

7. NEW PART-TIME 40 KM/H SPEED LIMIT SCHOOL ZONES

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The purpose of this report is to commence the process required to create three new 40 km/hr part-time speed limit school zones by amending the Council's Traffic and Parking Bylaw 1991 and to further amend that bylaw so as to simplify the process by which the Council can establish or disestablish such zones in the future.

BACKGROUND

The Council has, over the past three years, established seven 40 km/h part-time speed limit school zones on roads in the city. Transit New Zealand has established another two on state highways in the city. The existing zones have been successful in moderating driver behaviour on the approaches to the pedestrian crossing points outside all of the schools involved.

The current proposal for three additional 40 km/h school zones will provide coverage for six schools. Planning for the new zones has been underway for some time and has resulted in a favourable tender being accepted for the supply and installation of the required signs and operating systems for controlling the active (electronic) 40 km/h displays, which are a feature of the school zone concept.

A report on progress relating to the creation of the new school zones was received by the Committee at its meeting on 7 October 2003.

PROCESS

Clause 65A of the Christchurch City Traffic and Parking Bylaw 1991 provides for part-time speed limits on roads. The roads to which such speed limits apply are listed in the Seventh Schedule of the bylaw. These are all in the vicinity of schools.

In order to create the three new part-time 40 km/hr speed limit zones those zones must be added to the Seventh Schedule of the bylaw. These additions may only be made by way of a formal amendment to the bylaw.

Clause 76 of the Council's Traffic and Parking Bylaw 1991 allows the Council to alter a number of Schedules in the bylaw by way of resolution. Unfortunately the Seventh Schedule is not one of those schedules. It would appear that this was a result of an oversight at the time clause 65A and the Seventh Schedule was added to the bylaw.

It is recommended that in addition to amending the bylaw by adding the three new part-time speed limit zones to the Seventh Schedule, the Council also amend Clause 76 so as to include the Seventh Schedule. This will enable the Council, in the future, to alter the Seventh Schedule by resolution rather than by way of an amending bylaw.

The bylaw may only be altered in accordance with the special consultative procedure prescribed in the Local Government Act 2002. In order to comply with the timing requirements of that procedure it is recommended that the procedure be commenced at the meeting of the Council on 11 December 2003. A draft of the amending bylaw is attached.

To comply with the procedural requirements of that Act in relation to the making of bylaws the Council must, in the meantime, comply with the requirements of section 155 of that Act.

Section 155(1) provides that before commencing the process to make a bylaw the Council must determine whether or not a bylaw is the most appropriate way to address the perceived problem. The problem in question is vehicular speed in the vicinity of schools. It is considered that the most appropriate means of imposing part-time temporary speed limits in these areas is by means of a bylaw. It is cost effective and it also provides the necessary mechanisms for enforcement, that is by means of prosecution for breach. There is no other option which would provide an effective enforcement mechanism.

Section 155(2) provides that once the Council has determined that a bylaw is the most appropriate way of addressing the problem it must determine whether the proposed bylaw is the most appropriate form of bylaw and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990. Having taken legal advice it is considered that the attached draft is the most appropriate form for the amending bylaw and that it does not give rise to any implications under the Bill of Rights Act.

THE PROPOSED NEW PART TIME SPEED LIMIT ZONES

Three new part-time 40 km/h school zones are proposed. They are:

1. In Breezes Road, outside Aranui Primary and Aranui High School.
2. In Breezes Road, outside Avondale Primary and Chisnallwood Intermediate School.
3. In Innes Road, outside Our Lady of Fatima and Mairehau Primary Schools.

The precise locations of each are detailed in the draft bylaw.

If the bylaw making process is commenced at the Council's meeting on 11 December 2003 then, subject of course to the outcome of the special consultative procedure, the new part-time speed limit zones could be operational from 1 March 2004.

Recommendation: That the Council resolve that:

1. 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.
2. The attached draft bylaw is the most appropriate form of bylaw for this purpose.
3. The attached draft bylaw does not appear to give rise to any implications under the New Zealand Bill of Rights Act 1990.
4. The special consultative procedure for making the bylaw be commenced by the Council at its meeting on 11 December 2003.