

Report No:	RESC12-02-09
File No:	
Date:	30 August 2012
<b>Information Only – no decision required</b>	

**Report to:** Engineering Services Committee  
**Meeting Date:** 30 August 2012  
**Report Author:** Steve Elkington, Transportation Projects Engineer  
**Subject:** **Transportation Bylaws – Review**

#### EXECUTIVE SUMMARY

This report sets down the need for Council to review its existing Transportation Bylaws from time to time to comply with the Local Government Act 2002.

Transportation Bylaws managed under Council's Engineering Department include:

- Speed Limit Bylaw 2004
- Traffic Control Bylaw 2005
- Stock Control and Droving Bylaw 2005

#### RECOMMENDATION

**That the report be received.**

#### DRAFT RESOLUTION

**THAT the Engineering Services Committee receives the report Transportation Bylaws –Review, RESC12-08-09.**

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## 1. Background

- 1.1 Council has three transportation bylaws administered by the Engineering Department:
- Speed Limit Bylaw 2004
  - Traffic Control Bylaw 2005
  - Stock Control and Droving Bylaw 2005
- 1.2 The above bylaws were initially prepared under the Local Government Act 1974.
- 1.3 When the Local Government Act 2002 came into effect on 1 July 2003 the three bylaws were further reviewed as required under Section 158 of the Act.
- 1.4 Whilst the bylaws are still several years away from statutory review which is 10 years from the last date reviewed after 1 July 2003, it has been decided to revamp them and include new sections and clauses. Therefore all of the existing provisions and any new ones first need to be publicly consulted on before Council ratifies the bylaws and their amendments.

## 2. Statutory Process

- 2.1 The current Bylaws are considered the most appropriate way in which to control the activities they cover namely:
- Setting of speed limits on public roads, public reserves and beaches under Council control;
  - Traffic control and parking restrictions on all local public roads and public reserves in Tasman district, including sections of urban State Highways through townships;
  - Stock droving and control on all public roads including state highways in Tasman district.
- 2.2 The Bylaws are not inconsistent with the New Zealand Bill of Rights Act 1990.
- 2.3 The special consultative procedure in relation to amending a bylaw will follow that required under Section 83 and 86 of the Local Government Act 2002

2.4 The special consultative procedure sets out under Section 83 of the Act requires the following steps to be undertaken:

- Part 1 Prepare a statement of proposal and a summary of the information;
- Part 2 Publicly notify the details of the period in which submissions on the proposal can be made. The consultation period is for no less than one month from the date of first publication of the public notice;
- Part 3 This part of the process involves a recommendation to the council but can include hearing submissions and seeking advice or comment from staff or anyone else in respect to the proposal.

2.5 The series of tasks involved in the process of reviewing each bylaw will basically follow that set out below:

1	Staff review of existing bylaw and its objectives, carry out information gathering and draft an amended bylaw;
2	A report with attached draft bylaw will be presented to Engineering Services Committee with a resolution recommending proceeding to consultation;
3	A public statement in Newline, local community papers and the Council website indicating the purpose of the bylaw review, summary of changes, where the draft bylaw is available for viewing and date on which submissions close;
4	All submissions are to be received in writing by the Council and receipt of acknowledgement sent;
5	Review of submissions;
6	Arrange a hearing if submitters have requested to be heard;
7	The hearing panel make a recommendation to either Engineering Services Committee or the full Council;
8	Report back to the full Council with a recommendation and proposed resolution for adoption;
9	Amended bylaw comes into force either once the resolution is adopted or at some future date set down in the resolution;
10	Signing and dated by the Chief Executive and Mayor including the Council seal;
11	Amended bylaw publicly notified;
12	Copies of the adopted bylaw distributed to the Council offices and libraries as well as uploaded on the Council's website.

2.6 Submitters will be given the choice of having their submission heard. Where a hearing is required then a special committee will be setup to hear the submissions. Alternatively, depending on numbers wishing to be heard, a hearing could be scheduled within an Engineering Services Committee meeting.

### 3. Bylaw Review – Programme

- 3.1 Each bylaw will be reviewed separately so as not to over-burden residents with consultation overload.
- 3.2 Each proposed amended bylaw will be reported to Council’s Engineering Services Committee for approval prior to proceeding to consultation.
- 3.3 Below is an indicative programme for each Bylaw showing review, consultation and reporting dates:

Bylaw	Activity	Expected Date
<b>Speed Limits Bylaw 2004</b>	Review bylaw and report to Engineering Services Committee	Thursday 11 October 2012
	Consultation from date advertised, including sending detail to Police, NZTA, AA and NZ Road Transport Association	Wed 17 October to Monday 19 November 2012
	Arrange hearing if required	Date to be announced
	Ratify amended Bylaw at full Council meeting in early 2013	Date to be announced
	Advertise amended bylaw and date of effect	Date to be determined in 2013
<b>Traffic Control Bylaw 2005</b>	Review bylaw and reporting to Engineering Services Committee	Thursday 22 November 2012
	Consultation from date advertised	Wed 28 November 2012 to mid to late January 2013. Extended consultation period due to festive season
	Arrange hearing if required	Date to be announced in 2013
	Ratify amended Bylaw at full Council Meeting in early 2013	Date to be announced in 2013
	Advertise amended bylaw and date of effect	Date to be determined in 2013
<b>Stock Control and Droving Bylaw 2005</b>	Review bylaw and reporting to Engineering Services Committee	Date to be announced in 2013
	Consultation from date advertised	Date to be announced in 2013
	Arrange hearing if required	Date to be announced in 2013
	Ratify amended Bylaw at full Council meeting in early 2013	Date to be announced in 2013
	Advertise amended bylaw and date of effect	Date to be determined in 2013

#### **4. Comment**

- 4.1 Speed limit Bylaw – The review will include additional speed limits where these have been warranted and inclusion of speed limits in public reserves and beaches where required.
- 4.2 Traffic Control Bylaw – The review will confirm existing descriptions of traffic controls, mainly parking and inclusion of other provisions such as prohibiting the sale of vehicles on the roadside and traffic control devices such as intersection controls, turning restrictions and others.
- 4.3 Stock Control and Droving Bylaw – This review will look at current practices against existing provisions of the bylaw in respect to tightening-up or relaxing requirements. Two concerns are stock races in road reserve and stock crossings.

#### **5. Recommendation**

- 5.1 That this report be received.

#### **6. Draft Resolution**

- 6.1 THAT the Engineering Services Committee receives the report Transportation Bylaws – Review RESC12-08-09.**