

5. CHRISTCHURCH CITY PROPOSED NEW SPEED LIMITS

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PURPOSE OF REPORT

1. This report has been prepared at the request of the Board. Its purpose is to clarify the process for setting new speed limits on roads and to resubmit to the Board a report put before it on 4 October 2006 which sought the Board's support for speed limit changes on two roads in the Board's area.

BACKGROUND

2. At its meeting on 21 September 2006 the Council resolved to undertake the consultation process necessary for setting new speed limits on a number of roads in respect of which the Council is the road controlling authority.
3. Among the various organisations that the Council resolved to consult were the Community Boards in whose areas those roads were located. Two roads of the roads in question, namely Gardiners Road and Innes Road fall within the Shirley/Papanui Community Board's ("the Board") area.
4. Subsequently, staff prepared a report headed "Christchurch City Proposed New Speed Limits" which was put before the Board on 4 October 2006. That report detailed the new speed limits proposed for the two roads in question. It contained a staff recommendation that the Board support those changes. A copy of that report is appended to this report.
5. Upon considering the report the Board resolved:
*"(a) That the report lie on the table until the consultation process has been completed; and
(b) That the report be considered at the Board meeting on 1 November 2006."*
6. It appears that confusion has arisen in regard to the Board's role in relation to the matters raised in that report. It is also apparent that the report itself may have contributed to that confusion.

EXECUTIVE SUMMARY

7. It is unfortunate that the matter was referred to the Board by the Transport and Greenspace Unit in the form of a report. In hindsight what should have happened is that the Unit should have written to the Board advising the Board of the proposals and informing the Board of its opportunity to make any submissions on those proposals that it saw fit. In other words, the Board should have been treated in exactly the same manner as every other person or organisation that the Council has decided to consult.
8. Once in receipt of the letter it would then be for the Board's Principal Adviser to place the matter before the Board, in an appropriate manner, for its consideration. Should the Board decide to make any submissions then those submissions would be forwarded to the Council, by way of letter, in the same manner as the Council receives other submissions. Any submission made by the Board would then be taken into account by the Council along with all other submissions that it received.
9. It must be borne in mind that in this particular consultation process the Board stands in the shoes of a number of organisations and individuals that the Council is consulting. It is consulting the Board in its role as the elected representative of the community that the Board serves. It is therefore seeking the view of the Board itself. This is not a situation where the Board should undertake its own process of public consultation before deciding whether or not to make a submission or before determining the form of any submission.

10. The Board should be aware that among the persons that the Council is consulting in respect of this proposal are the occupiers of each of those properties which adjoin those parts of the roads upon which it is proposed that the speed limits be changed. The full list of the persons and organisations with which the Council is formally consulting in respect of the proposal is set out in paragraph 16 below.
11. In preparing its own submission the Board may, if it chooses, have informal talks with any person within its district that it considers may assist it in preparing its submission. However, it should be made very clear to any such person that he or she is being invited to assist the Board in making the Board's submission and that person is not being invited to make a submission in his or her own right. The Board should avoid having such talks with any person who has been specifically invited by the Council to make a submission in his or her own right as this could well lead to confusion in that person's mind as to the mechanics of the submission process.
12. It is recommended that the way forward for the Board is to now consider whether or not it wants to make a submission. If it does, then that submission must be set out in writing and forwarded to the Manager Transport and Greenspace by 7 November 2006.

LEGAL AND FINANCIAL CONSIDERATIONS

13. The Council is empowered to set new speed limits on any road for which it is the road controlling authority. This power is conferred on it by the Land Transport Rule Setting of Speed Limits 2003 Rule 54001 ("the Rule"), the Christchurch City Speed Limit Bylaw 2005 ("the Bylaw") and also the Banks Peninsula Speed Limit Bylaw 2005 (this latter bylaw is irrelevant for present purposes).
14. In setting speed limits the Council must comply with the requirements of the Rule. The Rule requires the Council to apply "Speed Limits New Zealand" in setting speed limits. "Speed Limits New Zealand" is set out in Schedule 1 of the Rule. It contains guidelines for setting speed limits and procedures for calculating speed limits.
15. Section 3.2(5)(a) of the Rule allows the Council to set a speed limit that differs from the calculated speed limit if that different speed limit is the safe and appropriate speed limit for the road with regard to the function, nature and use of the road, its environment, land use patterns and whether the road is an urban traffic area or a rural area.
16. The Rule also prescribes the consultation that is required to be carried out for any proposed speed limit change. Section 7.1(2) of the Rule prescribes who Council must consult with before it may set a speed limit. These are:
 - (a) *road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed; and*
 - (b) *a territorial authority that is affected by the existing or proposed speed limit; and*
 - (c) *any local community that the road controlling authority considers to be affected by the proposed speed limit; and*
 - (d) *the Commissioner; and*
 - (e) *the Chief Executive Officer of the New Zealand Automobile Association Incorporated; and*
 - (f) *the Chief Executive Officer of the Road Transport Forum New Zealand; and*
 - (g) *any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit; and*
 - (h) *the Director.*

The word "Commissioner" refers to the Commissioner of Police. The word "Director" means the Director of Land Transport Safety.

17. At its meeting on 21 September 2006 the Council determined that for the purposes of consultation the term "*any local community*", in relation to each of the roads (including roads outside the Board's area) upon which it is proposed that speed limits be changed, shall be:
 - (a) the occupiers of those properties which adjoin those parts of the roads upon which it is proposed that the speed limits be changed; and
 - (b) each Community Board in whose area the roads lie.
18. The Council also determined that in respect of the two roads in the Board's area there were no other road controlling authorities, territorial authorities, organisations or road user groups that were required to be consulted.
19. The Council resolved that each of the persons to be consulted be given not less than two weeks in which to make submissions on the proposals.
20. In respect of the Board's area it is proposed that the speed limits on parts of two roads, namely Gardiners Road and Innes Road, be changed. More particularly it is proposed that:
 - (a) The current speed limit of 50 km/hr on that part of Gardiners Road from its intersection with Johns Road to a point 210 metres south of that intersection be changed to 80 km/hr; and
 - (b) The current speed limit of 80 km/hr on that part of Innes Road starting at a point 50 metres northeast of its intersection with Briggs Road and extending northeast to a point 125 metres from that intersection be changed to 50 km/hr.
21. The reasons for these proposed changes are set out under the heading "Executive Summary" in the attached report.
22. The details of any submissions received during the consultation process will be presented to the Council for its consideration at its meeting on Thursday 30 November 2006. If, after considering those submissions, the Council decides to set new speed limits on some or all of the roads in question it is anticipated that those speed limits will be formally introduced early in December after the erection of the required signage.

STAFF RECOMMENDATION

That the Board consider whether or not it wishes to make any submissions to the Council on the proposed new speed limits and, if so, instruct its Principal Adviser to record and forward those submissions to the Council by way of letter by 7 November 2006.

CHAIRPERSON'S RECOMMENDATION

For discussion.