

#### **4.2 WAITAKI ROADING BYLAWS 2020**

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**Attachments:**

- 1. Attachment 1: Recommended changes to Draft Roading Bylaws 2020**
- 2. Attachment 2: Summary and analysis of key issues**
- 3. Attachment 3: Draft Roading Bylaw 2020 - Traffic**
- 4. Attachment 4: Draft Roading Bylaw 2020 - Parking**
- 5. Attachment 5: Draft Roading Bylaw 2020 - Speed Limits**

#### **RECOMMENDATIONS**

That the Assets Committee recommends:

That Council:

1. Agrees to the implementation of changes to the Draft Roading Bylaw 2020-Traffic; Draft Roading Bylaw 2020-Parking, and the Draft Roading Bylaw 2020-Speed Limits as provided in Attachment 1: Recommended changes to Draft Roading Bylaws 2020.
2. Notes that the changes to the Draft Roading Bylaw 2020-Traffic; Draft Roading Bylaw 2020 – Parking, and the Draft Roading Bylaw 2020-Speed Limits do not represent a significant departure from the draft bylaws as consulted, and that community feedback was received and considered around these matters.
3. Having regard to sections 155, 159 and 160 of the Local Government Act 2002 (the Act):
  - i) Agrees that the Draft Roading Bylaw 2020-Traffic; Draft Roading Bylaw 2020-Parking, and the Draft Roading Bylaw 2020-Speed Limits provided in Attachments 3-5 are considered to be the most appropriate and proportionate way of addressing the perceived problems to protect and maintain public safety and the health and safety of Council staff; protect the current and future roading network infrastructure and associated investment into this infrastructure, and ensure fair and equitable treatment of parties occupying or affecting the roading network.
  - ii) Revokes and replaces the Roading Bylaw 2013 from 1 November 2020 with three new Bylaws-Roading Bylaw 2020-Traffic; Roading Bylaw 2020-Parking, and Roading Bylaw 2020-Speed Limits;
  - iii) Agrees that the proposed Bylaws attached as Attachments 3-5 (with amendments as Council sees fit) are the most appropriate form of bylaws; and
  - iv) Agrees that the proposed Bylaws are consistent with the New Zealand Bill of Rights Act 1990 as the controls are reasonable and justifiable in the circumstances.
4. Adopts the Draft Roading Bylaw 2020-Traffic; Draft Roading Bylaw 2020-Parking, and Draft Roading Bylaw 2020-Speed Limits as set out in Attachments 3-5 but including the approved Speed Limits to come into effect on 1 November 2020.

#### **DECISION OBJECTIVE**

The purpose of this report is to seek Council's endorsement of the Draft Roading Bylaws 2020.

**SUMMARY**

Council is required to review existing bylaws under the Local Government Act 2002 (LGA) at least every ten years and make changes if or where required. In March 2020, Council adopted the proposed amendments to the suite of Draft Roding Bylaws in principle, and public consultation followed over the period 8 June – 20 July 2020. The recommended changes to the Roding Bylaws 2020 reflect community buy-in, professional engineering and Council guidance. The draft bylaws are considered the most appropriate way to regulate the activities of road corridor users and their impact on the roading asset in the Waitaki district. They also promote the social, economic and environmental well-being of communities in the present and for the future.

**DECISION-MAKING EXPECTATIONS**

Governance Decision-Making:	Approving the suite of Roding Bylaws 2020.
Operational Decision-Making:	Updating and publishing activities associated with the new Roding Bylaws 2020.
Communications	Media Releases – contributed to by officers and Elected Members  Media/public enquiries regarding operational decision-making topics above can be addressed by officers.

**SUMMARY OF DECISION-MAKING CRITERIA**

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	Key	Environmental Considerations	No
Legal	Key	Cultural Considerations	No
Significance	No	Social Considerations	No
Financial Criteria	Moderate	Economic Considerations	No
Community Views	Key	Community Board Views	Moderate
Consultation	Key	Publicity and Communication	Moderate

**BACKGROUND**

The current Roding Bylaw was adopted by Council in 2013. Council is required to review existing bylaws under the Local Government Act 2002 (LGA) at least every ten years and make changes if or where required. Following a review, a bylaw may be amended, revoked, replaced or continued.

Prior to the adoption of the Waitaki General Bylaws 2018, there were a mix of roading controls contained in the 2006 General Bylaw, and in the Roding Bylaw. Adoption of the Waitaki General Bylaws in 2018 meant that all the roading controls are now required to be contained in the Roding Bylaw/s.

The current bylaw has been reviewed under sections 145, 146, 155, 159 and 160 of the LGA. The bylaw review process commenced in 2019 and provided the opportunity to refine the structure of the Roding Bylaw further. A decision was made to split the existing bylaw into three to simplify use and enforcement processes.

A bylaw is considered necessary because non-regulatory methods (eg voluntary compliance and education) cannot be relied on entirely to address the roading-related issues. Some activities can affect a variety of aspects such as the safety of the general public and property or the environment. In such situations, it is important for the Council to have a greater ability to regulate and enforce policies and practices. Other regulations and legislation which apply to the roading network do not

cover all the matters and situations dealt with through a Roding Bylaw. The use of roading bylaws is a process used commonly throughout New Zealand.

In March 2020, Council adopted the proposed amendments to the suite of Roding Bylaws in principle, and public consultation followed over the period 8 June – 20 July 2020.

### **What we have done – key changes made**

As a result of the 2020 review, the Roding Bylaw has been split into the following three separate bylaws:

1. Roding Bylaw 2020 – Traffic
2. Roding Bylaw 2020 – Parking
3. Roding Bylaw 2020 – Speed Limits.

The Parking Bylaw includes new parking zones with different control mechanisms aimed to assist with enforcement; there are also updated maps. The Speed Limits Bylaw includes changes cognisant with national direction. It is also aligned with Police enforcement.

### **Summary of consultation process**

The community was given the opportunity to provide feedback on the proposed changes to the Roding Bylaws over the period 8 June – 20 July 2020. This included the option to provide email, hard copy or online comments. A total of 40 submissions were received. No submitters requested to be heard in support of their submission.

### **Consultation feedback**

A summary of the submitters feedback is provided in the table below.

<b>Do you agree with the Proposed Changes to the Waitaki Roding Bylaw?</b>			
<b>Feedback Source</b>	<b>Total</b>	<b>Yes</b>	<b>No</b>
Survey Monkey	8	5	3
Emails	2	2	0
Hardcopy	10	8	2
<b>Total</b>	<b>20</b>	<b>15 (75%)</b>	<b>5 (25%)</b>

## Key issues raised

An analysis of the key submission points is found in Attachment 3. A summary of the key issues and responses to the main submission points is discussed below.

- **Shading from trees on roading corridors** – a concern that current adjacent landowners should not be responsible for past owners' plantings in the road corridor
  - Council officers consider that this is not workable as the previous owner would need to remove/fell trees prior to selling the property.
- **Temporary fencing** – a request for Council to provide for unattended temporary fencing across cycleways to protect them from droving stock
  - Council officers note that this may cause a safety issue for cycleway users.
- **Providing for recreational scooter use / children's bikes on footpaths and making berms available for recreational use**
  - Council officers note that small bikes are allowed on the footpath with wheel diameters under 355mm. The Ministry of Transport (MoT) is reviewing public consultation on their 'Accessible Streets' regulations package (to be formalised in late 2020). This may allow bicycles on the footpath under a fixed speed limit.
  - Council officers also note that the use of berms for recreational use (eg horse riding) needs to be carefully managed, especially berms that are cared for by adjacent owners.
- **Allowing scooters/e-scooters to be ridden on the footpath and on shared paths** at a slow speed in Oamaru – riders should also be able to park them on the edge of the footpath.
  - Council officers have recommended aligning this suggestion with the proposed MoT Accessible Streets regulations before recommending a separate project for Council consideration at a future date.
- **Damage to road, footpath, signage, pavement markings, equipment** – there should be a high threshold for an adjacent landowner to be considered the party responsible and have a clear process for their right to appeal this consideration.
  - Council officers have noted this suggestion.
- **Trialling a 'footpath courtesy zone'** where people can travel by scooter/skateboard on the footpath in these areas, but at a slow speed and ensuring they are considerate of other footpath users.
  - Council officers propose to align this suggestion with the MoT Accessible Streets regulations, make an assessment when the regulations become finalised, and then be in a position to recommend the best outcome for Council consideration at a later date. This may be in the form of a new project.
- **Amending the provision in overweight permits** to 60kph to align with the new proposed restrictions in Ardgowan, Parsons, Homestead and Reservoir Roads for the movement of vehicles (stock trucks, bulk trucks etc).
  - Council officers recommend amending the overweight permit application to align with the new speed limits. This is a process improvement.
- **Installing bike stands along sections of the Thames Street footpath**
  - Noted for consideration by Council as a separate project.
- **Speed limit changes**
  - Refer to separate Speed Limit report.

### **Recommended changes to Roading Bylaws**

Attachment 1 provides details of the recommended bylaw changes in response to community feedback. A summary is provided below.

- Berms / use of berms for recreational purposes
  - Amend Berm definition:  
*“Berm an area within the road corridor and outside of the carriageway laid out in grass, which may or not be cultivated, and verge has the same meaning.”*
  
  - Amend 5.1:  
*“No person shall operate any vehicle or ride or take any horse on a cultivated berm, cycleway or footpath except where the vehicle is a mobility device or where a vehicle is using a vehicle crossing constructed for the purpose of accessing an adjacent property. Any such vehicle crossing shall comply with Council’s Standard Specification for Vehicle Crossings and the provisions of the Waitaki District Plan.”*
  
- Skateboard control
  - Amend Traffic Bylaw - 2nd Schedule  
*“No person shall use any skateboard, motorised recreational scooter, roller skate, in line skate, cart, trolley, toboggan or similar recreational device in any area defined in the areas described and as is also shown on the map below.”*
  
- Speed Limits
  - Refer to changes in separate report.

### **SUMMARY OF OPTIONS CONSIDERED**

#### **Option 1 – Council approves all proposed changes (Recommended)**

- Incorporates community views and professional engineering guidance
- Allows for a timely implementation of the proposed changes

Disadvantages:

- None have been identified

#### **Option 2 – Council approves some of the proposed changes**

Advantages:

- Provides Councillors with further opportunity to review feedback provided by the community and the response to officer recommendations

Disadvantages:

- Will require further community consultation and delay the implementation of the proposed changes
- Will result in additional cost to re-engage with the community

**Option 3 – Council determines additional changes**

Advantages:

- Provides the opportunity for Councillors to take into account other views

Disadvantages:

- Will require further community consultation
- Will result in more cost to re-engage with the community

**ASSESSMENT OF PREFERRED OPTION**

Option 1 is the preferred option as it is considered that members of the community have had the opportunity to present their opinions, and Council staff have had the chance to reflect on this feedback and provide Council with a detailed analysis of the proposals with clear recommendations.

**CONCLUSION**

The recommended changes to the each of the draft Roding Bylaws reflect community buy-in, professional engineering and Council guidance. A bylaw is considered necessary because non-regulatory methods cannot be relied on entirely to address the roading-related issues.

The proposed changes to the current Roding Bylaw 2013 are considered to be the most appropriate and proportionate way to protect and maintain public safety and the health and safety of Council staff; protect the current and future roading network infrastructure and associated investment into this infrastructure; and ensure fair and equitable treatment of parties occupying or affecting the roading network. The Draft Roding Bylaws promote the social, economic and environmental well-being of communities in the present and for the future.

The Roding Bylaws 2020 – Traffic, Parking, and Speed Limits are scheduled for Council adoption at the Council Meeting on 6 October 2020.

## **ADDITIONAL DECISION-MAKING CONSIDERATIONS**

### **Outcomes**

We keep our district affordable

We enable opportunities for new and existing business

We provide and enable services and facilities so people want to stay and move here

We understand the diverse needs of our community

Waitaki's distinctive environment is valued and protected

We maintain the safest community we can

### **Policy and Plan Considerations**

The Local Government Act 2002 (LGA 2002) requires regular reviews of bylaws to be undertaken. This is consistent with Council policy. Amendments to the Rooding Bylaw 2013 have been made using powers contained in Sections 145 of the LGA 2002.

### **Community Views**

The Draft Rooding Bylaws 2020 – Traffic, Parking, and Speed Limits were consulted on with the community over the period 8 June 2020 to 20 July 2020 under the provisions of the LGA 2002. Submissions were considered, and a final format for the bylaws has been proposed for adoption by Council.

### **Financial Considerations**

No additional funding is being sought.

### **Legal Considerations**

The LGA 2002 requires regular reviews of bylaws to be undertaken.

### **Environmental Considerations**

There are no specific environmental considerations resulting from the development of the Bylaw.

### **Publicity and Community Considerations**

Council's Communication Unit has been advised of the public consultation in order to arrange for print and online communications.