

# Whangarei District Council Meeting

## Agenda

**Date:** Thursday, 24 September, 2020

**Time:** 9:00 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

**Elected Members:** Her Worship the Mayor Sheryl Mai  
(Chairperson)  
Cr Gavin Benney  
Cr Vince Cocurullo  
Cr Nicholas Connop  
Cr Ken Couper  
Cr Tricia Cutforth  
Cr Shelley Deeming  
Cr Jayne Golightly  
Cr Phil Halse  
Cr Greg Innes  
Cr Greg Martin  
Cr Anna Murphy  
Cr Carol Peters  
Cr Simon Reid

For any queries regarding this meeting please contact  
the Whangarei District Council on (09) 430-4200.

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- 8.1 Confidential Minutes Whangarei District Council meeting held 27 August 2020
- 8.2 Confidential Minutes Extra ordinary Whangarei District Council 4 August 2020
- 8.3 Formalising Access over Council Reserves
- 8.4 Marina Berth Replacement

## **9. Closure of Meeting**

Recommendations contained in the Council agenda may not be the final decision of Council.

Please refer to Council minutes for final resolution.





## 4 Public Forum

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** C Brindle (Senior Democracy Adviser)

### 1 Purpose

To afford members of the community an opportunity to speak to Council and to report on matters raised at public forums where appropriate.

### 2 Summary

Standing Orders allow for a period of up to 30 minutes to be set aside for a public forum at the commencement of each monthly council meeting.

The time allowed for each speaker is 5 minutes.

Members of the public who wish to participate should send a written application, setting out the subject matter and the names of the speakers, to the Chief Executive at least 2 clear working days before the day of the meeting.

#### Speakers

Speaker	Subject
Chris Twiss	I Have A Dream Organisation – update on expansion plans
Bev Woods	Dogs on beaches

#### Report on actions taken or comment on matters raised

Where practicable actions taken on matters raised by previous speakers are reported back to public forum.

Speaker	Subject
Beverly Woods	WDC responsibility for vehicles on beaches
<b>Report</b> Beverly Woods spoke about the Vehicles on Beaches Bylaw 2009 and its application near Ruakaka Wildlife Refuge. Beverly noted the coastal marine area is managed by different organisations, including the Department of Conservation, Northland Regional Council and Whangarei District Council. Beverly requested that the Vehicles on Beaches Bylaw should include “biodiversity” in its purpose and that NRC and WDC should work together to better protect the Ruakaka Wildlife Refuge.	

Ms Woods speaking notes were tabled.

*Response*

Council acknowledge that the division of responsibilities in the coastal marine area between different agencies is complicated and working jointly is indeed key to effective management of environmental impacts in this area.

The Northland Regional Coastal Plan covers the area around Northland's coast from Mean High Water Springs (MHWS) out to the sea to the 12th nautical mile. This is the coastal marine area. The common marine and coastal area has a special status and is incapable of being owned by anyone. The regional council has responsibilities for the management of the coastal marine area and is able to impose controls in this area, including for the protection of biodiversity.

The Department of Conservation also plays a role where conservation land adjoins the coastal marine area. Vehicles are prohibited in Ruakaka Scenic Reserve by the DoC bylaw.

The role of the District council within the coastal marine area is mostly limited to the administration of Local Government Act bylaws. In Whangarei District, the seaward district boundary traverses the entrance of some harbours and embayments. The Northland Regional Coastal Plan provides that within these areas the Local Government Act bylaws apply from Mean High Water Springs down to the line of Mean Low Water Mark.

Where Council-owned land adjoins the coastal marine area, the bylaws also apply on the dry part of the beach, including on the dunes. The Vehicles on Beaches Bylaw defines the beach as the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation, but does not include any private property or land administered by the Department of Conservation.

The Bylaw was made under section 145 of the Local Government Act (LGA), which limits the scope of the Bylaw to the following purposes:

- (a) protecting the public from nuisance:
- (b) protecting, promoting, and maintaining public health and safety:
- (c) minimising the potential for offensive behaviour in public places

The purpose of the Vehicles on Beaches Bylaw, as set out in section 4 of the Bylaw, is to protect, promote and maintain public health and safety, and protect the public from nuisance by regulating the use of vehicles on beaches in the Whangarei District. The Local Government Act requires that a bylaw must be the most appropriate form of bylaw to address the perceived problem. In relation to controlling vehicles on beaches, this means that such controls and prohibitions must be focussed on issues relating to public health and safety and identifying which parts of the beach may be suitable for a vehicle prohibition for these purposes. The Bylaw under the LGA is not able to address environmental concerns, however Clause 4(d) of the Bylaw does prohibit vehicles on sand dunes under the control of the Whangarei District Council.

Even though environmental impacts are outside the scope of the Vehicles on Beaches Bylaw, we recognise that there is an opportunity to look for non-regulatory solutions together with the Northland Regional Council. Council staff will ensure the key points raised at the WDC Public Forum are communicated to the Northland Regional Council and the Department of Conservation and will pass on any response we receive.

<b>Speakers</b>	<b>Subject</b>
Amber and Miles Fayerberg	Urgent need for 2 dedicated pedestrian crossings at Ngunguru
<p><b>Report</b></p> <p>Amber and Miles asked council to consider the installation of pedestrian crossings at Ngunguru Road and Shoebridge Crescent, due to safety concerns.</p> <p>Amber and Miles' speaking notes were tabled.</p> <p><i>Response</i></p> <p>The matter of pedestrian crossings at Ngunguru were considered by the Infrastructure Committee on 10 September. The committee received a petition requesting the installation of two new Zebra Crossings at the Ngunguru Shops and Shoebridge Crescent. The Committee resolved the request be investigated and a report be brought back in due course.</p>	
<b>Speakers</b>	<b>Subject</b>
Nadia Snyman and Skyla Anderson-Wynn	Pedestrian crossing at the front of Tikipunga High School
<p><b>Report</b></p> <p>Nadia and Skyla asked council</p> <p>Skyla and Nadia asked council to consider the installation of pedestrian crossings outside of the Tikipunga High School. Ideally one crossing to be located on Corks Road outside the front school gate and a second on Kiripaka Road outside the second school gate.</p> <p>Nadia and Skyla's speaking notes were tabled.</p> <p><i>Response</i></p> <p>Council is aware of the difficulties pedestrians face in the Tikipunga High School and wider Tikipunga area. The request for pedestrian crossings is being considered as part of current council work in the district which includes looking at improvements to the Corks Road/Station Road (Kamo) corridor.</p> <p>There is also provision for a Kiripaka crossing near the school's rear entrance, this will help the community access the school pool in summer and assist the Forest View Kindergarten.</p>	



**Item 5.1**
**Whangarei District Council Meeting Minutes**

**Date:** Thursday, 27 August, 2020  
**Time:** 9:00 a.m.  
**Location:** Council Chamber  
 Forum North, Rust Avenue  
 Whangarei

**In Attendance** Her Worship the Mayor Sheryl Mai  
 (Chairperson)  
 Cr Gavin Benney  
 Cr Vince Cocurullo  
 Cr Nicholas Connop  
 Cr Ken Couper  
 Cr Tricia Cutforth  
 Cr Shelley Deeming  
 Cr Jayne Golightly  
 Cr Phil Halse  
 Cr Greg Innes  
 Cr Greg Martin  
 Cr Anna Murphy  
 Cr Carol Peters  
 Cr Simon Reid

**Scribe** C Brindle (Senior Democracy Adviser)

**1. Karakia/Prayer**

*Cr Benney opened the meeting with a karakia/prayer.*

**2. Declarations of Interest**

There were no declarations of interest made.

**4. Public Forum**

Speakers:

Beverley Woods – WDC responsibility for vehicles on beaches

Amber Fayerberg – Urgent need for 2 dedicated pedestrian crossings at Ngunguru

Nadia Snyman and Skyla Anderson-Wynn – Pedestrian crossings at Tikipunga High School

*Council received apologies from Chris Twiss and Brian May.*

*Item 7.1 was taken after Item 4.*

### **3. Apologies**

There were no apologies.

### **5. Confirmation of Minutes of Previous Meetings of the Whangarei District Council**

#### **5.1 Minutes Whangarei District Council meeting held 23 July 2020**

**Moved By** Cr Greg Martin

**Seconded By** Cr Carol Peters

That the open minutes of the Whangarei District Council meeting held on Thursday 23 July 2020, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

**Carried**

#### **5.2 Minutes Extra ordinary Whangarei District Council meeting held 13 August 2020**

**Moved By** Cr Tricia Cutforth

**Seconded By** Cr Nicholas Connop

That the minutes of the Whangarei District Council meeting held on Thursday 13 August 2020, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

**Carried**

### **6. Decision Reports**

#### **6.1 Staff Delegations Under Resource Management Act (1991)**

**Moved By** Cr Anna Murphy

**Seconded By** Cr Greg Innes

That the Council delegate the following functions under the Resource Management Act 1991:

1. Section 39AA(2) to direct that a hearing or part of a hearing be conducted using one or more remote access facilities to the following staff:

- General Manager – Planning and Development
- Manager – RMA Consents
- Manager – District Plan
- RMA Planning Specialist and,
- Team Leader – RMA Consents.

**Carried**

## 6.2 Three Waters Reform - Memorandum of Understanding Application

**Moved By** Cr Greg Innes

**Seconded By** Her Worship the Mayor

That the Whangarei District Council,

1. Sign a Memorandum of Understanding with the Crown, agreeing to participate in the initial stage of a central/local government three waters service delivery reform programme (Appendix A).
2. Authorise the Chief Executive to enter into the Funding Agreement and a delivery plan, to accept a grant from the Crown to spend on operating and/or capital expenditure relating to three waters infrastructure and service delivery (Appendix B).
3. Note that signing the MoU does not obligate Council to continue participation beyond the term of the MoU.

*On the motion being put Cr Martin called for a division:*

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor	X		
Cr Gavin Benney	X		
Cr Vince Cocurullo	X		
Cr Nicholas Connop	X		
Cr Ken Couper	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		
Cr Jayne Golightly	X		
Cr Phil Halse	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Anna Murphy	X		
Cr Carol Peters	X		
Cr Simon Reid	X		
<b>Results</b>	<b>14</b>	<b>0</b>	<b>0</b>

**The motion was Carried (14 to 0)  
Unanimous**

### 6.3 Election 2022 - Choice of Electoral System

**Moved By** Cr Tricia Cutforth

**Seconded By** Cr Carol Peters

That Council pursuant to section 27 of the Local Electoral Act 2001 resolves to change to the Single Transferrable Voting electoral system for the 2022 and 2025 triennial elections.

#### Amendment

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Shelley Deeming

That Council pursuant to section 27 of the Local Electoral Act 2002 resolves to retain the First Past the Post electoral system for the 2022 triennial election.

*On the amendment being put Cr Deeming called for a division:*

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor		X	
Cr Gavin Benney	X		
Cr Vince Cocurullo	X		
Cr Nicholas Connop		X	
Cr Ken Couper	X		
Cr Tricia Cutforth		X	
Cr Shelley Deeming	X		
Cr Jayne Golightly	X		
Cr Phil Halse	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Anna Murphy		X	
Cr Carol Peters		X	
Cr Simon Reid	X		
<b>Results</b>	<b>9</b>	<b>5</b>	<b>0</b>

**The amendment was Carried (9 to 5)  
and subsequently Carried  
as the substantive Motion**

*A break was taken from 10.56am to 11.15am following Item 6.3.*



#### 6.4 Regional Economic Development: Progress Towards a Joint Delivery Model

**Moved By** Her Worship the Mayor

**Seconded By** Cr Greg Innes

That Council;

1. Support the proposal that recommends Northland Inc. be modified to become a joint regional CCO;
  - a. with a formal joint committee to provide oversight,
  - b. a funding arrangement that Northland Regional Council contribute 60% and Whangarei, Far North and Kaipara District Councils contribute 40% and
  - c. this is achieved over a six-year time frame aligned to the 2021-2031 Long Term Plan Cycle and
  - d. public consultation to establish Northland Inc. as a joint regional CCO is included and aligned to the 2021-2031 Long Term Plan consultation process of each Northland Council.
2. Approve the proposal that recommends Northland Regional Council share the appointment of directors and input to the Statement of Intent process with Whangarei, Far North and Kaipara District Councils, in return for agreed funding for the 2020-2021 Annual Plan Year. The agreed funding for the 2020-2021 Annual Plan is:
  - a. Northland Regional Council – Continue to fund Northland Inc. and the IGR per their current Long-Term Plan
  - b. Whangarei District Council – One hundred and five thousand dollars (\$105K) plus the contribution of up to one FTE to Northland Inc.
  - c. Kaipara District Council – Twenty-five thousand dollars (\$25K)
  - d. Far North District Council – Eighty-two thousand dollars (\$82K)
3. Support, in principle, the development of a Regional Economic Development Strategy for inclusion in the 2021-2031 Long Term Plan Cycle, subject to scope, resources and funding.

*On the motion being put Her Worship called for a division:*

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor	X		
Cr Gavin Benney	X		

Cr Vince Cocurullo		X	
Cr Nicholas Connop	X		
Cr Ken Couper		X	
Cr Tricia Cutforth		X	
Cr Shelley Deeming		X	
Cr Jayne Golightly		X	
Cr Phil Halse		X	
Cr Greg Innes	X		
Cr Greg Martin		X	
Cr Anna Murphy	X		
Cr Carol Peters	X		
Cr Simon Reid		X	
<b>Results</b>	<b>6</b>	<b>8</b>	<b>0</b>

**The motion was Lost (6 to 8)**

## **6.5 Te Tai Tokerau Worker Redeployment Package – Storm Response Funding Variation**

**Moved By** Cr Greg Martin

**Seconded By** Cr Nicholas Connop

That the Council;

1. Approve Council varying the existing agreement with the Ministry of Business Innovation and Employment to receive an additional \$4m of funding for storm repair program acceleration and associated operational and capital expenditure to address flood damage in Northland (specifically \$2m funding in Far North and \$2m funding Whangarei Districts) related to roads, culverts, drains, parks, stormwater and other storm impacted Council Infrastructure;
2. Approve Council varying the existing agreement with Far North District Council to ensure delivery of their component of the agreement in recommendation 1, and;
3. Delegates to the Chief Executive the authority to finalise the terms and conditions of the variation agreements in recommendations 1 and 2.

**Carried**

## 6.6 Flood Damage Repair Costs

**Moved By** Cr Phil Halse

**Seconded By** Cr Nicholas Connop

That Council,

1. Approve up to \$5m unbudgeted operating and capital expenditure in order to repair damage caused during the flooding event on 17 July 2020.
2. Note that Council is likely to incur an operating deficit as a result of the flood repairs.
3. Note that non urgent works may be deferred where repairing flood damage receives priority.
4. Note that, where possible, the government contribution of \$2m through the MBIE Redeployment Package will be used to offset the expenditure.

**Carried**

## 7. Information Reports

### 7.1 Police Report

Area Commander Martyn Ruth updated council on Police matters.

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Gavin Benney

That Council note the report.

**Carried**

*Item 4 was taken after Item 7.1.*

### 7.2 Financial Report for the 1 month ending 31 July 2020

**Moved By** Cr Greg Martin

**Seconded By** Cr Shelley Deeming

That Council notes the external net debt position and treasury report as at 31 July 2020.

**Carried**

### 7.3 Operating Report for the 12 Months Ending 30 June 2020

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Greg Innes

That Council notes the draft operating results for the 12 months ending 30 June 2020.

**Carried**

#### 7.4 Capital Projects Report for the year ending 30 June 2020

**Moved By** Cr Anna Murphy

**Seconded By** Cr Jayne Golightly

That the Council notes the final Capital Projects Report for the year ending 30 June 2020, and the revised Capital Projects Budget for 2020-21 financial year.

**Carried**

#### 7.5 Whangarei District Council 2020 Credit Rating

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Tricia Cutforth

That the Council receives the 2020 S&P Global Ratings credit rating report and notes its contents.

**Carried**

#### 7.6 2020 Whangarei District Council Resident Satisfaction Survey

**Moved By** Cr Nicholas Connop

**Seconded By** Cr Gavin Benney

That Council notes the information provided in the 2020 Whangarei District Council Resident Satisfaction Survey.

**Carried**

### 8. Public Excluded Business

**Moved By** Cr Ken Couper

**Seconded By** Cr Anna Murphy

That the public be excluded from the following parts of proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Confidential Minutes Whangarei District Council 23 July 2020	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings	Section 48(1)(a)
1.2	Appointment Independent Hearing Commissioners Panel		

1.3	Cemetery – Land purchase	Act 1987	
1.4	Civic Centre Contract		
1.5	Chief Executive's Performance Review 2019/2020 and Annual Review of Remuneration		
1.6	Chief Executive's Performance Goals 2020/2021		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	For the reasons as stated in the open minutes.	
1.2	To protect the privacy of natural persons including that of a deceased person	Section 7(2)(a)
1.3	To enable Council to carry on without prejudice or disadvantage commercial activities	Section 7(2)(h)
1.4	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
1.5	To protect the privacy of natural persons including that of a deceased person	Section 7(2)(a)
1.5	To protect the privacy of natural persons including that of a deceased person	Section 7(2)(a)

**Carried**

*A break was taken from 12.49pm to 1.20pm.*

## **9. Closure of Meeting**

The meeting concluded at 2.49pm.

Confirmed this 24<sup>th</sup> day of September 2020

Her Worship the Mayor Sheryl Mai (Chairperson)



## 6.1 Establishment of a Standing Committee to support Māori participation in decision making

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** Dominic Kula (General Manager Strategy and Democracy)

### 1 Purpose

To consider establishment of a standing committee to support Māori participation in decision making.

### 2 Recommendations

That Council:

1. Note the progress made through the Māori Participation in Decision Making Working Group and Te Kārearea Strategic Partnership Forum on the procedure and Terms of Reference for the establishment of a standing committee
2. Agree to the establishment of Te Kārearea Strategic Partnership Standing Committee for the 2019-2022 triennium to support Maori participation in decision making
3. Adopt Te Kārearea Strategic Partnership Committee Terms of Reference, including the members, located at Attachment 3.
4. Elect Councillor Phil Halse as the Chair of the bi-monthly Te Kārearea Strategic Partnership Committee in accordance with sections 5.4 and 5.6 of Standing Orders
5. Agree that the position of responsibility held by the Chair of Te Kārearea Strategic Partnership Forum transfers to the Chair of Te Kārearea Strategic Partnership Committee.
6. Note that the bi-monthly hui to be held on the Marae will be chaired by a mandated hapū member in accordance with tikanga.

### 3 Background

Councils are required under legislation (a summary of relevant legislation has been included as Attachment 1) to facilitate participation by Māori in local authority decision-making. This has taken a number of different forms across the Country.

In Whangārei Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council (WDC). The desire to 'develop more robust partnership arrangements over time' was signaled in the agreement, which was superseded by a Strategic Relationship Agreement in 2014. A copy of the relationship agreement is included as Attachment 2. This document has formed the

basis for discussions between the Partners, and its principles will continue to guide how they work together going forward.

Since that time different representation and relationship structures have been in place alongside Te Kārearea. These have included advisory representation on committees and a strategic alliance between Te Kārearea and the Northland Regional Council's Te Tai Tokerau Māori and Council (TTMAC) Working Party.

Since the beginning of this term (October 2019) there has been extensive korero between hapū and Council around how to build on the relationship. A key theme has been a desire to be more strategic, with the potential for a Standing Committee of Council also being highlighted. In February 2020 a councillor/hapū working group was formed to progress this kaupapa.

In May 2020, following delays as a result of COVID-19, Council resolved to 'establish Te Kārearea Strategic Partnership Forum from June 2020 - September 2020 in order to bed in a new way of working, and test Terms of Reference'. In doing so it 'noted that Terms of Reference will be reviewed and reported back to Council along with the procedure for establishment of the Standing Committee in September 2020'.

## **4 Discussion**

At a February 2020 Briefing a Working Group of hapū representatives and councillors (Deborah Harding, Merepeka Henley, Delaraine Armstrong and Councillors Halse, Couper and Reid) was formed to find a path forward and present a recommendation to the March 2020 Council meeting.

Following delays as a result of COVID-19 the Working Group took its recommendations back to Council on 28 May 2020. At that meeting Council established Te Kārearea Strategic Partnership Forum from June 2020 - September 2020, noting that Terms of Reference will be reviewed and reported back to Council, along with the procedure for establishment of the Standing Committee, in September 2020.

### **4.1 Progress made**

The first hui of Te Kārearea on 23 June 2020 provided an opportunity for the Partners to work through their aspirations and start the discussion of 'what strategic looks like'. At that meeting there was discussion of key processes and mechanisms where hapū and Council could work together to implement strategic outcomes including through:

- Resource Management Act 1991 processes.
- The Long Term Plan.
- Implementation of Tane Whakapiripiri.

This was followed by a hui at Takahiwai Marae on 22 July 2020 where the partners worked through the relationship between Te Huinga and Te Kārearea Strategic Partnership Forum, and the journey that both partners have been on regarding Māori Participation in Decision Making.

This included an overview of Te Huinga's hapū led process for consultation and mandating through to September 2020, and discussion of the potential focus of any Standing Committee of Council.

At the meeting the Council Chair committed to reconvening the Working Group to work through the potential areas of focus (and associated delegations) for Terms of Reference to be reported back to Council alongside the process for establishing a Standing Committee in September 2020.



## **4.2 Potential Areas of Focus**

The Working Group met 6 August 2020. In working through potential areas of focus the members agreed that a key benefit of any committee will be understanding/developing collective strategic priorities. However, in doing so it was acknowledged that priorities may be beyond the direct control of the committee, meaning that in some areas it could be operating in an advisory capacity.

Recognising this the Working Group undertook an initial exercise to identify those areas where Terms of Reference could provide for an advisory input/recommendations on Council and hapū processes, and those where decision making powers could be delegated. Key areas identified under each category were then workshopped with Te Kārearea in August 2020.

On 31 August 2020 the Working Group considered feedback received, with revised areas of focus then being incorporated into the Terms of Reference adopted by Council in May 2020 (Attachment 3, key clauses changed or added have been highlighted). The Terms of Reference were then worked through at the September 2020 Te Kārearea meeting.

## **4.3 Hapū led mandating process**

Alongside the above process Te Huinga have worked through a robust and extensive hapū led consultation and mandating process for any proposed Standing Committee. Te Huinga have provided a summary of the process, including hapū nominees for the Committee, which has been included as Attachment 4.

Having been through the mandating process, and developed a strong community understanding of the respective roles of, and interrelationship between, Te Huinga and Te Kārearea it was felt that, if adopted, the Standing Committee should continue to be called Te Kārearea.

## **5 Procedure for Establishing a of a Standing Committee**

Aligning Council's legislative constraints with the commitment to a partnership model has presented some challenges. A collaborative approach has been taken to working through these, culminating in the proposal before you today.

Councils can establish committees under section 30 of Schedule 7 of the Local Government Act 2002. If established the committee will operate as a standing committee for the current term (2019-2022) of Council.

Section 5.4 of Standing Orders require Council to elect a chair of the committee through a resolution, using one of the two voting systems described in section 5.6. A copy of section 5.6 of Standing Orders is included as Attachment 5.

Committees of Council are subject to Standing Orders, and other legislative requirements around notification of meetings, agenda and minutes under the Local Government Official Information and Meetings Act 1987.

Legislation requires that Committees of Council will have one chairperson. The working group therefore recommended that meetings rotate between Council Chambers and Marae, with Marae based meetings being conducted in accordance with tikanga by a hapū chair.

While only Council based meetings legally constitute a 'Committee of Council' for the purposes of the Local Government Official Information and Meetings Act 1987 Marae based hui are a critical means to connect with the community (i.e. through Hui a Hapori). While the delegations of the Committee would need to be exercised within a formal meeting under the Act, advice and recommendations can come from either forum.

## 5.1 Financial/budget considerations

In May 2020 Council set a \$150,000 operational budget for Te Kārearea. In working through outcomes sought, and capacity required to achieve those, with hapū and the working group the budget has been allocated as follows:

Outcome	Description	Total
Te Kārearea Meeting Fees	Meeting fee set at \$280 per meeting	\$27,000
Internal resourcing / support	0.3 FTE Democracy resource to support committee meetings, agendas etc 0.5 FTE for internally resourced technical/secretariat support (yet to be allocated)	\$50,000 (internal staffing cost)
Systems/support	Systems support for kaupapa/initiatives including newsletters, photocopying printing etc.	\$3,000
Te Kārearea/Hui a Hapū	Meetings on Marae, hapū update hui, travel, catering, koha etc	\$20,000
Capacity building	Remaining budget to support hapū capacity (i.e. technical advice etc)	\$50,000
<b>TOTAL</b>		<b>\$150,000</b>

To meet the requirements of the Remuneration Authority Council also needs to consider whether the Council Chair is a position of additional responsibility. As this was done in establishing Te Kārearea in May 2020 it is proposed that Council determine that the position of responsibility held by the Chair of Te Kārearea Strategic Partnership Forum transfers to the Chair of Te Kārearea Strategic Partnership Committee with no changes to allocation of the remuneration. This means that reallocation of the remuneration pool is not required across elected members.

## 6 Significance and engagement

While the establishment of a standing committee to support Māori participation in decision making will clearly trigger one of the criteria in Council's Significance and Engagement Policy, the level of public impact and/or interest, Council has worked closely with hapū, an identified community of interest, on the proposal.

None of the other criteria are triggered by the decisions in this Agenda as the recommendations reflect Council's legislative obligation to provide opportunities to Māori to participate in Council decision-making.

As such the decisions or matters of this Agenda are not considered to trigger significance, and the public will be informed via Agenda publication on the website.

## 7 Attachments

1. Key Legislation
2. 2014 Relationship Agreement
3. Terms of Reference Te Kārearea Strategic Partnership Committee
4. Summary of hapū mandating process
5. Standing Orders sections 5.1 and 5.6

## Key Legislation

### Local Government Act 2002

#### Section 4 (LGA)

##### *“Treaty of Waitangi*

*In order to recognize and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.”*

#### Part 2 (LGA)

##### Section 14(1)(d)

*“A local authority should provide opportunities for Māori to contribute to its decision-making processes.”*

#### Part 6 (LGA)

##### Section 81 Contributions to decision-making processes by Māori

- 1 A local authority must -
  - (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
  - (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
  - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- 2 A local authority, in exercising its responsibility to make judgments on the manner in which subsection (1) is to be complied with, must have regard to –
  - (a) the role of the local authority, as set out in section 11; and
  - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

##### Section 82(2) (LGA)

*“A local authority must ensure it has in place processes for consulting with Māori in accordance with subsection 1 (principles of consultations 82(1))”*

### **The Resource Management Act 1981 also places Treaty obligations on local authorities.**

#### Part 2 – 6 (RMA)

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhitapu and other taonga
- (f) the protection of historic heritage from inappropriate subdivision, use and development
- (g) the protection of recognized customary activities.

**Part 2 – 7 (RMA)**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation*

*to managing the use, development, and protection of natural and physical resources, shall have*

*particular regard to –*

*(a) Kaitiakitanga*

*(aa) the ethic of stewardship*

**Part 2 – 8 (RMA)**

Treaty of Waitangi

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*



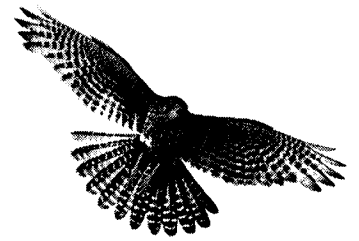
# **Te Kaupapa a Te Kārearea**

## **Te Kārearea Strategic Relationship Agreement**

**Developed August 2012**

**Reviewed May 2014**

**Agreed June 17<sup>th</sup> 2014**



# Te Kārearea

## Te Pae Tawhiti/Vision:

“He Whenua Rangatira”

“Whangārei, a district of prosperity, wellbeing and empowered communities”

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## Te Kaupapa/Mission:

“Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa”

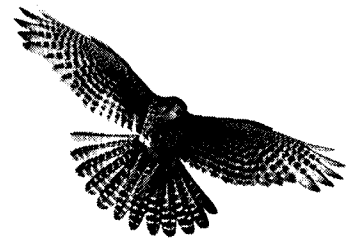
“Local Government that works through effective partnership and provides practical solutions”

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## Ngā Tikanga/Principles:

- He kitenga mutunga kore, mahi tahi, mahi pono – Strategic partnership working collaboratively and in good faith
  - Kia Māia – Providing leadership through courage
  - Te Manawatōpu – Of one heart and mind. We are stronger working together
  - Anga mua – Progressive and proactive
  - Me kōrero tika, tau noa ngā take – Open and frank mutually agreed outcomes
-

# Te Kārearea Strategic Relationship Agreement



## Purpose

Te Kārearea is the strategic partnership forum between the hapū of Whangārei district, working through Te Huinga and the Whangārei District Council. The purpose of Te Kārearea is to enable the partners to work closely together to achieve the agreed vision '*He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities*' and mission '*Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa* - Local Government that works through effective partnership and provides practical solutions'.

The forum provides a platform for high level, strategic discussions that will enable self-determination and self-reliance to flourish. This relationship will build to develop more robust partnership arrangements over time through learning conversations.

## Statement of Principles

He Whakaputanga o Te Rangatiratanga o Nu Tirenī (Declaration of Independence – 1835) and Te Tiriti o Waitangi 1840 provide the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Whangārei District Council engages with the hapū of Whangārei and recognizes its obligations under the Treaty of Waitangi and the Local Government Act. The organisational culture of Council will build strong relationships and embrace the principles and intent of these legislations. Issues will be addressed in a culturally appropriate way – with preference given to *kanohi ki te kanohi*, face-to-face engagement.

## Whāinga - Priorities of Work

Te Huinga and Whangārei District Council will identify and develop their respective priorities, and then through Te Kārearea agree priorities, which can be progressed together. This will be done in the spirit of "*Mahi tahi tutuki noa te kaupapa* – *Completing the tasks through a culture of partnership*".

There will be a commitment to understanding each other's views and priorities. The membership of Te Kārearea will work in good faith to support progress on their respective priorities for the duration of this agreement. The Partnership will always be reflective – going forward but looking back.

## Representation and Mandate

The Te Kārearea Strategic Partnership Forum is made up of eight mandated hapū representatives and eight elected members of Whangārei District Council, which includes the Mayor. The forum will be co-chaired by a hapū representative and the Mayor of Whangārei District Council.

## Te Kārearea Consultation

To achieve its purpose, each Partner will develop a schedule of 'issues of significance' to hapū in the Whangārei District and bring them to Te Kārearea.

The issues will be ranked by priority and the list kept up to date by Te Kārearea. The priority list of issues will guide Te Kārearea in developing a work programme and will be reviewed annually.

The Te Kārearea partners will engage in ongoing meaningful consultation with the wider Māori community to ensure that it maintains an awareness of the issues of significance to Māori in the community.

## Review of Agreement

The representatives on the Te Kārearea Partnership Forum will accept responsibility for reviewing this Strategic Relationship Agreement every three years from the date of signing.

Pita Tipene

Te Huinga

Mayor Sheryl Mai

Whangārei District Council

As Co-Chairs of Te Kārearea Strategic Partnership Forum

Dated this 17<sup>th</sup> day of JUNE 2014

**Appendices:****Background**

Whereas Central Government is recognised as The Treaty of Waitangi partner, it is acknowledged that partnership must also happen at a local level where local decisions are made.

New Zealand/Aotearoa is moving inexorably towards a new sense of nationhood and these partnership arrangements at a local level will further define a distinct society in a national and global setting, built on mutual respect, trust and advantage.

This partnership forum provides a starting point for Māori representation and participation in Council decision-making processes.

The strategic partnership shall be between Whangārei District Council (elected member representatives) and Te Huinga (hapū representatives of Whangārei). This strategic partnership will be known as Te Kārearea Strategic Partnership Forum. Refer Diagram 1.

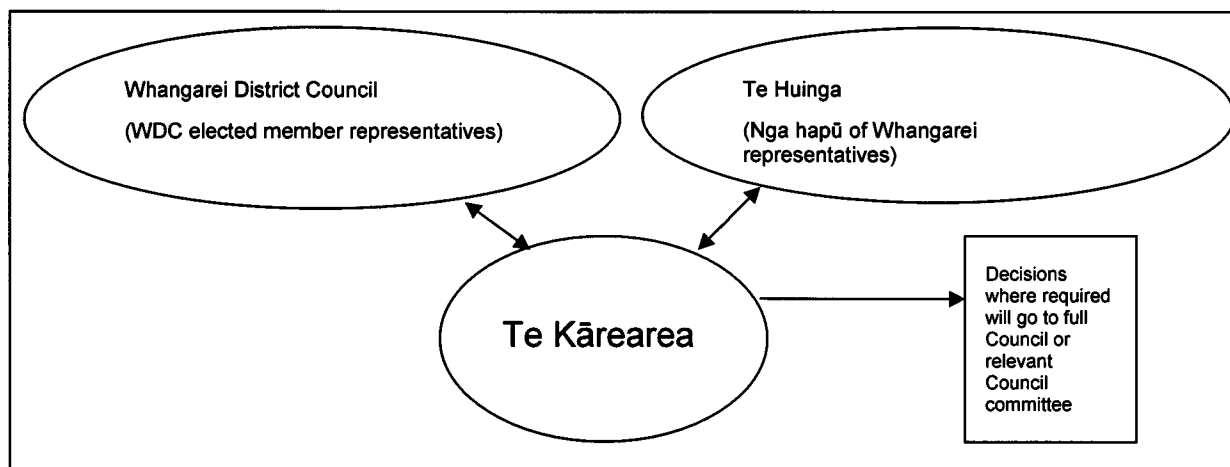


Diagram 1

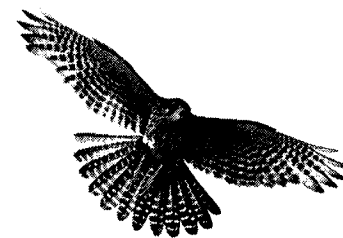
**Te Huinga Statement of Principles**

He Whakaputanga o Te Rangatiratanga o Nu Tirenī (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

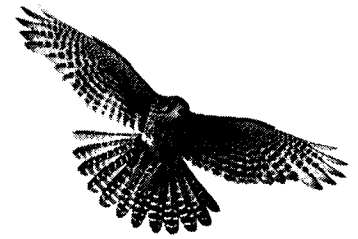
Te Huinga will work towards achieving the strategic intent.

**Strategic Intent**

- Vision/Te Pae Tawhiti: 'Ma nga hapū ano nga hapū e korero' - 'Hapū self reliance and prosperity'
- Mission/Te Kaupapa: 'Achieving hapū aspirations through effective and enduring relationships'
- Whangārei - Māori Community Outcomes:
  - a A rohe with a vibrant Māori culture
  - b A Māori community, which is healthy and highly educated
  - c A society that protects and cares for all its members
  - d A rohe with a flourishing Māori economy
  - e A society that appreciates and cares for its natural environment
- Nga tikanga – Values
  - a Whanau – the extended family is the social unit that Māori identify with.
  - b Mana Hapū - Hapū are the cornerstone of the Māori community and identity.
  - c Mana Motuhake – self-determination, self-reliance and self-sustainability.
  - d Whakarite – Invest time and energy in building decision-making capacity and capability.
  - e Te Manawatoopu – Of one heart and mind. We are stronger working together.
  - f Kia maia – Providing leadership through courage.







## Whangārei District Council Statement of Principles

In order to improve and enhance relationships with Māori, Council acknowledge a strategic platform is required upon which to continue to build strong relationships. Council has undertaken as part of the Whangārei District Council Long Term Plan 2012-2022 to further its collaboration with Māori organisations within the District. Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council willingly acknowledges it wishes to engage with Māori hapū and to recognize the Treaty of Waitangi.

The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

### Local Government Act 2002

#### Section 4 (LGA)

##### *Treaty of Waitangi*

*"In order to recognize and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes."*

#### Part 2 (LGA)

##### Section 14(1) (d)

*"A local authority should provide opportunities for Māori to contribute to its decision-making processes."*

#### Part 6 (LGA)

##### Section 76-80

##### Planning, decision-making, and accountability

*These sections direct Council to consider all reasonably practicable options to achieve the objective of a decision, to give consideration to the views and preferences of persons likely to be affected, about have to achieve compliance, the significance of a decision and the identification of inconsistent decisions.*

##### Section 81

#### Contributions to decision-making processes by Māori

##### 1 A local authority must -

- (a) *establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and*
- (b) *consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and*
- (c) *provide relevant information to Māori for the purposes of paragraphs (a) and (b).*

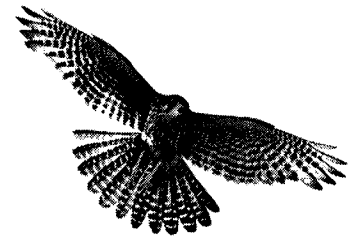
##### 2 A local authority, in exercising its responsibility to make judgments on the manner in which subsection (1) is to be complied with, must have regard to -

- (a) *the role of the local authority, as set out in section 11; and*
- (b) *such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.*

#### Section 82(2) (LGA)

*"A local authority must ensure it has in place processes for consulting with Māori in accordance with subsection 1 (principles of consultations 82(1))"*

**The Resource Management Act 1981 also places Treaty obligations on local authorities.**



### **Part 2 – 6 (RMA)**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahitapu and other taonga*
- (f) *the protection of historic heritage from inappropriate subdivision, use and development*
- (g) *the protection of recognized customary activities.*

### **Part 2 – 7 (RMA)**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –*

- (a) *Kaitiakitanga*
- (b) *the ethic of stewardship*

### **Part 2 – 8 (RMA)**

#### **Treaty of Waitangi**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Both the Resource Management Act 1991 (RMA), and more recently the Local Government Act 2002 (LGA), require Council to establish more formal, meaningful and sustainable relationships with Māori. These relationships, guided by the Treaty of Waitangi principles, are intended to foster:

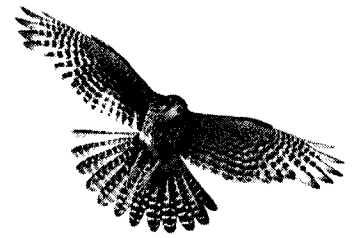
- opportunities for Māori to contribute to the decision-making processes of Council
- the development of Māori capacity to contribute to the decision-making processes of Council
- the provision of information to Māori so they are enabled to contribute to the decision-making processes of Council
- improved consultation with Māori.

## **Working Relationship**

- (a) A letter shall be completed between Whangārei District Council and Te Huinga covering operating protocols, agreed agenda-setting process, confidentiality issues, and press/publicity matters.
- (b) Formal meetings of Te Kārearea shall generally be held monthly with meetings alternating between a Marae and Council Chambers. A meeting with the full Whangārei District Council shall be held at least twice per annum.
- (c) Whangārei District Council will nominate its Senior Management and staff to work with Te Huinga.
- (d) The strategic partnership Te Kārearea will undertake an annual self-review process and a three-year review consistent with the Long Term Plan (LTP) cycle.
- (e) The Te Kārearea strategic partnership does not preclude individual hapū working on matters of their own concern with Council.

## **Funding**

Council will fund Te Kārearea to give effect to its kaupapa. This budget will be negotiated and agreed annually in advance.



## Te Huinga Representation and Mandate

At present there are 16 endorsed hapū representatives. Eight of these members represent hapū on Te Kārearea. Each hapū grouping has a lead and an alternate/support person in the event the lead is not available. They are as follows:

- Pita Tipene and Pita Cherrington (Te Orewai and Ngati Hine)
- Merepeka Henley and Te Warihi Hetaraka (Nga Hapū o Whangaruru)
- Deborah Harding and Jared Pitman (Patuharakeke)
- Allan Halliday and Mike Kake (Ngati Hau)
- Dick Shepherd and Huhana Seve (Ngati Kahu o Torongare)
- Taipari Munro and Hona Edwards (Te Parawhau and Te Urirotoi)
- Pereri Mahanga and Aperahama Edwards (Te Waiariki, Ngati Korora, Ngati Takapari)
- Kaile Nahi-Taihia and Anaru Kaipo (Nga Hapū o Mangakahia)

Discussion will be had with the respective hapū within the Whangārei rohe to decide on how representation will be configured on Te Huinga.

Eight of these sixteen members currently represent Te Huinga and sit on Te Kārearea following their hapū consultation processes, which endorsed their representation.

## Whangārei District Council Representation and Mandate

Council representation on Te Kārearea shall be Her Worship the Mayor, Deputy Mayor plus six elected members as appointed by HWM and received by Council at the start of each political term. In the event any Councillor/s on Te Kārearea is unavailable, there is provision for an alternate Councillor/s to replace them for that meeting.

Council representatives appointed to Te Kārearea are as follow:

- HWM Sheryl Mai
- Deputy Mayor - Cr Morgan
- Cr Deeming
- Cr Martin
- Cr Innes
- Cr Bell
- Cr Christie
- Cr Williamson

### Alternates

- Cr Halse
- Cr Bretherton
- Cr Cutforth
- Cr Glen
- Cr Hermon
- Cr McLachlan



## **Te Kārearea Strategic Partnership **Standing Committee** – Terms of Reference**

### **Membership**

**Chairpersons** Council based meetings: Councillor Phil Halse (to be confirmed by election)

Marae based hui: **to be determined from mandated hapū members\***

### **Members**

Her Worship the Mayor Sheryl Mai

Councillors Gavin Benney, Ken Couper, Greg Innes, Anna Murphy, Carol Peters, Simon Reid and Halse

Eight mandated hapū representatives: Delaraine Armstrong, Jade Kake, Tame TeRangi, Jared Pitman, Mira Norris, Aorangi Kawiti, Deborah Harding and Len Bristowe

### **Meetings**

**Bi monthly for formal standing committee meetings, with hui on being held on a marae in accordance with Tikanga\***

### **Quorum**

8 comprised of 4 councillor and 4 hapū members

**\*note, marae based hui will be in accordance with Tikanga and as such are outside of standing orders adopted under the Local Government Act 2002**

### **Preamble**

Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council. The desire to 'develop more robust partnership arrangements over time' was signaled **in the 2014 revision of the Agreement**. This partnership Committee Represents an important step in that process. While the Purpose, Key Responsibilities and Delegations form the basis for the Terms of Reference to determine what the Committee will do, it is important that the respective principles of each of the Partners continue to underpin the relationship, **and that the relationship builds on the foundations outlined in the Agreement**. The Statement of Principles for each of the Partners, as established in the foundation relationship agreement, is below.

### **Te Huinga Statement of Principles**

He Whakaputanga o Te Rangatiratanga o Nu Tireni (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Te Huinga will work towards achieving the strategic intent.

#### *Strategic Intent*

- Vision/Te Pae Tawhiti: 'Ma nga hapū ano nga hapū e korero' - 'Hapū self reliance and prosperity'

- Mission/Te Kaupapa: 'Achieving hapū aspirations through effective and enduring relationships'
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  - e Te Manawatoopu – Of one heart and mind. We are stronger working together.
  - f Kia maia – Providing leadership through courage.

### **Whangārei District Council Statement of Principles**

In order to improve and enhance relationships with Māori, Council acknowledge a strategic platform is required upon which to continue to build strong relationships. Council is committed to collaboration with Māori organisations within the District.

Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council wishes to engage with Māori hapū and to recognize the Treaty of Waitangi. The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

### **Purpose**

To enable the primary partners (Council and hapū of Whangārei) to work closely together to achieve the agreed vision 'He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities' and mission 'Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa - Local Government that works through effective partnership and shared decisions to provide practical solutions'. Central to this is continued development of robust partnerships through learning conversations.

The Committee provides a platform for high level/strategic discussions and priority setting between the primary partners, with preference given to *kanohi ki te kanohi* (face-to-face) and preserving tikanga. Areas of focus include, but are not limited to;

- Identifying the cultural, economic, environmental, and social issues/decisions of Council that are significant for Māori<sup>1</sup> in the Whangārei District. (participation)
- Ensuring Council complies with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls (assurance)
- To agree mutual strategic priorities (direction)

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<sup>1</sup> Māori in this context is defined as people that affiliate to a whanau, hapū, Iwi, mana whenua groups

However, it is acknowledged that areas of focus/priorities may be beyond the direct control of the committee, meaning that in some areas it will be operating in an advisory capacity.

Recognising this, and to ensure clarity, the Working Group for Maori Participation in decision making (which was tasked with developing Terms of Reference) split the responsibilities of the Committee into those where it provides advice and recommendations, and those where decision making powers would be delegated.

### **Key responsibilities – advice and recommendations**

- 1) Participation
  - a) Develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council.
  - b) Ensure the views of Māori are taken into account.
  - c) Recommend ways to develop Council capacity
  - d) Recommend ways to develop Māori capacity to contribute to decision making processes
  - e) Governance oversight of initiatives, Te Karearea budget and resourcing to build capacity (both Council and Māori) and deliver on the Terms of Reference
  - f) Provide for equitable participation
- 2) Direction
  - a) Identify strategic priorities for the partnership
  - b) Provide advice on topics referred by Council and Māori
  - c) Advice to, and relationships with, other committees of Council
  - d) Recommendations on harbour and waterway matters (within the jurisdiction of WDC)
  - e) Advice and recommendations on 3 Waters and flood protection infrastructure
  - f) Oversight and advice on central government reform initiatives relating to strategic priorities of the partnership and Te Ao Māori including, but not limited to, three waters reform
  - g) Provide advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan
  - h) Information sharing / discussions on Treaty Settlement processes and potential co-governance opportunities (where appropriate)
  - i) Identify matters of significance to Māori that may require joint positions/advocacy with external agencies (i.e. co-governance) or recommendations to Council
  - j) Recommendations on Maori Representation (i.e. under the Local Electoral Act)
- 3) Assurance
  - a) Develop a workplan and strategy log to monitor input to, and decision making/progress on, strategic priorities identified by the Committee
  - b) Monitor and advise on council's compliance with its legislative obligations to Māori, including under the Local Government Act 2002 and the Resource Management Act 1991.
  - c) Receive and consider audit reports on Council's compliance with its legislative obligations
  - d) Monitor and ensure that appropriate action is being taken

- e) Monitor and assess the primary partner relationship against its vision and mission
- f) Monitoring compliance with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls

### **Key Responsibilities – under Delegated authority**

- 1) Establishing Audit Processes for statutory provisions relating to Te Tiriti o Waitangi (the Treaty of Waitangi).
- 2) Establishing Council processes and templates for Mana whakahono ā rohe Agreements and Iwi/Hapu Environmental Management Plans
- 3) Developing a Te Ao Maori framework for decision making
- 4) Establishment of working parties or steering groups
- 5) Nominating hapū representatives to any Council committee, joint committee or working group (as required, noting that nominations to Council Committees or Joint Committees must then be appointed by full Council)
- 6) Developing collaborative relationships on strategic priorities/areas of focus

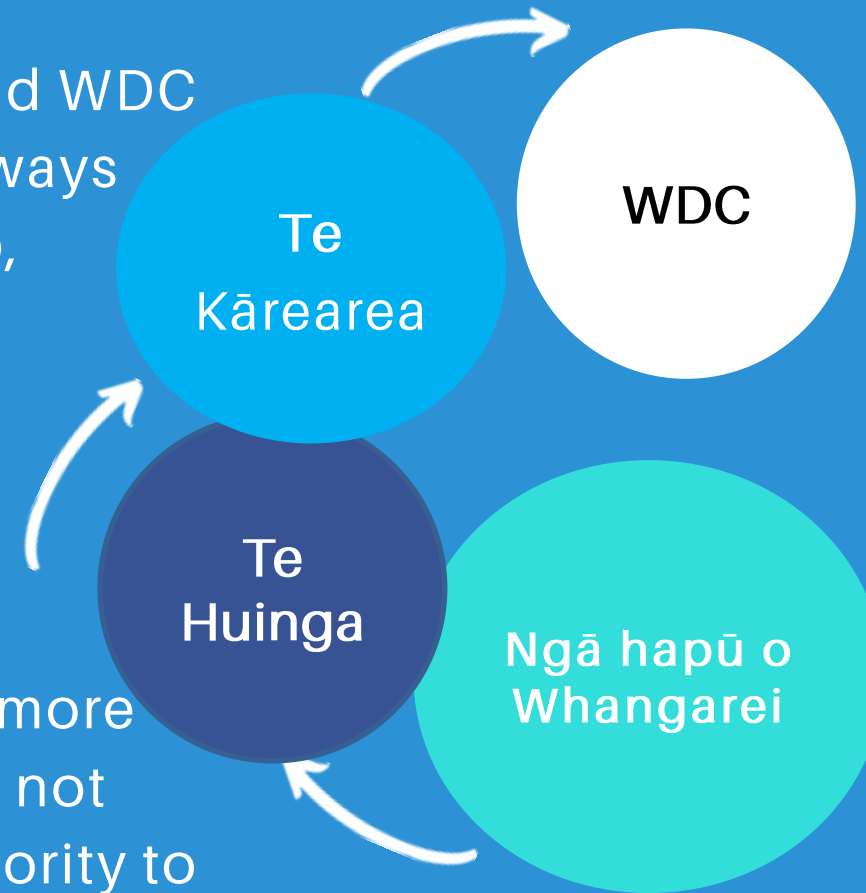


## Whangarei District Hapū Participation

Ngā hapū o Whangarei and WDC decided to develop pathways for working in Partnership, as described under He Whakapūtang me Te Tiriti o Waitangi.

While Te Huinga and Te Kārearea have existed for more than a decade, hapū have not had decision making authority to exercise equity in that relationship with WDC. WDC agreed to work with hapū to determine what that could look like.

Both agreed making Te Kārearea a Standing Committee was our first shared goal, to work as a strategic partnership, with full decision-making powers, within an agreed scope of work.



## In Local Government Decision Making

A joint Working Group, made up of three WDC Councillors and three Te Huinga hapū reps developed a process to get eight hapū reps. While WDC led the Working Group, Te Huinga developed on an open and inclusive hapū engagement process to select eight hapū reps.

The selections were merit based on strategic governance skills and experience to deliver equitable strategic leadership within Whangarei District Council.

The selection process concluded on Thurs 10 Sep at Whangarei Terenga Paraoa Marae.

## TE KĀREAREA STANDING COMMITTEE

Delaraine Armstrong  
 Jared Pitman  
 Tame Te Rangi  
 Deborah Harding  
 Jade Kake  
 Mira Norris  
 Len Bristowe  
 Aorangi Kawiti



### HUI A HAPŪ

3 Ngā hapū o Whangarei  
 Info hui held



### TE KĀREAREA

13 Nominations received  
 Interview panel selected



### INTERVIEWS

7 Te Kārearea candidates selected



### ANNOUNCEMENT DINNER

8th candidate confirmed from TH  
 successful candidates announced



### INDUCTION

Te Kārearea Induction Process

**Attachment****WDC Standing Orders 5.1 and 5.6****5.1 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons**

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.6) when electing people to the following positions:

- The Chairperson and deputy Chairperson of a regional council;
- The deputy Mayor;
- The Chairperson and deputy Chairperson of a committee; and
- A representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 9.

*cl. 25 Schedule 7, LGA 2002.*

**5.6 Voting system for chairs, deputy Mayors and committee chairs**

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

**System A**

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

**System B**

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

*cl. 25 Schedule 7, LGA 2002.*



## 6.2 Joint Climate Change Adaptation Committee

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** Bernadette Aperahama (Senior Strategic Planner)

### 1 Purpose

Seeking Council agreement to establish and participate in a joint standing committee of Northland councils to provide oversight of local government climate change adaptation activities in Northland.

### 2 Recommendations

That the Council:

1. agrees to the establishment of a Joint Council Climate Change Adaptation Committee as provided for in the Local Government Act 2002 (Clause 30 and 30A Schedule 7);
2. adopts the draft terms of reference (Attachment 1) for the joint committee and acknowledges that this fulfils the requirements of 30A(1).
3. nominates two elected members to the joint committee. Councillor Anna Murphy as primary member and Councillor Innes (Deputy Mayor) as alternate member in the event Councillor Anna Murphy is unable to attend.
4. Notes that Te Huinga hapū nominations to the committee will be considered at Te Kārearea (if established) prior to being confirmed by Council.

### 3 Background

#### 3.1 National Climate Change Risk Assessment

The findings of New Zealand's first National Climate Change Risk Assessment (NCCRA) were released in August. The NCCRA is a national overview of how New Zealand may be affected by climate change-related hazards, and identifies the most significant risks and opportunities. You can read the full NCCRA here:

<https://www.mfe.govt.nz/sites/default/files/media/Climate%20Change/national-climate-change-risk-assessment-main-report.pdf>

Or the summary here:

<https://www.mfe.govt.nz/sites/default/files/media/Climate%20Change/national-climate-change-risk-assessment-new-zealand-snapshot.pdf>

Climate change is likely to pose the most significant risks to Northland's communities and environment in the coming decades. Our region has an extensive coastline that is home to

numerous communities, a large amount of infrastructure and highly valued cultural and ecological sites – all of which are vulnerable to sea level rise to name just one threat. The impact of a drying climate on the regions water supplies, our primary production sector and unique ecology are other examples of where Northland is likely to be vulnerable.

The NCCRA identified 43 priority risks across five domains highlighting the 10 most significant risks based on urgency. The 10 most significant risks are identified in Table 1 and include two Governance related risks.

**Table 1:** New Zealand's 10 most significant climate change risks, based on consequence and urgency

DOMAIN	RISK	RATING	
		Consequence	Urgency (44-94)
Natural environment	Risks to coastal ecosystems, including the intertidal zone, estuaries, dunes, coastal lakes and wetlands, due to ongoing sea-level rise and extreme weather events.	Major	78
	Risks to indigenous ecosystems and species from the enhanced spread, survival and establishment of invasive species due to climate change.	Major	73
Human	Risks to social cohesion and community wellbeing from displacement of individuals, families and communities due to climate change impacts.	Extreme	88
	Risks of exacerbating existing inequities and creating new and additional inequities due to differential distribution of climate change impacts.	Extreme	85
Economy	Risks to governments from economic costs associated with lost productivity, disaster relief expenditure and unfunded contingent liabilities due to extreme events and ongoing, gradual changes.	Extreme	90
	Risks to the financial system from instability due to extreme weather events and ongoing, gradual changes.	Major	83
Built environment	Risk to potable water supplies (availability and quality) due to changes in rainfall, temperature, drought, extreme weather events and ongoing sea-level rise.	Extreme	93
	Risks to buildings due to extreme weather events, drought, increased fire weather and ongoing sea-level rise.	Extreme	90
Governance	Risk of maladaptation <sup>1</sup> across all domains due to practices, processes and tools that do not account for uncertainty and change over long timeframes.	Extreme	83
	Risk that climate change impacts across all domains will be exacerbated because current institutional arrangements are not fit for adaptation. Institutional arrangements include legislative and decision-making frameworks, coordination within and across levels of government, and funding mechanisms.	Extreme	80

<sup>1</sup> Maladaptation refers to actions that may lead to increased risk of adverse climate-related outcomes, including via increased greenhouse gas emissions, increased vulnerability<sup>4</sup> to climate change, or diminished welfare, now or in the future. Maladaptation is usually an unintended consequence.

It is therefore essential that local government in Northland acts collaboratively to plan how we adapt to these threats to ensure an effective, efficient and coordinated approach is adopted across Taitokerau.

Collaborative inter-council arrangements have proven very effective at dealing with complex issues that benefit from cross-council coordination – these include those established for transport (Regional Transport Committee and Northland Transportation Alliance) and Civil Defense Emergency Management.

### 3.2 Council collaboration

In mid-2018 staff from Kaipara District Council (KDC), Whangarei District Council (WDC), Northland Regional Council (NRC) and Far North District Council (FNDC) agreed that a regional wide consistent and collaborative approach across the four councils was the preferred way forward for adapting to the impacts of climate change across the Northland Region. The first meeting of representatives from the administration of the four Northland Councils plus representatives from the administration of the Northland Transport Alliance (NTA) was held in Whangārei on the 23 July 2018. At this meeting it was agreed that a climate change adaptation working group be formed with the intent of collaborating on issues and approaches to responding to climate change. It was also agreed among attendees at the 23 July 2018 meeting that, to legitimise and give a mandate to a cross council climate change adaptation working group, that the endorsement by the Northland Chief Executive Officers and Mayoral Forums was required.

A draft Terms of Reference for a Northland wide climate change adaptation working group was submitted to the Chief Executive Officers Forum on 20 August 2018. The Chief Executive Officers Forum endorsed the Terms of Reference and appointed the Chief Executive Officer from KDC as the project sponsor. The membership of the working group includes staff representatives from FNDC, NRC, KDC, WDC, NTA and the Four Waters Advisory Group. In November 2019 hapū and iwi representatives attended the working group meeting for the first time and now have standing invitations to attend the quarterly meetings from herein.

The purpose of the working group as written in its Terms of Reference is ‘to develop a regional collaborative approach to climate change adaptation planning for local government in Northland. This will include a draft climate change strategy for Northland and an associated work programme that identifies and addresses priority issues at both a regional and district level’. The working group has undertaken a renaming exercise in recent months. This group is now referred to as the Climate Adaptation Te Taitokerau (CATT) Group.

The CATT Group has no delegated authority with recommendations of the group requiring approval by the relevant council(s) prior to the implementation or adoption of any strategy, plan or governance document like a term of reference.

Since its inception the CATT Group has been working towards the development of a regional wide climate change adaptation strategy. This has drawn heavily on the advice and direction provided by the Ministry for the Environment and case studies from across New Zealand.

While this group is functioning well, it is recommended that a joint council committee is also established to provide governance oversight of climate change adaptation activity. The committee would focus on climate change adaptation as this is where the majority of councils’ functions lie and where collaboration is most needed. The staff are also sharing information and approaches in the area of mitigation. In the short term, is likely to pursue more ‘bespoke’ approaches in emissions reductions.

A consistent message that has come from the work and analysis undertaken by the CATT Group is that the success of climate change adaptation initiatives relies heavily on having clear governance and oversight groups in place.

## 4 Discussion

### 4.1 Proposal for a joint standing committee

It is recommended that each council nominate two elected members - one as their full member and an alternate as a 'back-up' in the event the first nominee is unable to attend.

Each council is to also seek the nomination of two iwi/hapū representatives from their jurisdictions (again one as 'back-up' / alternate). In total there would be eight full time members of the committee. Four elected members from across the Northern Councils and four iwi or hapū representatives.

It is also recommended that iwi / hapū representatives should be remunerated for their participation and that remuneration is the responsibility of the nominating council.

The proposal was presented to and supported by the Chief Executives Forum at its meeting on Monday 3 February 2020, and subsequently endorsed by the Northland Mayoral Form at the meeting of 24 February 2020. Both the Mayoral Forum and Chief Executives Forum recommended that this committee have equal representation by Māori. Feedback from the Mayoral Forum on the paper was 'that while the concept was supported there needed to be more consultation with Māori advisory groups from each council before moving forward'.

In November 2019, staff invited Te Huinga to nominate representatives to work alongside Whangarei District Council staff in the development of current climate change related projects. Accordingly, Delaraine Armstrong and Rosie Wellington were nominated by Te Huinga and have been working with staff since.

Staff provided a written update to the July 2020 meeting of Te Huinga including the proposal to establish a joint climate change committee and the draft Terms of Reference for the committee. Staff attended the August 2020 meeting of Te Huinga in person which followed the August climate change briefing to Elected Members. Te Huinga supported the establishment of and participation within the committee and nominated Rosie Wellington and Delaraine Armstrong as the representatives.

While a resolution was passed in support of this (Attachment 2) it does not identify who will be the primary member, and who will be the alternate. Given this, and the role of the Te Kārearea Standing Committee in "nominating hapū representatives to any Council committee, joint committee or working group" under its draft Terms of Reference, it is proposed that nominations be considered at Te Kārearea (if established) prior to being confirmed by Council.

The proposal for a joint standing committee was raised with the Elected Members at the 6 May 2020 briefing. Elected members were provided more detailed information on the proposal at the 6 August 2020 briefing.

NRC and FNDC have formally agreed to the establishment of the committee. At the time of writing, it is intended that KDC will be considering the proposal in September.

<b>Council</b>	<b>Elected Member</b>	<b>Tangata Whenua Nomination</b>
FNDC	Cr Clendon	Not identified as yet.
NRC	Cr McDonald	Toa Faneva
KDC	Item to go to council at the end of September	
WDC	Item to go to council in September	To be



## 4.2 Statutory mechanisms

The formation of joint council standing committees is provided for in the Local Government Act 2002 (Clause 30 and 30A Schedule 7).

Clause 30A(1) states that a local authority may not appoint a joint committee under clause 30(1)(b) unless it has first reached agreement with every other local authority or body that is to appoint members of the committee. The joint committee will be positioned under NRC as it is exercising their standing orders, and they have provided dedicated funding and resourcing to support collaboration on climate change across the region.

Under Clause 30A(2), an agreement under subclause 30A(1) must also specify—

- a) the number of members each local authority or public body may appoint to the committee; and
- b) how the chairperson and deputy chairperson of the committee are to be appointed; and
- c) the terms of reference of the committee; and
- d) what responsibilities (if any) are to be delegated to the committee by each local authority or public body; and
- e) how the agreement may be varied.

Draft terms of reference for the committee are included as **Attachment 1** for consideration by Council – these include recommended purpose, responsibilities and representation arrangements. It is not proposed that the committee have decision making powers or delegations. Administrative and technical support would be provided by the Climate Adaptation Te Taitokerau group. The draft terms of reference attached address the requirements above and by each council resolving to adopt the terms of reference the requirements of Clause 30A(1) are considered to be met.

Clause 31 of Schedule 7 of the Local Government Act 2002 also allows a local authority to appoint non-elected members to a committee, if in the opinion of the local authority those persons have the skills, attributes or knowledge that will assist the work of the committee.

The committee will be headed by NRC which aligns with leadership role that NRC staff have with the work programme.

## Considerations

No.	Option	Advantages	Disadvantages
1	No joint governance oversight of the climate change adaptation work programme	<p>No costs associated with operation of the committee.</p> <p>Each council has full autonomy to decide its own approach.</p>	<p>No coordinated local government and Māori governance oversight of adaptation planning and activity across Northland.</p> <p>Less likelihood of effective communication of Northland adaptation initiatives.</p> <p>Greater potential for inconsistent approaches to climate change adaptation activity across the region.</p> <p>Lack of potential for cost savings for combined initiatives.</p>

2	A joint council committee is established with Māori representation	<p>Direct governance oversight, including Māori representation aligning with best practice.</p> <p>Single point of contact with dedicated committee of all councils.</p> <p>Improved communication / support for adaptation planning.</p> <p>Greater potential for inconsistent approaches to climate change adaptation activity across the region.</p> <p>Improved governance relationships with hapū and iwi.</p>	Costs (remuneration and staff reporting / admin time).
3	Councillor only committee (no Māori representation)	<p>Direct governance oversight.</p> <p>Single point of contact with dedicated committee of all councils.</p> <p>Improved communication / support for adaptation planning.</p>	<p>Risks missing issues important to Māori and may negatively impact on council / Māori relationship.</p> <p>Risks less effective communication with Maori communities.</p> <p>Not meeting best practice regarding governance representation in partnership with Māori.</p>

The recommended option is **Option 2**.

It is recommended that a joint standing committee of the Far North, Whangarei, Kaipara and Northland Regional councils be established and, that it include tangata whenua representation to ensure these outcomes are achieved in a coordinated and collaborative way across Taitokerau. The formation of joint council committees and appointment of non-elected members to such committees is provided for in the Local Government Act 2002 (Clause 30 and 30A Schedule 7). Draft terms of reference for the joint committee are **attached** for consideration and adoption by council.

#### 4.3 Financial/budget considerations

The financial implications of the proposed committee are considered minor and generally limited to remuneration and administrative costs. The joint committee is project specific therefore costs will be accommodated in existing operational budgets for the climate change adaptation programme of work. It is proposed that the meeting fee for non elected members on the committee will be consistent with that proposed for Te Kārearea (\$280 per meeting), if established by Council. This can be met through budgets already allocated by Council.

Additional costs for climate change adaptation will need to be considered through respective councils' future Long Term Plans.

## 5 Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is not considered to be of high significance when assessed against council's significance and engagement policy because it can be considered part of council's day to day activities.

This does not mean that this matter is not of significance to our hapū partners and/or individual communities, but that the Council is able to make decisions relating to this matter without undertaking further consultation or engagement. The establishment of a joint council committee will also improve the level of engagement for Māori and the community in relation to planning climate change adaptation.

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via the Agenda publication on the website.

Council has engaged with hapū on the proposal through the Te Huinga forum which supported the draft terms of reference and nominated members to the joint committee. No significant adverse impacts on Māori were identified and none are expected as a result of the establishment of the joint committee. It is noted that council has not engaged more broadly at this stage and that a key role going forward for the joint committee will be to engage with tangata whenua and the community around climate change adaptation options.

## 6 Attachments

**Attachment 1:** Terms of Reference for the Joint Committee

**Attachment 2:** Resolution by Te Huinga



# Attachment 1: Terms of Reference

## Joint climate change adaptation committee Terms of Reference

August 2020

### Background

Climate change poses significant risks to the environment and people of Te Taitokerau - local government has responsibilities in reducing the impact of climate change (adaptation). It is essential that councils, communities and iwi / hapū work collaboratively to ensure an effective, efficient and equitable response to the impacts of climate change. Work on adaptation has already started between council staff with the formation of the joint staff working group Climate Adaptation Te Taitokerau and the development of a Climate Change Adaptation Strategy for Taitokerau. The formation of a joint standing committee of the Far North, Kaipara and Whangarei district councils and Northland Regional Council elected council members and iwi / hapū is fundamental to ensuring these outcomes are achieved in a coordinated and collaborative way across Te Taitokerau.

### Role and Responsibilities

- 1) Provide direction and oversight of the development and implementation of climate change adaptation activities by local government in Te Taitokerau
- 2) Receive advice and provide direction and support to Climate Adaptation Te Taitokerau
- 3) Make recommendations to member councils to ensure a consistent regional approach is adopted to climate change adaptation activities
- 4) Act collectively as an advocate for climate change adaptation generally and within the individual bodies represented on the Committee
- 5) Ensure the bodies represented on the Committee are adequately informed of adaptation activity in Te Taitokerau and the rationale for these activities
- 6) Ensure the importance of and the rationale for climate change adaptation is communicated consistently within Te Taitokerau
- 7) Receive progress reports from Climate Adaptation Te Taitokerau

### Membership

The Joint Climate Change Adaptation Committee (the committee) is a standing committee made up of elected members from the Far North, Kaipara and Whangarei district councils, the Northland Regional Council and representatives from Northland hapū and iwi.

The committee shall have eight members as follows:

One elected member from:

Kaipara District Council  
Far North District Council  
Whangarei District Council  
Northland Regional Council

Iwi / hapū members:

One representative from iwi / hapū nominated by each council from within their jurisdiction. Where possible, this nomination should follow recommendations from council Māori advisory groups or committees.

Each council shall also nominate one alternative elected member and one alternative iwi / hapū member who will have full speaking and voting rights when formally acting as the alternate.

### **Status**

The Committee is a joint standing committee of council as provided for under Clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 and shall operate in accordance with the provisions of Clause 30A of that Act. The committee is an advisory body only and has no powers under the Local Government Act 2002 (or any other Act) other than those delegated by decision of all member councils. The joint standing committee shall operate under Northland Regional Council Standing Orders.

### **Committee Chair and deputy Chair:**

The Chair and Deputy Chair is to be elected from members at the first meeting of the committee.

### **Quorum**

At least 50% of members shall be present to form a quorum.

### **Meetings**

The Committee shall meet a minimum of two times per annum.

### **Service of meetings:**

The Northland Regional Council will provide secretarial and administrative support to the joint committee.

Draft agendas are to be prepared by Climate Adaptation Te Taitokerau and approved by the Chair of the Committee prior to the Committee meeting.

### **Remuneration**

Remuneration and / or reimbursement for costs incurred by council members is the responsibility of each council.

Respective iwi / hapū representatives will be remunerated and reimbursed by the nominating council in accordance with the non-elected members remuneration policy of that council.

### **Amendments**

Any amendment to the Terms of Reference or other arrangements of the Committee shall be subject to approval by all member councils.

## **Attachment 2: Resolution by Te Huinga**

# RESOLUTION: Joint Climate Change Adaptation Committee

<b>Subject:</b>	Te Huinga Meeting	
<b>When:</b>	Thursday 6 August 2020	
<b>Where:</b>	The Hub	
<b>Chair:</b>	Taipari Munro	
<b>Secretariat:</b>	Janelle Beazley	
<b>Apologies:</b>	Mylie George (late), Sandra Hawken	
<b>Present:</b>	i. Mike Kake	(left 1.20pm) ) Ngati Hau
	ii. Sharon Kaipo	Ngati Horahia
	iii. Taipari Munro	Te Uriroroi
	iv. Aorangi Kawiti	Te Waiariki, Ngati Takapari, Ngati Korora
	v. Janelle Beazley	Ngati Toki/Ngati Horahia
	vi. Delaraine Armstrong	(left 1.50pm) )Te Orewai
	vii. Rose Wellington	Ngati Takapari
	viii. Deborah Harding	(left 1.50pm) Patuharakeke
	ix. Waimarie Bruce Kingi	(arrived 12.50pm) Ngati Kahu o Torongare
	x. Mylie George	(arrived 12.40p) Ngati Hine
	xi. Manuhiri	(WDC) Aperahama Edwards (WDC) Hamish Sykes (WDC) Injoo Riehl (WDC) Tony Horton (WDC) Bernadette Aperahama
Agenda Item		Action
<b>1. Joint Climate Change Adaptation Committee</b> Information shared to all by Bernadette and joined by Hamish and Tony about the new steps for the Climate Change Committee. Workshops will take place in September and members asked how would we prefer these – one day, visual and interactive. Bernadette will come back to TH to advise of the workshops.  <i>It was resolved that Te Huinga members support and agree to participate in the Joint Climate Change Adaptation Committee</i>  <div style="text-align: right;">T Munro/S Kaipo <b>CARRIED</b></div> <i>It was resolved that Te Huinga reaffirm and nominate Delaraine Armstrong and Rose Wellington as the representatives for the Joint Climate Change Adaptation Committee.</i>  <div style="text-align: right;">T Munro/S Kaipo <b>CARRIED</b></div>		
<b>2. Next Te Huinga Meeting – 3 September 2020</b>		
<b>3. Meeting closed with karakia at 3.45pm by Taipari Munro</b>		<b>Next Te Huinga Meetings:</b> 3 Sept, 1 Oct, 5 Nov, 3 Dec



## 6.3 Appointment to NRC Urban Whangarei River Liaison Working Group

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** Joanne Tasker (Assurance Coordinator)

### 1 Purpose

To appoint an elected member to the Northland Regional Council (NRC) Urban Whangarei River Liaison Working Group.

### 2 Recommendation

That the Council approves the appointment of Councillor Cocurullo to the Northland Regional Council Urban Whangarei River Liaison Working Group..

### 3 Background

Historically NRC has requested that Council appoint a representative to a number of NRC working groups.

In November 2019 staff sought confirmation from NRC of the appointments that it would be seeking from Council in this Triennium.

On 19 December 2019, Council (at the request of NRC) appointed a representative to the NRC Regional Transport Committee, Northland Civil Defence Emergency Management Committee, and the NRC Whangarei Public Transport Working Party.

NRC have recently asked that Council also appoint a representative to the NRC Urban Whangarei River Liaison Working Group (the Working Group).

### 4 Discussion

The Working Group advises and makes recommendations to NRC on all matters pertaining to the development and implementation of flood risk reduction plans for the Hatea, Raumaunga and Waiarohia streams/rivers.

Appointments to working groups are covered by the Council Appointment to Outside Organisations Policy 018. This policy is subject to any Rules document of the organisation.

The Working Group's Terms of Reference currently state that the Working Group will comprise of one Whangarei District Councillor. Appointing an elected member therefore aligns with Council Policy, as it is provided for in the Rules document.

The historic Terms of Reference for the working group are attached.

## **5 Significance and engagement**

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

## **6 Attachment**

1. Terms of Reference Urban Whangarei Rivers Flood Management Working Group

## **TERMS OF REFERENCE**

### **Urban Whangarei Rivers Flood Management Working Group**

#### **Terms of Reference**

- Reporting to:** The Northland Regional Council
- Composition:** The Working Group shall comprise:
- One Northland Regional Councillor appointed by the Northland Regional Council who shall be the chair of the Working Group
  - One Whangarei District Councillor
  - One iwi member
  - One member to represent the Whangarei Chamber of Commerce
  - One member to represent business and commercial interests within the Whangarei CBD
  - One representative of the ratepayers (four representatives in total) from each of the following areas:
    - Whangarei CBD/Hatea
    - Waiarohia/Raumaunga
    - Morningside
    - Port Road/Commerce Street
- And any other person that the Northland Regional Council may from time to time appoint to the Working Group because of their particular skills or knowledge.
- Length of Term:** Appointments will be made for a term of three years, in sequence with the local government elections, or until earlier disqualification, death or resignation. Should any of the latter three events arise, replacement appointees may be made by the Northland Regional Council.
- Meeting Frequency:** As required.
- Objective:** To advise and make recommendations to the Northland Regional Council on all matters pertaining to the development and implementation of flood risk reduction plans for the Hatea, Raumaunga and Waiarohia streams/rivers (urban Whangarei rivers).
- Functions:** The Urban Whangarei Rivers Flood Management Working Group is an advisory working group of the Northland Regional

Council and has no delegated authority or specific powers. Its functions are to:

1. Provide a stakeholder forum for the development of policies and plans for the reduction of flood risk within the areas of the urban Whangarei rivers.
2. Enable stakeholders to participate in the ongoing management of flood risk reduction within the areas of the urban Whangarei rivers.
3. Facilitate communications between the Northland Regional Council, which is ultimately responsible for the development and implementation of Management Plans to reduce flood risk, and the residents and landholders within the areas of the urban Whangarei rivers.
4. Advise the Northland Regional Council on all matters relating to the development and implementation of the urban Whangarei river management plans.

**Specific tasks will include:**

1. Assisting the Northland Regional Council to develop and adopt River Management Plans for the reduction of flood risk in the urban Whangarei rivers.
2. Reviewing the implementation and effectiveness of other measures identified in the River Management Plans to reduce flood risk, including policies and rules in Regional and District Plans, controls under the Building Act, or any other methods.

## 6.4 Consultation on the Draft Whangarei District Growth Strategy

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** Tony Horton (Manager – Strategy)

### 1 Purpose

To seek endorsement to consult with the public on the Draft Whangarei District Growth Strategy.

### 2 Recommendations

That Council;

1. Endorses the Draft Whangarei District Growth Strategy (Attachment 1) for public consultation.
2. Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Draft Whangarei District Growth Strategy and to approve the final design and layout of the document prior to final printing and publication.

### 3 Background

The Draft Whangarei District Growth Strategy (the Strategy) is the culmination of two major programmes of work:

1. A full review of Whangarei District Growth Strategy: Sustainable Futures 30/50
2. New central government policy direction, including National Policy Statements

The Strategy sets out a 30-year vision for how development will be accommodated and managed across the Whangarei District. It continues the approach set by Sustainable Futures 30/50 which was to consolidate growth around our urban areas and growth nodes.

Whangarei District Council consulted on the previous version of the Strategy in June 2019. Since then staff have been able to incorporate new data and direction from central government.

The revised Strategy was presented to elected members at a Council Briefing on the 18 August 2020. Feedback from that briefing was general support for a second round of public consultation.

## 4 Discussion

### 4.1 Reasons to consult

The new Strategy (attachment 1) has reached a stage where staff consider it is appropriate to undertake a second round of consultation because:

- Since the June 2019 Consultation we have been able to incorporate new data and
- direction from central government including:
  - 2018 Census results, released in 2019 and 2020
  - New National Policy Statements / Central government reform
  - Progress on key programmes such as Placemaking, Northland to Auckland Corridor Plan
- Impacts of COVID-19 and alignment with Councils COVID-19 response
- Feedback received on the growth strategy can help inform the 2021–31 Long Term Plan
- Gives another opportunity for the community and stakeholders to provide feedback

Council could alternatively move to make a decision on whether to adopt the strategy without a second round of consultation. This would have the advantages to moving the Strategy work programme into an implementation phase. However, staff consider the nature of the changes between the new version and the 2019 version are broad enough to warrant further community input.

### 4.2 Consultation approach

The consultation approach has two desired outcomes:

- Input and alignment with key stakeholders and partners
- Greater awareness and input from the wider community

To achieve this, the following consultation approach is proposed:

- All parties who provided feedback in June 2019 will be contacted and invited to provide further feedback
- Targeted workshops with key stakeholders and partners including government agencies, neighbouring councils and Te Huinga / Te Karearea
- An online form and / or survey to get broad public feedback
- Advisory group workshops
- Visual presence and hardcopy forms at Libraries and service centres
- A 5 week consultation period
- Consultation commencing 1 October

The full results of the consultation will be reported back to Council along with recommended changes to the Strategy.

### 4.3 Alignment with National Policy Statement on Urban Development requirements

The new National Policy Statement on Urban Development (NPS-UD) has a number of new requirements for our Council which will impact on the ongoing Strategy work programme. These impacts include both process and policy outcomes. The key requirements in relation to the growth strategy are noted below:

- An assessment of housing demand and our capacity to meet demand by 31 July 2021, following by housing targets in the Regional Policy Statement and District Plan

- Future Development Strategy showing how we will accommodate new houses and business by 2024, including consultation under Sec 83 of the Local Government Act.

The Strategy, along with District Plan and the Urban and Services Plan Change, has put us in a good position to respond to these new requirements. The Strategy includes a Future Development Plan. This will need further refinement to meet the new requirements and will be subject to further consultation within the next 4 years, leading up to the 2024 timeframe set out in the NPS-UD.

Furthermore, new possible policy direction on productive land, biodiversity and climate change will likely require an ongoing programme work and further consultation, over and above what is recommended in this agenda.

#### **4.4 Financial/budget considerations**

The budget for consultation is covered by existing operational budgets.

## **5 Significance and engagement**

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via the Agenda publication on the website, Council News, Facebook along with the consultation programme supporting this strategy.

## **6 Attachment**

### **Under separate cover**

Attachment 1: Draft Whangarei District Growth Strategy





## 6.5 Dangerous, Affected and Insanitary Buildings Policy Review – Deliberations and Adoption

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** Paul Cook (Manager Building Control)

### 1 Purpose

The purpose of this report is to:

- Provide elected members with the submission received on the Dangerous, Affected and Insanitary Buildings Policy
- Deliberate on the matters raised in the submission, and
- Adopt the Dangerous, Affected and Insanitary Buildings Policy.

### 2 Recommendations

That Council:

1. Receive the written submission to the Dangerous, Affected and Insanitary Buildings Policy included as **Attachment One**;
2. Note that the submitter did not wish to be heard at a formal hearing;
3. Deliberate on the matters raised in the submission;
4. Confirm the Dangerous, Affected and Insanitary Buildings Policy as proposed in the Statement of Proposal included as **Attachment Two**;
5. Adopt the Dangerous, Affected and Insanitary Buildings Policy included as **Attachment Three**.

### 3 Background

Under the Building Act 2004, (the **Act**), Whangarei District Council (Council) is required to review its Dangerous, Insanitary and Earthquake-Prone Buildings Policy (the Policy) every five years.

The Building Act 2004 requires that the Policy is reviewed through a Special Consultative Procedure, which must be carried out in accordance with section 83 of the Local Government Act 2002.

Council commenced the statutory review process for the Dangerous, Affected and Insanitary Buildings Policy in July 2020, in order to meet the legislative requirements of the Building Act

2004 (the **Act**), specifically section 131, which requires the Territorial Authority (TA) to adopt a policy which states:

- the approach that Council will take in performing its functions under the Act
- its priorities in performing those functions
- how the policy will apply to heritage buildings
- how it applies to affected buildings.

This policy replaces Whangarei District Council's "Dangerous, Insanitary and Earthquake-Prone Buildings Policy" dated December 2011.

The previous policy has been replaced due to legislative changes including the addition of *affected* buildings and multiple changes to earthquake prone buildings; the latter no longer requiring a policy. This policy therefore addresses the requirement to have a policy for dangerous, affected and insanitary buildings.

The first part of the policy discusses legislative requirements; the second part deals with risk assessment and management.

The Strategy, Planning and Development Committee adopted the Statement of Proposal for consultation on 16 July 2020.

Formal public consultation was undertaken from 20 July to 20 August 2020, through a Special Consultative Procedure in accordance with section 83 of the Local Government Act 2002.

## 4 Discussion

One submission was received as included in **Attachment One**. The submitter did not wish to be heard through a formal hearing.

The submitter did however request a workshop to address matters in relation to the Earthquake Prone Buildings (EQP) Assessment, a process that sits outside the scope of the Dangerous, Affected and Insanitary Buildings Policy. In response to a recent MBIE survey on EQP buildings (August 2020) a request has been made for a Northland wide workshop on the implementation of the assessment criteria and application of the nationally implement EQP methodology. The submitters request will be dealt with in this forum.

As this matter is outside the scope of the policy, no changes are proposed to the policy as included with the Statement of Proposal.

The Statement of Proposal and Policy are included as **Attachments Two and Three** respectively.

The submitter noted that the online form was not working. This was because the submission was entered shortly after the 5pm deadline on 20 August 2020.

The next scheduled review of the Policy is due to commence in 2025.

## 5 Significance and engagement

### 5.1 Significance

The decisions and matters of this agenda do not trigger the significance criteria of Council's Significance and Engagement Policy.

## **Engagement**

Formal consultation was undertaken through a Special Consultative Procedure (SCP) in accordance with section 83 of the Local Government Act 2002. The public will be informed via agenda publication on Council's website.

## **6 Attachments**

1. Submission received
2. Statement of Proposal Dangerous, Affected and Insanitary Buildings Policy 2020
3. Dangerous, Affected and Insanitary Building Policy 2020



## Appendix One – Submission # 1

**From:** Rachel Wright <[rachel@rseng.co.nz](mailto:rachel@rseng.co.nz)>

**Sent:** Friday, 21 August 2020 8:49 AM

**To:** Mail Room <[mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz)>

**Cc:** Paul Cook <[paul.cook@wdc.govt.nz](mailto:paul.cook@wdc.govt.nz)>

**Subject:** FW: Dangerous, Affected and Insanitary Building Policy Consultation

Good morning Paul,

Apologies I have not used the feedback from – the link would not work for me.

A few thoughts below in regards to the proposed Policy – more specifically in relation to the Earthquake Prone Buildings (EQPB) Assessment.

The policy reads well, and seems to be aligned with legislation, however we hold a different view in regards a few points as outlined below:

1. Standards have changed considerably over the years, especially since the Christchurch Earthquake and reliance on old seismic assessments or 'strengthening' pre Christchurch EQ or even later once the Royal Commission Enquiry was rolled out and subsequent recommendations, may no longer be considered adequate. In addition to that there is more deep Geotechnical investigation data available now from recent projects, mapping the depth and condition of the CBD subsoil which can be considered in the assessments (Hundertwasser, Police, 5 finger roundabout to name a few).
2. There needs to be provision for identifying potential critical structural weaknesses, which constitute a life safety issue and are frequently present in 80's/90's buildings (and others) e.g.
  - Precast seating (drift limits)
  - Precast cladding panels and their connections (not structurally integrated)
  - Stairs
  - Canopies and parapets
  - Alterations done with out consideration for bracing
3. I assume you are aware of that work that was done and would be a good starting point for your new register – but I would not assume that because some of those buildings were 'strengthened' at the time, that they are not considered Potentially Earthquake Prone now.
4. We would like a better understanding of what buildings need to have a seismic assessment and how that is triggered. To date this has typically been driven by the old register (mentioned above) which initiated the first round of assessments and more recently the application for Building Consent to alter for extend a building. We understand from the policy that you will be identifying 'the worst' of the building stock and approaching he owners?? But what about the rest.

We are happy to be available to workshop this with WDC if you want to bounce around some ideas before finalising.

Regards

**Rachel Wright**

BE(Civil), CPEng, CMEngNZ, IntPE(NZ)

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Whangarei 0110





## ***Statement of Proposal***

# ***Dangerous, Affected and Insanitary Buildings Policy***

Draft 2020

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## Overview

Council is calling for submissions on a policy that aims to make sure people aren't harmed by dangerous buildings, buildings near dangerous buildings, and buildings that are insanitary.

We are calling for submissions from as wide a range of people involved in buildings as is possible while we review our Dangerous, Affected and Insanitary Buildings Policy.

Consultation on the policy will open on 20 July and close on 20 August.

Anyone who is interested can find all the information about it on our website, or they can call or come in to see us, however actual submissions should be in writing.

## What is the policy about?

The policy lays out the reasons, objectives, policies and processes used to identify whether or not a building is dangerous or is affected by a dangerous building, or is insanitary, and what should happen once they are identified.

## Why is it being reviewed?

The policy is being reviewed because legislation in the area has changed. In the past Earthquake Prone Buildings were also covered in this policy, but they are now covered in a separate Act.

We are removing the reference to earthquake prone buildings from our Dangerous, Affected and Insanitary Buildings Policy and reviewing what was in the joint policy.

## Identifying Dangerous, Affected and Insanitary Buildings

Information that a building might be dangerous, affected or insanitary could come into Council from many sources.

Our staff or contractors might notice something about a building, a complaint could come in from members of the public or from members of professional bodies such as Engineering New Zealand. It could be that a building is identified after an event like a slip, flood, fire or other natural or human caused disaster. The Ministry of Business Innovation and Employment (MBIE) or Fire and Emergency New Zealand FENZ could also let us know.

Once the report comes in and we need to investigate, many different agencies could be involved. FENZ for fire hazards, health inspectors for drinking water, waste disposal, building inspectors for weathertightness, and a range of technical building specialists, testing laboratories, geotechnical, fire or structural engineers.

## Factors we consider

Many factors would be considered when deciding how to approach the building, but people's safety is paramount.

We will consider the:

- scale and immediacy of risk to occupants and the public
- likelihood of harm to adjoining properties
- environmental impacts including contamination of water bodies
- availability and viability of alternative options," he said.

## Solutions

A range of solutions could be required, from issuing formal notices, requiring the owner to carry out remedial work, or council undertaking the remedial work, through to demolition.

An important thing to note is that wherever possible, Council would seek the co-operation of the owner and occupant to achieve compliance. We would aim to get the matter resolved correctly without having to resort to the formal notice provisions of the Act; however, this may not always be possible.

The situations that cause a building to be dangerous, affected or insanitary can be very diverse and dynamic, so flexibility in our approach is important.

### ***Issues to consider***

One of the matters we want to highlight through this process is that lack of maintenance, overcrowding and unauthorized building alterations and converting aged buildings can cause serious building problems for occupants and those who use buildings.

Failing to obtain a building consent or deciding to use a building for a purpose it is not suited for can result in a building posing a danger to occupants, the general public or other properties and no longer complying with the Building Code.

This has the potential to affect a wide range of people from building occupants, to owners, to those carrying out work - even to those living next door, so we'd like people to read about it and let us know what they think we need to take into consideration in this policy.

### ***Having Your Say***

We are seeking community feedback in accordance with the Local Government Act 2002 (Section 83) Special Consultative Procedure.

As part of this procedure, we provide you with the opportunity to present your views to Council on the Draft Dangerous, Affected and Insanitary Buildings Policy.

### ***Key dates for providing your views are:***

#### **20 July**

Submissions on the Draft Dangerous, Affected and Insanitary Buildings Policy and this Statement of Proposal open

Information is available on the website at [www.wdc.govt.nz/DAIpolicy](http://www.wdc.govt.nz/DAIpolicy)

#### **20 August**

Submissions close at 5pm.

#### **Date to be advised**

Proposed dates for hearing submissions by Council Hearings Committee

#### **Date to be advised**

Dangerous, Affected and Insanitary Buildings Policy is adopted by Council

Submitters wishing to be heard will be contacted and advised of proposed hearing dates and the location of any hearing.

### ***Making a Submission***

Any person or organisation can make a submission on the Draft Dangerous, Affected and Insanitary Buildings Policy.

Submissions can be made, either electronically online, by email or on paper.

Submissions should:

- Where possible, clearly state the part of the Draft Policy that the submission point relates to.
- What your views are and the reasons for them
- Any amendments to the Strategy that you are seeking
- Whether you wish to be heard in support of your submission.

All submissions must be received by 5:00pm on 20 August 2018.

- You can make a submission online at: [www.wdc.govt.nz/DAlpolicy](http://www.wdc.govt.nz/DAlpolicy) or
- Email your submission to: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz), or
- Post your submission to:

Dangerous, Affected and Insanitary Buildings Policy  
Whangarei District Council  
Private Bag 9023  
Whangarei 0148

Submissions can also be hand delivered to any Whangarei District Council Office or Service Centre listed below.

- Whangarei Forum North – Rust Avenue
- Ruakaka Service Centre, Takutai Place, Ruakaka

### ***Being heard***

Any person who makes a submission will have the opportunity to be heard by Council; but must make that request in their written submission. No anonymous submissions will be accepted.

The Council is legally required to make all written or electronic submissions available to the public and to Councillors, including the name and address of the submitter.

The submissions, including all contact details provided, will be available to the public.

Information will be available to the public subject to the provisions of the Local Government Official Information and Meetings Act 1987.

Submitters who have asked to be heard will be advised of the hearing dates available.

### ***Where can I get more information?***

Copies of this Statement of Proposal and Dangerous, Affected and Insanitary Buildings Policy can be viewed on Whangarei District Councils website at: [www.wdc.govt.nz/DAlpolicy](http://www.wdc.govt.nz/DAlpolicy)

Alternatively, copies of the Statement of Proposal can be viewed at Whangarei District Council Offices at:

- Whangarei Forum North – Rust Avenue
- Ruakaka Service Centre, Takutai Place, Ruakaka

Alternatively, call Whangarei District Council free phone on 0800 932 462 or 09 430 4200 or email: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz).



***Whangarei District Council***

***Draft Dangerous, Affected and  
Insanitary Buildings Policy***

1 July 2020

## Purpose of Policy

The purpose of this policy is to meet the legislative requirements of the Building Act 2004 (the **Act**), specifically section 131, which requires the Territorial Authority (TA) to adopt a policy which states:

- the approach that Council will take in performing its functions under the Act
- its priorities in performing those functions; and
- how the policy will apply to heritage buildings

## Background

This policy replaces Whangarei District Council's "Dangerous, Insanitary and Earthquake-Prone Buildings Policy" dated December 2011.

The previous policy has been replaced due to legislative changes including the addition of *affected* buildings and multiple changes to earthquake prone buildings; the latter no longer requiring a policy. This policy therefore addresses the requirement to have a policy for dangerous, affected and insanitary buildings.

The first part of this policy discusses legislative requirements; the second part deals with risk assessment and management.

## Introduction

This policy sets out the TA's (i.e. Whangarei District Council) position in respect to the identification, assessment and management of dangerous, affected and / or insanitary buildings. The council is committed to ensuring the Whangarei region is a safe place to live and work in.

Conversions of existing aged buildings, lack of maintenance, overcrowding and unauthorised building alterations can cause serious building problems for occupants and those who use buildings.

The failure to obtain a building consent or use a building for a purpose for which it is not suitable can result in a building no longer complying with the Building Code and posing a danger to occupants, the general public or other properties.

The legal test under the Act that has to be met by the TA in exercising its power is that it must be satisfied that the threshold of being dangerous, affected or insanitary has been met and in most cases the TA will seek professional advice on these aspects

## Legislative Requirements

Under Part 6<sup>1</sup> of the Act the TA is required to determine whether buildings in their district are dangerous, affected and / or insanitary. In doing so, a TA may seek advice from employees, volunteers and contractors of Fire Emergency New Zealand (FENZ) as being competent to give advice. If advice is sought, the TA must give due regard to that advice.

Under s.131 a TA must adopt a policy on dangerous and insanitary buildings, which states:

- it's approach to performing functions under the Act
- it's priorities in performing these functions
- how it applies to Heritage Buildings
- how it applies to affected buildings.

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<sup>1</sup> Sections 121, 121A and 123-132

The policy must be adopted (and amended or replaced) in accordance with the special consultative procedure in section 83 of the Local Government Act 2002. Furthermore, the TA must provide a copy to the Chief Executive of the Ministry of Business Innovation and Employment (MBIE) once it has been adopted or amended.

The policy must be reviewed within 5 years of being adopted and at intervals of not more than 5 years.

If a TA is satisfied that only part of a building is dangerous, affected or insanitary it may apply the provisions of the Act and in doing so may exercise any of its powers or perform any of its functions in respect to that part of the building rather than the whole of a building.

## **Definition of Key Terms**

Part 6 of the Act provides the meaning of key terms and defines special provisions for dangerous, affected and insanitary buildings.

### **Dangerous Buildings (s.121)**

A building is dangerous for purposes of this Act if:

- a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause
  - I. injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
  - II. damage to other property; or
- b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely

### **Affected Buildings (121A)**

A building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby:

- a) a dangerous building as defined in s.121 (see above); or
- b) a dangerous dam within the meaning of s.153

### **Insanitary Buildings (s.123)**

A building is insanitary for the purposes of this Act if the building:

- a) is offensive or likely to be injurious to health because
  - I. of how it is situated or constructed; or
  - II. it is in a state of disrepair; or
- b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- c) does not have a supply of potable water that is adequate for its intended use; or
- d) does not have sanitary facilities that are adequate for its intended use

### **Heritage Buildings (s.7)**

Heritage building means a building that is included on:

- a) the New Zealand Heritage List / Rārangi Kōrero maintained under s.65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
- b) the National Historic Landmarks / Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under s.81 of the Heritage New Zealand Pouhere Taonga Act 2014

## ***Building Work***

For the purposes of this policy, building work includes the demolition of part or all of the building.

## ***Objective***

The objective in implementing this policy is to achieve compliance with the Act. The Act provides several statutory tools for dealing with dangerous, affected or insanitary buildings; these include:

- issuing formal notices
- owner carrying out remedial work
- TA undertaking the remedial work; and
- demolition.

Wherever possible, the TA will seek the co-operation of the owner and occupant to achieve compliance, without having to resort to the formal notice provisions of the Act; however, this may not always be possible.

A flexible approach must be taken to achieve this overall objective due to the diversity and dynamics which result in dangerous, affected or insanitary buildings.

Factors in determining the approach to be taken include:

- an assessment of the scale and immediacy of risk to occupants and the public
- an assessment of the likelihood of harm to adjoining properties
- an assessment of environmental impacts including contamination of water bodies
- the availability and viability of alternative options.

## ***Identifying Dangerous, Affected and / or Insanitary Buildings***

The TA does not have the resources to carry out a systematic survey of the standard of buildings across the District, nor does it need to.

However, in order to identify whether a building is dangerous, affected or insanitary the TA will utilise any of the following mechanisms:

- the observations of its staff or contractors
- information or complaints received from members of the public or members of professional bodies such as Engineering New Zealand, etc
- events arising following natural or manmade disasters
- notification from the Ministry of Business Innovation and Employment (MBIE)
- notification from FENZ.

In determining whether a building is dangerous or affected with respect to a fire hazard, the TA may seek the advice of FENZ. Similarly, in determining whether a building is insanitary with respect to drinking water, waste disposal or weathertightness, the TA may seek the advice of appropriate sources, such as its Environmental Health Team, technical building specialists, testing laboratories, geotechnical, fire or structural engineers, etc. The TA may also be guided by relevant Bylaws and seek legal advice.

## ***Heritage Buildings***

Whilst heritage buildings will be assessed in a manner consistent with assessments for other potentially dangerous, affected or insanitary buildings, special efforts will be made to meet heritage objectives. It is important that in remediating such buildings that heritage values and their protection are not lost sight of.



Discussions will be held with owners and Heritage New Zealand to identify a mutually acceptable way forward.

Where a dangerous, affected or insanitary building notice is issued for a heritage building, a copy of the notice will be sent to the Heritage New Zealand Pouhere Taonga as required by s.125(2) (f) of the Act.

## Investigation

Once the TA becomes aware of a potential problem, they must carry out a full investigation including but not limited to consideration of the following points:

- review TA records prior to site visit
  - understand what consents have been approved for this site; whether a Compliance Schedule exists; the status of the Building Warrant of Fitness / IQP reports; Notices to Fix, etc)
- review GIS / aerials prior to site visit
  - understand whether there are any natural or manmade hazards or other issues to be aware of)
- how the TA was made aware of the situation
- location of the building
- actual site conditions
- previous and current use of the building
- occupancy numbers
- ownership / occupancy details
- whether the public have access to the building e.g. via the building or adjacent land and waterways
- what aspects of the building are considered dangerous (all or part of the building)
- whether any neighbouring properties are affected by the potentially dangerous or insanitary building
- what aspects of the building are considered insanitary e.g. lack of potable drinking water, sanitary fixtures or waste disposal, light and ventilation or vermin
- how and to what extent these aspects are non-compliant with the Building Code
- who is or was responsible for creating this hazard (e.g. whether authorised or unauthorised work has been carried out)
- whether the land or building has heritage status
- priorities (the **immediacy**) of the issue

## Criteria for determining priority of issue

A building (or part of a building) will be classified as dangerous or affected if it is likely to cause injury or death to the occupants, public or other property.

A building (or part of a building) will be classified as insanitary if it is likely to be injurious to health occupants, public or people on other property.

The *immediacy* of the issue depends upon whether the building is occupied or poses a danger to other property; for example:

- land is *unstable*

- building is *structurally unsound* and considered dangerous to occupants or the public
- building has a *high fire risk*
- building *lacks sufficient protection* to occupants, public or other property (i.e. unfenced pool or large-scale excavations)
- building which has *poor sanitation* and poses an immediate impact to the health of the occupants or the public
- building is *inadequately protected against moisture penetration* i.e. not weathertight.

Note: A building is less likely to be classified as dangerous, affected or insanitary if it is unoccupied; however, the risk to the public and other properties must still be considered. The TA will need to carefully consider these issues and determine whether they warrant immediate action to prevent injury or death. Each case must be considered on its own merits.

If the risk is significant e.g. the building is occupied or construction / earthworks pose a risk to the public or other property, immediate action may be warranted. Sometimes you might have a situation where the risk is significant but can be managed; in other situations, it may not be possible to manage the risk.

There is always a risk that in the event of a fire, death or injury will occur; however, there must be 'particular features' for this risk to be 'likely to occur'. Therefore, the TA must firstly focus on whether the building complies with the Building Code. If the answer to that question is NO, then the next consideration must be to focus on what features do not comply with the Building Code that make this building dangerous. A building may be non-compliant with the Building Code; however, this in itself does not make a building dangerous.

The TA will take into account the cost of effecting remedial work in assessing the various means of reducing the hazard to human life presented by a building which has been identified as dangerous, affected or insanitary. Also, the availability of alternatives to continued use and occupation of the building, both in the short and long term (refer example below).

Following the site visit and preliminary investigation the TA will determine whether the building is dangerous, affected or insanitary and if so, whether to issue a notice and / or take other actions.

### **Risk Management Scenario:**

This scenario involves multiple people living in transient accommodation (e.g. Backpacker's accommodation), which does not have a fire alarm system.

The risk is loss of life or serious injury occurring due to people being unable to escape in the event of a fire (i.e. not aware of fire or smoke in the building).

Risk Factor	Extreme
Risk type	Fire hazard
Building occupied	Yes
Sleeping accommodation	Yes
Death or injury likely	Yes
Can risk be eliminated immediately	No
Can risk be eliminated eventually	Yes install compliant alarm
Can risk be minimised immediately	<b>YES</b>  <i>Interim measure - provide security guard 24/7 who could raise the alarm in event of emergency and have evacuation plans in place</i>
	<b>NO</b>  <i>Evacuate the building; apply for building consent or complete work under urgency; obtain CCC / CoA and Compliance Schedule</i>

**Note:** Timing may impact on the outcome of the site visit. For example, in the above scenario the risk is extreme because there is sleeping accommodation in the building. Therefore if the visit was conducted early in the day a plan to minimise the hazard could be put into place and agreed to by close of business. However, if it was late in the day, this option may not be available and immediate evacuation may be necessary.

### **TA Powers (actions)**

If a TA is satisfied that a building is a dangerous, affected, or insanitary building it may do any or all of the following under s.124:

- put up a hoarding or fence to prevent people from approaching the building nearer than is safe
- attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building
- except in the case of an affected building, issue a notice that complies with s.125(1) requiring work to be carried out on the building to
  - reduce or remove the danger; or

## II. prevent the building from remaining insanitary

- d) issue a notice that complies with s.125(1A) restricting entry to the building for particular purposes or restricting entry to particular persons or groups of persons

**Note:** The erection of a hoarding or fence is an action that a TA can take to ensure the immediate safety of people and is not considered building work.

### **Notice requiring building work**

Under s.125, a notice issued pursuant to s.124 (2) (c) must be in writing and fixed to the building in question.

A copy of the notice must also be issued to the owner, occupier and any other person who has an interest in the land; this includes:

- every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 2017
- every person claiming an interest in the land that is protected by a caveat lodged and in force under section 138 of the Land Transfer Act 2017; and
- every statutory authority<sup>2</sup> that has exercised a statutory power to classify or register, for any purpose, the building or the land on which the building is situated; and
- Heritage New Zealand Pouhere Taonga, if the building is a heritage building.

**Note:** If a notice is not given to one of the above parties it does not make it invalid.

The notice must state the time within which the building work must be carried out. The time must be no less than 10 days after the notice is given or a period reasonably sufficient to obtain a building consent if one is required, whichever period is longer.

The notice must also state whether the owner of the building is required to obtain a building consent in order to carry out the work required by the notice.

### **Notice restricting entry**

Under s.124 (2) (d) a notice restricting entry must be in writing and fixed to the building in question. A copy of the notice must be provided to the owner, occupier and any other person who has an interest in the land.

The notice may also restrict entry to any part or all of a building; it may also be restricted to particular persons or groups of persons.

In the case where a notice restricts entry to a building, it may be issued for a maximum period of 30 days; thereafter it may only be reissued once, for a maximum period of 30 days.

### **Requirement to obtain a building consent**

Under s.125 the notice must advise the applicant of the requirement to obtain a building consent (if applicable). However, under s.41 a building consent is not required in relation to building work where it is not practical to obtain a building consent in advance and the building work has to be done under urgency. If the applicant wishes to proceed under s.41 of the Act, the matter should be discussed and agreed with the Council.

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<sup>2</sup> Council will work with other agencies, for example Transit New Zealand for State Highways, or other Council departments, when considering any building such as a bridge that may be considered dangerous, to find a mutually acceptable way forward.

In these circumstances a full, written scope of work will be required, followed by an application for Certificate of Acceptance as soon as practicable after completion of the building work.

If the TA carries out the building work, this section does not apply, and a building consent is not required. However, the TA must apply to the District Court for an order authorising it to carry out the work.

### ***Order to the District Court (s.126)***

If the owner does not carry out the building work identified in the notice or the building work is not proceeding with reasonable speed, the TA may apply to the District Court to do the work itself. However, before applying to the Court the TA must notify the owner in writing giving them no less than 10 days of their intention to do so.

If the TA carries out building work, the owner is liable for the costs; such costs are recoverable via a charge on the land.

### ***Measures to avoid immediate danger or to fix insanitary conditions (s.129)***

Where there is immediate danger or insanitary conditions present, the Chief Executive of the TA may by warrant issued under their signature take any actions necessary to remove the danger or fix the insanitary conditions. If any actions are taken under s.129 (2) the Chief Executive is required to apply to the District Court seeking confirmation of the warrant.

The District Court is required to:

- confirm the warrant
- confirm the warrant with modifications; or
- set the warrant aside.

The TA is not required to apply for confirmation of the warrant if the owner has notified the TA that they do not dispute entry onto the land.

Prior to taking this step, the TA will engage legal advice before executing a warrant.

### ***Records***

Where a building is identified as being dangerous, affected or insanitary, a requisition will be placed on the property file. This requisition will remain until the danger is remedied and made available if a Land Information Memorandum is sought whilst the notice is in place.

## Risk Framework

The purpose of this Section is to describe a process for systematically and consistently identifying risk. The chance of something happening is measured in terms of consequences and likelihood; this is best described using a matrix<sup>3</sup>.

**Likelihood** - a qualitative description of probability or frequency

Level	Descriptor	Description
A	Almost Certain	Is expected to occur in most circumstances
B	Likely	Will probably occur in most circumstances
C	Possible	Might occur at some time
D	Uncertain	Could occur at some time
E	Rare	May occur in exceptional circumstances

**Consequence** - the outcome of an event expressed qualitatively or quantitatively, being a loss, injury, disadvantage or gain. There may be a range of possible outcomes associated with an event.

Level	Descriptor	Description
1	Insignificant	No injuries
2	Minor	May require some medical treatment
3	Significant	Medical treatment required
4	Major	Extensive injuries
5	Extreme	Death

**Risk rating** – the chance of something happening that will have an impact upon objectives. It is measured in terms of consequences and likelihood.

	Consequences				
Likelihood	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Moderate	Moderate	High	Very High	Very High
Likely	Moderate	Moderate	High	High	Very High
Possible	Low	Moderate	Moderate	High	High
Uncertain	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High

### Legend:

Very high	extreme risk; immediate action required
High	high risk; senior management attention required
Moderate	management responsibility must be specified
Low	manage by routine procedures

<sup>3</sup> Source AS/NZS 4630:1999 Risk Management

For the purposes of this Section, it is assumed that:

- there is no building consent for the building work being risk assessed; or
- if the work was consented in the past, it is no longer compliant with that building consent

Unauthorised building work means:

- building work for which a building consent has not been obtained when one was required; or
- building work which is considered exempt but does not comply with the Building Code

If the consenting process has been completed and a CCC issued and there are elements of that building work that do not comply then that work is considered to be non-compliant.

Note: In this scenario, it is likely that the bulk of the building work is compliant (work completed under a building consent) as opposed to the building work which occurred without a building consent. This is reflected in the risk assessment of unauthorised building work that occurs within a consented building for example, an extension or additions to a dwelling.

Once the outcome has been established i.e. that a building is dangerous and / or insanitary; the risk to other property (i.e. *affected buildings*) must then be considered using the same analysis.

### Qualitative Measures of Consequences for Risks

Rating	Consequences	Description	Examples
1	Insignificant	Would not cause illness or injury to any person Loss of amenity Temporary or very minor nuisance or inconvenience	Lack of insulation Unauthorised minor work e.g. carport, deck, small garden shed, temporary noise or odour, disconnected downpipe
2	Minor	May cause very minor injury to people Very minimal impact if any on people other than those in immediate proximity Minor damage to local physical environment only Significant loss of amenity, widespread impact from noise or odour	Unauthorised addition to existing building; multiple utility sheds on property; garden shed too close to boundary; mild stormwater runoff; tripping or slipping hazard in public place
3	Moderate	Potential to cause significant injury or illness to people Minor injury or illness to many people May cause some significant damage to property or the environment Can include multiple instances of minor effects long term	Structural elements fail that could cause a person to fall >1.0m but <2.0m Unconsented habitable space Significant storm water runoff Leaky home Persistent noise issues
4	Major	Serious illness, injury or death to one or more people Significant injury or illness to many people Major degradation to the wider environment (not contained on offending property).	Structural elements fail that could cause a person to fall >2m Non-compliant swimming pool Electrical supply to unauthorised building Sleepout or similar with unconsented sanitary fixtures Expired BWoF or failed systems
5	Extreme	Serious illness, injury or death to one or more people including building occupants, third parties (neighbours) or the general public. Threatens overall integrity of buildings other than the offending buildings Serious and irreversible degradation to the wider environment (not contained on offending property)	Serious threat to the overall structural integrity of the building such that collapse is imminent and would cause death or serious injury to third parties Public Use building considered unsafe due to fire or insanitary risk whether due to unsafe heating, energy systems or lack of means of escape Building condition could cause very serious harm to due to discharge or improper containment, processing of contaminants or hazards, including industrial and solid wastes Large excavation threatening other property



### **Building Risk Factors – Dangerous Buildings**

<b>Risk Factor – B1</b>	<b>How can this occur?</b>	<b>Impacts</b>	<b>Impact rating</b>
a) Deck (including stairs), roof tiles or roofing insecure or foundations / piles weak, removed or unsound	Degradation due to age Poor material quality Poor workmanship Unreasonable weight / loading Natural hazard including subsidence Willful damage Hazard zone not factored Poor design Change of use Fire / Flooding No / incomplete consent	May: <ul style="list-style-type: none"> <li>• cause a person or persons to fall or trip</li> <li>• prevent access in or out of building</li> <li>• persons to be hit by falling materials</li> <li>• blow on to other property / roads</li> <li>• dampness and moisture issues</li> <li>• misalignment of doors and windows</li> <li>• collapse of building with various impact depending on height, geography of site</li> </ul>	Major
b) Internal support-bracing weak, removed or unsound	Degradation due to age Poor material quality Poor workmanship Unreasonable weight / loading Natural hazard including wind Willful damage Hazard zone not factored Poor design Fire No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>• collapse or sag of walls</li> <li>• misalignment of doors and windows</li> <li>• further weakening to main structural elements</li> </ul>	Moderate

Risk Factor – B1	How can this occur?	Impacts	Impact rating
c) Internal support-main structural beams weak, removed or unsound	Degradation due to age Poor material quality Poor workmanship Unreasonable weight / loading Natural hazard including wind Willful damage Hazard zone not factored Poor design Fire / Flooding Relocation of building Nearby excavation or erosion No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>• full or partial collapse of building</li> </ul>	Extreme
d) Flooring weak or unsound (not including surface failure)	Degradation due to age Poor material quality Poor workmanship Unreasonable weight / loading Natural hazard including wind Willful damage Hazard zone not factored Poor design Fire / Flooding Relocation of building Nearby excavation or erosion No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>• injury due to falling through floor</li> <li>• illness due to moisture problems</li> </ul>	Moderate

Risk Factor – B1	How can this occur?	Impacts	Impact rating
e) Bridges and retaining walls weak, removed or unsound	Degradation due to age Poor material quality Poor workmanship Unreasonable weight / loading Natural hazard including wind Willful damage Hazard zone not factored Poor design Fire / Flooding Relocation of building Nearby excavation or erosion No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>• collapse</li> <li>• an injury or fall</li> <li>• nuisance to other property, block road or river</li> <li>• a lack of access resulting in isolation of property</li> </ul>	Extreme

Risk Factor – D1-2, E1, F1-9, G1-15	How can this occur?	Impacts	Impact rating
a) Unsafe pedestrian access	Slippery surface Unsafe slope Irregular rise in stairs Lack of handrail Ungraspable handrail No landing or at long intervals in stairs Size of landing does not accommodate door opening No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>injury due to tripping, slipping or another hazard</li> </ul>	Minor
b) Unsafe vehicular access of building	Slippery surface / unsafe slope Inadequate queuing / circulation space Inadequate sight distances Design does not avoid conflict between vehicles and people using or moving to space Safety from falling (lack of barriers or bollards) No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>injury</li> <li>damage to other property</li> </ul>	Moderate
c) Failure or inappropriate installation or use of a specified system (not fire related) e.g. mechanical installations	Degradation due to age Poor material quality Poor workmanship Not fit for purpose No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>entrapment of person or limbs resulting in injury</li> </ul>	Major
d) Falling from places other than decks and stairs e.g. temporary site fences, mezzanine levels, etc <1.0m	Lack of suitable barrier Unreasonable weight Lack of warning No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>injury</li> </ul>	Minor

Risk Factor – D1-2, E1, F1-9, G1-15	How can this occur?	Impacts	Impact rating
e) Falling from places other than decks and stairs e.g. temporary site fences, mezzanine levels, etc >1.0m	Lack of suitable barrier Unreasonable weight Lack of warning No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>injury or death</li> </ul>	Major
f) Hazardous construction or demolition including access to site by small children	Unlimited access Unmarked projections Open hazards / projections Lack of safe route through site No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>injury or death</li> <li>damage to other property</li> </ul>	Major
g) Destabilisation of neighbouring property due to construction site	Collapse of land due to poor ground strength No retaining walls in place Silt and erosion Over-excavation of site No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>injury or death</li> <li>damage to other property</li> </ul>	Extreme
h) Lack of adequate access or escape route for disabled persons including visibility, width, etc	Lack of knowledge and awareness Site specific No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>loss of amenity or inconvenience</li> </ul>	Minor
i) Harms due to offensive odour, food contamination, inadequate privacy, inability to clean effectively, lack of amenity or other annoyance (excludes facility for load / drainage risks)	Inappropriate sanitary facility provision either for purpose or number No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>injury or illness</li> <li>damage to property</li> </ul>	Moderate
j) Contamination from storage manufacturing or processing of food including animal products, medical treatment of humans or animals' reception of dead bodies	Inappropriate sanitary facility provision either for purpose or number No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>injury or illness</li> <li>damage to property</li> </ul>	Moderate

Risk Factor – D1-2, E1, F1-9, G1-15	How can this occur?	Impacts	Impact rating
k) Loss of fresh air, air temperature or activity space	Lack of ventilation Mechanical air handling system failure or not appropriate No means of removing or collecting cooking fumes, moisture from laundry, steam etc No/incomplete consent	May cause: <ul style="list-style-type: none"> <li>• loss of amenity or inconvenience</li> <li>• illness</li> </ul>	Minor
l) Loss of noise transmission between adjoining occupancies	Lack of insulation Insufficient sound transmission class. Unreasonable noise levels No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>• loss of amenity or inconvenience</li> <li>• illness or injury</li> </ul>	Minor
m) Lack of natural or artificial light	Poor design Obstruction by neighbours No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>• loss of amenity or inconvenience</li> <li>• illness or injury</li> </ul>	Minor
n) Inadequate ventilation or explosion from gas appliance or installation	Improper installation System / product failure No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>• fire</li> <li>• damage to property</li> <li>• death or injury</li> </ul>	Extreme
o) Hot water explosion	Lack of pressure relief Temperature too high Unauthorised building work No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>• fire</li> <li>• damage to property</li> <li>• death or injury</li> </ul>	Extreme
p) Hot water unavailable	Failure to provide Energy supply failure Unauthorised building work	May cause: <ul style="list-style-type: none"> <li>• inconvenience</li> </ul>	Insignificant

Risk Factor – D1-2, E1, F1-9, G1-15	How can this occur?	Impacts	Impact rating
	No / incomplete consent		
q) Foul odour, noise or other inconvenience	Unauthorised building work No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>Inconvenience or nuisance</li> </ul>	Insignificant
r) Unauthorised foul water, industrial waste, solid waste disposal	Illegal dumping System not fit for purpose Unauthorised building work No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>illness</li> <li>contamination of the environment</li> <li>damage to property</li> </ul>	Extreme
s) Inefficient use of energy when sourced from a network utility operator or a depletable energy source	Failure to limit uncontrollable airflow Degradation due to age Poor material quality Poor workmanship No / incomplete consent	May: <ul style="list-style-type: none"> <li>generate systemic inefficiency</li> <li>generate unnecessary cost</li> </ul>	Insignificant

Risk Factor – C, G9-10	How can this occur?	Impacts	Impact rating
t) Lack of means of escape (including accessible features and signage F8) or lack of, or expired BWOFF	No means of egress at all Failure to maintain gates locks Expired BWOFF Lack of signage / direction Inadequate for user numbers Unauthorised changes to specified systems or new systems added Alarms, etc not fitted or appropriate Lack of resource Poor IQP performance Poor inspection, maintenance and monitoring process No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>lack of warning of fire resulting in people becoming trapped in a building or part of a building if it catches fire</li> <li>serious injury from fire or attempts to escape</li> </ul>	Extreme
u) Unauthorised or unsafe installation or operation of solid fuel heating system	Deterioration due to age Lack of awareness Use of second hand appliance Use of incorrect material when operating appliance No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>fire when operated</li> <li>injury or damage to property</li> </ul>	Extreme
v) Lack of appropriate fire retardation materials	Unauthorised work Poor installation Poor quality materials No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>fire to spread more rapidly</li> <li>injury or damage to property</li> </ul>	Major
w) Unauthorised electrical supply installation or electrical supply in unsafe building	Unauthorised connection - no approval from Energy Provider Poor installation Poor quality materials No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>electric shock and or fire</li> <li>injury or damage to property</li> </ul>	Major



Risk Factor – F9	How can this occur?	Impacts	Impact rating
x) Non-compliant pool barrier, unauthorised construction or lack of pool barrier	<p>Poor audit / monitoring</p> <p>Poor or no maintenance on gates, landscaping, etc</p> <p>No control of what happens on neighbouring property (boundary fences)</p> <p>Lack of awareness of risk</p> <p>No / incomplete consent</p>	<p>May cause:</p> <ul style="list-style-type: none"> <li>drowning or injury especially to young children</li> </ul>	Extreme

### ***Building Risk Factors – Insanitary Buildings***

Risk Factor – G1, G12; G13	How can this occur?	Impacts	Impact rating
a) Insanitary due to lack of potable water supply or contaminated water	<p>No connection to services</p> <p>Contamination of supply at source or by systems materials</p> <p>Lack of filtration</p> <p>Low rainfall</p> <p>No on site retention of water</p> <p>Failure to plan for growth</p> <p>Lack of resource consent</p> <p>Lack of public infrastructure provision</p> <p>Cost prohibitive private solutions</p> <p>Lack of awareness of potable standards</p> <p>No / incomplete consent</p>	<p>May:</p> <ul style="list-style-type: none"> <li>cause ill health due to drinking water that is not potable</li> <li>result in reliance on other methods for obtaining water</li> </ul>	Moderate
b) Insanitary due to drainage not functioning or non-existent drainage	<p>Degradation due to age</p> <p>Poor material quality</p> <p>Poor workmanship</p> <p>Poor design</p> <p>Nearby works</p>	<p>May cause:</p> <ul style="list-style-type: none"> <li>illness from insanitary material</li> <li>flooding</li> <li>damage to property</li> </ul>	Moderate

Risk Factor – G1, G12; G13	How can this occur?	Impacts	Impact rating
	Failure to provide drainage solution Lack of resource consent Lack of public infrastructure provision Cost prohibitive private solutions Misunderstanding of sustainable solutions No / incomplete consent		
c) Insanitary due to drainage unauthorised discharge	Lack of resource consent Lack of public infrastructure provision Cost prohibitive private solutions No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>• illness from insanitary material</li> <li>• flooding</li> <li>• damage to property</li> <li>• damage to environment</li> </ul>	Major
d) Insanitary due to not enough facilities for loads (e.g. toilets)	Overcrowding due to poverty Overcrowding at events Unexpected increase in user / visitor numbers Inappropriate use / purpose group No / incomplete consent	May: <ul style="list-style-type: none"> <li>• result in insanitary conditions being perpetuated due to alternative measures being used</li> <li>• cause environmental degradation</li> <li>• cause illness</li> </ul>	Moderate

Risk Factor – E2, G1-3	How can this occur?	Impacts	Impact rating
e) Insufficient facility for loads on other sanitary fixtures (e.g. bath, shower, hand washing)	Overcrowding due to poverty Overcrowding at events Unexpected increase in user / visitor numbers Inappropriate use / purpose group No / incomplete consent	May: <ul style="list-style-type: none"> <li>result in insanitary conditions being perpetuated due to lack of facilities</li> <li>cause environmental degradation</li> <li>cause illness</li> <li>inability to wash</li> </ul>	Minor
f) Moisture ingress or moisture levels too high	Degradation due to age and lack of maintenance Poor material quality Poor design / workmanship Natural hazard including flooding Willful damage Hazard zone not factored Fire / Flooding Relocation of building Lack of impervious surface walls, floors and structural elements in contact with the ground Spaces and cavities transmitting moisture and / or condensation No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>illness</li> <li>damage to entire structure</li> </ul>	Major
g) Insanitary due to nature of sanitation facility	Location of facility No / incomplete consent Degradation due to age and lack of maintenance Poor material quality Poor design / workmanship	May: <ul style="list-style-type: none"> <li>not be able to clean facilities to an acceptable standard</li> <li>cause illness</li> </ul>	Moderate

Risk Factor – E2, G1-3	How can this occur?	Impacts	Impact rating
	No / incomplete consent		
h) Lack of laundering facilities	Inappropriate sanitary facility provision either for purpose or number No / incomplete consent	May cause: <ul style="list-style-type: none"> <li>injury or illness</li> <li>damage to property</li> </ul>	Insignificant

## Building Risk Matrix

Risk Factor	D, A or I	Impact rating	Likelihood	Risk Rating	Possible options for risk mitigation

### Key:

Impact rating: (1) insignificant (2) minor (3) moderate (4) major (5) extreme

Likelihood: (A) almost certain (B) likely (C) possible (D) unlikely (E) rare

Risk rating: very high, high, moderate, low



## 6.6 Maungakaramaea Lease of Local Purpose (Fire Station) Reserve to Fire and Emergency New Zealand

**Meeting:** Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** Sue Hodge (Parks and Recreation Manager)

### 1 Purpose

To seek Council's approval to lease a Local Purpose (Fire Station) Reserve at Maungakaramaea to Fire and Emergency New Zealand.

### 2 Recommendation

That the Whangarei District Council approves a lease of the Local Purpose (Fire Station) Reserve legally described as Section 1 SO Plan 65563 to Fire and Emergency New Zealand for a period of 20 years and rental being \$500/annum being the community lease fee in Council's fees and charges.

### 3 Background

The Fire station at Maungakaramaea is located at 13 Tangihua Road, on Council owned land legally described as Section 1 SO Plan 65563.

Prior to 1 July 2017 WDC was responsible for rural fire services in the district and maintained the Maungakaramaea fire station. The funding to build the fire station was raised by the community who leased the land from Council.

The Fire and Emergency New Zealand Act 2017 established Fire and Emergency New Zealand (FENZ), with responsibility for both urban and rural fire services. WDC transferred rural fire assets to FENZ, including the buildings and improvements in Maungakaramaea.

The final part of the rural fire service transfer is to also lease the land to FENZ.

### 4 Discussion

Section 1 SO Plan 65563 is held pursuant to s23 of the Reserves Act 1977 as a Local Purpose (Fire Station) Reserve.

Section 61 of the Reserves Act sets out the Powers (including leasing) in respect of local purpose reserves. Council as the administering body may lease all or any part of a local purpose reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for the purpose the reserve is set aside for i.e. fire station. There is no requirement for public notification of any lease.

These powers cannot be delegated to staff and Council must approved any lease under section 61.

The attached lease agreement has been developed in agreement with FENZ and Council. Approval is sought to execute the lease agreement.

#### **4.1 Financial/budget considerations**

There are no financial considerations for Council. The standard community lease rental fee is being charged.

FENZ are responsible for rates and charges for water and utilities. They are also responsible to keep the building well maintained and grounds tidy.

#### **4.2 Policy and planning implications**

This is an existing activity and there are no policy or planning implications.

#### **4.3 Risks**

Because the buildings were developed by the community on Council land there is a risk that Council is expected to maintain these buildings. Formalising this lease agreement sets out FENZ's responsibility for building maintenance.

### **5 Significance and engagement**

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

### **6 Attachment**

1. Lease agreement



**LEASE – BARE LAND**

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**Between**

**Whangarei District Council**

**And**

**Fire and Emergency New Zealand**

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**REFERENCE SCHEDULE**

<b>LAND:</b>	The property at 13 Tangihua Road, Maungakaramaea comprising 593 square metres more or less being Section 1 SO Plan 65563
<b>TERM:</b>	Twenty (20) years
<b>COMMENCEMENT DATE:</b>	1 July 2020
<b>EXPIRY DATE:</b>	30 June 2040
<b>RENEWAL TERM (IF ANY):</b>	One (1) of thirteen (13) years duration
<b>FINAL EXPIRY DATE:</b>	30 June 2053
<b>RENT:</b>	\$500.00 per annum plus goods and services tax
<b>RENT REVIEW DATE(S):</b>	Every 5 <sup>th</sup> anniversary of the Commencement Date during the term and every 5 <sup>th</sup> anniversary of the Commencement Date during any renewal term
<b>REQUIRED USE:</b>	Fire Station
<b>MINIMUM PUBLIC LIABILITY INSURANCE COVER:</b>	\$1 million
<b>DEFAULT INTEREST RATE:</b>	11 % per annum

## GENERAL PROVISIONS

### 1. INTERPRETATION

In this deed unless the context indicates otherwise:

#### 1.1. Definitions:

**"Authority"** means and includes every governmental, local, territorial and statutory authority having jurisdiction or authority over the Land or Building or their use;

**"Building"** means any buildings, including alterations or additions, owned or erected on the Land by the Tenant;

**"Building Work"** means work for or in connection with the construction, alteration, demolition or removal of a Building or any fixtures or Improvements and includes earthworks preparatory to or associated with that construction, alteration, demolition or removal and any work of a structural or retaining nature, and services associated with that work;

**"Council"** means Whangarei District Council and includes the Council's assigns;

**"GST"** means tax levied under the Goods and Services Tax Act 1985 and includes any tax levied in substitution for that tax;

**"Improvement"** means any improvement in or on the Land, and includes all pipes, drains, conduits and other connections for utilities that primarily serve the Land, regardless of whether they are located in or on the Land;

**"Land"** means the land defined in the Reference Schedule, but excludes the Tenant's Building and Improvements;

**"Lease"** means this lease or any lease in substitution therefore;

**"Rent"** means the annual rent specified in the Reference Schedule subject to changes consequent upon Council's exercise of any right to review the annual rent;

**"Specified Events"** means:

- (a) fire, flood, explosion, lightning, storm, earthquake or volcanic activity;
- (b) the occurrence of any other peril against the risk of which the Council reasonably requires the Tenant to insure;

**"Tenant"** means the original tenant set out on page 1;

**"Tenant's Agent"** means a person for whose acts or omissions the Tenant is responsible and includes without limitation the Tenant's agents, employees, contractors and invitees;

**"Working Day"** has the meaning given to it in the Property Law Act 2007. Notices served after 5pm on a Working Day, or on a day which is not a Working Day, shall be deemed to have been served on the next succeeding Working Day.

**1.2. Reference Schedule Expressions:** the expressions "Land", "Term", "Commencement Date", "Default Interest Rate", "Expiry Date", "Renewal Term", "Final Expiry Date", "Rent", "Rent Review Date(s)", "Required Use" and "Minimum Public Liability Insurance Cover" will have the meaning ascribed to those expressions in the Reference Schedule;

**1.3. Defined Expressions:** expressions defined in the main body of this deed have the defined meaning in the whole of this deed including the background;

- 1.4. Gender:** words importing one gender will include the other genders;
- 1.5. Headings:** section, clause and other headings are for ease of reference only and will not affect this deed's interpretation;
- 1.6. Negative Obligations:** any obligation not to do anything will include an obligation not to suffer, permit or cause that thing to be done;
- 1.7. Parties:** references to parties are references to parties to this deed;
- 1.8. Persons:** references to persons will include references to individuals, companies, corporations, partnerships, firms, joint ventures, associations, trusts, organisations, governmental or other regulatory bodies or authorities or other entities in each case whether or not having separate legal personality;
- 1.9. Plural and Singular:** words importing the singular number will include the plural and vice versa;
- 1.10. Schedules:** the schedules to this deed and the provisions and conditions contained in these schedules will have the same effect as if set out in the body of this deed;
- 1.11. Sections, Clauses and Schedules:** references to sections, clauses and schedules are references to this deed's sections, clauses and schedules;
- 1.12. Statutes and Regulations:** references to any statutory provision will include any statutory provision which amends or replaces it, and any subordinate legislation made under it.

## 2. TERM

- 2.1.** The Term of this Lease will commence on the Commencement Date and will end at 5pm on the Expiry Date, unless terminated otherwise in accordance with this Lease.
- 2.2.** The Council will offer a new Lease of the Land to the Tenant for the Renewal Term commencing on the day following the Expiry Date, if all the following occur:
  - 2.2.1.** The Council has decided to re-let the Land at the end of the Term;
  - 2.2.2.** The Tenant has complied with all of its obligations under this Lease; and
  - 2.2.3.** In the opinion of the Council there is sufficient need for the Required Use and that the Land or any part of it is not required for any other purpose in the public interest; and
  - 2.2.4.** The Tenant has given Council written notice at least three months before the Expiry Date that the Tenant wishes to have a new lease of the Land.
- 2.3.** If Council offers a new lease to the Tenant under clause 2.2, the lease will be on the then prevailing terms for leases of similar Land let by the Council, including as to rent, rent reviews and rent review dates. The new lease will include provision for any further Renewal Term(s) as are specified in the Reference Schedule to this Lease, but the final expiry date of the new lease will not be any later than the Final Expiry Date specified in the Reference Schedule to this Lease.
- 2.4.** The Tenant must give notice to the Council within the period specified by Council in its offer under clause 2.3 whether the Tenant wishes to accept the new lease. If the Tenant gives notice that it wishes to accept the new lease, it must execute a new lease in the form prepared by the Council's solicitor. The Tenant will pay the costs of the new lease.
- 2.5.** The Tenant may cancel this Lease on giving 3 months written notice to the Council, but this will not release the Tenant from any of its outstanding obligations under this Lease up to the time of the cancellation.

- 2.6.** If, other than under the grant of a further lease, Council permits the Tenant to remain in occupation of the Land after the end or earlier termination of the Term, the Tenant will occupy the Land pursuant to a periodic tenancy only terminable by 20 Working Days notice at the rent then payable and otherwise on the same covenants and agreements (so far as applicable to a periodic tenancy) as are expressed or implied in this Lease.

### **3. RENT**

- 3.1.** The Tenant must pay the Rent to the Council by equal annual instalments in advance. The first of these instalments is due on the Commencement Date. However, if the Council has reviewed the Rent to the current market rent for the Land or a proportion of the current market rent, the Tenant may elect to pay the Rent by equal monthly instalments in advance on the first day of each month.
- 3.2.** The Tenant must not reduce any payment of Rent by making any deduction from it or set off against it.

### **4. RENT REVIEW**

- 4.1.** The rental payable under this lease has been set for the first five (5) years of the term at \$500.00 plus GST per annum. This rental has been set in accordance with the current policy of the Lessor for leases by it to community based organisations of land owned by the Lessor.
- 4.2.** At each rent review date, being every five (5) years during the Term, and at each renewal date, the rental payable for the next five (5) years in the case of a review, or for the first five (5) years in the case of a renewal, will be set in accordance with the then applicable/current policy either adopted or in use by the Lessor for leases to voluntary or community based organisations of public land owned by the Lessor.
- 4.3.** The Lessee acknowledges that the Lessor is entitled at its sole discretion to change its policy at any time and from time to time with respect to the rentals payable for the leases of public land owned by the Lessor by voluntary or community based organisations.
- 4.4.** At any five (5) yearly rent review or on any renewal of the lease any assessment of the rental payable on review or on renewal shall not take account of any buildings, constructions and/or erections built constructed or erected on the Land by the Tenant.
- 4.5.** Should the use of the Land be at the time of any review or renewal be otherwise than for the Required Use or such other purpose approved by the Council as a use by a voluntary or community organisation, then the rent fixed on any review or renewal shall be the market rent payable on a commercial basis for the Land such to be established by the means set out in clause 4.6 and 4.7 of this Lease.
- 4.6.** If the Council decides that the rent for all or any part of the Land is to be set or reviewed to the current market rent for that space, or to a proportion of the current market rent, the current market rent for the Land will be decided in the following way:
- 4.6.1.** The Council may give written notice to the Tenant ("Council's Notice") specifying the annual rent the Council considers to be the current market rent for the Land:
- (i) not earlier than 3 months before a Rent Review Date if the Council's Notice relates to a rent review on a Rent Review Date, in which case the Council's Notice must specify the proposed market rent as at that Rent Review Date; or
  - (ii) at any time under clause 11.3, in which case the Council's Notice must specify the proposed market rent as at a date not less than 3 months after the date of the Council's Notice.
- 4.6.2.** The Tenant may within 20 Working Days after receiving the Council's notice by written notice to the Council ("Tenant's Notice") dispute the current market rent set out in the Council's Notice. The Tenant's Notice must state the Tenant's

assessment of the current market rent. If the Tenant does not give a Tenant's Notice (time being of the essence) the Tenant will be taken to have accepted the current market rent set out in the Council's Notice.

**4.6.3.** If the Tenant gives a Tenant's Notice, then the current market rent will be decided in accordance with clause 4.7. However, the new Rent will not be less than the annual rent payable during the period of 12 months immediately before the relevant Rent Review Date or other effective date specified in the Council's Notice.

**4.6.4.** The current market rent so decided or accepted will be the Rent from the:

- (i) Rent Review Date for a review under clause 4.6.1(i) (or the date of service of the Council's Notice if such notice is served later than three months after the relevant Rent Review Date); or,
- (ii) date specified in the Council's Notice, for a review under clause 4.6.1(ii).

**4.6.5.** From the relevant date as applies under clause 4.6.1(i) or (ii) until the current market rent has been decided or accepted, the Tenant will pay the rent specified in the Council's Notice, as long as a certificate from a registered valuer substantiates the rent. The Council will give the Tenant a copy of that certificate when it gives its notice under clause 4.6.1. Once the current market rent has been decided an appropriate adjustment will be made.

**4.6.6.** Either party may request the rent review to be recorded in a deed. The Tenant will pay the cost of the deed.

**4.7.** The parties will try to agree on the current market rent immediately after the Council receives the Tenant's Notice. If the parties do not reach agreement within 10 Working Days after the date of service of the Tenant's Notice, then the parties may determine the current market rent in either of the following ways:

**4.7.1.** By one party giving notice to the other requiring the current market rent to be decided by arbitration; or

**4.7.2.** If the parties so agree, by registered valuers acting as experts and not as arbitrators as follows:

- (i) Each party will appoint a valuer. They will give written notice of the appointment to the other party within 10 Working Days of the parties agreeing to decide the current market rent in this way.
- (ii) If the party receiving a notice does not appoint a valuer within the 14 Working Day period, then the valuer appointed by the other party will decide the current market rent. The valuer's decision will be binding on both parties.
- (iii) As soon as the valuers are appointed, they must appoint an umpire. The umpire need not be a registered valuer.
- (iv) The valuers will then decide the current market rent of the Land. The rent will be decided by the umpire, if the valuers do not agree on it within one month of the date of appointment of the last of them to be appointed.
- (v) Each party will be given the opportunity to make written or verbal representations to the valuers or the umpire, subject to any reasonable time and other limits the valuers or the umpire prescribe. The valuers or the umpire will have regard to those representations, but will not be bound by them.



- (vi) The umpire or the valuers will give written notice to the parties of their decision as soon as practicable after they make it. The notice will state how the costs of the determination will be borne. The notice will be binding on the parties. However, either party will be entitled to appeal to the High Court any error of law arising out of the decision.

## **5. OUTGOINGS**

### **5.1. The Tenant must punctually pay:**

- 5.1.1.** all rates as defined in the Local Government (Rating) Act 2002 and any other rates, charges, levies, assessments, duties, impositions and fees from time to time payable to any Authority in respect of the Land if so required by the Council; and
- 5.1.2.** all charges for water, electricity, gas and any other service or utility charges addressed to either the Council or the Tenant for the Land.

### **5.2. Where any of the above outgoings above are not levied wholly in respect of the Land or the Term then the Tenant is only obliged to pay a fair proportion of such outgoings depending on the period during which and the area over which the outgoing has been charged.**

## **6. GST**

- 6.1.** The Tenant must pay all GST on the Rent and other payments made by the Tenant under this Lease either to the Council or as the Council directs. The GST on the Rent shall be payable on each occasion when the Rent falls due for payment and in respect of any other payment shall be payable on demand.
- 6.2.** If the Tenant defaults in payment of Rent or any other payment due under this Lease and the Council becomes liable to pay additional GST or penalty tax, the Tenant must on demand pay the additional GST or penalty tax.

## **7. DEFAULT INTEREST**

- 7.1.** If the Tenant fails to pay any Rent or other money payable under this Lease for 10 Working Days after the due date for payment or (if there is no due date) on the date of the Council's demand, then the Tenant must on demand pay interest at the Default Interest Rate on the money unpaid from the due date or the date of the Council's demand (as the case may be) to the date of payment.

## **8. REQUIRED USE**

- 8.1.** The Tenant must only use the Land for the Required Use.
- 8.2.** The Council is entitled to make such enquiries as the Council thinks fit, including giving the Tenant an opportunity of explaining the usage of the Land if at any time the Council is concerned that the Land is not being used or sufficiently used for the Required Use. The Tenant will be in default of its obligations under this Lease if following such enquiries and having considered the Tenant's explanation the Council reasonably forms the opinion that the Land is not being so used or sufficiently used.
- 8.3.** The Tenant must not erect, paint, display or allow on the Land or exterior of the Building any signs, notices or advertising material unless the Tenant first obtains the written approval of the Council in each case.

## **9. CONDUCT ON THE LAND**

- 9.1.** The Tenant must not use or permit the Land or Buildings or any part of the Land or Buildings to be used for any activity which is or may become dangerous, offensive, noxious, noisy, illegal or immoral, or which is or may become a nuisance or annoyance to the Council or to the owners and occupiers of neighbouring properties.
- 9.2.** The Tenant must limit noise levels to a moderate level, and in particular must keep the noise level at the boundaries of the Land to within the requirements of the District Plan as constituted under the Resource Management Act 1991.
- 9.3.** The Tenant may make rules for the management and control of the Land and Building and for the conduct of persons using the Land and Building. Those rules must not be inconsistent with the terms of this Lease. The Council must approve those rules before they can come into effect.
- 9.4.** The Tenant must at all times comply with the Council's Community Funding Policy (as if that policy applies to the Land) and any other policy Council has in place from time to time relating to leases to community organisations.

## **10. LIQUOR LICENCES**

The Tenant must not apply for a liquor licence or renew or vary any liquor licence for the Land or any part of them without first obtaining the written consent of the Council as owner of the Land.

## **11. TENANT'S ANNUAL REPORT**

- 11.1.** The Tenant within 3 months after the end of each of its financial years will provide the following information to the Council:
  - 11.1.1.** A set of its financial accounts for that financial year, provided that if the Tenant's constitution/rules of incorporation require that the accounts be audited, then audited accounts are required;
  - 11.1.2.** A copy of any changes to its constitution that have not been previously approved under clause 21.2;
  - 11.1.3.** An up to date list of the Tenant's chairperson or president, secretary and other committee members, together with their addresses and other contact details.
- 11.2.** The Council will be entitled at any time on reasonable notice for its auditors, being a Chartered Accountant in private practice, to inspect and audit all of the books of account, statements, documents, records, returns, papers and files of the Tenant relating to the Required Use and the Tenant at the request of the Council shall make the same available for inspection or audit at the Land or at such other place as the Council may reasonably require.
- 11.3.** In addition to Council's rights to review the rent under clauses 4.1 and 4.2, and without prejudice to any other rights or remedies Council may have under this Lease, the Council will be entitled to review the rent at any time to:
  - 11.3.1.** the current market rent for the Land, if it is of the reasonable opinion that any commercial (or partly commercial) activity is occurring on the Land; or
  - 11.3.2.** a rent consistent with the Council's Community Funding Policy (or any other Council policy dealing with leases of a nature and to an entity similar to that provided by this lease), if the Tenant's financial accounts or use of the Land trigger the application of a different rent or rental mechanism under the Council's Community Funding Policy (or other Council policy dealing with leases of a nature and to an entity similar to that provided by this lease).

**11.4.** Clauses 4.3 and 4.4 will apply to any review to the current market rent or a proportion of the current market rent under clause 11.3. The rent will be reviewed again on the Rent Review Dates stated in the Reference Schedule.

**11.5.** The Tenant acknowledges that this Lease has been granted by the Council to the Tenant on the basis that the Tenant is a voluntary, not-for-profit organisation. If at any time the Council forms the reasonable opinion that the Tenant is operating for private profit or is using the Land or Building to generate private profit, that will be deemed to constitute a breach of this Lease by the Tenant and the Council will be entitled to cancel this Lease under clause 22.1.

## **12. OPEN MEMBERSHIP**

**12.1.** The Tenant must ensure that any person who complies with the usual rules of the Tenant and pays the subscription may join the Tenant's organisation.

**12.2.** If any person applies for membership of the Tenant and that application is refused then, if requested by the Council, the Tenant must call a special meeting of the members of the Tenant. At that meeting, a vote must be taken among the members present, and that person will become a member if two thirds or more vote in favour of that person's admission.

**12.3.** The Tenant must comply with the Human Rights Act 1993 so far as it applies to the Tenant.

## **13. INSURANCE**

**13.1.** The Tenant acknowledges that the Council has not insured, or has not fully insured, the Land or the Buildings or Improvements against destruction or damage to the Land and the Buildings and Improvements by a Specified Event. Any insurance that the Council does elect to effect will only be to the extent, with the excess, under the type of policy and on the terms and conditions that the Council from time to time considers appropriate in its absolute discretion.

**13.2.** The Tenant must at all times during the Term maintain the following insurances:

**13.2.1.** Public liability insurance (which includes a tenant's liability clause) for at least the Minimum Public Liability Insurance stated in the Reference Schedule (being the amount which may be paid out arising from any single accident or event), or any higher amount the Council reasonably requires;

**13.2.2.** Insurance for the Buildings and Improvements on a full replacement and reinstatement basis against loss, damage or destruction by the Specified Events, such insurance to be in the joint names of the Council and the Tenant for their respective interests;

**13.2.3.** Replacement of all glass in the Building and Improvements; and

**13.2.4.** Contents insurance.

**13.3.** The Tenant's insurance will be on terms and conditions and with a reputable insurer of which the Council reasonably approves. The Tenant must provide the Council with proof of the insurance and the terms of it on the Commencement Date stated in the Reference Schedule, and every 12 months from the Commencement Date.

**13.4.** Whenever the Council requests it to, the Tenant will provide the Council with a copy of the insurance policies for the insurance it must maintain, plus evidence that the Tenant has paid the premium.

#### **14. DAMAGE TO OR DESTRUCTION OF THE LAND AND BUILDING**

**14.1.** The Tenant occupies and uses the Land at the Tenant's risk and releases to the maximum extent permitted by law the Council, its servants and agents from all claims and demands of any kind and from all liability which may arise in respect of any damage to or destruction of the Building or Improvements and any accident, damage, destruction or injury to any person or property in or about the Land or Building.

**14.2.** Where section 269 of the Property Law Act 2007 applies, the Tenant must meet the cost of making good the damage or destruction to the Land, Building and Improvements and must indemnify the Council against such costs to the extent that:

**14.2.1.** the damage or destruction arises from a Specified Event; and

**14.2.2.** at the time when the damage or destruction occurs, the Council is not, in fact, entitled to be indemnified under a policy of insurance for the whole or any part of the destruction or damage.

#### **15. BUILDING WORK**

**15.1.** The Tenant may not erect, alter, reinstate, extend, paint or redecorate any Building or Improvement without:

**15.1.1.** first supplying the Council with detailed plans and specifications and a project programme; and

**15.1.2.** obtaining the prior written approval of the Council as landowner.

**15.2.** The Council will not withhold its consent arbitrarily or unreasonably under clause 15.1.2 if the proposed Building Work:

**15.2.1.** complies with all statutes, regulations, bylaws, rules and requisitions and District and Regional Plan Rules relating to building including (without limitation) any standards which the Council may from time to time set as to the design, height, quality, materials and colour of any Buildings and Improvements;

**15.2.2.** will not in the opinion of the Council overload or endanger the proper working of any services, utilities or amenities;

**15.2.3.** will be carried out under the supervision of an architect, project manager, engineer or other suitably qualified person; and

**15.2.4.** is, in the opinion of Council, associated with and necessary for the Required Use or otherwise in the public interest.

**15.3.** If the Council as landowner gives its approval under clause 15.1.2 then the Tenant must promptly complete the Building Work in a proper and workmanlike manner in accordance with the approved plans and specifications and all approvals, permits and consents.

**15.4.** The Tenant must obtain all consents required under the Building Act 2004 and the Resource Management Act 1991 and provide the Council (as landowner) with a copy of those consents. Approval of the Council under clause 15.1.2 will not be deemed to affect the Council's duties as a regulator as to those statutory consents.

**15.5.** In granting consent or approval under this clause 15 the Council will not be deemed to have warranted that the plans or specifications are suitable for the Tenant's purposes or that any person involved in the work is suitable or adequately qualified.

**15.6.** During the construction of the Building Work the Tenant must maintain, in the joint names of the Council and the Tenant for their respective interests, builders' risk and

public liability insurance for amounts approved by the Council and will provide the Council with a copy of the policies. All Building Work is at the sole risk of the Tenant.

**15.7.** If during the course of the Building Work the Council reasonably considers the Tenant is failing to adhere to the approved plans or specifications, the project programme, the standards referred to in clause 15.2.1, or reasonably considers that the project is not being properly managed, the Council may by notice in writing to the Tenant require that all work stop immediately, or require it to take other action as necessary to mitigate the Council's concerns.

**15.8.** On completion of the Building Work, the Tenant must provide the Council with a copy of the code compliance certificate under the Building Act 2004 and a complete set of drawings accurately showing the Buildings and Improvements as constructed or altered.

## **16. GROUNDS MAINTENANCE**

**16.1.** The Tenant must maintain the Land in a tidy and attractive condition at all times to the satisfaction of the Council.

**16.2.** The Tenant must mow any lawns within the Land regularly, keep any garden and planted areas watered and replace plants and shrubs which die or are destroyed.

**16.3.** The Tenant must take effective measures to prevent any noxious weeds and recognised environmental plant pests growing on the Land and comply with the provisions of the Biosecurity Act 1993. The Tenant must also ensure that the Land is kept free from stones, broken glass, litter, and other detritus.

**16.4.** The Tenant may with the prior written consent of the Council plant new trees on the Land in places approved by the Council. The Tenant must maintain any trees on the Land in a neat and tidy condition. The Tenant must not remove or prune any tree without the Council's prior written consent.

## **17. MAINTENANCE OF BUILDING/IMPROVEMENTS**

**17.1.** The Tenant must keep and maintain all Buildings (both the exterior and the interior) and Improvements in good, clean, and substantial order, repair and condition. The Tenant will do this to the satisfaction of the Council.

**17.2.** The Tenant must remove any externally visible graffiti from any Buildings or Improvements within 5 days of any defacement occurring.

**17.3.** The Tenant shall ensure that the Land is left in clean order repair and condition at the end or earlier determination of the Term and will quietly yield up the Land in clean order repair and condition. The Tenant shall not be liable for fair wear and tear arising from reasonable use.

**17.4.** If any Buildings or Improvements are to remain on the Land at the end or earlier determination to the Term pursuant to clauses 18.3.1 or 18.3.3, then the Tenant must ensure that such Buildings and Improvements are left in clean order repair and condition at the end or earlier determination of the Term and will quietly yield up such Buildings and Improvements in clean order repair and condition. The Tenant shall not be liable for fair wear and tear arising from reasonable use.

## **18. REMOVAL OF BUILDING/IMPROVEMENTS**

**18.1.** The Tenant may not pull down or remove any Buildings or Improvements without first obtaining the written consent of the Council.

**18.2.** At the end of this Lease whether by expiry of the Term, breach of condition, surrender or otherwise, the Land together with all the Buildings and Improvements will revert to the Council without any compensation whatsoever being payable to the Tenant by the Council.

**18.3.** Despite clause 18.2, at the end of this Lease, having regard to the condition and safety of the Land and the Building and Improvements, the Council will have the following rights with respect to the Buildings and Improvements the Tenant has constructed or made:

**18.3.1.** the Council may make the Land, Building and Improvements available to another community group approved by the Council, in which case the Council may require any incoming tenant of the Land to pay to the Tenant the value of the Tenant's Building and Improvements. This value, or amount to be paid, is to be agreed by the parties or if they cannot agree, it is to be determined in accordance with clause 18.3.4.

**18.3.2.** the Council may require the Tenant on written notice from the Council to remove all or some of the Tenant's Buildings and Improvements, in which case the Tenant will, within a reasonable time as stipulated in the notice, and in the manner stipulated in that notice, remove the Buildings and Improvements and repair any damage caused to the Land by that removal, and if this is not done within the stipulated time or in the stipulated manner then the Council may remove the same and repair the Land at the cost in all respects of the Tenant.

**18.3.3.** Where the Building and Improvements erected by the Tenant are of value to the Council, the Council may pay the Tenant the value of the Buildings and Improvements. This value is to be agreed by the parties or if they cannot agree it is to be determined in accordance with clause 18.3.4. Whether the Buildings and Improvements are considered to be of value to the Council for the purpose of this sub-clause is entirely a matter for the Council's discretion and not a matter for dispute between the parties.

**18.3.4.** Where under clause 18.3.1 or 18.3.3 the parties cannot agree on the value of the Tenant's Buildings and Improvements within 10 Working Days of Council giving notice of its intention under clause 18.3.1 or 18.3.3:

- (a) Each party will within a further 10 Working Days appoint a registered valuer to act as an expert for the purpose of determining the value of the Buildings and Improvements. The valuers will appoint an umpire who need not be a registered valuer before determining the value of the Buildings and Improvements. Where the valuers cannot agree on the value, the umpire will make the final determination.
- (b) If an incoming tenant or Council (as applicable) is not prepared to pay the value as determined under clause 18.3.4(a), Council may instead elect to give a notice to the Tenant requiring the Tenant to remove its Building and Improvements under clause 18.3.2.

**18.4.** At the end of this Lease, the Council may remove from the Land any chattels in the apparent possession of the Tenant and place them outside the Land and the Council shall not be answerable for any loss resulting from the exercise of the power of re-entry.

## **19. ACTS, REGULATIONS, BY-LAWS AND RULES**

**19.1.** The Tenant must comply with all statutes, regulations, bylaws, rules and requisitions, District and Regional Plan Rules as they affect the Land and the Tenant's use of the Land including (without limitation) the Resource Management Act 1991, the Local Government Act 2002 and the Health and Safety at Work Act 2015.

**19.2.** Where any Building requires a compliance schedule under the Building Act 2004 ("the Building Act") the Tenant shall at its own cost fully comply with all obligations imposed under the Building Act including but not limited to:

**19.2.1.** complying with any requirements specified in any compliance schedule issued by the Council in its regulatory capacity;

**19.2.2.**ensuring the Building has at all times a current building warrant of fitness and obtaining any written reports relating to compliance with the compliance schedule;

**19.2.3.**complying with any notices issued by the Council in its regulatory capacity under the Building Act 2004.

**19.3.** The Tenant shall at all times display at a place in the Building to which users of the Building have ready access, a copy of the current building warrant of fitness showing the location of the compliance schedule.

**19.4.** The Tenant shall make available to the Council in its capacity as Landlord:

**19.4.1.**prior to the annual anniversary of the issue of the compliance schedule a copy of the compliance schedule together with any written reports relating to compliance with the compliance schedule; and

**19.4.2.**on every subsequent annual anniversary a copy of the building warrant of fitness for the Building together with any written reports relating to compliance with the compliance schedule.

## **20. COUNCIL'S RIGHTS OF ENTRY TO INSPECT AND REPAIR**

**20.1.** The Tenant must allow the Council or any person authorised by the Council at all reasonable times on to the Land and inside Buildings to inspect them or to carry out any works which are not the responsibility of the Tenant.

**20.2.** If the Council gives the Tenant notice of failure to do repairs required by this Lease, the Tenant must carry out work with all speed and complete the work in a diligent and workmanlike manner.

**20.3.** If the Tenant fails to comply with clause 20.2 then the Council is entitled to enter the Land and carry out the work and the Tenant must pay the cost of that work on demand.

## **21. ASSIGNMENT AND SUBLETTING**

**21.1.** The Tenant must not assign, mortgage, charge, sublease or part with possession of the Land, Building or Improvements or any part of the Land, Building or Improvements or the Tenant's interest in this Lease.

**21.2.** If the Tenant is an incorporated society or an association or trust (whether incorporated or not), any amalgamation, or any change in the Tenant's constitution or rules which affects the objects or purpose of the Tenant, will be deemed to be an assignment of this Lease.

## **22. DEFAULT**

**22.1.** The Council may (in addition to the Council's rights to apply for an order for possession or any other rights or remedies at law) cancel this Lease by immediately or thereafter re-entering the Land:

**22.1.1.**if the Rent is in arrears 10 Working Days after the due date to pay any instalment of the Rent and the Tenant has failed to remedy that breach within 10 Working Days after service on the Tenant of a notice in accordance with section 245 of the Property Law Act 2007; or

**22.1.2.**in the case of breach by the Tenant of any covenant or agreement on the Tenant's part herein expressed or implied (other than the covenant to pay Rent) after the Tenant has failed to remedy that breach within the period specified in a notice served on the Tenant in accordance with section 246 of the Property Law Act 2007;

and the Term shall terminate on such cancellation, but without prejudice to the rights of either party against the other.

**22.2.** It shall be a breach of this Lease if the Tenant:

**22.2.1.** being a company or incorporated body:

- (a) is or is deemed to be unable to pay its debts under section 287 of the Companies Act 1993; or
- (b) goes into liquidation (other than voluntary liquidation for the purpose of reconstruction or amalgamation approved in writing by the Council); or
- (c) is wound up or dissolved; or
- (d) enters into any assignment or other compromise or scheme of arrangement with its creditors or any class of its creditors; or
- (e) has a receiver, manager or receiver and manager appointed in respect of any of its assets; or

**22.2.2.** being an unincorporated association or trust, is wound up, dissolved or becomes defunct:

**22.3.** The Council may without being under any obligation to do so remedy at the Tenant's cost any default by the Tenant under this Lease.

**22.4.** The Tenant's breach of the following terms is a breach of an essential term of this Lease:

**22.4.1.** the covenant to pay Rent or other money payable by the Tenant under this Lease;

**22.4.2.** the terms prohibiting assignment or subleasing;

**22.4.3.** the terms restricting use of the Land; and/or

**22.4.4.** the terms dealing with erecting, altering, reinstating, extending, pulling down or removing any Building or Improvement.

**22.5.** The Council's acceptance of any arrears of Rent or other money payable under this Lease is not a waiver of the essential obligation to pay any other Rent or other money payable under this Lease.

**22.6.** The Tenant must compensate Council for any breach of an essential term of this Lease. Council may recover damages from the Tenant for those breaches. Council's entitlement to compensation under this clause is in addition to any other remedy or entitlement of the Council (including the right to terminate this Lease).

## **23. COMPENSATION AND INDEMNITY**

**23.1.** If any act or omission of the Tenant:

**23.1.1.** is a repudiation of this Lease or of the Tenant's obligations under this Lease; or

**23.1.2.** is a breach of any of the Tenant's obligations under this Lease;

the Tenant must compensate the Council for the loss or damage suffered by reason of the repudiation or breach during the whole of the Term.

**23.2.** The Council's entitlement to recover damages will not be affected or limited by:

**23.2.1.** the Tenant abandoning or vacating the Land, the Council electing to re-renter or to terminate this Lease;



**23.2.2.**the Council electing to re-enter or to terminate this Lease; or

**23.2.3.**the Council accepting the Tenant's repudiation; or

**23.2.4.**the parties' conduct constituting a surrender by operation of law.

**23.3.** The Tenant indemnifies the Council against all actions, proceedings, calls, costs, claims, demands, losses, damages, expenses and liabilities of any kind suffered or incurred by the Council resulting from any act or omission of the Tenant or the Tenant's Agents.

**23.4.** The indemnity in clause 23.3 will not apply to the extent that section 269 of the Property Law Act 2007 applies and is not overridden by the operation of clauses 13.1 and 14 of this Lease.

**23.5.** The Tenant must not do or cause or suffer or permit to be done on the Land anything that may prejudice the Council in its tenure or control of the Land to render the Council liability to any action, claim, demand or proceedings whatsoever and the Tenant must indemnify the Council against any loss or damage arising out of any such action, claim, demand or proceedings.

## **24. DISPUTE RESOLUTION**

**24.1.** Except for those provisions where the Council has a discretion contained in clauses 2.2, 4.2 and 20.3, if any dispute arises between the Council and the Tenant concerning this Lease, the parties will try in good faith to settle the matter by negotiation, and if that is unsuccessful by mediation.

**24.2.** If the dispute cannot be settled by negotiation or mediation, it will be referred to arbitration (under clause 24.3).

**24.3.** The dispute will be referred to a sole arbitrator if the parties agree upon one, and if not then the dispute will be referred to an arbitrator appointed by the then President or Vice President of the New Zealand Law Society.

**24.4.** The Arbitration Act 1996 will govern the arbitration and the arbitral award will be final and binding on the parties. However, either party is entitled to appeal to the High Court on any error of law arising out of the award.

## **25. NATURE OF THE COUNCIL**

**25.1.** The Council has signed this Lease as the owner of the Land. The Council is also the territorial authority for the area in which the Land are situated. Nothing in this Lease limits or affects the duties and obligations of the Council as a regulatory authority under the Resource Management Act 1991, the Building Act 2004 or any other relevant statute. The Council will not be liable for any expense, costs, loss, or damage the Tenant or any person claiming through the Tenant suffers or incurs because of the Council lawfully carrying out its statutory duties.

**25.2.** Where this Lease requires the Tenant to obtain any consent or approval of the Council, the Council will grant that consent or approval in its capacity as the owner of the Land only. The Tenant must separately obtain through the relevant department of the Council any consent or approval it requires from the Council acting as regulatory authority. Similarly, any consent or approval the Tenant obtains from the Council acting as territorial authority, does not constitute the consent of the Council in its capacity as the owner of the Land.

**25.3.** Where the Tenant wants to give a notice to or otherwise communicate with the Council, the Tenant must address the notice to, or otherwise deal with the department of the Council from time to time charged with administering this Lease. A notice the Tenant sends that has not been addressed to that department will have no effect and will not have been given, until it has been actually received by that department. Any consent,

approval or other permission obtained from any other department will not be binding on the Council.

- 25.4.** The Council will advise the Tenant in writing at the Commencement Date as to the department of the Council charged with administering this Lease. The Council will advise the Tenant of any change as soon as practicable after the change comes into effect.

## **26. IMPLIED PROVISIONS**

- 26.1.** The covenants and provisions implied in Leases by the Property Law Act 2007 and the Land Transfer Act 2017 will apply to this Lease except to the extent they are inconsistent with the terms of this Lease.

- 26.2.** The Tenant will not call for this Lease to be registered, or lodge a caveat against the title to the Land.

## **27. COSTS**

- 27.1.** The Tenant must pay all the Council's and its own legal costs and expenses for the preparation, completion and execution of this Lease or any renewal or variation of it (including any variation recording a rent review) and all costs incurred by the Council in exercising any rights and remedies because of any default by the Tenant.

## **28. NO WAIVER**

- 28.1.** The Council's waiver or failure to act in response to the Tenant's breach of any of the Tenant's obligations in this Lease will not operate as a waiver of the same breach on any later occasion, or any other breach of this Lease.

## **29. NOTICES**

- 29.1.** Any notice or document required or authorised to be delivered or served under this Lease may be delivered or served:

**29.1.1.** In any manner prescribed in Part 7 of the Property Law Act 2007 for the type of notice being served; or

**29.1.2.** By facsimile where permitted by the Property Law Act 2007 for a notice of its type.

- 29.2.** Any notice or other document will be treated as delivered or served and received by the other party:

**29.2.1.** On personal delivery;

**29.2.2.** Three days after being posted by prepaid registered post; or

**29.2.3.** On completion of an error free transmission, when sent by facsimile.

- 29.3.** Any notice or document to be delivered or served under this Lease must be in writing and signed by:

**29.3.1.** Any attorney, officer, employee or solicitor for the party serving or giving the notice; or

**29.3.2.** The party serving the notice or any other person authorised by that party.

- 29.4.** Clauses 25.3 and 25.4 apply to any notice or communication from the Tenant to the Council.

## 6.7 Speed Limit Bylaw – Waipu South and Beaches

**Meeting:** Whangarei District Council

**Date of meeting:** 24 September 2020

**Reporting officer:** Nick Marshall (Team Leader – Road Safety and Traffic Engineer – NTA)  
 Shawn Baker (Project Manager Speed Limits – Contractor NTA)

### 1 Purpose

To seek approval to consult on proposed new speed limits in the Waipu South catchment area and on Whangarei Beaches.

### 2 Recommendations

That Whangarei District Council

1. Adopt the attached “Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2019 – Waipu South Largs Beach” for consultation.
2. Undertakes consultation on the proposed changes to speed limits in the attached Statement of Proposal in accordance with the Special Consultative Procedures set out in Section 83 of the Local Government Act 2002.
3. Confirms that the submission period of the speed limit review will open on 29<sup>th</sup> October and close on 18<sup>th</sup> December with Hearings scheduled for early 2021.
4. Delegates the Chief Executive to make any necessary minor drafting or presentation amendments to the to the attached Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication.

### 3 Background

The Speed Limits Bylaw 2019 is the statutory instrument that sets speed limits on local roads that Whangarei District Council is responsible for. As part of the national “Road to Zero” Road Safety Strategy, Council are required to review all speed limits in the district over time, with an initial focus on high benefit, self-explaining areas. The reviews are being led by the Northland Transportation Alliance (NTA) on a regional basis to ensure consistency across the region and to achieve cost savings.

The Setting of Speed Limits Rule 2017 and the Local Government Act 2002 require Council, in its role as a Road Controlling Authority, to consult on proposed changes to speed limits. This Agenda item seeks approval from Council to consult with the community on proposed new speed limits within the Waipu South road catchment area, as well as beaches.

The Waipu Catchment area is being reviewed at this time so that it can coincide with Kaipara District Council's review of speed limits in the Mangawhai area, which includes Cove Road that crosses the district boundary.

Speed limits on beaches are being reviewed as part of the implementation of a Council decision taken on 26<sup>th</sup> September 2019, that sought the speed limit on Langs Beach to be reviewed as part of the speed limit reviews being undertaken.

## **4 Discussion**

NTA is leading a regional programme of speed reviews as part of the implementation of the national Road to Zero Road Safety Strategy. As part of the regional review programme, NTA are about to consult on proposed new speed limits in the Mangawhai – Kaiwaka area on behalf of Kaipara District Council, including Cove Road, which crosses the boundary between the two Council's.

The speed limits in the Waipu urban area were reviewed late 2019. This earlier review deliberately did not include Cove Road and other roads south of Waipu, so that they could be reviewed in conjunction with the Mangawhai review.

### **4.1 Submission Period**

The standard submission period is four weeks or 20 working days. However, it is recommended that the submission period be extended for the following reasons:

- The speed limits review is expected to have a high community interest
- There is a need to coordinate with the Mangawhai speed limit review being undertaken by Kaipara District Council
- Langs Beach has a high non-resident population and it is important that this community is reached
- Allows for greater flexibility to address any Covid-19 restrictions that may occur

The following submission period is therefore recommended:

- Submissions Open: 29<sup>th</sup> October 2020
- Submissions Close: 18<sup>th</sup> December 2020

It is anticipated that hearings will be held in February 2021.

### **4.2 Public consultation**

Section 2.5 of the Setting of Speed Limits Rule 2017 identifies the groups and organisations that must be consulted before setting a new speed limit. This includes any local communities that may be affected by the proposed speed limit. Consultation must be undertaken in accordance with the provisions of Section 156 of the Local Government Act 2002.

Given the large area covered by the review; the changes proposed; and community interest; it is proposed to consult in accordance with the Special Consultative Procedures set out in Section 83 of the Local Government Act 2002. This will be given effect to by:

- Directly notifying statutory consultees as set out in Section 2.5 of the Setting of Speed Limits Rule 2017, as well as key stakeholders, as identified by Council and Section 22AD (3) of the Land Transport Act 1998.
- Public notice will be placed in media with the information able to be viewed at Council service centres.

- The Statement of Proposal, along with detailed technical review information will be made available on council's website
- Where appropriate, public information sessions will be organised.

Council is required to ensure that there is reasonable opportunity for persons to present their views to Council in a manner that is appropriate to the preferences and needs of those persons. To facilitate this, a hearing date will be reserved.

#### **4.3 Community feedback in decision making**

The setting of speed Limits Rule 2017 identifies a range of matters that the Road Controlling Authority must consider and assess when proposing a new speed limit. This includes the wider road environment; the safe design speed of the road; adjacent land-uses; and what the road is used for. Community feedback is one aspect that must be considered.

Following the submissions and hearings process, a detailed Recommendations Report will be produced. This Report will detail the feedback received and take into consideration all the matters that must be considered under the Setting of Speed Limits Rule.

#### **4.4 Next Stage**

Following the public consultation process, all submissions will be reviewed and summarised and a determination will be made as to whether a hearing will be required to enable submitters to present their views in person.

A Recommendations Report will be prepared. This report will take into consideration all assessment criteria set out in the Setting of Speed Limits Rule 2017, including public feedback.

If Council adopts the final recommendations, staff will prepare a programme to make appropriate changes to signage and prepare the required changes to the Speed Limits Bylaw for final adoption.

#### **4.5 Financial/budget considerations**

There are no ongoing financial and budgetary implications of this decision. However, it should be noted that changes to speed limits will incur an initial cost for new signage, which will be met within existing budgets.

#### **4.6 Policy and planning implications**

There is no ongoing policy or planning implication from this decision.

#### **4.7 Options**

**Option 1:** Approve the Statement of Proposal for consultation. Approval of the Statement of Proposal provides staff the authority to seek community feedback on proposed speed limits in accordance with the Setting of Speed Limits Rule 2017 and the Local Government Act 2002. This will enable the ongoing speed limit review process to move forward.

**Option 2:** Approve the Statement of Proposal for consultation, with amendments. The proposed speed limits within the Statement of Proposal are consistent with national and regional assessment criteria. The proposals provide an evidence based starting point for

community engagement and consultation. Any amendments to proposed speed limits may not appropriately address all required assessment criteria.

**Option 3:** Do not approve the Statement of Proposal for consultation. If the Statement of Proposal is not approved for consultation, staff will be unable to carry out speed limit reviews in accordance with the national Road to Zero Road Safety Strategy and the Setting of Speed Limits Rule 2017.

The recommended option is **option 1**.

#### **4.8 Risk**

There are no ongoing risks associated with this decision.

### **5 Significance and engagement**

The proposed amendments were assessed in accordance with Councils Significance and Engagement Policy.

The assessment determined that the proposed amendments, either individually or cumulatively do not meet the significance criteria in the Significance and Engagement Policy (2017).

### **6 Attachment**

1. Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2019 – Waipu South Langs Beach.

## STATEMENT OF PROPOSAL

*Proposed amendments to the*

# ***Speed Limits Bylaw 2019***

*Waipu South and Langs beach*





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Whangarei District Council is proposing to amend our Speed Limits Bylaw 2019 as part of an ongoing programme to review speed limits on the district's roads. Council is a Road Controlling Authority and is responsible for setting speed limits on all roads within the Whangarei District (except State Highways). Council is required to review all speed limits on roads it is responsible for under the Governments Road to Zero Road Safety Strategy. The reviews will be undertaken in a staged programme. The proposed changes to speed limits in this Statement of Proposal cover an area to the south of Waipu, including Cove Road.

This document includes further information on the proposed amendments, including the reasons for the proposals, a draft of the proposed amendments and some statutory background information. Additional information can be obtained from Councils website.

Before making any final decisions, we'd like to know your views.

The closing date for submissions is **[To insert]**.

Further information on how to make a submission is included in this document.

## Have Your Say

We need your feedback by **[To insert]**.

Your views on the proposed new speed limits are important to us.

There are several ways you can have your say. A submission form is provided in this Statement of Proposal or you can download a submission form from our Website and email, post or deliver it to us. You can also make a submission online.

Please ensure that you state in your submission if you want to present your submission in person at a Council hearing.

## How to make a submission

You can make a submission online at: [www.wdc.govt.nz](http://www.wdc.govt.nz) or email us at [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (please put “Speed Limits Bylaw” in the subject line), or:

Post your submission to:

Speed Limit Bylaw  
Whangarei District Council  
Private Bag 9023  
Whangarei 0148

Submissions can also be hand-delivered to Council offices in Forum North, Rust Avenue, or at a Council service Centre (Attention Shawn Baker, Roading Department).

Council is legally required to make all written or electronic submissions available to the public and to Councillors, including the name and address of the submitter. The submissions, including all contact details provided, will be available to the public, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

If you consider there to be a compelling reason why your contact details and/or submission should be kept confidential, you should contact Hilary Malcom at Council on 0800 932 463 or 09 430 4200.

## Timeline for considering the proposed amendment to the Bylaw

Submissions Period: **[To insert]**

Hearings (if required): **[To Insert]**

Council amends Bylaw: **To be advised**

Any amendments come into force: **To be advised**

*Information on the hearings process and what to expect if you want to attend the hearings to present your submission in person can be found on our website in the public consultations section.*

# Statement of Proposal

## Introduction

There is a need to reduce deaths and serious injuries on the road network; but also, ensure that people and goods can move around the road network efficiently. To do this we need to ensure that the speed limits on our roads are safe and appropriate for the road conditions and the purpose for which the road is used. We set the speed limits with the Whangarei Speed Limits Bylaw 2019, which is made under the Land Transport Act 1998.

All Councils are required to review the speed limits on roads within their District as part of the Governments Road to Zero Road Safety Strategy. Because we have so many roads, we have decided to use a staged approach to reviewing speed limits, with the highest risk areas being reviewed first.

The first speed limit that we undertook included the Waipu urban area and Nova Scotia Drive. Feedback from that review included requests to review the speed limit on Cove Road. In 2019, Council also amended its Vehicles on Beaches Bylaw to restrict vehicle access on Langs Beach. As part of that process, Council received feedback relating to the speed on Langs Beach. This speed limit review includes speed limits on Langs Beach.

We will provide ongoing information about our speed review programme on our website at [www.wdc.govt.nz](http://www.wdc.govt.nz).

Before finalising and setting any new speed limits, Council wants to hear your views. This Statement of Proposal provides you with the background and reasons for the proposed speed limits, as well as a summary of the statutory issues Council is required to consider when setting speed limits. A copy of the proposed amendments to the Bylaw are also included.

As well as your views, we are also required to consider a range of other matters when setting a safe and appropriate speed limit, including crash risk information; the design and nature of the road; the surrounding land-uses; how the road is accessed from properties; and what the road is used for.

If you want more detailed information on the matters that we have considered in proposing the new speed limits, you can visit our website at [www.wdc.govt.nz](http://www.wdc.govt.nz) for the detailed speed review reports.

You can also call us on 09 430 4200 or 0800 932 463 if you would like to have a copy sent to you.

## Reasons for the proposed amendments

We are reviewing our speed limits as part of the governments Road to Zero Strategy, updated Speed Management Guidance and the Setting of Speed Limits Rule 2017.

The speed limits on many of our roads were set at a time when speed limits were restricted to 50km/h in urban areas, 100km/h in most other places, with a few 70km/h zones where there was a semi urban environment. We now have greater options to identify safe and appropriate speed limits that match the road environment.

Over time, Waipu Cove, Langs Beach, and the surrounding areas have grown and changed, and along with this, the road environment has also changed. There are new developments and communities, more traffic on our roads and we even have new roads that did not exist before. We need to make sure that our speed limits reflect these changes.

How communities are using our roads has also changed. In some areas, the mixture of road users has changed with more cyclists, pedestrians and young people using the road environment, or more people taking short journeys. The speed limit should reflect these changes as well so that we reduce the risk of serious and fatal crashes.

There was a total of 7178 reported crashes in Northland between 2016 – 2020, with travel speed being the principle factor in 20% of those crashes. During the same 4 1/2yr period, there were 39 fatal crashes involving 46 deaths and 164 serious injury crashes causing 217 serious injuries with travel speed being the principle factor. There is a real need to reduce the toll on our communities by ensuring that speed limits are safe and appropriate for the wider road environment.

We are also proposing to change the speed limit on Langs Beach. This proposal is in response to extensive community feedback received when Council made an amendment to the Control of Vehicles on Beaches Bylaw 2009. The south-eastern end of Langs Beach has long been used as a launching area for small boats. Access for launching has been retained, however, there is also a need to balance vehicle usage with public safety of beach goers. The proposed new speed limit recognises the increase in pedestrians using the beach and the relatively uncontrolled nature of the beach environment.

Whilst the only proposed change to beach speed limits is on Langs Beach, we are seeking community feedback on other beach speed limits.

This Statement of Proposal provides the overall reason for the proposed changes to the speed limits. There is more information in the detailed speed review reports for each area. These can be viewed on our website at [www.wdc.govt.nz](http://www.wdc.govt.nz).

## ***Will it take longer to get where I am going?***

In most cases, the average driver will get to their destination in about the same time that they are now. This is because the actual speed that you drive on a road is often much slower than the posted speed limit.

People who travel at an unsafe speed, whether or not they are exceeding the speed limit, may experience a small increase in journey time, but for many journeys, this will be measured in seconds rather than minutes.

A 5km journey travelled at 100km/h will take 3 minutes, the same journey travelled at 80km/h will take just 45 seconds longer.

## ***Speed Environments***

We now have more options for speed limits. In the past, speed limits were restricted to 50, 70 and 100kmph. As a result, our current speed limits do not always match the road environment. In some cases, we have a default 100kmph speed limit on narrow unsealed roads, with one lane bridges and little visibility around corners.

Matching the speed limit with the road environment achieves safer, more appropriate and predictable speed limits. If you drive down one road, the speed limit should be similar to any other road that has the same look and feel to it.

We have provided a description of the speed limits expected in different road environments that we have used to set safe and appropriate speed limits that are consistent across Northland.

- 20kmph** • Shared Space areas that are predominantly used for pedestrian activities. Areas will typically include street furniture and landscaping, or street design that promotes casual pedestrian activities. Some beaches.
- 30kmph** • Shared Space areas that provide equal access to pedestrians, cyclists and motor vehicles. Beach access, including informal parking for pedestrian access to beaches and some parts of smaller urban centres and coastal settlements. Most beaches
- 40kmph** • Urban areas where there are facilities that generate significant additional pedestrian activity such as schools, shopping centres, sports facilities or other developed recreational areas, or where there are “slow street” urban design features.
- Central Business District areas, particularly where there is on-road parking and pedestrians crossing roads at either controlled or uncontrolled crossing points, but not a formal shared space.
- Unsealed roads that are particularly narrow, torturous or are short access only roads that may have a higher non-traditional vehicle use (eg: horses or agricultural vehicles).

- 50kmph** • Urban roads that have a high residential density, but no facilities that would generate significant additional pedestrian activity such as schools, shopping centres, sports facilities, or other developed recreational areas. Note: smaller rural and coastal settlements are expected to have a lower speed limit that reflects the nature of that settlement.
- 60kmph** • Semi-urban or rural roads that meet one or more of the following criteria:
  - Significant industrial or commercial activity
  - A road principally used for access to rural residential dwellings with a narrow single lane carriageway or a carriage way that has no centre line marking
  - A road where significant residential or other development is directly accessed, including approaches to urban areas.
  - Some urban arterial routes
  - Unsealed roads
- 70kmph** • Transitional roads that do not meet the 60kmph semi-urban speed environments but have characteristics that an 80kmph speed limit is inappropriate. In accordance with national guidance, 70kmph zones will be discouraged, except where there is an existing 70kmph zone.
- 80kmph** • General rural sealed roads with clearly marked centre lines, shoulder areas and are not torturous in terms of curves.
- 100kmph** • Rural arterial routes that are of high quality with a wide carriageway, clearly marked or separated lanes, shoulder areas and exhibit some form of engineered safety features

## Statutory Considerations

The Speed Limits Bylaw is made under Section 22AD of the Land Transport Act 1998. There is no limitation on when this Bylaw must be reviewed. In addition, the determinations required under Section 155 of the Local Government Act 2002 are not required.

Section 4.2 of the Setting of Speed Limits Rule 2017 requires Council, in its capacity as a Road Controlling Authority to have regard to:

- |  |  |
|--|--|
| a. NZTA information about speed management       | g. The number of intersections and property accessways |
| b. NZTA Speed Management Guidance                | h. Traffic volume                                      |
| c. The function and use of the road              | i. Any planned modifications to the road               |
| d. Crash risk for all road users                 | j. The views of interested persons or groups*          |
| e. The characteristics of the road and roadsides |  |
| f. Adjacent land-use                             |  |

Detailed information about the matters that Council must have regard to under Section 4.2 of the Setting of Speed Limits Rule 2017 is provided in separate “Speed Review Reports” for each review area, and can be viewed on our website at [www.wdc.govt.nz](http://www.wdc.govt.nz).

\*The views of interested persons or groups includes feedback received as part of this submission process.

## Proposed Changes

The proposed changes to speed limits are set out for each review area in this document. Maps identify the review areas at the beginning of each review section in this document. Maps and tables are also provided so that you can compare the current speed limit with the proposed speed limit.

The proposed changes to speed limits are set out in both maps and tables. The Review Area Map identifies the entire area that we are reviewing.

Where we are proposing a change to the speed limit on a road, we have identified the road and set out the current posted speed limit and the proposed new speed limit in tables. We have also included a map of the proposed new speed limits.

In most cases, the proposed new speed limits on open roads will reduce to 80kph because our roads do not meet the safety standards of a higher speed limit. On many of these roads, you will find that your journey time will not increase significantly because it is not possible to safely travel at a higher speed. The proposed speed limits on unsealed roads will be generally lower than that of a sealed road.

Within our coastal communities of Waipu Cove and Langs Beach, we are proposing slower speed limits of 40kph for most residential streets and 30kph in areas where there are more pedestrians accessing beaches or retail establishments.

## Beaches

The current speed limit on beaches in the Whangarei District is 30kph. We are proposing to retain this speed limit on all beaches where vehicles have access, except where there are a significant number of pedestrians using the beach, for example, Langs Beach.

## Review Area

The review area is identified in the map below and is described as the Waipu South Langs Beach Review Area and incorporates an area to the south of Waipu and east of State Highway 1 to the Kaipara District Council Boundary in the south. The area includes Cove Road, Waipu Cove and Langs Beach township, including the beach area.



# Waipu - Langa Beach - Mangawhai Review Area



— Roads in review    - - - Private Road

Note: Some road names have not been included in the map as the font size is too large for the map scale or because they are located within an existing Urban Traffic Area. Please refer to tables for all road names.

## Summary of Proposed Speed Limits

In Whangarei District Council's capacity as the Road Controlling Authority (RCA), we are proposing the following amendments to the posted speed limits within the Speed Review Area as set out in the table and map below.

It should be noted that private roads and State Highways are outside the jurisdiction of the Whangarei District Road Controlling Authority; and are therefore not included.

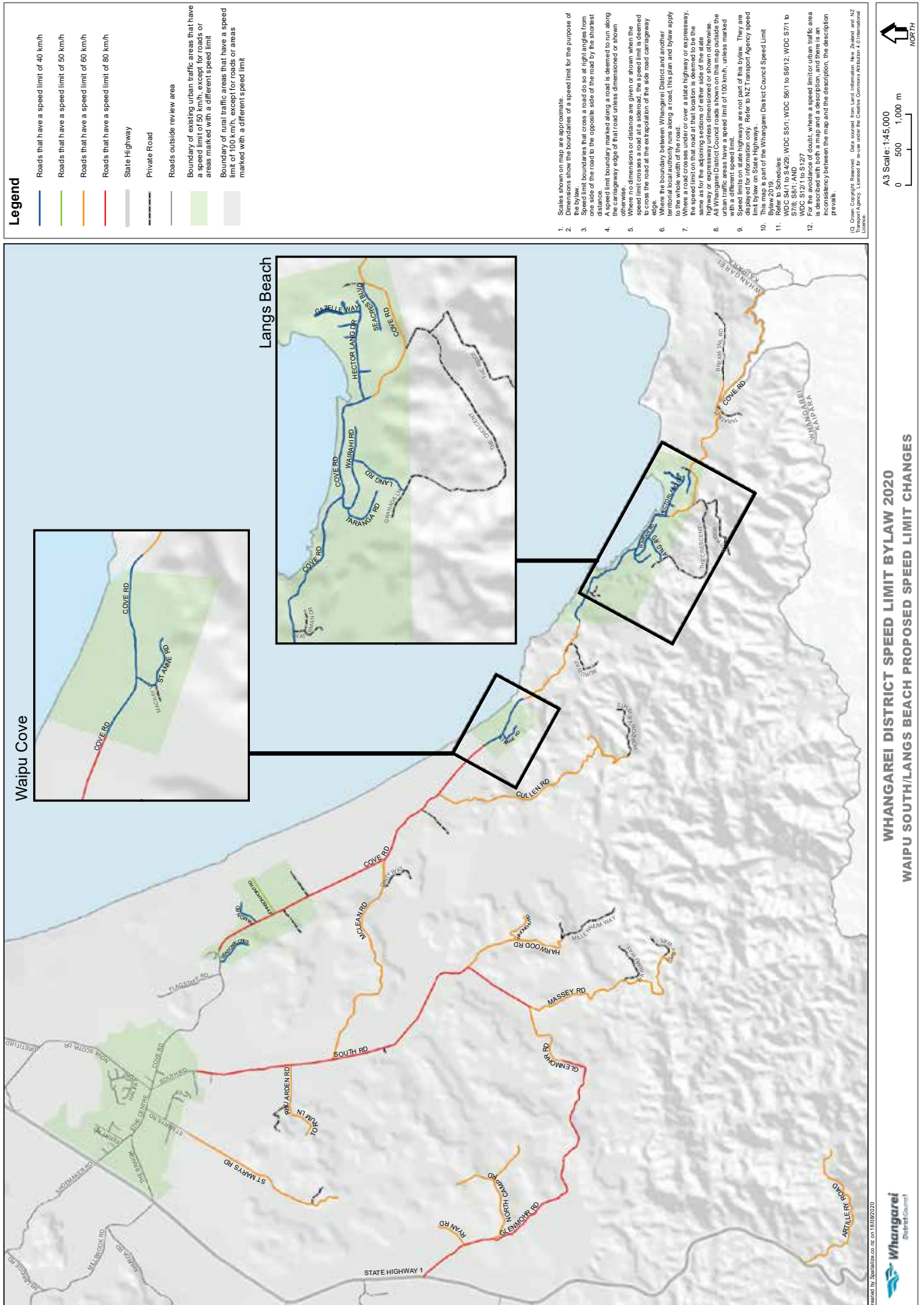
<b>Road Name</b>	<b>Existing Posted Speed Limit</b>	<b>Proposed Speed Limit</b>
Anderson Place	50kmph	40 kmph
Artillery Road	100kmph	60kmph
Aqua View Drive	100kmph	60kmph
Breadalbane Place	50kmph	40kmph
Cove Road (50kph boundary to Flagstaff Tce)	100kmph	80kmph
Cove Road (Flagstaff Tce to North Cove Ln)	80kmph	80kmph
Cove Road (North Cove Ln to 50kph Boundary Waipu Cove)	100kmph	80kmph
Cove Road (50kph Boundary at Waipu Cove to Waipu Cove 80/60kmph Boundary)	50kmph	40kmph
Cove Road (Waipu 80/60kph Boundary to Langs Beach 50kph Boundary)	60kmph	60kmph
Cove Road (Langs Beach 100kmph/50kmph Boundary to 50m south of Hector Lang Drive)	50kmph	40kmph
Cove Road (50m south Hector Lang Drive to District Boundary)	100kmph	60kmph
Cullen RD (Cove Road end)	100kmph	60kmph
Gazelle Way	50kmph	40kmph
Glenmohr Road (from South Rd to Massey Rd)	100kmph	80kmph
Glenmohr Road (Massey Rd to S36 02 12.1 - E174 27 10.0)	100kmph	60kmph
Glenmohr Road (From S36 02 12.1 - E174 27 10.0 to SH1)	100kmph	80kmph
Hamon Road	50kmph	40kmph
Harwood Road	100kmph	60kmph
Hector Lang Drive	50kmph	40kmph
Highland Lass Place	50kmph	40kmph
Johnston Point Road	50kmph	50kmph
Kingswood Place	50kmph	40kmph
Lang Road	50kmph	40kmph
McClean Road	100kmph	60kmph
Massey Road	100kmph	60kmph
North Camp Road	100kmph	60kmph



Rhu Ardern Road	100kmph	60kmph
Ryan Road	100kmph	60kmph
Sealladh-Nui Heights	100kmph	60kmph
Seascape Boulevard	50kmph	40kmph
Seascape Crescent	50kmph	40kmph
South Road	100kmph	80kmph
ST Anne Road	50kmph	40kmph
ST Marys Road	100kmph	60kmph
Taranga Road	50kmph	40kmph
Torum Lane	100kmph	60kmph
Waionehu Road	100kmph	60kmph
Wairahi Road	50kmph	40kmph

**Table 1: Proposed Speed Limits**

\* Cove Road from Waipu to Flagstaff Road – was recommended to reduce to 80kph as part of the Waipu Urban Area Speed Limit Review undertaken in 2019/2020.



Note: Some road names have not been included in the map as the font size is too large for the map scale or because they are located within an existing Urban Traffic Area. Please refer to tables for all road names.

## Beaches

Whangarei District has a wide range of beaches, ranging from smaller sheltered bays like Matapouri, through to long open beaches like Bream Bay that stretches from Marsden Point to Waipu. Unlike many other districts, Whangarei District has traditionally allowed vehicular access to many of our beaches.

Some of our beaches, where vehicles have access are becoming more popular for a wide range of people and uses. It is therefore important that we review the speed limits on these beaches to ensure that they remain safe for all users.

It should be noted that we are not consulting on whether vehicles should have access to beaches. Access to beaches is managed by the Control of Vehicles on Beaches Bylaw 2009, which we are not currently reviewing.

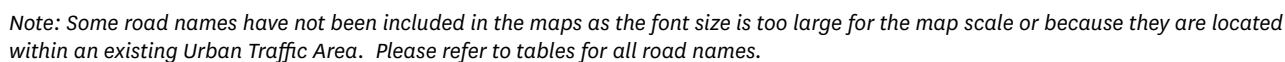
The only beach that we are proposing to change the speed limit is Langs Beach. We are proposing to reduce the speed limit on the part of the beach where vehicles have access from 30kph to 20kph.

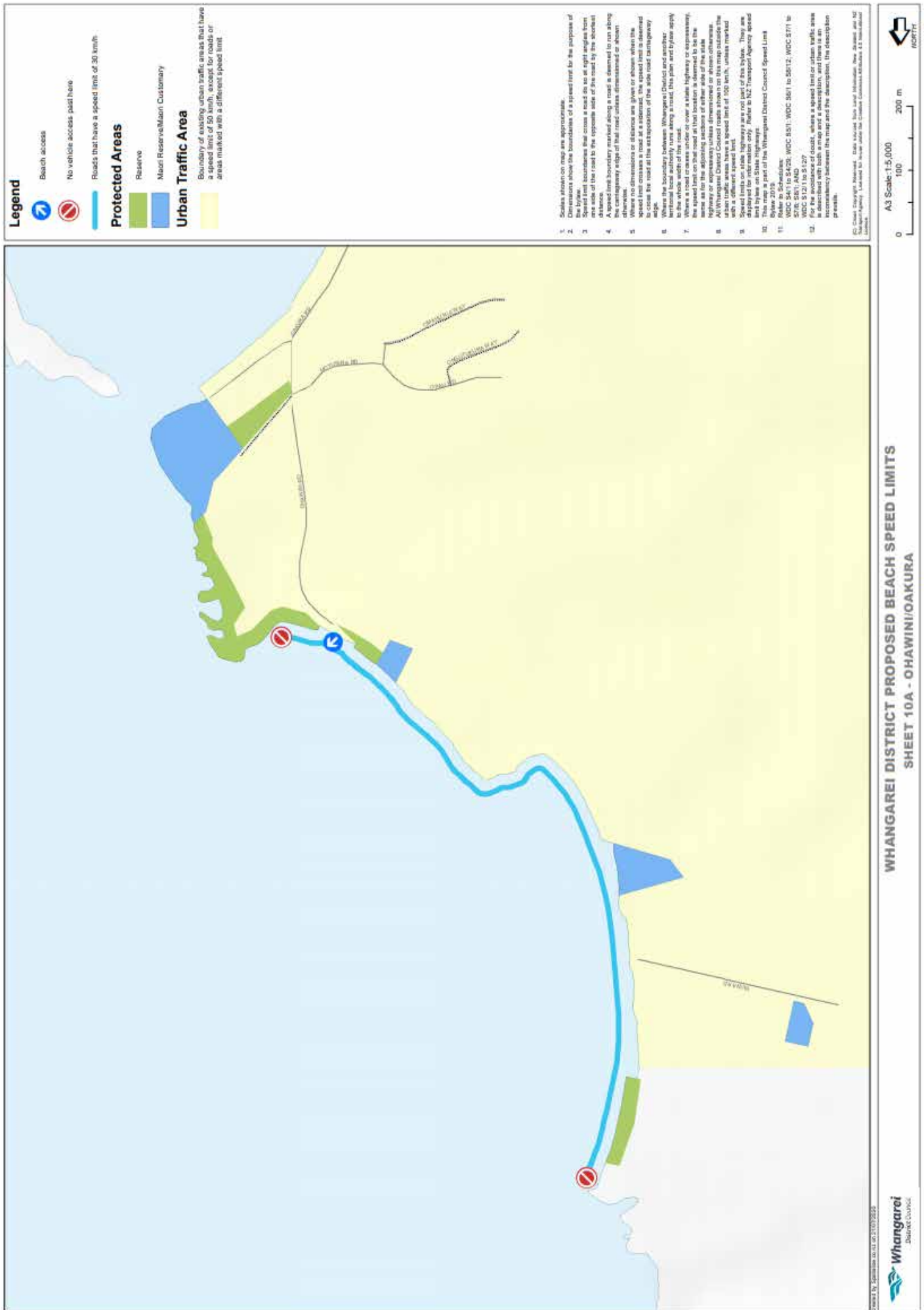
Council undertook a review of vehicles access on Langs Beach in 2019. In response to community feedback, Council's Control of Vehicles on Beaches Bylaw was amended to prohibit vehicle access to part of Langs Beach. During the consultation process, Council also received significant feedback with respect to the current speed limit on Langs Beach. Following the submission process, Council determined that the most appropriate way of addressing the speed limit on Langs Beach was through the Whangarei District Speed Limits Bylaw 2019.

Langs Beach is a shared space that is predominantly used for pedestrian activities. The proposed 20kph speed limit aims to strike a balance between the need to maintain vehicle access to launch small boats and the safety of pedestrian beach users.

The proposed change to the speed limit on Langs Beach is set out in the table and map below. Other beaches where speed limits apply are also set out in maps below.

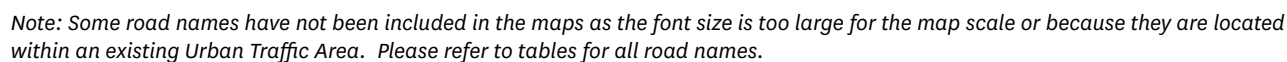
<b>Beach</b>	<b>Map</b>	<b>Existing Posted Speed Limit</b>	<b>Proposed Speed Limit</b>
Langs Beach Note: The Control of Vehicles on Beaches Bylaw now prohibits vehicles from the beach area to the north-west of the beach access point.	Sheet 23B	30kmph	20kmph
Ohawini / Oakura	Sheet 10A	30kmph	30kmph
Bream Bay – Marsden South	Sheet 21A	30kmph	30kmph
Bream Bay – Ruakaka North	Sheet 21B	30kmph	30kmph
Bream Bay – Ruakaka South	Sheet 22C	30kmph	30kmph
Bream Bay – Johnstone Point North	Sheet 22A	30kmph	30kmph
Bream Bay – Waipu Cove North	Sheet 23A	30kmph	30kmph

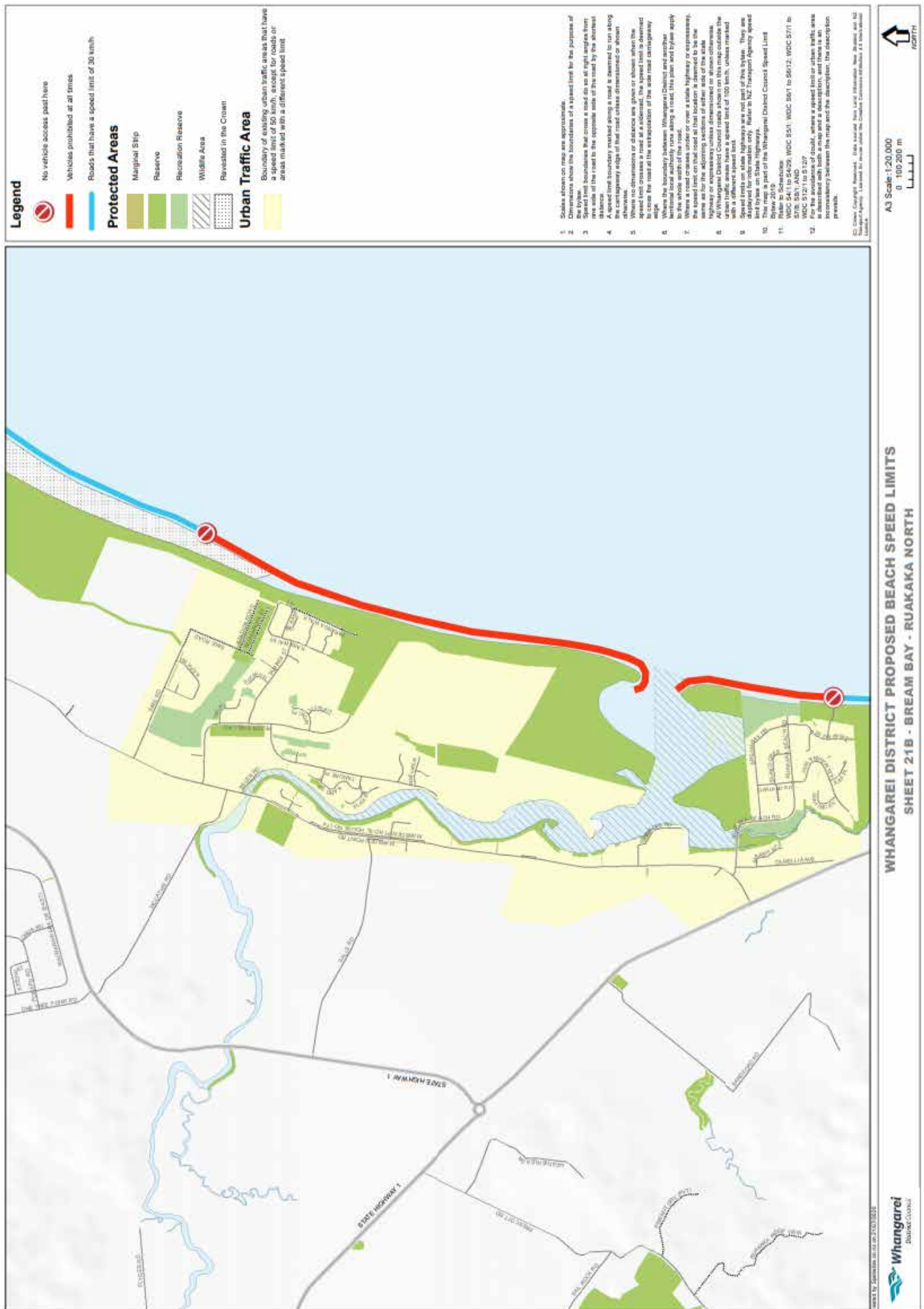




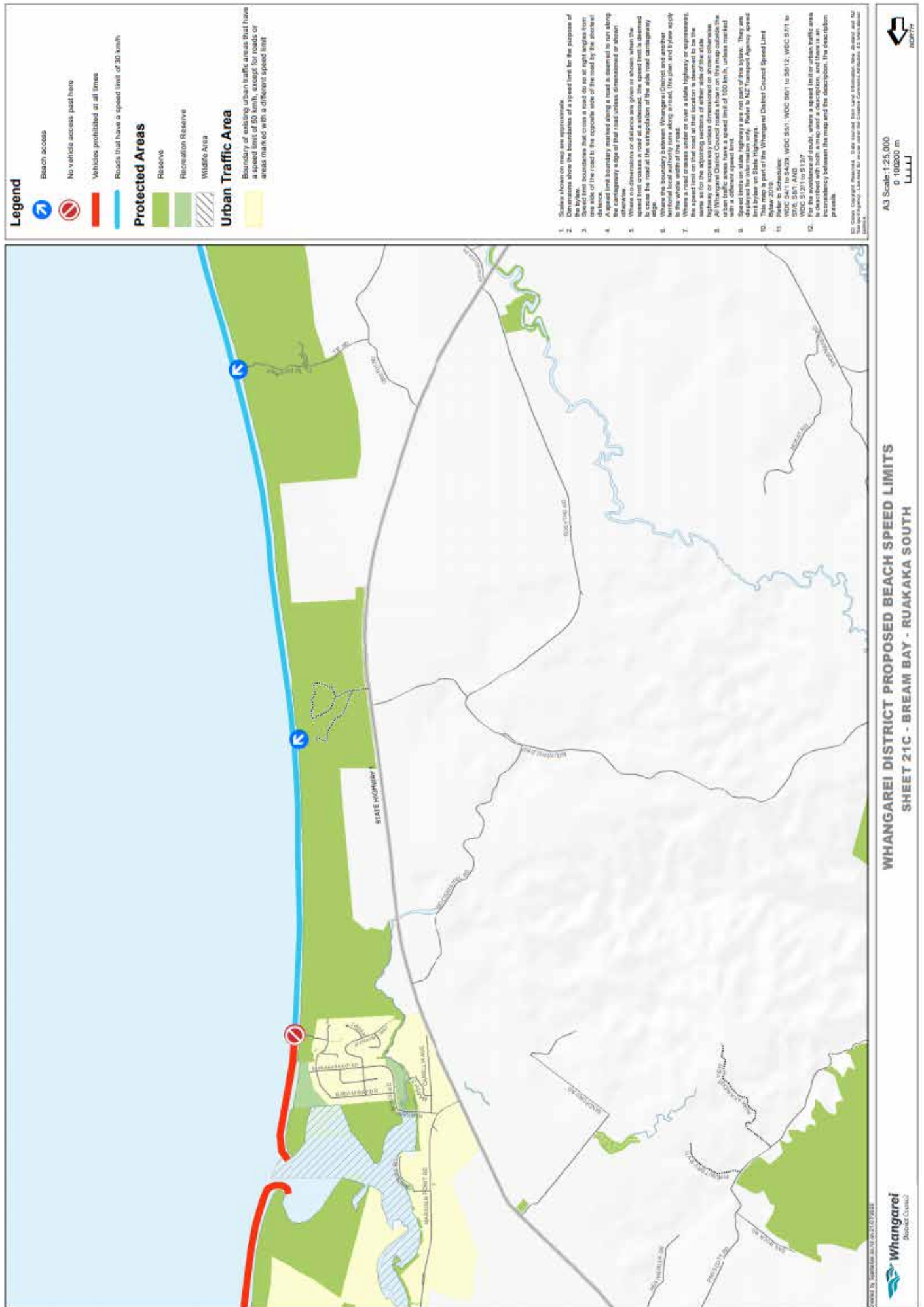
Note: Some road names have not been included in the maps as the font size is too large for the map scale or because they are located within an existing Urban Traffic Area. Please refer to tables for all road names.





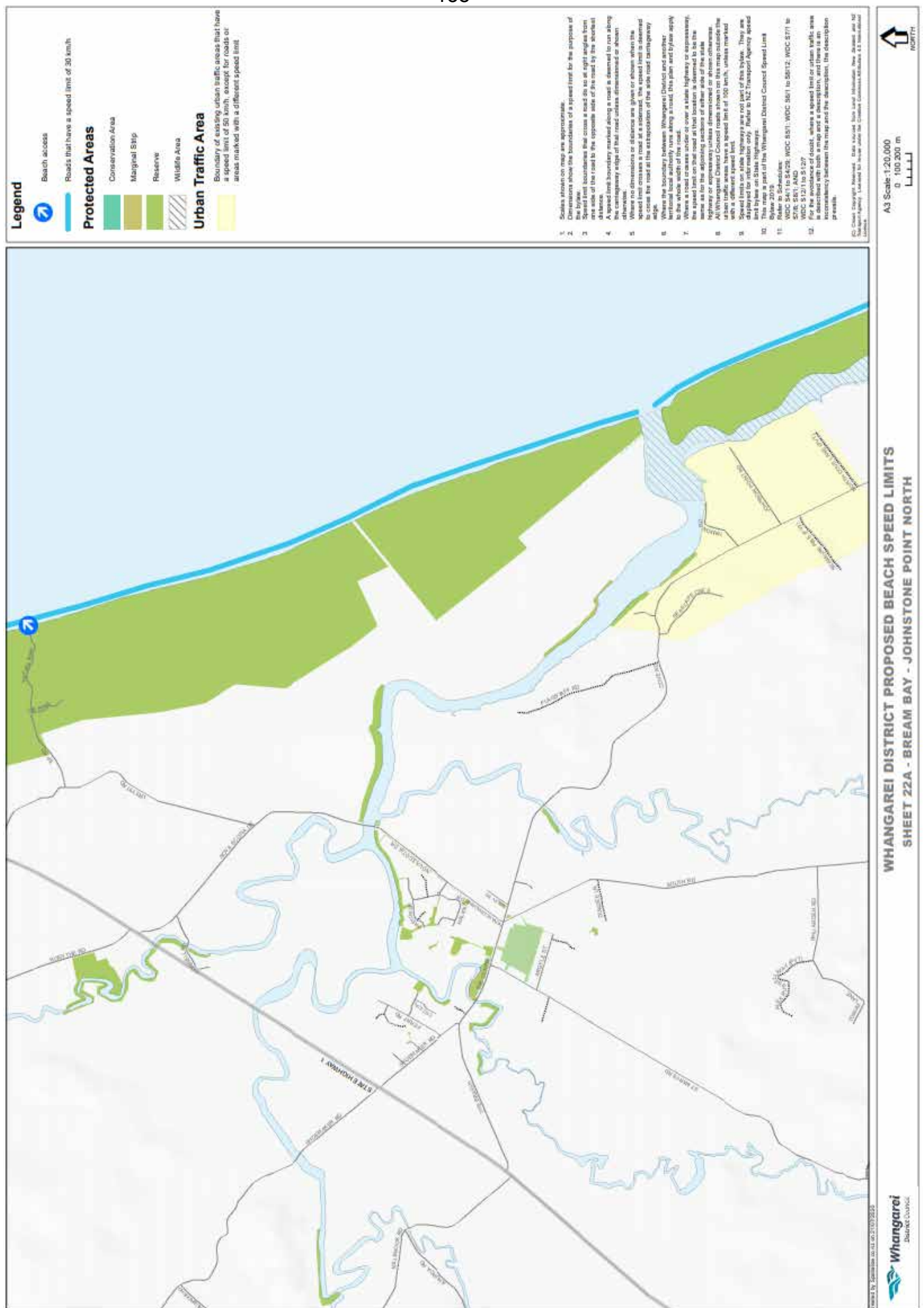


Note: Some road names have not been included in the maps as the font size is too large for the map scale or because they are located within an existing Urban Traffic Area. Please refer to tables for all road names.

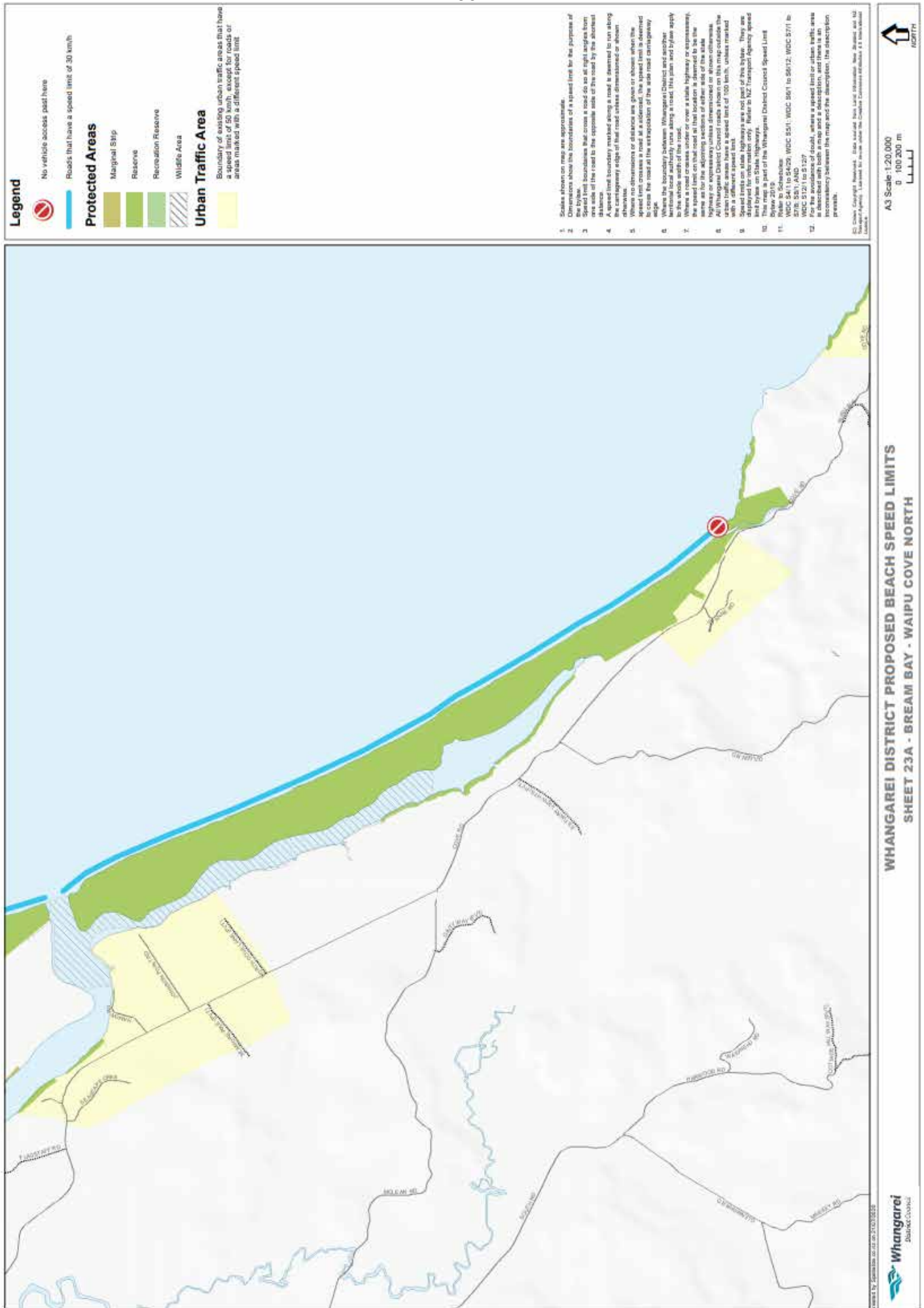


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## 6.8 Speed Limit Bylaw – Speed Limit Consultation

**Meeting:** Whangarei District Council

**Date of meeting:** 24 September 2020

**Reporting officer:** Nick Marshall (Team Leader Road Safety and Traffic Engineer - NTA)  
 Shawn Baker (Project Manager Speed Limits – Contractor NTA)

### 1 Purpose

To confirm new speed limits as set out in the Regional Speed Limit Review – Waipu, Ruakaka / One Tree Point (Marsden) and Vinegar Hill - Recommendations Report.

### 2 Recommendations

That Whangarei District Council

1. In its capacity as Road Controlling Authority, pursuant to Section 22AB(1)(d) of the Land Transport Act 1998, confirm new speed limits as set out in Attachment 1 - “Regional Speed Limit Review – Waipu, Ruakaka / One Tree Point (Marsden) and Vinegar Hill - Recommendations Report”.
2. Defers making amendments to the Speed Limits Bylaw 2019 set out in Attachment 1 “Regional Speed Limit Review – Waipu, Ruakaka / One Tree Point (Marsden) and Vinegar Hill - Recommendations Report” until signage to make the new speed limits enforceable is installed.

### 3 Background

Council is a Road Controlling Authority (RCA) within the Whangarei District and has a statutory role in managing the District’s local roads (except State Highways), including the setting of speed limits. This statutory role as an RCA is set out under the Land Transport Act 1998, which also enables Council to make a bylaw that fixes the maximum speed of vehicles on any road for the safety of the public, or for the better preservation of any road (*Section 22AB(1)(d)*).

The Setting of Speed Limits Rule 2017 sets out the matters that must be considered by the RCA when setting speed limits, including community consultation. Section 156 of the Local Government Act 2002 sets out the process for community consultation.

As part of the national Road Safety Strategy, now known as *Road to Zero: A Road Safety Strategy for New Zealand 2020-2030*, Whangarei District (Council) is undertaking a rolling review of speed limits across the District. The Waipu, Ruakaka / Vinegar Hill Areas are the first areas being reviewed.

Council approved a consultative procedure and adopted a Statement of Proposal in accordance with Section 83 of the Local Government Act 2002 (Special Consultative Procedures) at its meeting on 22<sup>nd</sup> August 2019.

This Agenda and Attachments set out all the matters that the Road Controlling Authority has considered when setting new speed limits, including the results of consultation and recommended speed limits to be implemented.

The information provided meets the requirements of the Setting of Speed Limits Rule 2017; Land Transport Act 1998; and Local Government Act 2002 to enable Council, in its capacity as Road Controlling Authority to confirm the new speed limits.

This Agenda recommends the confirmation of proposed speed limits to enable contracts and maintenance schedules to be agreed for the installation of new signage prior to changes in the Bylaw being made. Amendments to the bylaw, including identification of the operative date will be the subject of a separate Agenda item and Report.

## **4 Discussion**

### **4.1 Decision making process**

This Agenda Item and Attachments provide all of the information that Council must consider when setting new speed limits. The recommendations on new speed limits have been informed by community feedback and meet national speed management guidance and legal requirements for speed limits.

Te Toiroa Road is a unique road as it is an unformed legal road and has the dual role as a walkway and cycleway as part of the Te Araroa Trail. The road is also utilised by four-wheel drive vehicles. Given the multiple use of the main carriageway, it can be considered a shared space. This road can support either a 20kph or a 30kph speed limit. Staff have recommended 30kph as that is the currently posted informal speed limit on the road.

### **4.2 Process**

Following the identification of the Speed Review Area, detailed Technical Reports (Attachment 2, 3 and 4) were produced for each review area. The Technical Reports identified all the matters that the RCA must consider when setting a speed limit, except community feedback.

The Technical Reports were utilised to propose new speed limits within the Waipu, Ruakaka/ One Tree Point (Marsden) and Vinegar Hill review area and to prepare a Statement of Proposal in accordance with Section 83 of the Local Government Act 2002. Community feedback was sought through a consultation process consistent with the requirements of the Local Government Act 2002.

The proposed changes to speed limits within the Waipu, Ruakaka/ One Tree Point (Marsden) and Vinegar Hill Review Area was notified on 4<sup>th</sup> November 2019 with the submission period closing on 9<sup>th</sup> December 2019. Submitters wishing to present their submission and additional information were provided with an opportunity to do so on 17<sup>th</sup> March 2020 at Council Chambers.

Following the hearings and the collation and assessment of all written submissions; additional speed assessments were undertaken on roads and in areas where submitters sought outcomes that were different from that proposed. As part of this assessment, a Senior Road Safety Engineer drove every road within the review area.

The additional assessments undertaken has resulted in some changes to the originally proposed speed limits.

### 4.3 Matters to Consider

The purpose of the Setting of Speed Limits Rule 2017 is to give effect to a nationally consistent and evidence-based approach to speed management and to provide a mechanism for RCA's to set speed limits for roads in their jurisdictions.

Section 4.2(2) of the Setting of Speed Limits Rule 2017 requires a range of matters that the RCA must consider when setting a speed limit. All matters to be considered are set out in the attached Regional Speed Limit Review Technical Reports (Attachments 2, 3 and 4). These Reports were made available to the public on Council's website as part of the notification process.

### 4.4 Consultation

In accordance with Section 83 of the LGA 2002, a Statement of Proposal setting out the proposed new speed limits; the reasons for them; and how to make a submission was made publicly available on Council's website and at Council offices, Service Centres and Libraries. In addition, the following was published on Council's website:

Technical reports setting out all the matters that were considered when setting the proposed speed limits for the three review areas.

Background information, including frequently asked questions about speed limits

Public notices were placed in relevant media and several press releases were made available to local and regional news publications. Three community drop-in information sessions were held at:

- Ruakaka
- Waipu
- One Tree Point

Notification letters were sent to residents in the Vinegar Hill Catchment area. Key stakeholders and statutory consultees were directly notified. Including NZ Police and the Automobile Association.

Council received a total of 107 submissions. The attached Report, "*Regional Speed Limit Review – Waipu, Ruakaka / One Tree Point (Marsden) and Vinegar Hill - Recommendations Report*" sets out the consultation process, submissions, and recommended decisions on speed limits in detail. The background technical information and matters that the RCA must consider (except public feedback) is set out in the attached Regional Speed Limit Review Technical Reports (Attachments 2, 3 and 4).

All submissions were provided to Council as part of the Hearings Agenda on 17<sup>th</sup> March 2020. All submissions have also been read and considered by road safety engineering staff, along with the other matters that the RCA must consider in recommending new speed limits; set out in Attachment 1.

### 4.5 Implementation

There are several factors that are required to ensure that any amendments to speed limits in the Bylaw are legally enforceable:

- The Speed Limit must be set in accordance with the Setting of Speed Limits Rule 2017. This has been achieved through the speed limit review process (including the associated consultation process).
- New speed limit signage must be installed in accordance with the Setting of Speed Limits Rule 2017.

- Speed limit signage must match the operative speed limits set out in the Speed Limits Bylaw

In addition to signage, some engineering work may also be required to ensure that the adopted speed limit is self-explaining. In many cases, this additional engineering work is not required for speed limit enforceability; but is required to ensure maximum compliance with the new speed limits and to maximise the road safety benefits. This is a key principle in the Speed Management Guidance and the Setting of Speed Limits Rule 2017.

Financing any engineering work to better match the road environment with the new speed limits will be a combination of Low-Cost Low-Risk programme of works; associated improvements with renewals; and major capex funding which will be applied for in the next LTP round.

Initially it is estimated that 304 new signs will be required, which includes:

- 199 new speed limit change signs
- 18 threshold speed limit change signs
- 28 repeater signs on key through routes
- 59 Other Signs

Given the extensive nature of implementing the new speed limits, Council. In its capacity as a RCA is requested to confirm the proposed new speed limits at this meeting. A separate Agenda item will be presented to Council to make the appropriate amendments to the Bylaw and set an operative date once the required physical works have been completed.

#### **4.6 Next Stage**

Once the proposed speed limit changes have been confirmed, NTA staff will incorporate the installation and removal of the required signage into existing maintenance and renewal contracts as part of the 2020-2021 financial year budgets.

When there is certainty that all signage will be completed, an additional Agenda Item will be put before Council to make the appropriate amendments to the Bylaw and identify the date when the new speed limits come into force.

Work will commence on the initial review process for the Whangarei Heads and Parua Bay Catchment areas.

#### **4.7 Financial/budgets considerations**

The estimated overall cost to undertake the recommended changes to implement new speed limits within the review area is \$160,000 - \$200,000.

The expected life of a speed limit sign is 7-years. The average remaining effective life of speed limit signs within the review area is less than 4-years. Most of the new signage will be replacing existing signs. As such, this work can be undertaken by bringing forward current renewal costs and thereby minimising additional expenditure. Signage work can be undertaken within the current financial year.

Completion of some recommended engineering work to ensure a high level of compliance with new speed limits will require new LTP funding.

#### **4.8 Policy and planning implications**

Changes to speed limits may result in new funding to be sought as part of the Long-Term Plan process.



## 4.9 Options

**Option 1:** Council in its capacity as an RCA may adopt the Recommendations Report and confirm the proposed new speed limits without making amendments to the Bylaw.

This Option enables Council to confirm the new proposed speed limits and ensure that the necessary signage is installed within existing budgets and work programmes. This Option will require additional Council resolutions to make the amendments to the Bylaw at a time when signage completion is known.

Option 1 is the recommended option.

**Option 2:** Council, in its capacity as RCA may adopt the Recommendations Report and make the amendments to the Speed Limits Bylaw as set out in the Recommendations Report.

This Option is not recommended as making the amendments immediately would require Council to confirm a date when the new speed limits become operative.

There is some uncertainty as to when new signage required for legal enforcement of the new speed limits can be installed. Contractors will need to be engaged to undertake the work within existing work programmes as far as practicable. Staff require the certainty of new speed limits to be confirmed by Council before engaging contractors.

**Option 3:** Council, in its capacity as RCA may decline to adopt the Recommendations Report.

This Option is not recommended. The new speed limits set out in the Recommendations Report meet the core requirements of the Setting of Speed Limits Rule 2017; Land Transport Act 1998; National Speed Management Guidance 2016; and the National Road Safety Strategy. The proposed speed limits have also been the subject of community consultation.

## 4.10 Risk

There are no ongoing risks associated with this decision.

## 5 Significance and engagement

The proposed amendments were assessed in accordance with Councils Significance and Engagement Policy.

The assessment determined that the proposed amendments, either individually or cumulatively do not meet the significance criteria in the Significance and Engagement Policy (2017).

## 6 Attachments

1. Recommendations Report
2. Vinegar Hill Catchment Technical Report
3. One Tree Point-Ruakaka-Marsden Catchment Technical Report
4. Waipu Urban Traffic Area, Nova Scotia Drive Catchment Technical Report



# ***Regional Speed Limit Review Waipu, Ruakaka/ One Tree Point (Marsden) and Vinegar Hill***

## ***Recommendations Report***

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## 1 Overview

Whangarei District Council (Council) is a Road Controlling Authority (RCA) within the Whangarei District and has a statutory role in managing the District's local roads (except State Highways), including the setting of speed limits. This statutory role as an RCA is set out under the Land Transport Act 1998, which also enables Council to make a bylaw that fixes the maximum speed of vehicles on any road for the safety of the public, or for the better preservation of any road (*Section 22AB(1)(d)*).

The Whangarei District Speed Limits Bylaw 2019 sets the speed limits on all local roads within the District, with the Schedules and maps in that Bylaw identifying the enforceable speed limits and where they apply.

Council undertook community consultation on proposed new speed limits within the following areas:

- Marsden Point area, including Ruakaka and One Tree Point
- Waipu / Nova Scotia Drive
- Vinegar Hill
- Te Toiroa Road

The proposed changes to speed limits were publicly notified in accordance with Section 156 of the Local Government Act 2002; with feedback being sought from 4<sup>th</sup> November to 5pm, Friday 9<sup>th</sup> December 2019. Hearings were held at Council Chambers, Forum North on 17<sup>th</sup> March 2020.

This Report brings together all the information that must be considered under Section 4.2(2) of the Setting of Speed Limits Rule 2017, including:

- Community feedback and recommendations (main body of Report)
- Recommended Speed Limit Maps (Appendix 1)
- Technical Information to be considered (Appendix 2 as a separate attachment)
- Statement of Proposal as notified (Appendix 3 as a separate attachment)
- Implementation Costs and Schedule (Appendix 4)
- Traffic Notes 37 and 56 (Appendix 5)

### 1.1 Purpose and Scope

The purpose of this Report is to provide all the information that the RCA is required to consider when setting speed limits under Section 4.2(2) of the Setting of Speed Limits Rule 2017.

The detailed technical information that was collated and considered when proposing new speed limits for public notification and community feedback forms part of the decision-making process and is appended to this Report.

This report meets the requirement of the Local Government Act (2002): Principles of Consultation (Section 82 and 82A). The report provides:

- A summary of the feedback received
- A discussion of the issues raised by submitters, either individually; or collectively where there are similar themes.
- The recommendations arising from the feedback, including the reasons for the recommendations.

Feedback is acknowledged in this report; but individual submissions may not be specifically referenced within the body of this report due to the similarity of the decisions requested, reasons given, and the volume of submissions received.

## 1.2 Implementation of recommended speed limits

There are a number of factors that are required to ensure that a speed limit is legally enforceable:

- The Speed Limit must be set in accordance with the Setting of Speed Limits Rule 2017. This has been achieved through the speed limit review process (including the associated consultation process).
- New speed limits signage must be installed in accordance with Setting of Speed Limits Rule 2017 and relevant standards
- Speed limit signage must match the operative speed limits set out in the Speed Limits Bylaw

Given the physical works required to ensure the enforceability of proposed new speed limits, Council will be requested to debate and adopt the recommendations in this Report. Council will then make a separate decision to make the proposed speed limits operative once signage has been installed. Implementation requirements are included in Appendix 4.

## 2 Delegations

Speed Limits within the District are set by the RCA. The RCA is responsible for decisions relating to feedback on proposed speed limits. The Speed Limits Bylaw is made under Section 22AB(1)(d) of the Land Transport Act.

## 3 Community Consultation Process

The Whangarei District Speed Limits Bylaw is made pursuant to the Land Transport Act 1998. Section 22AD (1) of the Land Transport Act 1998 states that Section 156 of the Local Government Act 2002 applies. Section 156 (LGA) sets out the consultation requirements when making or amending a Bylaw.

- The Local Government Act 2002 provides the process for consultation
- The Land Transport Act 1998 and the Setting of Speed Limits Rule 2017 identifies who must be consulted.

The proposed changes to the Speed Limits Bylaw was assessed against the requirements of Section 156 of the LGA 2002. This assessment determined that the proposed changes would; or would likely to have; a significant impact on the public. The significance of the proposal relates to the wide-ranging proposals to change speed limits within the affected catchment area. These proposed changes would have the potential to impact on all road users to some degree.

Given the significance of the proposed changes, it was determined that consultation should be undertaken in accordance with Section 83 of the LGA 2002 – Special Consultative Procedures.

### 3.1 Notification

A Statement of Proposal (Appendix 3) was prepared in accordance with the requirements of the LGA 2002 and notified in local media and on Council's website. In addition:

- The full Statement of Proposal and supporting technical information was made available on Council's website
- Press releases relating to the review and proposed speed limit changes were featured in local media
- Key Stakeholders and Statutory Consultees (Refer Section 8.10 of Appendix 2) were notified directly
- Information, including the Statement of Proposal and Technical Information was made available at Council offices and service centres
- Information and community "drop in" sessions, attended by key staff were held in Waipu, Ruakaka and One Tree Point.

The Hearing was attended by full Council in their capacity as the Road Controlling Authority. Key Northland Transportation Alliance Staff, who are responsible for recommending decisions to the RCA were also in attendance.

The submitter considered that the speed limit on part of Marsden Point Road from Simes Road to State Highway 15A should be further reduced from the proposed 80kph to 60kph. The position of this submitter is supported by a range of other submissions (refer Section 6.1.1).



WDC Speed Review – Vinegar Hill, Marsden, Waipu, Te Toiroa Rd

Marsden Point Road includes some access roads that run parallel to Marsden Point Road providing access to residences. The access roads are narrow and do not generally have footpaths. Where the access roads join a main road, there are effectively “triple intersections” where the access roads join a side road almost immediately adjacent to Marsden Point road. The access roads are utilised by pedestrians, including many children. The submitter sought a speed limit reduction from 50kph to 20kph on these narrow access roads. Marsden Point Road Access Roads are the subject of several submissions and is addressed in the tables in Section 7 of this Report.

**Peter Shoulton (Submitter 40)** raised concerns relating to the Vinegar Hill Catchment area. The submitter questioned aspects of the Technical Report that supports the proposed speed limit changes in the Vinegar Hill Area. The submitter stated that some of the data relied upon was an order of magnitude incorrect, including traffic counts. However, the submitter did not provide any additional evidence as to his opinion, nor any evidence as to how his concerns would have had a material effect on the proposed speed limits or the review outcomes.

The submitter noted that there has been a noticeable increase in traffic on Vinegar Hill Road in recent years. In addition, there has been much more urbanisation of the Vinegar Hill environment. The submitter is correct that there has been an increase in traffic on Vinegar Hill Road and an increase in the urbanisation of the area generally. Given changes to the Whangarei District Plan, increased urbanisation is expected to continue in the foreseeable future.

The submitter is seeking a further reduction in the proposed 80kph speed limit to either 60kph or 70kph throughout the catchment.

It should be noted that national speed management guidance clearly discourages the use of 70kph speed zones. Implementing a 70kph speed limit requires the Road Controlling Authority to additional approvals from NZTA, with national guidance clearly indicating that a 70kph zone should only be utilised where there is a clear case that 60kph is too low a speed limit and 80kph is too high a speed limit.

It should be noted that several submitters have sought an alternative speed limit for all, or part of Vinegar Hill Road. Vinegar Hill Road is specifically addressed in Section 6.2 of this Report.

**M&E Mathews (Submitter 41)** was primarily concerned with speed on Vinegar Hill Road and sought an extension of the proposed 60kph heading north from Boundary Road to Riversong Corner.

The submitter noted that Vinegar Hill Road is no longer a quiet country road and now has a high number of commuters that often travel at higher speeds. The submitters residence is located on Vinegar Hill Road. The exit to the submitter’s property has limited visibility, making exiting or entering the property dangerous when there are speeding drivers. The visibility creates a very limited breaking distance, from the point at which a vehicle on the main carriageway would see another vehicle entering the carriageway. The submitter provided photographs of the road and the visibility issues. It is noted that there are several other accessways that have a similar issue.

The submitter noted that some visitors no longer go to her property, and they have expressed that a fear of fast traffic is the reason. Roadworks have exacerbated the issue.

The submitter expressed that a 70kph speed limit for the road would be good, or perhaps a 60kph speed limit.

It should be noted that several submitters have sought an alternative speed limit for all, or part of Vinegar Hill Road. Vinegar Hill Road is specifically addressed in Section 6.2 of this Report.

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**O&H Krollman (Submitter 25)** lives in One Tree Point and generally sought lower speed limits than proposed on a number of roads in the Marsden Catchment Area. The submitter's principle was the impact of speed limits on pedestrians and cyclists.

The submitter noted that their submission touched on a number of roads within the Marsden / Ruakaka / One Tree Point Review Area. However, the submitter focussed on the areas summarised below. It should be noted that all of the specific roads addressed in both the written and at the hearing are addressed individually in the Tables in Section 7 of this Report.

*McEwen Road:* The submitter sought a lower speed limit of 60kph on McEwen Road. The submitter felt that McEwen Road did not meet the definition of an 80kph road as set out in the Statement of Proposal and the associated Technical Reports. The concern is that there is slow speed traffic on this road, including cyclists, scooters and trucks. There are no shoulder areas and a general lack of infrastructure for cyclists and pedestrians. The Marsden Play Centre is located on McEwen Road. Refer to Tables in Section 7 of this Report for specific recommendations relating to McEwen Road.

*One Tree Point Road:* The submitter believes that 100kph speed limit on One Tree Point Road is too high and should be lowered to 60kph. The submitter noted that the road is unsafe to drive at 80kph in several areas, including around Marsden City and Takahiwai intersections. The lower 50kph or 60kph speed zone near the One Tree Point urban area should be extended further. Refer to Tables in Section 7 of this Report for specific recommendations relating to One Tree Point Road.

*Marsden Bay Drive:* The submitter considered that 80kph on Marsden Bay Drive is too high. The speed limit on this road should be lowered to 60kph as the road is narrow, has no shoulder and is utilised by cyclists and pedestrians. Refer to Tables in Section 7 of this Report for specific recommendations relating to Marsden Bay Drive.

The submitter also sought a lower speed limit of 30kph in the One Tree Point Ruakaka urban areas and Marsden City. Lowering speed limits within coastal communities is addressed in detail within Section 6.3 of this Report.

Given that Council has declared a Climate Emergency, the submitter considered that the impacts of speed limits on climate change should be considered. Climate change issues are specifically addressed in Section 4.1.3 of this Report.

**Barry Pyle (Submitter 68)** lives on Pyle road and is supportive of the proposed speed limit along Pyle Road. The submitter has lived on Pyle Road his entire life and is therefore familiar with the road and issues associated with it.

The submitter noted that Pyle road is a school bus route, and there are a lot of people that walk, run and cycle along the road, as well as ride horses. Dust is also an issue on the road and, gravel being thrown from the road onto his property. However, despite the dust, the submitter noted that he would prefer the road to remain unsealed; but needs regular maintenance.

The submitter noted that Pyle Road East is often used as a short cut. The submitter believes that further lowering speed limits on other roads, for example, McEwen Road, will have the effect of diverting more traffic down Pyle Road East in preference to longer sealed routes.

The submitter noted that reducing the speed limit from 100kph to 60kph on Pyle Road East makes good sense.

**Ruakaka Parish Ratepayers and Residents Association (Submitter 87)** focussed on parts of Marsden Point Road, Sime Road and Marsden Bay Drive and Karawai / Te Kamo Streets in Ruakaka. The submitter also raised additional points relating to speed limits or intersections on State Highways. These additional points are addressed as out of scope submissions in Section 4.1 of this Report.

It was also noted that Heavy Goods Vehicles utilise this road as a short cut to access State Highway 1 Southbound from the Port area. The submitter reinforced that State highway 15A was specifically built for Marsden Port traffic. In the submitter's opinion, a lower speed limit along Marsden Point Road would reduce the attractiveness of this road to Heavy Goods Vehicles as a short cut. This would reduce noise, vibration and improve safety for pedestrians.

Marsden Point Road is the subject of several submissions and is addressed in Section 6.1 of this Report.

**Sime Road:** The submitter believes that Sime Road should be 50kph along its full length. The submitter noted that on its southern side, Sime Road is bordered by a tavern, sports grounds and other commercial activities. The number of pedestrians can be quite high when sports activities take place. Sime Road is subject to several submissions and is addressed in the Tables in Section 7 of this Report.

The submitter also highlighted that Vinegar Hill Road has numerous very tight bends and that, overall, the description of a 60kph zone contained in the Statement of Proposal and Technical Reports fits well with the characteristics of Vinegar Hill Road.

The submitter believes that lowering the speed limit to 60kph is an opportunity to fulfil a social obligation for a safe community. When asked if it was a primarily a speed limit issue, or whether engineering options could be used to increase safety and mitigate speed; the submitter indicated that engineering mitigation options are limited, and in this case a reduction in the speed limit is the only option.

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WDC Speed Review – Vinegar Hill, Marsden, Waipu, Te Toiroa Rd

of this Report for detailed responses). The submitter also stated that, in Germany, higher speed limits on highways have statistically lower fatalities than on slower roads (Refer Section 4.2.6 of this Report). The submitter provided some statistical analysis to support this statement.

The submitter also indicated that they spend a large amount of time in a vehicle, and that slower speed limits will restrict people's freedom to drive at a speed they consider appropriate. The submitter also notes that over time, speed limits have increased, and fatalities per 100,000 have dropped.

The submitter stated that, reducing the speed limit to 80kph will cost their transport company approximately \$38,000 per year. It is unclear how this estimate was calculated, however, the broader issue is addressed in Section 6.1.2 of this Report.

The submitter made comments on specific roads at the hearing and within their written submission. These comments are addressed in the Tables in Section 7.

**Margaret Hicks (Submitter 85)** was generally supportive of slower speed limits, particularly the proposal to reduce the speed limit on Marsden Point Road to Simes Road from 70kph to 50kph. The submitters main concerns were in relation to Ruakaka River Bridge and Billar Road in Ruakaka.

The submitter stated that road traffic, especially Heavy Goods Vehicles has increased markedly in recent years. The submitter is concerned that Heavy Goods Vehicles crossing the bridge at speed produces significant vibration that may be damaging the bridge. The submitter believes that the number of Heavy goods Vehicles on the bridge will not decrease unless they are discouraged with a slower speed limit, making the State Highway 15A route more attractive for vehicles heading south, or coming from the south. The issue of vibration on the Ruakaka Bridge is addressed in Section 6.1 of this Report.

Billar Road is located alongside the Ruakaka Estuary and the submitter is seeking to have this road stopped and turned into an Esplanade Reserve. The submitter stated that, by making the formed Billar Road a reserve with no vehicles, and informing residents of their responsibilities, the area can be replanted to protect the main riverbank and the Wildlife Reserve. It was noted that the formed section of Biller Road should at least have a lower speed limit of 30kph.

The submitter discussed other roads at the hearing and these have been addressed in the Tables in Section 7 of this Report.

## 4 Submissions Overview

### 4.1 Submissions Out of Scope

Out of scope submissions seek changes to speed limits that are outside of the current review area; are seeking non-speed related decisions, for example, road maintenance; or seek solutions that are beyond Council's legal mandate, for example, enforcement issues.

The main out of scope issues are set out below. Specific submission numbers are not quoted to avoid confusion as often submissions also included comments and feedback that were both in and out of the scope of the review.

#### 4.1.1 Speed limits in other areas

Submissions seeking a change in speed limit in areas outside of the review area are out of the scope of the current review and associated consultation. In order to make a legal change to a speed limit outside of the current review area; additional technical assessments would be required, as well as a separate consultation process. Submissions relating to areas outside the current review area, where Whangarei District RCA has jurisdiction have been retained on file for later consideration.

#### **4.1.1.1 State Highways**

Some submitters requested speed reviews to be undertaken on parts of the State Highway network, including State Highway 1 and 15A.

Council is an RCA for local roads only. This excludes State Highways, which are administered by the NZ Transport Agency (NZTA). NZTA have embarked on a review of speed limits on portions of the State Highway Network and are following a similar community consultation process to WDC. It should be noted that State Highways near the review areas of Waipu, Ruakaka, One Tree Point and Vinegar Hill are not currently being reviewed by NZTA.

All submissions relating to the State Highway network has been noted and passed through to the NZTA Speed Limits Review Group.

#### **4.1.2 Enforcement**

Some submitters have raised the issue of enforcement. The feedback received can be categorised into the following broad topics:

- Without proper enforcement, lower speed limits won't work
- Lower speed limits are intended for revenue collection

Although speed limits are set by the road Controlling Authority (Whangarei District Council), the responsibility for enforcing those speed limits is with the NZ Police. Any fines, including speed camera fines, do not go to Council. Nor do they go directly to the NZ Police.

It is agreed that enforcement is a key component of ensuring compliance with speed limits and improving safety on our roads. However, if the speed limit is neither safe, nor appropriate for the road environment, then, even with a good level of enforcement, safety outcomes will not be achieved.

NZ Police base their enforcement activities on risk, with the sole purpose of reducing serious and fatal crashes on our roads. The NZ Police target drivers that are driving in an unsafe manner for the road environment or exceeding a safe and appropriate speed (proposed speed limits).

#### **4.1.3 Climate Change**

The Road Controlling Authority is required to set speed limits in accordance with the legislation, rules and guidance of the day. The legislation that enables Council as an RCA to set a speed limit is the Land Transport Act 1998. Section 22AB(1)(d) states that the Road Controlling Authority may set a speed limit for the purposes of the safety of the public or for the better preservation of the road.

Current legislation does not allow the RCA to set a speed limit to better manage climate change. Studies do show that a lower speed limit does lead to lower fuel consumption and associated emissions. Some recent studies show that any increased costs associated with a longer journey time are offset by lower fuel and maintenance costs for commercial drivers. It is therefore considered that positive impacts on climate impacting emissions and fossil fuel usage may be an outcome of proposed lower speed limits; but cannot be a principle reason for setting a speed limit.

#### **4.2 Other issues raised**

Some submitters raised specific speed related issues that need to be specifically addressed. These issues raised by submitters were utilised to either oppose the lowering of speed limits generally; or justify a different speed limit.



#### 4.2.1 Crashes occur on State Highways

One submitter stated that the Northland District Health Boards Briefing Paper on Fatal and Non-Fatal Motor Vehicle accidents in Northland identifies that the overwhelming majority of fatal crashes from 2013-2018 are on State Highways in Northland.

The submitter is correct in that many fatal and serious crashes do occur on our State Highways. Council does not have jurisdiction to set speed limits on State Highways as this is the responsibility of the NZ Transport Agency.

The speed reviews are based on a number of risk factors, including Personal Risk (number of vehicles vs crashes), Collective Risk (based on the km driven), and Infrastructure Risk (road and roadside hazards). These risks, and a range of other factors are considered when identifying a safe and appropriate speed for any given road.

Mapping of speed related crash statistics for the 10-year period from 2008 to 2018 (refer Technical Review Report) show the distribution of fatal, serious and minor crashes across all roads in the review area. It should be noted that the definition of a serious crash is where one or more persons have spent 3 days or more in hospital as a result of the crash. The mapping also only captures speed related crashes that have been reported through NZ Police and NZTA.

Anecdotal evidence suggests a significant number of speed related crashes are not reported, with farmers or local people pulling cars from ditches, particularly on unsealed roads.

Managing speed and setting a safe and appropriate speed limit that reflects the road environment is one component in reducing the number of these crashes.

#### 4.2.2 Dust

Dust was identified as an issue on Pyle Road East and on Sanford Road. Submitters noted that a slower speed limit would go a long way to reducing dust as long as the road remains unsealed and will reduce stones and chip being thrown off the road onto the roadside lawn (B. Pyle - Pyle Road East).

Dust generated on unsealed roads is influenced by both speed and the number / weight of wheels on the road. For example, a large logging truck traveling at 80kph will generate significantly more dust than a car travelling at the same speed. Likewise, a logging truck travelling at 60kph will generate less dust than if it were travelling at 80kph. There are other factors that have a significant influence on dust, including weather, road geometry and road surface materials.

Dust reduction is a potential outcome of a reduced speed limit. However, under the Land Transport Act 1998 (which restricts the purpose for a speed limit Bylaw), dust is not a principal reason for setting a speed limit.

The focus of the speed limit review is to identify and set a safe and appropriate speed that reflects the road environment, which includes, among other factors, dust generation. However, a reduced speed limit has been recommended for roads where submitters identified dust as an issue.

#### 4.2.3 Maintenance and Upgrade

Some submitters stated that Council should expend more effort on road maintenance rather than lowering speed limits. It was also noted that Council should upgrade or improve the roads instead of lowering speed limits.

##### 4.2.3.1 Maintenance

Roading currently consumes one third of Council's overall Operating Expenditure (this excludes capital expenditure). In addition, Council receives additional subsidised funding from the government, which effectively triples Council budget for most road maintenance.

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Council has an extensive road maintenance programme. However, the local road network in the Whangarei is extensive and includes a very high portion of unsealed roads.

#### **4.2.3.2 Upgrading and widening roads**

Submitters that have opposed the lowering of speed limits have stated that Council should widen or upgrade roads so that they are better quality, instead of lowering the speed limit.

Whilst upgrade and widening work may be desirable or planned; it is necessary to ensure that our speed limits reflect the current road environment. As roads are upgraded, speed limits can be revisited.

Upgrading roads comes at a significant financial cost. Council has a limited budget available for maintaining and upgrading our road network, even with government subsidies. Given the costs involved, it is necessary to prioritise which roads should be upgraded over time. Consideration needs to be given to a range of matters, including:

- The strategic nature of the road, for example, roads providing an efficient east-west linkage.
- The economic benefits of upgrading the road, for example reduced travel times.
- Other road priorities, including sealing unsealed roads

Once a road is identified for an upgrade, the time required to secure finances (including government subsidies), complete planning and design work and undertake the upgrades is typically in the 2-5 year timeframe, depending on the size and nature of the work to be undertaken. In most cases, it is cost prohibitive to upgrade the full length of a road to a consistent 100kph standard. Therefore, any upgrade work is normally undertaken in a staged manner over a several years.

Recommendations within this Report do identify some strategic roads where improving safety and upgrading the road should be considered over the medium to long term.

#### **4.2.4 70kph Speed Limit**

Some submitters, including the Automobile Association have suggested that some roads have a speed limit of 70kph set on them. The Automobile Association submission requests that a 70kph speed limit apply to most unsealed roads as that is a speed that is attainable on those roads (refer 4.2.4 below on attainable speeds).

The RCA must work within a hierarchy of legislation, national rules and guidance documents when setting speed limits. The RCA may set a 70kph speed limit. The National Speed Management Guidance 2016 and the Setting of Speed Limits Rule 2017 discourage 70kph zones, except in exceptional circumstances.

The Setting of Speed Limits Rule 2017 requires additional sign-off at a national level when setting a 70kph speed limit.

Consistent with the above documents, 70kph zones will only be used where there is clear evidence that both 60kph and 80kph are inappropriate. Where there is an existing 70kph zone, consideration will be given to the benefits of changing that speed limit to 60kph or 80kph.

#### **4.2.5 Attainable Speed Limits**

The Automobile Association (AA) makes a general comment in its submission that a safe speed is totally dependent on the current state of the road. On a recently graded road with copious loose gravel, a maximum speed of 50 kph may be appropriate, but on a well-swept road with minimal loose gravel, speeds of 70 kph are safe.

It is noted that the speed review is recommending a 60kph speed limit on many unsealed roads. This speed limit would seem appropriate, based on the AA example of different speeds on un-sealed roads. It is also noted that 60kph is near the actual speed that most road users travel at on unsealed roads in the Whangarei District.

#### 4.2.6 European Speed Limits

It is noted that, in Germany the only “unlimited” speed limit is on the Autobahn (motorway) that has been designed and maintained to an exceptionally high standard. It is also noted that there are sections of the Autobahn where a fixed lower speed limit applies due to the geometry of the road. In all cases, the posted recommended speed limit on the Autobahn is 130kph. Speeding tickets are also issued where a vehicle is travelling at a speed that is inappropriate for the conditions or the car itself.

The roads in Germany and Western Europe as a whole, are of significantly higher design standards than New Zealand roads. Many of the main routes and arterial roads are dual carriageway. In comparison, roads in the Whangarei District are often unsealed, narrow and have significant curves. Sealed roads in the Whangarei District also tend to be relatively narrow with limited shoulder areas.

### 4.3 Statutory Consultee Submissions

- The Territorial Authorities that are affected by the proposed speed limits
- The Commissioner of Police
- The Chief Executive of the Automobile Association
- The Chief Executive of the Road Transport Forum New Zealand
- New Zealand Transport Agency (NZTA)
- Any other organisation or road user group that the RCA considers affected

The following Statutory Consultees provided no formal response:

- It should be noted that, in addition to the Chief Executive of the Road Safety Forum, all local Road Safety Forum groups and their members were notified of the proposed changes and



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provided an opportunity to make a submission. Submissions from these groups or individuals are summarised in the tables below.

#### 4.3.1 Automobile Association (AA)

The AA was consulted through the Chief Executive and the Northland Branch. The submission received stated that:

*At the AA Northland District Council meeting on 19 Nov, the majority of our board members were in support of the proposed Whangarei speed review programme, with the one proviso that 60 km/h should be increased to 70 km/h for rural unsealed roads. While these are unlikely to be subject to intensive speed monitoring, councillors who frequently drive on unsealed roads felt that under certain road conditions (e.g. well-swept, little loose material), speeds in excess of 60 could be safely achieved.*

The general support of the AA is noted. AA feedback on specific roads are addressed in the tables in Section 7 of this Report. The more general issues noted by the AA are addressed specifically in 4.2.4 and 4.2.5 above.

#### 4.3.2 New Zealand Transport Agency (NZTA)

The NZTA submission and the response is set out below:

*The Land Transport Rule: Setting of Speed Limits 2017 (the Rule) details a number of requirements for road controlling authorities in setting speed limits on their network:*

- *Section 2.2(2): "In carrying out its functions under 2.2(1), a road controlling authority must consider whether a speed limit for a road is safe and appropriate in accordance with this Rule."*
- *Section 4.2(2) "In reviewing a permanent, holiday, or variable speed limit or considering a new permanent, holiday, or variable speed limit, a road controlling authority must have regard to—*
  - (a) the information about speed management developed and maintained by the Agency; and*
  - (b) any relevant guidance on speed management provided by the Agency; ..."*

*The information and guidance provided by the Agency meets its requirements under the following sections of the Rule:*

- *2.4(1) "The Agency must supply, to each road controlling authority, information about speed management for public roads within that road controlling authority's jurisdiction."*
- *2.4(2) "The Agency must, in supplying information under 2.4(1), prioritise information about public roads where achieving travel speeds that are safe and appropriate is likely to deliver the highest benefits in terms of safety and efficiency."*

*The guidance provided by the Agency is in the new Speed Management Guide dated November 2016, and the Safer Journeys Risk Assessment Tool (MegaMaps) available to all road controlling authorities (Edition II dated September 2018 is the latest edition). Safe and Appropriate travel speeds for all roads in the network that the Agency has information available for, together with the top 10% of regional networks likely to deliver the highest benefit in terms of safety and efficiency, are detailed in the MegaMaps.*

*The Agency's response, and the comments below, are focused on assisting Council with alignment of the proposals with the Rule and the intent of the Speed Management Guide, and on achieving national consistency (ie alignment with the information provided to RCAs by the Agency) for speed limits across all RCAs.*

#### **Roads in the top 10% of high benefit speed management opportunities**

*The government has tasked all Road Controlling Authorities to accelerate the implementation of the new Speed Management Guide, focusing on treating the top 10 percent of the network which will result in the greatest reduction in death and serious injury*

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(DSi) as quickly as possible (refer 2018-21 Government Policy Statement page 12). Vinegar Hill Road is included in the top 10% DSi saving network lengths in the District is addressed by the current proposals. The other top 10% local roads within the Whangarei District are Pipiwai Road North, Ngunguru Rd North, Maungakarama Road, Dent Street, Riverside Drive South, Whangarei Heads Road and Cove Road (outside the urban traffic area). Addressing speed on these roads has been assessed to address over 2 DSi each year, and contribute to the 319 DSi saving annually through addressing the top 10% across the country. The Agency encourages Council to treat these top 10% corridors with safe and appropriate speed limits as quickly as possible.

The Agency generally agrees with all the proposals with the following exceptions/comments:

All Urban Traffic Areas – SAAS for residential access roads is 40km/h and is recommended for all residential access roads in urban traffic areas. Extending existing 50km/h speed limits does not reflect the intent of the Speed management Guide.

### **Vinegar Hill Review Area**

- Vinegar Road – introducing the 800m length of 60km/h limit on a straight length of road after the 80km/h length on the previous windy section, with no clear change of environment at the change point, does not conform with clause 3.3(3) of the Rule, and is unlikely to conform with clause 4.4(2)(c) of the Rule. The SAAS for the entire length of Vinegar Hill Road is 60km/h, with the governing factor high personal risk – this implies 80 could be made safe provided safety improvements to address the personal road safety risk are implemented. Note that speed limit buffers do not comply with 3.3(3) of the Rule and there is little evidence that they work – advance warning speed limit signs 2-300m in advance of the actual change of environment/speed limit change point have been shown to be far more effective in achieving compliance. Recommend either a consistent 60km/h speed limit for the whole length, or a consistent 80km/h on the whole length conditional on safety improvements being implemented.
- Steere Place, Thomas Street, Townsend Place and Balmoral Road all have SAAS of 40km/h, not 50km/h as proposed.
- The unsealed length of Main Road (IRR 2.02; mean speeds 30-34km/h) will not be safe at 80km/h – recommend 60km/h (and for the whole length if 60 is applied to Vinegar Hill Road)

### **Ruakaka Review Area**

- Mean speeds on Marsden Point Road from SH1 to 70m north of Sime Road are 55-59km/h, so 50km/h speed limit will require engineering interventions to ensure compliance with clause 4.4(2)(c). A 60km/h speed limit would align with the Sime Road proposed 60km/h.
- SAAS for Mcewen Road is 60km/h (mean speeds 60-64km/h), governed by high personal risk – 80km/h as proposed will be safe only if the personal crash road safety risk is addressed
- Bens View Road has SAAS of 40km/h, not 50km/h as proposed
- Te Kamo Street and Karawai Street is proposed as 30, but the last length of Tamingi Street, which looks and feels the same, has been left at 50 – the SAAS for all this 40km/h which is recommended and would reflect national consistency/the intent of the Speed Management Guide
- Rama Road SAAS is 60 (IRR 1.71/1.89) and Marsden Bay Drive SAAS is 60 (IRR 1.74, so higher than 1.6 that makes 80 safe) and neither will be safe at the 80km/h proposed – recommend 60km/h for both
- One Tree Point Road SAAS is 80 (IRR 1.42 so higher than 1.2 that makes 100 safe), mean speeds are 60-64, yet existing 100 is proposed – recommend 80km/h to reflect SAAS
- Prescott Road SAAS is 60 (IRR 1.88/1.96/2.39, so well higher than 1.6 that makes 80 safe), mean speeds are 35-39 – recommend 60km/h to reflect SAAS

### Waipu Review Area

- *Cove Road – the obvious change in the nature of the road where the lower 40 speed limit should start seems to be at Insley Road, not Braemar Lane where there is no obvious change in environment - physical infrastructure change/threshold will be required at Braemar Lane (or somewhere between Braemar Lane and Insley Road) to meet clause 3.3(3) of the Rule.*
- *The Braigh doesn't look or feel like a 50km/h urban environment, and mean speeds reflect this at 55-59km/h – recommend 60km/h speed limit.*

### Responses to NZTA Submission

Specific responses to speed limits on roads identified in the NZTA submission are set out in Section 6 (Significant roads) and the Tables in Section 7, alongside a summary of submissions received by the wider community. Urban Traffic Area's are addressed in section 6 of this Report.

The NZTA comments relating to the Top 10% of roads are noted, and the following response is provided by way of clarification:

The Whangarei RCA acknowledge that the government has tasked RCA's with accelerating the implementation of the Speed Management Guide, and the requirement to address the top 10% High Benefit roads as quickly as possible. The NZTA Submission has identified the relevant roads in the District.

The Whangarei RCA is focussed on the highest benefit roads. However, there are also a number of areas where there is a strong community desire to address speed limits. This desire arises from a perception of road safety, but is primarily driven by rapid development, particularly in the Ruakaka and One Tree Point area. The RCA has therefore developed a prioritisation matrix that gives priority to the highest risk roads, but also takes account of community concerns.

Pro-actively managing speed limits in rapidly developing areas enables the Road Controlling Authority to manage longer term risk, rather than taking an entirely re-active approach.

To resolve the competing priorities of current risk; growing risk due to development; and community concerns; a wider, more wholistic approach to managing speed limits was considered appropriate. A catchment-based approach that centres around the highest benefit roads was adopted.

The catchment wide approach takes an initial focus on high benefit roads; but also extends the review area out to a logical catchment area. This reduces the number of anomalies in speed limits (for example, where a sealed high-risk road has a reduced speed limit, and an unsealed poor-quality side road retains a 100kph speed limit); and enables the road Controlling Authority to address wider community issues.

The Whangarei RCA has developed its draft forward work programme as part of a regional approach to speed limit reviews, consistent with the Northland Transportation Alliance delivery model. The forward work programme sees the additional roads identified by NZTA and their catchments prioritised in the ongoing review programme.

Cove Road connects with Kaipara District Council and it is necessary to co-ordinate the review of Cove Road in both districts. Kaipara District Council will be notifying speed reviews in the Mangawhai Area in mid-2020. A review of the Whangarei District end of Cove Road will be co-ordinated with the Kaipara District review.

## 5 Schools

In late 2019, central government released its Road to Zero National Road Safety Strategy. The Strategy includes provision that all urban schools should have a maximum speed limit of 40kmph when children are present, and all rural schools should have a maximum speed limit of 60kmph when children are present. This change is expected to be supported with amendments to the Setting of Speed Limits Rule by mid-2021.

Speed limits adjacent to schools were not specifically identified within the Statement of Proposal. However, feedback was received relating to some schools.

To ensure consistency with the Road to Zero Strategy, this Recommendations Report identifies all schools within the review area in accordance with current Ministry of Education data. This Report sets out the recommended speed limits outside each school and considers whether any further changes will be necessary to meet proposed changes in the setting of Speed Limits Rule.

The schools identified are:

- Bream Bay College – Corner Peter Snell Drive and Marsden Point Road
- Ruakaka School – Corner SH1 and Sandford Road
- One Tree Point School – One Tree Point Road
- Waipu Primary School – Argyle Street
- Te Kura Kaupapa Māori o Te Rawhiti Roa – Vinegar Hill Road

Early Childhood Centres are generally operated as small businesses and can include houses and other will fenced and supervised facilities.

### 5.1 Bream Bay College

Bream Bay College is located on the corner of Peter Snell Drive and Marsden Point Road. The primary entry into the school is on Peter Snell Drive. The school is fenced along Marsden Point Road.

The Ruakaka Shopping Centre is located opposite the school and it is anticipated that school students that do not take a bus to and from school will access the shopping centre before and after school.



Figure 1: Bream Bay College main entrance

Bream Bay College has a dedicated off-street pick-up and drop off zone for private vehicles and school busses. Peter Snell Drive is dual carriageway with islands separating opposing carriageways.

Peter Snell Drive is currently 50kph, with an approximately 50m section of 70kph at the intersection of Marsden Point Road. With the reduction of speed limit on Marsden Point Road, this short 70kph will become 50kph. The remainder of Peter Snell Drive is an arterial route and is recommended to remain at 50kph.



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## Recommendation

**To maintain consistency with the National Road to Zero Road Safety Strategy and proposed changes to the Setting of Speed Limits Rule it is recommended that a Variable School Speed Limit of 30kph be installed.**

### 5.2 Ruakaka School

Ruakaka School is located on the corner of State Highway 1 and Sandford Road. The entrance to the school is on Sandford Road approximately 50m from the State Highway 1 intersection. The school is well fenced along the State Highway 1 boundary.

It should be noted that Kaipara district Council does not have jurisdiction on State Highway 1.

Ruakaka School is a rural school and as such the Road to Zero Strategy and proposed amendments to the Setting of Speed Limits Rule require a maximum 60kph speed limit outside the school.

It is recommended that the speed limit on Sandford Road be reduced to 60kph. This speed limit will meet the Road to Zero Strategy guidance.

Vehicles turning off State Highway 1 will approach the school with a slow speed. North bound (toward SH1) vehicles are expected to be slowing as they approach the intersection. For this reason, a variable school speed limit is not expected to achieve any additional safety benefits from the reduced 60kph speed limit. However, it is recommended that additional signage be installed to ensure a higher awareness of the school and the potential for children to be present.



Figure 2: Ruakaka School main entrance – Sandford Road

## Recommendation

**To maintain consistency with the National Road to Zero Road Safety Strategy and proposed changes to the Setting of Speed Limits Rule it is recommended that a permanent 60kph speed limit apply on Sandford Road and that additional signage be installed to heighten the visibility of the school and potential for children to be present.**

### 5.3 One Tree Point School

One Tree Point School is located on One Tree Point Road toward the Marsden Cove development. There is a main entrance way that provides for pick-up and drop off of students. A separate carpark is provided for staff members and other school visitors.

The school has pedestrian access on both sides of the road, with an uncontrolled pedestrian crossing outside the school.

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There is an existing variable school speed zone outside the school, providing for a 40kph speed limit before and after school. The current permanent speed limit is 50kph.



Figure 3: One tree Point School main entrance – One Tree Point Road

It is recommended that the permanent speed limit on One Tree Point Road is 40kph to reflect the residential and small coastal community nature of One Tree Point urban area. The existing variable speed limit can be changes to 30kph, which will reflect the national Road to Zero Strategy and will provide a greater awareness of children being present before and after school.

#### Recommendation

**To maintain consistency with the National Road to Zero Road Safety Strategy and proposed changes to the Setting of Speed Limits Rule it is recommended that the current variable school speed limit be reduced from 40kph to 30kph.**

#### 5.4 Waipu Primary School

Waipu Primary School is located on Argyle Street in Waipu. The school is set back from the road, however there is little or no off-street parking provided. A significant number of vehicles are angle parked on Argyle Street.

Argyle Street is a narrow single lane street with no road markings. There are footpaths on both sides of the street. The street has a low design speed and a 30kph – 40kph speed limit would not be unexpected.

Given the location of the school, and the slow street layout of Argyle Street, it is recommended that a permanent speed limit of 30kph be implemented.



Figure 4: Waipu Primary School main entrance – Argyle Street

#### Recommendation

**To maintain consistency with the National Road to Zero Road Safety Strategy and proposed changes to the Setting of Speed Limits Rule it is recommended that a permanent 30kph speed limit apply to Argyle Street.**

### 5.5 Te Kura Kaupapa Māori o Te Rawhiti Roa

Te Kura Kaupapa Māori o Te Rawhiti Roa is located on Vinegar Hill Road between Thomas Street and Balmoral Road. The main entrance is located on Vinegar Hill Road, which provides the principal access for vehicles and busses. There is a secondary entrance located on Thomas Street. Aside from the two entrances, the school does not have any significant direct road frontage.



Figure 5: Te Kura Kaupapa Māori o Te Rawhiti Roa – Vinegar Hill Road and Thomas Street

A permanent 40kph speed limit is recommended for Thomas Street and 50kph on Vinegar Hill Road outside the school. Pedestrians accessing the school are expected to utilise the Thomas Street entrance as this affords a more direct route to the school for most pedestrians. Few pedestrians cross Vinegar Hill road to access the school.

There is no current variable school speed zone along Vinegar Hill Road as the school does not meet the current requirements of Traffic Note 37 to be eligible for such a zone, as such a Variable School Speed Limit is not recommended.

#### Recommendation

**It is recommended that a permanent 50kph speed zone apply on Vinegar Hill Road outside Te Kura Kaupapa Māori o Te Rawhiti Roa and a permanent speed limit of 40kph will apply to Thomas Street.**

## 6 Significant Roads

Following the consideration of submissions received, NTA Staff undertook additional site visits to further assess submitters views and the road environment. All recommended speed limits are set out in the Tables in Section 7 of this Report. Additional detail as to the reasons for recommendations have been provided for the following four roads (or road groups) as they were subject of extensive submissions, or the submissions raised specific issues that required additional consideration:

- Marsden Point Road
- Vinegar Hill Road
- Ruakaka and One Tree Point Urban Traffic Area



- The Centre - Waipu

## 6.1 Marsden Point Road

Marsden Point Road connects State Highway 1 with State Highway 15A via the edge of the Ruakaka Township. There are some residential dwellings and a few commercial activities on the western side of Marsden Point Road. However, the western side of much of Marsden Point Road can be characterised as rural.

There are two distinct parts to Marsden Point Road. The part of Marsden Point Road from State Highway 1 to Simes Road is largely residential in nature (eastern side of the road) culminating in Bream Bay College, and the Ruakaka town centre at the Simes Road end.

The part of Marsden Point Road from Simes Road to State Highway 15A is characterised by light to medium industrial activities to the east of the road and a continuation of a rural character on the western side of the road. The industrial activities, including transport hubs are set well back from Marsden Point Road. Access to these sites is a combination of direct access and access by private roads.

Marsden Point Road crosses the Ruakaka River with a two-lane bridge with a narrow pedestrian footpath on the eastern side of the bridge. The footpath attached to the bridge is the only pedestrian access from the main residential area to the town centre, including Bream Bay College. Pedestrian facilities servicing the residential area along Marsden Point Road are relatively narrow with limited separation from the main carriageway.

Prior to the construction and opening of State Highway 15A, Marsden Point Road provided access to Northport and Marsden Point Oil Refinery. The purpose of State Highway 15A is to provide more direct access between Northport, Marsden Point Oil Refinery, and associated industrial activities with State Highway 1.

There is evidence that some Heavy Goods Vehicles heading south are accessing State Highway 1 via Marsden Point Road. It is unclear as to the origin of these vehicles. It is noted that there is a truck washing facility, heavy transport depot's and light to medium industrial located off Marsden Point Road between Simes Road and State Highway 15A.

It was proposed that the current speed limit on Marsden Point Road of 70kph from State Highway 1 to Sime Road be reduced to 60kph and the current 100kph speed limit from Sime Road to State highway 15A be reduced to 80kph.

### 6.1.1 Community Feedback – Marsden Point Road

There was consistent support for implementing a reduction of the speed limit along all parts of Marsden Point Road with a total on 19 submitters expressing support or partial support of a reduced speed limit on Marsden Point Road from State Highway 1 through to Sime Road. Most submitters supporting a lower speed limit were seeking a 50kph speed limit to reflect the urban nature of the road.

#### **State Highway 1 to Sime Road**

The majority of submissions on Marsden Point Road were specific to the section of road from State Highway 1 to Sime Road, which encompasses the majority of the residential areas along this road.

There were nine submitters opposed to the proposed reduction in speed limit on Marsden Point Road from State Highway 1 to Sime Road. Opposing submitters can be categorised on two ways:

- Three submitters were opposed to the proposal on the basis that they were seeking a lower speed limit than that which was proposed.
- Five submissions that were opposed were identical and signed by the same person (but in the names of separate people or organisations). The reasons for opposing a reduction in the speed limit included that the road was wide and safe and that the current



- Concerns about Heavy Good Vehicles using the road
- Pedestrian use and safety along the road, including access to schools and the shopping centre
- Submitters opposed

### Heavy Goods Vehicles

Submitters consider that a reduced speed limit will reduce the attractiveness of the road to HGV's. One submitter provided a good summary of the concerns raised by stating that *"the proposed reduction along Marsden Point Road will have the added benefit of reducing heavy traffic which currently uses Marsden Point Road when coming from and to the South as a shortcut. Reducing the permitted speed will encourage these heavy vehicles for the port and refinery to continue up State Highway 1 and use the Port Highway (State Highway 15A) as the quicker route. This will avoid undue road wear on a secondary road as well as improving safety."*

One submitter stated that “*the noise from trucks at night (often from midnight on) is excessive and disturbs sleep*”. Another submitter noted the noise and vibration on the Ruakaka Bridge due to heavy Vehicles and expressed a concern that “*the bridge is not designed to take this type of use*”. Other submitters stated that trucks travel too fast on the road and that their house shakes like an earthquake every time a truck drives past at speed.

Another submitter who was concerned about the safety, noise, and vibration of HGV's on the road indicated that a 60kph speed limit may be appropriate now. However, this should be reduced to 50kph when the new expanded port opens.

Several submitters noted that the pedestrian facilities along the road are limited. There is little separation between pedestrians and the road. The footpath is often narrow and poorly formed. There is only one pedestrian route from the main residential area to the town centre shops, facilities and Bream Bay College. This route crosses the Ruakaka River Bridge. The footpath on the bridge is narrow, and there is no feeling of safety for pedestrians [note: this is also the current route of Te Araroa – New Zealand's Trail].

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Other submitters indicated that the road is dangerous and there are speeding vehicles on it. One submitter stated that *"the road is used as a race-track and is very dangerous, trucks use it and boy racers use it. The speed limit is not adhered too. Being a straight road, at night cars fly down it. It is so dangerous and should be brought down to 50kms, Its a residential road"*.

One submitter summed up pedestrian access to the town centre by stating that *"I am a frequent walker from Marsden Point Road to the Ruakaka Town Centre and I approach and cross the Ruakaka River Bridge on high alert. Why? Because a single file pathway in close proximity to traffic, many heavy vehicles moving at 70kph plus, and separated only by a "safety rail" built from construction scaffolding, is the current option for children and adults who prefer to walk or can't drive from south of the bridge to the services, schools and shops available at the Ruakaka Centre. The proposal to lower the speed limit for Marsden Point Road to 50 kmph is the chance to deliver safer access for walkers of all ages and purposes"*.

One cyclist noted that the shoulders are *"diabolical"* they are narrow and there are potholes. Cycling along Marsden Point road is often a choice of riding on the road and the associated risks or riding on the shoulder with the risks of crashing with the potholes and other obstacles.

A summary of those submissions in support of a lower speed limit, particularly those supporting a 50kph speed limit was provided by one submitter who stated that *"the problems of noise at night and speeding vehicles concerning cyclist and pedestrian safety will be greatly helped by a 50km/hr speed limit"*.

#### *Submitters opposed*

There were submitters that considered the current speed limit is appropriate and were opposed to any lowering of the speed limit. In some cases, submitters were opposed to lowering the speed limit, but indicated that they would be open to a small reduction, for example, to 60kph. One submitter stated that *"the road was specifically built for the refinery to a high standard. Most problems are driver error, not the road. If there is a reduction in speed it should only be to 60kph. Marsden Point is wide enough and has service lanes. Focus on driver education"*. Other submitters that were opposed also reflected the opinion that driver behaviour was principally to blame, not the speed limit. One submitter was *"opposed to reduction in the speed limit because Marsden Point Road is a wide safe road"*.

#### **Sime Road to State Highway 15A**

There were seven submitters in support. Or in partial support of the proposal to reduce the speed limit from 100kph to 80kph. Two submitters were opposed.

The submitters that were in partial support of the proposal were seeking a lower speed limit than that which was proposed. One submitter sought a 70kph speed limit; two sought a 60kph speed limit and one sought a 50kph speed limit.

The Ruakaka Residents Association is seeking a 60kph speed limit along this section of road as it passes by an industrial / commercial zone. Heavy vehicles are frequently encountered exiting and entering premises. Local business operators have called for lower speed limits on this section of road.

One submitter questioned the proposed 80kph speed limit. This submitter stated that *"60kph would future proof this fast developing, busy, business section of road. The design and nature of the road is poor with no turning lanes (or safe, left side road shoulder space) to access right turning entry to all business premises."* The submitter also noted that there are important community resources located in this area, including the Bream Bay Toy Library, leisure and recreational facilities including a trail bike track and model yacht club and a coffee shop on Lakeside road.

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A submitter seeking a 50kph speed limit reasoned that it would match proposed reduction in urban area so would be consistent. There is also frequent low-speed truck traffic in a busy industrial area.

Although not included in submissions, feedback from a local transport operator during a Ruakaka community engagement meeting indicated that he would support a lower speed limit of 60kph on this stretch of road. The transport operator stated that Heavy Goods Vehicles turning onto Marsden Point Road, heading toward State Highway 15A had to cross the road at slow speed. From a virtual standstill, fully laden HGV's took some time to increase speed. This meant that, often HGV's would be encountered, requiring cars or other vehicles to slow substantially. A slower speed limit of 60kph would make the road safer.

Submitters opposed to the proposal made general comments and felt that a slower speed would frustrate drivers and cause crashes. No additional evidence was provided to support this statement.

### 6.1.2 Marsden Point Road Analysis

All submissions were assessed, alongside evidence-based matters and relevant speed management guidance, legislation and engineering standards. The following options were considered:

1. Retain the existing speed limits
2. Implement the speed limits as proposed (60kph and 80kph)
3. Reduce the speed limits to 60kph along the entire length of Marsden Point Road
4. Reduce the speed limit from State Highway 1 to Sime Road to 50kph and Sime Road to State Highway 15A to 60kph

#### ***Option 1: Retain the existing speed limits***

##### *State Highway 1 to Sime Road*

This option would retain the current speed limit of 70kph from State Highway 1 to Sime Road and 100kph from Sime Road to State highway 15A.

70kph is a speed limit that is discouraged under national guidance unless there is compelling evidence, favouring 60kph or 80kph. Although the 70kph speed limit is an existing speed limit, it is necessary to assess whether that speed limit remains appropriate, and if it is, obtain additional approval in accordance with the Setting of Speed Limit Rule 2017.

NZTA noted that mean speeds on Marsden Point Road from SH1 to 70m north of Sime Road is 55-59km/h. A speed limit of 70kph would be more than 10% above the mean speed on that stretch of road. In addition, feedback from the community clearly indicates a range of speed related issues with the current speed. It is also noted that the Ruakaka community has sought a lower speed limit for several years.

Issues such as pedestrian and cycle safety will not be addressed appropriately if the speed limit were to be retained.

##### *Sime Road to State Highway 15A*

This option would retain the speed limit of 100kph from Sime Road to State Highway 15A. It is noted that the eastern side of the road is characterised by light to medium industrial uses, including several transport operators. The area to the east of this section of Marsden Point Road is zoned Business 4 in the Whangarei District Plan.

The Business 4 Environment primarily contains heavy industrial areas, including Marsden Point Oil Refinery and the Marsden Point Port.

The Business 4 Environment enables heavy industrial activities, and strongly discourages retail, residential and other associated land-uses. Activities that generate up to 200 traffic

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movements per day (24 hours) are permitted, with larger traffic movements a Controlled Activity (Consent will be granted but may be subject to conditions).

The Business 4 Environment is expected to generate a higher proportion of heavy vehicles and light to medium commercial vehicles. This has the potential effect of increasing the number of turning vehicles and slowing overall traffic flow.

The road itself does not meet the overall safety and design standards of a 100kph road. Retaining the current 100kph speed limit would be inconsistent with proposed changes to other roads in the immediate vicinity and wider District.

#### *Option recommendation*

Following the consideration of the submissions received, the road environment, as well as current and future planned development, it is recommended that Option 1, retain current speed limits be rejected.

#### ***Option 2: Implement the speed limits as proposed (60kph and 80kph)***

Option 2 would result in a speed limit of 60kph on Marsden Point Road from State Highway 1 to Sime Road and a speed limit of 80kph from Sime road to State Highway 15A.

The mean speeds on Marsden Point Road from SH1 to 70m north of Sime Road is 55-59km/h, which is indicative of an appropriate speed limit of either 50kph or 60kph and this is reflected in the original proposal. Extensive feedback from the community indicated that a slower speed limit of 50kph would be more appropriate. The arguments presented were compelling.

A 60kph speed limit provides a slight lowering of the speed limit from the current 70kph. However, this modest change is unlikely to slow vehicles along this stretch of road as the current mean speed is less than the proposed 60kph speed limit. The primary purpose of lowering the speed limit, which is increased safety benefits would be unlikely to be achieved. In addition, community outcomes expressed in feedback received would not be achieved.

A benefit of a 60kph speed limit is that additional engineering interventions would not be required to meet Speed Management Guidance. This provides the community with significant cost savings over time.

It needs to be acknowledged that little or no engineering interventions would be a poor outcome for the community, no matter what the speed limit is. A clear and consistent theme of the feedback received was the safety of pedestrians and cyclists and the lack of proper walking infrastructure. It is therefore considered that, although the implementation costs may be lower than for a 50kph speed limit, pedestrian and urbanising infrastructure will still be required in the medium term. This benefit can therefore be discounted.

The section of Marsden Point Road from Sime Road to State Highway 15A would normally be expected to be an 80kph road, based on its character, geometry and carriageway width. The stretch of road does not meet any of the 100kph requirements. However, the land adjacent to the road is zoned as Business 4 under the District Plan. This encourages heavy industrial activities, including those that generate significant Heavy Goods Vehicle movements (200 per day permitted; more than 200 controlled). This land use is currently evident on the eastern side of Marsden Point Road.

Marsden Point Road is the only vehicle access route onto State Highway 15A and toward the port from this area. Feedback received through submissions, as well as at community engagement meetings indicated that Heavy Goods Vehicles turning onto Marsden Point Road do so at slow speed and that it often takes a significant period to accelerate to near the speed limit, particularly when fully laden. A representative of a local transport company who access the road had the view that the disparity between the speed of Heavy Goods Vehicles as they accelerate and faster vehicles already on the road created a dangerous situation. A lower speed limit would improve safety.

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### **Option 3: Reduce the speed limits to 60kph along the entire length of Marsden Point Road**

Option 3 would result in a single speed limit along Marsden Point Road from State Highway 1 to State Highway 15A. The overall reduction in speed limit would achieve two of the key issues raised by submitters:

- Reduce the attractiveness of Marsden Point road as an alternative route for southbound Heavy Goods Vehicles or those vehicles accessing the port area from the south.
- Recognise the industrial nature of the wider road environment between Sime Road and State Highway 15A, particularly in relation to Heavy Goods Vehicles turning onto the road and travelling at a slower speed as they launch to proper speed.

Option 3 is likely to reduce the number of Heavy Goods Vehicles utilising the road. This would have flow on benefits, including a reduction in noise and vibration and improved pedestrian and cycle safety. Although pedestrians may not be accessing the carriageway, a reduction in Heavy Goods would increase the perception of pedestrian safety and more people would opt for walking or cycling to access town centre services.

From an engineering and speed management guidance perspective, a single speed limit along the full length of the road is not recommended. Marsden Point Road exhibits an abrupt change in character north of Sime Road. The road quickly transitions from a more urban feel with residential dwellings, shops and schools through to a more open environment with industrial and transport activities set back from the road.

Speed Management Guidance seeks to ensure that a safe and appropriate speed is set, based on the road environment. The principles of good speed management is that the speed limit should be credible and changes in the speed limit should be marked by a clear change in the road environment. The road user should be able to perceive that they are moving from one environment into another and naturally slow down or speed up as appropriate.

As single speed limit along the full length of Marsden Point Road does not recognise the change of environment at Sime Road. A road user will be naturally inclined to increase speed as they move from the more urban setting into a more open industrial setting. This is likely to be exacerbated by the presence of the shopping centre and Bream Bay College near the Sime Road intersection.

Conversely, a road user travelling from State Highway 15A would have no prompt to slow down as they approach the shopping centre and more urbanised setting. Without a prompt to slow down because the speed limit remains the same, drivers are less likely to initially recognise the additional hazards within the new environment.

It should be noted that the mean speed of vehicles on Marsden Point Road is 55-59kph. This indicates that an appropriate speed limit is either 50kph or 60kph along this stretch of road. The more open nature of the road, coupled with the additional hazards of Heavy Goods Vehicles accessing the main carriageway and needing to "launch themselves", along with the road geometry indicates that a speed limit of between 60kph and 80kph is appropriate.

Travel times are addressed in Option 4 below.

#### *Option recommendation*

Following the consideration of the submissions received, the changes in the road environment, as well as current and future planned development, it is recommended that Option 3, to implement a single speed limit of 60kph along the entire length of Marsden Point Road be rejected.

### **Option 4: Reduce the speed limit from State Highway 1 to Sime Road to 50kph and Sime Road to State Highway 15A to 60kph**



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Option 4 would lower the speed limit between State Highway 1 and Sime Road to 50kph to reflect a more urban nature of that part of the road. Sime Road to State highway 15A would be reduced to 60kph to reflect the more open nature, but industrial environment of this section of road. This option would result in a slight lowering of the speed limit from that originally proposed in the Statement of Proposal.

Submitters made a clear case for reducing the speed limit to either 50kph or 60kph, with a very strong case made for 50kph. Submitters highlighted a wide range of issues, including safety issues for pedestrians and cyclists accessing the schools and the shopping centre, as well as the number of Heavy Goods Vehicles using the road as a preferred route south, rather than using State Highway 15A. Submitters identified noise and vibration as major issues. In addition, the poor quality of pedestrian facilities, particularly crossing the Ruakaka Bridge, coupled with the speed that vehicles travel at discourages residents from walking to access facilities.

In addition to the issues raised by submitters, it should also be noted that the Te Araroa New Zealand's Trail utilises part of Marsden Point Road as the Ruakaka Bridge is currently the only crossing point.

The NZTA submission noted that the mean speed along the current 70kph section Marsden Point Road is 55kph – 59kph. This would indicate that the speed limit should be either 50kph or 60kph.

The overall expectation of urban streets in New Zealand is that they are 50kph. This speed limit is a legacy from when speed limit options were generally 50kph, 70kph or 100kph. Recently, a lower speed limit of 40kph is being applied to many urban areas, with key arterial routes maintaining a 50kph speed limit. Marsden Point Road is a key arterial route that has many urban characteristics, as such the slower 40kph speed limit would not apply. A 50kph speed limit would reflect the more urban nature of the road.

It should be recognised that there are parts of Marsden Point Road where residential dwellings are serviced by service lanes. However, these lanes do not extend along the full length of the road. There are also significant sections of the road where residential and some commercial buildings have direct access to the carriageway, on both sides of the road.

From a Speed Management Guidance perspective, there is a need to ensure that the speed limit matches the road environment. Given that the mean speed is currently 55kph-59kph, a speed limit below 50kph would need to be accompanied by engineering interventions to ensure that the driver naturally perceives the appropriate speed limit. In the case of Marsden Point Road, this would mean ensuring that there are engineering interventions that give the road more of an urban feel. Interventions vary, but could include:

- The installation of several gateway signs and repeater signs at strategic locations along the road.
- The installation of crossings, including traffic islands or lane separation at intervals along the road.
- Improving pedestrian facilities, and pedestrian separation from the carriageway, particularly on the approaches to Ruakaka Bridge.
- The installation of kerb and channelling.

The above engineering interventions are discussed in more detail within the accompanying Engineering and Implementation Report.

A 60kph speed limit along the section of Marsden Point Road from Sime Road to State Highway 15A would also require some form of engineering intervention. The intervention on this stretch of road would not have to be as extensive as for the other section of the road and may only require strategic repeater signs and a gateway sign at either end of the road section.

The benefits of Option 3 include the recognition that State Highway 1 to Sime Road is largely an urban setting that is expected to grow. With increased housing, both in Ruakaka and

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One Tree Point, the existing town centre shopping area is expected to grow. Current zoning within the Whangarei District Plan allows for this expansion.

In addition to recognising the urban nature of the road environment, it is expected that a slower speed limit will reduce the attractiveness of this route for Heavy Goods Vehicles accessing southern destinations from the port area. Decreasing the attractiveness of this route will encourage Heavy Goods Vehicles to utilise State Highway 15A. This benefit will increase significantly if, and when Marsden Port expands.

The key benefit of further reducing the speed limit to 60kph from Sime Road to State Highway 15A will be to reduce the conflict between vehicles travelling at high speed along this section of road when they encounter significantly slower Heavy Goods Vehicles as they turn onto the road from their various depot's. A speed limit of 60kph will reduce the difference in speeds, which in turn reduces the risk of side impact and rear impact crashes.

It should also be noted that one submitter, also representing a commercial business in the Marsden Point Road area was opposed to a reduction in the speed limit as it would cost their business significantly in terms of increased travel time and lost productivity. The differences in travel time are discussed under Option 4. Travel times calculated on the basis of traveling the full length of road from Sime Road to State highway 15A at the maximum speed limit at all times is set out in the table below.

100kph	80kph	60kph	100kph verse Proposed 80kph	Proposed 80kph verse 60kph
1 min 12 sec <sup>1</sup>	1 min 30 sec <sup>1</sup>	2 min 00 sec <sup>1</sup>	18 seconds	30 seconds

### **Travel time comparisons**

*Note 1: Travel times assume the maximum speed is maintained at all times and the traveller does not slow down for road conditions or slower traffic.*

Based on the above travel times, assuming that the driver is travelling the full length of Marsden Point Road from Sime road to State Highway 15A, it would take approximately 75 trips to increase the overall travel time by one hour, based on the difference between a 100kph speed limit and a 60kph speed limit, assuming the maximum speed limit is attained at all times.

Although there is potential for a marginal increase in travel times, NZTA studies have shown that a reduced speed limit also provides cost savings in lower fuel costs and wear and tear on the vehicle. In addition, there is a significant cost saving to the community in lower road maintenance costs.

Travel times will not be significantly increased along the section of road from State Highway 1 through to Sime Road. The travel time between State Highway 1 and Sime Road at 60kph is 4 min and 6 seconds. At 50kph, the travel time is 4 min 55 seconds. Given that most vehicles currently travel this section of road at between 55kph and 59kph, the difference in travel time with a 50kph speed limit is between 27 seconds and 45 seconds.

The difference in travel time from Sime Road to State Highway 15A from an 80kph speed limit and a 60kph speed limit, assuming the driver maintains the maximum speed at all times is 30 seconds.

It is considered that the potential increased travel times are insignificant in comparison to the safety and community benefits that will be achieved by lowering the speed limit. However, the difference in travel time between the Marsden Point Road route and the State Highway 15A route for Heavy Goods Vehicles will favour the state Highway 15A route. The State Highway route also provides more consistent speeds and higher quality road. Combining these aspects will encourage Heavy Goods Vehicles to preferentially utilise State Highway 15A.

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It is recommended that Option 4 be adopted to reduce the speed limit on the section of Marsden Point Road from State Highway 1 and Sime Road to 50kph and that this reduction be accompanied by a minimum of gated speed signs and repeater signs. Compliance with the speed limit should then be monitored to determine whether additional engineering interventions are required and what form they may take. It is also recommended that the speed limit from Sime road to State Highway 15A be reduced to 60kph, accompanied by gateway signage and appropriate repeater signs.

### 6.1.3 Recommendation

***It is recommended that the speed limit be reduced on the section of Marsden Point Road from State Highway 1 and Sime Road to 50kph and that this reduction be accompanied by a minimum of gated speed signs and repeater signs. Compliance with the speed limit should then be monitored to determine whether additional engineering interventions are required and what form they may take.***

***It is also recommended that the speed limit from Sime road to State Highway 15A be reduced to 60kph, accompanied by gateway signage and appropriate repeater signs.***

## 6.2 Vinegar Hill Road

Vinegar Hill Road connects Tikipunga with State Highway 1 to the north. Through traffic is increasing on this road although it is limited due to the hilly and winding nature of the road. Through traffic from Tikipunga to State Highway 1 is expected to utilise Puna-Rere Drive (extension to Spedding Road) to access the Kamo Bypass (State Highway 1) as this route is generally faster.

Vinegar Hill Road is undulating with some significant hills and has significant lower speed curves and blind corners. There are numerous accesses directly onto the main carriageway, often with limited visibility. Although the current posted speed limit on Vinegar Hill Road is 100kmph, the practical operational speed is expected to be significantly lower.

Vinegar Hill Road was included in the first tranche of speed reviews because it has been identified in the top 5% high benefit roads where a speed review will provide significant safety benefits. The personal risk, which is a measure of the danger to each individual using the road, taking account of traffic volume, is high.

### 6.2.1 Community Feedback – Vinegar Hill Road

Feedback was received on three key sections on Vinegar Hill Road, which included:

- The existing 50kph speed limit zone from Corks Road
- Vinegar Hill Road from current 50kmph boundary to a point 800m north of the intersection with Balmoral Road
- Vinegar Hill Road from a point 800m north of Balmoral Road to a point 200m south-east of the intersection with Saleyards Road
- Vinegar Hill Road from a point 200m south-east of the intersection with Saleyards Road to the intersection with State Highway 1

#### *Existing 50kph zone*

Some submitters expressed concern that the existing 50kph zone would be increased to 60kph or 80kph. To avoid uncertainty, there is no proposal to increase the speed limit in this area. However, there may be some consideration to extending the speed limit further along the road.

Two submitters suggested that the speed limit from Corks Road to Balmoral Road should be reduced to 40kph or made into a School Zone. Te Kura Kaupapa Maori O Te Rawhitiroa School and a children's play area is located on the corner of Corks Road and Vinegar Hill Road and a slower speed limit should be introduced.



The Automobile Association considered that the proposed 80kph speed limit for Vinegar Hill Road is appropriate.

One submitter who opposed to the proposed 60kph speed limit on this section of road stated that the speed limit should be 80kph because *“the hill would make it very difficult for trucks and towing vehicles to crawl up this hill that is pretty straight and will create more traffic congestion on this windy piece of road”*. Another submitter stated that *“the grade of this section of the road is too severe for such a speed reduction particularly heading up what is a significant grade”*.

A consistent theme of submitters considered that the proposed 60kph speed limit should be extended further along the road, with several submitters suggesting it should be extended to Riversong Road.

*We have a problem in that by the time frustrated drivers travelling south to Whangarei come out of all the slow corners over the hill and past Riversong corner they are flying – and we have to come out unseen by these drivers.”*

*Vinegar Hill Road from a point 800m north of Balmoral Road to a point 200m south-east of the intersection with Saleyards Road*

NZTA noted that Vinegar hill road has a high personal risk, placing it in the top 5% high benefit roads where a speed review would provide significant safety benefits. NZTA also noted that the Safe and Appropriate Speed for Vinegar Hill Road is 60kph. A higher speed limit of 80kph could be supported in conjunction with safety improvements to the road and road environment.

The rural residential nature of the road was highlighted by one submitter who stated that “as the Vinegar Hill road is now a residential area and increasingly so, the maximum speed should be 60kph, not the proposed 80kph. There is a prevailing driving attitude to drive to the limit, meaning 9kph over the stated limit; Therefore an 80kph limit would invite rally-style driving to 89kph with rapid bursts of acceleration and braking between the tight bends”.

*We approve of the majority of proposed changes but feel that the 80 kph limit between the lower speed posted corners is still too high and would prefer to see this set at 70kph. The distances between those corners are too short to be classed as open road. If you can keep a speed camera working (unlike the one near Balmoral Road), then that would be a good deterrent for drivers who ignore posted speed limits."*

*Vinegar Hill Road from a point 200m south-east of the intersection with Saleyards Road to the intersection with State Highway 1*

There were two submissions supporting the 60kph speed limit along the section of Vinegar hill Road from Saleyards Road to State Highway 1. One submitter was concerned about Saleyards Road into Vinegar Hill Road as far as Logan Cameron Road and stated that “*a radar now and then would be helpful in keeping the speed limit in check in this area. It is like a race-track at times and the limit is too high*”.

*Existing 50kph Zone*

Two submitters raised the issue that Te Kura Kaupapa Maori O Te Rawhitiroa School and a children's play area are located on this road and the speed limit should be 40kph or a school speed zone should be introduced.

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Te Kura Kaupapa Maori O Te Rawhitiroa School does not meet Traffic Note 37 or 56 criteria for a school speed zone. However, the Whangarei Urban area speed limits will be reviewed in the next two years, and part of that review will further consider the implementation of 40kph speed limits.

The children's playground referenced by submitters is located on the corner of Corks Road and Vinegar Hill Road. The intersection of Corks Road and Vinegar Hill Road is a significant intersection with both roads forming arterial urban streets. Vehicles approaching the playground on Vinegar Hill Road are required to slow to a stop at the intersection. Vehicles turning onto Corks Road do so from a standing start.

Lowering the speed limit on this part of Vinegar Hill Road is unlikely to achieve a slower speed than what is currently being driven at or near the intersection where the playground is. However, there is currently only one sign located near Te Kura Kaupapa Maori O Te Rawhitiroa School that indicates that children may be crossing the road. Additional signage near the playground would assist in raising awareness. Additional engineering interventions, including a crossing island will also improve safety to a much greater extent than a 40kph speed limit.

#### *Proposed 60kph Zone*

It is noted that NZTA advises against the introduction of a 60kph buffer as research indicates that early warning signs of a slower speed limit ahead is more effective in slowing vehicles down. This is particularly the case where there is no clear change in the road environment.

It is also noted that extensive urban development is occurring adjacent to Vinegar Hill Road and that the District Plan has zoned additional land for urban development in this area. Current development is located near the 50kph speed boundary. One submitter, seeking a 60kph zone for the entire length of the road noted that Vinegar Hill road is becoming increasingly residential in nature. Given this development, it is considered appropriate that the current 50kph zone be extended approximately 100m north to take in new development currently underway.

Submitters raised concerns that the proposed 60kph terminated near the brow of a hill and that there was little visibility at this location. These submitters sought an extension of the 60kph zone to Riversong Road.

NTA Staff have visited the location. The issue of a change of speed limit at or near the brow of the hill is acknowledged. Vinegar Hill Road has extensive curves that commence near Riversong Road and Continue to Logan Campbell Road. Most of the curves have either 55kph or 45kph advisory signs associated with them. A change of speed limit in this area would not properly match the road environment, with a slower speed limit being in place for a much straighter section of the road.

It is noted that NZTA identify the entire length of Vinegar Hill Road as having a safe and Appropriate Speed of 60kph. A higher speed of 80kph could be made safe provided safety improvements to address the personal road safety risk are implemented.

A slower speed limit of 60kph, which better matches the road environment would not have a significant impact on overall travel times, as much of the road cannot be safely driven at 60kph to 70kph. As such, it is considered that lowering the speed limit to 60kph for the entire length of the road would match the speed limit to most driver's current speed. This will have the effect of limiting any effect on the average driver but will slow faster drivers as they attempt to match a higher speed limit.

It is noted that the section of Vinegar Hill Road from the urban area to the proposed end of the 60kph zone is not a self-explaining 60kph zone. That is, the road environment does not lead the driver to a slower speed because of queues from the environment such as curves, and urban areas. In addition, there is expected to be a natural inclination for drivers to speed up as they reach the downhill section south of Riversong Road. To counter this, and ensure

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compliance, it will be necessary to install repeater signs in this area. Advance warning signs of the upcoming 50kph zone will also assist with overall compliance.

#### *Recommendation*

***Install additional “children present” signage on the approaches to the playground area and investigate the installation of a safe crossing point, including an island refuge at or near the playground near the intersection with Corks Road.***

***Extend the existing 50kph zone approximately 100m to the north to encompass current and planned urban development.***

***Extend the proposed 60kph zone to extend to the full length of Vinegar Hill Road.***

***Note: to ensure consistency, smaller side roads that extend from Vinegar Hill road will have a 60kph speed limit.***

### **6.3 Ruakaka and One Tree Point Urban Traffic Area**

The Ruakaka and One Tree Point Urban Traffic areas are being addressed together. Both Urban traffic Areas are similar in that they have the characteristics of a small coastal community. However, One Tree Point is expanding faster than Ruakaka.

#### **6.3.1 Community Feedback – Ruakaka and One Tree Point Urban Traffic Area**

There was one submission relating to the One Tree Point, Marsden City and Ruakaka urban areas generally. The submitter suggested that *“a lower speed limit of 30kph be considered in these urban areas as there is a current lack of proper infrastructure for low-speed traffic (for example bicycles and scooters) and pedestrians. Cyclists, scooters, and pedestrians have to share the roads with cars until shared paths and cycleways have been established in these areas.”* The submitter agreed with the proposed extensions to the Urban Traffic Areas.

One submission was opposed to proposed slower speed limits in Te Kamo Toad and Karawai Street. The submitter did *“not understand why there is a difference in the proposed speed limit for this street compared to contiguous residential streets with 50kph speed limit.”*

One submitter was specifically concerned about speed on Ruakaka Beach Road and stated that it is proposed that the road will continue to be 50kph. *“Please reduce to 30kph or add garden beds to force people to concentrate and slow down. Drivers come over the one-way bridge and then speed along by the park and up to the round-about. Many times, we have seen drivers texting at the same time. We have a number of children in the area we would like them to have the opportunity to cross the roads safely”.*

Another submitter focussed on Billar Road. This is a partially formed access road alongside the Ruakaka Estuary. The submitter requested that Billar Road be stopped and turned into an Esplanade Reserve *[It should be noted that stopping a road is outside the scope of this speed review and is subject to a separate legal process]*. The submitter also noted that the formed section of Billar Road, at a minimum should have a speed limit of 30kph.

Within the One Tree Point Urban Traffic Area, a submission signed by 16 people sought a 30kph speed limit on Marsden Bay Drive from Finch St to the end of the road. The submitters were concerned that *“there is a playground that many children use, and families picnic here. Vehicles do wheelies and stir up the dust in the carpark area and come at great speed down the road toward the play area.”*

#### **6.3.2 Analysis – Ruakaka and One Tree Point Urban Traffic Area**

Community feedback received through a range of sources, across many of Whangarei District’s smaller coastal communities indicate a desire for some change with respect to speed limits. In considering the specific feedback received as part of the notification process, NTA staff have also considered feedback from a wide range of sources, including other coastal communities and other Districts.



The traditional speed limit with urban areas in New Zealand has been 50kph. This is reflected within the legal framework where the Setting of speed Limits Rule identifies an Urban Traffic Area as having a 50kph speed limit, with other speed limits identified as exceptions. However, the Setting of Speed Limits Rule also provides for speed limits lower than 50kph. Within this context, the feedback from NZTA on Te Kamo Street and Karawai Street in the Ruakaka Urban Traffic Area is noted where they state that “*the Safe and Appropriate Speed for all this area is 40kph, which is recommended and would reflect national consistency and the intent of the Speed Management Guidance.*”

1. Retain a speed limit of 50kph in the Urban Traffic Area with other speed limits by exception
2. Reduce all speed limits to 40kph within the Urban Traffic Areas
3. Reduce speed limits to 40kph in most urban areas; but retain 50kph on arterial routes.

This option is to retain the status quo and only adjust the boundary of the Urban Traffic Areas to consolidate them and encompass existing development and new proposed development.

Recent development has a design that moves away from the more traditional wide street and car-based approach of older, more established developments. There is more focus on “slow street” design features, including more reliance on round-a-bouts narrower carriageways and streetscapes. More provision is put in to encourage pedestrian and cycle linkages to other parts of the community.

*Reduce all speed limits to 40kph within the Urban Traffic Areas*

It is noted that submitters talked about pedestrian use of the road environment in relation to a number of roads, including Marsden Point Road. A significant issue raised was the ability of pedestrians and cyclists to access shopping centres and other services from residential areas. It is also noted that the small coastal community from One Tree Point, Ruakaka and Waipu does give rise to increased pedestrian activity, especially during the summer months. This is reflected in the number of holiday homes in these communities.

*Reduce speed limits to 40kph in most urban areas; but retain 50kph on arterial routes.*

The merits of a 40kph speed limit and a 50kph speed limit has been discussed as part of the analysis of the other options. The major advantage of this option is that a speed limit that reflects the access nature of many of the highly urbanised roads, particularly within newer subdivisions can be implemented. At the same time, key routes that are generally wider and act as collector roads can still function as they are intended with a slightly higher speed limit.

A further possibility that has been considered as part of this option is to implement a 40kph speed limit on roads or areas that have slow street features. This possibility has been dismissed as the majority of the streets within the urban area of Ruakaka and One Tree Point have a high portion of holiday batches and a more coastal holiday feel to them already, whether they are the older wider streets or not. This holiday feel encourages more pedestrians to utilise the carriageway.

**Reduce speed limits within the Urban Traffic Area of Ruakaka and One Tree Point to 40kph, with the exception of key collector roads which are to remain at 50kph in accordance with the maps set out in Appendix 1 and shown below.**

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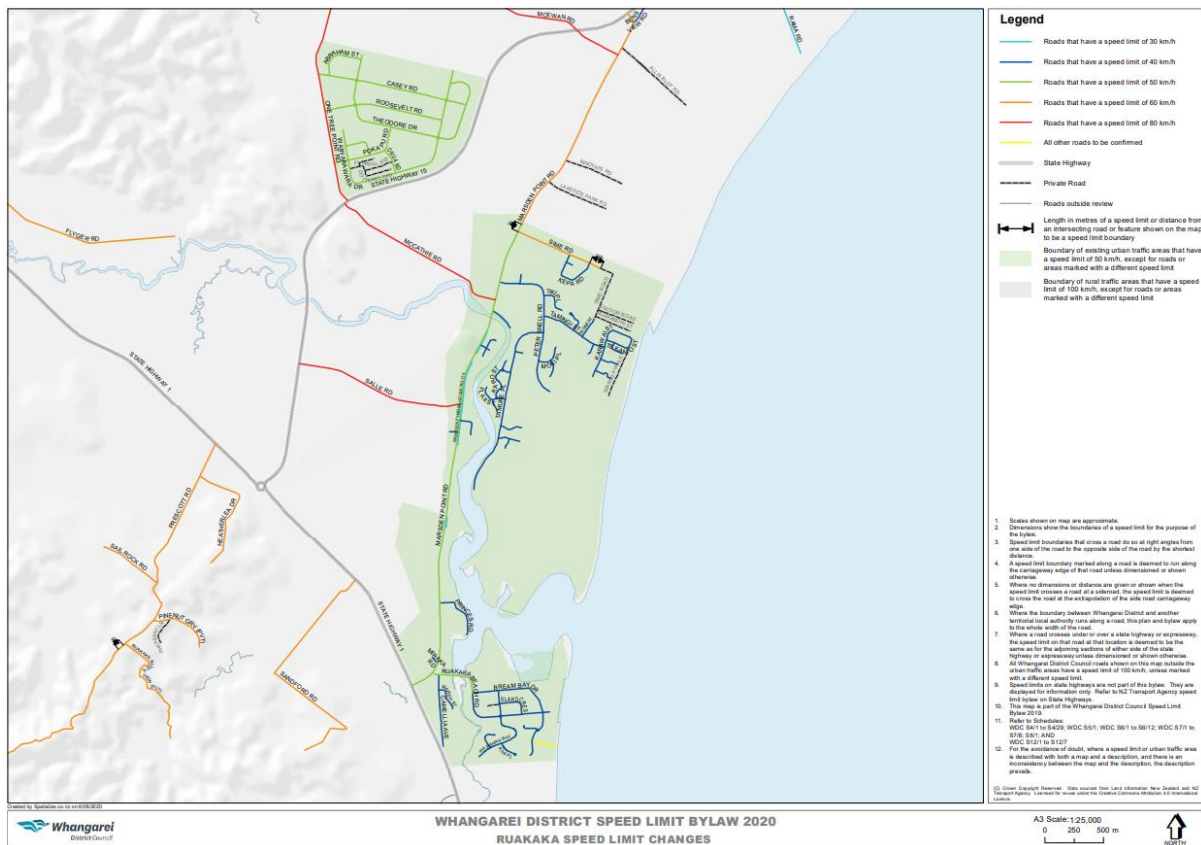


Figure 6: Ruakaka and Marsden City Urban Traffic Area

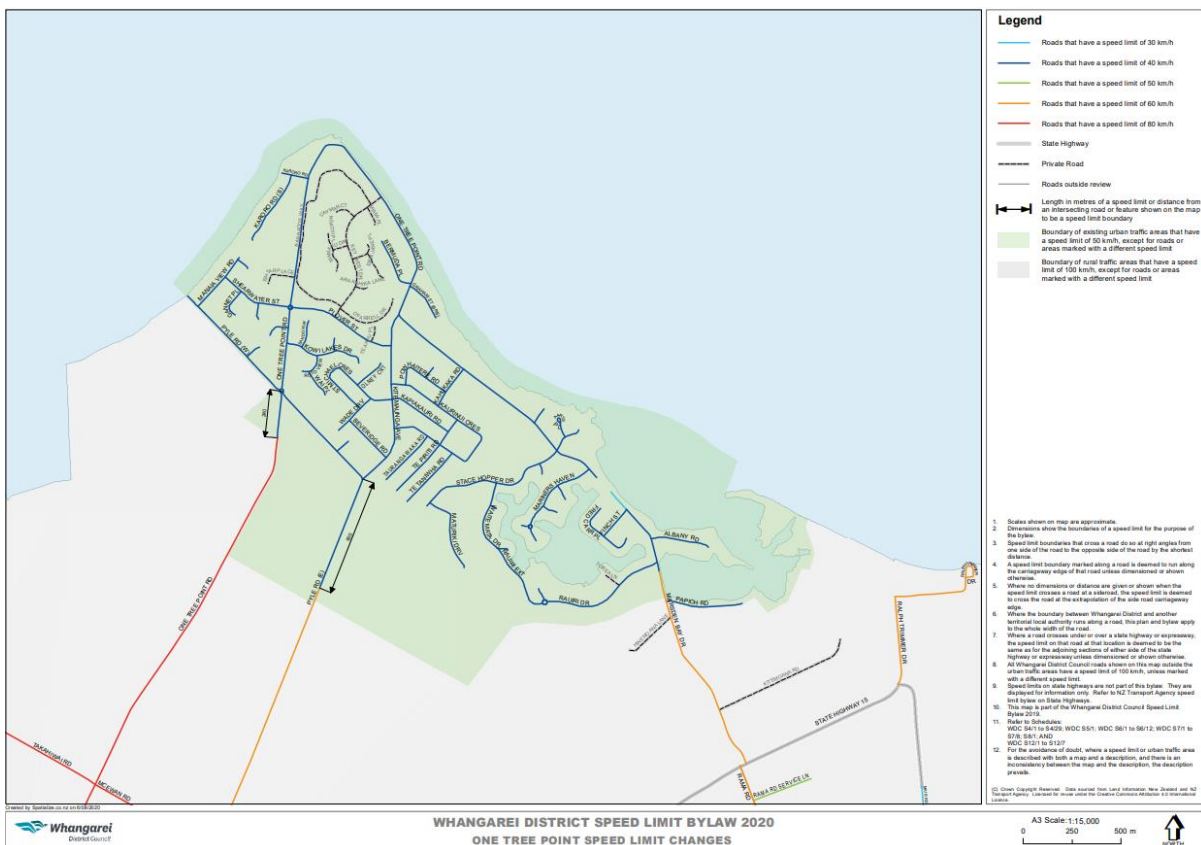


Figure 7: One Tree Point Urban Traffic Area

## 6.4 The Centre Road - Waipu

### 6.4.1 Community Feedback – The Centre Road

There were eight submitters in support or partially in support of the proposal. Six submitters sought a lower speed limit of 30kph, and one sought a speed limit of 50kph.

Submitters seeking a 30kph speed limit felt that the number of vehicles and pedestrians frequenting the Waipu Town Centre was not properly considered when proposing a 40kph speed limit. One submitter noted that *"the town centre has a high occurrence of elderly, children, including both locals and tourists, particularly during the summer months and that any speed reduction must strive to ensure the balance of priority is swung towards the pedestrian"*.

The submitter continued to state that *"Waipu town centre is the heart of the community. There is significant development occurring within the Urban Traffic Area, with a projected increase in population and pedestrian footfall, the proposed reduction to the speed limit must appropriately reflect this."*

*The proposed 40 kph will not adequately ensure this, and the risk of death and serious injury will remain inappropriately high, therefore the Authority must revise their proposed speed reduction to 30kph (Austroads Balance between harm reduction and mobility in setting speed limits: a feasibility study (2005))."*

One submitter stated that if a lower speed limit of 30kph was not imposed, then *"a schedule of complementary measures at key locations must be delivered to support the higher 40kph speed limit that is proposed. Measures include:*

- *An additional pedestrian crossing at the eastern end of The Circle (Road)*
- *Vertical traffic calming features (raising pedestrian crossings)*
- *Entry treatments to define the town centre area and its change in speed limit."*

The Automobile Association was partially supportive of the proposal noting that a *"40kph speed limit may be appropriate in the town centre during shop opening hours when there are numerous pedestrians around and there are cars reversing into street parking spaces, overly rigid enforcement at other times would be unwelcome"*. The Automobile Association also questioned whether lowering the speed limit from 50kph is necessary.

Several submitters suggested that the lower speed limit should be extended to the west and east. The extent of the extensions to the lower speed area varied between submitters and included:

- Extend from near the bus stop west of St Mary's Road to Insley Street
- Extend to include the Waihoihoi River Bridge in the west and Braemar Lane to the east

In seeking an extension to the proposed 40kph zone (and lowering to 30kph) submitters highlighted that *"there is a natural slowing down period or distance that occurs when a driver sees a change in speed zones and this extension would mean that an adjustment will have been made by the time the driver reaches the areas of concern. The Pizza Barn is a very popular venue and travelling at 50kph past this establishment on a busy night is too fast. Similarly, at the other end of town are the Inter-city bus stops and public toilets, both busy on weekends"*.

### 6.4.2 Analysis – The Centre Road and Waipu Urban traffic Area

Waipu is a relatively small village with some rural service businesses. State Highway 1 bypasses Waipu and as a result there is only limited through traffic. However, it forms part of the route from Whangarei to Waipu Cove and Mangawhai and is a popular stop for these people. The Waipu township can become busy with large numbers of pedestrians at times. Waipu also has a relatively high population of older people.



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The merits of different urban speed limits have been discussed in 6.3.2 above. The discussion and issues apply equally to the Waipu Urban Traffic Area and is not repeated here. Suffice to say that the same or similar recommendation would apply to Waipu.

The key speed related issues that need to be addressed in Waipu are:

- The high numbers of pedestrians that access the main carriageway on The Centre
- New subdivisions in Waipu that have a lower design speed (40kph) within them, including slow street features
- Safe access across The Centre, particularly for older residents
- Safe walking access to the Early Childhood Centre on The Braigh
- The need to incorporate engineering solutions to match the road environment to the proposed speed limit

A wider urban speed limit in Waipu of 40kph is considered appropriate, in terms of consistency with recommendations for One Tree Point and Ruakaka. New subdivision, which now make up a significant portion of the Waipu Village have a lower design speed in their roads (40kph). The older parts of Waipu are characterised by roads that have narrow carriageways and, in some cases, limited pedestrian facilities. The only exception to the general narrow carriageways is South Road and The Braigh.

In recommending a general urban speed limit of 40kph, it would be reasonable to reduce the speed limit to 30kph within the area currently proposed as 40kph. This would satisfy submitters seeking a lower 30kph speed limit in this area. In addition, this option would satisfy those submitters seeking to extend the proposed 40kph zone east and west.

A 30kph speed limit in The Centre reflects the use of this area as a town centre with a high number of pedestrians. It is however considered appropriate that additional engineering interventions are incorporated into the town centre area to match a 30kph speed limit. It is considered appropriate that the new 30kph speed limit be extended approximately 50m east along Cove Road to encompass popular eateries that are located east of the intersection with Nova Scotia Drive. This extension would encourage drivers to slow prior to the major and complex intersection with Nova Scotia Drive and South Road.

Reducing the speed limit within the Urban Traffic Area will have the effect of reducing the speed limit on Nova Scotia Drive from The Centre to a point 260m south of the intersection with The Centre.

There are few direct accesses onto Nova Scotia Drive from 260m south of The Centre to McClean Bridge. New subdivisions create a single access point only. Extending a 40kph or a 50kph speed limit to McClean Bridge cannot be justified as there is insufficient urban development that has direct access to the road. The road environment along this part of Nova Scotia Drive does not support a lower 50kph speed limit without significant engineering interventions. Such interventions would be required to achieve an appropriate level of compliance. However, there is a change in the road environment from McClean Bridge that will support a 60kph speed limit.

The current 50kph / 100kph boundary is located approximately 100m south of Lochalish Drive. The section of Nova Scotia Drive that is currently 50kph is characterised by the Fire Station, Waipu Citizens and Services Club, Church and residential dwellings with direct access onto the road. Inclusion of this area within the 40kph zone is reasonable. However, this boundary coincides with a clear change in the road environment. A 40kph speed limit beyond this point is not supported.

Although not part of "The Centre", consequential changes to The Braigh would include:

- Extend the new 40kph speed limit along The Braigh to approximately 50m south of the "Kids 1<sup>st</sup>" Early Childhood Centre. This change would enable a more appropriate and slowing speed limit outside the Early Childhood Centre and along the section of the

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Braigh that is used to access the Early Childhood Centre and address the concerns of several submitters.

- The remainder of the Braigh to be 60kph. This would satisfy those submitters that consider a 50kph speed limit to be too slow on the outskirts of Waipu.

#### *Recommendation*

**Reduce the speed limit of within the Waipu Urban Traffic Area to 40kph, with the exception of the following areas:**

- **A 30kph speed limit on The Centre from the intersection with St Mary's Road to a point on Cove Road at the intersection with Insley Street.**
- **A 60kph speed limit on The Braigh from a point 50m south of the Kids 1<sup>st</sup> Early Childhood Centre to the intersection with State Highway 1.**
- **A 60kph speed limit on Nova Scotia Drive from 260m the intersection with The Centre to the north side of McClean Bridge.**

The above recommendation is set out in the map in Appendix 1 and shown below.

## **7 Summary of submissions received and recommendations (road by road)**

All submissions have been read and considered before recommending new speed limits. Submissions were broken down to comments on individual roads wherever possible. Summary information is provided in the following tables, including:

- Road name
- Current posted speed limit
- Proposed speed limit (as set out in the Statement of Proposal)
- A summary of the feedback received
- Northland Transportation Alliance Road Safety Engineer (Team Lead) comments and recommendations
- Recommended new speed limit

The summarised Northland Transportation Alliance Road Safety Engineer comments, and the resulting recommended speed limit, are made having considered:

- The initial assessment of the road
- Evidence based matters that are required to be considered under Section 4.2(2) of the setting of Speed Limits Rule 2017 and set out in the following Reports as referenced in the Statement of Proposal and published on Council's Website:
  - Regional Speed Limit Reviews Vinegar Hill Road Catchment (Technical Report)
  - Regional Speed Limit Reviews Vinegar Hill Road Catchment (Technical Report)
  - Regional Speed Limit Reviews Waipu Urban Traffic Area, Nova Scotia Drive Catchment (Technical Report)
- Community feedback received during the consultation process
- Additional site visits and assessments undertaken as a result of the community feedback received

Vinegar Hill Road Catchment Area					
Road Name	Current Speed Limit	Proposed Speed Limit	Community Feedback	NTA Road Safety Engineer (Team Lead) comments and recommendations	New Speed Limit
Vinegar Hill Road from Corks Road to the current 50kmph boundary	50kmph	50kmph	There were five submitters in support and one partially in support. It was highlighted that, between Corks Road and Balmoral Road there is Te Kura Kaupapa Maori O Te Rawhiti roa School and a children's play area on the corner of Corks Road and Vinegar Hill Road, the speed limit in this area should be reduced to 40kph or made into a School Zone.	Refer to Section 6.2 of this Report.  Te Kura Kaupapa Maori O Te Rawhiti roa School does not meet the requirements of Traffic Notice 37 for a variable school speed zone.	50
Vinegar Hill Road from current 50kmph boundary to a point 800m north of the intersection with Balmoral Road	100kmph	60kmph	There were twelve submitters in support or in partial support and two opposed. Two submitters sought a speed limit of 50kph, two sought 60kph, one sought 70kph and one 80kph.  Submitters that supported a 60kph zone were largely in support of a slower overall speed limit for Vinegar Hill Road as a whole, with some submitters seeking, as a minimum, the extension of the 60kph zone to Riversong Corner.  Community feedback on Vinegar Hill Road is discussed in more detail in Section 6.2 of this Report.	Refer to Section 6.2 of this Report.	60
Vinegar Hill Road from a point 800m north of Balmoral Road to a point 200m south-east of the intersection with Saleyards Road	100kmph	80kmph	There were 18 submitters in support or in partial support and one opposed. Two submitters sought a speed limit of 60kph, six sought 70kph and four sought 80kph.  Community feedback on Vinegar Hill Road is discussed in more detail in Section 6.2 of this Report.	70kph is a speed limit that is discouraged under national guidance unless there is compelling evidence, favouring 60kph or 80kph.  Refer to Section 6.2 of this Report.	60
Vinegar Hill Road from a point 200m south-	100kmph	60kmph	Two submitters supported a 60kph speed limit and one was opposed.	Refer to Section 6.2 of this Report.	60

east of the intersection with Saleyards Road to the intersection with State Highway 1			Community feedback on Vinegar Hill Road is discussed in more detail in Section 6.2 of this Report.		
Steere Place (off Thomas Street)	50kmph	50kmph	NZTA were the only submitter to provide feedback on this road and noted that Steere Place has an SAAS of 40km/h, not 50km/h as proposed.	Discussion as to 50 or 40 based on slow streets etc	40
Thomas Street	50kmph	50kmph	NZTA were the only submitter to provide feedback on this road and noted that Thomas Street has an SAAS of 40km/h, not 50km/h as proposed.	Discussion as to 50 or 40 based on slow streets etc	40
Townsend Place (off Thomas Street)	50kmph	50kmph	NZTA were the only submitter to provide feedback on this road and noted that Townsend Place has an SAAS of 40km/h, not 50km/h as proposed.	Discussion as to 50 or 40 based on slow streets etc	40
Balmoral Road	50kmph	50kmph	NZTA were the only submitter to provide feedback on this road and noted that Balmoral Road has an SAAS of 40km/h, not 50km/h as proposed.	Discussion as to 50 or 40 based on slow streets etc	40
Riversong Road	100kmph	60kmph	Two submitters were either in support or in partial support, with one submitter seeking a 50kph speed limit and the other supporting the proposed 60kph limit. One submitter noted that the area can be sub-divided which will mean more houses, vehicles, children, bikes and walkers.	Setting of Speed Limits Guidance only allows for a 50kph speed limit with an urban environment.	60
Mangakino Lane	100kmph	80kmph	One submitter sought a 50kph speed limit, whilst three sought a 60kph speed limit for this Road.  Submitters noted that the area can be sub-divided which will mean more houses, vehicles, children, bikes and walkers. One submitter requested that there needs to be <i>Children</i> signs around the playground – it is unclear whether this refers to the private road at the end of Mangakino Lane.	Setting of Speed Limits Guidance only allows for a 50kph speed limit with an urban environment.  Given the recommendations for a 60kph speed limit on Vinegar Hill Road; a 60kph speed limit is appropriate to maintain consistency.	60
Waitaua Road	50kmph	60kmph	Two submitters were either in support or in partial support, with one submitter seeking a 50kph speed limit and the other supporting the proposed 60kph limit. One submitter noted that the area can be	Setting of Speed Limits Guidance only allows for a 50kph speed limit with an urban environment.	60

			sub-divided which will mean more houses, vehicles, children, bikes and walkers.	Given the recommendations for a 60kph speed limit on Vinegar Hill Road; a 60kph speed limit is appropriate to maintain consistency.	
Lauries Drive	100kmph	60kmph	Two submitters were either in support or in partial support, with one submitter seeking a 50kph speed limit and the other supporting the proposed 60kph limit. One submitter noted that the area can be sub-divided which will mean more houses, vehicles, children, bikes and walkers.	Setting of Speed Limits Guidance only allows for a 50kph speed limit with an urban environment.	60
Logan Cameron Road	100kmph	60kmph	Three submitters were either in support or in partial support, with two submitters seeking a 50kph speed limit and one supporting the proposed 60kph limit. One submitter noted that the area can be sub-divided which will mean more houses, vehicles, children, bikes and walkers.	Setting of Speed Limits Guidance only allows for a 50kph speed limit with an urban environment. Given the recommendations for a 60kph speed limit on Vinegar Hill Road; a 60kph speed limit is appropriate to maintain consistency.	60
Main Road	100kmph	80kmph	Four submitters sought a speed limit of 60kph and one sought a 50kph speed limit. All submitters were supportive of an overall lower speed limit.  Main Rd is a no exit rural road servicing residents. It is unmarked and in part unsealed. There is no footpath and residents have to walk on the road to get to their houses. The road gives access to the Glenbervie Forest which attracts cyclists, runners and walkers who all use Main Rd to gain access. Main Road is extensively used by foot, bike and horse traffic.	Setting of Speed Limits Guidance only allows for a 50kph speed limit with an urban environment.  Given the recommendations for a 60kph speed limit on Vinegar Hill Road; a 60kph speed limit is appropriate to maintain consistency.	60
Saleyards Road	100kmph	60kmph	Four submitters were either in support or in partial support, with three submitters supporting a 60kph speed limit and one seeking an 80kph limit. One submitter noted that the area is sometimes used like a racetrack and more enforcement would address this issue.	Enforcement is addressed in Section 6.2 of this Report.	60
Jounneaux Road	100kmph	60kmph	No feedback received	Proposed speed limit appropriate.	60

Marsden Point / Ruakaka / One Tree Point Catchment Area					
Road Name	Current Speed Limit	Proposed Speed Limit	Community Feedback	NTA Road Safety Engineer (Team Lead) comments and recommendations	New Speed Limit
Bens View Road	50	50	NZTA noted that Bens View Road has an SAAS of 40kph, not 50kph as proposed	Setting of Speed Limits Guidance only allows for a 50kph speed limit with an urban environment.	40
Billar Road		50	Billar Road is partially formed and runs parallel to the Ruakaka River. Billar road should be stopped or disestablished from where it runs parallel with Tamure Place and should be re-zoned as an esplanade Reserve. The remaining formed part of the road should be 30kph.	The formed part of Billars Road is unsealed and has the form of an access track. A speed greater than 30kph would not be attained without driving in a dangerous manner.	30
Crow Road	100	60	No feedback received	Proposed speed limit appropriate.	60
Flyger Road	100	60	Five submitters opposed the proposal. Submissions opposed were made up of several submissions, signed by the same person and stated that they did not use the road, but considered that a 40kph speed limit reduction to be “ridiculous”.		60
Heatheriea Road	100	60	No feedback received	Proposed speed limit appropriate.	60
Karawai Street	50	30	<p>One submitter opposed the proposal, stating that they did not understand why there is a difference in the proposed speed limit for this street compared to contiguous residential streets with 50kph speed limit.</p> <p>NZTA noted that Karawai Street is proposed as 30, but the last length of Tamingi Street, which looks and feels the same, has been left at 50 – the SAAS for all this 40km/h which is recommended and would reflect national</p>	Refer Section 6.3 (Ruakaka Urban Area)	40

			consistency/the intent of the Speed Management Guide.		
Keith Road	100	60	No feedback received	Proposed speed limit appropriate.	60
Mair Road (Beach access) from unsealed Section.	30	30	No feedback received	Proposed speed limit appropriate.	30
Marsden Bay Drive from SH 15A to 50m south of the intersection with Rauiri Drive	100	80	<p>Three submitters either supported or partially supported the proposal. Six submitters opposed the proposal. Submissions opposed were made up of several submissions, signed by the same person.</p> <p>Submitters generally sought a slower speed limit as the road is narrow and heavily utilised by cars towing boats to the nearby boat ramp at Marsden Cove Marina. It was also noted that the road is used by cyclists, boat trailers and Heavy goods Vehicles and there is limited shoulder area.</p> <p>NZTA recommended that Marsden Bay Drive be set at 60kph.</p>	A review of Marsden Bay Drive confirms that a speed limit of 60kph is appropriate. Marsden Bay Drive is a principle access to Marsden Marina, which is a popular boat launching area, increasing the volume of trailers on a narrow road.	60
Marsden Bay Drive from Rauiri Drive to Finch Street.	50	50	Refer to One Tree Point Urban Traffic Area in Section 6.3 of this Report.	<p>Refer to One Tree Point Urban Traffic Area in Section 6.3 of this Report.</p> <p>The further lowering of the speed limit along Marsden Bay Drive to 60kph and reduction of the Urban Traffic Area Speed Limit to 40kph has resulted in the shifting of this speed boundary closer to Rauiri Drive.</p>	40
Marsden Bay Drive from Finch Street to end.	50	50	One submitter sought a 30kph speed limit on Marsden Bay Drive from Finch St to the end. There is a playground that many children use, and families picnic adjacent to the road here. Vehicles do wheelies and stir up the dust in the carpark area and come at great speed down the road toward the play area. (Petition signed by multiple people)	Finch Street is a small access road with an unfenced harbourside park that is popular with families. A slower speed limit along this road is appropriate.	30



Marsden Point Road from SH 1 to 70 meters north of the intersection with Sime Road	70	60	Marsden Point Road was subject to extensive feedback and is discussed in more detail in Section 6.1 of this Report.	Refer to Section 6.1 of this Report.	50
Marsden Point Road from 70 meters north of the intersection with Sime Road to SH 15A	100	80	Marsden Point Road was subject to extensive feedback and is discussed in more detail in Section 6.1 of this Report.	Refer to Section 6.1 of this Report.	60
Marsden Point Road Service Lanes (running parallel to main road)	50	-	<p>Marsden Point Road Service Lanes run parallel to Marsden Point Road, providing residential access. The lanes were omitted in error from the Statement of Proposal.</p> <p>The Service Lanes are multi-use roads with high pedestrian usage and have no footpaths. Currently the speed limit is 50kph and should be lowered to 15kph.</p> <p>Properties numbering 170 to 274 Marsden Point Road enter and exit directly onto this mixed-use space, and most entranceways have blind spots. The Lanes cross Seaview Road and Waitaha Place.</p> <p>At least three of the Ruakaka Primary School bus pick-ups occur on this piece of road. Recently 21 children were counted waiting on the service lane at one pick up point. With only narrow footpaths in front of approximately ten properties this vital pedestrian link to essential community facilities is currently shared with vehicles with a speed limit of 50kph. Serious consideration to lower the speed limit to 20kph is needed at this time of review.</p>	<p>Marsden Point Road Service Lanes run parallel to Marsden Point Road, providing residential access. The lanes were omitted in error from the Statement of Proposal but are located within the Review Area and the Urban Traffic Area, and as such are within the scope of this Review.</p> <p>A 30kph speed limit is consistent with shared space zones. The Setting of Speed Limits Rule 2017 does not allow for a legal speed limit of 15kph.</p>	30
McCathie Road	100	80	<p>One submitter supported and seven submitters opposed the proposal.</p> <p>Submissions opposed were made up of several submissions, signed by the same person and stated</p>	McCathie Road connects SH15A with Marsden Point Road and Ruakaka. Although there are some residential dwellings on this road, it is largely rural in nature. With the exception of two curves	80



			<p>that the current speed limit should be retained because there was not much traffic on McCathie Road and few houses.</p> <p>One submitter suggested a 60kph speed limit because the road does not match the definition for an 80kph road (as published in the Statement of Proposal) and there is a lack of proper infrastructure for low speed traffic. Bicycles, scooters and pedestrians have to share the road with cars</p>	<p>at the Ruakaka end of the road, the road is straight.</p> <p>Pedestrian activity on this road is expected to be minimal as there it does not connect pedestrian destinations,</p> <p>80kph is considered an appropriate speed.</p>	
McEwen Road	100	80	<p>One submitter supported and seven submitters opposed the proposal.</p> <p>Submissions opposed were made up of several submissions, signed by the same person and stated that the current speed limit should be retained because McEwen Road is a main thoroughfare.</p> <p>One submitter suggested a 60kph speed limit because the road does not match the definition for an 80kph road (as published in the Statement of Proposal) and there is a lack of proper infrastructure for low speed traffic. Bicycles, scooters and pedestrians have to share the road with cars.</p>	<p>McEwen Road Although there are some residential dwellings on this road, it is largely rural in nature and is a straight alignment. The road incorporates an over bridge across SH15A and there are few intersections.</p> <p>The Marsden Play Centre is located on McEwen Road near the intersection with One Tree Point Road. The Play Centre is well fenced and has an off-road parking bay for pick-up and drop-off. Speed limits associated with the Play Centre is addressed in Section 5 of this Report.</p> <p>80kph speed limit is considered appropriate.</p>	80
One Tree Point Road from 240m south of Pyle Road East (new proposed Urban Traffic Area boundary) to the intersection with State Highway 15A.	100	100	<p>Two submitters either supported or partially supported the proposal and three were opposed.</p> <p>The Automobile Association considered that, given subdivision along the road and significant intersections, a speed limit of 80kph is appropriate.</p> <p>One submitter sought a speed limit of 60kph because the road did not meet the definition of a 100kph road and is unsafe at 60kph on most parts of the road including at Marsden City, Takahiwai</p>	<p>One Tree Point Road provides a key commuter connection between One Tree Point, Ruakaka and Whangarei.</p> <p>The Automobile Association and NZTA submissions that an 80kph speed limit is appropriate is accepted. An 80kph speed limit will provide consistence of speed limits and takes account of the major intersections and the road geometry.</p>	80

			Road / McEwan Road intersections. There are also cow crossings and increasing accessways. NZTA recommended an 80kph speed limit to reflect a Safe and Appropriate Speed,	A 60kph speed limit is not recommended as it would require significant engineering solutions to match the road to the much lower speed limit.	
Peter Snell Drive (By Shopping Centre)	70 and 50	50	One submitter suggested a speed limit of 30kph beside the shopping centre.	Peter Snell Drive is currently 50kph, with an approximately 50m section of 70kph at the intersection of Marsden Point Road. With the reduction of speed limit on Marsden Point Road, this short 70kph will become 50kph. The remainder of Peter Snell Drive is an arterial route and is recommended to remain at 50kph.	50
Pirihi Road	100	60	No feedback received	Proposed speed limit appropriate.	60
Prescott Road from the intersection of State Highway 1 to a point 50m before the end of the seal.	100	80	NZTA recommended 60kph to reflect Safe and Appropriate Speed (refer to NZTA full submission)	Prescott Road is an access road with no exit. The first part of the road is straight and sealed, before winding up the Ruakaka Hills. The carriageway is narrow and there are frequent access points that have little or no visibility. The NZTA submission is accepted.	60
Prescott Road from a point 50m before the end of the seal to the end of the road.	100	60	No feedback received	Proposed speed limit appropriate.	60
Pyle Road East (260m southeast of One Tree Point Road to 600m south of the sharp bend in the road (new Proposed Urban traffic Area Boundary)	50	50	Four submitters supported the proposal, with three submitters suggesting a speed limit of 50kph. Rather than having Pyle Road 50kph and 60kph - just make the entire road 50kph. Dust is an issue. In the past few years, there have been several incidents when drivers have lost control on Hansen's corner, and some vehicles have gone through roadside fences. As the Marsden Cove development progresses, the feeder road from	In response to guidance for urban areas, this section of Pyle Road East, within the new Urban Traffic Area is recommended as 40kph.  A 50kph speed limit is not currently available within a rural environment.	40

			Marsden Bay to One Tree Point will exit just north of the end of the proposed 50 kmph zone.		
Pyle Road East 600m south of the sharp bend in the road (new Proposed Urban traffic Area Boundary) to the intersection with McEwan Road	100	60	<p>Four submitters either supported or partially supported the proposal, with two submitters seeking 50kph speed limit. NOTE: The sharp bend is known as Hansen's Corner.</p> <p>Dust and loose metal are issues on this road (refer Section 4.2.2)</p> <p>With the extension of the 50 kph zone to 600 m south of the sharp bend, traffic from One Tree Point to McEwan Road will be going slower than at present so a 60 kph restriction on the road through to McEwan Road will not be inconvenient. These speed limits will hardly cause any time delay for traffic from One Tree Point to McEwan Road or vice versa; it is only about 2.5 km.</p> <p>The road is a school bus route, with several stops to pick up and drop off children. With the increasing number of homes on Pyle Road East, many people now use the road for walking, running and cycling, and many of these are children.</p> <p>Rather than having Pyle Road 50kph and 60kph - just make the entire road 50kph.</p>	<p>The submitter supports the proposed speed limit.</p> <p>A 50kph speed limit is not currently available within a rural environment.</p>	60
Ralph Trimmer Drive	50	60	No feedback received	Proposed speed limit appropriate.	60
Rama Road	100	80	<p>One submitter supported and one opposed the proposal.</p> <p>One submitter suggested a 60kph speed limit because the road does not match the definition for an 80kph road (as published in the Statement of Proposal) and there is a lack of proper infrastructure for low speed traffic. Bicycles, scooters and pedestrians have to share the road with cars.</p>	<p>Rama Road is a short, straight access road that provides access to several light industrial premises. There is four-wheel drive access to the main Bram Bay Beach from the end of Rama Road.</p> <p>The short length of the road makes it unlikely that 80kph would be safely attained on this road for any length of time</p>	60

			NZTA recommended 60kph to reflect Safe and Appropriate Speed (refer to NZTA full submission).		
Rama Road Beach Access	20	30	No feedback received	There is 20kph signage at the start of the four-wheel drive beach access. This is inconsistent with the current 30kph speed limit on the beach.  Proposed speed limit appropriate.	30
Ruakaka Beach Road East of the intersection with Bream Bay Drive (Beach Access)	50	30	One submitter partially supported the proposal; but sought a lower speed limit of 30kph.  Drivers come over the one-way bridge and then speed along by the park and up to the round-about. Many times, we have seen drivers texting at the same time. We have a number of children in the area we would like them to have the opportunity to cross the roads safely. Please reduce to 30kph or add garden beds to force people to concentrate and slow down.	Refer Section 6.3 (Ruakaka Urban Area)	40
Sail Rock Road	100	60	No feedback received	Proposed speed limit appropriate.	60
Salle Road	100	80	There were six submissions opposed to the proposal. Submissions opposed were made up of several submissions, signed by the same person and stated that the current speed limit should be retained because there are few cars on the road, no houses and the road is good.	Salle Ropad connects State Highway 15A with Ruakaka and is utilised as a shorter route for vehicles commuting between Whangarei and parts of Ruakaka. A reduction in the speed limit as proposed along Marsden Point Road is expected to direct more vehicles along this road over time.  Proposed speed limit appropriate.	80
Sandford Road	100	60	Three submitters supported and five opposed the proposal. Two submitters sought a speed limit of 60kph.  Submitters in support noted that the road is extremely dusty in summer which may cause health problems to residents and school children attending	Sanford Road is an unsealed access road. The Ruakaka Memorial Hall and Ruakaka School are located at the SH1 end of Sandford Road.  The National Road Safety Strategy (Road to Zero) seeks a speed limit of 60kph past	60

			<p>Ruakaka Primary School. There are often large potholes on the road.</p> <p>Submissions opposed were made up of several submissions, signed by the same person and stated that they did not use the road, but questioned a proposed 40kph speed reduction.</p>	<p>rural schools. This requirement is supported by draft legislation.</p> <p>An appropriate speed on unsealed roads is 60kph.</p> <p>The proposed speed limit is appropriate.</p>	
Sime Road from the intersection with Marsden Point Road to a point 110m to the east of the eastern most intersection with Kepa Road.	70	60	<p>Four submitters opposed the proposal. All submitters sought a 50kph speed limit to be extended along the full length of Sime Road.</p> <p>The proposed 60kph zone would be a short stretch of 60kph in an otherwise 50kph area, suggest 50kph for a consistent approach. The southern side of Sime Road is bordered by a tavern, sports grounds, and commercial activities. Pedestrian usage can be high when sports activities are taking place. In addition, camping vehicles access the dump point here, and along with logging trucks, school buses, and trade and private vehicles make a busy mix on this road. A new shopping centre will also link Sime Road with Peter Snell Drive.</p>	The submissions supporting a 50kph speed limit along the full length of Sime road are accepted.	50
Takahiwai Road from to a point 100m before the end of the seal.	100	80	One submitter supported the proposal, stating that the road is very narrow with deep drains on both sides of the road and a one-way bridge. School buses and trucks use the road daily, as well as residents. There are often accidents that go unreported on this road.	Proposed speed limit appropriate.	80
Takahiwai Road from to a point 100m before the end of the seal to the end of the road.	100	60	<p>Two submitters supported the proposal.</p> <p>Residential units have increased from 16 to around 200 since the late 1970's. Takahiwai Rd is a shared road with pedestrians, vehicles, and horses. Often drivers are oblivious of this.</p> <p>The road, this is very narrow road with deep drains, in some areas on both sides of the road. There is a one-way bridge on the road. School buses and</p>	Proposed speed limit appropriate.	60

			trucks use the road daily. There are often accidents that go unreported on this road.		
Ted Erceg Road	100	60	No feedback received	Proposed speed limit appropriate.	60
Te Kamo Street (Beach Access)	50	30	NZTA noted that Te Kamo Street is proposed as 30, but the last length of Tamingi Street, which looks and feels the same, has been left at 50 – the SAAS for all this 40km/h which is recommended and would reflect national consistency/the intent of the Speed Management Guide.	Refer Section 6.3 (Ruakaka Urban Area)	40
Yovich Road	100	60	No feedback received	Proposed speed limit appropriate.	60
Ruakaka Urban Area	50	50	One submitter supported proposed extension to the Urban Traffic Area but suggested lowering the speed limit to 30kph. There is a lack of proper infrastructure. Low-speed traffic (for example bicycles and scooters) and pedestrians share the roads with cars. A lower speed limit is appropriate until shared paths and cycleways have been established.	Refer Section 6.3 (Ruakaka Urban Area)	40
One Tree Point Urban Area			One submitter supported proposed extension to the Urban Traffic Area but suggested lowering the speed limit to 30kph. There is a lack of proper infrastructure. Low-speed traffic (for example bicycles and scooters) and pedestrians share the roads with cars. A lower speed limit is appropriate until shared paths and cycleways have been established.	Refer Section 6.3 (One Tree Point Urban Area)	40
Marsden City	50	50	One submitter supported the proposed Urban Traffic Area but suggested lowering the speed limit to 30kph. There is a lack of proper infrastructure. Low-speed traffic (for example bicycles and scooters) and pedestrians share the roads with cars. A lower speed limit is appropriate until shared paths and cycleways have been established.	Marsden City is currently predominantly a light industrial development with consent for an additional 45 lots for residential purposes.  Marsden City has been defined as an Urban Traffic Area.	50

<b>Waipu / Nova Scotia Drive Catchment Area</b>					
<b>Road Name</b>	<b>Current Speed Limit</b>	<b>Proposed Speed Limit</b>	<b>Community Feedback</b>	<b>NTA Road Safety Engineer (Team Lead) comments and recommendations</b>	<b>New Speed Limit</b>
Nova Scotia Drive from the intersection with The Centre to 260m north of the intersection.	50kmph	50kmph	<p>Three submitters either supported or partially supported the proposal and three submitters opposed it.</p> <p>Several submitters requested that the current 50kph speed limit be extended to, either 50m north of Lochlaish Drive, or the north side of McCleans Bridge. It was noted that there are a significant number of new houses in the Nova Scotia subdivision reducing the speed will make turning into and out of Lochlaish Drive safer.</p> <p>It was also noted that there can be up to 35 backpackers walk along Nova Scotia Drive whilst on the walkway / cycleway and there is no room to move off the road. In some tidal conditions, there are backpackers walking this section of road at night.</p>	Refer Section 6.4 (The Centre and Waipu Urban Area)	50
Nova Scotia Drive from the current 50kmph speed boundary to the Northern side of McClean Bridge.	100kmph	60kmph	<p>There were six submitters either in support or partially supporting the proposal and five opposed. It should be noted that some of those opposed were seeking some variation to the location of speed limit zones.</p> <p>Several suggested that the proposed 60kph zone be removed by extending the 50kph zone out to McClean Bridge. Others suggested that the 50kph zone be extended to just north of Lochlaish Drive.</p> <p>Traffic sweeps over the bridge, particularly trucks. This makes the turn in and out of Lochlaish Drive more difficult and dangerous. There is increased</p>	<p>Refer Section 6.4 (The Centre and Waipu Urban Area).</p> <p>A 60kph speed limit on Nova Scotia Drive from 260m the intersection with The Centre to the north side of McClean Bridge.</p>	60

			<p>traffic leaving Lochlaish Drive onto Nova Scotia Drive.</p> <p>It was also noted that there can be up to 35 backpackers walk along Nova Scotia Drive whilst on the walkway / cycleway and there is no room to move off the road. In some tidal conditions, there are backpackers walking this section of road at night. It was suggested that McClean Bridge should have a 30kph speed limit on it. A lack of footpaths was also raised.</p> <p>Increased traffic going into Waipu and leaving Lochlaish Drive into Nova Scotia Drive is becoming more difficult. Lowering the speed limit will prolong the life of the bridge. Residents have been asking for a lower speed limit for years.</p> <p>One submitter opposed the proposal as they considered the proposal un-necessary.</p>		
Nova Scotia Drive from the northern side of McCleans Bridge to the intersection with State Highway 1.	100	80	<p>Three submitters either supported or partially supported the proposal. Five submitters were opposed.</p> <p>One submitter stated that it would be safer to reduce the speed limit to 50k from Uretiti Road through to the intersection of The Centre and Nova Scotia Road as there is an increasing number of walkers along this stretch of road.</p> <p>Submitters opposed considered that there are not many houses and the road is in good condition. The current 100kph speed limit is therefore fine. Another submitter opposed suggested that the 100kph speed limit be retained, but a stop sign be installed at the State Highway 1 intersection.</p>	<p>Extending the 60kph speed zone to a point on the northern side of McClean Bridge will act to slow vehicles as they approach the boating club located on the southern side of the bridge. Slowing traffic at this point will also provide benefits to walkers crossing the bridge as part of the Te Araroa Trail.</p> <p>A 60kph speed limit on Nova Scotia Drive from 260m the intersection with The Centre to the north side of McClean Bridge.</p>	80
Uretiti Road	100	80	Three submitters supported the proposal and three opposed it.	Proposed speed limit is appropriate	80



Tip Road	100	60	Three submitters supported the proposal and five opposed it. The five that opposed the proposal were made up of several submissions, signed by the same person and stated that they did not use the road, but considered that a 40kph speed limit reduction to be "ridiculous".	Tip road is an access road, providing access to a landfill site and to Bream Bay Beach. The road has a short-sealed section and then an unsealed section.	60
Tip Face Road	30	30	No feedback received	Tip Face Road is an unsealed access track, providing vehicles access to the beach area. The road is very sandy and suitable for four-wheel drive vehicles only.	30
Connell Road	100	60	Three submitters supported the proposal. No additional feedback was provided.	Proposed speed limit is appropriate.	60
<b>Waipu Urban Traffic Area</b>					
Cove Road from the Urban Traffic Area boundary to current 100kph / 80kph boundary near Seascape Crescent.	100	100	<p>Several submitters requested a slower speed limit along Cove Road between Waipu and Waipu Cove and further to Laing Beach. In most cases, submitters are seeking 80kph or 60kph for the entirety of Cove Road.</p> <p>One submitter noted that <i>"the proposal will change the current speed limit of 80kph from just before Seascape Crescent into a 100kph zone before turning into 80kph after the Riverview Place intersection."</i></p> <p><i>The road here is winding with a blind bend at Riverview place. With increased development both Seascape Cres and Riverview have increased traffic either turning in or out of these roads directly into a proposed 100kph zone with limited visibility. Additionally, the Waipu cycleway ends here."</i></p> <p>One submitter noted that the proposed 50kph zone ends just before a 55kph advisory sign and suggests extending the zone to after that corner.</p> <p>One submitter noted there is a cross-over section of the walkway / cycleway at 685 Cover Road and a</p>	<p>Several submitters requested a slower speed limit along Cove Road between Waipu and Waipu Cove and further to Laing Beach. This part of Cove Road will be reviewed in conjunction with a review of the Mangawhai end of the Road. This will ensure consistency of speed limits along the length of the road.</p> <p>It is the intention to ensure consistent speed limits wherever possible. Extending an 80kph zone from the Urban Traffic Area to the current 80kph zone near Riverview Place will provide consistency in the speed limit.</p> <p>The reduced speed limit will also address some of the issues raised by submitters.</p>	80

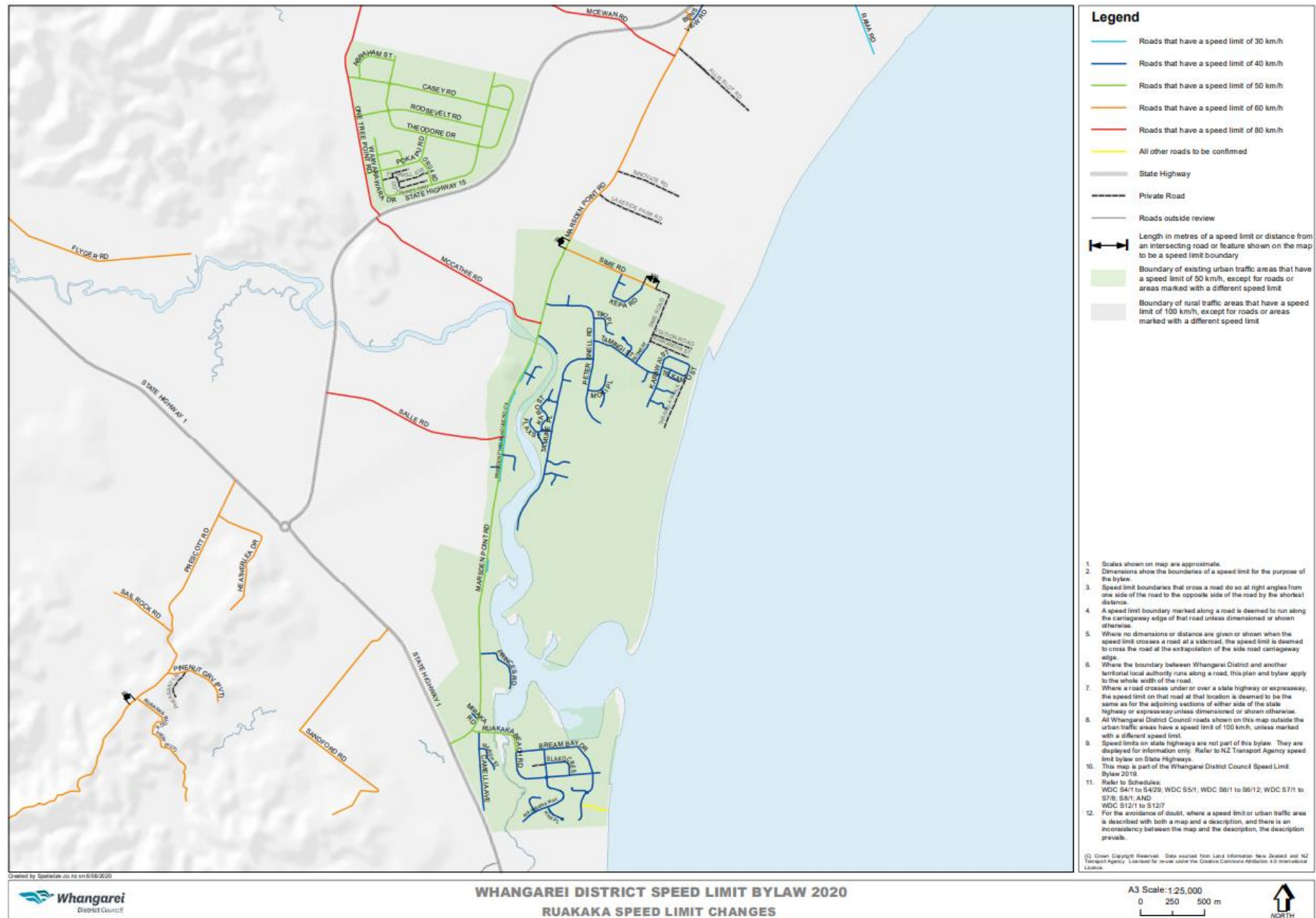
			reduction in speed is needed. Submitters expressed a desire for speed limits to support cycleways and walkways.		
Shoemaker Road	50	50	One submitter supported and one submitter opposed the proposal. The submitter opposed requested that the current speed limit of 60kph be retained.	Refer to Section 6.4 of this Report and maps in Appendix 1	40
South Road	50	50	Two submitters supported the proposal but did not provide further feedback.	Refer to Section 6.4 of this Report and maps in Appendix 1	40
St Mary's Road	50	50	Two submitters supported and one submitter partially supported the proposal. One submitter suggested that the first 500m of St Mary's Road from the Central Business District be 40kph.	Refer to Section 6.4 of this Report and maps in Appendix 1.	40
The Braigh			<p>Four submitters either supported or partially supported the proposal and one submitter was opposed. Two submitters sought a speed limit of 40kph and one a 60kph speed limit. Those seeking a 40kph speed limit were most concerned with the area outside and near the Childcare Centre located on The Braigh.</p> <p>Some submitters noted that a 40kph speed zone outside of the Childcare Centre should be implemented, but it was important to maintain a consistent 50kph speed limit in the urban area to avoid a forest of different speed limits.</p> <p>On submitter noted that the extent of development along The Braigh does not warrant a reduction to 50kph along its entire length, which is by Mega Map "Death and Serious Injury" data.</p>	<p>Refer to Section 6.4 of this Report and maps in Appendix 1</p> <p>A 60kph speed limit on The Braigh from a point 50m south of the Kids 1<sup>st</sup> Early Childhood Centre to the intersection with State Highway 1.</p>	40 from The Centre to 50m south of Kids 1 <sup>st</sup> Centre and 60ph from 50m south of Kids 1 <sup>st</sup> Centre to SH1
The Centre Road from Intersection with Nova Scotia Drive to St Mary's Road	50	40	There were eight submitters in support or partially in support of the proposal. Six submitters sought a lower speed limit of 30kph, and one sought a speed limit of 50kph.	<p>Refer to Section 6.4 of this Report and maps in Appendix 1</p> <p>30kph speed limit on The Centre from the intersection with St Mary's Road to a point</p>	30

			Community feedback on The Centre Road is discussed in more detail in Section 6.4 of this Report.	on Cove Road at the intersection with Insley Street.	
Ferry Road	50	50	No feedback received	Refer to Section 6.4 of this Report and maps in Appendix 1	40

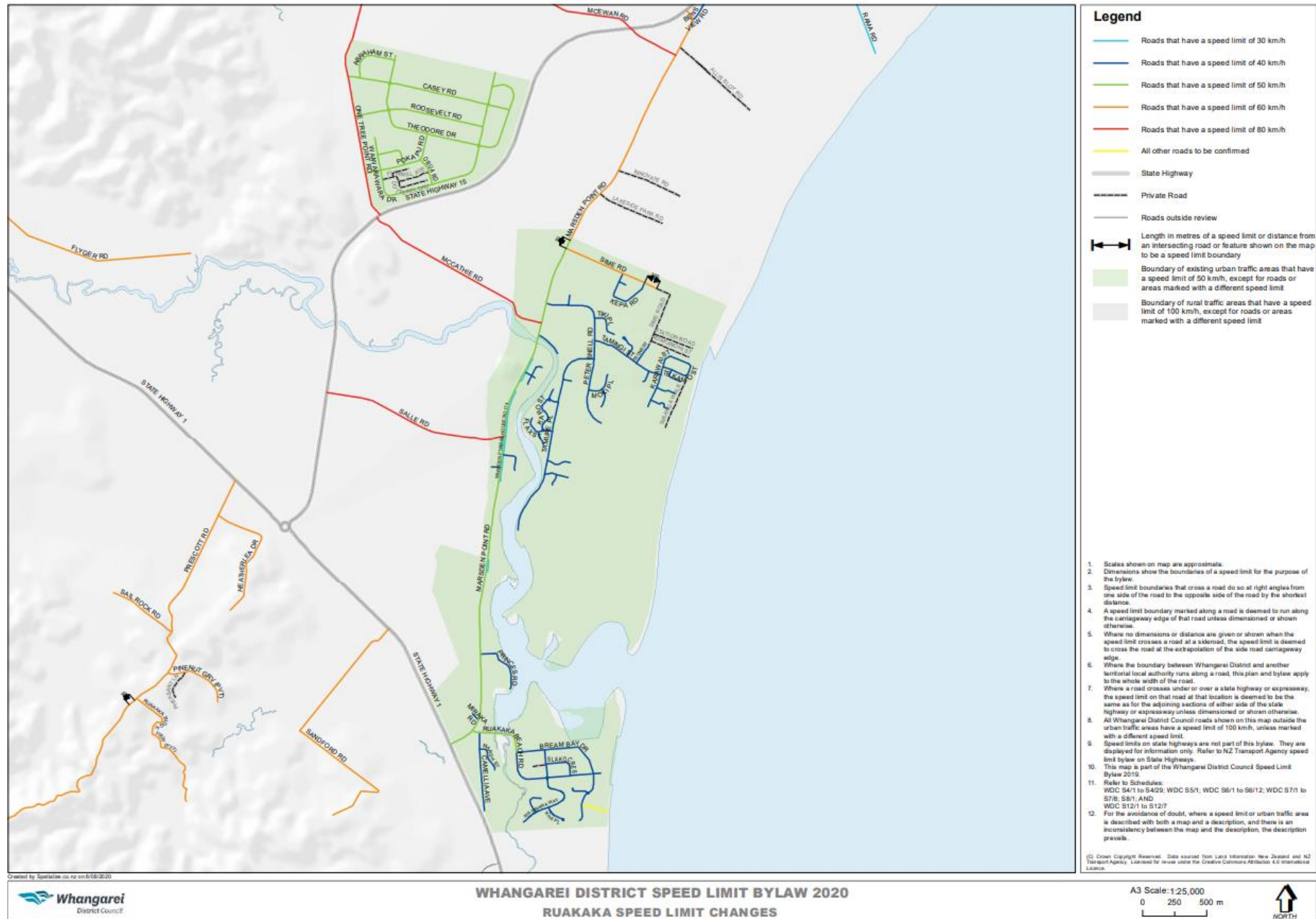
Te Toiroa Road (Unformed Legal road)					
Road Name	Current Speed Limit	Proposed Speed Limit	Community Feedback	NTA Road Safety Engineer (Team Lead) comments and recommendations	New Speed Limit
Te Toiroa Road		30	<p>There was one submitter supporting the proposed speed limit and two submitters opposed. A theme of the submissions was whether this paper road should be open to vehicles or just pedestrians and cyclists. Submitters noted that it is becoming increasingly dangerous, and noted incidents where vehicles were using the track dangerously, particularly when going around corners.</p> <p>It was noted that changing the speed signs from fake official ("30 km/h recommended") to official continues to send the message that the road is no longer a paper road, that vehicles can do 30 km/h on it, and that the road has been built and maintained to a standard that makes it safe for motor vehicles to do so. Anyone who has been on the track knows it isn't any of those things. It is a winding, single-lane track across a cliff-face</p> <p>Te Toiroa Road is a shared path. It should be made clear that the speed limit applies to cyclists as well as vehicles.</p>	<p>The purpose of the current Speed Limit Review is to ensure that there is a legally enforceable speed limit on Te Toiroa Road that is safe and appropriate for the road environment and its shared use status. The scope of this review does not extend to whether Te Toiroa Road should remain open to 4WD vehicles.</p> <p>Council consulted on whether Te Toiroa Road would remain open to vehicles, along with a range of options as a result of a request to close the road to vehicles. Council declined that request in February 2019 and the road remains a shared path for walkers, cyclists and vehicles.</p> <p>The current legal speed limit on Te Toiroa Road is 100kph, although there is an informal 30kph posted. The shared nature of this road will support either a 20kph or a 30kph speed limit. Given the current informal 30kph posting, it is considered appropriate to formalize this speed limit.</p> <p>Introducing a formal speed limit ensures an enforceable speed limit for the road.</p>	30
Pukenui Road	-	-	One submitter noted that Pukenui Road had become much busier since Te Toiroa Road had been upgraded. The submitter sought a lowering of the speed limit on Pukenui Road.	Pukenui Road is outside the scope of this speed review and will be consulted on separately as part of the Tutukaka Coast Speed Review.	-

## ***Appendix 1: Recommended Urban Traffic Area Maps – Ruakaka, One Tree Point and Waipu***

Note: The maps in Appendix 1 set out the recommended extent of Urban Traffic Areas. The Urban Traffic Areas will have a default 40kph speed limit, except where otherwise identified as either 30kph, 50kph or 60kph.





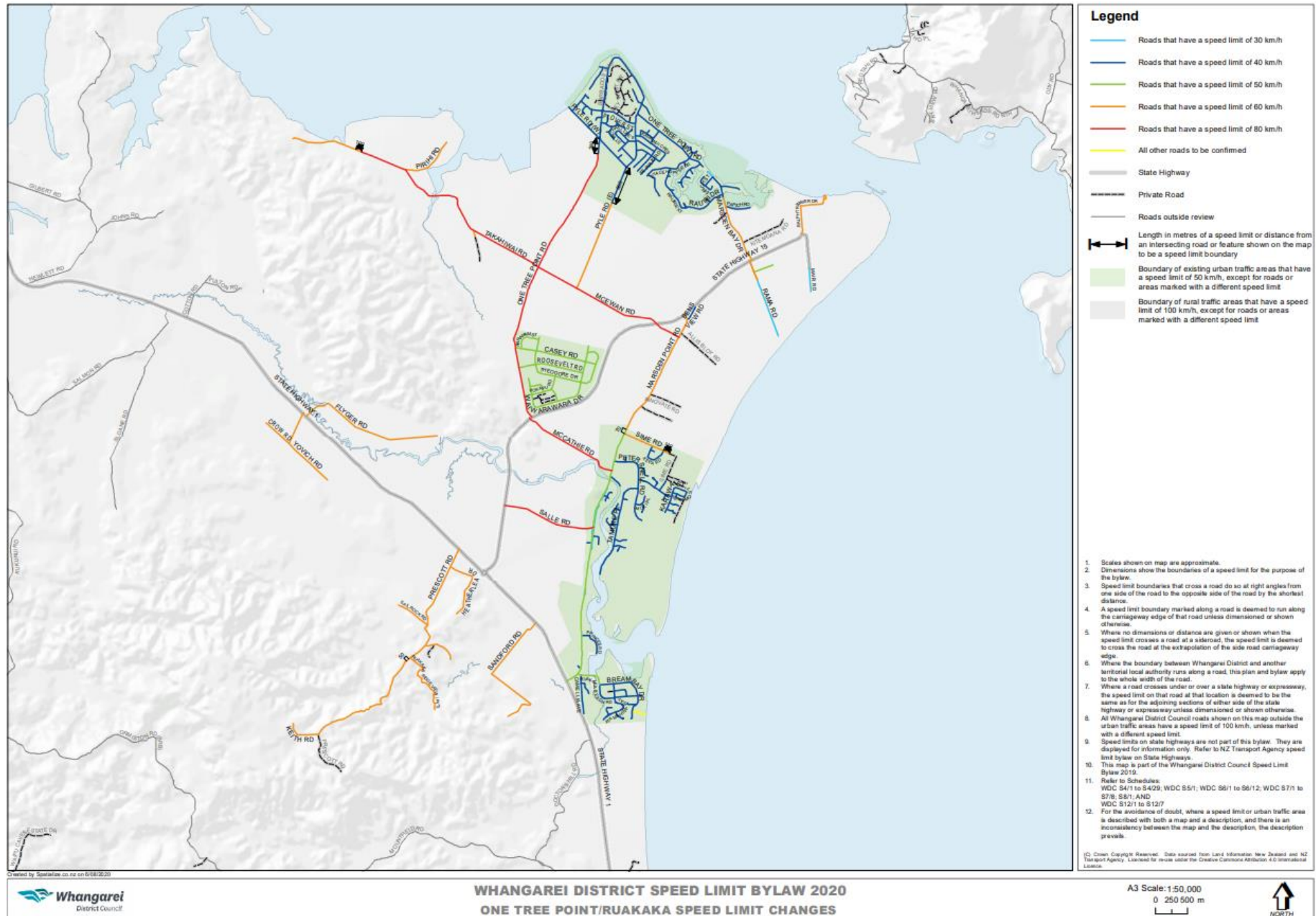


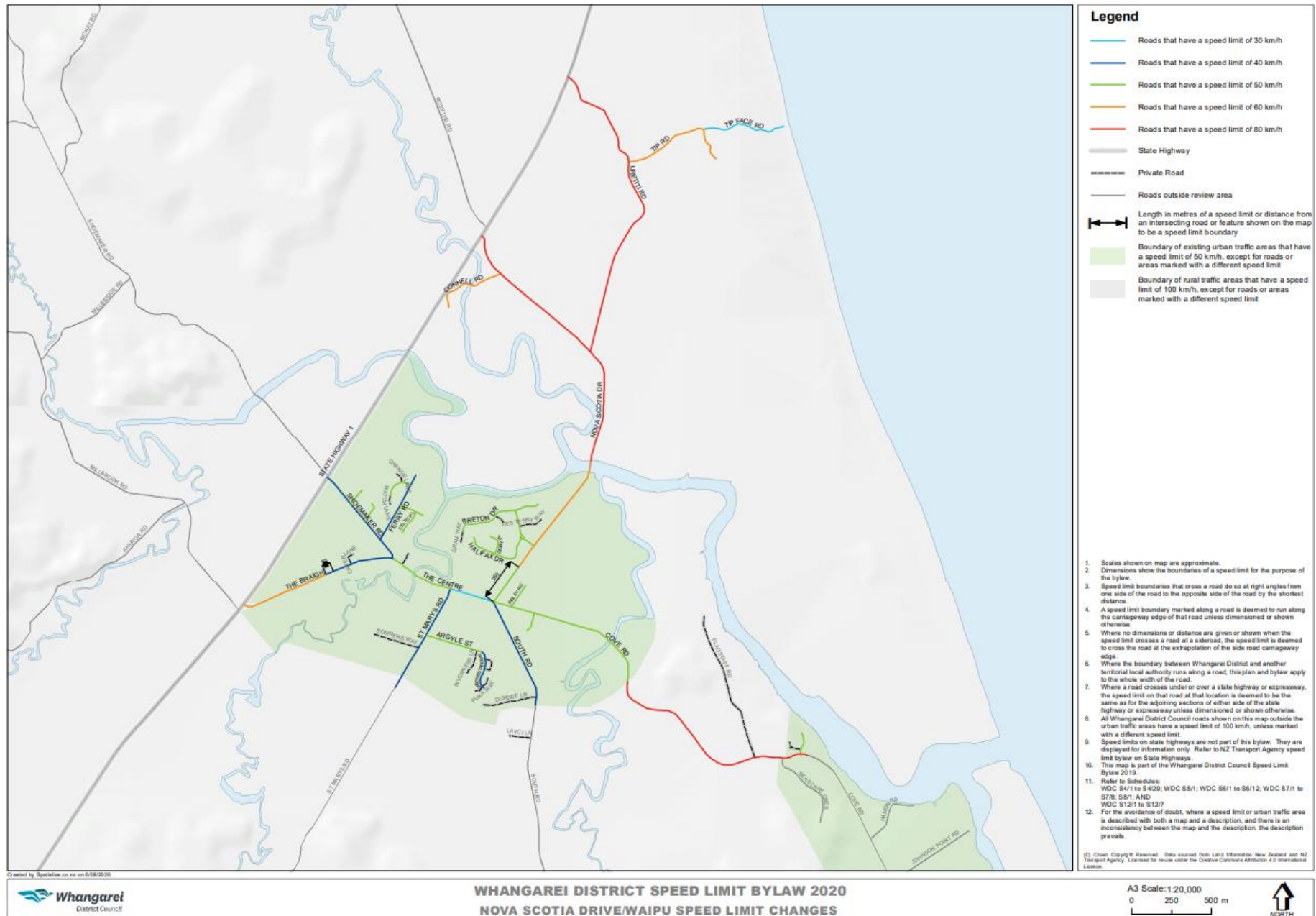
## ***Appendix 2: Recommended Speed Limit Maps***

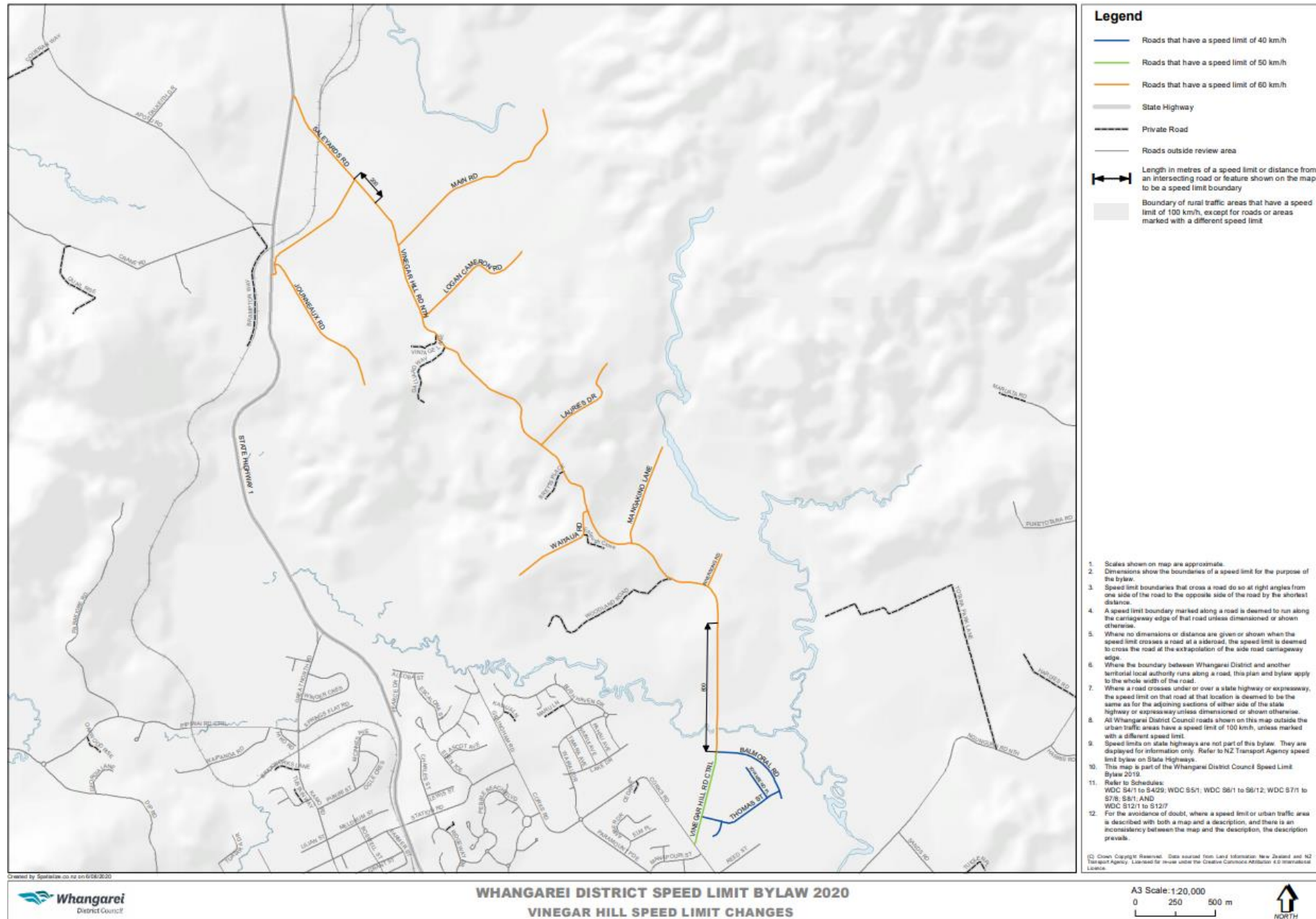
Note: The Speed Limit Maps contained within this Appendix is indicative only. Once Council confirms that recommended speed limits in this Report, the attached maps will be updated utilising RAMM mapping data and incorporated into the overall mapping of the Speed Limits Bylaw 2019. This may result in minor changes to the indicative map in this Report. These changes are expected to be only in the order of meters.

Any minor changes to the map is a result of identifying the optimal position of new signage and the accuracy required by the Setting of Speed Limits Rule 2017.

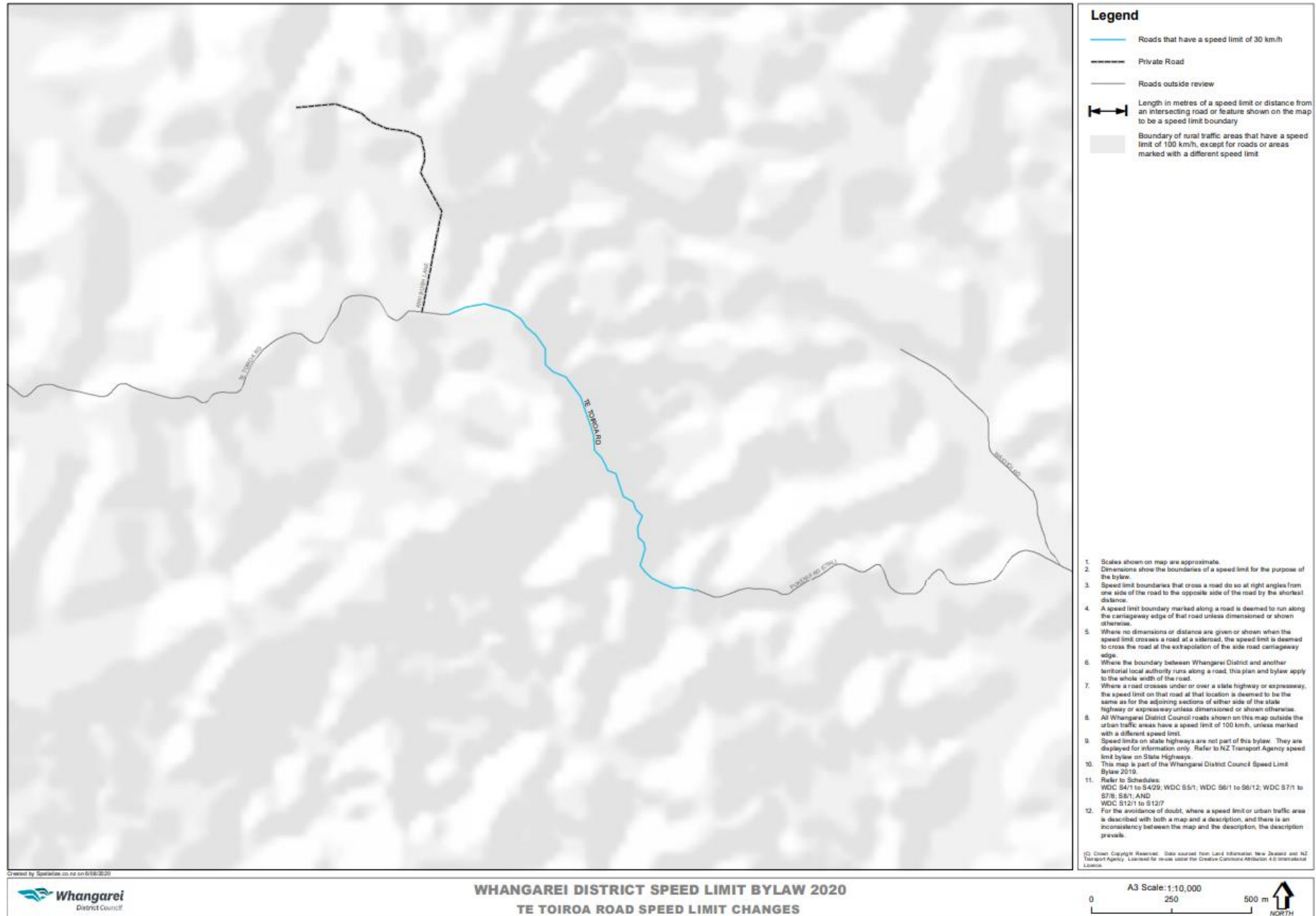












### ***Appendix 3 – Glossary of Technical Terms***

Note: Technical terms have been kept to a minimum in this Report. However, in some cases, submitters have utilised some technical terms and these have been included where the submission is set out verbatim.

<b>Catchment Area</b>	The catchment area incorporates the roads that naturally feed traffic into, or where traffic may directly or indirectly connect with the road of interest, similar to a river catchment area. Considering a catchment area, rather than an individual road can significantly expand the number of roads being considered.
<b>Closed Catchment Area</b>	A Closed Catchment Area is a relatively small and easily defined network of roads that only connect to the road of interest. An example of a Closed Catchment Area is Vinegar Hill Road.
<b>Collective Risk</b>	Collective Risk is a measure of the total number of fatal and serious injury crashes per kilometre over a section of road. Collective risk does not take account of the volume of traffic on the road.
<b>High Benefit</b>	Opportunities where changes to speed management settings will either reduce serious injury or deaths; improve efficiency; or contribute to the public credibility of speed limits.
<b>High Benefit First 5%</b>	A High Benefit area that should be prioritised within the first 5% of roads where a speed management review is to be undertaken.
<b>High Benefit Second 5%</b>	A High Benefit area that should be prioritised within the second 5% of roads where a speed management review is to be undertaken.
<b>Infrastructure Risk Rating (IRR)</b>	A road assessment methodology designed to assess road safety risk based on eight key design and infrastructure features, for example, whether the road is sealed or not, road alignment and geometry and other physical features about the road that impacts on overall road safety. This rating is a measure of potential risk.
<b>Personal Risk</b>	Personal Risk is a measure of the danger to each individual using a road. Personal risk takes into account the traffic volumes on the section of road. In many cases, infrastructure improvements may not be cost effective and other safe system interventions such as safer road use or speeds need to be explored.
<b>Safe and Appropriate Speed (SAAR)</b>	A travel speed that is appropriate for the road function, design, safety and use. It should be noted that the actual safe speed on parts of the road will be dependent on factors such as road condition, specific curves and other site-specific conditions. A lower speed than the overall stated safe speed may be appropriate along stretches of the road.

## Appendix 4 – Traffic Note 37 and 56 Variable Speed Limits Outside Schools



## TRAFFIC NOTE 37

### Revision 2

**Date** May 2011  
**From** National Planning Unit, Planning and Investment  
**Authorisation** Glenn Bunting, Network Manager  
**No. of pages** 11

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#### 40km/h variable speed limits in school zones - guidelines

### 1 Purpose

40km/h variable speed limits in school zones have been operating successfully in New Zealand since they were first installed on a trial basis in Christchurch in January 2000. In April 2011 the NZ Transport Agency (NZTA) revised the conditions of approval to give road controlling authorities more flexibility to install these speed limits at both urban and rural schools.

Land Transport Rule: Setting of Speed Limits 2003 requires the NZTA to approve a variable speed limit before a road controlling authority can make a bylaw to set such a speed limit. For 40km/h variable speed limits in school zones, the NZTA has published a revised notice in the *New Zealand Gazette*<sup>1</sup> (the Gazette) which approves those speed limits, sets out appropriate conditions and authorises road controlling authorities to set them. This traffic note provides guidelines to comply with the Gazette notice, based on the results of the trials in Christchurch and subsequent experience with these speed limits. Recommendations for installing variable speed limits at rural schools are also included in this traffic note.

### 2 Background

Roads outside schools are perceived as dangerous for children. At the time when children are arriving at or leaving school and crossing the road there can be high volumes of traffic, manoeuvring vehicles, parked vehicles obscuring visibility and vehicle speeds often appear too high. Research has shown reducing vehicle speeds to 40km/h or less significantly reduces the level of injury if a child is struck by a vehicle.

In some situations standard traffic control devices and the level of activity outside a school do not result in lower traffic speeds. This is particularly likely where the school is on an arterial or other road where there is a high volume of traffic or high speeds. In these circumstances, installation of a 40km/h variable speed limit in the school zone may be desirable to achieve a lower speed environment.

In many jurisdictions, such as some states in Australia and the United States, school zones with special speed limits are indicated by permanently displayed signs. The major drawback of any permanently displayed sign is the manner in which drivers, many of whom pass the same sign regularly without requiring any action in response to it, tend to ignore or fail to see it.

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Variable signs, which are displayed only when relevant, offer a way in which this drawback can be minimised and may actually enhance driver acceptance of any restriction imposed. Variable signs were used for the Christchurch trials and the results of that study are embodied in these guidelines.<sup>4, 5</sup> In recent years some states in Australia have begun to retro-fit permanently displayed signs with active signs that have flashing lights or electronically displayed speed limits to improve community acceptance and compliance with speed limits in school zones.

### 3 Objectives of variable speed limits in school zones

Variable speed limits in school zones have the following objectives:

- provide a safer road environment outside schools
- reinforce driver expectations of the likely presence of children
- encourage safe and active travel to school.

One of the objectives of the Christchurch trial was to encourage children to walk or ride to school. A major impediment is parents' concerns about child safety. The trial indicated general parent and school belief the signs provided benefits but any shift in mode of travel by children, if it did occur, was not measurable. This reinforces the view no single initiative is likely to bring about changes of the type sought. A 40km/h variable speed limit in a school zone is unlikely to be effective by itself and must complement other initiatives aimed at enhancing safety for children undertaken at the site by the road controlling authority, the school and other organisations.

### 4 Warrant

A road controlling authority may set a 40km/h variable speed limit in a school zone under the following conditions:

- (a) there is school-related pedestrian or cycle activity on the road outside the school, which exceeds approximately 50 children crossing the road or entering or leaving vehicles at the roadside, and the traffic on the road outside the school meets at least one of the following conditions:
  - (i) the mean speed of free-running vehicles is greater than 45km/h (measured when the 40km/h variable speed limit is not operating), or
  - (ii) the 85<sup>th</sup> percentile speed of free-running vehicles is greater than 50km/h (measured when the 40km/h variable speed limit is not operating), or
  - (iii) there have been pedestrian, cycle or speed-related crashes near the school in the previous five years, or
  - (iv) the school-related activity occurs on a main traffic route, or
- (b) there is school-related pedestrian or cycle activity on the road outside the school, with children crossing the road or entering or leaving vehicles at the roadside, and safe and appropriate traffic engineering measures are installed so that the mean operating speed of free-running vehicles on the road outside the school does not exceed 40km/h when the 40km/h variable speed limit is operating.

Evaluations in Christchurch found locations most likely to benefit from a variable speed limit in a school zone are those where there is a high level of school-related activity on the road outside the school and:

- are on arterial routes or multi-lane roads or high speed environments, and
- have on-road, school-related activity at an obscured school frontage (ie where the presence of the school is not immediately obvious to approaching traffic).

## 5 Best practice guidelines

Factors required for the successful operation of a 40km/h variable speed limit in a school zone are:

- having times of operation coinciding with on-road, school-related activity
- approved advisory signs and regulatory displays that alert motorists they are travelling through a school zone
- appropriate levels of enforcement by the police
- long-term commitment by the principal and Board of Trustees for the correct operation of a 40km/h variable speed limit at their school.

### 5.1 Times of operation

The Christchurch trials showed variable speed limits in school zones are effective in reducing speeds, but have the support of drivers only if there are children present when they are operating. Therefore, the times they are activated must be tightly controlled to match, as closely as possible, the times children are crossing the road or are gathered on the roadside. These times may vary from school to school and from time to time. An accurate time clock is therefore a necessary component of a variable speed limit in a school zone.

It is preferable that the 'School zone variable' signs are turned on manually by a supervisor approved by the school principal each time they are required. However, it is permissible to programme the system to operate at the standard times on school days only, provided the signs do not operate on holidays and can be switched on or off manually for special events or if they are not required for the maximum period of operation on any particular day. A system that is programmed to operate automatically must include a record of the times the signs are switched on and off each day. Even if the signs operate automatically, the school principal must still appoint a supervisor to oversee the operation on each occasion they are used. The signs may operate for a maximum period of:

- 35 minutes before the start of school until the start of school
- 20 minutes at the end of school commencing no earlier than five minutes before the end of school
- 10 minutes at any other time of day when children cross the road or enter or leave vehicles at the roadside.

Unless the signs are manually turned off earlier, they must turn off automatically when the maximum period has elapsed.

### 5.2 Length of variable speed limits in school zones

Variable speed limits in school zones should be installed to avoid, as far as possible, side roads with no school frontage. They should be as short as practicable; between 300 metres and 500 metres long.

There may be shorter lengths on no exit roads or minor roads with give way or stop control at the intersection with the school zone, provided the variable speed limit on these roads is adjoining the variable speed limit on the main road outside the school.

### 5.3 Signs

The signs for variable speed limits in school zones must comply with Land Transport Rule: Traffic Control Devices 2004. Signs with changeable speed limit numerals have been specified by the NZTA in the Gazette<sup>1</sup> as a condition of setting a variable speed limit in a school zone. The signs required are described below.

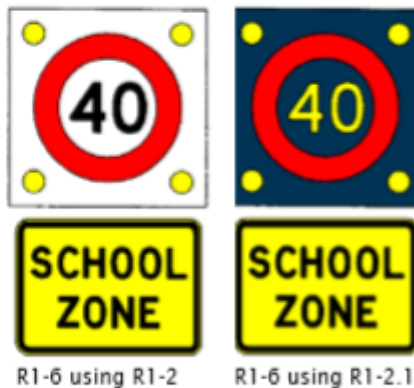
(a) R1-6 'School zone variable' sign:

The R1-6 'School zone variable' sign comprises a variable speed limit sign above a 'School zone' supplementary sign. The R1-2 or R1-2.1 variable speed limit sign displays the 40km/h speed limit only during the period when it applies. At all other times the sign is blank or displays the permanent speed limit. These signs must be installed on the main road passing the school entrance and on any significant road adjoining the school zone.

The Gazette notice specifies that at least one variable sign is required at each end of the speed limit on the main road outside the school and on major roads that intersect with the school zone. This condition in the Gazette notice is in accordance with clause 6.1 and subclause 8.4(1) of Land Transport Rule: Setting of Speed Limits 2003 and overrides the general requirement in 8.7(2)(a) to have signs on both sides of the road if the traffic volume exceed 500 vehicles per day. However, there should be at least two of these signs facing traffic entering the variable speed limit on multi-lane roads, if the roadway is more than 15 metres wide or has a permanent speed limit of more than 70km/h.

The two options permitted for variable speed limit signs use different technology.

- R1-2: the speed limit numerals, roundel and background are displayed in the same colours as permanent speed limit signs, namely black, red and white respectively. Mechanical elements are used to display the speed limit and the message is depicted entirely with retro-reflective material.
- R1-2.1: the speed limit numerals are displayed using yellow or white, lit pixels (eg light emitting diodes, fibre optics). The background is black and unlit. For signs that display only the 40km/h variable speed limit and are blank for the rest of the time, the roundel is displayed with red, lit pixels. Alternatively, for signs that display the permanent speed limit at times when the variable speed limit does not apply, the roundel may be displayed with either red, lit pixels or with red retro-reflective material.



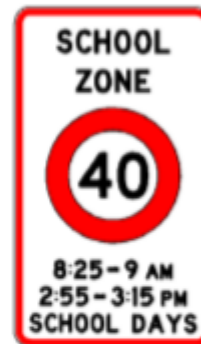
For each of these two variable speed limit signs:

- when not operating, the underlying message on the speed limit sign must not be discernible to approaching drivers, and
- yellow or white lights, of sufficient brightness to draw attention to, but not distract from, the sign nor dazzle, should be fitted in each corner and must operate by flashing in alternate diagonal pairs when the 40km/h variable speed limit is displayed, and
- the 'School zone' supplementary sign, fitted below the variable speed limit sign, must be displayed permanently. The 'School zone' supplementary sign has a black legend and border on a retro-reflective, fluorescent, yellow-green background.

Where the road controlling authority sets a 40km/h variable speed limit that may operate at other than the standard times, all the signs at the beginning of the school zone must be variable signs. This requirement includes all side roads intersecting with the school zone because fixed signs cannot provide accurate times of operation.

(b) R1-6.1 'School zone fixed' sign

The R1-6.1 'School zone fixed' sign has a black legend, red roundel and border on a white background. The roundel, border and background are retro-reflective. The legend showing the time must notify the times during which the 40km/h variable speed limit is in effect and must be specific for each school zone.



Instead of a 'School zone variable' sign a 'School zone fixed' sign may be installed on no exit or minor stop or give way controlled side roads adjoining the school zone. This is based on assumptions that:

- most traffic using such a road will be local and the drivers will be aware of, and responsive to, the school zone operation, or
- the speed of vehicles entering from the side road and passing through the school zone is unlikely to exceed 40km/h.

If these conditions do not apply, R1-6 'School zone variable' signs must be installed on the side road.

Likewise 'School zone variable' signs must be used if the times when the variable speed limit operates are likely to vary because:

- the variable speed limit may operate only at the times specified on a 'School zone fixed' sign; and
- it is not reasonable to expect drivers to read and react to messages longer than the standard operating times displayed on the 'School zone fixed' sign.

(c) R1-7 'School zone ends' sign

At least one R1-7 'School zone ends' sign must be used on each road leaving the school zone. There should be at least two of these signs on multi-lane roads, if the roadway is more than 15 metres wide or has a permanent speed limit of more than 70km/h.

A 'School zone ends' sign comprises a R1-1 speed limit sign above a 'School zone ends' supplementary sign. Both signs are mounted on a white retro-reflective backing board. The 'School zone ends' sign has a black legend and border on a retro-reflective, fluorescent, yellow-green background. The speed limit sign displays the permanent speed limit for the road.

(d) Sign layout

Appendix 1 has a diagram showing a typical layout of signs for a variable speed limit in a school zone.



#### 5.4 Police enforcement

To be effective the variable speed limit in a school zone must be able to be enforced. The length of the zone, visibility of the signs, proof of display and other issues are all matters the Police must take into account in determining whether they are able to proceed with enforcement and subsequent action. It is therefore imperative any variable speed limit considerations involve the District Road Policing Manager of NZ Police.

The necessary enforcement precedents have been set to enable the police to enforce the 40km/h speed limit in school zones.

#### 5.5 School commitment and activity

It is essential there be formal involvement by the school in the decision to introduce a 40km/h variable speed limit in a school zone. The school is often the prime instigator for consideration of a speed limit but they must understand that once installed there are functions the school must carry out for the speed limit to be effectively managed and for it to achieve the desired outcomes.

For example:

- The operation of the 'School zone variable' signs must be supervised by a person authorised by the school principal.
- Any defined school crossing facility for children must have an adult supervisor when it is operating.
- The signs must be activated and deactivated simultaneously (eg by radio signal or hard-wired) with a secure system which is accessible only by means such as a key or swipe card. This applies whether they are switched manually or automatically.
- The principal must agree to keep an accurate log of the occasions and times the 40km/h speed limit is operating unless these times are stored automatically by the equipment and can be retrieved by the road controlling authority. The log is essential for enforcement purposes (to demonstrate not only that the signs were operating at a particular time but, also to show the conditions of operation set out in the speed limit bylaw are being effectively managed). It can also be useful to determine justifiable changes to time or other aspects of the operation of the speed limit.



## 5.6 Rural schools

Records of crashes involving school-age pedestrians or cyclists in the vicinity of rural schools show that there have been very few injury crashes in recent years. One of the main reasons for the low number of crashes is that very few children walk or cycle to schools in rural areas. Most of the activity outside a rural school is the parking and manoeuvring of vehicles as parents and caregivers drop-off or pick-up their children. The most appropriate safety measure for this type of activity is to provide a set-down and pick-up facility clear of through traffic lanes. Ideally this would be in the school grounds or on a side road with low traffic volume.

Another measure that has proven successful in lowering speeds outside schools is active school warning signs. See *Traffic note 56* for more detail on active warning signs in school zones.

40km/h variable speed limits in school zones were originally intended for installation in urban or semi-urban areas where the permanent speed limit is 70km/h or less. Some Australian states allow school zone speed limits of 60 or 80km/h in areas where the permanent speed limit is over 80km/h. However, allowing a higher variable speed limit in a rural school zone would not provide an appropriate level of safety when considered from a Safe System perspective. The probability of a pedestrian being killed if struck by a car rises rapidly at impact speeds over 30km/h. Having a speed limit of 40km/h relies on there being some speed reduction before impact in a crash involving a car hitting a pedestrian. If the school zone speed limit was higher, impact speeds would be too high, even if there was some speed reduction before impact. So, regardless of the permanent speed limit, the maximum safe speed limit in a school zone is 40km/h.

In areas with a speed limit over 80km/h it is unlikely that motorists will slow to 40km/h within the short length of a school zone. However, there are some examples of 40km/h variable speed limits in rural school zones that operate satisfactorily on roads with a permanent speed limit of 80km/h. This suggests that where the permanent speed limit is higher than 80 km/h it will need to be reduced. This must be done in accordance with Land Transport Rule: Setting of Speed Limits 2003. In situations where the calculated speed limit is higher than 80km/h, it may be desirable to review the speed limit for the surrounding area in accordance with the Safe System Approach for managing safety on rural roads. *Traffic Note 61* provides more information on Safe System rural speed management.

Regardless of the criteria upon which an 80km/h speed limit is justified, it is essential that it operates safely with mean speeds at or below 80km/h. Some of the following measures will probably be necessary to achieve good compliance with a permanent 80km/h speed limit at a rural school:

- Thresholds (see [www.nzta.govt.nz/resources/road-traffic-standards/docs/rtss-15.pdf](http://www.nzta.govt.nz/resources/road-traffic-standards/docs/rtss-15.pdf)).
- Lane narrowing – (install median or increase shoulder width).
- Textured and or coloured road surface.
- Vertical elements, eg thresholds and planting, but care is necessary to avoid restricting sight lines that might obscure pedestrians in the school zone.
- Speed indicator devices, publicity and education.
- Enforcement.

## 6 Application

### 6.1 Implementation

A 40km/h variable speed limit in a school zone can only be implemented by a road controlling authority if:

- the conditions approved by the NZTA in the Gazette<sup>1</sup> are complied with
- consultation is undertaken in accordance with Land Transport Rule: Setting of Speed Limits 2003, and the people consulted are provided with details of the proposed speed limit including changes to the permanent speed limit, times of operation of the variable speed limit, placement of signs and method for controlling the variable signs
- written consent is obtained from the principal of the school concerned (agreeing to operate the school zone in accordance with the operating conditions)
- the speed limit is set by bylaw in accordance with Land Transport Rule: Setting of Speed Limits 2003.

### 6.2 Monitoring, review or removal of a variable speed limit in a school zone

It is important that a 40km/h variable speed limit that is installed in accordance with condition 5(b) of the Gazette<sup>1</sup> notice is monitored regularly to confirm the conditions of approval are being met (ie the mean speed of traffic in the school zone is no more than 40km/h when the 40km/h speed limit is operating). If traffic is not complying with the speed limit then safety within the school zone will be compromised and the road controlling authority will not be complying with its obligations under Land Transport Rule: Setting of Speed Limits 2003. The risk to children within the zone may be worse than without a variable speed limit, especially if their behaviour is influenced by a misconception that traffic will slow down.

A 40km/h variable speed limit in a school zone must be reviewed by the road controlling authority if:

- there is a change in the road or school environment resulting in the conditions specified by the NZTA in the Gazette<sup>1</sup> not being met, or
- requested to do so, in writing, by the principal of the school or the District Road Policing Manager of the NZ Police, or
- instructed to do so by the NZTA.

A 40km/h variable speed limit in a school zone must be removed by the road controlling authority if:

- the variable speed limit is not operated in accordance with the conditions specified by the NZTA in the Gazette<sup>1</sup>, or
- instructed to do so by the NZTA.

#### **Acknowledgement:**

The NZ Transport Agency acknowledges the valuable input of the Christchurch City Council through the school zone trial and their assistance with the development of these guidelines.

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<sup>1</sup> *New Zealand Gazette* dated 21 April 2011, No. 55, page 1284 [see Appendix 2].

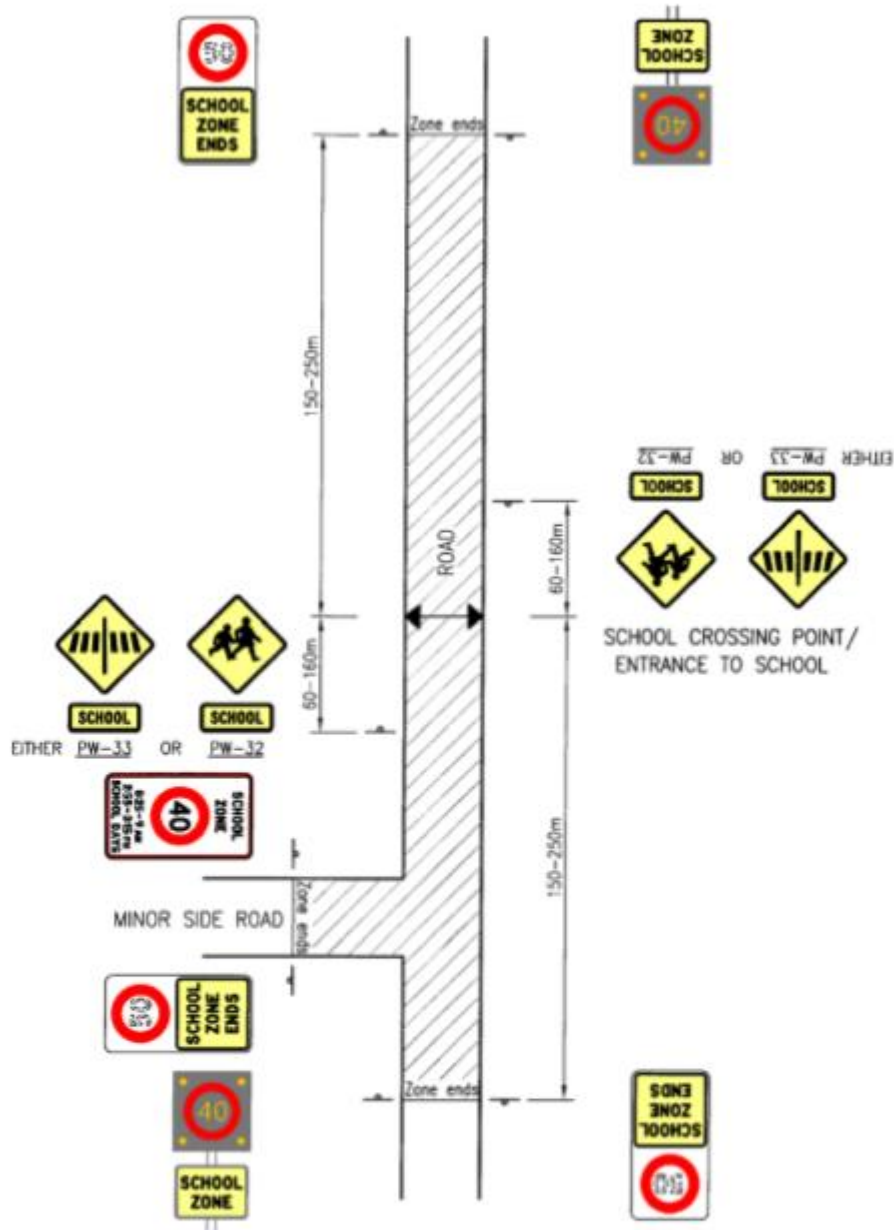
<sup>2</sup> Cottam, Paul. 2001. *Christchurch's 40 km/h part-time school speed zone trial: Community perceptions and attitudes*.

<sup>3</sup> Osmers, Wayne. 2001. *The effect on vehicle speeds of electronically-signed part-time speed limits outside schools*.

Both papers were presented at the Road Safety Research, Policing and Education Conference 18-20 November 2001, Melbourne.



### Appendix 1: Typical layout - 40km/h variable speed limit in a school zone



In this diagram the sign numbers quoted are those appearing in MOTSAM. These numbers and descriptions are cross-referenced to signs in Land Transport Rule: Traffic Control Devices 2004 (the TCD Rule) as follows:

MOTSAM	Description	TCD Rule
PW-32	Symbol of two children with 'School' supplementary	W16-4 with W16-5.1
PW-33	Symbol of pedestrian crossing with 'School' supplementary	W16-2 with W16-5.1

## Appendix 2

Extract from *New Zealand Gazette*, 21/4/2011, No. 55, p. 1284

### Variable Speed Limit in School Zones

Pursuant to clause 6.1 of Land Transport Rule: Setting of Speed Limits 2003 and a delegation from the NZ Transport Agency, I, Glenn Bunting, Network Manager, approve variable speed limits in school zones in accordance with the conditions set out in this notice.

#### Conditions

##### 1. Variable Speed Limit

A road controlling authority may set a speed limit of 40km/h that operates in a school zone during the periods specified in condition 2 of this notice. At all other times, the speed limit is the permanent speed limit for the road.

##### 2. Periods of Operation

The 40km/h speed limit may operate for a maximum period of:

- (a) 35 minutes before the start of school until the start of school;
- (b) 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school;
- (c) 10 minutes at any other time when children cross the road or enter or leave vehicles at the roadside.

##### 3. Signs

Signs that comply with Land Transport Rule: Traffic Control Devices 2004 must be installed to mark the beginning and end of the variable speed limit in the school zone as follows:

- (a) At least one R1-6 "School zone variable" sign at each end of the variable speed limit on the main road outside the school, facing road users travelling towards the variable speed limit; and
- (b) at least one R1-6 "School zone variable" sign facing road users travelling towards the variable speed limit on each side road that intersects with the school zone, where that side road is a major road; and
- (c) at least one R1-6 "School zone variable" sign or R1-6.1 "School zone fixed" sign facing road users travelling towards the variable speed limit on each side road that intersects with the school zone, where that side road is a no exit road or is a minor road controlled by Give-way or Stop signs at the intersection with the school zone; and
- (d) at least one R1-7 "School zone ends" sign at each end of the variable speed limit on every road, facing road users leaving the variable speed limit.

##### 4. Length of Variable Speed Limit

A variable speed limit in a school zone must be a minimum length of 300 metres, unless this condition is impractical, but should not be longer than 500 metres. The length of variable speed limit on side roads that intersect with the school zone may be shorter than 300 metres.

## 5. Warrant

A road controlling authority may set a variable speed limit in a school zone that meets the requirements in (a) or (b) as follows:

- (a) There is school-related pedestrian or cycle activity on the road outside the school, which exceeds approximately 50 children crossing the road or entering or leaving vehicles at the roadside, and traffic on the road outside the school meets at least one of the following conditions:
  - (i) the mean speed of free-running vehicles is greater than 45km/h (measured when the 40km/h variable speed limit is not operating); or
  - (ii) the 85th percentile speed of free-running vehicles is greater than 50km/h (measured when the 40km/h variable speed limit is not operating); or
  - (iii) there have been pedestrian, cycle or speed-related crashes near the school in the previous five years; or
  - (iv) the school-related activity in condition 5(a) occurs on a main traffic route; or
- (b) there is school-related pedestrian or cycle activity on the road outside the school, with children crossing the road or entering or leaving vehicles at the roadside and safe and appropriate traffic engineering measures are installed so that the mean operating speed of free-running vehicles on the road outside the school does not exceed 40km/h when the 40km/h variable speed limit is operating.

## 6. Bylaw

A road controlling authority must set a variable speed limit in a school zone by making a bylaw in accordance with Land Transport Rule: Setting of Speed Limits 2003.

### Revocation and Replacement

The notice dated the 31st day of May 2005, and published in the *New Zealand Gazette*, 2 June 2005, No. 86, page 2051, relating to variable speed limits in school zones is hereby revoked and replaced by this notice.

A 40km/h variable speed limit in a school zone that was set in accordance with the conditions of the notice published in the *New Zealand Gazette*, 2 June 2005, No. 86, page 2051, is considered to be set in accordance with the conditions of this notice and remains in force until amended or revoked in accordance with Land Transport Rule: Setting of Speed Limits 2003.

### Definition:

**School zone** means a length of road outside a pre-school, primary school, intermediate school or secondary school.

Signed at Wellington this 19th day of April 2011.

GLENN BUNTING, Network Manager.

ni2606



## TRAFFIC NOTE 56

### Revision 1

<b>Date</b>	January 2011
<b>From</b>	National Planning Unit, Regional Partnerships and Planning
<b>Authorisation</b>	Glenn Bunting, Network Manager
<b>No. of pages</b>	12

## Active school warning signs – Guidelines

### 1 Purpose

This **Traffic note** provides guidance for road controlling authorities (RCAs) on the use of active school warning signs - that is those warning signs that have an electronic display component which becomes active when children are likely to be present on or near the roadway. It should also be read in conjunction with **Traffic note 37** 40km/h variable speed limits in school zones <sup>(1)</sup>. Active school warning signs should be implemented in conjunction with other complementary initiatives such as neighbourhood accessibility plans <sup>(2)</sup>, school travel plans (see **School travel plan coordinator's guide** <sup>(3)</sup>) or a local authority travel behaviour change strategy.

Active school zone warning signs were approved by notice in the **NZ Gazette** on 24 July 2008 and subsequently incorporated into the Land Transport Rule: Traffic Control Devices through the 2010 amendment to that rule.

### 2 Background

In 2004 Land Transport New Zealand (now NZ Transport Agency (NZTA)) approved a trial of active school warning signs in Timaru District and Invercargill City. This initial trial was inconclusive and in 2006 approval was given to extend the trial to sites in Dunedin City.

The Dunedin City trial aimed to assess the effectiveness of these 'active' school warning signs on driver awareness of the risk posed by school activity and any subsequent impact on road user behaviour, including the effect on vehicle speeds. The results demonstrated strong community support for the signs, reduction in speeds at 'high' speed sites and an increase in motorists' awareness of the signs.

Roads around schools are often perceived as dangerous for children due to high traffic speeds, manoeuvring vehicles, parked vehicles and other features which restrict a driver's visibility. Often there can be a mixture of pedestrians, cyclists and drivers using the same road. In particular, the risk at the beginning and end of the school day is seen as much greater than during other periods of the day and there is a need to manage and minimise this risk.

One disadvantage of any permanently displayed sign is drivers tend to ignore it or fail to see it, particularly if they pass the same sign regularly without requiring any action in response to it. Active signs incorporate flashing lights and/or lit (LED) components which are displayed only when relevant. Introduction of these types of signs may heighten the visibility of these signs compared with standard (non-flashing) warning signs thereby enhancing driver awareness of the risk.

**Disclaimer:** The NZ Transport Agency (NZTA) has endeavoured to ensure the material in this document is technically accurate and reflects legal requirements. However, the document does not override governing legislation. NZTA does not accept liability for any consequences arising from the use of this document. If the user of this document is unsure whether the material is correct, they should make direct reference to the relevant legislation and contact NZTA.

Internationally, flashing lights have been used to give additional emphasis to the warning or instruction given on a sign. In New Zealand the use of these lights has been restricted to variable message signs including those installed on Auckland and Wellington motorways, some roadwork vehicles, variable speed limits in school zones and advance warning of traffic signals. In many situations however, the cost of a full variable message sign cannot be justified.

For this reason the trial of less costly warning signs (rectangular in shape with two yellow orange flashing lights and yellow/green children symbols on a black background) was conducted. The **Dunedin active school warning signs trial: evaluation report**<sup>(4)</sup> (the Evaluation report) prepared by Dunedin City Council provides details and sets out the results of the Dunedin City trial. The trial results are embodied within this note.

### 3 Objectives of active school warning signs in school zones

Active school warning signs on roads near schools are intended to meet the following objectives:

- provide a safer environment outside schools during times of peak school activity
- reinforce driver expectation of the likely presence of children
- reinforce driver awareness of a school where the visibility of the school or its entrance is limited
- encourage active modes of travel (walking and cycling) to school.

**School zones** are parts of roads near schools which include both:

- (a) the length of roadside used for short-term parking, bus stops, crossing facilities and school entrances etc before and after the hours when the school is in session (called the 'hazard area'), and
- (b) the distance from the warning sign to the hazard area in each direction (which depends of the speed of approaching traffic).

The Dunedin trial attempted to assess whether these types of signs had any effect on increasing driver awareness to school activity on or near the road, including reducing driver reaction time and vehicle stopping distances and speeds. The trial included schools where the average vehicle speed was higher than 45km/h as well as schools located adjacent to congested urban roads. Three types of evaluation measures were used to assess the effect of these signs - vehicle speed surveys, driver awareness and pedestrian delay surveys.

Feedback from the schools has indicated the objective to increase active modes of travel to school has not happened to date. Achieving this objective will most likely require a package of activities.

### 4 Complementary school travel initiatives

Active school warning signs should be implemented as part of a package including engineering, education and enforcement to reduce speeds and the risk to children around schools.

The active school warning signs could be installed as a component of the following complementary initiatives.

#### 4.1 Neighbourhood accessibility planning



Neighbourhood accessibility plans seek to ensure, at the neighbourhood level, the provision of safe and sustainable transport modes focusing on active and shared modes. Further information can be found on the NZTA website at:

<http://www.nzta.govt.nz/resources/neighbourhood-accessibility-plans/index.html>

#### **4.2 School travel plans**

The preparation and implementation of a school travel plan is a process of developing a package of measures to encourage the choice of safe and sustainable transport options for travel to and from school. Further information can be found on the NZTA website at:

<http://www.nzta.govt.nz/resources/school-travel-plan-coordinators-guide/docs/school-travel-plan.pdf>

The NZTA education website will also provide useful resources. This can be found at:

<http://www.education.nzta.govt.nz/home>

#### **4.3 Integrated planning**

There is not necessarily a single best option for providing safety for children travelling to and from school. The NZTA's **Integrated planning toolkit** presents a wide range of transport and land use relevant tools, processes and concepts. It encourages linkages and enables the identification of ideas that may not be familiar to the user. The toolkit can be found at:

<http://www.nzta.govt.nz/planning/process/trial-ip-toolkit/>

### **5 Selection criteria**

#### **5.1 Selecting sites and appropriate traffic control devices**

Figure 1, based on **Traffic note 37** and the Evaluation report, is a flow chart of recommended selection criteria for the use of traffic control devices at school sites.

In urban areas there are several sign variations that can be used depending on the type of environment, including school activity, crash history and speed profile.

In rural areas, the selection of a suitable sign type can be more limited. The 40km/h variable speed limit is generally not regarded as appropriate in most open road speed areas (that is, where speed limits are greater than 80km/h). However, in these areas active warning signs could be suitable to encourage slower speeds during periods when children are present.

#### **5.2 Area and site-specific treatments**

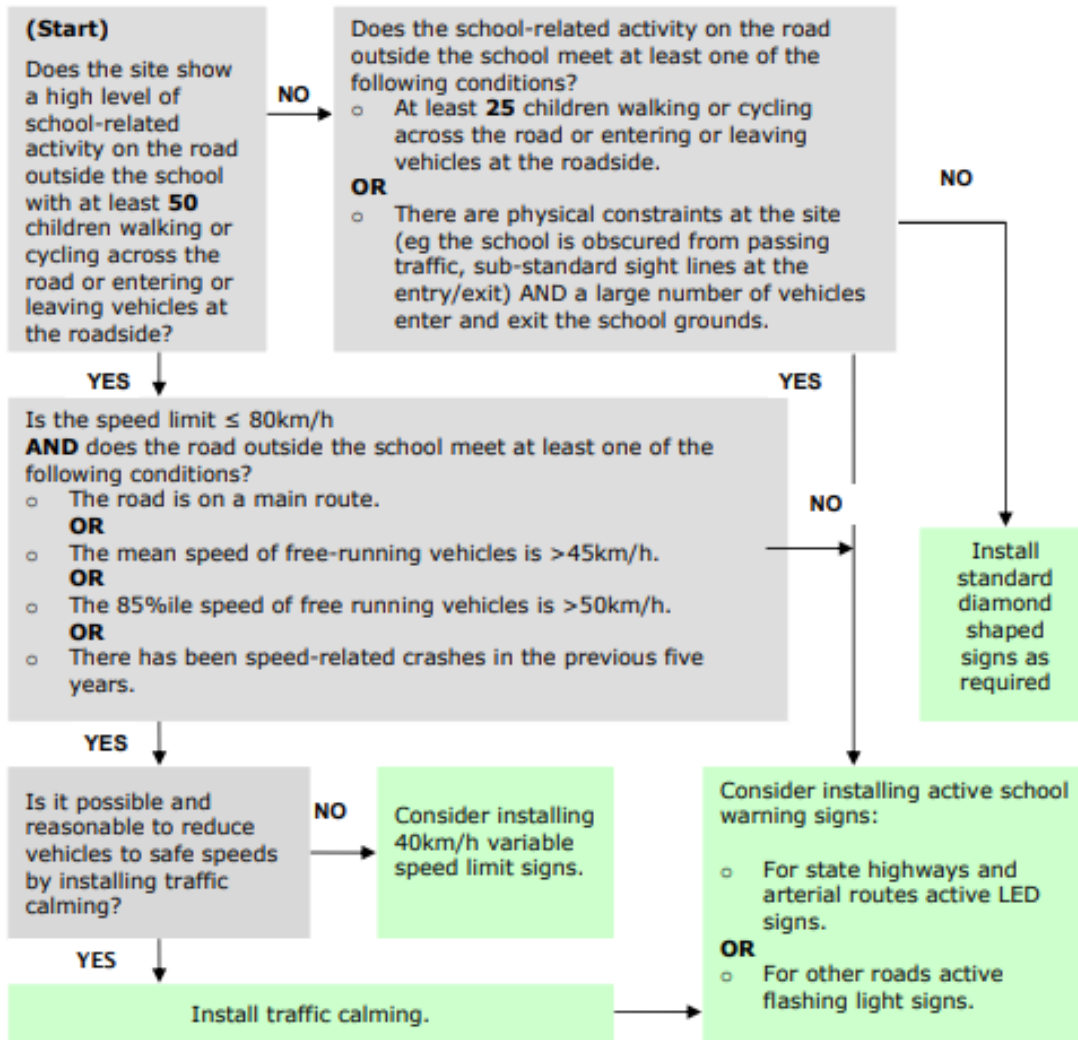
Active school warning signs have the potential to cover an area incorporating a number of schools in addition to a specific school site. Where there are schools in close proximity and where school times vary, RCAs may choose to select an area-wide or route treatment for schools rather than undertake individual school site improvements. In such instances, it may be more appropriate to use active school warning signs rather than 40km/h variable speed limit signs which are more specific to individual schools. If this is the case, it is recommended the RCA plan a sign regime (including times of operation for active signs) for the area covering the different school locations and develop safer routes for children to travel. Further information on this can be obtained from the Evaluation report, neighbourhood accessibility plans and the NZTA website.

### **5.3 Prioritising sites**

Once the type of traffic control device has been identified, its appropriateness and clarity within the surrounding environment and proximity to other schools and message systems determined, the site, area or route should be prioritised for implementation. This prioritisation process is managed through local policy based on factors such as traffic volumes, school roll number, ages of school pupils, crash data and speed of through traffic. Further information, including a suggested rating system for finding suitable sites and then prioritising each one, can be found within the Evaluation report.

### **5.4 Other signs**

The possible use of active school warning signs must be considered in conjunction with other existing or proposed signs in that area (for example a pedestrian crossing sign). Their use in conjunction with, or within close proximity to, other variable or flashing signs (such as a 40km/h variable speed limit sign) needs to be carefully considered to ensure the intended (combined) message to drivers is consistent and will not be confusing or ineffective.



**Figure 1: Selection criteria for the appropriate use of traffic control devices near schools**

## 6 Best practice guidelines

Factors required for the successful operation of an active school warning sign are:

- coinciding times of operation with on-road school related activity (see section 6.4)
- good visibility of the signs by motorists
- long-term commitment to their correct use.

### 6.1 Signs – general principles

Standard reflective diamond shape school warning signs should be installed on all roads where there is an entrance to a school (unless they are replaced by active school warning signs as set out below). The standard sign is depicted in figure 2. Other signs may be used in these locations such as 'school pedestrian crossing' or 'school bus route'.

Active school warning signs should be installed in place of the standard sign where additional awareness of children is considered necessary in and around schools in areas and sites meeting the criteria set out in figure 1



Figure 2: Standard school warning sign

### 6.2 Active school warning signs

The type of school warning signs used to indicate a school zone should be prioritised by risk using the selection criteria shown at figure 1. Where the RCA determines an active sign is appropriate there are two versions of sign – flashing light and full LED displays.

#### 6.2.1 'Children' symbol and 'school zone' with backing board with two flashing lights (active –flashing light type)

The 'children' symbol and the words 'school zone' depicted in figure 3 are reflectorised, fluorescent yellow-green in colour while the sign has a plain black, unlit background. There are two orange flashing lights located on the top of the sign at each side which light alternately when in use. Outside school hours the board shows the 'children' symbol and the words 'school zone'.



Figure 3: Active – flashing light school warning sign

#### 6.2.2 'Children' symbol and 'school zone' with full LED display (active LED type)

When activated, the 'children' symbol and the words 'school zone' depicted in figure 4 are displayed using light emitting diodes (LEDs) on a black unlit background. Two orange flashing lights (which may be LED) are located in the top left and right corner of the sign. When the sign is activated the two lights are not illuminated unless the RCA has set an appropriate condition which would trigger them to be illuminated. This condition could be that an approaching vehicle is detected (by a radar unit mounted in or beside the sign) exceeding a pre-set speed. The orange lights will then flash alternately for a short period until the vehicle has passed the sign. Such a pre-set speed will depend on the speed limit and the circumstances relating to a particular school.



Figure 4: Active – LED school warning sign



When the symbol and text LEDs are turned off this sign displays a black rectangular panel.

Where the selection criteria (figure 1) suggests the use of an active sign could be appropriate the RCA can consider either option. The 'active – LED' sign may be considered over the 'active – flashing light' sign if the RCA determines the risk is higher. This may be based on traffic volumes, road hierarchy and whether they are part of a set of signs in an area treatment or are site-specific. For example, if an RCA is developing an area treatment, the 'active – LED' signs may be placed on the highest risk road (that is the one with higher vehicle and pedestrian volumes) while the 'active – flashing light' signs might be located on roads with lower risk sites.

For both of the above signs the orange lights must be of sufficient brightness to draw attention to, but not distract from, the sign or dazzle drivers. They must operate by flashing alternatively at a rate of 1 hertz.

Further technical and operational information for these signs is provided in appendix A.

### 6.2.3 40km/h variable school zone speed limits (see *Traffic note 37*)

If active school warning signs are proposed near other variable message signs (such as 40km/h variable speed limit signs depicted in figure 5) a careful evaluation of all relevant factors (and options) needs to be undertaken. This is important to avoid the signs' messages being confused or their effectiveness being compromised.



Figure 5: Variable 40km/h speed limit sign

### 6.2.4 Different (permanent) speed limits near school

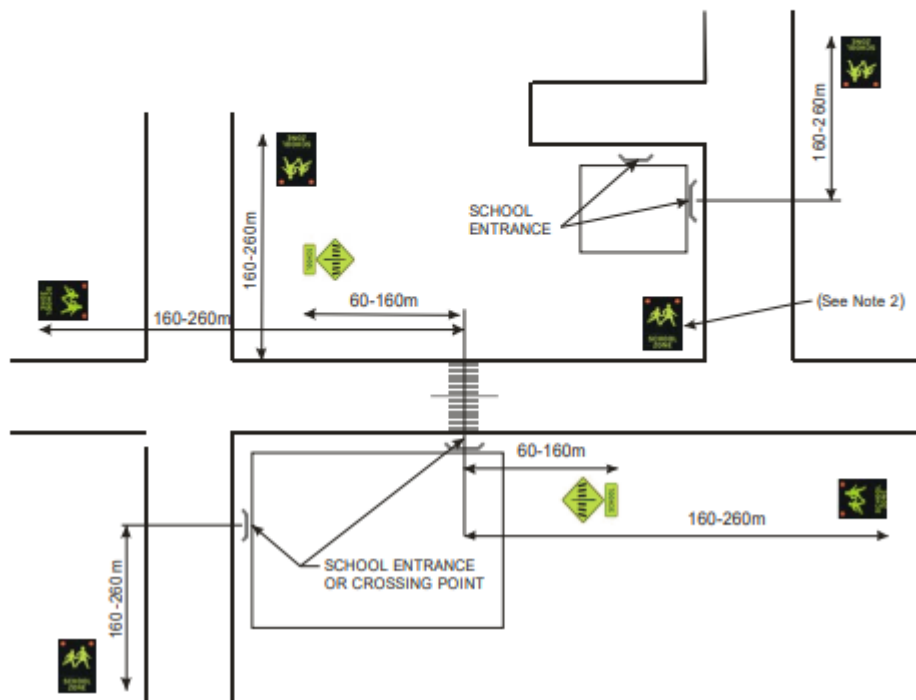
If the school is located near roads with different (permanent) speed limits, then a careful evaluation of all the children's routes and options for improvement should be undertaken so that the cost of each option can be established. If a 40km/h variable speed limit is placed over roads with more than one underlying "permanent" speed limit, then (in addition to the 40km/h variable signs) special variable speed limit signs will be needed where the 'permanent' speed limits change. These special signs will be blank when the 40km/h speed limit signs are on but they need to show the 'permanent' speed limit at all other times. Most 40km/h variable speed limits are located on main traffic routes. If the annual average traffic flow on the road is more than 500 vehicles per day, then these signs indicating a change of permanent speed limit must be installed on both the left hand side and on the right hand side (or on a solid median) [see clause 8.1(2)(a) of the Land Transport Rule: Setting of Speed Limits 2003]. If this is the case, then four of these special signs will be needed, possibly placed back to back.

### 6.2.5 Children on or near the roadway

Both standard diamond shape and active school warning signs could be considered where the RCA considers there are likely to be school children on or near the roadway. Special consideration should be given where children often congregate near a school on sections of road without footpaths or where children gather at a recreation reserve abutting a road which has a speed limit higher than 50km/h. RCAs should also investigate the provision of adequate footpaths and other pedestrian or cyclist facilities in these cases.

### 6.3 Layout of signs

The active school warning signs should be positioned as illustrated in figure 6.



**Figure 6: Example of a road and area layout for the use of active warning signs**

**Note 1:** If a formal pedestrian crossing is present (ie a zebra crossing) then a diamond shaped pedestrian crossing warning sign must be installed in addition to the active warning sign. Active warning signs can be installed within 160m-260m from the school entrance or informal crossing point, to give a school zone length of 320 to 520 metres. The length of the school zone will be the sum of:

- the length of roadside used for short term parking, bus stops, crossing facilities and school entrances etc before and after the hours when the school is in session (called the 'hazard area'), and
- the warning sign approach distance from each direction (which depends of the speed of approaching traffic). For higher speeds, the warning sign needs to be located further in advance of the hazard area (see appendix A). If there is a cluster of schools then the school zone could be longer than 520 metres.

**Note 2:** Where a second school is located on a side road close to the main road junction and is reasonably obvious to drivers who turn from the main road then this active warning sign may not be necessary and could be replaced by a standard diamond shaped reflective sign.

### 6.4 Times of operation

As previously stated, where signs are used continuously to highlight a particular activity occurring only during short periods of the day, drivers become accustomed to their presence and may not adapt their driving during times of high risk. With this principle in mind, and supported by information provided within the Evaluation report and **Traffic note 37**, it is recommended that the times of operation for active school warning should be as follows:

- Before and after school:
  - 35 minutes before the start of school until the start of school
  - 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school.
- During times when school activities may create additional risk to children (eg early finish times, school functions) the signs should be active for at least 10 minutes and normally not more than 30 minutes.

Times of operation must be agreed between the school and RCA.

## 6.5 School commitment and activity

It is essential schools are formally involved in the decision to introduce active warning signs. For these signs to be effective and remain so they must only be switched on when activity relating to the school is occurring on or alongside the road to highlight risk and to achieve the desired outcomes.

Conditions of operation of the active signs should be agreed between the school and RCA and should include the following requirements:

- The signs must only be activated by a person authorised by the school principal.
- The signs must not be used at times of day where there are no children present.

## 7 Acknowledgements

Dunedin City Council has developed additional notes on the trial and evaluation of active school warning signs, including detailed information on prioritising sites for their use, and technical information on their installation. Road controlling authorities and other parties interested in these types of signs are welcome to approach them seeking a copy of this information.

The NZTA acknowledges the valuable input of Dunedin City Council, Timaru District Council, Invercargill City Council, Auckland City Council and the former Transit New Zealand with regards to both the information supplied and the review of these guidelines.

## References

1. NZTA/Land Transport New Zealand, Traffic Note 37, **40km/h variable speed limits in school zones – guidelines.**
2. Dunedin City Council **Dunedin active school warning signs trial: Evaluation report**, October 2007.

## Appendix A: Technical and installation information on active school signs

### A Locations of signs in relation to the school activity

The active warning signs can be used in addition to permanent 'pedestrian crossing' signs or in place of 'school children' signs. Where a formal pedestrian (zebra) crossing is marked the diamond shaped 'pedestrian crossing' sign must still be placed in its normal position in advance of the crossing. (See figure 2 in section 6.3.)

A school warning sign (either the standard diamond shape reflective or one of the active types) should be located where approaching drivers have an uninterrupted view of it over a distance of at least 120m in rural areas and at least 60m in urban areas. The sign should be erected in advance of the hazard area (which can include the pedestrian crossing point, school entrances, bus stops, and short term roadside 'drop off and pick up' parking) by not less than the distance shown in the following table:

Operating speed	Distance
50km/h	65m
60km/h	80m
70km/h	100m
80km/h	120m
90km/h	140m
100km/h	160m

Where there are several schools in close proximity an area treatment may be more suitable. Specific details on sign placement may be at the discretion of the RCA and can be prioritised with respect to risk and criteria as outlined in section 5.

### B Sign specifications

#### **Active – flashing light (with reflective symbol and text)**

(minimum size as specified for sign W19-2.2 (with symbol W16-4 'children'))

Shape and size: rectangle 700 x 900mm

Background: black

Symbol: children - 600mm wide x 480mm high  
retroreflective, fluorescent yellow-green

Text: 'SCHOOL ZONE' 100mm high/14mm stroke width  
retroreflective, fluorescent yellow-green



Figure A1: Active - flashing light

**Note:** The size of sign used in the trials in Dunedin, Timaru and Invercargill was larger (900mm wide x 1200mm high) and this size can be used in 50km/h areas if considered appropriate. Larger sizes may be used, particularly where the speed limit is above 50km/h or there is a wide or divided carriageway.

### **Active – LED (light emitting diodes)**

Shape and size:	rectangle 700 mm wide x 1000 mm high
Background:	black
Symbol:	children - 600mm wide x 480mm high yellow LED
Legend:	'SCHOOL ZONE' yellow LED, letters 160mm high/25mm wide

**Note:** This is the minimum size as specified in the Gazette notice. Larger sizes may be used, particularly where the speed limit is above 50km/h or there is a wide or divided carriageway.



Figure A2 Active – LED

### **C Flashing light specifications**

The lights should:

- be placed in the top left and right hand corners of the sign
- be coloured orange
- be at least 60 square centimetres each in area
- be set to flash alternately at a rate of 1 hertz, and
- have cowls installed if sun strike is likely to be an issue.

There may be a need to have an indicator light that can be seen from the rear of the sign from the school or crossing point to indicate when the lights are operating.

### **D Power supply**

Options to be considered for supplying power to the active sign units include:

- solar power (which worked well within the trial process) and is generally most suitable for rural areas)
- linking the battery for the sign to an adjacent street light
- run the signs by cable from the school's power supply.

### **E Installation of the signs**

Signs can be attached to power poles so the units have a solid base. Where new support structures have to be erected they should be at least 100mm diameter with a foundation design that will prevent twisting yet remain frangible.

They should be mounted high enough to provide a suitable clearance above the footpath or ground so they are less likely to be tampered with. MOTSAM recommends a clearance of 2.5 metres above footpaths. However if the support pole is located close to the kerb where large vehicles (such as buses) are likely to stop, then a higher mounting height of 4.4 metres or more may be needed so that the sign is not damaged by high vehicles.

Signs should be placed so the driver's view of them is not obscured by vegetation. If necessary, trees located near the roadway should be pruned regularly to maintain the effectiveness of these signs.

At some sites where there is a special need to highlight the presence of the school to drivers, a duplicate active school zone warning sign can be placed on the right hand side of the road or on a solid median.



## **F Activation of the lights and LED displays**

There are different types of activation systems depending on the sign type and operation. These include:

- automatic activation by wireless control. An antenna is placed on the outside of the school building and connected to the control box. Ideally there should be a direct line of sight from the antenna to the receivers (located on the signs) - while this is more effective, it may not be essential. However, at some sites there could be difficulty obtaining reception for the units and care will be needed to place them so this can be achieved. Checks should be made for possible interference from other nearby electronic equipment
- manual activation by hand held remote control units
- activation from a control box by wired connection direct to the signs.

The control box or activation unit should be located at a secure place within the school grounds where only authorised personnel can have access to it.

## **G Programming systems**

If a programming system is used, it needs to allow for any variations to normal school operating hours including holidays and events that may be held at the school outside normal hours. The activation units need to be programmed to allow information to be entered into the system for set school activity times, holidays and daylight saving time changes together with a manual override system to allow for one-off special events.

The times when the signs operate should coincide with the school activity times as agreed in writing by the school and RCA.

A time-out facility should be installed so that the signs automatically switch off after a maximum time (possibly 1 hour for normal use and possibly 30 minutes for one-off events) if the unit has not been manually switched off.

The programming system can be completed by installation of specific software. Further information can be obtained from Dunedin City Council or the sign supplier.

## **H Maintenance**

It is essential that regular checks are made to ensure the active device is working correctly. The RCA needs to ensure that appropriate inspection and maintenance systems are in place as part of its agreement with those authorised to operate the system. The respective maintenance responsibilities of the RCA and the school should be clearly set out in this written agreement.

## *Regional Speed Limit Reviews*

### *Vinegar Hill Road Catchment*

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## APPENDIX 1: Whangarei District Plan Maps

## 1 Overview

Whangarei District Council (Council) is a Road Controlling Authority (RCA) within the Whangarei District, and has a statutory role in managing the District's local roads (except State Highways), including the setting of speed limits. This statutory role as an RCA is set out under the Land Transport Act 1998, which also enables Council to make a bylaw that fixes the maximum speed of vehicles on any road for the safety of the public, or for the better preservation of any road (*Section 22AB(1)(d)*).

The Whangarei District Speed Limits Bylaw 2019 sets the speed limits on all local roads within the District, with the Schedules in that Bylaw identifying the enforceable speed limits and where they apply.

Council is proposing to amend the posted speed limits on some roads within the Vinegar Hill Road Catchment Area from Corks Road through to State Highway 1.

This Report sets out the proposed changes to the Schedules of the Whangarei District Speed Limits Bylaw 2019, along with the matters that Council has considered in proposing new speed limits, including:

- A summary of the proposed amendments to the Whangarei District Speed Limits Bylaw 2019 (new speed limits)
- Reasons for the proposed amendments
- Targeted consultation process
- Matters considered under Section 4.2(2) of the Setting of Speed Limits Rule 2017
- Options analysis

A separate Statement of Proposal as required under the Local Government Act 2002 is available on Council's website by following the link: [www.wdc.govt.nz/speedbylaw](http://www.wdc.govt.nz/speedbylaw)

It should be noted that Private Roads not under the care and control of Council are not included in this review.

Submissions are sought from any person or organisation and must be received by Council no later than 5pm on Monday 9<sup>th</sup> December 2019.

### 1.1 Road Speed Environments

NZTA Speed Management Guidance provides general guidance in assessing a safe and appropriate speed based on the type of road and other broad-based assessment criteria. The following provides a regionally consistent description of the expectations for various speed limits.

20kmph	<p>Shared space areas where the principle use is for pedestrians. These areas will typically incorporate street furniture.</p> <p>Roads that are used principally for parking purposes and do not have through traffic.</p>
30kmph	<p>Shared Space areas that provide equal access to pedestrians, cyclists and motor vehicles</p> <p>Beach access, including informal parking for pedestrian access to beaches</p> <p>Most beaches</p>

40kmph	<p>Urban areas where there are facilities that generate significant additional pedestrian activity such as schools, shopping centres, sports facilities or other developed recreational areas.</p> <p>Central Business District areas, particularly where there is on-road parking and pedestrians crossing roads at controlled or uncontrolled crossing points; but not a formal shared space.</p>
50kmph	Urban roads that have a high residential density, but no facilities that would generate significant additional pedestrian activity such as schools, shopping centres, sports facilities or other developed recreational areas.
60kmph	<p>Semi-urban or rural roads that meet one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>• Significant industrial or commercial activity</li> <li>• A road principally used for access to rural residential dwellings with a narrow single lane carriageway or a carriage way that has no centre line marking</li> <li>• A road where significant residential or other development is directly accessed, including approaches to urban areas.</li> <li>• Urban arterial routes</li> <li>• An access road that is unsealed</li> </ul>
70kmph	<p>In accordance with National Speed Management Guidance, 70kmph zones are generally discouraged and will only be used where there is clear evidence that both 60kmph and 80kmph are inappropriate. Where there is an existing 70kmph zone, consideration will be given to the benefits of changing that speed limit to 60kmph or 80kmph.</p>
80kmph	General rural roads that are un-divided, two-lane roads with marked centre lines with narrow shoulder areas and are not torturous.
90kmph	In accordance with National Speed Management Guidance, 90kmph zones are generally discouraged and will only be utilised in exceptional circumstances.
100kmph	Rural open roads that are of good quality and principally used as arterial routes. Typically, these roads will have good visibility; shoulder areas; and will be two lane roads with marked centre lines; or have a barrier between opposing lanes. Safety features will also be in place on these roads.

## 2 Review Area

The review area incorporates Vinegar Hill Road from the intersection with Corks Road through to the intersection with State Highway 1, and all roads connecting, either directly or indirectly with Vinegar Hill Road as identified in Figure 1, and includes the following roads:

- Steere Place
- Thomas Street
- Townsend Place
- Balmoral Road
- Riversong Road
- Mangakino Lane
- Waitaua Road
- Lauries Drive
- Logan Cameron Road
- Main Road
- Saleyards Road
- Jounneaux Road

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**Figure 1: Speed Management Review Area**

**Note:** Some road names have not been included in the maps as the font size is too large for the map scale or because they are located within an existing Urban Traffic Area. Please refer to tables for all road names.

### 3 Summary of Proposed Amendments

In Whangarei District Council's capacity as the Road Controlling Authority (RCA), the following amendments to the posted speed limits within the Speed Review Area are proposed:

Road	Existing Posted Speed Limit	Proposed Speed Limit
Vinegar Hill Road from Corks Road to the current 50kmph boundary	50kmph	50kmph
Vinegar Hill Road from current 50kmph boundary to a point 800m north of the intersection with Balmoral Road	100kmph	60kmph
Vinegar Hill Road from a point 800m north of Balmoral Road to a point 200m south-east of the intersection with Saleyards Road	100kmph	80kmph
Vinegar Hill Road from a point 200m south-east of the intersection with Saleyards Road to the intersection with State Highway 1	100kmph	60kmph
Steere Place (off Thomas Street)	50kmph	50kmph
Thomas Street	50kmph	50kmph
Townsend Place (off Thomas Street)	50kmph	50kmph
Balmoral Road	50kmph	50kmph
Riversong Road	100kmph	60kmph
Mangakino Lane	100kmph	80kmph
Waitaua Road	50kmph	60kmph
Lauries Drive	100kmph	60kmph
Logan Cameron Road	100kmph	60kmph
Main Road	100kmph	80kmph
Saleyards Road	100kmph	60kmph
Jounneaux Road	100kmph	60kmph

**Table 1: Summary of proposed Speed Limit changes**

Figure 2 (below) sets out the proposed new speed limits for the Nova Scotia Drive Catchment and Waipu review area, including the Waipu Urban Traffic Area.



## Vinegar Hill Road Speed Technical Report

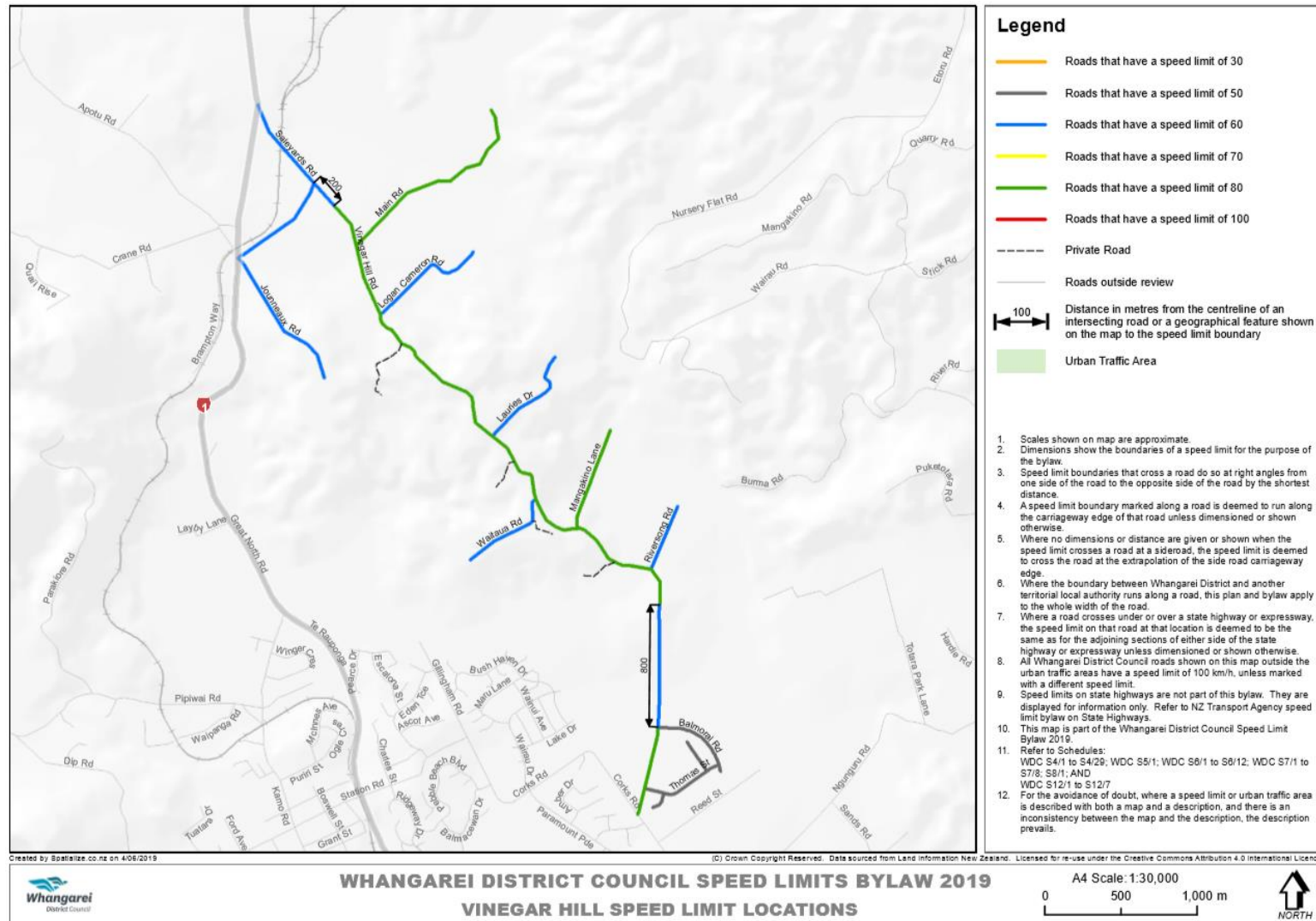


Figure 2: Proposed changes to speed limit

## 4 Reasons for Change

Section 22AB(1)(d) of the Land Transport Act 1998 provides for a Road Controlling Authority to make a Bylaw to set a speed limit for the safety of the public, or for the better preservation of any road. Council updated its Speed Limit Bylaw in 2019.

Council, as the Road Controlling Authority are reviewing speed limits across the Whangarei District as part of central government Safer Journey's Strategy, with the goal of setting safe and appropriate speed limits that will reduce fatal and serious injury crashes. The proposed changes to speed limits also takes account of the changing road environment, including the volume of traffic as well as current and planned development.

In response to new sub-division development, along with an assessment of the safe and appropriate speed for the road environment, Council is proposing to amend speed limits in the Vinegar Hill Road catchment area. The primary reasons for the amendments are:

- To better match the road speed limit with the wider road environment to lower the potential for fatal, serious injury and minor crashes.
- To respond to a changing wider road environment, including existing, new, and planned access from residential land-uses onto the main carriageway.
- Lower the potential for fatal and serious injury crashes involving pedestrians and cyclists within a growing semi-urban environment by providing for a safe and appropriate speed limit that recognises that environment.

Vinegar Hill Road has been specifically identified for a speed review for the following reasons:

- It has been identified as a High Benefit (first 5%) road catchment for a speed review
- The catchment area is well defined and will lead to consistency in speed limits
- Some key stakeholders have identified Vinegar Hill Road as an area that would benefit from a speed limit review.

## 5 Setting of Speed Limits Rule considerations

The purpose of the Setting of Speed Limits Rule 2017 is to give effect to a nationally consistent and evidence-based approach to speed management and to provide a mechanism for Road Controlling Authorities to set speed limits for roads in their jurisdictions.

Section 4.2(2) of the Setting of Speed Limits Rule 2017 requires a range of matters to be considered when reviewing and setting a speed limit. The following sets out the matters which Council has had regard to in setting the proposed speed limit within the review area.

### 5.1 NZTA Information

NZTA provide larger scale information and crash data. NZTA data has been utilised throughout the Speed Management Review, and includes, but is not restricted to:

- Crash data reported to NZTA through the Police
- Risk assessments, including Personal, Collective and Infrastructure Risk assessments
- Safe and appropriate speed data and assessment

Large scale NZTA data forms the basis for the speed management assessments undertaken and set out in this Report.

NZTA is also a member of the Key Stakeholders Group to facilitate consultation on speed reviews.

### 5.2 Speed Management Guidance

Guidance for the setting of speed limits is provided within *the NZTA National Speed Management Guide 2016*. The Speed Management Rule 2017 provides the process for reviewing speed limits across the District.

## Vinegar Hill Road Speed Technical Report

The Speed Management Guidance 2016 document has provided the basis for the assessments and processes (including consultation processes) utilised in this speed management review.

Generally, NZTA Speed Management Guidance promotes larger, catchment wide reviews in areas that are identified as high benefit. This Speed Review focusses on Vinegar Hill Road and its road catchment. The catchment itself is a smaller closed catchment area with limited tributary roads. None of the tributary roads connect to other significant roads. The only exception to this Catchment concept is Jounneaux Road, which sits on the edge of the Vinegar Hill Catchment.

Jounneaux Road has been incorporated into this review as it is adjacent to Saleyards Road and does not in itself contribute to any other road catchment area.

In accordance with the Speed Management Guidance, the identified Vinegar Hill Road catchment area has been chosen for a speed review for the following reasons:

- It has been identified as a High Benefit (top 5%) road catchment for a speed review
- The Vinegar Hill Road catchment is well defined
- The catchment area has been subject to significant development in recent years
- The District Plan indicates ongoing development

### 5.3 Function and Use of the Road

The One Network Road Classification (ONRC) is a framework that provides a consistent system for the classification of roads throughout New Zealand. The ONRC considers the needs of all road users, be they motorists, cyclists or pedestrians.

Initial assessments of appropriate levels of service, safety features and speed ranges are made based on the function and classification of the road. The initial assessment does not consider local factors and provides a starting range for identifying an appropriate speed limit for a given road. The initial speed ranges are based on Figure 1.4 of the NZ Speed Management Guide 2016 (below).

Classification	Straight open road /urban motorways	Curved open road	Winding open road	Urban (not motorway)
<b>Class 1</b> High volume national	<b>100–110km/h<sup>4</sup></b>  Depends on design and safety risk (e.g. divided 4–5 star, grade separated intersections, safety barriers) and factoring in enforcement thresholds			
<b>Class 2</b> National, Regional, Arterial	<b>80–100km/h</b>  Depends on safety risk and whether volumes justify investment to bring the road up to 3 star equivalent, also enforcement thresholds		<b>60–80km/h</b>	50km/h  60–80km/h where safety risk allows, e.g. fewer intersections, mode separation for active users
<b>Class 3</b> Primary and secondary collector				30–50km/h
<b>Class 4</b> Access and low-volume access All winding/tortuous	<b>60–80km/h</b> Depending on roadside development, pedestrian and cyclist volumes, whether sealed or not			30km/h if high volumes of cyclists/pedestrians  Recognise access and place 10km/h for Shared Spaces

**Figure 3: Recommended safe and appropriate speed ranges for road classes:** Source: NZTA - NZ Speed Management Guidance, 2016



## Vinegar Hill Road Speed Technical Report

The review area consists the following roads and ONRC classification, road type and initial speed estimate range:

Road	ONRC Classification	Type of Road	Speed Range
Vinegar Hill Road	ONRC Class 3	Primary Collector	60 – 80kmph <sup>1</sup>
Steere Place	ONRC Class 4	Access (urban)	30 – 50kmph <sup>2</sup>
Thomas Street	ONRC Class 4	Access (urban)	30 – 50kmph <sup>2</sup>
Townsend Place	ONRC Class 4	Access (urban)	30 – 50kmph <sup>2</sup>
Balmoral Road	ONRC Class 4	Access (urban)	30 – 50kmph <sup>2</sup>
Riversong Road	ONRC Class 4	Access	60 – 80kmph
Mangakino Lane	ONRC Class 4	Access	60 – 80kmph
Waitaua Road	ONRC Class 4	Access	60 – 80kmph
Lauries Drive	ONRC Class 4	Access	60 – 80kmph
Logan Cameron Road	ONRC Class 4	Access	60 – 80kmph
Main Road	ONRC Class 3	Secondary Collector	80 – 100kmph <sup>3</sup>
Saleyards Road	ONRC Class 3	Primary Collector	80 – 100kmph <sup>4</sup>
Jounneaux Road	ONRC Class 4	Access	60 – 80kmph

**Notes**

1. Speed range is based on the winding nature of Vinegar Hill Road
2. 30kmph where there are high volumes of cyclists or pedestrians
3. Speed range is based on a straight open road
4. Saleyards Road has commercial development located on it and as such a lower speed range may apply

## 5.4 Crash Risk

Crash data is primarily sourced from data that is reported to NZTA from the NZ Police, and often does not report minor, non-injury crashes or near misses. The overall crash data provides a current personal and collective risk rating for the specified road, which are set out in the table below.

The overall crash risk analysis for Vinegar Hill Road is High. The Personal Risk, which is a measure of the risk to an individual using the road, is High.

Road	Collective Risk <sup>1</sup>	Personal Risk <sup>2</sup>	Infrastructure Risk <sup>3</sup>
Vinegar Hill Road	Medium	High	Medium
Steere Place	Low	Medium	Medium high
Thomas Street	Low	Medium	Medium high
Townsend Place	Low	Medium	Low medium
Balmoral Road	Low	Medium	Low medium
Riversong Road	Unknown	Unknown	Unknown
Mangakino Lane	Low	Unknown	Medium

## Vinegar Hill Road Speed Technical Report

Waitaua Road	Low	Unknown	Low medium
Lauries Drive	Low	Unknown	High
Logan Cameron Road	Low	Unknown	Medium high
Main Road	Low	Unknown	Medium high
Saleyards Road	Medium	High	Medium high
Jounneaux Road	Low	Unknown	Medium

**Table 4: Risk Data****Notes:**

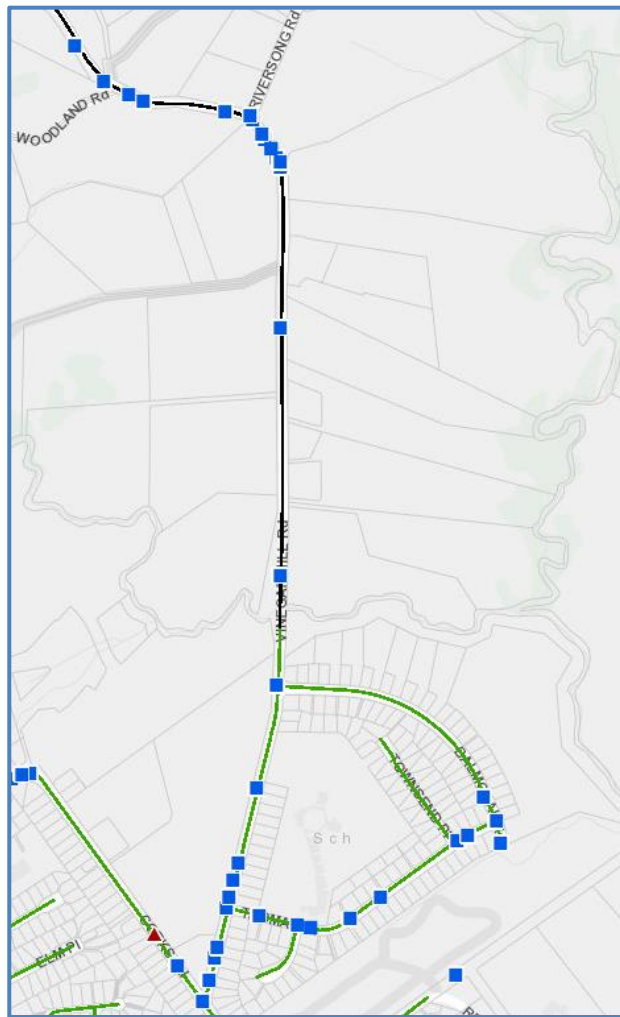
1. *Collective Risk is a measure of the total number of fatal and serious injury crashes per kilometre over a section of road. Collective risk does not take account of the volume of traffic on the road*
2. *Personal Risk is a measure of the danger to each individual using a road. Personal risk takes into account the traffic volumes on the section of road.*
3. *Infrastructure Risk utilises a road assessment methodology designed to assess road safety risk based on eight key design and infrastructure features.*
4. *Unknown Risk indicates that there is insufficient data available to determine the specific risk factor.*

A review of crash data reported to NZTA through the NZ Police in the ten years from 2008 to 31 March 2018 is set out in Figures 4, 5 and 6. The data shows reported injury and non-injury crashes within the review area, including:

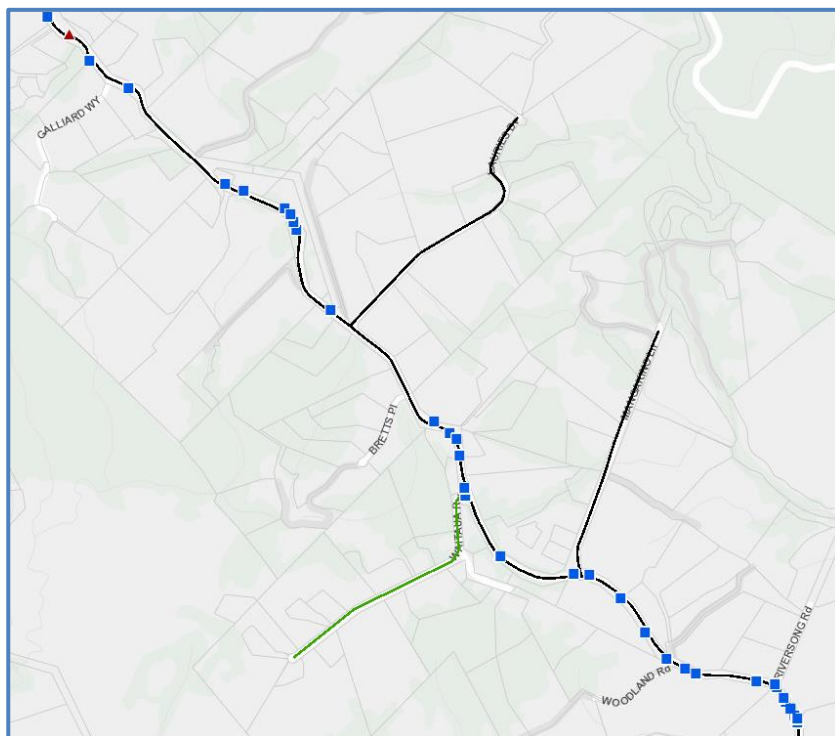
- Vinegar Hill Road 79 crashes
- Saleyards Road 6 crashes
- Main road 1 Crash
- Thomas Road 9 crashes
- Balmoral Road 2 crashes

**Note:** *The crash nodes identified on the maps below may indicate more than one crash of similar severity in the same location.*

# Vinegar Hill Road Speed Technical Report

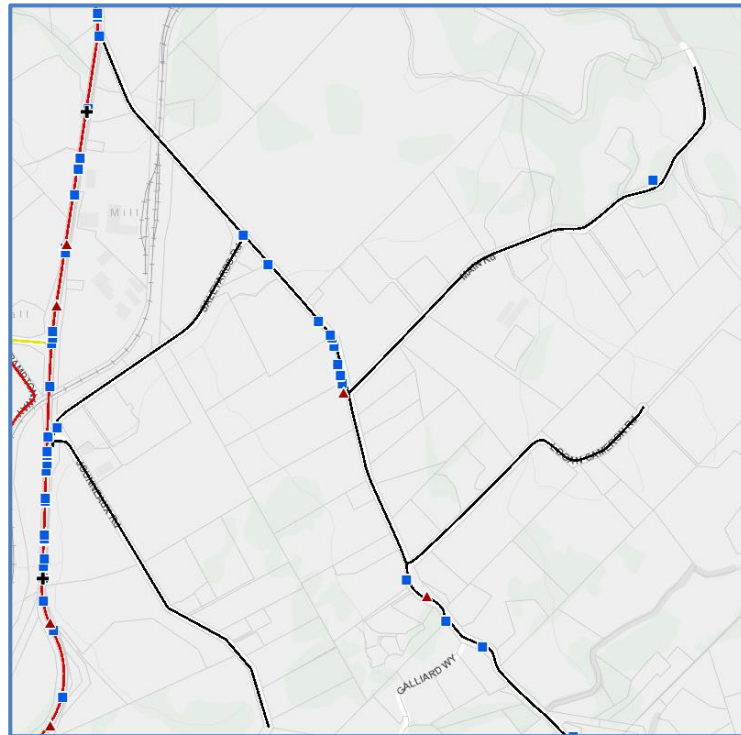


**Figure 4: Reported crashes Vinegar Hill South 2008 - 2018**



**Figure 5: Reported crashes Vinegar Hill Central 2008 - 2018**

## Vinegar Hill Road Speed Technical Report



**Figure 6: Reported crashes Vinegar Hill North 2008 - 2018**

### 5.5 Characteristics of the Road

The characteristics of the road include the physical characteristics of the road that have an impact on crash risk such as the type of seal and shoulder width. The general environment also determines the characteristics of the road and crash risk, for example pedestrians and parking. The Table below sets out the significant physical characteristics of the roads where a speed limit change is proposed.

Road	Road Character	Lane Width	Curves	Shoulder
Vinegar Hill Road	Two-lane undivided	Medium	Curved	Very narrow
Steere Place	Two-lane undivided	Medium	Curved	Narrow
Thomas Street	Two-lane undivided	Medium	Curved	Very narrow
Townsend Place	Two-lane undivided	Medium	Straight	Very narrow
Balmoral Road	Two-lane undivided	Medium	Straight	Wide
Riversong Road	Unsealed	Narrow	Straight	Narrow
Mangakino Lane	Two-lane undivided	Medium	Curved	Very narrow
Waitaua Road	Two-lane undivided	Narrow	Straight	Very narrow

#### Vinegar Hill Road Speed Technical Report

Lauries Drive	Two-lane undivided	Narrow	Torturous	Very narrow
Logan Cameron Road	Two-lane undivided	Narrow	Winding	Very narrow
Main Road	Two-lane undivided	Narrow	Winding	Very narrow
Saleyards Road	Two-lane undivided	Narrow	Curved	Very narrow
Jounneaux Road	Two-lane undivided	Medium	Curved	Very narrow

**Table 5: Road Characteristics**

### 5.5.1 Vinegar Hill Road

Vinegar Hill Road connects Tikipunga with State Highway 1 to the north. Although the road connects Tikipunga with State Highway 1, through traffic is limited due to the hilly and winding nature of the road. Through traffic from Tikipunga to State Highway 1 generally utilises Puna-Rere Drive (extension to Spedding Road) to access the Kamo Bypass (State Highway 1) as this route is generally faster.

Vinegar Hill Road is undulating with some significant hills. There are numerous accesses directly onto the main carriageway, often with limited visibility. Although the current posted speed limit on Vinegar Hill Road is 100kmph, the practical operational speed is expected to be significantly lower.



**Figure 7: Vinegar Hill Road**



## Vinegar Hill Road Speed Technical Report



**Figure 8: Vinegar Hill Road**



**Figure 9: Vinegar Hill Road**

### 5.5.2 Mangakino Lane

Mangakino Lane is primarily utilised as an access road. However, the carriageway is good quality and has two lanes that are clearly marked. The road incorporates gentle curves, with the narrow shoulder area limiting visibility.

### 5.5.3 Logan Cameron Road

Logan Cameron Road is a single lane road that provides access to residential dwellings and agricultural land. The carriageway is narrow, with a very narrow shoulder that incorporates a drainage ditch. Opposing vehicles expect to slow and move to the extreme edge of the carriageway to pass safely.

### 5.5.4 Main Road

Main Road is an access road with a good quality carriageway. There are two lanes that are clearly marked. The road incorporates gentle curves, with the narrow shoulder area limiting visibility in places.



Vinegar Hill Road Speed Technical Report



**Figure 10: Mangakino Lane**



**Figure 11: Logan Cameron Road**



**Figure 12: Main Road**



### 5.5.5 Saleyards Road

Saleyards Road forms a loop from State Highway 1 and connects back to State Highway 1 via the northern end of Vinegar Hill Road. Saleyards Road provides access to a stock sales yard, stock truck effluent disposal facility and other light industrial sites.



**Figure 13: Saleyards Road**

### 5.5.6 Jouneaux Road

Jouneaux Road is a single lane road that provides access to residential dwellings and agricultural land. The carriageway is narrow, with a very narrow shoulder that incorporates a drainage ditch on both sides. Opposing vehicles expect to slow and move to the extreme edge of the carriageway to pass safely.





**Figure 14: Jouneaux Road**

## 5.6 Adjacent Land-use

Adjacent land-use has a range of impacts on the road environment and a safe and appropriate speed within that road environment, including:

- Influencing the number of pedestrians and cyclists accessing the road corridor.
- Effecting the number of direct accesses onto the road carriageway, which in turn increases the risk of crashes.
- Impacting on the type of vehicles using the road, particularly the proportion of Heavy Goods Vehicles.

The southern, or city end of Vinegar Hill Road is characterised by existing urban development from Corks Road through to Balmoral Road where the current road speed limit transitions from 50kmph to 100kmph.

The adjacent land-use quickly transitions into a largely rural residential environment. Although the land has a largely rural outlook, the rural-residential development is of moderate density.

Saleyards Road is located at the northern end of Vinegar Hill Road and is near the Kauri Dairy Factory. There is a level railway crossing at Saleyards Road. Saleyards Road also has a significant stock sale-yard where stock auctions occur on a regular basis. There are additional businesses located around the Saleyards Road area, and this is reflected within the Whangarei District Plan, which has both Business 2 and Business 4 Environments adjacent to the Road.

### 5.6.1 District Plan

The Whangarei District Plan is the principle document that provides direction for future development within the District. It achieves this by setting policy and rules for development, including the identification of different environments where specific activities will be encouraged, including the density of development.

Within the Vinegar Hill Road review area, the Whangarei District Plan identifies six separate Planning Environments:

- Living 1
- Living 3
- Urban Transition
- Strategic Rural Industry Environment
- Rural Urban Expansion
- Rural Production

The relevant Planning Maps are contained in Appendix 1.

### 5.6.1.1 Living 1

The living 1 Environment includes general urban areas and incorporates a medium residential dwelling density with a current proposed plan change reducing individual lot sizes from 500m<sup>2</sup> to 450m<sup>2</sup>.

Zoning un-developed, or minimally developed land as Living 1 has the effect of "freeing" that land for urban development. The effects of transitioning toward a Living 1 Environment on the road include:

- An urban feel to the area with increased residential dwelling density
- Significantly greater direct access onto the adjoining roads from residential dwellings
- Increased numbers of pedestrians and cyclists
- More young people having direct access to the road environment
- Increased distractions for drivers
- Increased Average Daily Traffic Flows

Slow Streets or other traffic calming often feature within urban Living 1 Environments.

The speed environment within an urban Living 1 Environment is expected to be 50kmph. A 40kmph or less speed limit normally applies around schools, shopping centres or other features that increase the number of pedestrians or young people accessing the road environment, or where there is traffic calming measures in place.

### 5.6.1.2 Living 3

The Living 3 Environment is effectively a rural residential environment where residential land-uses are predominant with an average net lot size of 2000m<sup>2</sup>. Lots have either direct or indirect access to the road.

The effects of a Living 3 Environment on the road include:

- A moderate residential density, whilst maintaining a feeling that the driver is in a predominantly rural environment
- Increased direct access onto the adjoining roads from residential dwellings than would normally be expected within a rural environment
- Pedestrians (including small groups) utilising the road verge, or in the absence of a stable and flat road verge, the carriageway; particularly on weekends.
- High potential for obscured residential access-ways
- Average Daily Traffic Flows that are higher than would be expected for a rural environment

A safe and appropriate speed within a Living 3 rural residential environment is expected to be 80kmph or less.

### 5.6.1.3 Urban Transition Environment (UTE)

The Urban Transition Environment is a new zone within the District Plan.

The Urban Transition Environment promotes a minimum lot size of 5000m<sup>2</sup> giving rise to a low-density residential environment. The development of multiple residential dwellings within a working farm may be encouraged. This will lead to single road access points serving multiple residential dwellings.

The effects of the Urban Transition Environment on the road environment will be similar to a Living 3 Environment, albeit with an overall lower density of dwellings. There will be a greater number of multiple access points, as well as pedestrians and cyclists utilising the road environment.

A safe and appropriate speed within an Urban Transition Environment is expected to be 80kmph or less.

#### **5.6.1.4 Strategic Rural Industry Environment (SRIE)**

The Strategic Rural Industry Environment incorporates the previous Business 2 and Business 4 Environments (both heavy industry and light industrial uses). This environment incorporates the Croft Timber Mill and the Fonterra milk processing site and ancillary irrigation farms.

The Strategic Rural Industry Environment is located at the northern end of Vinegar Hill Road and is bounded by Saleyards Road, and State Highway 1 (south of Vinegar Hill Road) and extends to the north of Vinegar Hill Road between the railway line and State Highway 1.

The Fonterra milk processing site and ancillary irrigation farms extends along the northern side of Vinegar Hill for several hundred meters. This part of the environment is not expected to impact on Vinegar Hill Road or its catchment.

The SRIE is expected to generate a higher proportion of heavy vehicles and light to medium commercial vehicles. This has the potential effect of increasing the number of turning vehicles and slowing overall traffic flow.

A safe and appropriate speed within a Strategic Rural Industries Environment is expected to be 60kmph or less and reflect the nature of any adjacent environments.

#### **5.6.1.5 Rural Urban Expansion Environment**

The Rural Urban Expansion Environment provides for a density of rural residential development that lies between the densities of the Rural Living and (Urban) Living Environments. The area is managed to provide future capacity for urban expansion where infrastructure is extended. The Rural Urban Expansion Environment is generally low density.

The Rural Urban Expansion Environment extends along both the northern and southern sides of a significant part of Vinegar Hill Road.

A safe and appropriate speed within a Rural Urban Expansion Environment will be similar to that of a normal rural area, with reduced speed limits where urban expansion has occurred.

#### **5.6.1.6 Rural Production Environment**

The Rural Production Environment provides for a diverse range of rural production activities, including; commercial and industrial activities that have a functional need to service rural production activities; rural communities; or provide location-based recreation or tourist activities.

The Rural Production Environment is low density and the road environment has typically low traffic counts. It should be noted that these low traffic counts will vary, particularly where there is forestry or dairy activities. Roads are generally narrower with limited shoulder areas and may be unsealed.

A safe and appropriate speed within a Rural Production Environment is expected to be 80kmph or less, with a lower speed limit for unsealed roads; or where roads are particularly narrow; or with tight curves. A higher speed limit of 100kmph may be appropriate on key arterial routes where the road is in very good condition and safety measures are in place.

### **5.7 Intersections and Property Access**

The density of property access onto the main carriageway has a direct influence on the number of vehicles turning on and off the road, influencing crash risk in the following ways:

- Increased risk of side impact crashes where a vehicle accesses the carriageway and fails to give way to an oncoming vehicle.
- Vehicles travelling along the road also have a higher risk of encountering stationary vehicles on the carriageway, or vehicles travelling at a significantly lower speed.

In both instances, the risk of a crash increases where the carriageway width is limited or there is limited visibility. Higher densities of property accesses also indicate more potential for pedestrian and cycle activity on or near the carriageway. As property access density increases, the safe and appropriate speed on a given road should decrease.

#### Vinegar Hill Road Speed Technical Report

Property access density is indicative of the following:

- Urban areas: 20 or more per km
- Urban transition areas: 10 to 20 per km
- Rural residential: 5 to 15 per km
- General rural: 2 to 5 per km
- Remote rural: Less than 2 per km

Intersection density provides a measure of the frequency that vehicles may be crossing the carriageway; slowing to make a turn; or accelerating after having made a turn. Intersection and property access densities are set out in the table below where there is information available.

Road	Property Access / Km	Intersections / km
Vinegar Hill Road	Less than 5	Less than 2
Steere Place	More than 20	Urban <sup>1</sup>
Thomas Street	More than 20	Urban <sup>1</sup>
Townsend Place	More than 20	Urban <sup>1</sup>
Balmoral Road	More than 20	Urban <sup>1</sup>
Mangakino Lane	2 - 5	Less than 2
Waitaua Road	10 - 20	Less than 2
Lauries Drive	2 - 5	Less than 2
Logan Cameron Road	2 - 5	Less than 2
Main Road	2 - 5	Less than 2
Saleyards Road	Less than 5	2-3
Jounneaux Road	2 - 5	Less than 2

**Table 6: Property and intersection density**

**Notes:**

1. *Urban streets and roads have not been given a numerical estimate of intersections per km, but have been noted as being consistent with the general urban environment, which is a high number of intersections per km.*

## 5.8 Traffic Volumes

Traffic volumes within the Vinegar Hill Road catchment are Average Daily Traffic (ADT) flows over a 7-day period. The traffic volumes are not provided for all roads within the catchment as many are smaller access roads that do not connect to other roads. These access roads have generally low traffic volumes.

Road	Average daily traffic Count	% Heavy Goods Vehicles
Vinegar Hill Road	R 860 U 1345	R 5 U 5
Mangakino Lane	110	5
Waitaua Road	185	5
Logan Cameron Road	145	5
Main Road	100	5
Saleyards Road	600	10
Jounneaux Road	65	5

**Table 6: Estimated Traffic Volumes**

KETE DOC ID

## Vinegar Hill Road Speed Technical Report

The estimated traffic volumes are typical of a rural residential environment on the outskirts of Whangarei City. Heavy vehicles are concentrated at the northern end of Vinegar Hill Road where Saleyards and other rural industry is accessed.

### 5.8.1 Practical Operational Speed

The Practical Operational Speed, within the context of this report is the average speed driven along a particular road. Often the Practical Operational Speed of a road is significantly different from the posted speed limit and reflects the wider road environment and what the average driver perceives as a safe and appropriate speed.

The Practical Operational Speed utilises speed measurements taken over time to achieve an accurate average speed measure.

Road	Practical operational Speed	Posted Speed Limit	Proposed Speed Limit	Change in Average Journey Time <sup>1</sup>
Vinegar Hill Road	Average speed 70.6km/h	100kmph	80kmph	No change

**Table 7: Practical Operational Speeds**

Notes:

1. Practical Operational Speed is the average speed driven along a section of road.
2. The change in journey time is calculated using the difference between the proposed speed limit and the Practical Operational Speed over the length of the road.

### 5.9 Planned Modifications to the Road

There are a range of Plans and Strategies that potentially identify specific funding, plans or priorities that would give rise to road modifications within the review area. These are set out in the Table below.

Planning Document	Provisions for Review Area
Long-Term Plan (10 year)	No funding identified to upgrade or make significant engineering improvements to the roads within the review area.
Infrastructure Strategy (30 year)	No issues or funding options identified for significant modifications to the road, or immediate surrounds.
Asset Management Plans	Short-term projects within the review area are identified below.
Walking and Cycling Strategy	The roads within the review area are not part of the strategic tourism and recreational cycleway/walkway routes identified in the Strategy.
Other Plans and Strategies	There are no additional Plans or Strategies that apply to the roads within the review area.

**Table 8: Planned modifications to the road environment**

The following projects that may impact on speed limits within the review area are planned:

- Installation of a new guard rail on Vinegar Hill Road near Logan Cameron Road to address historic crashes at this location.
- Installation of a new guard rail at Waiatua Road



#### Vinegar Hill Road Speed Technical Report

- Realignment of Vinegar Hill Road near Riversong Road to enhance the geometric shape of the road
- Relocation of some power poles as part of a hazard reduction exercise
- Installation of additional curve advisory signs over the length of Vinegar Hill Road

### 5.10 Views of Interested Persons and Groups

The purpose of this Document is to set out those matters that Council must consider when reviewing speed limits. One of those matters is the views of interested persons or groups. This includes key stakeholders (as identified by Council) and the community adjacent to the road where new speed limits are proposed.

A Key Stakeholder Group has been identified by Council. This group includes:

- NZ Police
- The Automobile Association
- The Regional Land Transport Committee
- Regional Transport Associations (including Freight)
- Regional Road Safety Forum
- Road contractor representatives

The Key Stakeholder Group provides input into the overall prioritisation of speed reviews and other speed related issues through periodic workshops and direct requests for feedback. The Key stakeholder Group is also directly notified for feedback on specific speed reviews. The feedback received is incorporated into the final decision-making process for Council.

A consultation process, consistent with the requirements of Section 156 of the Local Government Act 2002 and the Setting of Speed Limits Rule 2017 is being undertaken. This process enables Council to obtain the views of the wider community before any final decision is taken.

## 6 Options Analysis

In assessing the options, a range of matters were considered, including the matters required by the Setting of Speed Limits Rule 2017 (refer above), and future development within, and adjacent to the review area.

In determining the proposed amendments to the speed limit within the review area, the following options have been considered:

- Option A:** No change to the current speed environment
- Option B:** Reduce the speed limit as proposed
- Option C:** Engineer the road to meet the current speed limits

This review of speed limits covers a wide area. The review itself is the result of considering a wide range of factors outlined in this Report. The Options Analysis therefore does not relate to individual roads but considers the high-level options.

### 6.1 Option A - No change to the current speed environment

The current speed limits include a 50kmph area that coincides with the urban areas at the Corks Road (southern) end of Vinegar Hill Road. The remainder of the catchment has a speed limit of 100kmph. The "no change" option would retain the existing speed limits.

The "no change" option has not been pursued because:

- The safe and appropriate speed for Vinegar Hill Road and its catchment is significantly slower than 100kmph. Attaining a speed of 100kmph on many parts of this road would require dangerous manoeuvres and crossing of the centreline with limited visibility.
- Vinegar Hill Road has a relatively narrow carriageway that climbs steeply with sharp curves and limited visibility in many areas. A continuation of the 100km/hr speed limit would require

eventual engineering solutions to create a safer environment for the predominantly rural residential land-uses.

- Vinegar Hill Road and the surrounding catchment area has significant rural residential land uses, with a high number of direct accessways onto the carriageway. Visibility from many of these accessways is limited by curves in the road.
- The Whangarei District Plan identifies a changing land use at the southern end of Vinegar Hill Road toward a more urbanised environment. Maintaining a higher speed limit in this area does not reflect the expected changes in the surrounding environment. The changing environment is expected to increase the number of pedestrian and cycling uses of the road.

Although it is possible to engineer solutions to retain a safe environment at the current posted speed limits, it is considered that these solutions would result in undesirable effects, including:

- Unsustainable cost to the community to design, engineer and construct an engineered solution.
- Engineering options would require the straightening of parts of the road, resulting in the need to take land to achieve this.

The “no change” option is not recommended.

## 6.2 Option B - Reduce the speed limit as proposed

Having assessed all of the matters that must be considered under the Setting of Speed Limits Rule 2017 and set out in this Report, it has been determined that reducing the speed limit as proposed is the preferred option for the following principle reasons:

- The proposed speed limits reflect an appropriate speed environment that better reflects the current practical operational speed for roads within the review area, based on current road environment, including adjacent land-uses and planned development.
- The reduction in speed will have significant safety benefits:
- The proposed speed limits will address current and planned development in and adjacent to the review area.
- The proposed slower speed limits will not have a significant effect on travel times.
- The proposed speed limits are consistent with the NZTA Speed Management Guidance 2016.

## 6.3 Option C - Engineer the road to meet the current speed limits

Engineering the roads to meet the current speed limit involves the implementation of a variety of engineering solutions to ensure that the road environment is at a standard that meets the posted speed limit.

Option C to engineer the road to meet current posted speed limits is not recommended for the following reasons:

- Council has a strategic plan for maintaining and upgrading roads on a district wide basis that considers population projections and other long-term planning aspects.
- Engineering roads to meet posted speed limits in the short-term is cost prohibitive.
- As roads are improved as part of an ongoing strategic plan, speed limits can be reviewed so that they match new engineered road environments.

## 6.4 Options Conclusions

Following an assessment of the options available with respect to the proposed amendments to the speed environment in the identified review area; and having considered the matters set out the Setting of Speed Limits Rule 2017; it is recommended that Option B is adopted by Council for consultation.



## 7 Significance of Change

The Whangarei District Speed Limits Bylaw 2019 is made under the Land Transport Act 1998 (LTA). Section 22AD of the LTA requires Council to consult with the community in accordance with the requirements of Section 156 of the Local Government Act 2002.

The significance of changing the Speed Limits Bylaw is assessed to determine the methodology of the consultation process to be undertaken.

### 7.1 Significance and Engagement Policy

The amendments to the Speed Limits Bylaw 2019 have been assessed against Whangarei District Council's Significance and Engagement Policy (2017). A determination has been made that the proposed amendments to the Bylaw, either individually or cumulatively **do not** meet the significance criteria in the Significance and Engagement Policy (2017).

### 7.2 Section 156 Assessment

Council has assessed the proposed changes in speed limits in accordance with Section 156 of the Local Government Act. Taken alongside the reviews of Ruakaka, One Tree Point, Marsden Point and Waipu catchment areas, it is considered that, collectively the proposals will give rise to significant public interest.

In accordance with Section 156 of the Local Government Act 2002, it has been determined that the proposed amendments to the Speed Limits Bylaw 2005 Schedules:

- Is not significant in terms of Council's Significance and Engagement Policy (2017)
- Do not give rise to a significant impact on the public but is likely to impact on the local community and give rise to significant public interest.

Given the above assessment, and in accordance with Section 156(1)(a) of the Local Government Act 2002, it is appropriate that Council consult on the proposed amendments in accordance with the Special Consultative Procedure set out in Section 83 of the Local Government Act 2002.

## 8 Consultation Process

Consultation is undertaken in accordance with the requirements of Section 83, 83A and 83AA of the Local Government Act 2002 and the Setting of Speed Limits Rule 2017.

### 8.1 Local Government Act Requirements

In accordance with the requirements of Sections 83 – 86 of the Local Government Act, Council has produced a Statement of Proposal that is publicly available. The Statement of Proposal includes details of how interested persons can present their views to Council by making a submission and when submissions can be made.

This Report is intended to provide additional detailed information, including the information that must be considered in accordance with the Setting of Speed Limits Rule 2017.

### 8.2 Setting of Speed Limits Rule Requirements

Section 2.5 of the Setting of Speed Limits Rule 2017 sets out the consultation requirements when setting a speed limit, and includes a requirement to consult with the following:

- The occupiers of any properties adjoining the road to which the proposed bylaw applies
- Any affected local community
- The Commissioner of Police
- Any other organisation or road user group that the road controlling authority considers affected
- The New Zealand Transport Agency

In terms of "other organisations or road user groups", The Northland Transport Alliance, which Whangarei District Council is part of, has established a Key Stakeholders Group. This Group includes the Northland Police, NZTA and representatives from the Northland Road Safety Forums, NZ Road Carriers Association and the Regional Land Transport Committee.

Northland Automobile Association (AA) are also included in the Key Stakeholders Group.

### 8.3 Giving Effect to Consultation Requirements

The consultation requirements of the Local Government Act and the Setting of Speed Limits Rule will be given effect to via direct notification of key stakeholders. In addition, the organisations identified in 7.2 (above) will also be directly notified. Direct notification will include:

- A summary of the proposed amendments
- Where further information is available
- How to present your views to Council (Having your say)

Given the extent of the review area, it is considered that direct notification of the occupiers of properties adjoining the roads that are subject to a proposed change in speed limit is not reasonably practicable. Council will therefore notify the proposed changes in the normal manner for a Bylaw review.

Council will proceed with a communications strategy that publicises and promotes the proposed changes to as wide an audience as possible. This may include:

- Public notice in appropriate media across the District
- Direct notification of community groups within the review area
- Notices on local notice boards and businesses
- Media releases, including social media advertising
- Information on council's website and at Council Service Centres

Following the close of submissions, submitters who wish to present their views to Council in person will be provided an opportunity to do so; and will be advised of the process.

## 9 Making a Submission

Any person or organisation can make a submission on the proposed amendments to speed limits within the Vinegar Hill Road Catchment Area.

Submissions can be made, either electronically online; by email; or on paper; and should:

- State the submitters name, address and contact phone number or Email
- Clearly state the road or roads that the submission point relates to.
- Whether you support or oppose the proposed new speed limit.
- Your reasons for why you support or oppose the proposed speed limit.
- Other matters that you think Council should consider.

**All submissions must be received by 5pm, Monday 9<sup>th</sup> December 2019**

You can make a submission online at: [www.wdc.govt.nz/Speedbylaw](http://www.wdc.govt.nz/Speedbylaw), or

Email your submission to: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz), or

Post your submission to:

Speed Reviews

Whangarei District Council

Private Bag 9023

**Whangarei 0148**

Vinegar Hill Road Speed Technical Report

Submissions can also be hand delivered to the Whangarei District Council Office at Forum North in Rust Avenue, Whangarei, or at any Service Centre.

**Notes:**

All submitters that request it, have a right to further present their views to Council. Anyone wishing to present their views to Council personally will be advised of the process following the close of submissions.

Feedback received from the community will be considered, along with a range of other matters in reaching a final decision on the proposals within this document.

The Council is legally required to make all written or electronic submissions available to the public and to Councillors; this may include the name and address of the submitter. The submissions, including all contact details provided, will be available to the public, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

If you consider there to be a compelling reason why your contact details and/or submission should be kept confidential, you should contact Council on 09 438 4200 or 0800 932 463

## **10 Where Can I Get More Information?**

Copies of this Report and the Summary Document can be viewed on Whangarei District Councils website at [www.wdc.govt.nz/speedbylaw](http://www.wdc.govt.nz/speedbylaw).

Alternatively, copies of this Report and the Summary Document can be viewed at any Whangarei District Council Offices or Library.

<b>Whangarei</b>	Forum North, Rust Avenue
	Library, Rust Avenue
<b>Ruakaka</b>	Ruakaka Service Centre, Takutai Place

Alternatively, call the Whangarei District Council on 09 430 4200 or 800 932 463.

or email: [Mailroom@wdc.govt.nz](mailto:Mailroom@wdc.govt.nz)

Environment Maps	Resource Areas Maps	Coastal Areas Maps
<p>Northpower Critical Overhead Lines CEL</p> <p>Northpower Critical Underground Lines CEL</p> <p>Multi Title Site</p> <p>Rescue Helicopter Flight Path</p> <p>Designation</p> <p>Scheduled or Overlay Area: S# label</p> <p>Oil Refinery Overlay</p> <p>Living Overlay</p> <p>Business 1</p> <p>Business 2</p> <p>Business 3</p> <p>Business 4</p> <p>Town Basin</p> <p>Port Nikau</p> <p>Marsden Point Port</p> <p>Airport</p> <p>Living 1</p> <p>Living 2</p> <p>Living 3</p> <p>Kamo Walkability</p> <p>Marsden Primary Centre</p> <p>Urban Transition</p> <p>Ruakaka Equine</p>	<p>Rural (Urban Expansion)</p> <p>Rural Living</p> <p>Rural Production</p> <p>Rural Village Centre</p> <p>Rural Village Industry</p> <p>Rural Village Residential</p> <p>Strategic Rural Industry</p> <p>Fonterra Kauri Milk Processing SRIE</p> <p>Open Space</p> <p>Papakāinga</p> <p>Future Marine Village</p> <p>Future Environment</p> <p>Heritage Trees</p> <p>Heritage Buildings, Sites &amp; Objects</p> <p>Sites of Significance to Maori</p> <p>Building Line Restriction</p> <p>Esplanade Priority Area</p> <p>Runway</p> <p>Air Noise Boundary</p> <p>Outer Control Boundary</p> <p>Coastal Hazard 1</p> <p>Coastal Hazard 2</p> <p>Flood Susceptible Areas</p> <p>Mining Hazard Area 1</p> <p>Mining Hazard Area 2</p> <p>Mining Hazard Area 3</p> <p>Scheduled Historic Area</p> <p>Scheduled Area or Overlay Area</p> <p>Helicopter Hovering Area</p> <p>QRA Quarrying Resource Area</p> <p>QRA Mining Area</p> <p>QRA Buffer Area</p> <p>QRA 500m Indicative Setback</p> <p>Goat Control Areas</p>	<p>Coastal Area</p> <p>Outstanding Natural Character Area</p> <p>Outstanding Natural Landscape</p> <p>High Natural Character Area</p>

All Maps	
Northpower Tower CEL-Cat1	National Grid Tower
Northpower Overhead Critical Line Cel-Cat1	National Grid Line
State Highway	Arterial Road
Collector Road	Local Road
Indicative Road	Coastline
Coast, rivers and streams	

Approach and Deployment Flightpath for Rescue Helicopter operating from the St John Ambulance Station on Western Hills Drive (SH 1). The flightpath and adherence to it is administered by the Civil Aviation Authority.

Coastline indicates the mean high water springs (MHWS), which also indicates the jurisdiction boundary between the Northland Regional Council and the Whangarei District Council.

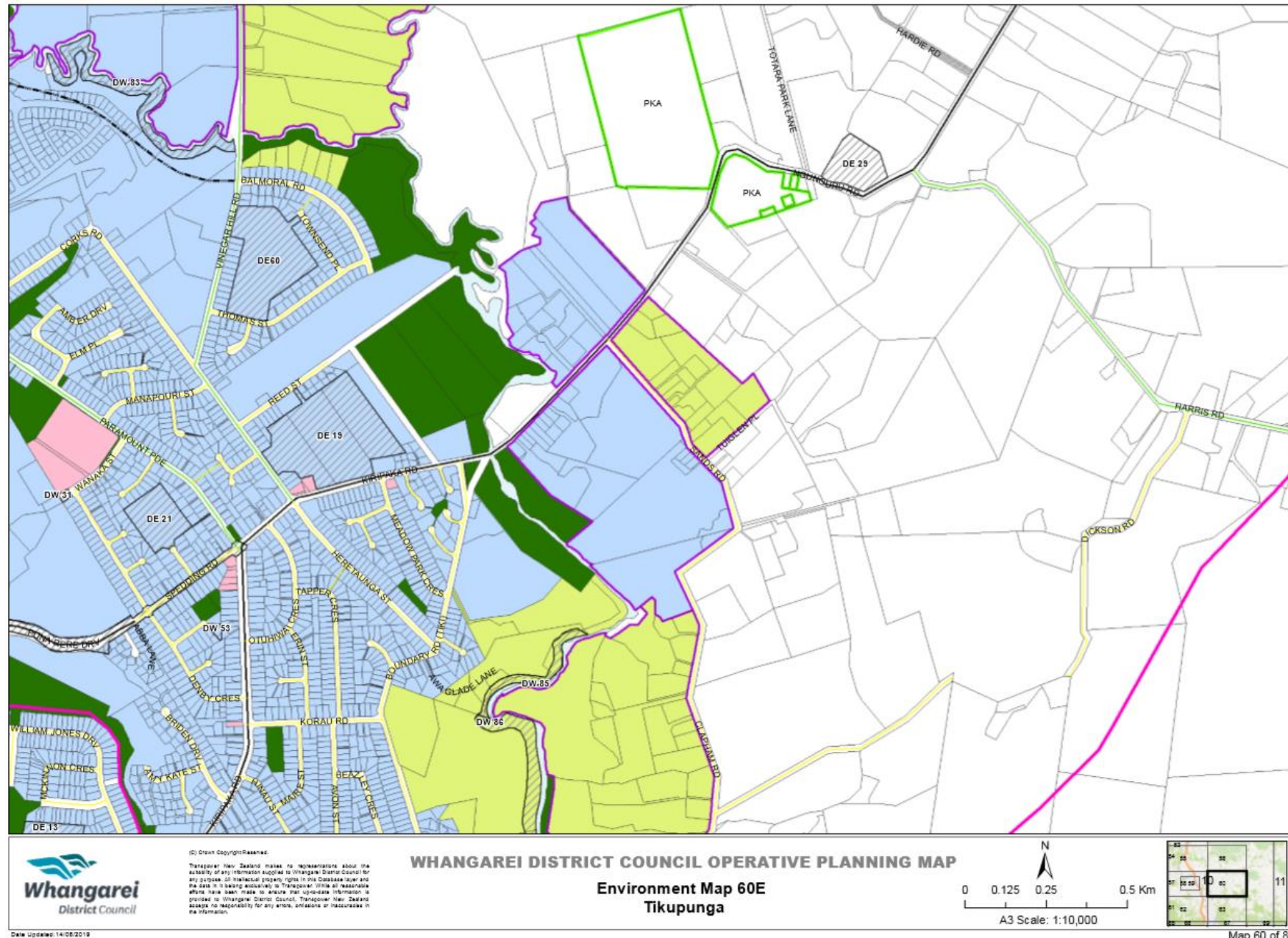
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Whangarei District Council also holds other land hazard information.

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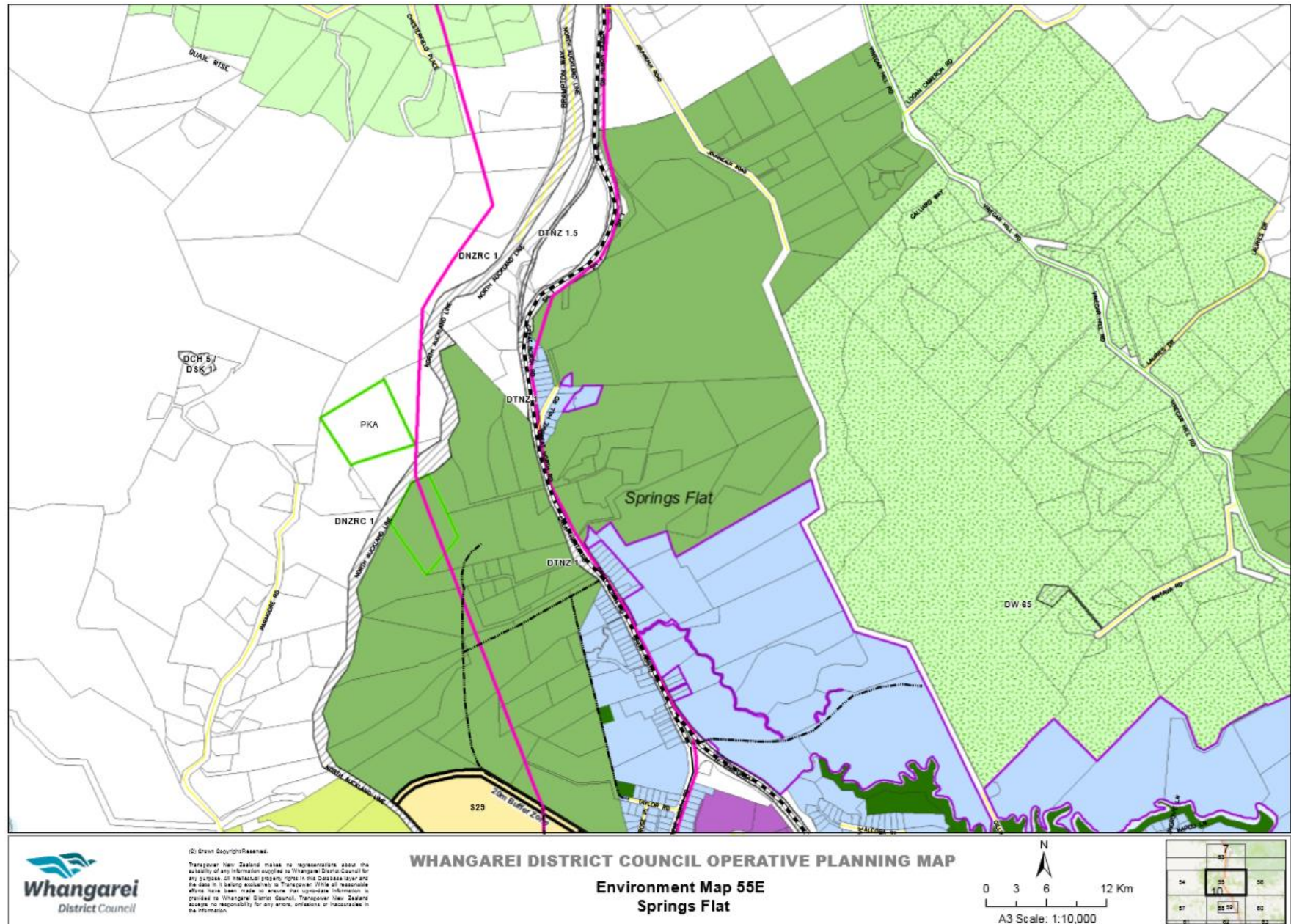
# Vinegar Hill Road Speed Technical Report



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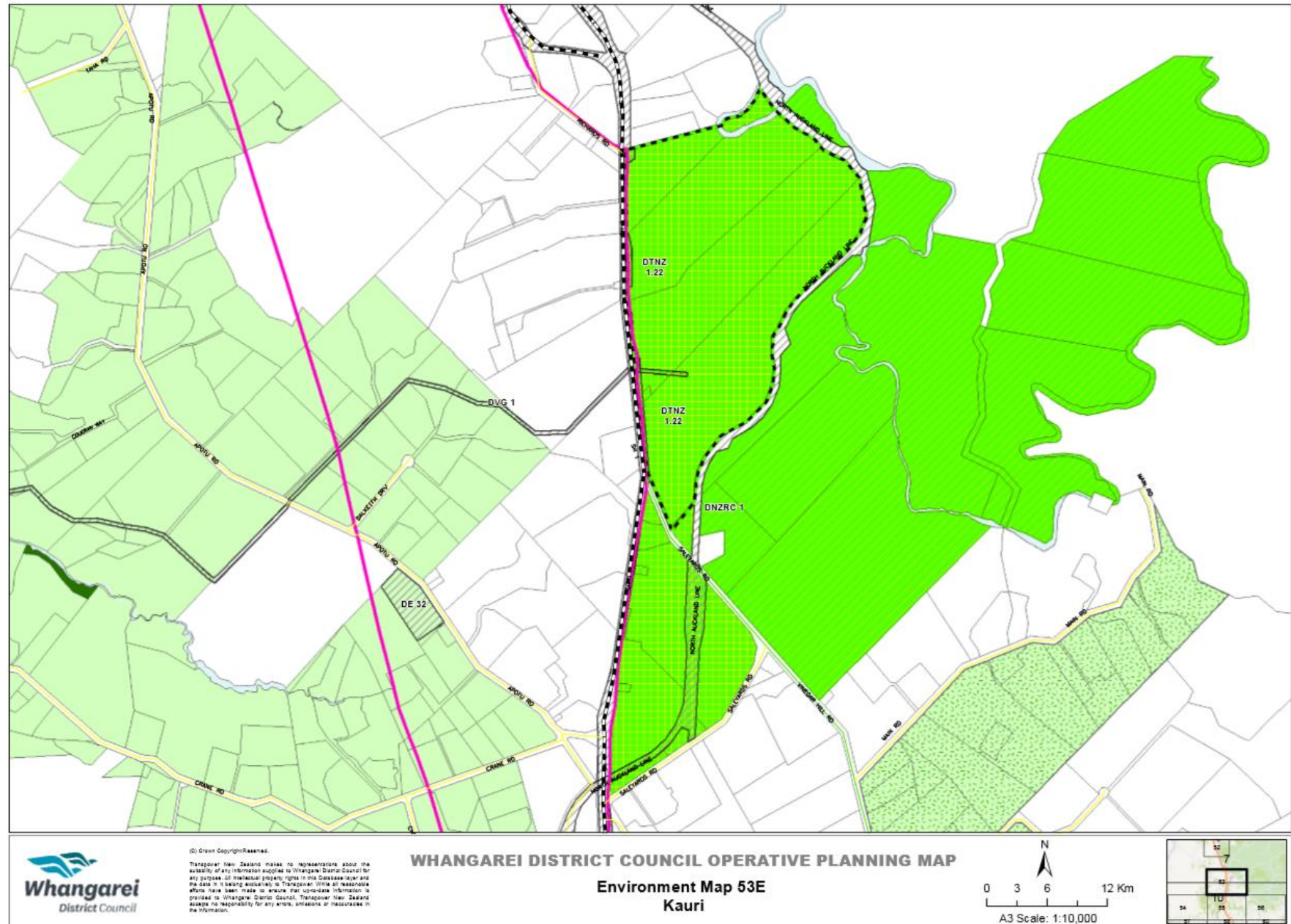


# Vinegar Hill Road Speed Technical Report





# Vinegar Hill Road Speed Technical Report





## ***Regional Speed Limit Reviews***

### ***One Tree Point / Marsden Road Catchment***

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## Appendix 1: District Plan Maps

## 1 Overview

Whangarei District Council (Council) is a Road Controlling Authority (RCA) within the Whangarei District, and has a statutory role in managing the District's local roads (except State Highways), including the setting of speed limits. This statutory role as an RCA is set out under the Land Transport Act 1998, which also enables Council to make a bylaw that fixes the maximum speed of vehicles on any road for the safety of the public, or for the better preservation of any road (*Section 22AB(1)(d)*).

The Whangarei District Speed Limits Bylaw 2019 sets the speed limits on all local roads within the District. The Schedules in the Bylaw identify the enforceable speed limits and where they apply.

Council is proposing to amend the posted speed limits on roads within the One Tree Point / Marsden Point / Ruakaka Catchment Area, including Flyger Road, Yovich Road and Prescott Road.

This Report sets out the proposed changes to the Schedules of the Whangarei District Speed Limits Bylaw 2019, along with the matters that Council has considered in proposing the new speed limit, including:

- A summary of the proposed amendments to the Whangarei District Speed Limits Bylaw 2019 (new speed limits)
- Reasons for the proposed amendments
- Targeted consultation process
- Matters considered under Section 4.2(2) of the Setting of Speed Limits Rule 2017
- Options analysis

Submissions are sought from any person or organisation and must be received by Council no later than **Monday 9<sup>th</sup> December 2019**.

### 1.1 Road Speed Environments

NZTA Speed Management Guidance provides general guidance in assessing a safe and appropriate speed based on the type of road and other broad-based assessment criteria. The following provides a regionally consistent description of the expectations for various speed limits.

20kmph	<p>Shared space areas where the principle use is for pedestrians. These areas will typically incorporate street furniture.</p> <p>Roads that are used principally for parking purposes and do not have through traffic.</p>
30kmph	<p>Shared Space areas that provide equal access to pedestrians, cyclists and motor vehicles</p> <p>Beach access, including informal parking for pedestrian access to beaches</p> <p>Most beaches</p>
40kmph	<p>Urban areas where there are facilities that generate significant additional pedestrian activity such as schools, shopping centres, sports facilities or other developed recreational areas.</p> <p>Central Business District areas, particularly where there is on-road parking and pedestrians crossing roads at either controlled or uncontrolled crossing points, but not a formal shared space.</p>

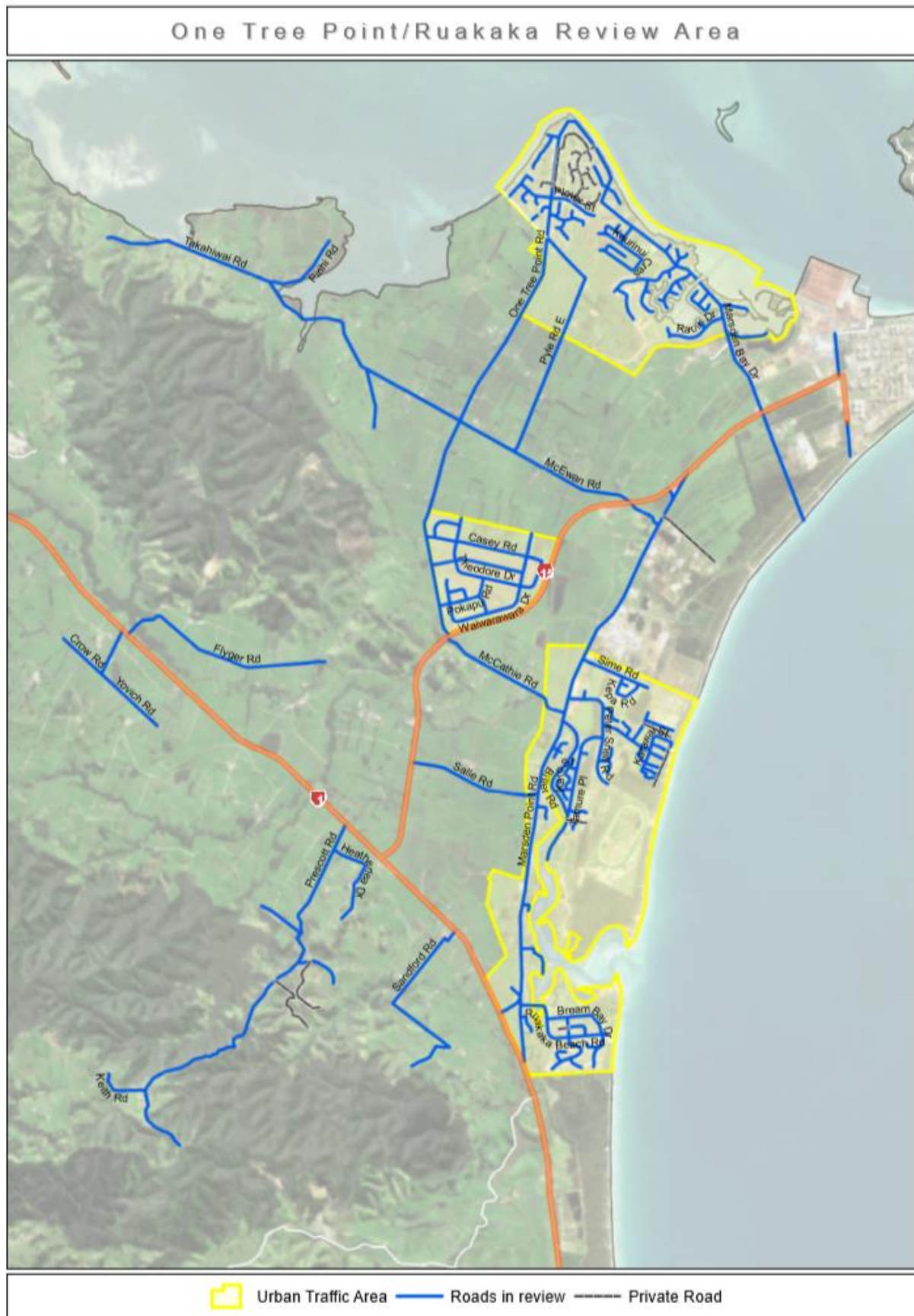
50kmph	Urban roads that have a high residential density, but no facilities that would generate significant additional pedestrian activity such as schools, shopping centres, sports facilities or other developed recreational areas.
60kmph	<p>Semi-urban or rural roads that meet one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>• Significant industrial or commercial activity</li> <li>• A road principally used for access to rural residential dwellings with a narrow single lane carriageway or a carriage way that has no center line marking</li> <li>• A road where significant residential or other development is directly accessed, including approaches to urban areas.</li> <li>• Urban arterial routes</li> <li>• An access road that is unsealed</li> </ul>
70kmph	In accordance with National Speed Management Guidance, 70kmph zones are generally discouraged and will only be used where there is clear evidence that both 60kmph and 80kmph are inappropriate. Where there is an existing 70kmph zone, consideration will be given to the benefits of changing that speed limit to 60kmph or 80kmph.
80kmph	General rural roads that are un-divided two-lane roads with marked centre lines, shoulder areas and are not torturous in terms of curves.
90kmph	In accordance with National Speed Management Guidance, 90kmph zones are generally discouraged and will only be utilised in exceptional circumstances.
100kmph	Rural open roads that are of good quality and principally used as arterial routes. Typically, these roads will have good visibility; shoulder areas; and will be two lane roads with marked centre lines; or a barrier between opposing lanes. Safety features will also be in place on these roads.

## 2 Review Area

The review area incorporates the Marsden Point area to the northeast of State Highway 1 as generally identified in Figure 1 below and includes:

- Flyger Road
- Yovich Road
- Crow Road
- Prescott Road and all roads directly connected to it
- Takahiwai Road and all roads directly connected to it
- One Tree Point Urban Traffic Area
- Ruakaka Urban Traffic Area
- Marsden City Development





**Figure 1: Speed Management Review Area**

**Note:** Some road names have not been included in the maps as the font size is too large for the map scale or because they are located within an existing Urban Traffic Area. Please refer to tables for all road names.

### 3 Summary of Proposed Amendments

In Whangarei District Council's capacity as the Road Controlling Authority (RCA), the following amendments to the posted speed limits within the Speed Review Area are proposed:

#### 3.1 One Tree Point Urban Traffic Area

The proposed changes to the One Tree Point Urban Traffic Area is intended to incorporate new urban development within the Marsden Cove Development area. The proposed changes to the boundary are set out in Table 1 below and Figure 2.

One Tree Point Urban Traffic Area Existing Boundary	Proposed New Boundary and Speed Limits within the Urban Traffic Area
One Tree Point Road (50m south of Pyle East Road)	<ul style="list-style-type: none"> <li>Extend 190m south along One Tree Point Road.</li> </ul>
Pile Road East (260m southeast of One Tree Point Road)	<ul style="list-style-type: none"> <li>Extend 440m southeast along Pyle Road East (incorporating Pyle Road East) to a point 600m south of the sharp bend in the road. The new Urban Traffic Area Boundary will follow property boundaries from One Tree Point Road connecting to Pyle road East approximately 90m south of the sharp bend.</li> </ul>
Pile Road East to Rauiri Drive	<ul style="list-style-type: none"> <li>Extend from Pyle Road East, following Lot Boundaries, connecting back to the existing Urban Traffic Area Boundary south of Rauiri Drive, incorporating Existing Lots 717 DP 424777.</li> </ul>
Marsden Bay Drive	<ul style="list-style-type: none"> <li>Extend boundary south to Papich road and incorporate Papich Road.</li> </ul>

**Table 1: Summary of proposed boundary changes of the One Tree Point Urban Traffic Area, and related speed limits.**

#### 3.2 Ruakaka Urban Traffic Area

There are no proposed changes to the boundaries of the Ruakaka Urban Traffic Area. Table 2 below sets out proposed changes to speed limits within the Urban Traffic Area.

Road	Existing Posted Speed Limit	Proposed Speed Limit
Marsden Point Road from State Highway 1 to Miraka Road	70kmph	60kmph
Marsden Point Road from Miraka Road to 70 meters north of the intersection with Sime Road.	70kmph	50kmph
Sime Road from the intersection with Marsden Point Road to a point 110 meters to the east of the eastern most intersection with Kepa Road	70kmph	60kmph
Ruakaka Beach Road East of the intersection with Bream Bay Drive (Beach Access)	50kmph	30kmph
Te Kamo Street (Beach Access)	50kmph	30kmph
Karawai Street	50kmph	30kmph

**Table 2: Summary of proposed speed limit changes in the Ruakaka Urban Traffic Area**

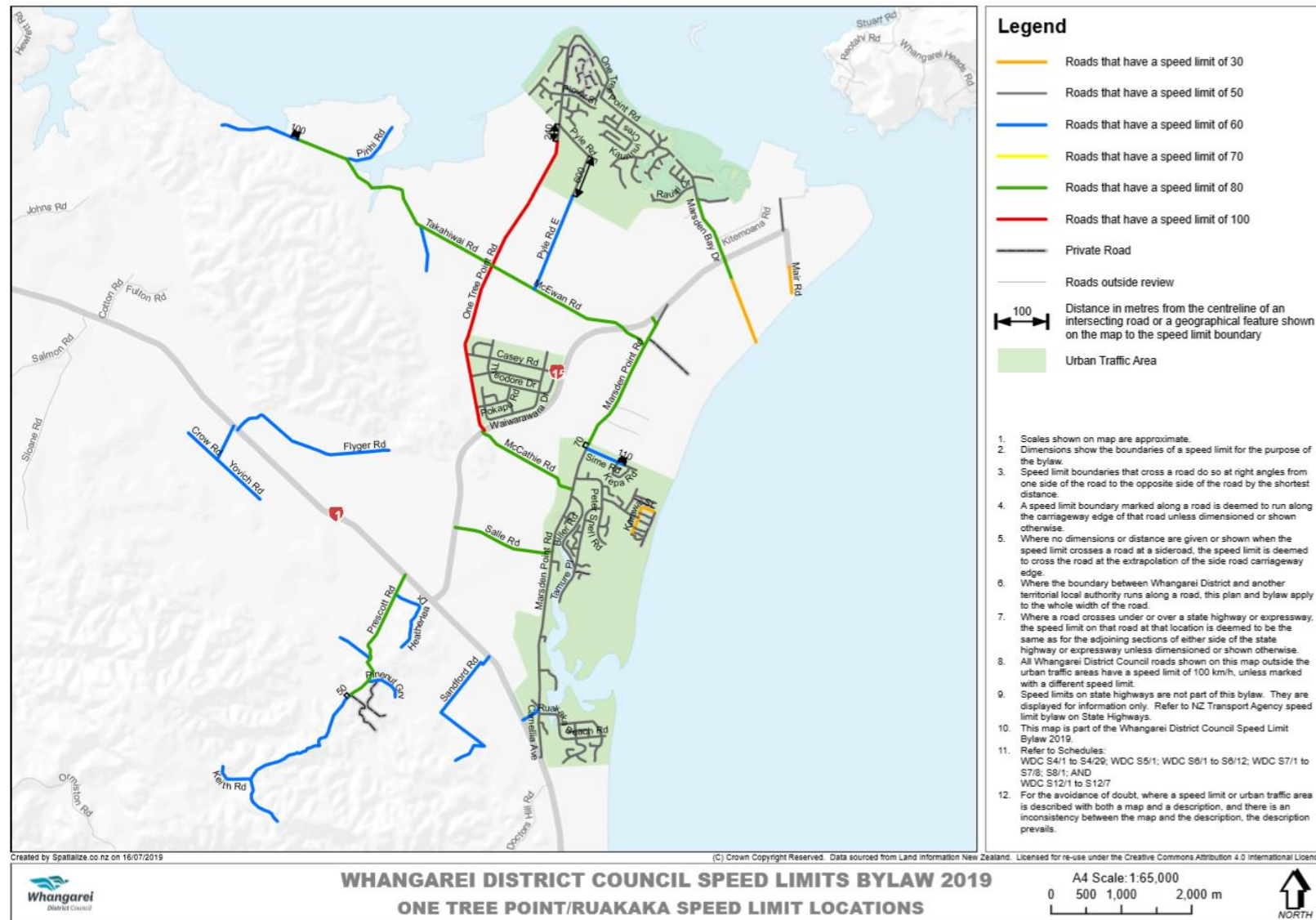


Prescott Road from the intersection of State Highway 1 to a point 50m before the end of the seal.	100kmph	80kmph
Prescott Road from a point 50m before the end of the seal to the end of the road.	100kmph	60kmph
Heatheriea Road	100kmph	60kmph
Sail Rock Road	100kmph	60kmph
Pinenut Grove	100kmph	60kmph
Ruakaka Ridge View	100kmph	60kmph
Keith Road	100kmph	60kmph
Yovich Road	100kmph	60kmph
Crow Road	100kmph	60kmph

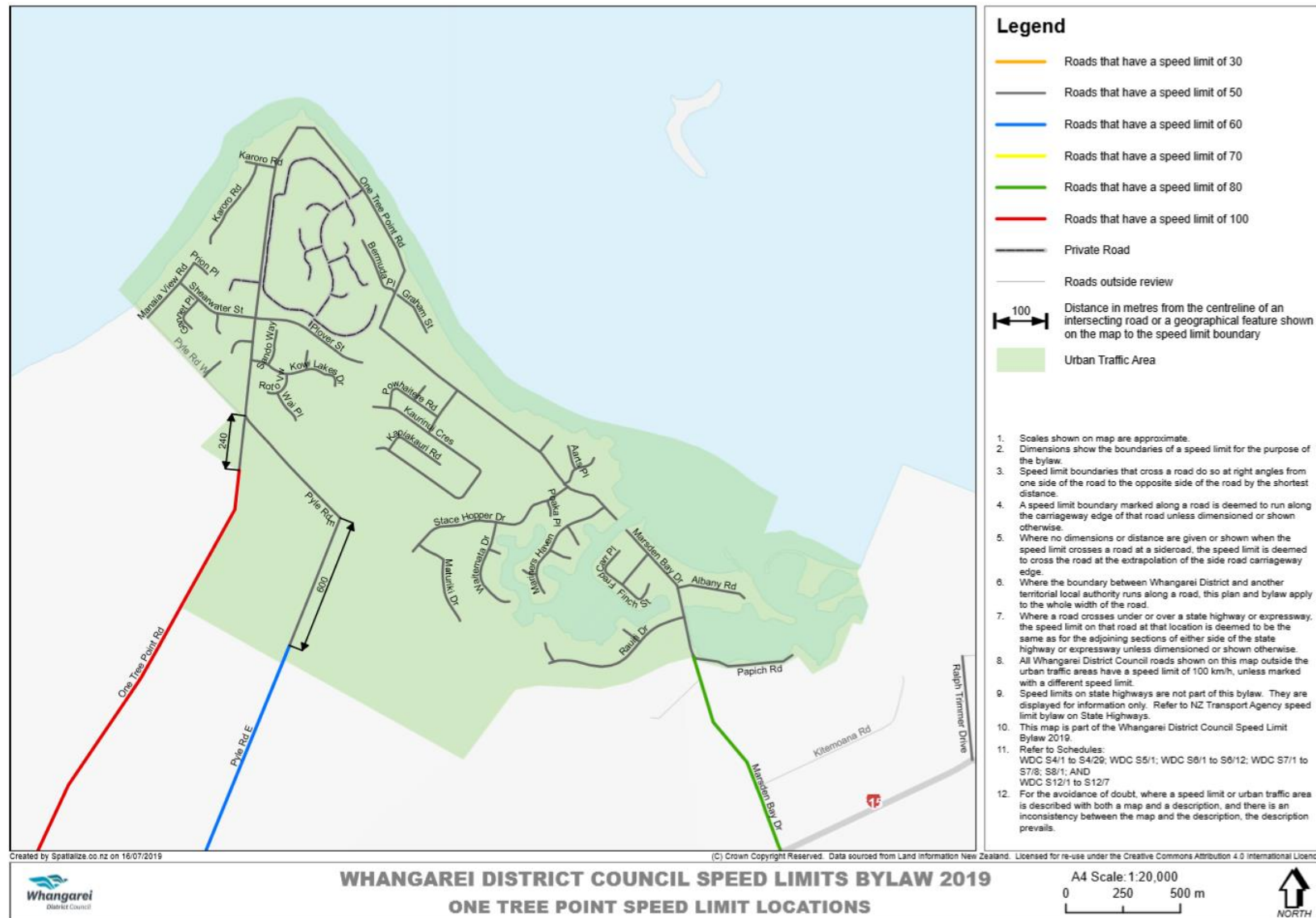
**Table 3: Summary of proposed Speed Limit changes in the wider Marsden Point catchment area**

The following maps set out the proposed new speed limits for the Marsden Point catchment area, including Urban Traffic Areas in One Tree Point and Ruakaka, and the proposed new Urban Traffic Area for Marsden City.

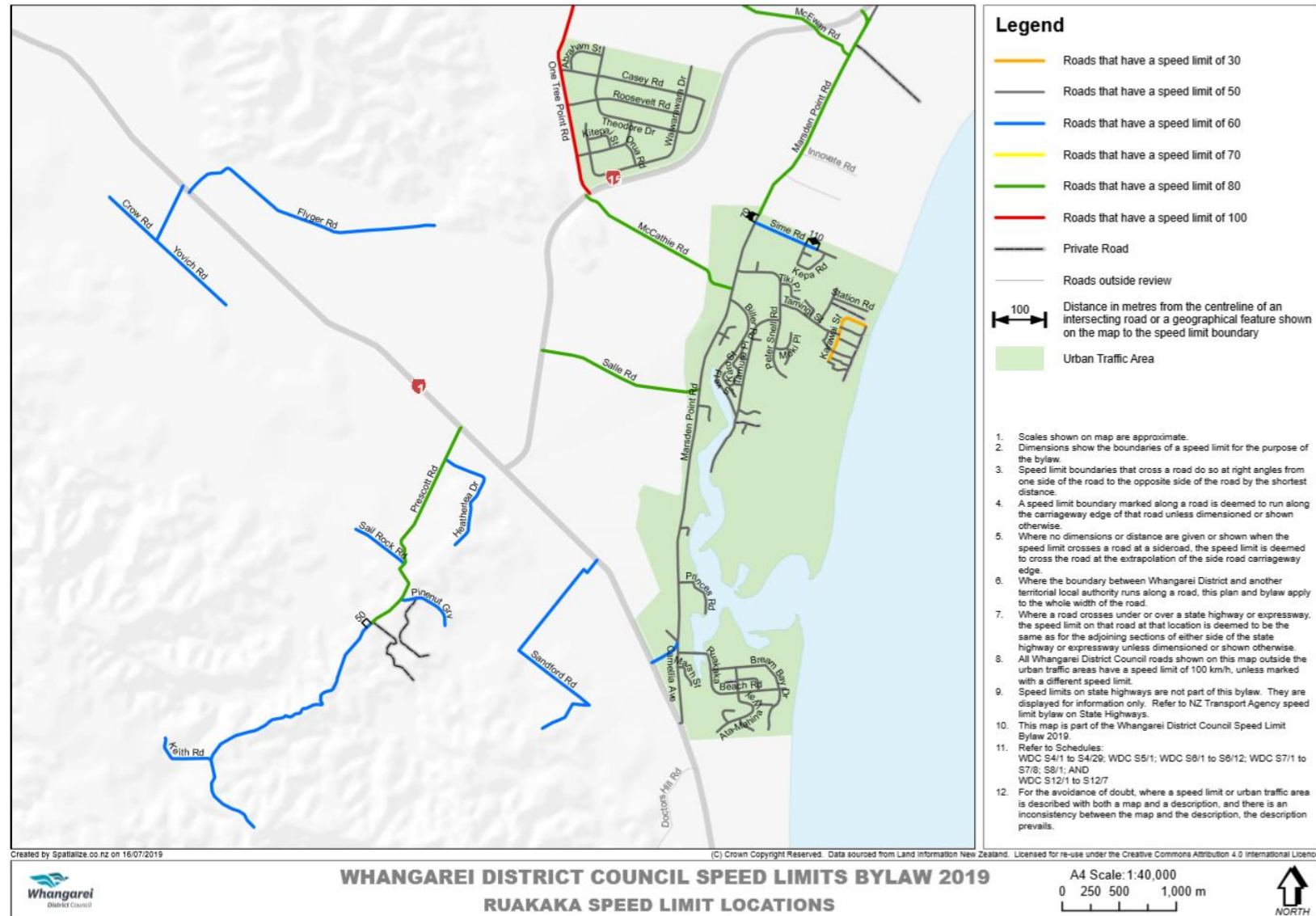




**Figure 2: Marsden Point catchment proposed speed limits**



**Figure 3: One Tree Point Urban Traffic Area proposed speed limits**



**Figure 4: Ruakaka Urban Traffic Area proposed speed limits**



## 4 Reasons for Change

Section 22AB(1)(d) of the Land Transport Act 1998 provides for a Road Controlling Authority to make a Bylaw to set a speed limit for the safety of the public, or for the better preservation of any road. Council amended and updated its Speed Limit Bylaw in 2019.

Council, as the Road Controlling Authority are reviewing speed limits across the Whangarei District as part of central government Safer Journey's Strategy, with the goal of setting safe and appropriate speed limits that will reduce fatal and serious injury crashes. The proposed changes to speed limits also takes account of the changing road environment, including the volume of traffic as well as current and planned development.

In response to new sub-division development, along with an assessment of the safe and appropriate speed for the road environment, Council is proposing to amend speed limits in the Marsden Point catchment area, including One Tree Point and Ruakaka. The primary reasons for the amendments are:

- To better match the road speed limit with the wider environment to lower the potential for fatal, serious injury and minor crashes.
- To respond to a changing wider road environment, including existing; new; and planned access from residential land-uses onto the main carriageway.
- Lower the potential for fatal and serious injury crashes involving pedestrians and cyclists within a growing semi-urban environment by providing for a safe and appropriate speed limit that recognises that environment.

The identified Marsden Point catchment area has also been specifically identified for a speed review for the following reasons:

- It has been identified as a High Benefit (second 5%) road catchment for a speed review
- The catchment area is well defined and will lead to consistency in speed limits
- There is a strong community perception that current speed limits are too high in some areas, particularly on Marsden Point Road in the vicinity of the Ruakaka Shopping Centre and Bream Bay College.

### 4.1 Marsden Point Road

It is proposed to reduce the speed limit from 70kmph to 50kmph along much of this road for the following reasons:

- There is significant residential development along the road, with more residential development occurring on the northern side of the road.
- The Ruakaka Shopping Centre, Bream Bay College and other businesses are located along this road.
- A reduction in the speed limit will increase safety, particularly for pedestrians by encouraging south bound Heavy Goods Vehicles to utilise State Highway 15A in preference to Marsden Point Road.

### 4.2 Pyle Road East

It is proposed to extend the One Tree Point Urban Traffic Area to incorporate a larger section of Pyle Road East, reducing the speed limit from 100kmph to 50kmph. It is also proposed to reduce the speed limit from 100kmph to 60kmph on the remainder of Pyle Road East for the following reasons:

- Pyle Road East is an unsealed road with a very narrow carriageway, which does not allow opposing vehicles to pass safely without moving onto the relatively narrow shoulder area.
- The section of Pyle Road East that the extended Urban Traffic Area encompasses has residential dwellings with direct access onto the carriageway.

### 4.3 Takahiwai Road

It is proposed to reduce the speed limit of the sealed section of Takahiwai Road from 100kmph to 80kmph, and the unsealed section from 100kmph to 60kmph for the following reasons:

- The sealed section of Takahiwai Road has a narrow carriageway, with single lane bridges and limited shoulder areas.
- The unsealed section of Takahiwai Road has a narrow carriageway, single lane bridges and limited shoulder width.

### 4.4 One Tree Point Road

It is proposed to retain the 100kmph speed limit on One Tree Point Road. This road is an important arterial commuter route for One Tree Point residents commuting to Whangarei. The road has a wide carriageway, is of good quality and has safety features designed into the road.

Significant intersections, including into Marsden City where there may be significant right turning traffic have marked turning bays enabling traffic to turn safely.

### 4.5 Beach accesses

It is proposed to reduce sections of beach access roads to 30kmph for the following reasons:

- These roads are generally unsealed and are used for access purposes only
- There is a high potential for casual pedestrian usage of these roads, including informal beach parking

### 4.6 Other Roads

It is proposed to reduce the speed limit on most roads in the Marsden Point catchment area, outside the identified Urban Traffic Areas. The roads generally have low traffic volumes, but also have narrow carriageways and limited shoulder areas. The roads are also in generally poor to moderate condition; or are unsealed and have little or no designed safety features.

The design speed of these roads is significantly lower than the current 100kmph speed limit.

## 5 Setting of Speed Limits Rule considerations

The purpose of the Setting of Speed Limits Rule 2017 is to give effect to a nationally consistent and evidence-based approach to speed management and to provide a mechanism for road controlling authorities to set speed limits for roads in their jurisdictions.

Section 4.2(2) of the Setting of Speed Limits Rule 2017 requires a range of matters to be considered when reviewing and setting a speed limit. The following sets out the matters which Council has had regard to in setting the proposed speed limit within the review area.

### 5.1 NZTA Information

NZTA provide larger scale information and crash data. NZTA data has been utilised throughout the Speed Management Review, and includes, but is not restricted to:

- Crash data reported to NZTA through the Police
- Risk assessments, including Personal, Collective and Infrastructure Risk assessments
- Safe and appropriate speed data and assessment

Large scale NZTA data forms the basis for the speed management assessments undertaken and set out in this Report.

NZTA is also a member of the Key Stakeholders Group to facilitate consultation on speed reviews.

## 5.2 Speed Management Guidance

NZTA *National Speed Management Guide 2016* provides nationally consistent guidance for setting speed limits. The Speed Management Rule 2017 provides the process for reviewing speed limits across the District.

The Speed Management Guidance 2016 document has provided the basis for the assessments and processes (including consultation processes) utilised in this speed management review. Speed Management Guidance has been utilised to identify the starting point for proposed speed limits.

NZTA Speed Management Guidance promotes larger, catchment wide reviews in areas that are identified as high benefit. This Speed Review focusses on the Marsden Point catchment area and some surrounding roads and is consistent with guidance in this respect.

## 5.3 Function and Use of the Road

The One Network Road Classification (ONRC) is a framework that provides a consistent system for the classification of roads throughout New Zealand. The ONRC considers the needs of all road users, be they motorists, cyclists or pedestrians.

Initial assessments of appropriate levels of service, safety features and speed ranges are made based on the function and classification of the road. The initial assessment does not consider local factors and provides a starting range for identifying an appropriate speed limit for a given road. The initial speed ranges are based on Figure 1.4 of the NZ Speed Management Guide 2016 (below).

Classification	Straight open road /urban motorways	Curved open road	Winding open road	Urban (not motorway)
<b>Class 1</b> High volume national	<b>100–110km/h<sup>4</sup></b>  Depends on design and safety risk (e.g. divided 4–5 star, grade separated intersections, safety barriers) and factoring in enforcement thresholds			
<b>Class 2</b> National, Regional, Arterial	<b>80–100km/h</b>  Depends on safety risk and whether volumes justify investment to bring the road up to 3 star equivalent, also enforcement thresholds		<b>60–80km/h</b>	<b>50km/h</b>
<b>Class 3</b> Primary and secondary collector				60–80km/h where safety risk allows, e.g. fewer intersections, mode separation for active users
<b>Class 4</b> Access and low-volume access  All winding/tortuous	<b>60–80km/h</b> Depending on roadside development, pedestrian and cyclist volumes, whether sealed or not			30–50km/h
				30km/h if high volumes of cyclists/pedestrians  Recognise access and place  10km/h for Shared Spaces

**Figure 4: Recommended safe and appropriate speed ranges for Road classes: NZTA: NZ Speed Management Guidance, 2016**

The review area consists of the roads set out in the Table below, along with the ONRC classification, road type and initial speed estimate range:

Marsden Point Catchment	ONRC Classification	Type of Road	Speed Range
Marsden Point Road from Sime Road to SH 15A	ONRC 2	Arterial	80 – 100kmph
Sime Road	ONRC 3	Secondary Collector	80 – 100kmph
McCathie Road	ONRC 3	Secondary Collector	80 – 100kmph
Salle Road	ONRC 3	Secondary Collector	80 – 100kmph
McEwen Road	ONRC 3	Secondary Collector	80 – 100kmph
Bens View Road	ONRC 4	Access	60 – 80kmph
Rama Road	ONRC 4	Access	60 – 80kmph
Marsden Bay Drive	ONRC 3	Primary Collector	80 – 100kmph
Mair Road (Beach access)	ONRC 4	Access	30 – 50kmph
Ralph Trimmer Drive <sup>3</sup>	ONRC 3	Secondary Collector	30 – 50kmph
Papich Road	ONRC 4	Access	60 – 80kmph
Pyle Road East <sup>1</sup>	ONRC 4	Access	60 – 80kmph
One Tree Point Road	ONRC 3	Primary Collector	80 – 100kmph
Takahiwai Road <sup>2</sup>	ONRC 3	Secondary Collector	80 – 100kmph
Ted Erceg Road	ONRC 4	Access	60 – 80kmph
Pirihi Road	ONRC 4	Access	60 – 80kmph
Flyger Road	ONRC 4	Access	60 – 80kmph
Sandford Road	ONRC 4	Access	60 – 80kmph
Prescott Road	ONRC 4	Access	60 – 80kmph
Heatheriea Road	ONRC 4	Access	60 – 80kmph
Sail Rock Road	ONRC 4	Access	60 – 80kmph
Pinenut Grove	ONRC 4	Access	60 – 80kmph
Ruakaka Ridge View	ONRC 4	Access	60 – 80kmph
Keith Road	ONRC 4	Access	60 – 80kmph
Yovich Road	ONRC 4	Access	60 – 80kmph
Crow Road	ONRC 4	Access	60 – 80kmph

**Notes**

1. Speed range based on unsealed nature of road primary for access purposes
2. Takahiwai Road 60kmph – 80kmph from one lane bridge between Ted Erceg Road and Pirihi Road due to winding nature of road and later unsealed road.
3. Speed range is based on industrialised nature of road, coupled with beach access

## 5.4 Crash Risk

Crash data is primarily sourced from data that is reported to NZTA from the NZ Police and often does not report minor, non-injury crashes or near misses. The overall crash data provides a current personal and collective risk rating for the specified road, which are set out in the Table below.

<b>Marsden Point Catchment</b>	<b>Collective Risk<sup>1</sup></b>	<b>Personal Risk<sup>2</sup></b>	<b>Infrastructure Risk<sup>3</sup></b>
Marsden Point Road from Sime Road to SH 15A	Medium High	High	Low
Sime Road	Low	Unknown	Low Medium
McCathie Road	Low Medium	Medium	Medium
Salle Road	Low	Low Medium	Medium
McEwen Road	Low Medium	High	Medium
Bens View Road	Low	Unknown	Low Medium
Rama Road	Low	Unknown	Medium
Marsden Bay Drive	Low	Unknown	Medium High
Mair Road (Beach access)	Low	Unknown	Medium
Ralph Trimmer Drive	Low	Unknown	Medium High
Papich Road	Low	Unknown	Medium High
Pyle Road East	Low Medium	High	Medium High
One Tree Point Road	Low Medium	Medium	Medium
Takahiwai Road	Low	Unknown	Medium
Ted Erceg Road	Low	Unknown	High
Pirihi Road	Low	Unknown	Medium High
Flyger Road	Low	Unknown	High
Sandford Road	Low Medium	Medium	High
Prescott Road	Low	Unknown	High
Heatheriea Road	Low	Unknown	Medium High
Sail Rock Road	Low	Unknown	High
Pinenut Grove	No Information	No Information	No Information
Ruakaka Ridge View	No Information	No Information	No Information
Keith Road	Low	Unknown	High
Yovich Road	Low	Unknown	High
Crow Road	Low	Unknown	High

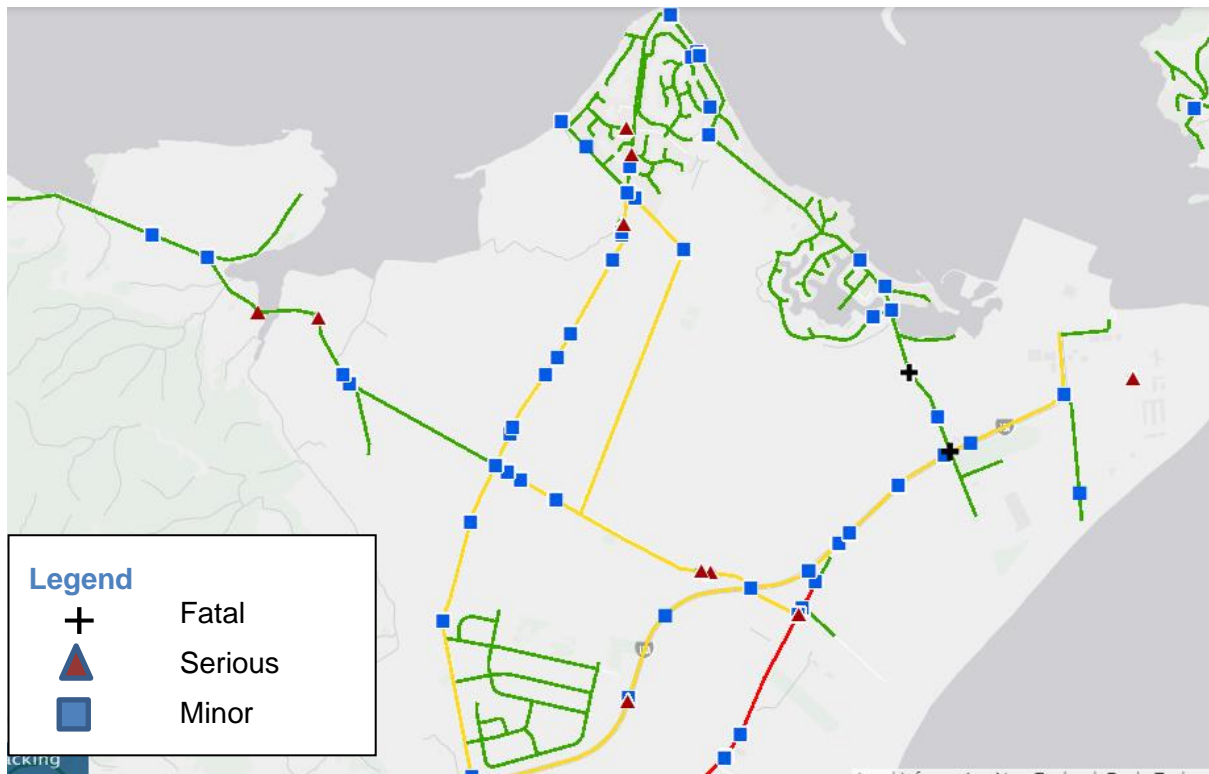
**Notes:**

1. Collective Risk is a measure of the total number of fatal and serious injury crashes per kilometre over a section of road. Collective risk does not take account of the volume of traffic on the road
2. Personal Risk is a measure of the danger to each individual using a road. Personal risk takes into account the traffic volumes on the section of road.
3. Infrastructure Risk utilises a road assessment methodology designed to assess road safety risk based on eight key design and infrastructure features.
4. Unknown Risk indicates that there is insufficient data available to determine the specific risk factor.

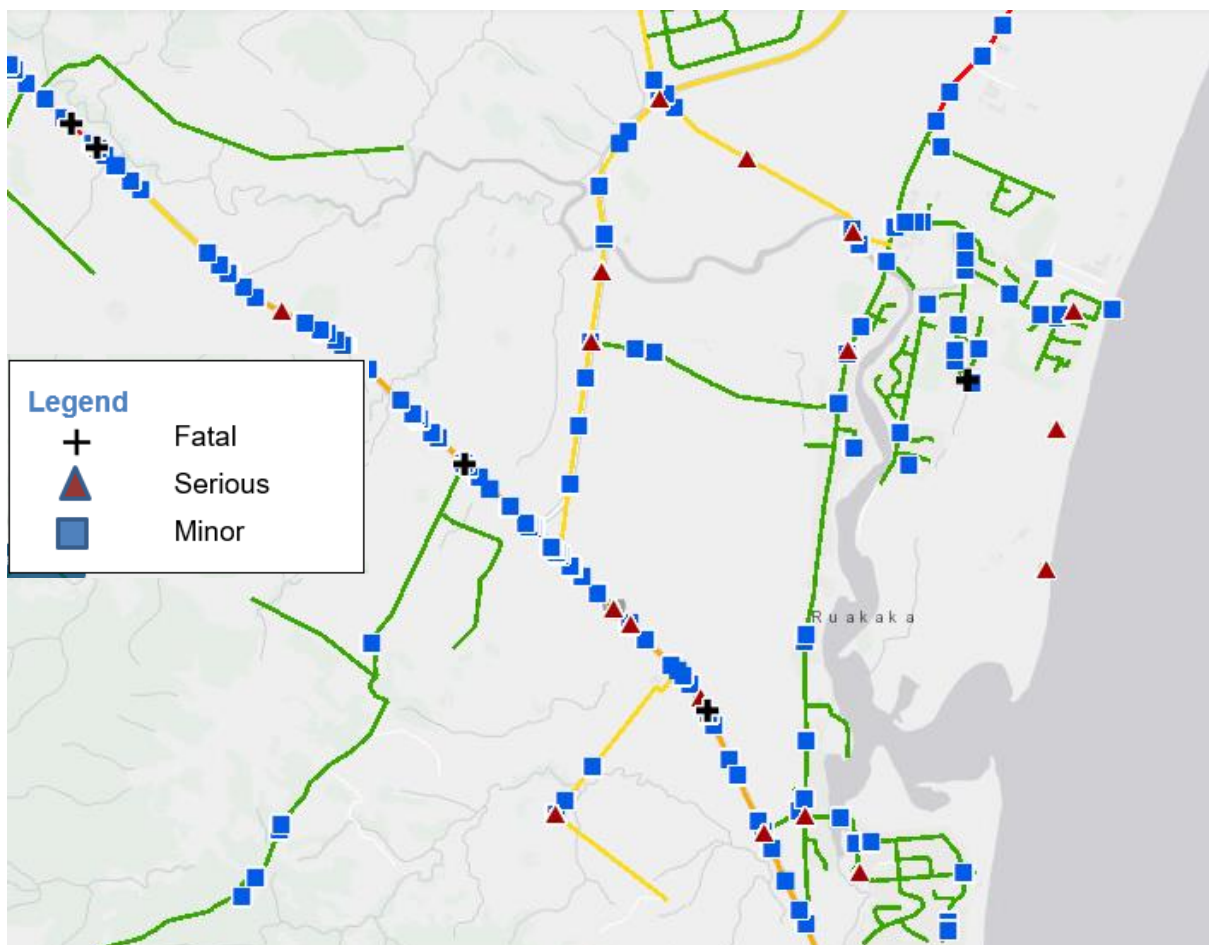
A review of crash data reported to NZTA through the NZ Police in the ten years from 2008 to 31 March 2018 is set out in Figures 5 and 6. The crash data indicates a consistent distribution of both minor and serious crashes throughout the review area, with clusters



along Marsden Point road, particularly in the vicinity of the Ruakaka Shopping Centre and Bream Bay College.



**Figure 5: Reported crashes in review area (north) 2008 - 2018**



**Figure 6: Reported crashes in review area (south) 2008 - 2018**

The characteristics of the road include the physical characteristics of the road that have an impact on crash risk such as the type of seal and shoulder width. The general environment also determines the characteristics of the road and crash risk, for example pedestrians and parking. The Table below sets out the significant physical characteristics of the roads where a speed limit change is proposed.

Marsden Point Catchment	Road Character	Lane Width	Curves	Shoulder
Marsden Point Road from SH 1 to Sime Road	Two lane Undivided	Medium	Straight	Wide
Marsden Point Road from Sime Road to SH 15A	Two lane Undivided	Medium	Straight	Wide
Salle Road	Two lane Undivided	Medium	Straight	Very narrow
McCathie Road	Two lane undivided	Medium	Curved	Very narrow
McEwen Road	Two lane undivided	Medium	Straight	Very narrow
Bens View Road	Two lane undivided	Medium	Straight	Very narrow
Rama Road	Two lane undivided Part unsealed	Medium	Straight	Narrow
Marsden Bay Drive	Two lane Undivided	Medium	Curved	Narrow
Mair Road (Beach access)	Two lane Undivided	Medium	Curved	Wide
Ralph Trimmer Drive	Two lane Undivided	Medium	Winding	Very narrow
Papich Road	Two lane Undivided	Medium	Winding	Very narrow
Pyle Road East	Unsealed	Narrow	Straight	Very narrow
One Tree Point Road	Two lane Undivided	Medium	Straight	Very narrow
Takahiwai Road (sealed section)	Two lane Undivided	Medium	Curved	Very narrow
Takahiwai Road (unsealed section)	Unsealed	Narrow	Curved	Very narrow
Ted Erceg Road	Unsealed	Narrow	Curved	Very narrow
Pirihi Road	Two lane Undivided	Narrow	Curved	Very narrow
Flyger Road	Unsealed	Narrow	Curved	Very narrow
Sandford Road	Unsealed	Narrow	Curved	Very narrow
Prescott Road (sealed section)	Two lane Undivided	Medium	Winding	Very narrow
Prescott Road (unsealed section)	Unsealed	Medium	Torturous	Very narrow



Marsden Point Catchment	Road Character	Lane Width	Curves	Shoulder
Heatheriea Road	Two lane Undivided	Narrow	Winding	Very narrow
Sail Rock Road	Unsealed	Narrow	Winding	Wide
Pinenut Grove	Unsealed	Narrow	Winding	Very narrow
Ruakaka Ridge View	Unsealed	Narrow	Winding	Very narrow
Keith Road	No information			
Yovich Road	Unsealed	Narrow	Curved	Very narrow
Crow Road	Unsealed	Narrow	Curved	Very narrow

### 5.6 Adjacent Land-use

Adjacent land-use has a range of impacts on the road environment and a safe and appropriate speed within that road environment, including:

- Influencing the number of pedestrians and cyclists accessing the road corridor.
- Effecting the number of direct accesses onto the road carriageway, which in turn increases the risk of crashes.
- Impacting on the type of vehicle using the road, particularly the proportion of Heavy Goods Vehicles.

Land-use within the review area ranges from the urban area of Ruakaka and One Tree Point through to rural with the following general land-uses:

#### Urban

Incorporating One Tree Point and Ruakaka Urban Traffic Areas, which are currently zoned Living 1 and have a medium residential dwelling density.

The One Tree Point urban area includes Marsden Cove Marina development, which is currently expanding.

The Marsden Point area provides significant employment opportunities, particularly with Marsden Port and the Marsden Point Oil Refinery. There is also expanding light industrial activities between Ruakaka and Marsden Point. This generates short distance vehicle movements for residents that live and work locally.

Residents that live in Ruakaka and One Tree Point and commute to Whangarei primarily utilise State Highway 15A and One Tree Point Road to access State Highway 1 north. Ruakaka residents also access State Highway 1 off Marsden Point Road. Commuters accessing State highway 1 generally only undertake short journeys on smaller local roads to access the main arterial routes.

Maintaining a 100kmph speed limit on the main arterial route of One Tree Point Road, coupled with State highway 15A, will ensure that overall travel times for commuters between Whangarei and One Tree Point or Ruakaka will not be significantly impacted.

**Business and Industrial** – These areas incorporate the Marsden Point Oil Refinery, Marsden Point Port, Marsden City and a range of light to medium industrial areas to the north of Ruakaka along Marsden Point Road.

There is a substantial and growing workforce servicing the business and industrial areas of the Marsden Point area. This workforce can be characterised in two distinct groupings:

- Local workforce that live in Ruakaka and One Tree Point or the local surrounds
- Non-local workforce that commute to the Marsden Point area, principally from Whangarei

The main business and industrial areas are located along State Highway 15A and to a lesser extent, along Marsden Point Road to the north of Ruakaka. In addition, there is a new



Zoning un-developed, or minimally developed land as Living 1 has the effect of “freeing” that land for urban development. The effects of transitioning toward a Living 1 Environment on the road include:

- An urban feel to the area with increased residential dwelling density
- Significantly greater direct access onto the adjoining roads from residential dwellings
- Increased numbers of pedestrians and cyclists
- More young people having direct access to the road environment
- Increased distractions for drivers
- Increased Average Daily Traffic Flows

The speed environment within an urban Living 1 environment is expected to be 50kmph, with slower speeds in areas where there are schools, shopping centres or other features that increase the number of pedestrians or young people adjacent to, or within the road environment. Slow Streets or other traffic calming often feature within urban Living 1 Environments.

#### **5.6.1.2 Business 2**

The Business 2 Environment enables a range of retail and office accommodation and light industrial activities. Activities that generate up to 200 traffic movements per day (24 hours) are permitted, with larger traffic movements a Controlled Activity (Consent will be granted but may be subject to conditions).

The Business 2 Environment has the effect of increasing the number of vehicles, including Heavy Goods Vehicles accessing the road environment. This has the effect of increasing the number of turning vehicles and slowing overall traffic flow.

Business 2 Environments are located along Marsden Point Road and Marsden Bay Road.

#### **5.6.1.3 Business 4**

The Business 4 Environment primarily contains heavy industrial areas, including Marsden Point Oil Refinery and the Marsden Point Port.

The Business 4 Environment enables heavy industrial activities, and strongly discourages retail, residential and other associated land-uses. Activities that generate up to 200 traffic movements per day (24 hours) are permitted, with larger traffic movements a Controlled Activity (Consent will be granted but may be subject to conditions).

The Business 4 Environment is expected to generate a higher proportion of heavy vehicles and light to medium commercial vehicles. This has the potential effect of increasing the number of turning vehicles and slowing overall traffic flow.

Within the review area, access to Business 4 Environments is via State Highway 15A.

#### **5.6.1.4 Rural Production**

The majority of the review area is zoned as Rural Production or general rural. The general rural areas have very low residential dwelling density, with most dwellings associated with rural land uses.

General land uses include but are not limited to agriculture and other industries and are not expected to generate large volumes of traffic. In rural countryside areas, road hazards such as stock, slow moving tractors and other rural hazards can be expected.

### **5.7 Intersections and Property Access**

The density of property access onto the main carriageway influences the number of vehicles turning on and off the road, influencing crash risk in the following ways:

- Increased risk of side impact crashes where a vehicle accesses the carriageway and fails to give way to an oncoming vehicle.

- Vehicles travelling along the road also have a higher risk of encountering stationary vehicles on the carriageway, or vehicles travelling at a significantly lower speed.

The risk of a crash increases where the carriageway width is limited, or there is limited visibility. As property access density increases, the safe and appropriate speed on a given road should decrease.

Property access density is indicative of the following:

- Urban areas: 20 or more per km
- Urban transition areas: 10 to 20 per km
- Rural residential: 5 to 15 per km
- General Rural: 2 to 5 per km
- Remote rural: Less than 2 per km

Intersection density provides a measure of the frequency that vehicles may be crossing the carriageway, slowing to make a turn or accelerating after having made a turn. Intersection and property access densities are set out in the Table below, excluding roads within Urban Traffic Areas.

Road	Property Access / Km	Intersections / km
Marsden Point Road	10 - 20	2 - 3
Salle Road	2 - 5	Less than 1
McCathie Road	2 - 5	Less than 2
Sime Road	10 - 20	3 - 5
McEwen Road	2 - 5	Less than 2
Bens View Road	More than 20	Not applicable
Marsden Bay Drive	2 - 5	Less than 2
Mair Road (Beach access)	2 - 5	Less than 2
Ralph Trimmer Drive	2 - 5	2 - 3
Papich Road	2 - 5	2 - 3
Pyle Road East	2 - 5	Less than 1
One Tree Point Road	2 - 5	Less than 2
Takahiwai Road (sealed section)	2 - 5	Less than 1
Takahiwai Road (unsealed section)	2 - 5	Less than 1
Ted Erceg Road	2 - 5	2 - 3
Pirihi Road	2 - 5	Less than 2
Flyger Road	2 - 5	Less than 1
Sandford Road	2 - 5	Less than 1
Prescott Road (sealed section)	2 - 5	Less than 2
Prescott Road (unsealed section)	Less than 2	Less than 1
Keith Road	2 - 5	Less than 1
Heatheriea Road	2 - 5	Less than 1
Sail Rock Road	2 - 5	Less than 2
Yovich Road	2 - 5	Less than 2
Crow Road	2 - 5	2-3

**Table 6: Property and intersection density**

## 5.8 Traffic Volumes

Traffic volumes within the Marsden Point catchment are Average Daily Traffic (ADT) flows over a 7-day period. The traffic volumes are not provided for all roads within the catchment as many are smaller access roads that do not connect to other roads. These access roads have generally low traffic volumes.

Marsden Point Catchment	Average daily traffic Count	% Heavy Goods Vehicles
Marsden Point Road from SH 1 to Sime Road	2785	8
Marsden Point Road from Sime Road to State Highway 15A	3055	8
Salle Road	735	8
McCathie Road	735	8
Mcewen Road	555	8
Marsden Bay Drive	2011	10
Pyle Road East	210	8
One Tree Point Road (outside the Urban Traffic Area).	2280	4
Takahiwai Road.	425	8
Prescott Road	255	8

**Table 7: Estimated Traffic Volumes**

### 5.8.1 Practical Operational Speed

The Practical Operational Speed, within the context of this Report is the average speed driven along a particular road. Often the Practical Operational Speed of a road is significantly different from the posted speed limit and reflects the wider road environment and what the average driver perceives as a safe and appropriate speed.

The Practical Operational Speed utilises speed measurements taken over time to achieve an accurate average speed measure.

Road	Practical operational Speed	Posted Speed Limit	Proposed Speed Limit	Change in Average Journey Time <sup>1</sup>
Marsden Point Road	Average speed driven 50km/hr	70	50	No change
Marsden Bay Drive	98+% of the speed driven 68km/hr	100	80	No change
One Tree Point Road	Average speed driven 92.2km/hr	100	100	No change

**Table 8: Practical Operational Speeds**

Notes:

1. Practical Operational Speed is the average speed driven along a section of road.
2. The change in journey time is calculated using the difference between the proposed speed limit and the Practical Operational Speed over the length of the road.

### 5.9 Planned Modifications to the Road

There are a range of Plans and Strategies that potentially identify specific funding, plans or priorities that would give rise to road modifications within the review area. These are set out in the Table below.

Planning Document	Provisions for Review Area	
Long-Term Plan (10 year)	Project	Proposed Start Date
	McEwen Road upgrade	2024 - 2028
	One Tree Point Upgrade	2024-2028
	Ruakaka Beach Road upgrade	2024-2028
Infrastructure Strategy (30 year)	No issues or funding options identified for significant modifications to the road, or immediate surrounds.	
Asset Management Plans	Short-term projects within the review area are identified below.	
Walking and Cycling Strategy	<p>A proposed connection incorporating One Tree Point, Marsden Cove and Ruakaka is proposed. This route is may incorporate Takahiwai Road, Marsden Bay Drive and parts of Marsden Point Road. Provincial Growth Funding is currently being applied for to complete this route.</p> <p>The Te Araroa National walking trail utilises part of Marsden Point Road, and in particular the bridge across Ruakaka River.</p>	
Other Plans* and Strategies	There are no additional Plans or Strategies that apply to the roads within the review area.	

*\*Note: District Plan provisions effect the surrounding land uses and is discussed in 5.6.1 (above).*

The following projects that may impact on speed limits within the review area are planned:

- Footpath development to make a continuous connection between Marsden Yacht Club and One Tree Point School. This project will be staged over three years, commencing in the 2019/20 Financial Year. This project is expected to increase the number of young people walking along parts of One Tree Point Road, along the harbourside.
- Traffic calming on Peter Snell Road in Ruakaka, from Marsden Point Road to the Ruakaka Race Track.

### 5.10 Views of Interested Persons and Groups

The purpose of this Document is to set out those matters that Council must consider when reviewing speed limits. One of those matters is the views of interested persons or groups. This includes key stakeholders (as identified by Council) and the community adjacent to the road where new speed limits are proposed.

A Key Stakeholder Group has been identified by Council. This group includes:

- NZ Police
- The Automobile Association
- The Regional Land Transport Committee



- Regional Transport Associations (including Freight)
- Regional Road Safety Forum
- Road contractor representatives

The Key Stakeholder Group provides input into the overall prioritisation of speed reviews and other speed related issues through periodic workshops and direct requests for feedback. The Key stakeholder Group is also directly notified for feedback on specific speed reviews. The feedback received is incorporated into the final decision-making process for Council.

A consultation process, consistent with the requirements of Section 156 of the Local Government Act 2002 and the Setting of Speed Limits Rule 2017 is being undertaken. This process enables Council to obtain the views of the wider community before any final decision is taken.

## 6 Options Analysis

In assessing the options, a range of matters were considered, including the matters required by the Setting of Speed Limits Rule 2017 (refer above), and future development within, and adjacent to the review area.

In determining the proposed amendments to the speed limit within the review area, the following options have been considered:

- Option A:** No change to the current speed environment
- Option B:** Amend the speed limit as proposed
- Option C:** Engineer the road to meet the current speed limits

This review of speed limits covers a wide area. The review itself is the result of considering a wide range of factors outlined in this Report. The Options Analysis therefore does not relate to individual roads but considers the high-level options.

### 6.1 Option A - No change to the current speed environment

Having assessed all the matters that must be considered under the Setting of Speed Limits Rule 2017 and set out in this Report; Option A is not being pursued for the following reasons:

- There are parts of the review area where the existing posted speed limit does not reflect the overall road environment, including adjacent land-uses and planned development.
- Several roads are utilised as beach access, these roads, or sections of road are utilised as parking areas and heavily utilised by pedestrians accessing the main beach. These road sections are a car dominated shared space, and a lower speed limit is considered appropriate.
- In relation to Marsden Point Road, the current 70kmph speed limit does not reflect the adjacent land-uses, including schools, a shopping centre and residential dwellings.
- There are several roads, including Pyle Road East and part of Takahiwai road that are unsealed and very narrow. A 100kmph speed limit on these roads is considered inappropriate

### 6.2 Option B - Amend the speed limit as proposed

Having assessed all of the matters that must be considered under the Setting of Speed Limits Rule 2017 and set out in this Report, it has been determined that reducing the speed limit as proposed is the preferred option for the following principle reasons:

- The proposed speed limits reflect an appropriate speed environment for roads within the review area, based on current road environment, including adjacent land-uses and planned development.
- The reduction in speed will have significant safety benefits:



- The proposed reduced speed limits on Marsden Point Road in the vicinity of Ruakaka specifically address the presence of schools, urban development and shopping centres, all of which give rise to a higher number of pedestrians.
- The proposed speed limits will address current and planned development in the Ruakaka, One Tree Point and Marsden Point areas.
- Commercial and Heavy Goods Vehicles accessing the port area and the refinery will not be adversely affected as the lower speed limits do not apply to State Highway 15A, which is the primary access to the Marsden Point Port area.
- The lower speed limits on secondary roads will encourage Heavy Goods Vehicles to utilise State Highway 15A for access to the Port.
- The slower speed limits proposed will have only a minor effect on travel times as the practical operational speed on secondary roads is less than the current posted speed limit. Most journeys on these roads are less than 5km between the main arterial 100kmph roads of State Highway 15A and One Tree Point Road, resulting in an increased journey time of less than 1 minute in most cases.
- The proposed speed limits are consistent with the NZTA Speed Management Guidance 2016.

### 6.3 Option C - Engineer the road to meet the current speed limits

Engineering the roads to meet the current speed limits involves the implementation of a variety of engineering solutions to ensure that the road environment is at a standard that meets the posted speed limit.

Option C to engineer the road to meet current posted speed limits is not recommended in the short term for the following reasons:

- State Highway 15A already provides high-quality road access to the Port and other industrial areas, including the Marsden Point Refinery.
- Council has a strategic plan for maintaining and upgrading roads on a district wide basis that considers population projections and other long-term planning aspects.
- Engineering roads to meet posted speed limits in the short-term is cost prohibitive.
- As roads are improved as part of an ongoing strategic plan, speed limits can be reviewed so that they match new engineered road environments.
- The primary arterial routes within the review area, being State Highway 15A and One Tree Point Road provide a 100kmph speed limit.

### 6.4 Option Conclusion

Following an assessment of the options available with respect to the proposed amendments to the speed environment in the identified review area; and having considered the matters set out the Setting of Speed Limits Rule 2017; it is recommended that Option B is adopted by Council for consultation.

## 7 Significance of Change

The Whangarei District Speed Limits Bylaw 2019 is made under the Land Transport Act 1998 (LTA). Section 22AD of the LTA requires Council to consult with the community in accordance with the requirements of Section 156 of the Local Government Act 2002.

The significance of changing the Speed Limits Bylaw is assessed to determine the methodology of the consultation process to be undertaken.

### 7.1 Significance and Engagement Policy

The amendments to the Speed Limits Bylaw 2019 have been assessed against Whangarei District Council's Significance and Engagement Policy (2017). A determination has been made that the proposed amendments to the Bylaw, either individually or cumulatively **do not** meet the significance criteria in the Significance and Engagement Policy (2017).

## 7.2 Section 156 Assessment

Council has assessed the proposed changes to speed limits in accordance with Section 156 of the Local Government Act. Taken alongside the reviews of Waipu and Vinegar Hill Road, it is considered that, collectively the proposals will give rise to significant public interest.

In accordance with Section 156 of the Local Government Act 2002, it has been determined that the proposed amendments to the Speed Limits Bylaw 2019 Schedules:

- Is not significant in terms of Council's Significance and Engagement Policy (2017)
- Do not give rise to a significant impact on the public but is likely to impact on the local community and give rise to significant public interest.

Given the above assessment, and in accordance with Section 156(1)(a) of the Local Government Act 2002, it is appropriate that Council consult on the proposed amendments in accordance with the Special Consultative Procedure set out in Section 83 of the Local Government Act 2002.

## 8 Consultation Process

Consultation is undertaken in accordance with the requirements of Section 83, 83A and 83AA of the Local Government Act 2002 and the Setting of Speed Limits Rule 2017.

### 8.1 Local Government Act Requirements

In accordance with the requirements of Sections 83 – 86 of the Local Government Act, Council has produced a Statement of Proposal that is publicly available. The Statement of Proposal includes details of how interested persons can present their views to Council by making a submission and when submissions can be made.

This Report is intended to provide additional detailed information, including the information that must be considered in accordance with the Setting of Speed Limits Rule 2017.

### 8.2 Setting of Speed Limits Rule Requirements

Section 2.5 of the Setting of Speed Limits Rule 2017 sets out the consultation requirements when setting a speed limit, and includes a requirement to consult with the following:

- The occupiers of any properties adjoining the road to which the proposed bylaw applies
- Any affected local community
- The Commissioner of Police
- Any other organisation or road user group that the road controlling authority considers affected
- The New Zealand Transport Agency

In terms of "other organisations or road user groups", The Northland Transport Alliance, which Whangarei District Council is part of, has established a Key Stakeholders Group. This Group includes the Northland Police, NZTA and representatives from the Northland Road Safety Forums, NZ Road Carriers Association and the Regional Land Transport Committee.

Northland Automobile Association (AA) are also included in the Key Stakeholders Group.

### 8.3 Giving Effect to Consultation Requirements

The consultation requirements of the Local Government Act and the Setting of Speed Limits Rule will be given effect to via direct notification of key stakeholders. In addition, the organisations identified in 7.2 (above) will also be directly notified. Direct notification will include:

- A summary of the proposed amendments
- Where further information is available
- How to present your views to Council (Having your say)

Given the extent of the review area, it is considered that direct notification of the occupiers of properties adjoining the roads that are subject to a proposed change in speed limit is not reasonably practicable. Council will therefore notify the proposed changes in the normal manner for a Bylaw review.

Council will proceed with a communications strategy that publicises and promotes the proposed changes to as wide an audience as possible. This may include:

- Public notice in appropriate media across the District
- Direct notification of community groups within the review area
- Notices on local notice boards and businesses
- Media releases, including social media advertising
- Information on council's website and at Council Service Centres

Community drop in information sessions are planned for Ruakaka, One Tree Point and Waipu. The timing and location of these sessions will be advertised in local media.

Following the close of submissions, submitters who wish to present their views to Council in person will be provided an opportunity to do so; and will be advised of the process.

## **9 Making a Submission**

Any person or organisation can make a submission on the proposed amendments to speed limits within the Vinegar Hill Road Catchment Area.

Submissions can be made, either electronically online; by email; or on paper; and should:

- State the submitters name, address and contact phone number or Email
- Clearly state the road or roads that the submission point relates to.
- Whether you support or oppose the proposed new speed limit.
- Your reasons for why you support or oppose the proposed speed limit.
- Other matters that you think Council should consider.

**All submissions must be received by 5pm, Monday 9th December 2019**

You can make a submission online at: [www.wdc.govt.nz/Speedbylaw](http://www.wdc.govt.nz/Speedbylaw), or

Email your submission to: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz), or

Post your submission to:

Speed Reviews

Whangarei District Council

Private Bag 9023

**Whangarei 0148**

Submissions can also be hand delivered to the Whangarei District Council Office at Forum North in Rust Avenue, Whangarei, or at any Service Centre.

### **Notes:**

All submitters that request it, have a right to further present their views to Council. Anyone wishing to present their views to Council personally will be advised of the process following the close of submissions.

Feedback received from the community will be considered, along with a range of other matters in reaching a final decision on the proposals within this document.

The Council is legally required to make all written or electronic submissions available to the public and to Councillors; this may include the name and address of the submitter. The submissions, including all contact details provided, will be available to the public, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

If you consider there to be a compelling reason why your contact details and/or submission should be kept confidential, you should contact Council on 09 438 4200 or 0800 932 463

## 10 Where Can I Get More Information?

Copies of this Report and the Summary Document can be viewed on Whangarei District Councils website at [www.wdc.govt.nz/speedbylaw](http://www.wdc.govt.nz/speedbylaw).

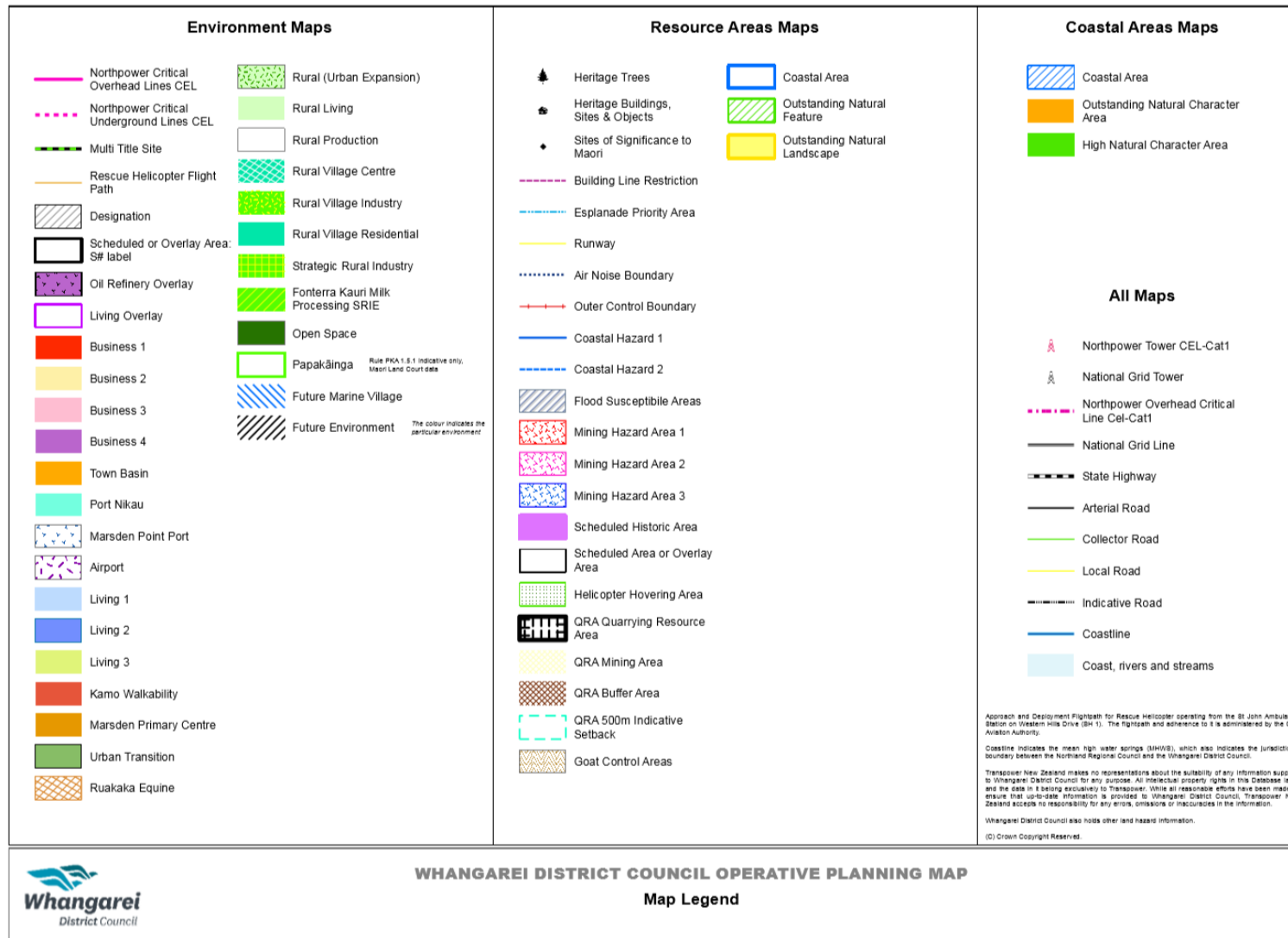
Alternatively, copies of this Report and the Summary Document can be viewed at any Whangarei District Council Offices or Library.

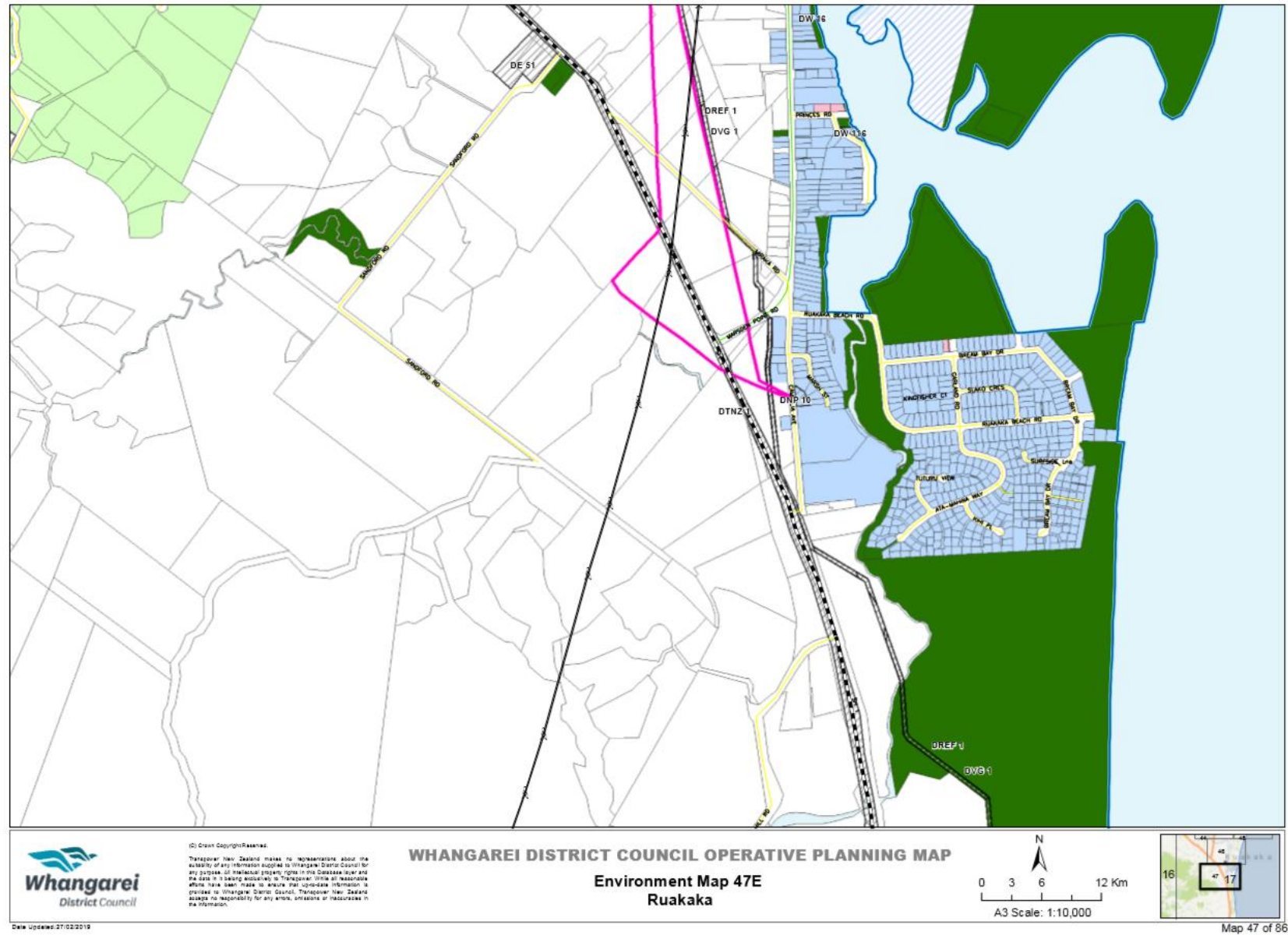
<b>Whangarei</b>	Forum North, Rust Avenue Library, Rust Avenue
<b>Ruakaka</b>	Ruakaka Service Centre, Takutai Place

Alternatively, call the Whangarei District Council on 09 430 4200 or 800 932 463.

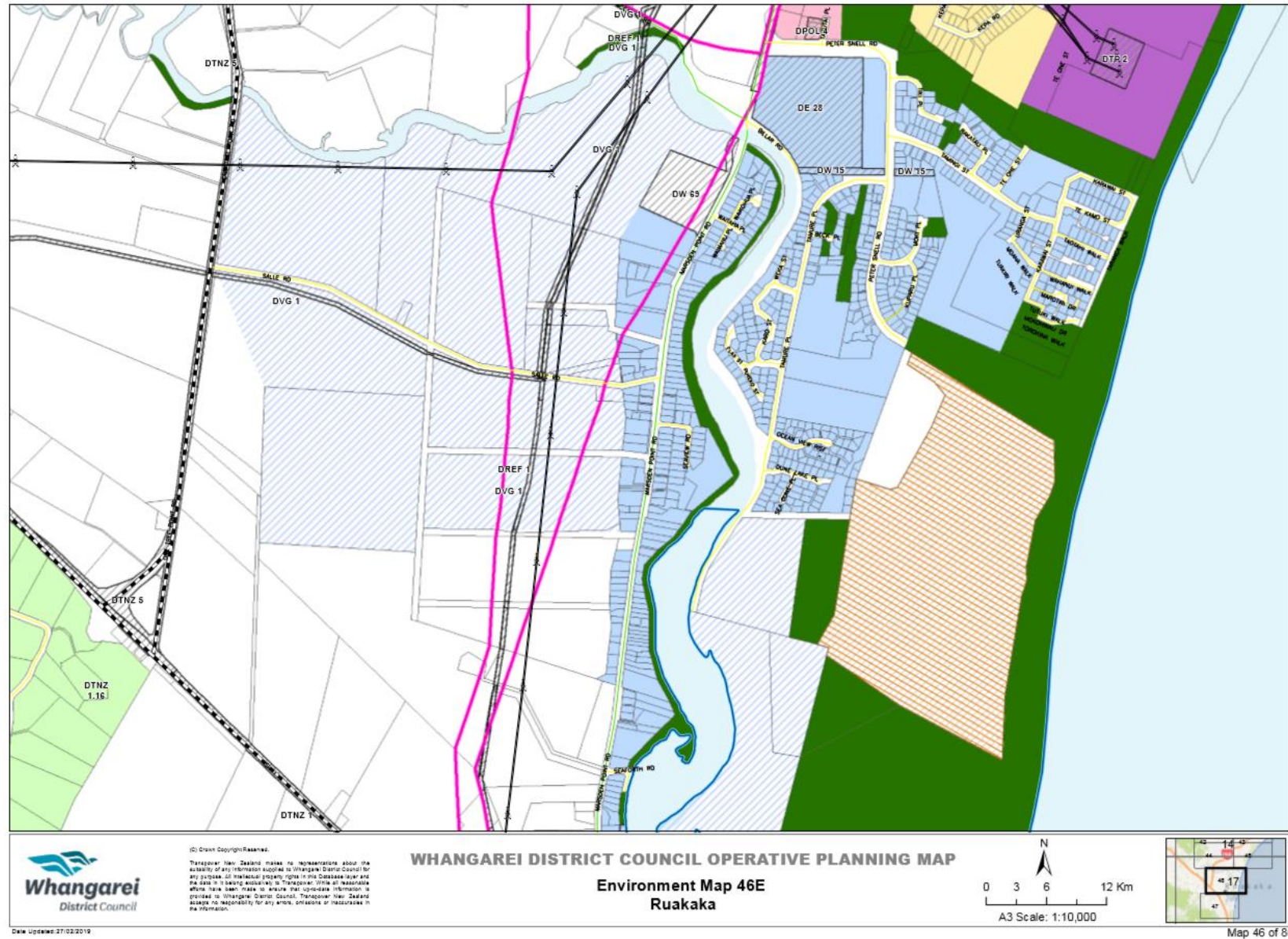
or email: [Mailroom@wdc.govt.nz](mailto:Mailroom@wdc.govt.nz)

## Appendix 1 - District Plan Maps

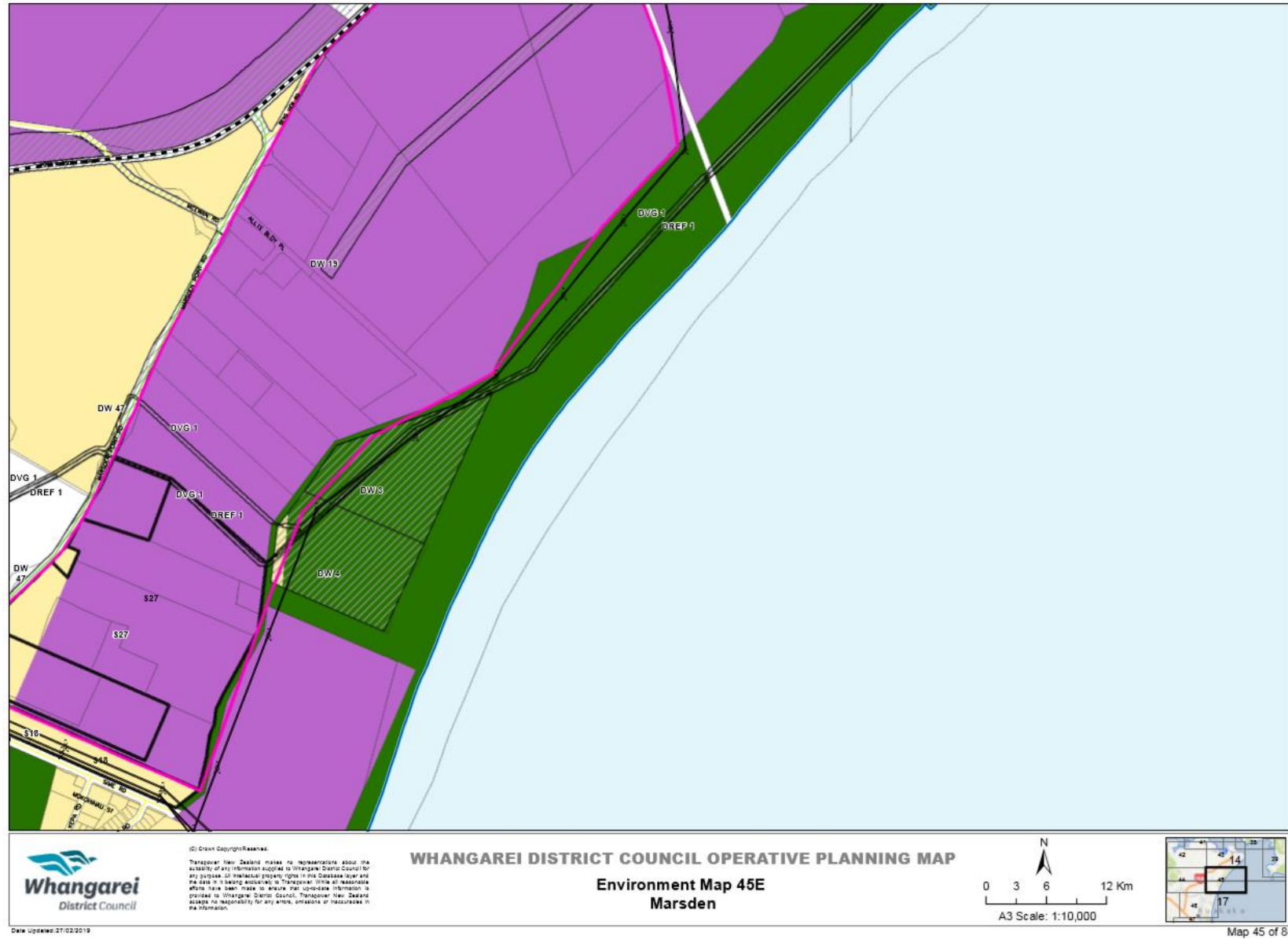


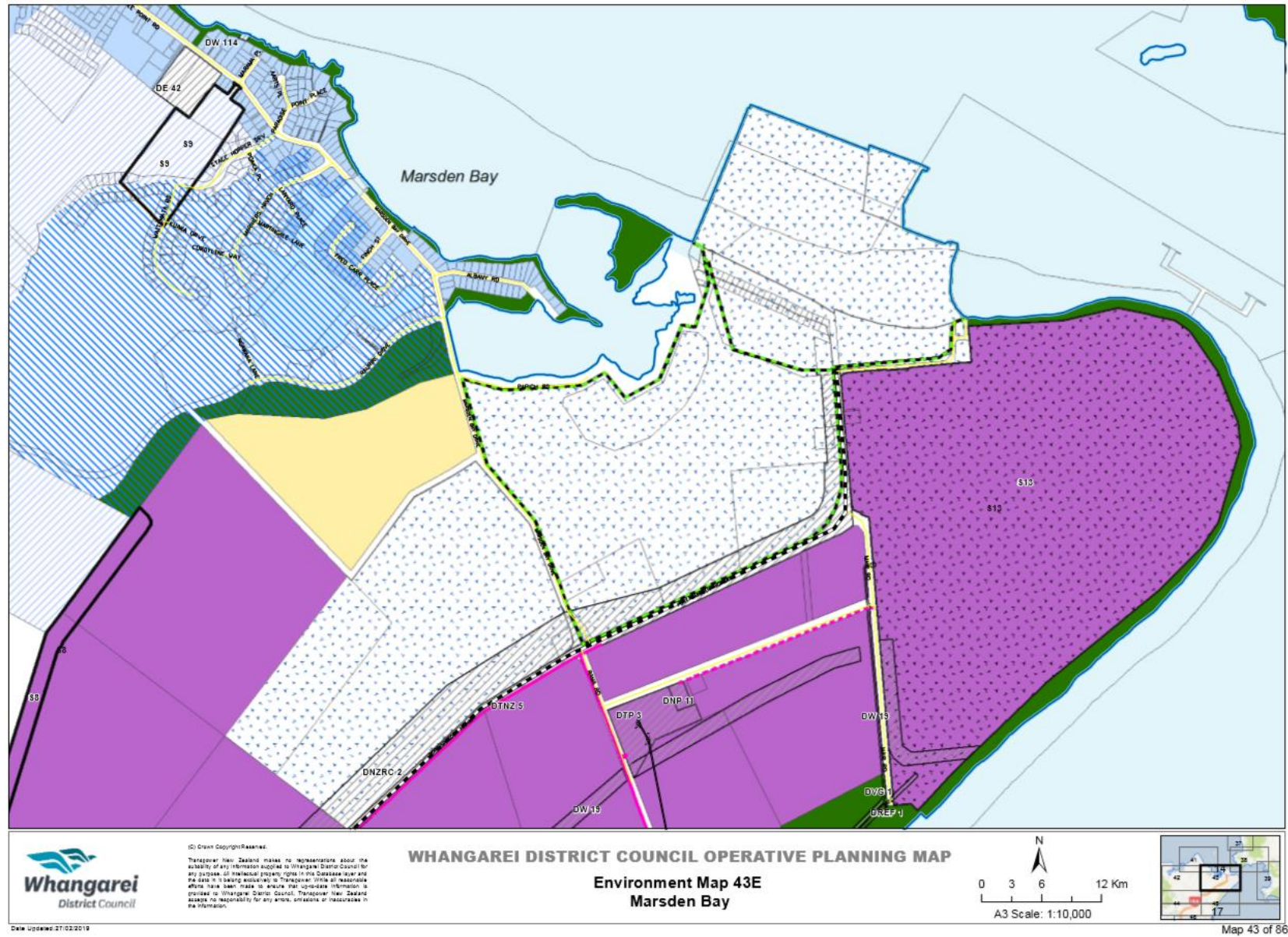




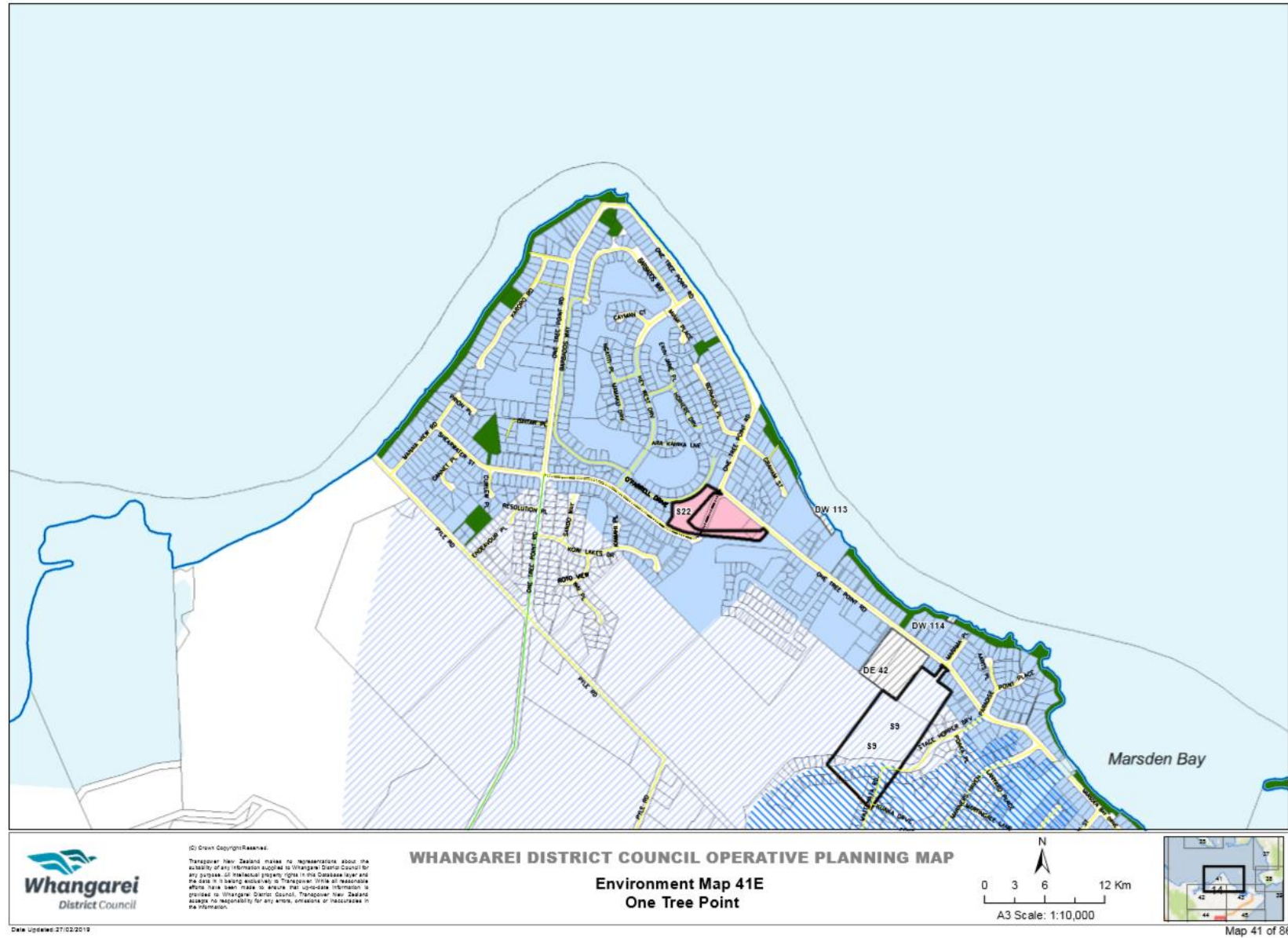


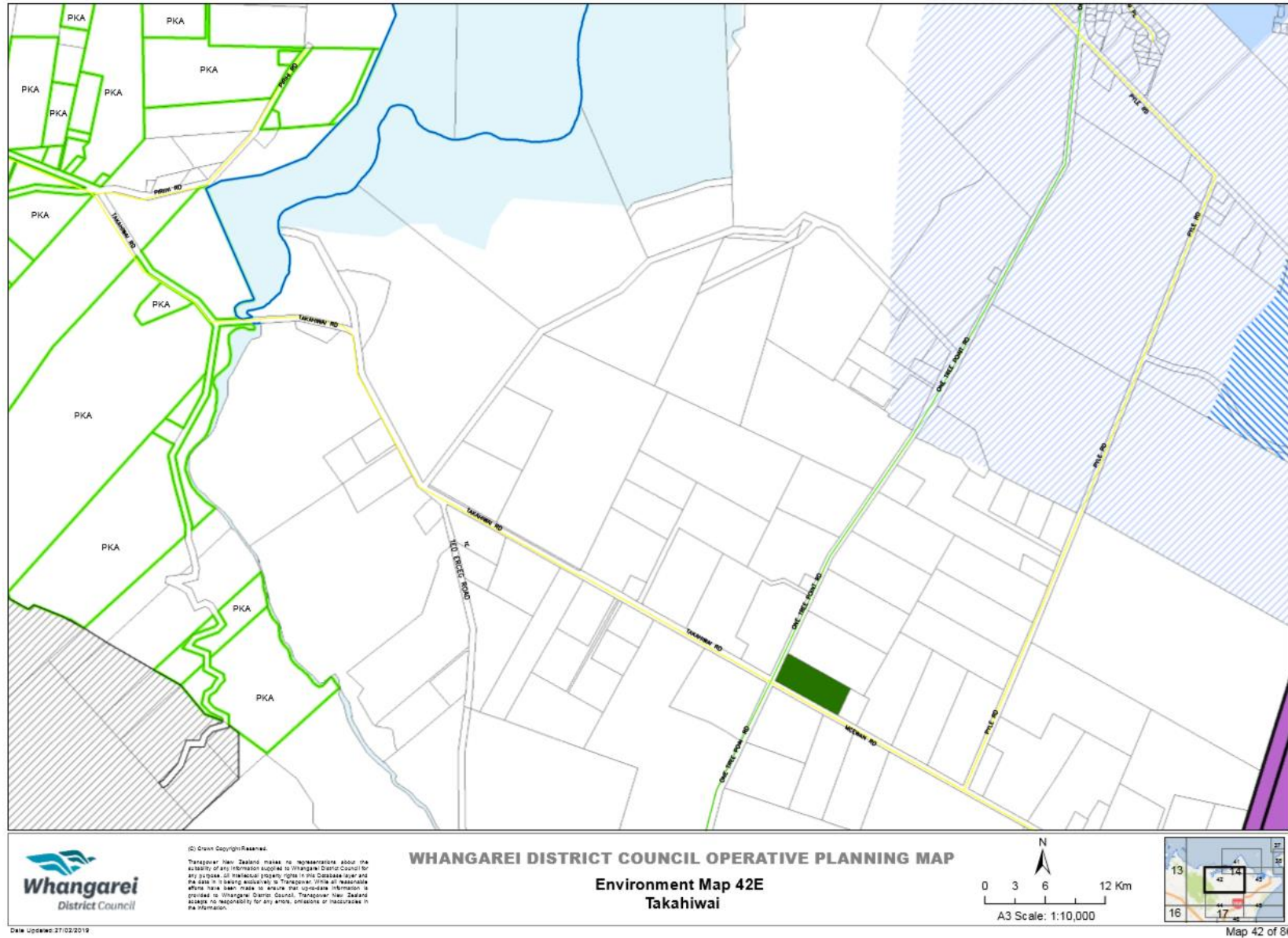




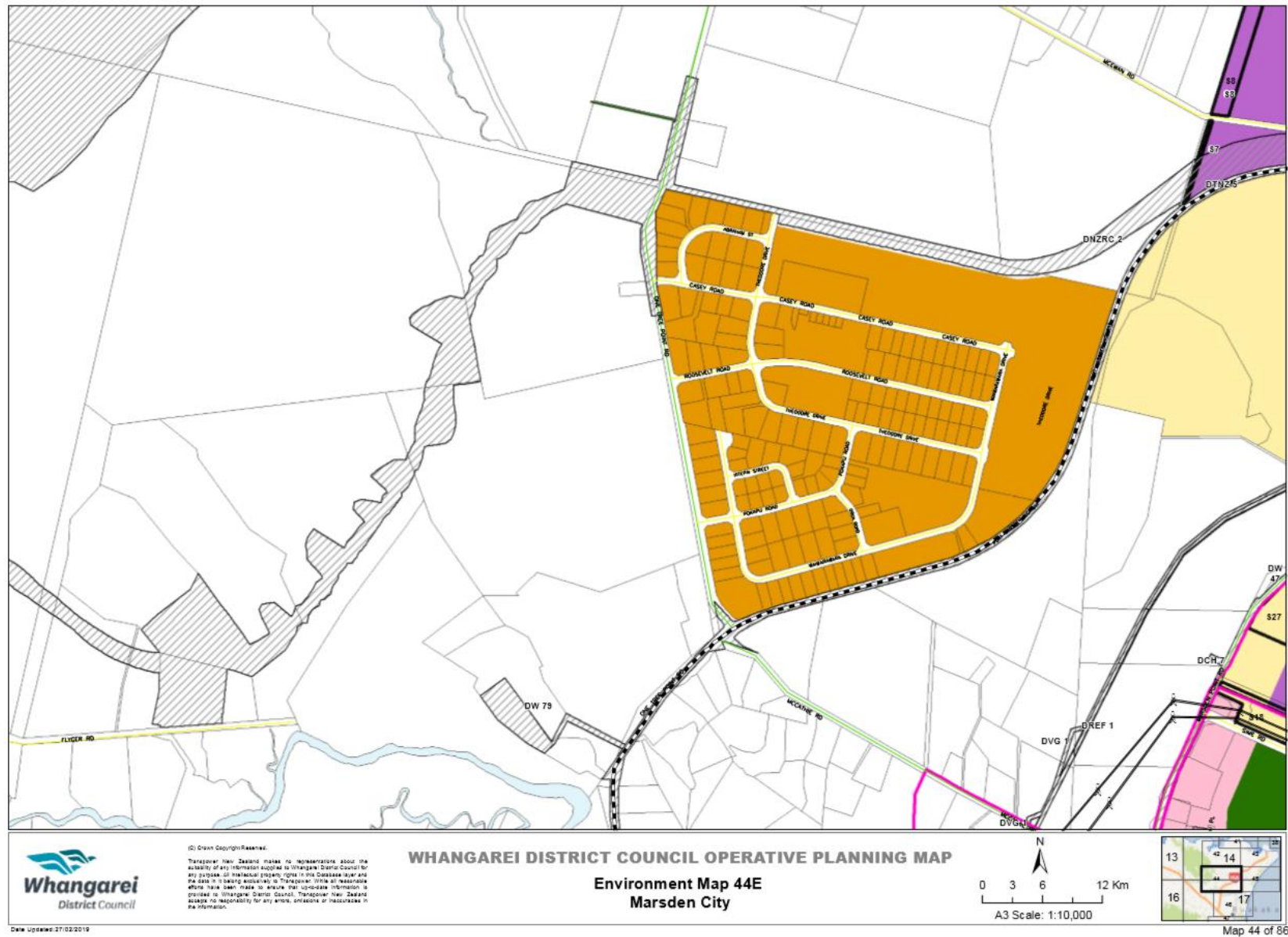


















## ***Regional Speed Limit Reviews***

### ***Waipu Urban Traffic Area Nova Scotia Drive Catchment***

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## 1 Overview

Whangarei District Council (Council) is a Road Controlling Authority (RCA) within the Whangarei District, and has a statutory role in managing the District's local roads (except State Highways), including the setting of speed limits. This statutory role as an RCA is set out under the Land Transport Act 1998, which also enables Council to make a bylaw that fixes the maximum speed of vehicles on any road for the safety of the public, or for the better preservation of any road (*Section 22AB(1)(d)*).

The Whangarei District Speed Limits Bylaw 2019 sets the speed limits on all local roads within the District, with the Schedules in that Bylaw identifying the enforceable speed limits and where they apply.

Council is proposing to amend the posted speed limits on roads within the Nova Scotia Drive Catchment Area, including Nova Scotia Drive, Waipu Urban Traffic Area, part of Waipu Cove Road and new roads that have been created as a result of new development (refer Section 2. Below).

This Report sets out the proposed changes to the Schedules of the Whangarei District Speed Limits Bylaw 2019, along with the matters that Council has considered in proposing the new speed limit, including:

- A summary of the proposed amendments to the Whangarei District Speed Limits Bylaw 2019 (new speed limits)
- Reasons for the proposed amendments
- An outline of the consultation process
- Matters considered under Section 4.2(2) of the Setting of Speed Limits Rule 2017
- Options analysis

Submissions are sought from any person or organisation and must be received by Council no later than **5pm, Monday 8<sup>th</sup> December 2019**.

### 1.1 Road Speed Environments

The NZTA Speed Management Guidance provides general guidance in assessing a safe and appropriate speed, based on the type of road and other broad-based assessment criteria. The following provides a regionally consistent description of the expectations for various speed limits.

20kmph	<p>Shared space areas where the principle use is for pedestrians. These areas will typically incorporate street furniture.</p> <p>Roads that are used principally for parking purposes and do not have through traffic.</p>
30kmph	<p>Shared Space areas that provide equal access to pedestrians, cyclists and motor vehicles</p> <p>Beach access, including informal parking for pedestrian access to beaches</p> <p>Most beaches</p>
40kmph	<p>Urban areas where there are facilities that generate significant additional pedestrian activity such as schools, shopping centres, sports facilities or other developed recreational areas.</p>

	Central Business District areas, particularly where there is on-road parking and pedestrians crossing roads, either at controlled or uncontrolled crossing points, but not a formal shared space.
50kmph	Urban roads that have a high residential density, but no facilities that would generate significant additional pedestrian activity such as schools, shopping centres, sports facilities or other developed recreational areas.
60kmph	Semi-urban or rural roads that meet one or more of the following criteria: <ul style="list-style-type: none"> <li>• Significant industrial or commercial activity</li> <li>• A road principally used for access to rural residential dwellings with a narrow single lane carriageway or a carriage way that has no centre line marking</li> <li>• A road where significant residential or other development is directly accessed, including approaches to urban areas.</li> <li>• Urban arterial routes</li> <li>• An access road that is unsealed</li> </ul>
70kmph	In accordance with National Speed Management Guidance, 70kmph zones are generally discouraged and will only be used where there is clear evidence that both 60kmph and 80kmph are inappropriate. Where there is an existing 70kmph, consideration will be given to the benefits of changing that speed limit to 60kmph or 80kmph.
80kmph	General rural roads that are un-divided two-lane roads with marked centre lines; and have shoulder areas and are not torturous in terms of curves.
90kmph	In accordance with National Speed Management Guidance, 90kmph zones are generally discouraged and will only be utilised in exceptional circumstances.
100kmph	Rural open roads that are of good quality and principally used as arterial routes. Typically, these roads will have good visibility; shoulder areas; will be two lane roads with marked centre lines; or have a barrier between opposing lanes. Safety features will also be in place on these roads.

## 2 Review Area

The review area incorporates Nova Scotia Drive from the intersection with State Highway 1 in the north, through to the intersection with Cove Road, including all roads connecting, either directly or indirectly with Nova Scotia Drive as identified in Figure 1.

In addition, this review area also incorporates the Waipu Urban Traffic Area (Figure 1) extending to the following points from Waipu Township:

- Cove Road to Riverview Place, including Flagstaff Place and Seascape Crescent
- South Road approximately 50m south of Dundee Lane
- St Marys Road approximately 50m south of Somners Way
- The Braigh at the intersection with State Highway 1
- Shoemaker Road at the intersection with State Highway 1
- At the end of Ferry Road

**Figure 1: Speed Management Review Area**

### 3 Summary of Proposed Amendments

In Whangarei District Council's capacity as the Road Controlling Authority (RCA), we are proposing the following amendments to the posted speed limits within the Speed Review Area.

#### 3.1 Nova Scotia Drive Catchment

The proposed changes to speed limits in the Nova Scotia Drive catchment area are set out in Table 1 and Figure 2.

Nova Scotia Drive Catchment	Existing Posted Speed Limit	Proposed Speed Limit
Nova Scotia Drive from the intersection with The Centre to 260m north of the intersection.	50kmph	50kmph
Nova Scotia Drive from the current 50kmph speed boundary to the southern side of McCleans Bridge.	100kmph	60kmph
Nova Scotia Drive from the southern side of McCleans Bridge to the intersection with State Highway 1.	100kmph	80kmph
Uretiti Road	100kmph	80kmph
Tip Road	100kmph	60kmph
Connell Road	100kmph	60kmph

**Table 1: Summary of proposed Speed Limit changes - Nova Scotia Drive Catchment**

#### 3.2 Waipu Urban Traffic Area

The proposed changes to the Waipu Urban Traffic Area are intended to incorporate new urban development on the outskirts of Waipu. The proposed changes to the boundary are set out in Table 2 below and Figure 2.

Waipu Urban Traffic Area Existing Boundary	Proposed New Boundary and Speed Limits within the Urban traffic Area
Cove Road	<ul style="list-style-type: none"> <li>Extend 120m east along Cove Road</li> <li>Reduce speed limit from intersection with Nova Scotia Drive to intersection with Braemar Lane from 50kmph to 40kmph</li> </ul>
South Road	<ul style="list-style-type: none"> <li>No change</li> </ul>
St Mary's Road	<ul style="list-style-type: none"> <li>Extend 100m south along St Mary's Road</li> </ul>
The Braigh	<ul style="list-style-type: none"> <li>Extend east along The Braigh to a point 50m east of the intersection with State Highway 1</li> <li>Reduce the 70kmph zone to 50kmph</li> </ul>
The Centre Road	<ul style="list-style-type: none"> <li>No change to Urban Traffic Area boundary</li> <li>Reduce speed limit from the intersection with Nova Scotia Drive to the intersection with St Mary's Road from 50kmph to 40kmph.</li> </ul>
Ferry Road	<ul style="list-style-type: none"> <li>No change</li> </ul>



Nova Scotia Drive	<ul style="list-style-type: none"> <li>• No change</li> <li>• Reduce speed limit from 260m north of the intersection with The Centre Road to the Boundary of the Urban Traffic Area from 100kmph to 60kmph.</li> </ul>
-------------------	--

***Table 2: Summary of proposed boundary changes of the Waipu Urban Traffic Area, and related speed limits.***

In addition to the above boundary changes, it is proposed to reduce the speed limit on Cove Road from the new boundary of the Urban Traffic Area to 50m to the southeast of the intersection with Riverview Place.

Figure 2 (below) sets out the proposed new speed limits for the Nova Scotia Drive Catchment and Waipu review area, including the Waipu Urban Traffic Area.

**Legend**

- Roads that have a speed limit of 30
- Roads that have a speed limit of 50
- Roads that have a speed limit of 60
- Roads that have a speed limit of 70
- Roads that have a speed limit of 80
- Roads that have a speed limit of 100
- Private Road
- Roads outside review
- Distance in metres from the centreline of an intersecting road or a geographical feature shown on the map to the speed limit boundary
- Urban Traffic Area

- Scales shown on map are approximate.
- Dimensions show the boundaries of a speed limit for the purpose of the bylaw.
- Speed limit boundaries that cross a road do so at right angles from one side of the road to the opposite side of the road by the shortest distance.
- A speed limit boundary marked along a road is deemed to run along the carriageway edge of that road unless dimensioned or shown otherwise.
- Where no dimensions or distance are given or shown when the speed limit crosses a road at a side road, the speed limit is deemed to cross the road at the extrapolation of the side road carriageway edge.
- Where the boundary between Whangarei District and another territorial local authority runs along a road, this plan and bylaw apply to the whole width of the road.
- Where a road crosses under or over a state highway or expressway, the speed limit on that road at that location is deemed to be the same as for the adjoining sections of either side of the state highway or expressway unless dimensioned or shown otherwise.
- All Whangarei District Council roads shown on this map outside the urban traffic areas have a speed limit of 100 km/h, unless marked with a different speed limit.
- Speed limits on state highways are not part of this bylaw. They are displayed for information only. Refer to NZ Transport Agency speed limit bylaw on State Highways.
- This map is part of the Whangarei District Council Speed Limit Bylaw 2019.
- Refer to Schedules:  
WDC S4/1 to S4/29; WDC S5/1; WDC S6/1 to S6/12; WDC S7/1 to S7/6; S8/1, AND  
WDC S12/1 to S12/7
- For the avoidance of doubt, where a speed limit or urban traffic area is described with both a map and a description, and there is an inconsistency between the map and the description, the description prevails.

**WHANGAREI DISTRICT COUNCIL SPEED LIMITS BYLAW 2019**  
**NOVA SCOTIA DRIVE/WAIPU SPEED LIMIT LOCATIONS**

A4 Scale: 1:25,000  
0 250 500 m

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## 4 Reasons for Change

Section 22AB(1)(d) of the Land Transport Act 1998 provides for a Road Controlling Authority to make a Bylaw to set a speed limit for the safety of the public, or for the better preservation of any road. Council updated its Speed Limit Bylaw in 2019.

Council, as the Road Controlling Authority are reviewing speed limits across the Whangarei District as part of central government's Safer Journey's Strategy, with the goal of setting safe and appropriate speed limits that will reduce fatal and serious injury crashes. The proposed changes to speed limits also take account of the changing road environment, including the volume of traffic as well as current and planned development.

In response to new sub-division development, along with an assessment of the safe and appropriate speed for the road environment, Council is proposing to amend speed limits in the Waipu catchment area, including Nova Scotia Drive. The primary reasons for the amendment are:

- To better match the road speed limit with the wider environment to lower the potential for fatal, serious injury and minor crashes.
- To respond to a changing wider road environment, including existing, new, and planned access from residential land-uses onto the main carriageway.
- Lower the potential for fatal and serious injury crashes involving pedestrians and cyclists within a growing semi-urban environment by providing for a safe and appropriate speed limit that recognises that environment.

Nova Scotia Drive has also been specifically identified for a speed review for the following reasons:

- It has been identified as a High Benefit (second 5%) road catchment for a speed review
- The catchment area is well defined and will lead to consistency in speed limits
- There is a strong community perception that current speed limits are too high in some areas, particularly along Nova Scotia Drive.

### 4.1 The Centre Road / Cove Road / CBD

It is proposed to reduce the speed limit to 40kmph along a portion of Cove Road and The Centre Road between Braemar Lane and St Mary's Road for the following reasons:

- The area is the main Central Business District (CBD) with a focus on eateries, retail and tourism, generating a high number of pedestrians that access both sides of the road.
- There are no controlled pedestrian crossings

### 4.2 St Mary's Road

It is proposed to extend the Urban Traffic Area on St Mary's Road by 100m to the south, having the effect of reducing the speed limit along this 100m stretch of road from 100kmph to 50kmph for the following reasons:

- To incorporate a significant commercial business (Transport) that has direct access onto St Mary's Road outside the current 50kmph zone.

### 4.3 The Braigh

It is proposed to extend the Urban Traffic Area from its current location 300m south of the intersection with The Centre Road to a point 50m before the intersection with State Highway 1 for the following reasons:

- There is increased residential development that has direct access to the main carriageway in the 70kmph speed zone.



## 5.2 Speed Management Guidance

NZTA provides guidance within *the NZTA National Speed Management Guide 2016*. The Speed Management Rule 2017 provides the process for reviewing speed limits across the District.

The Speed Management Guidance 2016 document has provided the basis for the assessments and processes (including consultation processes) utilised in this speed management review.

Generally, NZTA Speed Management Guidance promotes larger, catchment wide reviews in areas that are identified as high benefit. This Speed Review focusses on Nova Scotia Drive; its road catchment; and the Waipu Urban Traffic Area, extending to State Highway 1.

In accordance with the Speed Management Guidance, the identified Nova Scotia Drive and Waipu Urban Traffic Area catchment has been identified for a speed review for the following reasons:

- It has been identified as a High Benefit (second 5%) road catchment for a speed review
- The catchment area is well defined and will lead to consistency in speed limits
- There has been significant development in and around Waipu in recent years, effecting the overall road environment.
- There are existing consent applications that will lead to additional development
- There is a strong community perception that current speed limits are too high

### 5.3 Function and Use of the Road

The One Network Road Classification (ONRC) is a framework that provides a consistent system for the classification of roads throughout New Zealand. The ONRC considers the needs of all road users, be they motorists, cyclists or pedestrians.

Initial assessments of appropriate levels of service, safety features and speed ranges are made based on the function and classification of the road. The initial assessment does not consider local factors and provides a starting range for identifying an appropriate speed limit for a given road. The initial speed ranges are based on Figure 1.4 of the NZ Speed Management Guide 2016.

Classification	Straight open road /urban motorways	Curved open road	Winding open road	Urban (not motorway)
<b>Class 1</b>  High volume national	<b>100–110km/h<sup>4</sup></b>  Depends on design and safety risk (e.g. divided 4–5 star, grade separated intersections, safety barriers) and factoring in enforcement thresholds		<b>60–80km/h</b>	
<b>Class 2</b>  National, Regional, Arterial	<b>80–100km/h</b>  Depends on safety risk and whether volumes justify investment to bring the road up to 3 star equivalent, also enforcement thresholds			50km/h  60–80km/h where safety risk allows, e.g. fewer intersections, mode separation for active users
<b>Class 3</b> Primary and secondary collector				30–50km/h
<b>Class 4</b>  Access and low-volume access  All winding/tortuous	<b>60–80km/h</b> Depending on roadside development, pedestrian and cyclist volumes, whether sealed or not			30km/h if high volumes of cyclists/pedestrians  Recognise access and place  10km/h for Shared Spaces

**Figure 3: Recommended safe and appropriate speed ranges for road classes:** *Source: NZTA - NZ Speed Management Guidance, 2016*







## 5.5 Characteristics of the Road

The characteristics of the road include the physical characteristics of the road that have an impact on crash risk such as the type of seal and shoulder width. The general environment also determines the characteristics of the road and crash risk, for example pedestrians and parking. The Table below sets out the significant physical characteristics of the roads where a speed limit change is proposed.

Road	Road Character	Lane Width	Curves	Shoulder
Nova Scotia Drive – Waipu to McClean Bridge	Two lane undivided	Medium	Curved	Narrow
Nova Scotia Drive – Mclean Bridge to State Highway 1	Two lane undivided	Medium	Curved	Narrow
Uretiti Road	Two lane undivided	Medium	Curved	Narrow
Tip Road	Unsealed	Narrow	Winding	Very narrow
Connell Road	Two lane undivided	Narrow	Tortuous	Very narrow
St Mary's Road	Unsealed	Narrow	Straight	Very narrow
The Braigh	Two lane undivided	Medium	Straight	Narrow
The Centre Road / Cove Road CBD	Two lane undivided	Medium	Straight	Wide
Cove Road from Nova Scotia Drive to proposed Urban Traffic Area Boundary	Two lane undivided	Medium	Curved	Narrow
Cove Road from proposed Urban Traffic Area Boundary to Riverview Place	Two lane undivided	Medium	Winding	Narrow

### Table 5: Road Characteristics

### 5.5.1 Nova Scotia Drive

Nova Scotia Drive provides a northern link between Waipu and State Highway 1. The Road originally formed part of State Highway 1, before the Waipu Bypass was constructed. Nova Scotia Drive is mainly utilised by vehicles that are accessing Waipu, Waipu Cove, Lang Beach and Mangawhai from the north. The road forms part of the Twin Coast Discovery Route.

### 5.5.2 The Centre Road / Cove Road / CBD

The Central Business District is characterised by high numbers of pedestrians, often crossing the road accessing various retail establishments from on-road parking. There are no controlled pedestrian crossings along The Centre or Cove Road in this area.

Waipu is a popular stopover destination, particularly during the summer where there are community events within the town centre or at the adjoining Caledonia Park.



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### 5.5.5 Tip Road

Tip Road is a narrow, winding road that principally provides access to a community transfer station and beach access. Tip Road is unsealed, except for a short 150m section at the Uretiti Road end.



**Figure 9: Tip Road**

A short distance before the end of Tip Road where the Transfer Station is located, is Tip Face Road. This road provides access to Uretiti Beach. Tip Face Road is very narrow, single lane unsealed road of poor overall quality. The current posted speed limit on this road is 30kmph, which extends onto Uretiti Beach. It is proposed that this speed limit remain unchanged.



**Figure 10: Tip Face Road**

### 5.5.6 Uretiti Road

Uretiti Road is a sealed road that connects the mid-point of Nova Scotia Drive with State Highway 1. The road primarily provides an access route to the Uretiti Transfer Station and Uretiti Beach via Tip Road.

Approximately half of Uretiti Road is characterised by low density rural residential accesses onto the main carriageway.

## 5.6 Adjacent Land-use

- Influencing the number of pedestrians and cyclists accessing the road corridor.
- Effecting the number of direct accesses onto the road carriageway, which in turn increases the risk of crashes.
- Impacting on the type of vehicle using the road, particularly the proportion of Heavy Goods Vehicles.

## Urban

Waipu has a strong village centre with a wide range of services, facilities and commercial and industrial activities. Waipu has seen reasonable population growth and is identified as a growth node in the Whangarei District Growth Strategy.

Residents commuting to Whangarei, Ruakaka or One Tree Point areas primarily access State Highway 1 via Nova Scotia Drive. It is proposed that the section of Nova Scotia Drive from the Waipu River crossing to State Highway 1 from 100kmph to 80kmph. It is also proposed to reduce the speed limit in the existing Urban traffic Area from the current 50kmph zone to McClean Bridge from 100kmph to 60kmph to allow for the expanding urban environment.

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The Rural Village Industry sub-environment is located on Waipu Cove Road, from approximately 100m east of Braemar Lane to the river and is identified on the map in Appendix 1.

### 5.6.1.3 Rural Production

The Rural Production Environment provides for a diverse range of rural production activities, including commercial and industrial activities that have a functional need to service rural production activities, rural communities or provide location-based recreation or tourist activities.

The Rural Production Environment is low density and the road environment has typically low traffic counts. It should be noted that these low traffic counts will vary, particularly where there is forestry or dairy activities. Roads are generally narrower with limited shoulder areas and may be unsealed.

A safe and appropriate speed within a Rural Production Environment is expected to be 80kmph or less, with a lower speed limit for unsealed roads, or where roads are particularly narrow or with tight curves.

## 5.7 Intersections and Property Access

The density of property access onto the main carriageway has a direct influence on the number of vehicles turning on and off the road, influencing crash risk in the following ways:

- Increased risk of side impact crashes where a vehicle accesses the carriageway and fails to give way to an oncoming vehicle.
- Vehicles travelling along the road have a higher risk of encountering stationary vehicles on the carriageway; or vehicles travelling at a significantly lower speed.

In both instances, the risk of a crash increases where the carriageway width is limited, or there is limited visibility. Higher densities of property access also indicate more potential for pedestrian and cycle activity on or near the carriageway. As property access density increases, the safe and appropriate speed on a given road should decrease.

Property access density is indicative of the following:

- Urban areas: 20 or more per km
- Urban transition areas: 10 to 20 per km
- Rural residential: 5 to 15 per km
- General Rural: 2 to 5 per km
- Remote rural: Less than 2 per km

Intersection density provides a measure of the frequency that vehicles may be crossing the carriageway, slowing to make a turn or accelerating after having made a turn.

Road	Property Access / Km	Intersections / km
Nova Scotia Drive	Less than 5	Less than 2
Uretiti Road	Less than 5	Less than 2
Tip Road	2 - 5	3 - 5
Connell Road	2 - 5	3 - 5
St Mary's Road	More than 20	Less than 1
The Braigh	10 - 20	Less than 2
The Centre Road	More than 20	3 - 5



## 5.8 Traffic Volumes

Nova Scotia Drive Catchment	Average daily traffic Count	% Heavy Goods Vehicles
Nova Scotia Drive	2585	7
Uretiti Road	420	8
The Braigh	1015	7
The Centre (Waipu)	2430	7
Cove Road – Waipu to Riverview Place)	2900 - 1180	6
Tip road	245	8

## 5.9 Planned Modifications to the Road

Planning Document	Provisions for Review Area
Long Term Plan (10 year)	No funding identified to upgrade or make significant engineering improvements to the roads within the review area.
Infrastructure Strategy (30 year)	No issues or funding options identified for significant modifications to the road, or immediate surrounds.
Asset Management Plans	Short-term projects within the review area are identified below.
Walking and Cycling Strategy	A proposed cycle trail connection from Whangarei to Mangawhai via Ruakaka and Waipu is planned. Funding is currently being applied for. The proposed route is expected to incorporate part of Uretiti Road and Nova Scotia Drive. Tip Road is currently being utilised as part of the Te Araroa Walking Trail.
Other Plans* and Strategies	There are no additional Plans or Strategies that apply to the roads within the review area.

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The following projects that may impact on speed limits within the review area are planned:

- A shared path is planned to connect The Centre Road with Halifax Road.
- A shared path cycle trail along Nova Scotia Drive that will form part of the Te Araroa Walking Trail. Funding for this project is yet to be confirmed.
- Work to improve the shared path and cycleway on Cove Road, including the installation of guard rails.

### 5.10 Views of Interested Persons and Groups

The purpose of this Document is to set out those matters that Council must consider when reviewing speed limits. One of those matters is the views of interested persons or groups. This includes key stakeholders (as identified by Council) and the community adjacent to the road where new speed limits are proposed.

A Key Stakeholder Group has been identified by Council. This group includes:

- NZ Police
- The Automobile Association
- The Regional Land Transport Committee
- Regional Transport Associations (including Freight)
- Regional Road Safety Forum
- Road contractor representatives

The Key Stakeholder Group provides input into the overall prioritisation of speed reviews and other speed related issues through periodic workshops and direct requests for feedback. The Key Stakeholder Group is also directly notified for feedback on specific speed reviews. The feedback received is incorporated into the final decision-making process for Council.

A consultation process, consistent with the requirements of Section 156 of the Local Government Act 2002 and the Setting of Speed Limits Rule 2017 is being undertaken. This process enables Council to obtain the views of the wider community before any final decision is taken.

## 6 Options Analysis

In assessing the options, a range of matters were considered, including the matters required by the Setting of Speed Limits Rule 2017 (refer above), and future development within, and adjacent to the review area.

In determining the proposed amendments to the speed limit within the review area, the following options have been considered:

- Option A:** No change to the current speed environment
- Option B:** Amend the speed limit as proposed
- Option C:** Engineer the road to meet the current speed limits

This review of speed limits covers a wide area. The review itself is the result of considering a wide range of factors outlined in this Report. The Options Analysis therefore does not relate to individual roads but considers the high-level options.

### 6.1 Option A - No change to the current speed environment

Having assessed all the matters that must be considered under the Setting of Speed Limits Rule 2017 and set out in this Report; Option A is not being pursued for the following reasons:

- There are parts of the review area where the existing posted speed limit does not reflect the overall road environment, including adjacent land-uses and planned development.



## 7.2 Section 156 Assessment

Council has assessed the proposed changes in speed limits in accordance with Section 156 of the Local Government Act. Taken alongside the reviews of Ruakaka, One Tree Point, Marsden Point catchment area and Vinegar Hill Road, it is considered that, collectively the proposals will give rise to significant public interest.

In accordance with Section 156 of the Local Government Act 2002, it has been determined that the proposed amendments to the Speed Limits Bylaw 2019 Schedules:

- Is not significant in terms of Council's Significance and Engagement Policy (2017)
- Do not give rise to a significant impact on the public but is likely to impact on the local community and give rise to significant public interest.

Given the above assessment, and in accordance with Section 156(1)(a) of the Local Government Act 2002, it is appropriate that Council consult on the proposed amendments in accordance with the Special Consultative Procedure set out in Section 83 of the Local Government Act 2002.

## 8 Consultation Process

Consultation is undertaken in accordance with the requirements of Section 83, 83A and 83AA of the Local Government Act 2002 and the Setting of Speed Limits Rule 2017.

## 8.1 Local Government Act Requirements

In accordance with the requirements of Sections 83 – 86 of the Local Government Act, Council has produced a Statement of Proposal that is publicly available. The Statement of Proposal includes details of how interested persons can present their views to Council by making a submission and when submissions can be made.

This Report is intended to provide additional detailed information, including the information that must be considered in accordance with the Setting of Speed Limits Rule 2017.

## 8.2 Setting of Speed Limits Rule Requirements

Section 2.5 of the Setting of Speed Limits Rule 2017 sets out the consultation requirements when setting a speed limit, and includes a requirement to consult with the following:

- The occupiers of any properties adjoining the road to which the proposed bylaw applies
- Any affected local community
- The Commissioner of Police
- Any other organisation or road user group that the road controlling authority considers affected
- The New Zealand Transport Agency

In terms of “other organisations or road user groups”, The Northland Transportation Alliance, which Whangarei District Council is part of, has established a Key Stakeholders Group. This Group includes the Northland Police, NZTA and representatives from the Northland Road Safety Forums, NZ Road Carriers Association and the Regional Land Transport Committee.

Northland Automobile Association (AA) are also included in the Key Stakeholders Group.

### 8.3 Giving Effect to Consultation Requirements

The consultation requirements of the Local Government Act and the Setting of Speed Limits Rule will be given effect to using a variety of processes, including public notification, local drop in information sessions, media releases and information on Council's website. In addition, the organisations identified in 7.2 (above) will also be directly notified. Direct notification will include:

- A summary of the proposed amendments
- Where further information is available



## 10 Where Can I Get More Information?

Copies of this Report and the Summary Document can be viewed on Whangarei District Councils website at [www.wdc.govt.nz/speedbylaw](http://www.wdc.govt.nz/speedbylaw).

Alternatively, copies of this Report and the Summary Document can be viewed at any Whangarei District Council Offices or Library.

<b>Whangarei</b>	Forum North, Rust Avenue Library, Rust Avenue
<b>Ruakaka</b>	Ruakaka Service Centre, Takutai Place

Alternatively, call the Whangarei District Council on 09 430 4200 or 800 932 463.

or email: [Mailroom@wdc.govt.nz](mailto:Mailroom@wdc.govt.nz)



## Appendix 1 – District Plan Maps

Environment Maps	Resource Areas Maps	Coastal Areas Maps
<p>Northpower Critical Overhead Lines CEL</p> <p>Northpower Critical Underground Lines CEL</p> <p>Multi Title Site</p> <p>Rescue Helicopter Flight Path</p> <p>Designation</p> <p>Scheduled or Overlay Area: S# label</p> <p>Oil Refinery Overlay</p> <p>Living Overlay</p> <p>Business 1</p> <p>Business 2</p> <p>Business 3</p> <p>Business 4</p> <p>Town Basin</p> <p>Port Nikau</p> <p>Marsden Point Port</p> <p>Airport</p> <p>Living 1</p> <p>Living 2</p> <p>Living 3</p> <p>Kamo Walkability</p> <p>Marsden Primary Centre</p> <p>Urban Transition</p> <p>Ruakaka Equine</p> <p>Rural (Urban Expansion)</p> <p>Rural Living</p> <p>Rural Production</p> <p>Rural Village Centre</p> <p>Rural Village Industry</p> <p>Rural Village Residential</p> <p>Strategic Rural Industry</p> <p>Fonterra Kauri Milk Processing SRIE</p> <p>Open Space</p> <p>Papakāinga</p> <p>Future Marine Village</p> <p>Future Environment</p> <p>Rule #PCA 1.5.1 indicative only. Map/Land Court data</p> <p>The colour indicates the particular environment</p>	<p>Heritage Trees</p> <p>Heritage Buildings, Sites &amp; Objects</p> <p>Sites of Significance to Maori</p> <p>Building Line Restriction</p> <p>Esplanade Priority Area</p> <p>Runway</p> <p>Air Noise Boundary</p> <p>Outer Control Boundary</p> <p>Coastal Hazard 1</p> <p>Coastal Hazard 2</p> <p>Flood Susceptible Areas</p> <p>Mining Hazard Area 1</p> <p>Mining Hazard Area 2</p> <p>Mining Hazard Area 3</p> <p>Scheduled Historic Area</p> <p>Scheduled Area or Overlay Area</p> <p>Helicopter Hovering Area</p> <p>QRA Quarrying Resource Area</p> <p>QRA Mining Area</p> <p>QRA Buffer Area</p> <p>QRA 500m Indicative Setback</p> <p>Goat Control Areas</p> <p>Coastal Area</p> <p>Outstanding Natural Feature</p> <p>Outstanding Natural Landscape</p>	<p>Coastal Area</p> <p>Outstanding Natural Character Area</p> <p>High Natural Character Area</p> <p><b>All Maps</b></p> <p>Northpower Tower CEL-Cat1</p> <p>National Grid Tower</p> <p>Northpower Overhead Critical Line Cel-Cat1</p> <p>National Grid Line</p> <p>State Highway</p> <p>Arterial Road</p> <p>Collector Road</p> <p>Local Road</p> <p>Indicative Road</p> <p>Coastline</p> <p>Coast, rivers and streams</p> <p>Approach and Deployment Flightpath for Rescue Helicopter operating from the St John Ambulance Station on Western Hills Drive (SH 1). The flightpath and adherence to it is administered by the Civil Aviation Authority.</p> <p>Coastline indicates the mean high water springs (MHWS), which also indicates the jurisdictional boundary between the Northland Regional Council and the Whangarei District Council.</p> <p>Transport New Zealand makes no representations about the suitability of any information supplied to Whangarei District Council for any purpose. All intellectual property rights in this Database layer and the data in it being exclusively to Transport. While all reasonable efforts have been made to ensure that up-to-date information is provided to Whangarei District Council, Transport New Zealand accepts no responsibility for any errors, omissions or inaccuracies in the information.</p> <p>Whangarei District Council also holds other land hazard information.</p> <p>(C) Crown Copyright Reserved.</p>

WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

Environment Map 48E  
Waipu

0 3 6 12 Km  
A3 Scale: 1:10,000

16 17  
19 20 21

Map 48 of 32



## 6.9 Temporary Road Closure Whangarei Christmas Parade 2020

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** Petra Gray (Community Events Coordinator)

### 1 Purpose

To seek approval of the proposal to temporarily close roads, to allow the Whangarei Christmas Parade to be held on 28 November 2020.

### 2 Recommendation/s

That Whangarei District Council,

1. Approves the proposal to temporarily close the following roads to ordinary traffic for the Whangarei Christmas Parade on the following date in accordance with the Transport (Vehicular Traffic Road Closure) Regulations 1965.

#### **Saturday 28 November 2020**

**Railway Road**, from Woods Road to the Rail Station, 6:00am to 11:30am for parade vehicular assembly.

**James Street**, from Cameron Street to Robert Street, 6:00am to 1:00pm for the finishing of the parade.

**Cameron Street**, from John Street including the James Street closure, 6:00am to 1:00pm for the finishing of the parade.

The roads indicated with green arrows on the attached map will be a rolling parade, traffic management approval for these will be managed through the Whangarei District Council Roading Department.

2. Delegates to the Chair of the Infrastructure Committee and General Manager Infrastructure the power to give public notice of these proposed temporary closures, to consider any objections and to either approve, cancel or amend any or all of the temporary road closures if applicable.

### 3 Background

The Whangarei Christmas Parade is a newly located Christmas Parade that is replacing the historical Kamo Christmas Parade and the Onerahi Christmas Parade.

These individual parades are no longer sustainable due to costs around traffic management and the number of volunteers required to run each event separately.

The Whangarei Christmas Parade will be run by the Whangarei Lions Club and will be supported by local Lions and Rotary Clubs in Whangarei.

The aim of moving the parade into the CBD and finishing the parade in James Street in the Shared space laneway is to enliven the central city and attract the public into the CBD for the morning creating a vibrant and festive atmosphere.

## **4 Discussion**

The organisers will consult with all affected businesses in the areas of Railway Road, James and Cameron Street well in advance. The marketing and promotion of the event will also ensure the public and the wider community are aware of the event and the associated road closures.

The Organisers have been working closely with Whangarei District Council Roading and Venues and Events departments to ensure the event is well planned and determine the best route for the newly located parade.

The organisers have engaged with Kia Tupato Traffic Management to submit a traffic management plan to council prior to the event and to implement traffic management on the day.

The organisers have years of experience planning and running the individual events and will bring their knowledge and experience to the planning and implementation of this event.

### **4.1 Risks**

The temporary road closures eliminate the traffic associated risks and ensure the event can be managed safely.

Event personnel and traffic controllers are located along the parade route and will be on hand throughout the parade to ensure safety of participants and spectators.

The newly located route has been planned in such a way where the public can safely observe the parade and it will limit the impact on businesses within the route.

## **5 Significance and engagement**

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website, Council News, Facebook and marketing by the event organisers.

## **6 Attachments**

1. Whangarei Christmas Parade - Temporary Road Closure request letter
2. 2020 Christmas Parade – proposed route map



# WHANGAREI LIONS CLUB

Petra  
Team Leader - Operations  
Whangarei District Council

22<sup>nd</sup> August 2020

Dear Petra,

On behalf of Whangarei Lions Club, we would like to apply for road closures as designated below for the purposes of the Whangarei Christmas Parade to be held on Saturday 28th November 2020.

## Whangarei Xmas Parade Road Closure Plan

Temporary road closures requested:

- Railway Road, from Woods Road to the Rail Station, 6:00am to 11:30am for parade vehicular assembly.
- James Street, from Cameron Street to Robert Street, 6:00am to 1:00pm for the finishing of the Christmas Parade.
- Cameron Street, from John Street including the James Street closure, 6:00am to 1:00pm for the finishing of the Christmas Parade.

This newly located Xmas Parade proposed for in the City is replacing the historical Kamo & Onerahi parades, those events are no longer sustainable (mainly the traffic management costs) along with the number of volunteers it takes to organise two separate events. This year's parade will be hosted by the Whangarei Lions Club supported by fellow Lions Clubs of Whangarei and local Whangarei Rotary Clubs, these groups will supply volunteers from their various clubs.

It is intended that all business's affected in both Railway Rd and James will be consulted with well in advance of the proposed closures, and the running of parade ( Mobile ) has be arranged so that no businesses outside of the closure areas are unreasonably affected. The aim of finishing in the CBD's Lane Way is the hope that it enlivens the central city attracting public to area for the morning, we believe this sit well with Council's wish's for a vibrant interesting environment encouraging the public to stay connected with the towns centre.

*Colin Twyman*

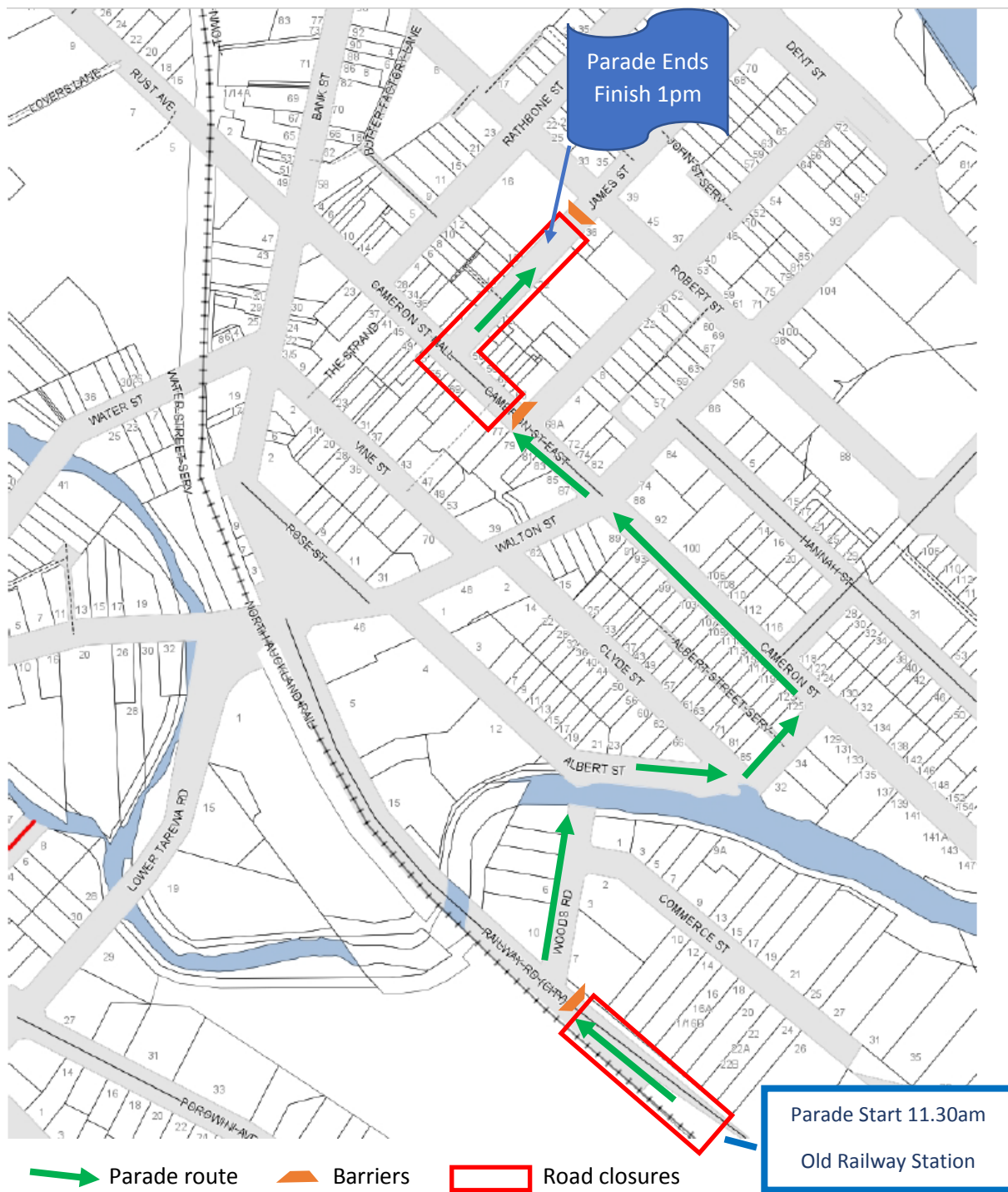
Parade Organiser  
Colin Twyman  
16 Bush Haven Drive  
Kamo 0112  
Mble 021 275 6995  
Email: colin@twyman.kiwi

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Whangarei Lions Club  
Secretary: Denis Parkes  
PO Box 611, Whangarei 0140  
email: dl.parkes@xtra.co.nz phone: 027 271 6916









## 6.10 Contract Award for CON18078 for Construction of the New Town Basin Park

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** Shelley Wharton (Manager Infrastructure Planning & Capital Works)

### 1 Purpose

To recommend the allocation of additional budget for removal of the failing wharf and jetties, repair of the seawall, and replacement of the boardwalk at the Town Basin;

To recommend the allocation of additional budget to the New Town Basin Park project; and

To seek council approval to award contract CON18078 Construction of the New Town Basin Park to Robinson Asphalts Limited for \$6,637,678.15 (exclusive of GST), which includes additional works to remove failing coastal structures, repair the seawall and replace the boardwalk.

### 2 Recommendations

That Whangarei District Council

1. Approves additional unbudgeted capital expenditure of \$1,307,000 in financial year 2020/21 to the New Town Basin Park project.
2. Approves additional unbudgeted capital expenditure of \$1,078,000 in financial year 2020/21 for urgent works to the Town Basin boardwalk, wharf and seawall, to enable works to be delivered at the same time as the New Town Basin Park project.
3. Approves the carry forward of \$2,385,000 from financial year 2020/21 into financial year 2021/22 from the Pohe Island Development budget to offset the additional budget and work at the Town Basin.
4. Approves award of contract CON18078 Construction of the New Town Basin Park to Robinson Asphalts Ltd for \$6,637,678.15 (exclusive of GST).
5. Delegates authority to the Chief Executive to authorise contract variations to a maximum contract value of \$6,987,678.15, allowing for a standard 10% construction contingency.

### 3 Background

#### New Town Basin Park Project

The New Town Basin Park project (formerly known as Conversion of Carpark to Park) is a strategic project that aims to convert the residual space left over from the 2005 Dent Street road realignment (temporarily used as an informal carpark) into a regionally significant,

attractive, people-oriented space with the purpose of extending the Town Basin to Riverside Drive as a key component of linking the waterfront to the city centre.

The New Town Basin Park project is part of the Sense of Place Programme which originated from the Whangarei District Growth Strategy 'Sustainable Futures 30/50', adopted by Council in 2010, where the importance of creating a 'Sense of Place' was identified by communities and the wider District. The project was further supported by the community through various rounds of consultation, and through Council approval of the 2015-2025 Long Term Plan, the Whangarei 20/20 Momentum report dated July 2016 on strategic projects for the next 10 years, the 2017 City Centre Plan, 2018-28 Long Term Plan, and the 2019 City Core Precinct Plan.

A key consideration for delivery of the park project is timing of construction to match that of the adjacent Hundertwasser Art Centre with Wairau Maori Art Gallery (HAC) because part of the park site is being used for construction of the HAC, meaning the park cannot be completed until after HAC construction is completed. Design at the boundaries of both the park and HAC projects has been carefully integrated to ensure they will work together seamlessly and complement each other.

Between August 2017 and August 2019 a Working Party was established and operated with the purpose of overseeing implementation of the project. The Working Party comprised 5 Councillors and key members of the project team. During this period the Working Party monthly minutes were reported to the Infrastructure Committee and various presentations made on design and procurement of the project.

During the same period meetings were also held between the Working Party members and the HAC project team to ensure the two projects were designed and delivered in an integrated way that would lead to a successful outcome for both projects. Although a new Working Party was not established after the 2019 Local Body Elections, the project team has continued to work with the HAC team to ensure integration of design and delivery of both projects.

As the integration points between the two projects have been finalised the accurate boundary and scope for the New Town Basin Park project has also been defined. The original park project scope ended at the rock wall, leaving the area in front of Te Kakano and outside the HAC lease boundary unresolved. Current surfaces consist of a temporary concrete access, various obsolete planting beds, paths, meter boxes and grass areas. This led to the addition of approximately 350m<sup>2</sup> area to the scope of the park project to connect the park to the existing asphalt surface at the Town Basin.

The Procurement Plan for CON18078 for Construction of the New Town Basin Park was approved by the Infrastructure Committee on 9 May 2019. While the Stage 1 procurement process was undertaken the detailed design and integration with the HAC project were finalised.

#### Boardwalk, Seawall and Wharf Structures

The boardwalk, seawall and wharf structures are outside the scope of the New Town Basin Park project, however are integrally linked through design and construction timing. It is therefore sensible to have the same contractor undertake these works through the New Town Basin Park construction contract.

Investigations into the condition of the existing wharf, jetties, boardwalk and seawall structures have been undertaken in preparation for renewal works. A report by WSP-Opus titled 'Boardwalk & Wharf Condition Report' dated May 2018 identified that the piles supporting the wharf area directly adjacent the canopy bridge are severely deteriorated and recommended that they be replaced within one year to resist boat loading.

A second report was obtained on the condition of the seawall which indicated that repairs to the seawall which sits beneath the boardwalk and wharf are also required. These seawall works need to be done before the boardwalk works or they will be inaccessible.

In October 2019 one of the wharf piles failed (presumably) under the force applied by a boat docking or leaving the wharf. The wharf has been closed to the marina and the public since October 2019. The WSP-Opus report also advised that the boardwalk would be acceptable for pedestrian/cycle use for approximately 18 months, and that time has now passed.

Council owns the wharf and jetty structures and leases 5 berths to the Whangarei Harbour Marina Management Trust (WHMMT), which is the subject of a separate report in this agenda.

The boardwalk and wharf are directly adjacent to the New Town Basin Park project, however are outside the scope of that project. Given the urgency of replacement, and the need to integrate certain aspects into the New Town Basin Park design and construction, it is practical to do the boardwalk and seawall work at the same time as the New Town Basin Park. It will also save funds and time to have this work done by the same contractor that will build the New Town Basin Park, which is due to start in October 2020.

## 4 Discussion

### New Town Basin Park Project Procurement Process and Outcome

The Tender Evaluation Team comprised of the Project Engineer, Lead Landscape Architect, and a procurement specialist have completed the tender evaluation for CON18078 for Construction of the New Town Basin Park. Table 1 below summarises the procurement process and outcome, based on the full Tender Evaluation Report completed by the Tender Evaluation Team.

**Table 1: Summary of Procurement Process and Outcome**

<b>Contract</b>	CON18078 Construction of the New Town Basin Park
<b>Scope</b>	<p>This procurement is for the majority of the physical works associated with the construction of the New Town Basin Park on the corner of Dent Street and Riverside Side, near the Town Basin, Whangarei.</p> <p>Note that the Boardwalk Project works have been priced as a provisional item under this contract pending council approval due to the integrated nature of works, time constraints and urgency of the work.</p>
<b>Planning</b>	The Procurement Plan was approved by the Infrastructure Committee on 9 May 2019.
<b>Tender Process</b>	<p>Stage 1:</p> <p>Requests for Expressions of Interests were advertised on TenderLink on 24 May 2019 and closed on 21 June 2019. After evaluation against non-price attributes the highest scoring tenderers then progress on to Stage 2.</p> <p>Stage 2:</p> <p>The three shortlisted tenderers were invited to a closed tender process that was advertised on TenderLink on 3 July 2020 and closed on 28 August 2020. Final tender evaluation using the Price-Quality Method with scores from Stages 1 and 2 combined to produce the preferred tenderer.</p>
<b>Evaluation Method</b>	The Price-Quality Method was used to evaluate tenders in Stages 1 and 2, with the following weightings used:



	<ul style="list-style-type: none"> <li>• 15% for Contractors Representative's time commitment, experience and track record (Stage 1)</li> <li>• 15% for the company's experience and track record (Stage 1)</li> <li>• 10% for experience producing quality amenity outcomes, management plans, processes and systems (Stage 1)</li> <li>• 10% for construction programme (Stage 2)</li> <li>• 50% for price (Stage 2)</li> </ul>
<b>Stage 1</b>	<p>There were five expressions of interest received and evaluated.</p> <p>Broadspectrum Ltd's submission was not considered because it arrived late via email after the tender box closed.</p> <p>United Civil Construction Ltd failed to proceed to Stage 2 based on not demonstrating the required project experience for delivering high quality public spaces.</p> <p>At the end of Stage 1 three tenderers (MAP Projects Ltd, Steve Bowling Contracting Ltd, and Robinson Asphalts 1992 Ltd) were shortlisted based on evaluation of attributes against their supplied information.</p>
<b>Stage 2</b>	<p>There were three tenders received and evaluated using the Price-Quality Method.</p> <p>At the end of Stage 2, Robinson Asphalts 1992 Ltd emerged as the preferred tenderer, with the highest non-price attribute score and the lowest price tender both before and after calculation of the Supplier Quality Premium.</p>
<b>Outcome</b>	<p>It is recommended that the contract be awarded to Robinson Asphalts 1992 Ltd as the preferred tenderer for the amount of \$6,637,678.15 excluding GST.</p>

**Table 2 Tender Evaluation Results - Price-Quality Method**

<b>Attribute</b>	<b>MAP Projects Ltd</b>	<b>Robinson Asphalts 1992 Ltd</b>	<b>Steve Bowling Contracting Ltd</b>
Non-Price Attributes Weighted Sum	42.70	43.98	39.55
Weighted Sum Margin	3.15	4.43	0
Quality Premium (QP)	\$264,600.00	\$371,700.00	0
<b>Proposal Price (PP)</b>	<b>\$6,844,133.47</b>	<b>\$6,637,678.15</b>	<b>\$6,705,644.18</b>
Adjusted Quality Premium Price (PP-QP)	\$6,579,533.47	\$6,265,978.15	\$6,705,644.18
<b>Result</b>		<b>Preferred tendered</b>	

#### Boardwalk, Seawall and Wharf Structures

Investigation into the seawall, wharf and boardwalk structures has been completed. The seawall requires either repair or renewal. The wharf is unsafe and failing, and the boardwalk requires renewal. Options for replacement and/or repair have been considered alongside discussions with WHMMT that they prefer modern pontoons over static wharf or jetty

structures, and integration with design and delivery of the adjacent New Town Basin Park project.

On balance the most cost-effective, resilient, and visually appealing solution is to remove the wharf and jetties, undertake repairs to the seawall, provide additional pile structures for the boardwalk and stairs that double as additional support to the seawall structure which extends the seawall asset life.

The attached design shows the boardwalk raised by 300mm to improve resilience to sea level rise and better integrate with the levels of the New Town Basin Park to eliminate the existing slippery ramp and improve mobility access to the terraces. The public boardwalk has been made slightly wider to accommodate increasing use of the Hatea Loop and the highly anticipated new park with events space, to hide the seawall, and enhance connectivity to the river. Detailed design work has been completed on both the New Town Basin Park and the Boardwalk & Seawall works to ensure that both projects align and can be delivered at the same time, by the same contractor, without incurring significant variations or delays.

The capex budget of \$374,000 within the 2018/2028 Long Term Plan for coastal structure renewals and parks renewals is insufficient to fund the replacement cost of these structures. The work is urgent to address current public safety issues and liability if the wharf collapses and damages marina vessels or structures. The additional budget required for removal of old structures, repair of the seawall, new boardwalk, stairs and surrounding landscape works, is at \$1,078,000 excl GST. This is based on the price tendered as a provisional item and includes a 10% contingency (\$132,000) due to the risks associated with the unknown condition of parts of the seawall and the risk of working on soft, reclaimed land next to the Hatea River.

#### **4.1 Financial/budget considerations**

##### New Town Basin Park Budget

The budget for the new Town Basin Park was set approximately 3 years ago at \$5.2 million. This budget did not include cost for the replacement of the boardwalk, the additional 350m<sup>2</sup> area in front of Te Kakano, or upgrades to water supply, stormwater and wastewater infrastructure which are being funded from other budgets. It is also noted that since the budget was set construction costs have been going up by 8-10% every year which is not factored into normal inflation adjustments when budgets are set.

Timing of construction of the park has been moved out by at least 2 years since the budget was set. This was necessary to align with construction of the HAC project which started construction a year later than anticipated in 2017 and is currently planned to open one year later than originally scheduled when construction started. The consequence of delaying the start of construction by two years is a construction cost escalation of 8-10% per year which is between \$0.9m to \$1.0m additional cost.

Due to COVID-19 impacts on the construction sector, and the potential for COVID Alert Levels to continue changing over the project's construction period, the contractor has been asked to make allowances within the contract cost and programme to minimise the risk of additional costs.

The contractor has also been asked to make allowances in the programme for working with and around the HAC construction site to minimise unexpected costs and delays to each project.

To save council time and costs, additional works outside the scope of the New Town Basin Park project are planned to be delivered under the same construction contract and have therefore been priced in the contract. This includes \$180,200 of works on watermain, roading, artwork, and heritage signs, and \$1,220,000 for the boardwalk and seawall works,

which are included in consideration of the budgets available to award the total construction contract as priced.

Throughout construction the project team and the contractor will continue to look for opportunities for cost savings and value-engineering.

There is currently \$350,000 (5%) contingency included in the construction tender price. For a project of this complexity and risk profile a \$700,000 (10%) project contingency is the minimum standard contingency advisable upon starting construction.

Based on the contract tender price received, the additional budget required to construct the park as designed is \$1,307,000, which is made up of:

- \$957,000 to cover the construction contract tender price, and
- \$350,000 to increase project contingency to 10% to cover remaining project risks.

Total budget for the New Town Basin Park will therefore be \$6,507,000 with current allocation as follows:

- \$919,522 spent or committed to be spent to complete including professional services, consents, purchase of trees, play space and other items
- \$4,887,478 construction allocation
- \$700,000 project contingency (includes \$350k contract contingency)

#### Boardwalk, Seawall and Wharf Structures Budget

Council has existing capex budgets of \$112,000 from Coastal Structures Renewals, and \$262,000 from Parks Renewals which are allocated to the wharf, seawall and boardwalk works. Based on the tendered price, additional capex budget of \$1,078,000 is required to fully fund the urgent renewal works. This will be spent in financial year 2020/21 to match the timing of the New Town Basin Park project.

Minimal additional staff time is required if the boardwalk and seawall works are included in the New Town Basin Park construction contract.

Total budget for the wharf and jetty structure removal, seawall repairs, stairs and boardwalk replacement will therefore be \$1,452,000 with current allocation as follows:

- \$0.11m spent or committed to be spent to complete
- \$1.22m construction allocation
- \$0.122m project contingency

#### Total Budget Considerations

Council has sufficient debt headroom to fund the recommended capital works budget increases.

In order to balance the total capital budget for financial year 2020/21, the addition of \$2,385,000 budget will be offset by carrying forward the equivalent budget for the Pohe Island Development, made up of the public toilets which can be constructed early in the 2021/22 financial year after underground services are installed, and the Pohe Island Playground project which is likely to run across into next financial year anyway.

#### CON18078 Contract Award Budget Considerations

The total construction contract amount of \$6,637,678.15 excluding GST is to be funded from the following budgets, subject to council budget approvals recommended in this report:

New Town Basin Park (Construction allocation only)	\$4,887,478.15
Parks Signs and Arts Budgets	\$33,000
Roading Budget	\$3,200

City Centre Budget	\$45,000
Water Services Budget	\$99,000
Town Basin Boardwalk, Seawall & Wharf (construction only)	\$1,220,000
Contract Contingency (included in contract price)	<u>\$350,000</u>
<b>TOTAL available to cover the construction contract</b>	<b>\$6,637,678.15</b>

The New Town Basin Park total budget includes money already spent or yet to be spent on site investigations, engagement and consultation, design and construction supervision by architects, engineers and landscape architects, resource and building consents, purchase of play space, trees, art piece, water feature, and other bespoke elements to be supplied to the contractor for installation.

Remaining project contingencies include \$350,000 for the New Town Basin Park and \$132,000 for the Boardwalk replacement, stairs, seawall repair and wharf removal to cover risks and unforeseen circumstances.

## 4.2 Options

Options for funding the necessary infrastructure works are:

- a) Use existing budgets for the seawall, boardwalk and wharf structure to do the minimum required for health & safety and to meet the council's legal obligations, including removal of unsafe structures, and minimum reinstatement of the remaining public areas (most likely with grass).
- b) Remove scope from the New Town Basin Park, limited to items that are not yet purchased or contracted including the water feature and the building containing the public toilets and storage space for events. These items however, are considered essential to the intended use and function of the park space and are highly desirable based on public feedback.
- c) Allocate additional capex budget as recommended for the Boardwalk project to ensure all works are done at the same time as the New Town Basin Park, and to realise potential savings of having the same contractor undertake the wharf, seawall, boardwalk, and landscaping works.
- d) Allocate additional capex budget as recommended in c) above and defer other projects to a similar value.

The preferred option is d) which is to allocate additional budget to both the New Town Basin Park project and the Boardwalk project to realise the time and cost savings of delivering both under the same contract. To offset the additional budget, other project budgets are recommended to be deferred to the 2021/22 financial year.

## 4.3 Risks

There is a risk if budget is allocated that other capital works projects may be delayed, however this is small because the design and tendering work has already been done for the boardwalk and seawall works, and subject to budget allocation, could be awarded to a contractor to start works by October 2020.

There is also risk attached to not allocating additional budgets for this work including:

- Unsatisfactory and unsafe public spaces remain for longer,
- Liability exposure from failing assets,
- Construction prices could escalate a further 8-10% per year beyond the current price,
- Delays to the New Town Basin Park project meaning it would not be completed prior to opening of the Hundertwasser Art Centre with Wairau Maori Art Gallery,
- Increased cost of variations to council if the boardwalk and other works are added to the New Town Basin Park contract after it is awarded,
- Increased costs of running a separate tender process and managing separate contracts if the boardwalk is not able to be added to the New Town Basin Park contract.

## **5 Significance and engagement**

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

## **6 Attachments**

1. New Town Basin Park Design
2. Town Basin Boardwalk Replacement Design









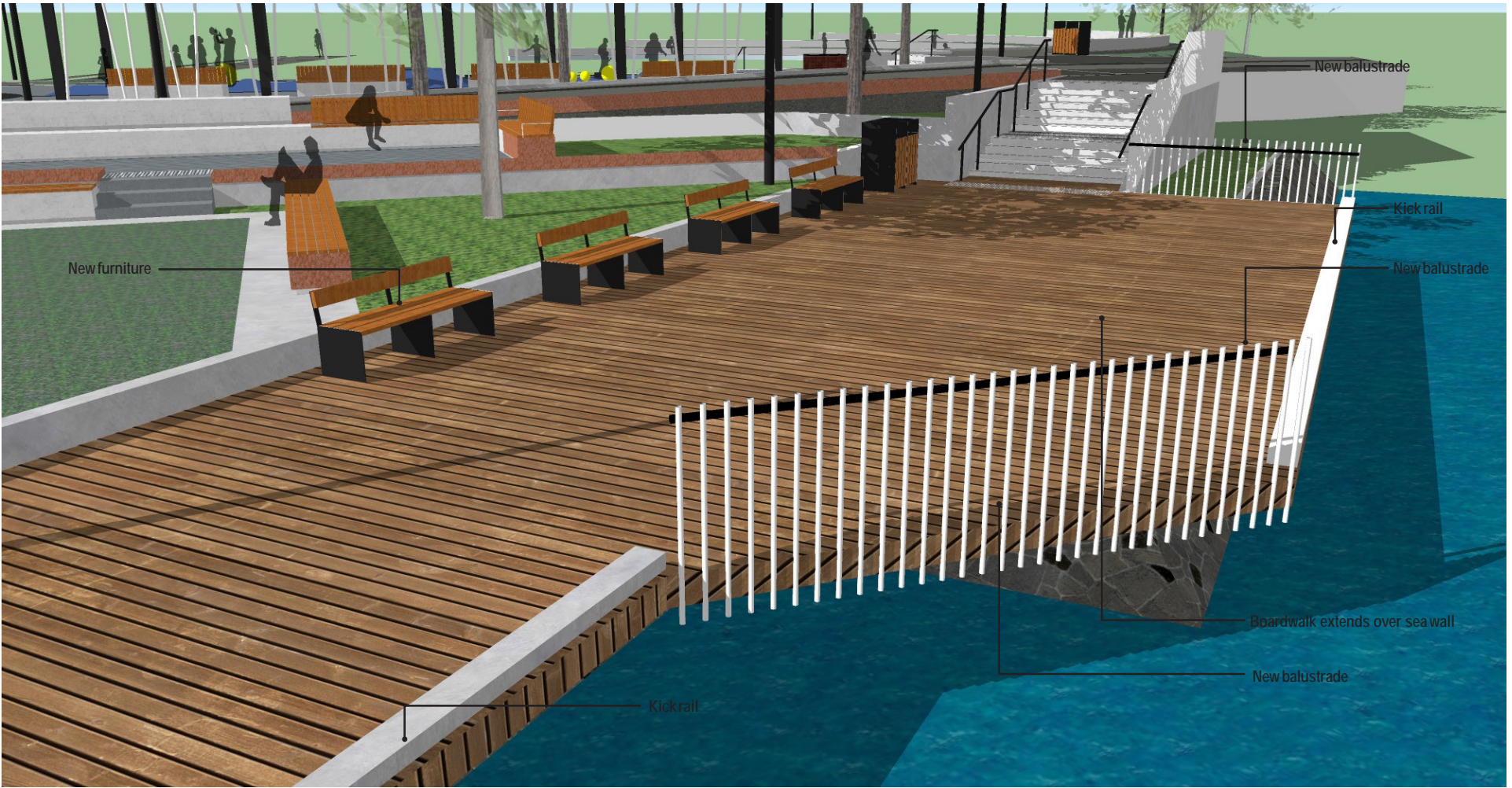




A

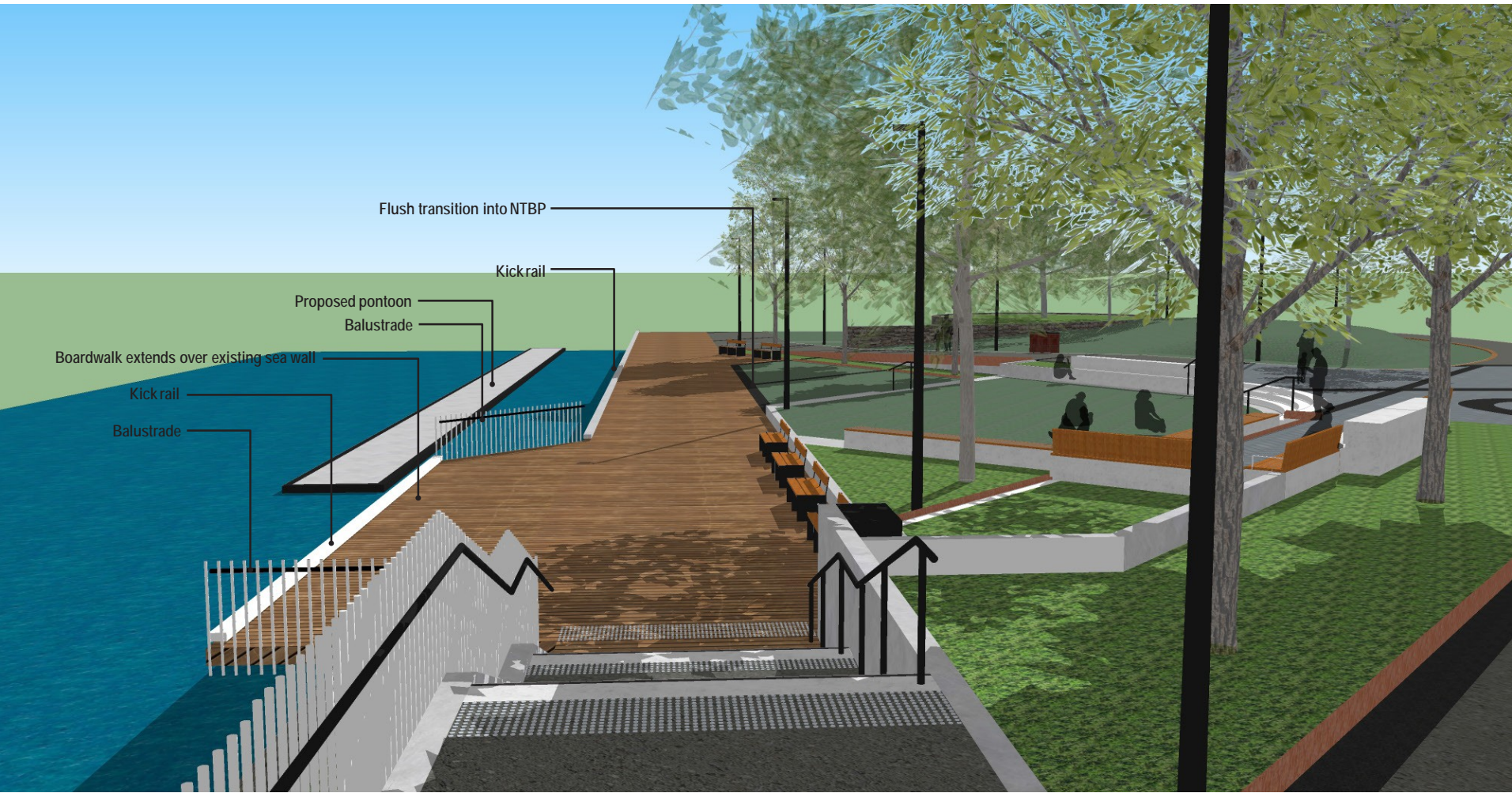
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PERSPECTIVE A





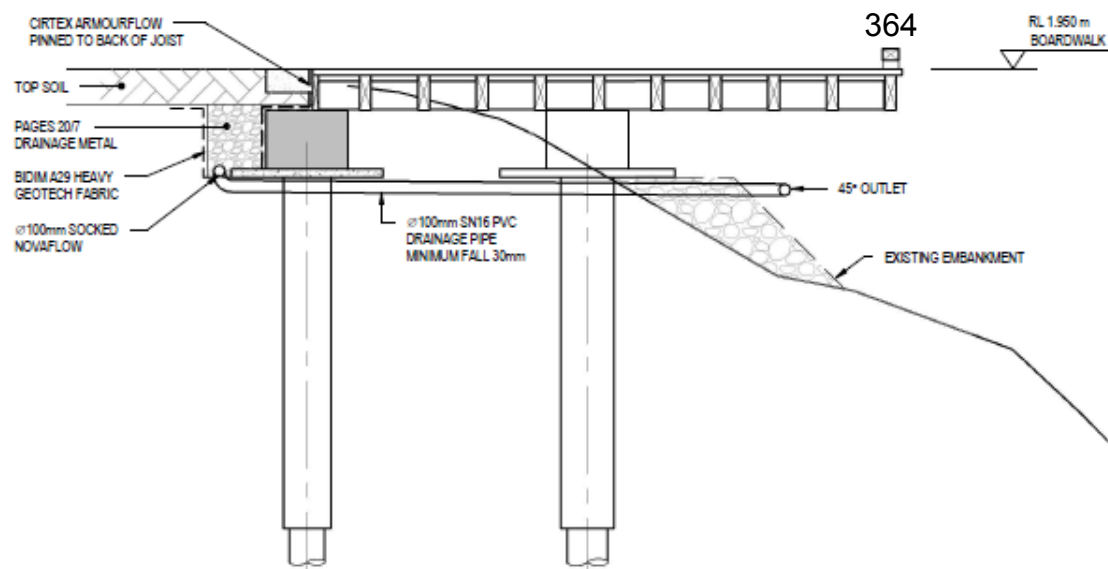
**B** CONCEPT - PROPOSED  
PERSPECTIVE B



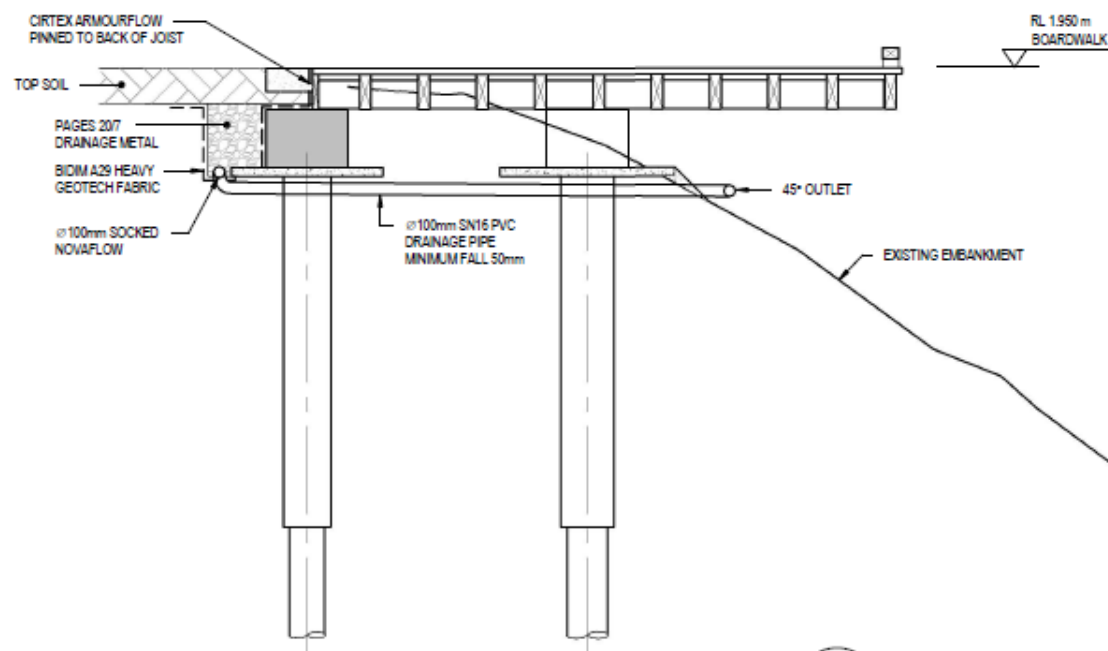


**C** CONCEPT - PROPOSED  
PERSPECTIVE C

- NOTES:
1. FOR DRAWING SCHEDULE REFER TO DRAWING 01
  2. FOR NOTES REFER TO DRAWING 02



SECTION A  
1:50



SECTION B  
1:50







## 6.11 Carruth Street Carpark - Parking Changes

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** J Devine (Strategy and Planning Manager, NTA)

### 1 Purpose

To propose the introduction of \$2 per day Parking Charges for the Carruth Street Carpark.

### 2 Recommendation

That Council;

1. Rescinds the following resolution adopted at the Infrastructure Committee meeting on the 13 July 2017:

*'That Council;*

- a) approves the installation of Parking Charges in the Carruth St Carpark,*
- b) that the carpark shall be a metered zone as set out in Plan No 4021 attached to the report,*
- c) that the fee payable shall be at the rate of \$2.00 per hour or part thereof,*
- d) that the metered zone hours be Monday to Friday, 8am to 6pm,*
- e) that there be no charges on Saturdays and Sundays,*
- f) agrees that the resolutions be released to the open record once negotiations have concluded.'*

2. And resolves;

That Council approves;

- a) the installation of Parking Charges in the Carruth Street Car Park,
- b) that the Carruth Street Carpark shall be a metered zone as set out in Plan No 4021 attached to the report,
- c) that the fee payable shall be at the rate of \$2.00 per day or part thereof,
- d) that the metered zone hours be Monday to Friday, 8am to 6pm,
- e) that there be no charges on Saturdays and Sundays, and
- f) notes that the new parking charges will come into force once the signage is changed.

### **3 Background**

Council leased the ex-Toyota car yard site in July 2017, to create the Carruth Street Carpark in order to extend the parking facilities serving the Town Basin Complex and provide additional carparking to serve the Hundertwasser Art Centre when opened.

### **4 Discussion**

In July 2017 Council introduced \$2 per hour parking charges at the Town Basin Carpark to manage the availability of parking. With the potential opening of the Hundertwasser Art Centre it was intended to supplement the existing parking facilities with additional carparks at this ex-Toyota site which had just become available for short term lease.

Council introduced Pay & Display metered parking in the Carruth Street Carpark also at \$2 per hour to ensure parking availability and parking turnover for all the Town basin facilities.

A request has now been received to convert this carpark into a \$2 per day parking facility, to compensate for the loss of parking as a result of the construction of the new park at the Town Basin.

#### **4.1 Financial/budget considerations**

Council leased the Carruth Street Carpark in July 2017 for an initial period of 3 years, with a right of renewal of that lease for a further 2 years until July 2022. Council pays \$130,000 lease payments plus \$20,000 for a total expense of \$150,000 per year.

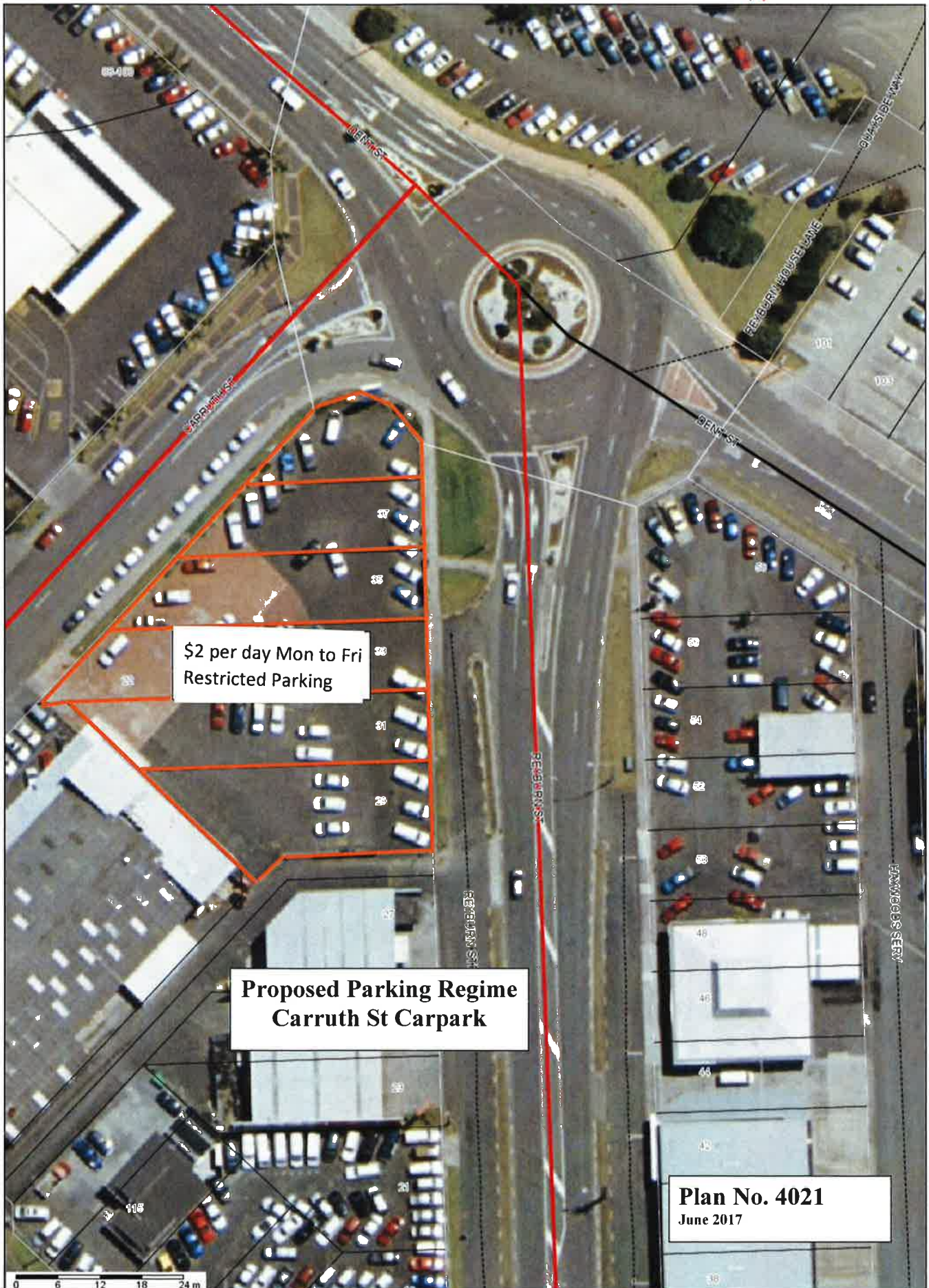
Current income from this carpark is only approximately \$5,500 per year, pre-COVID. At \$2 per day the existing 71 carparks, if fully utilised, would generate \$142.00 per day or \$36,920-00 over the 5 day week per year. Realistically Council could expect to receive 70-80% of that income over the full year, say \$30,000-00 per year.

### **5 Significance and engagement**

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via the publication of this agenda on the website.

### **6 Attachment**

1. Plan No. 4021 - Carruth St Metered carpark.



Scale: 1:500  
@ Original Sheet Size A3

Projection: NZGD2000 / New Zealand Transverse Mercator 2000  
Print Date: 27/06/2017 3:56 PM

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## 7.1 Financial report for the 2 months ending 31 August 2020

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 September 2020  
**Reporting officer:** Alan Adcock (General Manager – Corporate/CFO)

### 1 Purpose

To provide the operating result for the two months ending 31 August 2020.

### 2 Recommendation

That the Council notes the operating results for the two months ending 31 August 2020.

### 3 Background

#### 3.1 Operating Result

The year to date position is a surplus of \$6.3 million, compared to a budgeted surplus of \$3.2 million, resulting in a favourable variance of \$3.1 million.

The financial report includes actual operating results for the 2 months ending 31 August 2020, compared to the phased budget for the same period. Due to Long Term Plan commitments, forecasting wasn't undertaken in August.

The year to date favourable variance has been partially offset by unbudgeted flood damage spend of approximately \$1.8 million. The year-to-date variance is also impacted by differences between the phasing of the budget to when costs are incurred. Full year forecasting will be updated in September with a complete financial report provided in the October Council agenda. Full year forecast results will enable us to determine how much of the variance is as a result of timing differences. At this time a more detailed analysis will be provided.

The unbudgeted MBIE Te Tai Tokerau Worker Redeployment Package has provided grants revenue of \$5.8 million, with \$4.1 million being distributed to other parties to the contract. These transactions have been identified separately within the income statement.

#### Capital Projects

A full capital project report has not been included in this agenda. Due to LTP commitments no accruals (excluding roading) were processed for the month. This results in year to date figures being distorted as they are prepared on a cash basis, while the budget is phased on an accruals basis. Total spend for the two months ending 31 August is \$4.6 million. Full year forecasting and accruals will be updated in September with a complete Projects report provided in the October Council agenda.



### 3.2 External Net Debt and Treasury

Total net external debt at the end of August 2020 was \$113.6 million compared to year to date budgeted net debt of \$131.9 million, resulting in net debt being \$18.3 million under budget.

This favourable variance is due to assumptions made regarding the opening net debt balance of the 2020-21 Annual Plan, MBIE funding received and the favourable operating surplus (see section 3.1).

As at 31 August 2020 cash and term deposits held of \$50.3m was comprised of:

- \$10.0 million of term deposits relating to short term borrowings not yet required
- \$12.0 million of term deposits relating to pre-funding undertaken
- \$13.0 million of term deposits relating to excess cash not currently required
- \$15.3 million cash on hand.

### 3.3 Economic Outlook

The commentary in italics below was taken from the Economic Outlook provided by PWC Treasury Advisory, dated 7 September 2020.

*The RBNZ cut the OCR by 75bps in March to 0.25% and reaffirmed forward guidance at its August meeting that the OCR will remain at this level until March 2021. Increased possibility that the OCR goes 'negative' in mid-2021.*

*Business failures are inevitable, minimised through government/RBNZ initiatives. Domestic and global economic data is improving but the outlook remains uncertain.*

*The NZ economy contracted by 1.6%qoq in Q1 2020. Quarterly real GDP growth to contract sharply in Q2 before rebounding in Q3. NZ moving out of lockdown earlier than expected has improved the growth outlook from initial expectations.*

*Amid slowing growth, it remains to be seen how global inflation pressures react. In aggregate, slower growth will soften global inflation pressures, and weigh on long-term inflation expectations (and yields) despite the significant supply of money in the system.*

*Weaker commodity prices (particularly Whole Milk Powder) have persisted for some time now and will weigh on the economic recovery from here. The outlook for prices/demand over the summer months (when domestic production/supply is at its greatest) looks bleak and there are few factors that appear supportive.*

*Couple this with what will be almost non-existent tourism exports over the summer, and it looks as though the agriculture and tourism sectors (at a minimum) will be facing a tough few months.*

## 4 Accounts receivable and arrears

Total arrears as at 31 August 2020 was \$4.8 million, compared to \$5.8 million in the previous year. This is mainly due to land rates being due 20 September, rather than 20 August in the previous year. However sundry debtors arrears remain higher at \$1.0 million compared to \$0.4 million in the previous year.

## 5 Significance and engagement

The decisions or matters of this agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda publication on the website.

## **6 Attachments**

- 1 Monthly key indicators
- 2 Monthly activity summary
- 3 Monthly income statement
- 4 Treasury



**MONTHLY KEY INDICATORS**  
**AUGUST 2020**



YTD to August 2020				
	Actual	Revised Budget	Variance	YTD
	YTD \$ m	YTD \$ m	YTD \$ m	Indicator
<b>OPERATING</b>				
<b>Total Rates</b>	16.0	15.9	0.1	●
<b>Development Contributions</b>	2.3	2.1	0.2	●
<b>Subsidies and Grants</b>	2.5	3.0	(0.5)	●
<b>User Fees</b>	2.8	2.4	0.4	●
<b>Total Operating Income</b>	25.4	25.0	0.4	●
<b>Personnel Costs</b>	4.5	4.5	0.0	●
<b>Other Operating Expenditure</b>	8.2	8.8	0.6	●
<b>Total Operating Expenditure</b>	21.0	22.3	1.3	●
<b>Surplus/(Deficit) from Operations</b>	4.5	2.7	1.8	●
<b>Total Surplus/(Deficit)</b>	6.4	3.2	3.2	●

KEY	
●	Favourable to budget
●	Unfavourable, but within 5% of budget
●	Unfavourable, over 5% of budget
↑	Favourable to previous month
↓	Unfavourable to previous month

**EXTERNAL DEBT FUNDING**

<b>External Net Debt</b>	113.7	131.9	18.3	●
<b>Net Interest on debt</b>	0.8	1.3	0.5	●












**Note:** The above information includes excerpts taken from the Monthly Income Statement. The shaded lines above represent key totals from the Monthly Income Statement but are not totals of the lines above.



# MONTHLY ACTIVITY SUMMARY AUGUST 2020



YTD to August 2020

	Actual Surplus/ (Deficit) \$m	Revised Budget Surplus/ (Deficit) \$m	Variance Surplus/ (Deficit) \$m	YTD Indicator
<b>Surplus/(deficit) from operations</b>	6.2	2.8	3.4	
<b>Transportation</b>	(2.2)	(2.4)	0.2	
<b>Water</b>	1.9	1.3	0.6	
<b>Solid Waste</b>	0.4	0.9	(0.5)	
<b>Waste Water</b>	2.4	2.2	0.2	
<b>Storm Water</b>	(0.6)	(0.6)	0.0	
<b>Flood Protection</b>	0.1	0.1	0.0	
<b>Community Facilities</b>	(2.9)	(4.0)	1.1	
<b>Governance &amp; Strategy</b>	0.5	0.1	0.4	
<b>Planning &amp; Regulatory</b>	0.7	0.0	0.7	
<b>Support Services</b>	5.8	5.1	0.7	

**KEY:**

Favourable to budget

Unfavourable, but  
within 5% of budgetUnfavourable, over 5% of  
budget

Favourable to previous month



Unfavourable to previous month

**Note:** The above information is at Council Operations level and excludes non-cash adjustments





## MONTHLY INCOME STATEMENT

### 31 AUGUST 2020

Council Summary	Actual	Revised Budget	Variance*
	YTD \$000	YTD \$000	2020-21 \$000
<b>Operating income</b>			
Rates	15,981	15,948	32
Development and other contributions	2,279	2,057	222
Subsidies and grants	2,492	2,983	(491)
Fees and charges	2,820	2,428	393
Interest revenue	48	50	(2)
Other revenue	1,788	1,527	261
<b>Total operating income</b>	<b>25,409</b>	<b>24,993</b>	<b>415</b>
<b>Operating expenditure</b>			
Other expenditure	8,224	8,780	556
Depreciation and amortisation	7,383	7,761	377
Finance costs	823	1,277	454
Personnel costs	4,521	4,450	(70)
<b>Total operating expenditure</b>	<b>20,951</b>	<b>22,268</b>	<b>1,317</b>
<b>Surplus/(deficit) from operations</b>	<b>4,457</b>	<b>2,725</b>	<b>1,732</b>
<b>Plus MBIE Te Tai Tokerau agreement</b>			
Grants received	5,825	-	5,825
Grants paid	(4,087)	-	(4,087)
<b>Total MBIE Te Tai Tokerau agreement</b>	<b>1,738</b>	<b>-</b>	<b>1,738</b>
<b>Plus non-cash income adjustments</b>			
Vested assets income	335	767	(432)
Gain on disposal of assets	-	-	-
<b>Total non-cash income adjustments</b>	<b>335</b>	<b>767</b>	<b>(432)</b>
<b>Less non-cash expenditure adjustments</b>			
OPEX on capital projects**	24	285	261
Loss on disposal of assets	156	-	(156)
<b>Total non-cash expenditure adjustments</b>	<b>180</b>	<b>285</b>	<b>104</b>
<b>Total non-cash adjustment</b>	<b>154</b>	<b>482</b>	<b>(327)</b>
<b>Total surplus/(deficit)</b>	<b>6,350</b>	<b>3,207</b>	<b>3,143</b>

\* Favourable variances are recorded as positive amounts (unfavourable variances as negative amounts)

\*\* This expenditure is included within the Capital Projects Report



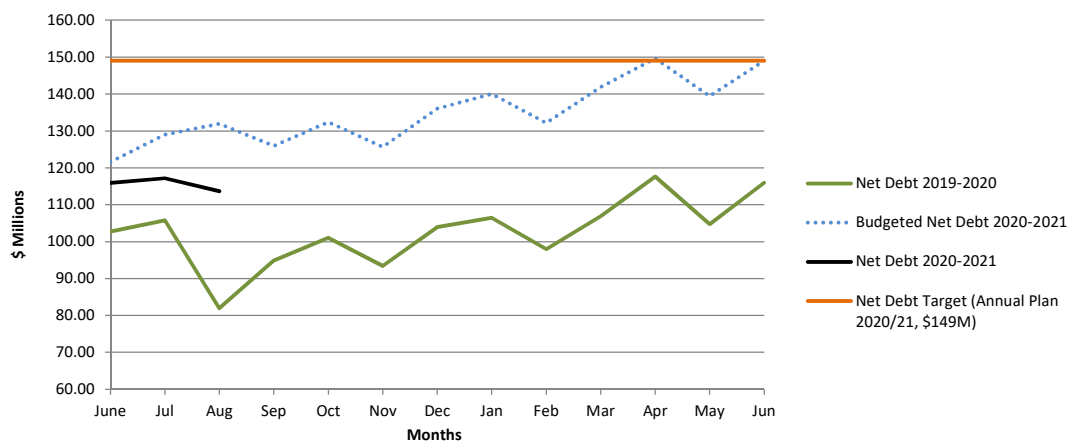
**TREASURY REPORT**  
**31 AUGUST 2020**

**STANDARD AND POORS CREDIT RATING:****AA**

Outlook: Positive

**DEBT SUMMARY:****As at 31 August 2020**

<b>External Debt</b>		
Opening public debt as at 1 August 2020		152,000,000
Plus loans raised during month	12,000,000	
Less loan repayments made during month (Note: Facility movement has been netted)	-	
Net movement in external debt		12,000,000
<b>Total External Debt</b>		<b>164,000,000</b>
Less: Cash balances (excluding funds held on behalf)	15,345,182	
Term deposits (Funds held on deposit until required for project funding)	35,000,000	
Total cash and term deposits		50,345,182
<b>Total Net External Debt</b>		<b>113,654,818</b>
<i>Note: Council also holds \$2.6m of LGFA borrower notes. These are not included in net external debt as per Council's Treasury Risk Management Policy.</i>		
<b>External debt is represented by:</b>		
Less than 1 Year		33,000,000
1-3 Years		30,000,000
3-5 Years		33,000,000
Greater than 5 Years		68,000,000
<b>Total</b>		<b>164,000,000</b>

**NET EXTERNAL DEBT COMPARED TO BUDGET:**

<b>Internal Funding*</b>		
Community Development Funds		10,709,223
Property Reinvestment Reserve - Available for Reinvestment	5,057,817	
Property Reinvestment Reserve - Accumulated	30,056,890	
		35,114,708
Water Reserve (note: estimate until 2019/20 Annual Report finalised)		33,026,583
<b>Total</b>		<b>78,850,514</b>

Note: Reserves Funding is disclosed to ensure transparency of Council's use of cashflow management to fund capital works.

Where funds are raised through property sales or targeted rates for Water, but they are not required for immediate investment in that asset category, Council's Revenue and Financing policy allows them to be used for other purposes, rather than being held on deposit.

To ensure total transparency of this we create Reserve Accounts so that the appropriate funding can be made available and transferred back when it is required. The timing of projects requiring these funds is set out in our Long Term Plan (LTP) and/or Annual Plan (AP).

These Reserves are not a liability to an external party, and are not part of Council's debt obligations.

The Property Reinvestment Reserve is split to record funds that were used specifically for capital works in previous years; and a smaller amount representing recent unbudgeted sales where the funds received have offset external debt.

The only situation where our Net Debt would increase as a result of these Reserves is if major expenditure on Water Assets or property purchases is brought forward from the dates set out in the LTP/AP.



**RESOLUTION TO EXCLUDE THE PUBLIC****Move/Second**

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>		<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for passing this resolution</b>
1.1	Confidential Minutes Whangarei District Council Meeting 27 August 2020	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Confidential Minutes Extra ordinary Whangarei District Council Meeting 4 August 2020		
1.3	Formalising Access Over Council Reserves		
1.4	Marina Berth Replacement		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

<b>Item</b>	<b>Grounds</b>	<b>Section</b>
1.1	For the reasons as stated in the open minutes	
1.2	For the reasons as stated in the minutes	
1.3	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
1.4	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

**Resolution to allow members of the public to remain**

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

**Move/Second**

"That \_\_\_\_\_ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item \_\_\_\_\_.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because \_\_\_\_\_.

*Note: Every resolution to exclude the public shall be put at a time when the meeting is open to the public.*