

18. BYLAW AMENDMENT: NEW PART-TIME SPEED LIMIT SCHOOL ZONES

Officers responsible City Streets Manager	Authors David Rolls, Solicitor, DDI 941 8892
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The purpose of this report is to commence the special consultative procedure under the Local Government Act 2002 for the purpose of making a bylaw to amend the Christchurch City Traffic and Parking Bylaw 1992 in order to establish three new 40 kph part-time speed limit school zones and to simplify the process by which the Council can establish or disestablish such zones in the future.

BACKGROUND

At its 20 November 2003 meeting the Council resolved to commence, at its meeting on 11 December 2003, the special consultative procedure set out in the Local Government Act 2002 for the purpose of making a bylaw which would amend the Christchurch City Traffic and Parking Bylaw 1991. The purpose of the amending bylaw is to:

1. Establish three new part-time 40 kph speed limit school zones. These are to be:
 - (a) On Breezes Road, outside Aranui Primary and Aranui High Schools.
 - (b) On Breezes Road, outside Avondale Primary and Chisnalwood Intermediate Schools.
 - (c) On Innes Road, outside Our Lady of Fatima and Mairehau Primary Schools.
2. To enable the Council to establish or disestablish such part-time speed limit zones in the future by way of resolution rather than by way of making a bylaw amending the Christchurch City Traffic and Parking Bylaw 1991.

At that meeting the Council approved a draft bylaw for this purpose.

PROCEDURE FOR AMENDING THE BYLAW

Before making the amending bylaw, the Council must first address the matters set out in Section 155 of the Local Government Act 2002. Once those matters have been addressed the Council must then undertake the special consultative procedure set out in Section 83.

At its 20 November 2003 meeting, the Council addressed the matters referred to in Section 155. In this regard the Council resolved that:

- “(a) A bylaw amending Clause 76 and the Seventh Schedule to the Christchurch City Traffic and Parking Bylaw 1991 is the most appropriate way of imposing the above-mentioned new part-time speed limits for roads and for enabling that schedule to be altered in future, by way of Council resolution; and*
- (b) The draft bylaw, contained in the attached Statement of Proposal, is the most appropriate form of bylaw for this purpose; and*
- (c) The draft bylaw did not appear to give rise to any implications under the New Zealand Bill of Rights Act 1990; and*
- (d) That the special consultative procedure for making the bylaw be commenced by the Council at its meeting on 11 December 2003.”*

COMMENCEMENT OF THE SPECIAL CONSULTATIVE PROCEDURE FOR MAKING THE AMENDING BYLAW

In order to commence the special consultative procedure to make the amending bylaw the Council must now comply with Section 83(1) of the Local Government Act 2002. For this purpose the Council must:

- (a) Adopt, in accordance with section 83(1)(a), a statement of proposal and a summary of the information contained in the statement of proposal. That summary must comply with section 89; and

- (b) Include, in accordance with section 83(1)(b), the statement of proposal on the agenda for a subsequent meeting of the Council; and
- (c) Make, in accordance with Section 83(1)(c), the statement of proposal available for public inspection both at the Civic Offices and at such other places as the Council determines necessary in order to provide all ratepayers and residents of the district with reasonable access to the statement; and
- (d) Give, in accordance with Sections 83(1)(e) and 83(1)(g), public notice (and such other notice as the Council considers appropriate) of the proposal and of the consultation being undertaken, together with notice of the period within which the submissions on the proposal may be made to the Council. (This period must not be less than one month after the date of the first publication of that notice).

STATEMENT OF PROPOSAL

Attached to this report is the statement of proposal in an abridged form. In its unabridged form it will comply with the requirements of Sections 83(1)(a) and 86 of the Act. In its unabridged form, the statement will comprise of:

- (a) A draft of the bylaw as proposed to be amended (as required by section 86(2)(a)); and
- (b) The reasons for the proposal (as required by section 86(3)(a)); and
- (c) A report of the Council's consideration, under section 155, of the problem being addressed by the proposal (as required by section 86(3)(b)(i)).

Section 86(2)(a) requires that the statement of proposal contain a draft of the bylaw as proposed to be amended. The Christchurch City Traffic and Parking Bylaw 1991 presently comprises 49 pages. In order to keep the size of the attachments to this report to a minimum, the full draft of the Christchurch City Traffic and Parking Bylaw 1991 as proposed to be amended, is not included. Instead, the attached statement only contains a draft of those provisions of that bylaw which are proposed to be amended together with the draft of the bylaw which will make those amendments. If the Council adopts this statement of proposal then it must do so on the basis that it is adopting it in its unabridged form. In other words, it incorporates the full draft of the Christchurch City Traffic and Parking Bylaw 1992 as proposed to be amended, together with the draft of the bylaw which will make those amendments.

SUMMARY OF INFORMATION CONTAINED IN THE STATEMENT OF PROPOSAL

Section 83(1)(a)(ii) of the Act requires the Council to prepare a summary of the information contained in the statement of proposal. That summary must comply with section 89.

Section 89 requires that the summary:

- (a) Be a fair representation of the major matters in the statement of proposal; and
- (b) Be in a form determined by the Council; and
- (c) Be distributed as widely as reasonably practicable (in such manner as determined appropriate by the Council, having regard to the matter to which the proposal relates) as a basis for general consultation; and
- (d) Indicate where the statement may be inspected and how a copy may be obtained; and
- (e) State the period in which submissions on the proposal may be made to the Council.

Attached to this report is a summary of information which complies with the requirements of section 89. It is recommended that the Council resolve to formally adopt this summary (for the purposes of section 89(b)) and also resolve to publish it in both 'The Press' and the 'Christchurch Star' newspapers and on the Council's website for the purpose of satisfying the requirements of section 89(c).

SUGGESTED TIMETABLE FOR CONSULTATION PROCESS

It is recommended that the statement of proposal be put on the agenda for the meeting of the Council on 26 February 2004. It is also recommended that the Council resolve that the first public notice of the proposal and of the consultation being undertaken in respect of it, be given on Wednesday 17 December 2003 and that the period in which submissions upon the proposal may be made be from that date until Friday 13 February 2004.

It is also recommended that the Council resolve that all submissions on the proposal be heard by the Land Transport Subcommittee which shall report to the Council at its meeting on Thursday 27 February 2004.

Staff

Recommendation:

That the Council resolve:

1. To adopt the statement of proposal (in its unabridged form) and the summary of information attached to this report.
2. To include the statement of proposal on the agenda for the meeting of the Council on 27 February 2004.
3. That the statement of proposal (in its unabridged form) be made available for public inspection at all Council Service Centres, Council Libraries and on the Council's website.
4. That public notice of the proposal be given in 'The Press' and in the 'Christchurch Star' newspapers and on the Council's website on Wednesday 17 December 2003.
5. That the summary of information be distributed by way of publication (together with public notice of the proposal) in 'The Press' and in the 'Christchurch Star' newspapers and on the Council's website on Wednesday 17 December 2003.
6. That the period within which the submissions on the proposal may be made to the Council be between Wednesday 17 December 2003 and Friday 13 February 2004.
7. That all submissions on the proposal be heard by the Land Transport Subcommittee which shall report to the Council at its meeting on Thursday 27 February 2004.

Chairman's

Recommendation:

That the above recommendation be adopted.