This road is also used by the new Hillary Trail walking route as an alternative to the beach front when the tide is in. There are also a number of facilities in and around the regional park entrance at Karamatura Valley which generate increased pedestrian numbers. It is recommended to retain the existing speed limits on this part of Huia Road.
43. The three roads detailed in paragraphs 39 to 41 (Scenic Drive, Piha Road and Huia Road) already have the correct speed limits as determined in accordance with SLNZ. However, these three sites are potentially good candidates for applying speed zoning in future as they all have exceptional characteristics related to the number of vulnerable road users and the road geometry.
44. Many submissions were received in relation to specific schools zones and/or school zones in general. Most of these submissions were supportive of the school zones proposed however a number of submissions sought extensions of particular school zones, and requested that school zones to operate at other times outside their standard hours. One submission proposed that the speed limit for school zones should be 30kph rather than 40kph. A submission from NZTA raised concerns about the legality of some of the school zones proposed and advised that while they supported 46 of the proposed zones the remaining 14 would in their view be illegal and unenforceable.
- A173-A181 45. The criteria for establishing school zones is prescribed by notice number 3459 in the New Zealand Gazette No.86 (dated 2 June 2005) and is detailed in Traffic Note 37, a copy of which is attached at pages A173 to A181. The warrant criteria for a school zone consists of two tests. The first is a requirement related to the level of school related activity on the road/roads where the zone will be applied. This criterion requires that there be at least 50 children either crossing the road or entering or leaving vehicles at the roadside. The second criterion is related to traffic on the roads where the zone will be applied. This criterion requires that at least one of the following situations exist at the site:

- The school related activity in criteria one above occurs on a main traffic route (collector or arterial road);
 - There is a record of speed related crashes on the road in the last 5 years;
 - The mean operating speeds are greater than 45 kph; and
 - The 85th percentile speeds are greater than 50 kph.
46. The justification for the first criteria is that drivers are supportive of, and more likely to comply with the school zone signs, in situations where children are actually present. Installing and operating school zones in situations where there is little or no school related activity occurring is unlikely to be as well supported or complied with and may undermine the effectiveness of the signs when used at legitimate sites.
47. The justification for the second criteria seems to be around prioritisation and value for money as in a situation where none of the four bullet points are met there would be low traffic volumes and already relatively low speeds so there is likely to be little result from implementing the speed zone signs.
48. The 14 schools that fail to meet the criteria are either located on quiet local roads are, for example, Konini School, Titirangi and Birdwood School, Ranui, or are located adjacent to an arterial or collector road but the majority of children are picked up or dropped off in quiet side roads or from on site car parks at the school, for example, St Paul's School, Massey North, Titirangi Rudolph Steiner School, Titirangi, and Henderson School.
49. It is recommended to heed the advice of the NZTA and not proceed with 40kph school zones on the sites that do not comply with the criteria in the gazette notice and traffic note 37. The deletions associated with this change are shown in the proposed bylaw.
- A182-A194 50. The Infrastructure and Works Committee may wish to consider alternative treatments for those sites that do not meet the criteria for a 40kph school zone. Two possible options are active warning signs that don't include a speed limit and/or traffic calming measures. Active warning signs for schools (with flashing lights that activate at school start and end times) are allowed for under traffic note 56 a copy of which is attached at pages A182 to A194. These are an option that could be used on major roads in situations where the number of children crossing the road is insufficient to qualify for a 40kph zone. In minor roads where traffic calming is a practical option, speed humps or other traffic slowing measures, with or without active signs can be considered as an alternative for sites where the 40kph school zone criteria are not met.

RESOURCES

51. It is envisaged that the implementation of the speed limit bylaw changes will cost in the order of \$20,000 for relocations and replacements of various speed limit signs. These costs can be funded from the Annual Plan 2010/2011 allocations for minor safety and sign renewals.
52. This excludes implementation of the school zones which is funded under a separate capital project. Implementation costs are approximately \$20,000 per zone although they vary from site to site depending upon the specific signage requirements at each location. The funding for school zone implementation in 2010/2011 is \$290,000 which is expected to be sufficient to complete the remaining school zones which have been supported by the NZTA. Implementation of either school zones or non-regulatory alternative treatments for those schools not meeting the NZTA criteria would need to be funded as a follow on to the school zones capital project. It is estimated that this would require further funding of between \$200,000 and \$280,000 depending upon the type of signs used.

IMPLEMENTATION ISSUES

53. Implementation of the school zones is an ongoing programme and not all of these will be able to be put in place immediately following the bylaw change. However it should be noted that unlike the permanent speed limit changes which take effect from the date stated in the draft bylaw, the draft bylaw only enables the establishment of school zones and the variable speed limits in the school zones only take effect when the electronic signs are established and operated in accordance with the bylaw.

AUCKLAND COUNCIL TRANSITION ISSUES

54. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Adam Moller, Senior Transport Engineer.

