

## DRAFT TRAFFIC AND SPEED LIMITS 2018

### STATEMENT OF PROPOSAL

#### Introduction

The Whakatāne District Council (the Council) has reviewed Part 12: Traffic and Speed Limits of the Whakatāne District Council's Consolidated Bylaw that is due to expire in 2018.

The Council seeks your views on the Draft Traffic and Speed Limits Bylaw 2018 – a revised and updated version of the existing bylaw.

#### Proposal

The Council proposes to revoke Part 12: Traffic and Speed Limits of the Consolidated Bylaw and replace it with a stand-alone Traffic and Speed Limits Bylaw.

The Draft Traffic and Speed Limits bylaw is being released for public consultation using the Special Consultative Procedure as outlined in section 86 of the Local Government Act 2002 (the Act).

In accordance with section 86(2) of the Act, Council is required to include the following in a Statement of Proposal:

- A draft of the proposed bylaw
- The reasons for the proposal; and
- A report on any relevant determinations by Council under section 155 of the Act.

The attached copy of the proposed Draft Traffic and Speed Limits Bylaw 2018 forms part of this Statement of Proposal. The proposed bylaw will be a stand-alone bylaw.

#### Reasons for the Proposal

Under sections 158 to 160 of the Act, the Council is required to review all bylaws within five years of their adoption and every ten years thereafter.

Council staff have reviewed Part 12: Traffic and Speed Limits Bylaw 2008 and consider that while some sections are fit for purpose, other sections are outdated or constrain Council's ability to manage traffic within the District. The key changes that have been made are:

1. The existing bylaw is a part of the Consolidated Bylaw which means that some relevant information is contained in Part 1 (Introduction). The Draft Traffic and Speed Limits Bylaw is a stand-alone bylaw containing all relevant information.

2. The current bylaw is not aligned with the Land Transport (Speed Limits Validation and Other Matters) Act 2014, which came into force in July 2015. The draft bylaw has been updated to align it with the most recent legislation.
3. Technical revisions and new definitions have been added to correct a number of inadequacies in the existing bylaw identified by the NZ Police. These include restrictions prohibiting entry onto closed roads, turning, or entry into a no entry area.
4. The current bylaw does not prohibit parking on grass verges. A parked car or heavy vehicle can cause damage to infrastructure or utilities (e.g. water supply pipes) lying beneath the surface of the verge. The addition of a section prohibiting parking on grass verges will enable Council and the NZ Police to require a vehicle to be moved to prevent damage to underlying infrastructure.
5. Trucks can currently park anywhere in urban areas provided they display lighting. However, trucks parked overnight in narrow urban roads create safety issues. Complaints are regularly received from members of the public concerning the disturbance caused by trucks idling in the early morning for long periods of time. The draft bylaw prohibits all medium or heavy goods vehicles from parking on any road in urban areas unless the driver is staying overnight at a commercial registered accommodation facility.
6. Section 12.14 *Heavy Vehicle Restrictions* in the current bylaw restricts all heavy vehicles driving in Whakatāne and Ōhope urban areas unless they meet certain criteria. These exclusions are confusing and difficult to enforce. We wish to prevent long-haul heavy vehicle traffic using local roads as a short-cut to the address safety issues that concern local residents and because the local roading network is not engineered to carry large numbers of heavy vehicles. The Draft Traffic and Speed Limits Bylaw 2018 proposes a new permit regime which will allow trucks up to 12 tonnes (e.g. *Smiths City* trucks) to drive anywhere in urban areas, but prohibits heavy goods vehicles over 12 tonnes from driving through Ōhope unless they meet certain criteria or have a permit allowing them to do so. These restrictions are clear and easy for the NZ Police to enforce. They will improve road safety in Ōhope and reduce wear and tear on local roads.
7. The section 'Bus Routes' has been deleted because Council is not responsible for setting bus routes.
8. The speed limits on some roads have been updated to align it with the recently adopted New Zealand Transport Agency's Speed Management Guide. These are listed in Schedule 3.
9. The text of the existing bylaw is not always clear or easy to read. The wording has been updated, simplified and streamlined to make the bylaw easy to read.

Table 1 below outlines the specific changes that have been made in the Draft Traffic and Speed Limits Bylaw 2018.

**Table 1: Proposed specific changes**

Section in existing bylaw	Reason for Proposed Change	Proposed Change	Outcome if approved	Section in Draft Bylaw
S12.1 Interpretation	Current bylaw is part of the Consolidated Bylaw. Many definitions relating to Traffic and Speed Limits are contained in Part 1: Introduction.	Extend this section to include all definitions relevant to the bylaw.	All relevant information is included in the bylaw.	S4 Interpretation
S12.3 Parking	Current bylaw does not contain restrictions relating to parking on opposite side of road.	(2) No person shall stop, stand, or park a vehicle on any road in the opposing direction of the adjacent traffic land.	This regulation is required to make the bylaw enforceable.	S6 Parking
New Section Driving and Parking on Road Verge	Current bylaw does not prohibit parking on grass verges.  A parked car or heavy vehicle can cause damage to infrastructure of utilities (e.g. water supply) lying beneath the surface of road verges.	<b>Driving and Parking on the Road Verge</b> (1) No person shall drive, stop, stand, or park a vehicle on any verge within the urban traffic area. (2) The owner or person in charge of any vehicle which is driven, stopped, standing or parked on any roadside verge in the urban traffic area, whether attended or unattended, shall upon the request of an Authorised Officer, move such vehicle forthwith. (3) If the owner or person in charge of any vehicle referred to in clause 7(1) and 7(2) cannot be located or refuses the request to move the vehicle, the Council may take such reasonable steps as it considers appropriate to remove the vehicle from the road and may recover the costs of doing so. (4) Notwithstanding the provisions of clause 7(1) any Authorised Officer may issue a parking exemption permit	Council will have the authority to manage parking on road verges.	S7 Driving and Parking on the Road Verge

		<p>which authorises the stopping, standing or parking of specified vehicles, subject to any conditions that may be required, and which may include the payment of a prescribed fee.</p> <p>(Supporting legislation: clause 2.14 Land Transport (Road User) Rule 2004)</p>		
S12.6 Disabled Person Parking Places Reserved	The term 'Disabled Person Parking' is outdated. The scheme is now called 'Mobility Parking'.	Rename title of this section:  'Mobility Parking Places.'	Updates bylaw.	S10 Mobility Parking Places
S12.10 Heavy Motor Vehicle Parking	<p>This section is wordy. It prohibits parking on road verges – now covered in the new section S7 of draft bylaw.</p> <p>Currently trucks can park anywhere in urban areas provided they display lighting. Complaints are regularly received from members of the public regarding trucks disturbing them early morning by starting and leaving engines running.</p>	<p><b>Heavy Motor Vehicle Parking</b></p> <p>(1) The Council may by publicly notified resolution, prescribe the roads or any portion of a road in which the parking of Heavy Goods Vehicles is to be regulated.</p> <p>(2) No heavy goods vehicle may be parked on the road in an urban area at night except when the driver is staying overnight at a commercial registered accommodation facility.</p> <p>Delete s12.10.6.</p>	<p>Simplifies text.</p> <p>Prohibits trucks from creating a disturbance by parking in urban areas except when drivers staying in registered commercial accommodation</p> <p>Removes unnecessary requirement (S12.10.6 is addressed by the legislation).</p>	S14 Heavy Motor Vehicle Parking
New Section No Right or Left Hand Turns and U-Turns	Current bylaw does not contain restrictions relating to turning.	<p><b>No Right or Left Turns and U-Turns</b></p> <p>(1) The Council may by publicly notified resolution prohibit:</p> <p>(a) vehicles or classes of vehicles on any road specified in the resolution</p>	This regulation is required to make the bylaw enforceable.	S16 No Right or Left Hand Turns or U-Turns

	<p>Advised by NZ Police that this section is needed in the bylaw otherwise they cannot enforce these prohibitions.</p>	<p>from turning to the right or to the left or from proceeding in any direction;</p> <p>(b) vehicles from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on roads specified in the resolution.</p> <p><b>(2)</b> A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where the Council has prohibited or restricted such movement.</p>		
<p>New Section</p> <p>No Entry onto Closed Roads (Road Closed Signs)</p>	<p>Current bylaw does not contain restrictions prohibiting entry onto closed roads.</p> <p>Advised by NZ Police that this section is needed in the bylaw otherwise they cannot enforce these prohibitions.</p>	<p><b>No Entry onto Closed Roads (Road Closed Signs)</b></p> <p>(1) The Council may:</p> <p>(a) By publicly notified resolution temporarily or permanently prohibit entry to all vehicles or classes of vehicle on a specified road or part of a road;</p> <p>(b) Temporarily close any road to all vehicles or classes of vehicles where necessary for any event, repair of the road or the placement of repair of any infrastructure on or near the road, or for the management of traffic. For the avoidance of doubt, this clause does not limit any other powers the Council may have to close or restrict the entry to any road.</p>	<p>This regulation is required to make the bylaw enforceable.</p>	<p>S17</p> <p>No Entry onto Closed Roads (Road Closed Signs)</p>
<p>New Section</p> <p>No Entry onto an Area Governed by a No Entry Sign</p>	<p>Current bylaw does not contain restrictions prohibiting entry into an area governed by a No Entry sign.</p>	<p><b>No Entry onto an Area Governed by a No Entry Sign</b></p> <p>The Council may at any time prohibit entry to all vehicles or classes of vehicle into an area governed by a No Entry sign.</p>	<p>This regulation is required to make the bylaw enforceable.</p>	<p>S18</p> <p>No Entry onto an Area Governed by A No Entry Sign</p>

	Advised by NZ Police that this section is needed in the bylaw otherwise they cannot enforce these prohibitions.			
S12.13 Damage to Signs	This section refers only to damage to road signs. Council has no ability to deal with damage to other roading infrastructure. Current section does not give Council the ability to recover repair costs through the Courts.	No person shall interfere with, damage or remove any infrastructure associated with the provision of roading services. This includes the road structure and surface, guardrails and sightrails, streetlights, fences, signs, markers, and roadmarking. Any damage to Council's roading infrastructure will be repaired by Council to the required standards. The matter may be taken before the Courts to recover the costs of damage.	Enables Council to deal with damage to all types of roading infrastructure and to recover repair costs.	S20 Damage to Infrastructure
S12.14 Heavy Traffic Restrictions	Existing restrictions prohibit all trucks from driving anywhere in Whakatane or Ōhope without a permit.  These restrictions are cumbersome and difficult to enforce.  Safety issues and damage to roading infrastructure is primarily caused by heavy goods vehicles over 12 tonnes and not by the smaller trucks which are currently also prohibited.	<b>Heavy Traffic Restrictions</b>  (1) No person shall drive a Heavy Goods Vehicle within the Ōhope urban traffic area, as defined in the map in Schedule 2, between the hours of 10pm and 6am.  (2) No other Heavy Goods Vehicle, either laden or unladen, shall be driven through the Ōhope urban traffic area as defined in the map in Schedule 2, or to properties on Wainui Road and the side roads off Wainui Road, between the hours of 6am and 10pm unless:  (a) That vehicle is either delivering or collecting goods within the Ōhope urban traffic area (including Maraetōtara Road), or to properties on Wainui Road and the no-exit side roads off Wainui Road;	Prohibits trucks over 12 tonnes from using Ōhope as a shortcut instead of using the state highway network.  It enables smaller trucks under 12 tonnes (e.g. <i>Smiths City</i> delivery trucks) to drive in Ōhope.  Establishes a permit system that will allow heavy goods vehicles over 12 tonnes to drive in Ōhope if they have a legitimate	S21 Heavy Traffic Restrictions

	A growing number of long-haul heavy goods vehicles have been using this route as a short-cut, creating traffic and safety problems in Ōhope.	<p>And</p> <p>(b) The driver can provide evidence of that activity (by way of a delivery docket, consignment note, bill of lading etc).</p> <p>(3) Notwithstanding Clauses 21(1), 20(2) and 20(3), permits may be issued in extenuating circumstances for any Heavy Goods Vehicles to travel through the Ōhope urban traffic area.</p> <p>(4) The SECOND SCHEDULE of this Bylaw (“Conditions for Heavy Vehicle Permits to Travel through the Ōhope urban traffic area”) outlines the conditions under which a permit will be issues.</p> <p>(7) The Heavy Traffic Restrictions in Clauses 21(1), (2) and (3) do not apply for any period when the preferred State Highway route is closed.</p>	<p>reason for doing so.</p> <p>Bylaw regulations are clear and will be easy for the NZ Police to enforce.</p> <p>Will improve road safety in Ōhope and reduce wear and tear on the local roading network which is not engineered to carry large numbers of heavy goods vehicles.</p>	
S12.15 Bus Routes	This section of the bylaw is irrelevant. Regional Councils have responsibility for setting bus routes.	Delete entire section 12.15	Removes irrelevant section.	
S12.16 Temporary Restrictions on the Use of Roads	Current bylaw does not state how temporary restrictions will be defined.	<p>Add clause (2):</p> <p>Any such restriction shall be defined by the display of temporary warning signs.</p>	Provides clarity around how temporary restrictions are defined.	S22 Temporary Restrictions on the Use of Roads
S12.17 Use of Engine Brakes	Current bylaw refers to Jacob’s engine brake.	<p><b>Use of Compression Engine Brakes</b></p> <p>No person shall at any time operate or cause or permit to be</p>	Update to use correct terminology –	S23 Use of Compression Engine Brakes

	Outdated terminology.	operated a compression engine brake....	Compression Engine Brakes	
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### SCHEDULE THREE - SPEED LIMITS CHANGES

The Speed Limits Schedule has been updated to align it with the recently adopted New Zealand Transport Agency's Speed Management Guide.

**Table 2 below** identifies the roads where changes to the speed limits have been proposed and provides the reason for these changes.

**Table 2: Proposed changes to speed limits**

Road	Start Location	End Location	Length (approx.)	Current Speed Limit	Proposed Speed Limit	Explanation
Arawa Street, Matatā	20m east of St Johns St	50m west of the Matatā Hotel	500m	60	50	Reduce speed limit past main retail area
Matatā Causeway	Intersection with Arawa St	End of road	300m	Nil	40	Reduce speed to create a safe speed environment
Gorge Road, Whakatāne	Intersection with Commerce St	Intersection with Gorge Rd	1550m	70	60	Reduce speed to create a safe speed environment
Hillcrest Road, Whakatāne	Intersection with Gorge Road	40m east of Carling Road	630m	70	60	Reduce speed to align with new Gorge Rd speed limit
Ōtarawairere Rd	Intersection with Ōhope Road	Existing 30km/hr sign at Ōtarawairere	850m	100	60	Reduce speed to create a safe speed environment
Kohi Point Road	Intersection with Ōtarawairere Rd	End of road	1800m	100	60	Reduce speed to create a safe speed environment
Mill Road, Paroa	Intersection with SH30	End of road	1100m	70	60	Reduce speed in recognition of increased commercial activity
Patuwai Rd, Paroa	Mill Road	Paroa Road	1270m	70	60	Reduce speed to align with new Mill Road speed limit
Tahere Road, Paroa	Patuwai Rd	End of road	250m	100	60	Reduce speed to align with new Mill Rd / Patuwai Rd speed limit
Bunyan Road east, Coastlands	Intersection with Keepa Road	Accessway to Opihi Block	800m	100	60	Reduce speed in recognition of increasing residential development

Otakiri Road, Otakiri	Intersection with SH34	400m west of SH34	400m	70	60	Reduce Speed limit past Otakiri school
Otakiri Road, Otakiri	400m west of SH34	800m west of SH34	400m	70	100	Remove unnecessary speed limit well beyond school
Eastbank Road, Thornton	Thornton Rd	600m south of Thornton Rd	600m	70	60	Reduce speed limit past Thornton School
Galatea Road, Galatea	400m North of Mangamate Rd	400m south of Mangamate Rd	800m	100	80	Reduce speed limit through Galatea Community
Mangamate Road, Galatea	Intersection with Galatea Rd	500m east of Galatea Rd	500m	100	60	Reduce speed limit past Galatea school
Ngatimanawa Road, Murupara	From intersection with Main Rd	20m south of Karamea St	760m	50	80	Increase speed limit along first part of road with few driveways
Ngatimanawa Road, Murupara	20m South of Karamea St	20m North of Beech Street	450m	50	60	Increase speed limit slightly in line with limited driveways
Ngatimanawa Road, Murupara	20m North of Beech Street	End of road	950m	50	80	Increase speed limit along balance of road with few driveways
Ruatāhuna Road	250m prior to new Tūhoe centre	Intersection with Waikaremoana Rd	150m	100	50	Reduce speed limit in recognition of increased development
Waikaremoana Road	Intersection with Ruatāhuna Road	150m south east of Ruatāhuna Rd	150m	100	50	Reduce speed to align with new Ruatāhuna Rd speed limit
Sister Anne Road	Start of road prior to Ruatāhuna	300m before Waikaremoana Road	2300m	100	60	Reduce speed to create a safe speed environment
Sister Anne Road	300m before Waikaremoana Road	Intersection with Waikaremoana Rd	300	100	50	Reduce speed to align with new Ruatāhuna Rd speed limit
Tassel Drive	From Cattlestop	End of road	900	100	60	Reduce speed limit to the Airport

## Other options to the proposed bylaw considered

Council considered two other options:

- Keeping the existing bylaw
- Having no bylaw at all.

Council considers that the proposed bylaw is the most appropriate method to address all issues relating to creating a nuisance or public health in the District.

Speed and traffic management can only be controlled by bylaws and as a Road Controlling Authority, Council is responsible for setting speed limits and controlling traffic in the District. Without a bylaw Council would not be able to fulfil its responsibilities to enforce speed limits or manage traffic on the roads it owns or controls.

## Council's Ability to make a Traffic and Speed Limits Bylaw

The Act sets out the procedure for making a bylaw.

Sections 145 and 146 of Act and section 72 of the Transport Act 1962, the Land Transport (Road User Rule) 2004, the Land Transport Rule: Traffic Control Devices 2004 and the Land Transport Rule: Setting of Speed Limits 2003 and Amendments, allows the Council to make a bylaw for managing traffic and setting speed limits within the District.

The Council is required under section 155 of the Act to determine whether a bylaw is the most appropriate way to address perceived problems. Section 155 (1) of the Act requires the Council to determine whether a bylaw is the most appropriate way to address perceived problems and section 155(2) requires Council to determine whether the proposed bylaw:

- Is the most appropriate form of bylaw; and
- Gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The proposed bylaw is the most appropriate form to address issues relating to controlling nuisances and promoting and managing public health because it meets the following tests:

- The bylaw is authorised by statutory authority under the Local Government Act 2002;
- The bylaw is not repugnant to the general laws of New Zealand;
- The proposed bylaw is certain and provides clear direction;
- The bylaw is reasonable; and
- The bylaw is not overly restrictive, onerous on any one person, or impractical.

There are no implications under the New Zealand Bill of Rights Act. The draft bylaw does not place any limits on freedom of movement, expression or association, and does not isolate any particular social group in terms of the Act. In addition, any offences under the bylaw will require a judicial process through the Courts.

Section 156 of the Act requires the Council to use the Special Consultative Procedure set out in section 83 of the bylaw and continues to apply.

## Consultation and Submissions

Council invites the community to give us feedback on the proposed Bylaw to assist it in the decision-making process.

The formal consultation process will take place between **23 January and 2 March 2018**. Council will hold a hearing be held in late March 2018.

Any person or organisation is welcome to make a submission on the Draft Traffic and Speed Limits Bylaw 2018. The Council take into account all submissions when it decides on the final content of the bylaw.

Copies of the Statement of Proposal are available on Whakatane District Council's website <http://www.whakatane.govt.nz>

Hard copies are available from:

- Whakatane District Council 14 Commerce Street, Whakatane
- Whakatane Library 49 Kahahoroa Drive, Whakatane
- Edgumbe Library 38 College Road, Edgumbe
- Ohope Library 4 Harbour Road, Ohope
- Murupara Library / Service Centre Civic Square, 48 Pine Drive, Murupara

Consultation will take place during the period from **23 January to 2 March 2018**.

Formal submissions may be made:

Online: <http://www.whakatane.govt.nz>

Post to: Traffic and Speed Limits Bylaw, Private Bag 1002,  
Whakatane 3158.

Deliver to: Traffic and Speed Limits Bylaw, Whakatane District Council, 14 Commerce  
Street, Whakatane.

Email to: [submission@whakatane.govt.nz](mailto:submission@whakatane.govt.nz) Attention Bylaw Review

Informal submissions can be made by commenting on our Facebook page at <http://www.facebook.com/WhakataneDistrictCouncil>

### **Submissions close at 5pm on Friday 2 March 2018.**

Submitters should not that their submission will be copied and made available to the public after the submission period closes.

Submissions should include your name, address, telephone number and email address and should state if you wish to speak to Council in support of your submission. The Council will contact in writing, all submitters who wish to be heard to advise the confirmed time, date and venue of the hearing.