



PUBLIC

Agenda

Notice is hereby given of a
District Infrastructure Committee Meeting

Tuesday 13 June 2017

to follow Public Forum at 9.30am

Council Chamber
Waimate District Council
125 Queen Street
Waimate

www.waimatedc.govt.nz

Notice is hereby given that a meeting of the District Infrastructure Committee will be held in the Council Chamber, Waimate District Council, 125 Queen Street, Waimate, on Tuesday 13 June 2017, to follow Public Forum at 9.30am.

Committee Membership

Miriam Morton	Chair
Tom O'Connor	Deputy Chair
Craig Rowley	Mayor
Sharyn Cain	Deputy Mayor
David Anderson	Councillor
Peter Collins	Councillor
Jakki Guilford	Councillor
David Owen	Councillor
Sheila Paul	Councillor

Quorum – no less than five members

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

Significance Consideration

Evaluation: Council officers, in preparing these reports have had regard to Council's Significance and Engagement Policy. Council and Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council or Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

Decision Making

The Council, in considering each matter, must be:

- i Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decisions;
- ii Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Stuart Duncan
Chief Executive

Order of Business

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Item 1 Apologies

Prepared by: Stuart Duncan
 Chief Executive

The Chair will call for any apologies. An apology has been received from Cr D Anderson.

Recommendation

That the apologies are accepted.

Item 2 Conflicts of Interest

Prepared by: Stuart Duncan
 Chief Executive

As per the Local Authorities (Members' Interests) Act 1968 (as below), the Chair will enquire if there are any Conflicts of Interest to be declared on any item on the agenda, and if so, for any member to declare this interest.

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

Item 3 Identification of Major (Urgent Business) or Minor Items not on the Agenda

Prepared by: Stuart Duncan
 Chief Executive

- 1 The Chair will call for any major (urgent business) or minor items not on the agenda to be raised according to Standing Orders, as below:

- a Standing Orders 3.7.5 – Major Items**

An item not on the agenda for a meeting may be dealt with at the meeting if the local authority by resolution so decides, and the presiding member explains at the meeting at a time when it is open to the public –

- i The reason why the item was not listed on the agenda; and
 - ii The reason why discussion of the item cannot be delayed until a subsequent meeting.

- b Standing Orders 3.7.6 – Minor Items**

An item not on the agenda for a meeting may be dealt with at the meeting if –

- i That item is a minor matter relating to the general business of the local authority; and
 - ii The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
 - iii No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

Recommendation

That the District Infrastructure Committee resolves to consider any major (urgent business) or minor items at the end of the open section of the meeting.

Item 4 Confirmation of Minutes – District Infrastructure Committee

Prepared by: Stuart Duncan
 Chief Executive

The unconfirmed minutes of the District Infrastructure Committee meeting held on Tuesday 2 May 2017 are presented for confirmation.

Recommendation

That the minutes of the District Infrastructure Committee meeting held on Tuesday 2 May 2017 are confirmed as a true and correct record.

Unconfirmed Minutes of the District Infrastructure Committee meeting of the Waimate District Council held at 125 Queen Street, Waimate on Tuesday 2 May 2017, at 11.34am

Present	Chair: Cr M Morton Mayor: C Rowley Councillors: S Cain, D Anderson, P Collins, J Guilford, T O'Connor, D Owen, S Paul
In Attendance	Chief Executive: S Duncan Managers: C Johns, M Jones, S Kelly, D Mitchell, A Hilton, R Moffat, P Roberts, G Watts Committee Secretary: K Reid

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- | | |
|---|---|
| 1 Apologies | No apologies were received. |
| 2 Conflicts of Interest | The Chair called for Conflicts of Interests. There were no Conflicts of Interest identified. |
| 3 Identification of Major (Urgent Business) or Minor Items not on the Agenda | There were no major (urgent business) or minor items identified. |
| 4 Confirmation of Minutes | <p>Resolved:</p> <p>That the minutes of the District Infrastructure Committee meeting held on Tuesday 14 March 2017 are confirmed as a true and correct record.</p> <p>Moved Cr Cain
Seconded Mayor Rowley
MOTION CARRIED</p> |
| 5 Receipt of Minutes – Downlands Joint Standing Committee | <p>Resolved:</p> <p>That the confirmed meeting minutes of the Downlands Joint Standing Committee meeting held on Monday 5 December 2016 are received.</p> <p>Moved Cr Cain
Seconded Cr Collins
MOTION CARRIED</p> |
| 6 Receipt of Minutes – Waikakahi Rural Water Scheme Committee | <p>Resolved:</p> <p>That the unconfirmed minutes of the Waikakahi Rural Water Scheme Committee's six monthly general and triennial meetings held on Thursday 16 February 2017 are received.</p> <p>Moved Cr Guilford
Seconded Cr Cain
MOTION CARRIED</p> |

- 7 Receipt of Minutes – Cannington-Motukaika Rural Water Scheme Committee** **Resolved:**
- That the unconfirmed minutes of the Cannington-Motukaika Rural Water Scheme Committee's six monthly general and triennial meetings held on Monday 13 February 2017 are received.
- Moved Cr Anderson
Seconded Cr Owen
MOTION CARRIED
- Note:**
- The words were changed in the recommendation to Cannington-Motukaika Rural water Scheme Committee.
- 8 Management Report – Asset Group** **Resolved:**
- That the Asset Group Manager's Report is accepted.
- Moved Cr Guilford
Seconded Cr Paul
MOTION CARRIED
- 9 Consideration of Major (Urgent Business) or Minor Items not on the Agenda** There were no major (urgent business) or minor items identified.

There being no further business, the Chair declared the meeting closed at 12.14pm. These minutes to be confirmed at the District Infrastructure Committee meeting to be held on Tuesday 13 June 2017.

Cr M Morton
Chair

Item 5 Management Report – Asset Group

Prepared by: Dan Mitchell
 Asset Group Manager

The Asset Group Manager's Report is submitted for the information of the District Infrastructure Committee.

Recommendation

That the Asset Group Manager's report is accepted.

Highlights

Setting of Speed Limits Rule 2017

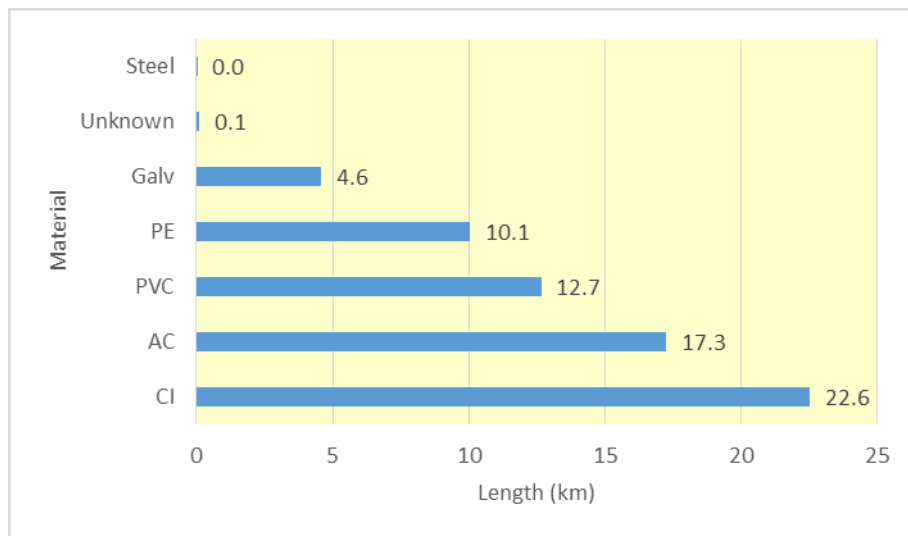
- 1 The New Zealand Transport Agency is currently consulting on the Setting of Speed Limits Rule 2017 with the consultation period ending 16 June 2017.
- 2 This proposed rule is a new approach that is outlined in the Speed Management Guide and is designed to offer a consistent approach to speed management where the views of communities and stakeholders are taken into account.
- 3 The intent is to target those areas where safety and efficiency benefits exist. Additionally it allows for the placement of repeater speed limit signs and emergency speed limits.
- 4 The new rule is set to be implemented during the fourth quarter of 2017 and this aligns with the proposed review of the following Bylaws:
 - a Chapter 11, Roading - 5 December 2017 District Infrastructure Committee Meeting
 - b Chapter 12, Traffic Speed Limits - 5 December 2017 District Infrastructure Committee Meeting
- 5 The rule is specific in stating that any speed limit set in accordance with a bylaw must follow a concurrent consultation as required by the rule (Section 2.5(2)). A copy of the proposed rule and supporting documentation are appended to this report.
- 6 A draft submission will be circulated to Councillors for comment prior to 16 June 2017.
- 7 Please refer to: APPENDIX 2 - Proposed Reseal Programme and APPENDIX 3 – Proposed Land Transport Rule

Multi Party Funding Agreement

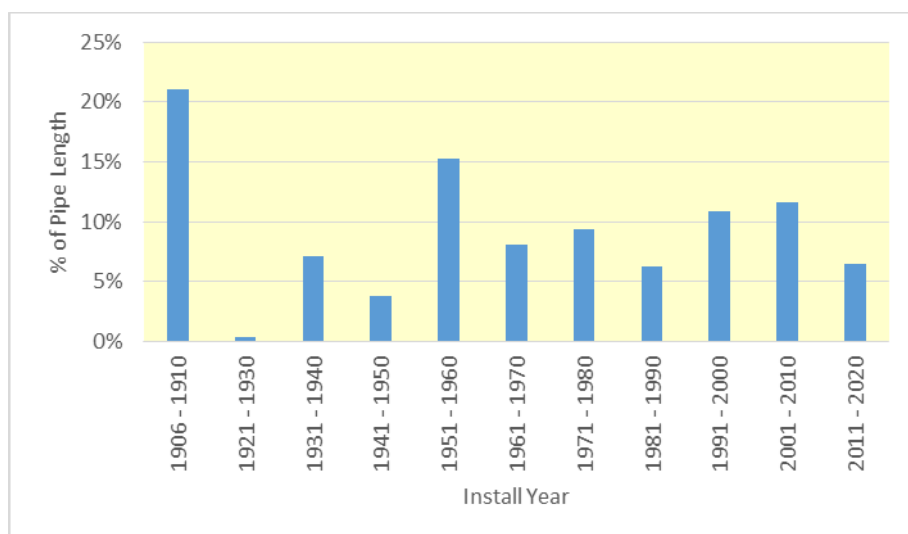
- 8 Resealing is completed every summer as part of Council's road maintenance renewals programme.
- 9 A reseal is the addition of a thin chip and bitumen surface layer on an existing seal surface to repair surface defects (functional distress), waterproof and reduce the rate of further deterioration and ultimately reduce the risk of premature structural failure.
- 10 Timaru District Council, Mackenzie District Council and Waimate District Council are parties in agreement to collaborate on road management and operation. A part of the agreement is to implement a joint resurfacing contract for a minimum term of two years.
- 11 The previous contract is now complete and the collaboration is now tendering for a second two-year resurfacing contract. Tenders for the new contract close Friday 6 July 2017 and prior to awarding, Council will need to enter into a second multi party funding agreement. The budget is \$950,000.
- 12 A copy of the previous Multi Party Funding Agreement (MPFA) is appended to this report (see APPENDIX 1) and is currently being revised with identified improvements. The revised document will be presented at the 27 June 2017 Ordinary Council Meeting.

Pipe Condition Assessments

- 13 Staff have continued to collect pipe samples for condition assessment as per the programme. Results from these assessments are being used to inform the useful lives of these, and similar reticulation, through both the urban and rural networks.
- 14 The following graphs indicate the diversity in terms of pipe material and installation date. Typically, Cast Iron (CI) were the first pipes to be installed, followed by Asbestos Cement (AC) post 1950's and then Polyvinylchloride (PVC) from the 1980's onwards.

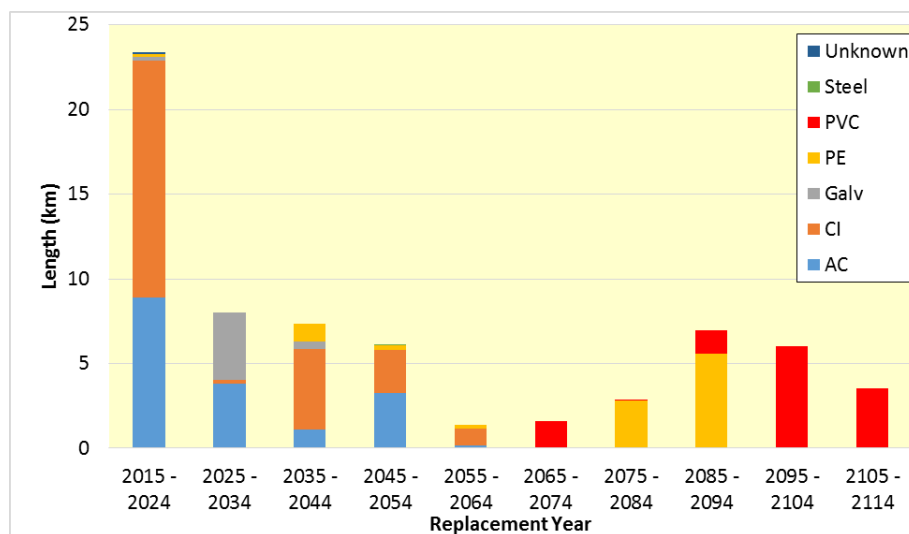


- 15 Approximately 21% of the Waimate Urban water supply reticulation was installed in 1906 and are 105 years old. The remaining 79% have been installed since 1921 and are aged between 1-90 years. The reticulation consists mainly of CI (34%), AC (26%), PVC (19%), Polyethylene (15%) and Galvanised (7%). There is 4m of steel which will be pipes from bore to surface pump.



- 16 As mentioned in previous reports, some smaller diameter AC mains are reaching (or have reached) the end of their useful lives. In order to confirm this interpretation, further tests are programmed in areas with differing soil types. Soil chemistry can have a significant effect on AC water mains where elevated acidity can reduce the useful lives significantly. Using soil maps will then enable better renewal modelling.

- 17 Larger diameter AC water mains are assumed to have longer useful lives currently. Staff have programmed to condition assess one of these critical mains to again inform the renewal programme.
- 18 Assessment of a section of cast iron water main concluded that the DN 225 pipe was Grade 3 – moderate condition. This highlights that whilst this is very old pipe, it probably has another 30 years of useful life and there is merit in delaying intervention. The renewal projection provided below is likely to change based on a revised useful lives following the results obtained from condition surveys.



Action Points

Action Point	Status	Comment
26 January 2016 – District Infrastructure Committee		
Councillors asked for the opportunity to further discuss the item on recycling and the reintroduction of a Container Deposit System at a future workshop	Progressing	No further information has been presented and it is suggested that the requested workshop be included as part of the Waste Management and Minimisation Plan update in 2017
8 March 2016 – District Infrastructure Committee		
The Asset Manager advised there had been no progress as yet on the Hakataramea Recycling depot	Progressing	No further progress to report. Consultation with the affected community to be programmed when resourcing allows. Councillor Guilford to assist
31 May 2016 – District Infrastructure Committee		
Cr McIlraith asked for enquiries to be made into suitable fencing that could be used to hold back rock fall at some sites along Te Aka Road	Progressing	A small section near Deep Stream Bridge has been protected by a concrete pre-cast wall. Pricing options for additional fencing are being obtained
12 July 2016 – Community Services and Development Committee		
Councillor Paul requested staff look into a non-functioning light at Glenavy	Completed	Netcon have installed the power cables
14 March 2017 – Environmental Services and Finance Committee		
Council develop by 30 November 2017 a reserves, open space and recreation strategy	Progressing	Future workshop item
4 April 2017 – Council		
Invite the Chair of OTOP Committee to present to Council, ideally for the next District Infrastructure meeting on 2 May 2017	Progressing	John Talbot (Chairman of OTOP Committee) is scheduled to present to the District Infrastructure Committee on 13 June 2017
23 May 2017 – Council		
That a report on future development opportunities for playgrounds in the district be provided to Council	Progressing	Options to be developed in conjunction with the update of the Parks and Recreation Asset Management Plan

Performance Measure Reporting

- 1 The following outlines Waimate District Council's Quarterly Performance Report (Water) for the nine months ended 31 March 2017.
- 2 This section of reporting was not available for the 2 May 2017 District Infrastructure Committee Meeting.
- 3 Progress will be shown using the following symbols:

✓ Achieved	✗ Not Achieved	→ On Track	↘ Tracking below target
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Water Supply (Urban and Rural)

1. Safety of Drinking Water. Council will provide potable water

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)	Staff Comments				
The extent of compliance with part four of the drinking-water standards (bacteria compliance criteria)	All Schemes Comply (Lower Waihao, Waikakahi, Waihaorunga and Cannington/ Motukaika (2016 onwards))	4/9 complied	4/9 complied					
Result by Scheme								
Waimate (Timaru Rd)	Waimate (Manchester's Bore)	Otaio/Makikihi (Tavistock)	Hook/Waituna	Lower Waihao	Waikakahi	Waihaorunga (Main)	Waihaorunga (Tavendales)	Cannington/ Motukaika
✓	✓	✗	✗	✗	✓	✓	✗	✗

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)	Staff Comments
The extent of compliance with part five of the drinking-water standards (Protozoal criteria)	All Schemes Comply (Lower Waihao, Waikakahi, Waihaorunga and Cannington/ Motukaika (2016 onwards))	3/9 complied	2/9 complied	

Result by Scheme

Waimate (Timaru Rd)	Waimate (Manchester's Bore)	Otaio/Makikihi (Tavistock)	Hook/Waituna	Lower Waihao	Waikakahi	Waihaorunga (Main)	Waihaorunga (Tavendales)	Cannington/ Motukaika
✓	✓	✗	✗	✗	✗	✗	✗	✗

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)	Staff Comments
The extent of compliance with part five of the drinking-water standards (Protozoal criteria)	Maintain secure source status (Waimate Urban, Otaio/ Makikihi)	Waimate Urban: ✗ awaiting approval from assessor at time of reporting. Otaio/ Makikihi: ✓	Waimate Urban: ✓ Otaio/ Makikihi: ✗	Otaio/Makikihi was achieved at the time of the Annual Report but on 28 October criterion 3 for Secure Bore status was not achieved due to a >1 MPN/100ml Ecoli count. Bore is now regarded as Provisionally Secure and is undergoing 12 month Ecoli testing to re-establish Secure Status

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)	Staff Comments
The extent of compliance with part five of the drinking-water standards (Protozoal criteria)	Comply with UV Requirements (Hook-Waituna)	✗	✗	In process of upgrading plant to meet requirements

2. Customer satisfaction. Council manages the water schemes wisely.

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)	Staff Comments
The total number of complaints received by the local authority about any of the following:	Urban <10 justified complaints / 1000 connections	Urban: ✓ 2 justified complaints per 1000 connections	Urban: ✓ 7 justified complaints per 1000 connections	13 justified complaints. 7 for water clarity, 1 for taste, 3 for continuity of supply and 2 for local authority's response to issues
a. Clarity				
b. Taste	Rural <40 justified complaints / 1000 connections	Rural: ✗ 79 justified complaints per 1000 connections	Rural: ✓ 20 justified complaints per 1000 connections	26 justified complaints. 1 for water clarity, 1 for odour, 9 for water pressure or flow, 14 for continuity of supply and 1 for local authority's response to issues
c. Odour				
d. Pressure or flow				
e. Continuity of supply				
f. Local authority's response to any of these issues				

3. Demand Management. Council manages the water scheme wisely.

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)
The average consumption of drinking water per day per resident within the territorial authority District	Average normal demand less than 840 litres per day	559 litres per day per person ✓	636 litres per day per person ✓

4. Fault response times. Council will minimise disruptions to the supply

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)
The median attendance and resolution time when the local authority attends a call-out in response to a fault or unplanned interruption to its networked reticulation system	Urgent Call-out: Median attendance time: ≤1 hour	Urgent Call-out: Median attendance time: 1:05 ✕	Urgent Call-out: Median attendance time: 0:16 ✓
	Median resolution time: ≤24 hours	Median resolution time: 3:30 ✓	Median resolution time: 0:59 ✓
	Non-Urgent Call-out: Median attendance time: ≤24 hours	Non-Urgent Call-out: Median attendance time: 2:41 ✓	Non-Urgent Call-out: Median attendance time: 1:25 ✓
	Median resolution time: ≤72 hours	Median resolution time: 5:02 ✓	Median resolution time: 3:30 ✓

5. Maintenance for reticulation network. Water is used efficiently and in a sustainable manner.

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)	Staff Comments
The percentage of real water loss from the local authority's networked reticulation system	<35% real water loss from the urban reticulation	50.2% ✖ (target was <50%)	42.2% ✖	Council has undertaken a large scale urban leak detection programme to reduce water loss to more acceptable levels This result is in proportion to high consumer consumption To date water loss is 219,833m ³ over 273 days

6. Council will minimise disruptions to the supply.

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)	Staff Comments
The number of unprogrammed interruptions to service per year	Urban: <5 Rural: <50	Urban: 2 ✓ Rural: 0 ✓	Urban: 0 ✓ Rural: 0 ✓	Council Rural Water Scheme policy requires consumers to have 96 hours storage Therefore any interruption is minimised or a non-event

7. Council provides a restricted supply of water to customers from its rural water schemes.

Measure	Target	2015/16 Result	Current Result (9 months to 31 March 2017)	Staff Comments
Number of complaints per year on restricted rate of flow to tanks on rural water schemes sufficient to deliver not less than the contracted water litreage per day	<6 complaints	102 complaints ✖	37 Complaints ✖	32 justified rural low pressure/no water complaints, 5 unjustified

APPENDIX 1

Agenda Item: “Multi Funding Agreement for Resealing”

Prepared by: Robert Moffat
Roothing Manager

Purpose of Report

The purpose of this report is to present Council with a recommendation to approve Multi Funding Agreement for Resealing.

Background

Resealing is completed every summer as part of road maintenance renewals programme. A reseal is the addition of a thin chip and bitumen surface layer on an existing seal surface to repair surface defects, waterproof and reduce the rate of further deterioration

Timaru District Council, Mackenzie District Council and Waimate District Council are parties to an agreement to collaborate on Road Management and Operation. A part of the agreement is to implement a joint resurfacing contract for a minimum term of 2 years.

Tenders for the joint resurfacing contract close on Friday 7 August 2015.

Proposal/Options

Multi party funding agreement Between Timaru District Council, Mackenzie District Council and Waimate District Council In respect of road resurfacing contract or period 1 October 2015 To 30 June 2017 is attached.

It is expected that the tender elevation report will be tabled at the Council meeting.

Obstacles

A contract must be let to ensure resealing is completed by 15 March 2016.

Assessment of Significance

This matter is / is not deemed significant under the Council's significance policy.

Budget Considerations

1. Budget Holding Manager is the Roothing Manager
2. Activity Description Maintenance Chip seals code C15411011
3. Budget \$ 950,000

Completion of the programmed reseal length is considered a priority. A contract price above the budget can be accommodated by reduction in expenditure in other roading renewal codes.

The final payment will vary from the tendered price due to cost Fluctuation Adjustment and actual quantities of bitumen applied to the road.

Recommendation

That Council enters into to the Multi Party Funding Agreement between Timaru District Council, Mackenzie District Council and Waimate District Council in respect of Road Resurfacing Contract for period 1 October 2015 to 30 June 2017.

MULTI PARTY FUNDING AGREEMENT (MPFA)

BETWEEN

TIMARU DISTRICT COUNCIL,

AND

MACKENZIE DISTRICT COUNCIL,

AND

WAIMATE DISTRICT COUNCIL

IN RESPECT OF ROAD RESURFACING CONTRACT

FOR PERIOD 1 OCTOBER 2015 TO 30 JUNE 2017

1.0 Date of Agreement

- 1.1 This Agreement is made on: 7 August 2015

2.0 Funding Parties

- 2.1 Timaru District Council ("TDC") a territorial authority constituted under the Local Government Act 2002 and an approved organisation and road controlling authority under the Land Transport Management Act 2003.
- 2.2 Mackenzie District Council ("MDC") a territorial authority constituted under the Local Government Act 2002 and an approved organisation and road controlling authority under the Land Transport Management Act 2003.
- 2.3 Waimate District Council ("WDC") a territorial authority constituted under the Local Government Act 2002 and an approved organisation and road controlling authority under the Land Transport Management Act 2003.

3.0 Recitals

- 3.1 Section 3.11 of New Zealand Transport Agency's Programme and Funding Manual stipulates that multi-party projects involving more than one road controlling authority or approved organisation receiving financial assistance from New Zealand Transport Agency for the activity is conditional on the Funding Partners entering into a formal funding agreement.
- 3.2 Timaru District Council, Mackenzie District Council and Waimate District Council being road controlling authorities that are party to a collaborative road resurfacing contract arrangement in South Canterbury and receiving New Zealand Transport Agency financial assistance for the activity, have agreed to enter into a formal funding agreement and wish to record the terms of that agreement.

4.0 Scope

- 4.1 The activity comprises of the resurfacing of roads in Timaru, Mackenzie and Waimate Districts through a Timaru District Council contract titled "Contract 2191: Road Resurfacing 2015-17".

5.0 Activity Funding and Costs

- 5.1 The contract is a measure and value contract with one combined schedule of prices with separable portions for years one and two. Work in each District is identified in separate work schedules and each District agrees to pay for all work completed on their own road network.
- 5.2 The tender evaluation for this contract will be completed using the total contract price with conforming tenders only considered.
- 5.3 Each district will be responsible for seeking New Zealand Transport Agency's financial assistance funding for the work completed in their district and any associated project management costs.

- 5.4 Awarding of the contract will require acceptance by Timaru, Mackenzie and Waimate District Councils as joint funding parties.

6.0 Project Management

- 6.1 It is recognised that Timaru District Council, as the lead authority, has responsibility for the overall management of the contract.
- 6.2 It is also recognised that each district will coordinate, supervise and certify completion of contract works within their own road network.
- 6.3 It is acknowledged that Mackenzie District Council and Waimate District Council are partners with Timaru District Council in achieving efficiency gains of a joint road resurfacing contract.
- 6.4 The Engineer to the Contract nominated in the contract document is:
- Andrew Dixon,
Land Transport Manager,
Timaru District Council,
PO Box 522, Timaru
Tel: 03 687 7284
Fax: 03 687 7206
Email: andrew.dixon@timdc.govt.nz
- 6.5 Each District will appoint a separate Engineer's representative to manage the contract works on roads in their district.
- 6.6 Timaru District Council as the lead agency shall keep Mackenzie District Council and Waimate District Council fully informed of progress and any issues during the contract and agreement period.

7.0 Cost Sharing

- 7.1 Each District is responsible to fund and claim NZTA financial assistance for work done in their District.
- 7.2 Each District shall arrange direct payment to the Contractor of the certified contract payment certificates and buyer created invoices for the work completed in their district as certified by the Engineer.
- 7.3 Where any amount expressed in this Agreement is stated to exclude GST, GST shall be added to any invoice rendered by one party to the other where it is payable.
- 7.4 This Agreement does not and is not intended to offer any benefit or create any obligation enforceable at the suit of any person not a party to this Agreement.
- 7.5 The Timaru District Council shall keep Mackenzie and Waimate District Council's fully informed of the Contractor's progress and programme during the agreement period.

8.0 Activity Change Reporting to New Zealand Transport Agency

- 8.1 Each party, as it may affect them, will make requests for changes to the activity funding as and when necessary.

9.0 Termination

- 9.1 This Multi Party Funding Agreement (**MPFA**) may be terminated
- 9.1.1 If any of the parties to this Agreement cannot obtain sufficient funds from New Zealand Transport Agency then that party may terminate this Agreement immediately. The costs for work up to that time relating to the terminating party including any contract penalty payments applicable shall be met by that party.
- 9.1.2 If the Project Cost shall at any time exceed the funding available to any of the Parties which is unable to obtain the necessary additional funds to meet the excess cost, then it may immediately terminate this Agreement. The costs for work up to that time relating to the terminating party including any contract penalty payments applicable shall be met by that party.
- 9.2 This Agreement will terminate on 30 June 2017 and the completion by each party of its obligations under this Agreement.
- 9.3 Should any of the Parties terminate this Agreement, then the remaining Funding Partners may resolve to continue the relationship specified in this Agreement without the terminating party by entering into a new Agreement.
- 9.4 Amendments to this Agreement shall only be effective if agreed by all the Funding Partners in writing.

10.0 Protection of Parties Separate Interests

- 10.1 Nothing in the Agreement is intended to create or be construed as creating the relationship of partnership, principal and agent, or joint venture between the parties and neither party has fiduciary duties to the other.
- 10.2 Each party recognises that the other has statutory accountabilities and obligations, including reporting obligations, that each must perform without improper influence of or consideration for the other.
- 10.3 A waiver of any provision of this Agreement shall not be effective unless given in writing, and then it shall be effective only to the extent that is expressly stated to be given. A failure, delay or indulgence by any of the Parties in exercising any power or right shall not operate as a waiver of that power or right.

11.0 Invalidity

- 11.1 If any part of this Agreement or its application to any person, organisation or circumstance is or becomes invalid or unenforceable the remaining provisions remain valid and enforceable fully permitted by law; but the parties agree to negotiate in good faith to achieve a similar economic effect for each party.

12.0 Disputes

- 12.1 All differences and disputes between the parties concerning this Agreement shall be dealt with as follows;
- 12.1.1 The parties shall meet and discuss in good faith any dispute between them arising out of this Agreement.
- 12.1.2 If the discussions referred to in 12.1.1 fail to be resolved within **30** days of first being raised in writing, the issues shall be elevated to a meeting between the Chief Executives or their nominees to reach an agreed position.
- 12.1.3 If the discussions referred to in 12.1.1 and 12.1.2 above fail to resolve the relevant dispute within **60** days of first being raised in writing, either party may (by written notice to the other party) require that the dispute be submitted for mediation by a single mediator agreed between the parties. In the event of any such submission to mediation:
- (a) the mediator shall be deemed to be not acting as an expert or as an arbitrator;
 - (b) the mediator shall determine the procedure and timetable for the mediation; and
 - (c) the cost of the mediation shall be shared equally between the parties.
- 12.1.4 Neither party may issue any legal proceedings (other than for urgent interlocutory relief), in respect of any such dispute, unless that party has first taken all reasonable steps to comply with clauses 12.1.1 and 12.1.2.

13.0 Publicity

- 13.1 Notwithstanding the right for the media to report on any public meeting, all parties, prior to release, will agree to any media release.
- 13.2 In all public statements and in any written publications relating to the South Canterbury Road Resurfacing Contract activities, Timaru District Council, Mackenzie District Council and Waimate District Council shall be identified as cost contributing partners.

14.0 Signing

14.1 IN WITNESS WHEREOF this Multi Party Funding Agreement has been
executed as at the date first written above

Signed for **Timaru District Council** by:

Peter Nixon
Chief Executive

Signed for **Waimate District Council** by:

Bede Carran
Chief Executive

Signed for **Mackenzie District Council** by:

Wayne Barnett
Chief Executive

APPENDIX 2

Proposed Reseal Programme 2017-18		
Road Name	Location	Length m
TIMAUNGA ROAD	Maungati	1352
COLLIERS ROAD	Bluecliffs	2011
BLUE CLIFFS ROAD	Bluecliffs	2970
LYALLDALE MIDDLE ROAD	Springbrook	5082
SODWALL ROAD	Otaio	243
TAVISTOCK ROAD	Otaio	894
BUSSELLS ROAD	Makikihi	119
HOOK SCHOOL ROAD	Hook	8740
DEEP CREEK ROAD	Waimate	105
POINT BUSH ROAD	Waimate	1810
BYRNES ROAD	Willowbridge	2268
RYANS ROAD	Morven	130
STOKES ROAD	Morven	1041
CROWES ROAD	Morven	4310
GUM TREE FLAT ROAD	Waikakahi	1400
GUM TREE FLAT ROAD	Waikakahi	3127
SERPENTINE VALLEY RD	Waihaorunga	390
TARA HILL ROAD	Waihaorunga	1300
NELSON STREET	Waimate Township	65
RHODES STREET	Waimate Township	760
VICTORIA PARK LANE	Waimate Township	290
STUDHOLME STREET YARD	Waimate Township	100
KNOTTINGLEY PARK LANE	Waimate Township	290
		38797

Proposed Reseal Programme 2018-19		
Road Name	Location	Length m
GORDONS VALLEY ROAD	Southburn	1177
PAREORA RIVER ROAD	Southburn	2691
BLUE CLIFFS ROAD	Bluecliffs	4055
ESK VALLEY ROAD	Esk Valley	4892
WOOLSHED VALLEY ROAD	Otaio	5826
HORSESHOE BEND ROAD	Otaio	3030
HOOK SWAMP ROAD	Hook	5790
HOOK STATION ROAD	Hook	340
CHAMPION ROAD	Waimate	120
COURTS ROAD	Waimate	320
MILL ROAD	Waimate	1147
ALLAN STREET	Waimate	790
KING STREET	Waimate	795
PRINCES STREET	Waimate	583
COONEYS	Glenavy	1200
IKAWAI MIDDLE ROAD	Ikawai	1622
HAKATARAMEA VALLEY ROAD	Hakataramea	1918
HAKATARAMEA VALLEY ROAD	Hakataramea	411
TE AKATARAWA ROAD	Lake Aviemore	4250
JOHN STREET	Waimate Township	194
GOLDSMITH STREET	Waimate Township	119
		41270

APPENDIX 3

Land Transport Rule: Setting of Speed Limits 2017

*Land Transport Rules are law produced by the NZ Transport Agency for the Minister of Transport. This is the public consultation (yellow) draft of **Land Transport Rule: Setting of Speed Limits 2017 (Rule 54001)**.*

*If you wish to comment on this draft Rule, please see the information about making a submission in the accompanying explanatory material. The deadline for submissions is **5pm, Friday 16 June 2017**.*

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Land Transport Rule

Setting of Speed Limits 2017

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Part 1

Rule requirements

Section 1 Preliminary provisions

1.1 Title

This Rule is *Land Transport Rule: Setting of Speed Limits [2017]*.

1.2 Commencement

This Rule comes into force on [date to come].

1.3 Purpose

The purpose of this Rule is to—

- (a) produce a nationally-consistent and evidence-based approach to speed management; and
- (b) provide a mechanism for road controlling authorities to set safe and appropriate speed limits for roads in their jurisdictions; and
- (c) encourage road controlling authorities to prioritise roads where achieving safe and appropriate travel speeds is likely to deliver the highest benefits in terms of safety outcomes, economic productivity, or both.

1.4 Revocation

Land Transport Rule: Setting of Speed Limits 2003 is revoked.

Section 2 General procedure

2.1 Functions and powers of Agency

2.1(1) The Agency must provide to road controlling authorities—

- (a) guidance on speed management and how this Rule is to apply; and

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- (b) information about safe and appropriate speeds for roads in New Zealand.

2.1(2) The Agency may, in accordance with this Rule,—

- (a) change, or modify the application of speed limits; and
- (b) carry out any function necessary to ensure that road controlling authorities comply with this Rule when reviewing and setting speed limits.

2.2 **Role of road controlling authorities in reviewing and setting speed limits**

2.2(1) A road controlling authority, for roads under its jurisdiction,—

- (a) must review speed limits in accordance with this Rule; and
- (b) must set speed limits in accordance with this Rule; and
- (c) may set speed limits for designated locations in accordance with *section 8*.

2.2(2) In carrying out its functions under 2.2(1), a road controlling authority must consider the safe and appropriate speed limit for a road in accordance with this Rule.

2.3 **Consulting on proposed speed limits**

2.3(1) A road controlling authority must, in accordance with this clause and 2.4, consult in writing with persons that may be affected by an urban traffic area proposed under *section 3* or a speed limit proposed under *section 4* before—

- (a) setting a speed limit; or
- (b) designating an urban traffic area.

2.3(2) The persons that must be consulted 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

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- (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 of the New Zealand Automobile Association Incorporated; and
- (f) the chief executive of the Road Transport Forum New Zealand; and
- (g) the Agency; and
- (h) any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit.

2.3(3) A road controlling authority must allow a reasonable time for persons consulted under *subclause (2)* to make submissions on the proposed speed limit.

2.4 **Additional information required when consulting on particular proposed speed limits**

2.4(1) When consulting on a proposed holiday speed limit, the road controlling authority must inform any person being consulted of the periods during which the proposed speed limit is to apply.

2.4(2) When consulting on a proposed new urban traffic area or variation of an existing urban traffic area, the road controlling authority must inform any person being consulted of the following details:

- (a) a description of the proposed area; and
- (b) details of roads with a speed limit other than 50 km/h within a proposed new or extended urban traffic area; and
- (c) details of roads with a speed limit other than 100 km/h within an area that the road controlling authority proposes to change from an urban traffic area to a rural area.

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2.5 Decision-making procedures and notification of set speed limits

- 2.5(1) A road controlling authority must set a speed limit (other than a temporary or an emergency speed limit) or designate an urban traffic area in accordance with this Rule by making a bylaw.
- 2.5(2) When a road controlling authority proposes to set a speed limit in accordance with 2.5(1) by making a bylaw under any enactment, the consultation required by 2.3 may be carried out at the same time as, or as part of, any consultative procedure in that enactment.
- 2.5(3) When deciding to set a speed limit, a road controlling authority must take account of submissions received during consultation on the proposed speed limit.
- 2.5(4) Following review and consultation, if a road controlling authority decides the existing speed limit is not the safe and appropriate speed limit for a particular road, it must either—
- (a) set a new speed limit; or
 - (b) take other measures to ensure that the existing speed limit is safe and appropriate for that road.
- 2.5(5) A road controlling authority must retain an existing speed limit if that speed limit is the safe and appropriate speed limit for the road.
- 2.5(6) Except for a temporary or an emergency speed limit, a road controlling authority must, at least 14 days before a speed limit comes into force, notify the Agency and the Commissioner that a speed limit has been set and provide them, in writing, with the following information:
- (a) the locality in which the speed limit applies;
 - (b) the names of the roads or a description of the area to which the speed limit applies;
 - (c) the existing speed limit and the new speed limit;
 - (d) the date on which the new speed limit comes into force.
- 2.5(7) After complying with 2.5(6), a road controlling authority must, as soon as practicable, supply in writing any other details requested by the Agency or the Commissioner that are relevant to the speed limit.

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- 2.6 Registration of all speed limits except temporary speed limits**
- 2.6(1) A road controlling authority must establish and maintain a register of speed limits that records all speed limits, except temporary speed limits, for the roads under its jurisdiction, including—
- (a) speed limits set in accordance with this Rule; and
 - (b) urban traffic areas designated under this Rule; and
 - (c) speed limits set, and urban traffic areas designated, prior to the commencement of this Rule, in accordance with *Land Transport Rule: Setting of Speed Limits 2003*.
- 2.6(2) Information recorded in the register of speed limits must include—
- (a) a full description of the roads or area to which the speed limit applies, including references to details of maps or other documents as appropriate; and
 - (b) the speed limit; and
 - (c) for a variable speed limit, the conditions under which the speed limit changes; and
 - (d) the date on which the speed limit comes into force; and
 - (e) a record of the decision-making procedures of the road controlling authority carried out in accordance with 2.5(1) to (4); and
 - (f) for a speed limit set, or an urban traffic area designated, prior to the commencement of this Rule, a reference to the enactment under which the speed limit was set.
- 2.6(3) A road controlling authority must make the register of speed limits available for inspection, at reasonable times, by members of the public on request.
- 2.6(4) Details of a speed limit that has been superseded by a new speed limit set in accordance with this Rule must be retained on the register of speed limits for at least seven years from the date on which the new speed limit came into force.

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2.7 **Records relating to setting of speed limits**

When a road controlling authority sets a speed limit, other than a temporary speed limit, it must retain, for at least seven years from the date on which the new speed limit comes into force, data, correspondence, reports, and other records relating to the review, consultation, decision-making procedures, and setting of the speed limit.

2.8 **Road controlling authority procedure**

- 2.8(1) A road controlling authority must have processes to ensure quality control of its procedures for reviewing and setting speed limits.
- 2.8(2) The Agency may investigate road controlling authorities for compliance with this Rule.
- 2.8(3) The Agency must notify a road controlling authority in writing if it considers that the road controlling authority has not complied with this Rule, and give the road controlling authority a reasonable opportunity to respond to the notification.
- 2.8(4) If the Agency is not satisfied by a road controlling authority's response under 2.8(3), the Agency may issue directions to the road controlling authority regarding matters to be addressed.
- 2.8(5) A road controlling authority must comply with directions given by the Agency under 2.8(4), 2.8(6), or 9.7, or with the requirements of the Agency or the Commissioner under 6.2(7) or 7.2(7).
- 2.8(6) If the Agency considers that a road controlling authority has not complied with this Rule in reviewing or setting a speed limit, or that a speed limit set by a road controlling authority does not comply with this Rule, the Agency may direct the road controlling authority to—
- (a) review, change, or modify the application of the speed limit;
 - (b) review or change, in accordance with this Rule, the procedures used by the road controlling authority to set speed limits;
 - (c) carry out the instructions in *paragraph (a) and (b)* within a stated period.

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- 2.8(7) If a road controlling authority does not comply with directions given under 2.8(4), 2.8(6), or 9.7, or the requirements of 6.2(7) or 7.2(7), the Agency may exercise the appropriate responsibilities of a road controlling authority under this Rule and change, or modify the application of, a speed limit, by notice in the *Gazette*.
- 2.8(8) A road controlling authority is liable for the reasonable expenses incurred by the Agency under 2.8(7).

2.9 **Traffic control devices**

Before a speed limit comes into force on a road, a road controlling authority must ensure that all traffic control devices installed on the road—

- (a) are safe, effective, and appropriate for the speed limit; and
- (b) comply with requirements for traffic control devices in *Land Transport Rule: Traffic Control Devices 2004*.

2.10 **Commencement of new or changed speed limit**

- 2.10(1) Except for a temporary or an emergency speed limit, a speed limit is set, or an urban traffic area is designated, by a road controlling authority when it makes a bylaw setting a speed limit or designating an urban traffic area.
- 2.10(2) Except for a temporary or an emergency speed limit, a speed limit that is set, or an urban traffic area that is designated, by a road controlling authority comes into force on the date specified in the bylaw that sets the speed limit or designates the urban traffic area.
- 2.10(3) A speed limit or urban traffic area that is changed by the Agency by notice in the *Gazette* under 2.8(7) comes into force on the date specified in the *Gazette* notice.

2.11 **Speed limits set under previous enactment**

A speed limit set for a road, or an urban traffic area designated, by a road controlling authority prior to the commencement of this Rule remains in effect until, in accordance with this Rule,—

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- (a) the road controlling authority sets a different speed limit for the road; or
- (b) the Agency changes or modifies the speed limit for the road; or
- (c) the road controlling authority varies the urban traffic area; or
- (d) the Agency varies the urban traffic area.

Section 3 Categories of, range of, and default speed limits

3.1 Categories of speed limit

This Rule provides for the following categories of speed limit:

- (a) the default urban speed limit and the default rural speed limit;
- (b) a permanent speed limit;
- (c) a holiday speed limit;
- (d) a temporary speed limit;
- (e) a variable speed limit;
- (f) an emergency speed limit.

3.2 Range of speed limits

A speed limit that is set in accordance with this Rule must be one of the following:

- (a) 10 km/h;
- (b) 20 km/h;
- (c) 30 km/h;
- (d) 40 km/h;
- (e) 50 km/h;
- (f) 60 km/h;

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- (g) 70 km/h (which may only be set following approval by the Agency under 5.2(3));
- (h) 80 km/h;
- (i) 90 km/h (which may only be set following approval by the Agency under 5.2(3));
- (j) 100 km/h;
- (k) 110 km/h (which may only be set following approval by the Agency under 5.3(2)).

3.3 Road lengths for speed limits

- 3.3(1) A road for which a speed limit is set under this Rule must—
- (a) be of a reasonable and safe length; and
 - (b) if the speed limit is 50 km/h or more, be equal to or exceed the minimum length in the table in *Schedule 1*, unless the requirement is impracticable for that road.
- 3.3(2) In addition to applying to the road which is being reviewed, a speed limit may apply to short lengths of road adjoining that road, even though those short lengths of road would not comply with the table in *Schedule 1*.
- 3.3(3) The point at which a speed limit changes must be at, or close to, a point of obvious change in the roadside development or the road environment.

3.4 Default urban and rural speed limits

- 3.4(1) The urban speed limit is 50 km/h and applies to any road that is within an area designated as an urban traffic area, except for—
- (a) any road that is a motorway; or
 - (b) a road described in *subclause (3)*.
- 3.4(2) The rural speed limit is 100 km/h and applies to any road that is a motorway and any road that is not within an area designated as an urban traffic area, except for a road described in *subclause (3)*.
- 3.4(3) The roads to which neither *subclause (1)* nor *(2)* apply are—

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- (a) any road for which a permanent speed limit has been set by a road controlling authority; and
- (b) any road for which a variable speed limit has been set by a road controlling authority; and
- (c) any road for which a temporary, emergency, or holiday speed limit is in force; and
- (d) any road for which a speed limit has been set by or under another enactment.

3.5 Designation of area as urban traffic area

- 3.5(1) A road controlling authority may designate an area as an urban traffic area for the purpose of, and in accordance with, this Rule.
- 3.5(2) A road controlling authority—
- (a) if proposing to designate a new urban traffic area or vary an existing urban traffic area, must define the boundaries of the area to be designated as a new urban traffic area or a variation of an existing urban traffic area; and
 - (b) must, in proposing a new urban traffic area or a variation of an existing urban traffic area, have regard to the relevant factors set out in 4.4(2); and
 - (c) may propose a speed limit that is other than 50 km/h for a road within that area.

Section 4 Permanent, holiday, and variable speed limits

4.1 Setting permanent, holiday, or variable speed limit

- 4.1(1) *Clauses 4.2 to 4.6* specify the procedures for setting a permanent speed limit, a holiday speed limit, or a variable speed limit.
- 4.1(2) *Clauses 4.4 to 4.6* do not apply to a road in a designated location within the meaning of 8.2.
- 4.1(3) A road controlling authority that wishes to set a variable speed limit, or a permanent or holiday speed limit that is a 70

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km/h speed limit, a 90 km/h speed limit, or a 110 km/h speed limit, must comply with, in addition to the requirements of 4.4 to 4.6, the relevant requirements of *section 5*.

4.2 Agency must develop and maintain safe and appropriate speed information

4.2(1) The Agency must develop and maintain information about the safe and appropriate speed for roads in New Zealand.

4.2(2) In carrying out its functions under *subclause (1)*, the Agency must have regard to—

- (a) the function and use of the road; and
- (b) crash risk for all road users; and
- (c) the characteristics of the road and roadsides; and
- (d) adjacent land use; and
- (e) the number of intersections and property accessways; and
- (f) traffic volume; and
- (g) any other factor the Agency considers appropriate.

4.3 Supply of safe and appropriate speed information to road controlling authorities

4.3(1) The Agency must supply, to each road controlling authority, information about the safe and appropriate speed for roads within that road controlling authority's jurisdiction.

4.3(2) The Agency must, in supplying information under *subclause (1)*, prioritise information about roads where achieving safe and appropriate travel speeds is likely to deliver the highest benefits in terms of safety outcomes, economic productivity, or both.

4.3(3) A road controlling authority may request from the Agency information about the safe and appropriate speed for any road within that road controlling authority's jurisdiction and, if requested by a road controlling authority, the Agency must supply such information if that information is available.

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4.4 Road controlling authority may review permanent, holiday, or variable speed limit

- 4.4(1) A road controlling authority may review a permanent, holiday, or variable speed limit.
- 4.4(2) In reviewing a permanent, holiday, or variable speed limit, a road controlling authority must have regard to—
- (a) the safe and appropriate speed information developed and maintained by the Agency; and
 - (b) any relevant guidance on speed management provided by the Agency; and
 - (c) the function and use of the road; and
 - (d) crash risk for all road users; and
 - (e) the characteristics of the road and roadsides; and
 - (f) adjacent land use; and
 - (g) the number of intersections and property accessways; and
 - (h) traffic volume; and
 - (i) any planned modification to the road; and
 - (j) the views of interested parties.

4.5 Road controlling authority may propose permanent, holiday, or variable speed limit

- 4.5(1) A road controlling authority may propose a permanent, holiday, or variable speed limit.
- 4.5(2) A road controlling authority must notify the Agency before proposing a variable, 70 km/h, 90 km/h, or 110 km/h speed limit.
- 4.5(3) A road controlling authority must consult on a proposed speed limit in accordance with 2.3 and 2.4.

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4.6 Road controlling authority may set permanent, holiday, or variable speed limit

- 4.6(1) A road controlling authority may set a permanent, holiday, or variable speed limit.
- 4.6(2) In setting a permanent, holiday, or variable speed limit, a road controlling authority—
- (a) must take account of any submissions received during consultation under 2.3 and 2.4; and
 - (b) may have regard to any other factor the road controlling authority considers relevant to achieving the safe and appropriate speed on a road; and
 - (c) must aim to achieve a mean operating speed less than 10% above that speed limit.

Section 5 Additional procedural steps for certain speed limits

5.1 Variable speed limits

- 5.1(1) A variable speed limit relates to—
- (a) particular situations or environments for which the safe speed may need to vary—
 - (i) for different numbers and types of road users; or
 - (ii) to manage the effects of changing traffic volumes, including to ease congestion; or
 - (iii) for emergency or temporary traffic management; or
 - (b) a road for which the safe speed limit may need to vary in accordance with environmental conditions.
- 5.1(2) Before setting a variable speed limit, a road controlling authority must obtain approval from the Agency to set that speed limit.
- 5.1(3) The Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a variable speed limit.

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- 5.1(4) After an approval has been made under *subclause (3)*, a road controlling authority—
- (a) may set a variable speed limit; and
 - (b) must, when setting a variable speed limit, do so in accordance with 2.3, 2.4, and 2.5(1) and with any conditions specified by the Agency by notice in the *Gazette*.

- 5.1(5) The Agency may, by notice in the *Gazette*, remove a variable speed limit that has been set by a road controlling authority.

5.2 70 km/h and 90 km/h speed limits

- 5.2(1) Before setting a 70 km/h or 90 km/h speed limit, a road controlling authority must obtain approval from the Agency to set that speed limit.

- 5.2(2) The Agency must, in considering a proposed 70 km/h or 90 km/h speed limit, take into account—

- (a) the benefit of increasing the distinction between different speed limits across the network by having fewer different speed limits; and
- (b) whether the road controlling authority can demonstrate a plan to work towards a speed limit that does not require Agency approval on the road that is the subject of the proposed speed limit.

- 5.2(3) The Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a 70 km/h or 90 km/h speed limit.

- 5.2(4) After obtaining an approval under *subclause (3)*, a road controlling authority—

- (a) may set the 70 km/h or 90 km/h speed limit for which it has approval; and
- (b) must, when setting a 70 km/h or 90 km/h speed limit, do so in accordance with 2.3, 2.4, and 2.5(1) and with any conditions specified by the Agency by notice in the *Gazette*.

- 5.2(5) The Agency may, by notice in the *Gazette*, remove a 70 km/h or 90 km/h speed limit that has been set by a road controlling authority.

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- 5.2(6) Nothing in 5.2(1) to 5.2(4) affects a speed limit set before the commencement of this Rule.

5.3 110 km/h speed limits

- 5.3(1) Before setting a 110 km/h speed limit, a road controlling authority must obtain approval from the Agency to set that speed limit.
- 5.3(2) The Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a 110 km/h speed limit.
- 5.3(3) The Agency must not give approval under *subclause (2)* unless, in the Agency's opinion, the road has been designed and constructed, and will be managed and operated to the standard necessary to safely support 110 km/h travel speeds.
- 5.3(4) After obtaining an approval under *subclause (2)*, a road controlling authority—
- (a) may set a 110 km/h speed limit; and
 - (b) must, when setting a 110 km/h speed limit, do so in accordance with 2.3, 2.4, and 2.5(1) and with any conditions specified by the Agency by notice in the *Gazette*.
- 5.3(5) The Agency may, by notice in the *Gazette*, remove a 110 km/h speed limit that has been set by a road controlling authority.

Section 6 Temporary speed limits

6.1 Criteria for setting temporary speed limits

- 6.1(1) A road controlling authority may set a temporary speed limit.
- 6.1(2) A road controlling authority—
- (a) must consider the need to set a temporary speed limit if, in the opinion of the road controlling authority, there is a risk of danger to a worker or the public, or a risk of damage to a road, due to—
 - (i) physical work occurring on or adjacent to a road that impacts the function of the road; or

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- (ii) the presence of an unsafe road surface or structure; or
- (iii) a special event; and
- (b) may set a temporary speed limit if it considers that there is a risk of danger to a worker or the public, or a risk of damage to a road, due to one of the criteria listed in *6.1(2)(a)(i) to (iii)*.

6.2 How temporary speed limit is set, applies, and is removed

- 6.2(1) A temporary speed limit is set by installing signs in accordance with a traffic management plan approved in writing by the road controlling authority.
- 6.2(2) A temporary speed limit that is set in accordance with *6.1(2)(b)* must be—
- (a) one of the speed limits in *3.2(a) to (i)* (but, despite *3.2(g)* and *(i)*, Agency approval is not required); and
 - (b) if the permanent speed limit or the prevailing holiday speed limit is—
 - (i) greater than 50 km/h, at least 20 km/h less than that speed limit; or
 - (ii) 50 km/h or less, at least 10 km/h less than that speed limit.
- 6.2(3) A temporary speed limit—
- (a) applies from the point on the road at which a temporary speed limit sign is installed to the point on the road at which a sign indicates that a different speed limit applies; and
 - (b) applies from the time a temporary speed limit sign is installed; and
 - (c) ceases to apply when the temporary speed limit signs are removed; and
 - (d) may apply for no longer than six months.
- 6.2(4) A road controlling authority that has set a temporary speed limit due to physical work occurring on or adjacent to the

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road that impacts the function of the road, or due to the presence of an unsafe road surface or structure, must take all practicable steps to ensure that a road user would reasonably understand the cause of the temporary speed limit being set.

- 6.2(5) A person who is authorised to install a temporary speed limit sign in accordance with the traffic management plan in 6.2(1) may remove a temporary speed limit sign.
- 6.2(6) A person in 6.2(5) must remove the temporary speed limit signs and equipment used to install or support the signs as soon as the person is satisfied that the reason for the temporary speed limit no longer applies.
- 6.2(7) The Agency or the Commissioner may, at any time, require the removal of a temporary speed limit and the removal of accompanying signs and equipment used to install or support the signs, if satisfied that—
- (a) the reason for the temporary speed limit no longer applies; or
 - (b) the temporary speed limit is not appropriate in the circumstances for which the speed limit was set.

6.3 Setting a temporary speed limit when there is physical work occurring on or adjacent to a road

- 6.3(1) A temporary speed limit that is set in accordance with 6.1(2)(b) due to physical work occurring on or adjacent to a road that impacts the function of the road must be safe and appropriate for—
- (a) the numbers and types of road users, including motorcyclists, cyclists, and pedestrians, that use the road; and
 - (b) the nature of the physical work; and
 - (c) the nature and level of risk to persons working on or near the road; and
 - (d) the nature and level of risk to the public.
- 6.3(2) A temporary speed limit that is set in accordance with 6.1(2)(b) due to physical work occurring on or adjacent to a road may apply for—

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- (a) the period during which there is physical work occurring on or adjacent to a road that impacts the function of the road; or
- (b) specified times during the period in which there is physical work occurring on or adjacent to a road that impacts the function of the road.

6.4 Setting a temporary speed limit when there is an unsafe road surface or structure

6.4(1) A temporary speed limit that is set in accordance with 6.1(2)(b) due to the presence of an unsafe road surface or structure must be safe and appropriate for—

- (a) the numbers and types of road users, including motorcyclists, cyclists, and pedestrians, that use the road; and
- (b) the nature of the unsafe road surface or structure; and
- (c) the nature and level of risk to the public.

6.4(2) A temporary speed limit that is set in accordance with 6.1(2)(b) due to the presence of an unsafe road surface or structure may apply for—

- (a) the period during which an unsafe road surface or structure is present; or
- (b) specified times during the period in which an unsafe road surface or structure is present.

6.5 Setting a temporary speed limit for a special event

6.5(1) A temporary speed limit that is set in accordance with 6.1(2)(b) for a special event must be safe and appropriate for—

- (a) the numbers and types of road users, including motorcyclists, cyclists, and pedestrians, that use the road; and
- (b) the nature of the special event.

6.5(2) A temporary speed limit that is set in accordance with 6.1(2)(b) for a special event may apply for—

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- (a) the period of the special event; or
- (b) specified times during the period of the special event.

Section 7 Emergency speed limits

7.1 Criteria for setting emergency speed limits

7.1(1) In this section, **emergency** means a situation that—

- (a) is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and
- (b) causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public in any part of New Zealand.

7.1(2) A road controlling authority—

- (a) must consider the need to set an emergency speed limit if, in the opinion of the road controlling authority, there is a risk of danger to any person or a risk of damage to a road due to an emergency that affects the use of any road; and
- (b) may set an emergency speed limit if the road controlling authority considers that there is a risk of danger to any person or a risk of damage to a road due to an emergency that affects the use of any road.

7.2 How emergency speed limit is set, applies, and is removed

7.2(1) An emergency speed limit is set and comes into force by installing signs in accordance with *section 9* of this Rule.

7.2(2) An emergency speed limit set in accordance with 7.2(1) must be—

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- (a) one of the speed limits in 3.2(a) to (i) (but, despite 3.2(g) and (i), Agency approval is not required); and
- (b) if the permanent speed limit or the prevailing holiday speed limit is—
 - (i) greater than 50 km/h, at least 20 km/h less than that speed limit; or
 - (ii) 50 km/h or less, at least 10 km/h less than that speed limit.

7.2(3) An emergency speed limit—

- (a) applies from the point on the road at which a speed limit sign has been installed under 7.2(1) to the point on the road at which a sign indicates that a different speed limit applies; and
- (b) applies from the time a speed limit sign is installed; and
- (c) ceases to apply when the speed limit signs installed under 7.2(1) are removed; and
- (d) may apply for no longer than six months.

7.2(4) Within 10 working days of setting an emergency speed limit, a road controlling authority must, by notice in the *Gazette*, publish—

- (a) what the emergency speed limit is; and
- (b) details regarding where the emergency speed limit applies; and
- (c) the date the emergency speed limit was set; and
- (d) its reasons for considering that an emergency speed limit is necessary.

7.2(5) A road controlling authority may vary an emergency speed limit by—

- (a) installing different speed limit signs in accordance with section 9 of this Rule; and
- (b) within 10 working days of varying an emergency speed limit, publishing, by notice in the *Gazette*,—
 - (i) what the varied emergency speed limit is; and

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- (ii) details regarding the variation of the emergency speed limit; and
 - (iii) the date the variation of the emergency speed limit was set; and
 - (iv) its reasons for considering that the variation of the emergency speed limit is necessary.
- 7.2(6) If a road controlling authority fails to comply with 7.2(4) or 7.2(5), it must immediately remove any speed limit signs installed under 7.2(1).
- 7.2(7) The Agency or the Commissioner may, at any time, require the removal of an emergency speed limit and the removal of accompanying signs and equipment used to install or support the signs, if satisfied that—
 - (a) the reason for the emergency speed limit no longer applies; or
 - (b) the emergency speed limit is not appropriate in the circumstances for which the speed limit was set.
- 7.2(8) An emergency speed limit that is set in accordance with 7.2(1) must be safe and appropriate in the circumstances of the emergency for—
 - (a) the numbers and types of road users, including motorcyclists, cyclists, and pedestrians, that use the road; and
 - (b) the needs of a community affected by the emergency; and
 - (c) the nature and level of risk to the public; and
 - (d) any other measures taken to reduce hazards and risks.

Section 8 Roads in designated locations

8.1 Permanent speed limits for roads in designated locations

- 8.1(1) A road controlling authority must comply with this section when setting a permanent speed limit for a road under its jurisdiction in a designated location.

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8.1(2) A speed limit set in accordance with this section must be—

- (a) safe and appropriate for—
 - (i) the numbers and types of road users, including motorcyclists, cyclists, and pedestrians, that use the road; and
 - (ii) the level of roadside development; and
 - (iii) the condition or class of the road; and
 - (iv) the use to which the road is put; and
 - (v) any other matter relevant to public safety; and
- (b) one of the speed limits in 3.2.

8.1(3) Before setting a speed limit for a road in a designated location, a road controlling authority must—

- (a) consult with—
 - (i) the Agency; and
 - (ii) the Commissioner; and
 - (iii) any other persons who the road controlling authority considers to be affected by the proposed speed limit; and
- (b) give those persons a reasonable time to make submissions on the proposal; and
- (c) comply with the decision-making procedures in 2.5(1), 2.5(2), and 2.5(3).

8.1(4) After setting a speed limit for a road in a designated location, a road controlling authority must—

- (a) notify the speed limit in accordance with 2.5(6); and
- (b) record the speed limit in a register of speed limits in accordance with 2.6.

8.2 Designated location defined

In this section, a **designated location** is any of the following—

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- (a) a car park:
- (b) an educational or scientific institution:
- (c) a commercial or industrial facility:
- (d) a health facility:
- (e) a residential facility:
- (f) a camping ground:
- (g) a sports facility or other recreational area:
- (h) a botanical garden:
- (i) a port or wharf area:
- (j) an airport:
- (k) a beach:
- (l) a cemetery:
- (m) a facility operated by the New Zealand Defence Force:
- (n) a facility operated by the Department of Corrections:
- (o) any other location approved by the Agency by notice in the *Gazette*.

Section 9 Signs and road markings

9.1 Requirement to provide signs at, or near, point where speed limit changes

- 9.1(1) A road controlling authority must install a speed limit sign on the left-hand side of a road under its jurisdiction at or near, and not more than 20 m from, the point on the road where a speed limit changes.
- 9.1(2) If the estimated two-way annual-average daily traffic at the point where a speed limit changes exceeds 500 vehicles, the road controlling authority must also install a speed limit sign on the right-hand side of the road, or on the central median where appropriate, at or near, and no more than 20 m from, that point.

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- 9.1(3) If a road user might not easily see, or readily understand or react to, a sign that is installed within 20 m of the point on the road where a speed limit changes, a road controlling authority may, despite 9.1(1) and 9.1(2), install speed limit signs more than 20 m, but as close to it as reasonably practicable, from that point.
- 9.1(4) A speed limit sign may be installed otherwise than as required by 9.1(1) if—
- (a) authorised under this Rule or any other enactment; or
 - (b) a road user might not easily see, or readily understand or react to, a sign that is installed on the left-hand side of the road; or
 - (c) the sign would be more effective if installed above a lane.
- 9.2 Requirement to provide repeater signs unless nature of road makes speed limit clear to road users**
- 9.2(1) A road controlling authority must install speed limit signs where they will be easily seen by road users and to which they may readily react, with at least one sign being installed within each maximum length of road applying to the speed limits in—
- (a) *Table 1 of Schedule 2* for permanent and holiday speed limits; or
 - (b) *Table 2 of Schedule 2* for temporary and emergency speed limits.
- 9.2(2) A road controlling authority is not obliged to comply with 9.2(1)(a) in regards to any particular length of road if—
- (a) the nature of the particular length of road is such that a road user would reasonably understand that the speed limit displayed on the last speed limit sign remains the speed limit throughout the whole of that length of road; and
 - (b) the measured mean operating speed is less than 10% above the speed limit for that length of road.

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9.3 Specific requirements for permanent and holiday speed limit signs

- 9.3(1) For a new permanent speed limit or a holiday speed limit, the speed limit shown on the associated signs installed by the road controlling authority must not be visible to road users until the speed limit comes into force.
- 9.3(2) A road controlling authority must remove a sign for a holiday speed limit at the end of any period for which the holiday speed limit is in force.

9.4 Specific requirements for signs for variable speed limits

- 9.4(1) A road controlling authority, when setting a variable speed limit approved by the Agency, must install signs as specified by the Agency.
- 9.4(2) For a new variable speed limit, the speed limit shown on the associated signs installed by the road controlling authority must not be visible to road users until the speed limit comes into force.

9.5 Specifications for signs

The design, format, shape, colour, and size of a speed limit sign must comply with requirements for signs in *Land Transport Rule: Traffic Control Devices 2004*.

9.6 Road markings

A road controlling authority may mark on the road surface the applicable speed in numerals, in accordance with *Land Transport Rule: Traffic Control Devices 2004*.

9.7 Agency may direct road controlling authority to install, modify, or remove signage

The Agency may direct a road controlling authority to install, modify, or remove a speed limit sign to comply with this Rule.

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Part 2

Definitions

(1) In this Rule,—

Act means the *Land Transport Act 1998*

Agency means the New Zealand Transport Agency

Commissioner means the Commissioner of Police

emergency speed limit means a speed limit set under 7.2

holiday speed limit means a maximum speed limit set in accordance with this Rule that is in force 24 hours a day for a specified period, or periods

mean operating speed means the mean speed of traffic, including all classes of vehicle, measured in a way that is representative of all traffic speeds on the road over a 7-day period

permanent speed limit means a maximum speed limit set in accordance with this Rule, that is in force except when a holiday, variable, temporary, or emergency speed limit is in force

register of speed limits means the register established and maintained under 2.6

road—

(a) includes—

- (i) a street; and
- (ii) a motorway; and
- (iii) a beach; and
- (iv) a place to which the public have access, whether as of right or not; and
- (v) all bridges, culverts, ferries, and fords forming part of a road, street, or motorway, or a place referred to in *paragraph (iv)*; and
- (vi) all sites at which vehicles may be weighed for the purposes of the *Land Transport Act 1998* or any other enactment; and

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- (b) includes a section of a road

road controlling authority, in relation to a road,—

- (a) means the authority, body, or person having control of the road; and
- (b) includes a person acting under and within the terms of a delegation or authorisation given by the controlling authority

safe and appropriate speed means a travel speed that optimises safety and efficiency outcomes

(to) set a speed limit means to establish or change a speed limit or to designate or change an urban traffic area in accordance with this Rule

special event means an event held over a short and defined period which would involve a significantly different use of a road to the extent that the permanent speed limit or the prevailing holiday speed limit may not be safe

speed limit—

- (a) means—
 - (i) an urban, rural, permanent, holiday, temporary, emergency, or variable speed limit; and
 - (ii) the maximum speed at which a vehicle may legally be operated on a particular road; but
- (b) does not mean the maximum permitted operating speed for classes or types of vehicle specified in any Act, regulation, or rule

temporary speed limit means a speed limit set under 6.3, 6.4, or 6.5

territorial authority has the same meaning as in *section 5(1)* of the *Local Government Act 2002*

variable speed limit means a set of defined alternative speed limits set under this Rule, one of which will be in force for a particular road at a particular time depending on the presence of specified conditions at that time.

- (2) A term that is used in this Rule and defined in the Act but not defined in this Rule has the meaning given in the Act.

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Part 3

Schedules

Schedule 1

r 3.3

Road lengths for speed limits

Speed limit (km/h)	Minimum length (m)
50	500
60	500
70	As approved by the Agency under 5.2
80	800
90	As approved by the Agency under 5.2
100	2000
110	As approved by the Agency under 5.3

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Schedule 2

Repeater signs

r 9.2(1)

Table 1

Maximum length of road between repeater signs for permanent
and holiday speed limits

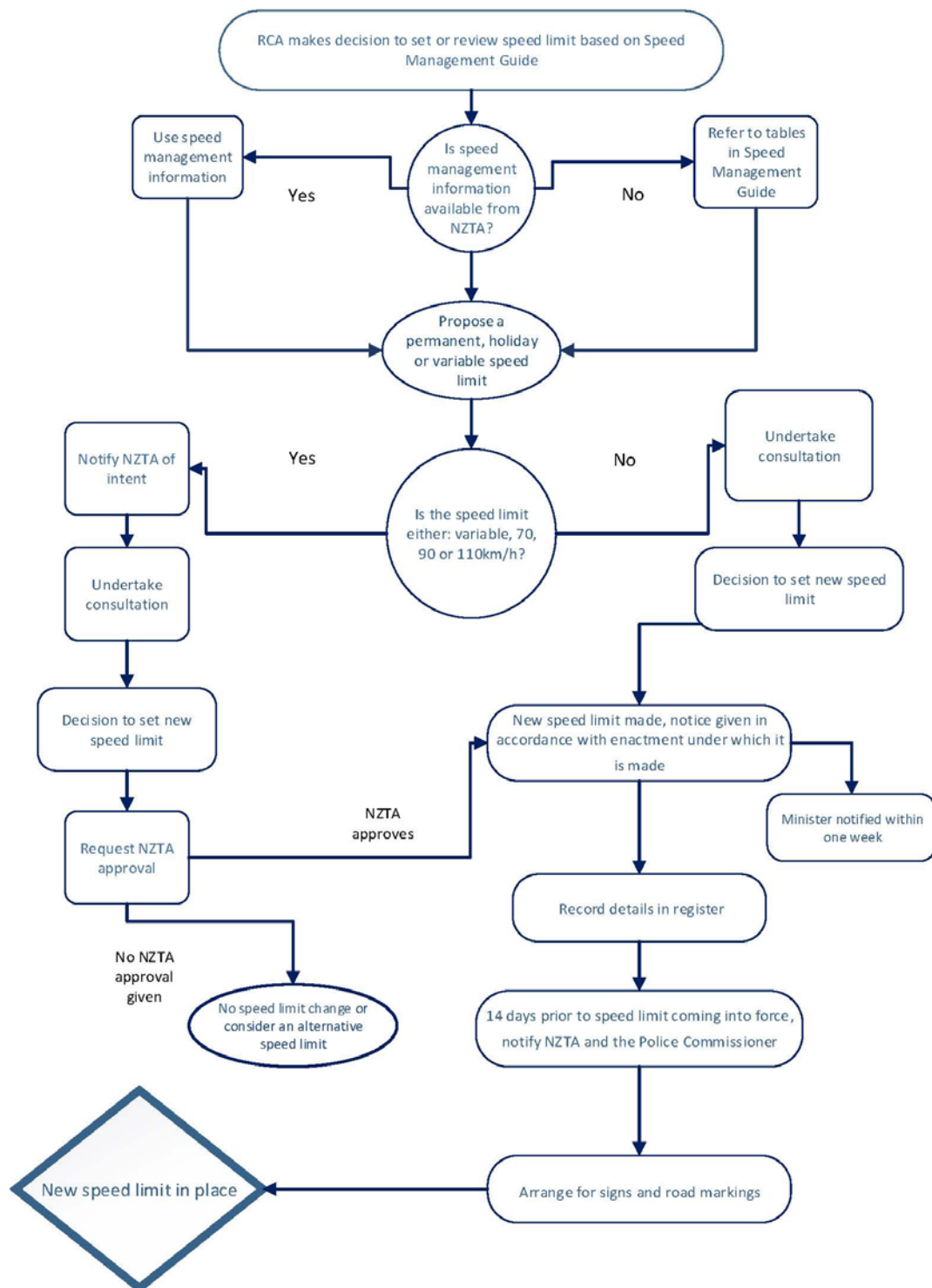
Speed limit (km/h)	Maximum length of road between signs (km)
60	2.0
70	2.4
80	2.7
90	3.0

Table 2

Maximum length of road between repeater signs for temporary
and emergency speed limits

Temporary or emergency speed limit (km/h)	Maximum length of road between signs (km)
20	0.7
30	1.0
40	1.4
50	1.7
60	2.0
70	2.4
80	2.7
90	3.0

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Item 6

Information Item: Presentation – Orari-Temuka-Opihi-Pareora Zone Committee Chair – 10.00am

Purpose of a Discussion / Information Item: To discuss the item presented in order to provide staff with direction, or to provide Council with information. No formal resolution or recommendation will be made.

Prepared by: Dan Mitchell
Asset Group Manager

Overview

- 1 Chair of the Orari-Temuka-Opihi-Pareora Zone (OTOP) Committee, John Talbot, has been invited, at the request of Council, to give an update on progress on the Committee's work-streams.

Options

- 2 This is an information item only.

Outcome

No further action.

Item 7 Waimate District Bylaw Review – Chapter 7 Parks, Reserves, Beaches and Tracks

Prepared by: Dan Mitchell
 Asset Group Manager

Purpose of Report

- 1 To review Waimate District Bylaw Chapter 7 Parks, Reserves, Beaches and Tracks.

Background

- 2 Bylaws are Council made rules or regulations created to protect the community and our District making it a safe and healthy place. They apply specifically to the Waimate District and are enforceable by either Council or other nominated agencies such as the New Zealand Police. They are a localised form of legislation that applies to local issues not already covered by any existing Act of Parliament or Regulations. In most cases, Council makes bylaws under the Local Government Act 2002 and they are generally made for one or more of 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.
- 3 Not complying with a bylaw can result in fines, seizure of property and remedial action. Bylaws can be enforced by warranted Council staff or contractors and by other appropriate external agencies such as the New Zealand Police.
- 4 Council is required to carry out its second review of the Waimate District Council Consolidated Bylaw 2008 by July-December 2018 under section 159 of the Local Government Act 2002 (LGA). Under section 160 (LGA) Council must carry out the bylaw review by making the determinations required under section 155 of the LGA.

s159 Further reviews of bylaws every 10 years

A local authority must review a bylaw made by it under this Act, the Maritime Transport Act 1994, or the Local Government Act 1974 no later than 10 years after it was last reviewed as required by section 158 or this section.

Section 159: substituted, on 28 June 2006, by section 19 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 159: amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

Procedure for review

- 5 The bylaw shall be reviewed in adherence with the process described under the Council resolution “Waimate District Bylaw Review” on 6 December 2016.

- 6 At the completion of the review of all bylaws contained within the Waimate District Consolidated Bylaw 2008, the special consultative procedure will be undertaken in accordance with section 156 (1) (a) as follows:

s86 Use of special consultative procedure in relation to making, amending, or revoking bylaws

- (1) *This section applies if, in accordance with section 156(1)(a), the special consultative procedure is required to be used in relation to the making, amending, or revoking of a bylaw.*
- (2) *The statement of proposal referred to in section 83(1)(a) must include:*
- (a) *as the case may be,—*
- *a draft of the bylaw as proposed to be made or amended; or*
 - *a statement that the bylaw is to be revoked; and*
- (b) *the reasons for the proposal; and*
- (c) *a report on any relevant determinations by the local authority under section 155.*

Section 86: replaced, on 8 August 2014, by section 28 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Supporting Legislation and Documents

Local Government Act 1974
Local Government Act 2002
Reserves Act 1977
Bylaw Act 1910
Wild Life Act 1953
Land Transport Act 1998
Land Transport Management Amendment Act 2013
Waimate District Plan
Waimate District Council Policies

Proposal / Options

- 7 To review Waimate District Bylaw Chapter 7 Parks, Reserves, Beaches and Tracks.
- 8 To approve the draft bylaw for consultation, with the proposed attached track change amendments supported by the following reasons:
- a **706** Added to link with updated Control of Dogs Bylaw
- b **723** “Model Aeroplane” reference replaced with “Unmanned Aircraft” to align with recent Policy.
- c **731** Section added to allow for protection and use of the district beaches.
- d **732** Section added to “legalise” existing signage to protect beach users.

Obstacles

- 9 There are no known obstacles.

Assessment of Significance

- 10 This matter may be deemed significant under the Council's Significance and Engagement Policy.

Budget Considerations

- 11 There are no known budget considerations.

Cost-effectiveness

- 12 Consideration has been given to cost-effectiveness.

Recommendation

- 1 That the Waimate District Bylaw Review – Chapter 7 Parks, Reserves, Beaches and Tracks report is accepted; and
- 2 That the District Infrastructure Committee approves the Draft of Chapter 7 Parks, Reserves, Beaches and Tracks as provided for consultation; or
- 3 That the District Infrastructure Committee approves the Draft of Chapter 7 Parks, Reserves, Beaches and Tracks with amendments for consultation.

WAIMATE DISTRICT CONSOLIDATED BYLAW #####**CHAPTER 7****7 PARKS AND RESERVES, BEACHES AND TRACKS****Scope**

The purpose of this chapter of the Bylaw is to allow for the use of Parks, Reserves, Beaches and recreational tracks in a manner that will not impinge upon the enjoyment of others or cause damage to natural areas and improvements.

701 Entrances and Exits Only to be Used

701.1 No Person shall enter or leave any Reserve except through the openings, gateways, entrances, or exits provided for that purpose.

702 Obstruction of Entrances, etc

702.1 No Person shall obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any Reserve, and (where gates are provided) no Person shall enter any Reserve unless the Reserve is open for the admission of the public.

703 Damage and Interference

703.1 No Person shall interfere with, any inscription or any labels attached to or connected with any article, tree, shrub or other plant in any Reserve, or any notice used to indicate or exhibit any name, regulation, or Bylaw in any Reserve.

703.2 No Person shall remove, damage, or destroy, or attempt to remove, damage or destroy, any structure or any fitting within any Reserve.

703.3 No Person shall, without prior permission, in respect of any Reserve take, deposit, remove or disturb any soil, shrub, tree or other growth, or take any seed, or cutting or interfere with any flowers, ferns, or greenery.

703.4 No Person shall enter any of the enclosures or places set apart for the cultivation of plants in any Reserve

(a) On any portion of the Reserve on which the same is forbidden by notice;

(b) On any plantation, flowerbed, or garden.

703.5 No Person shall deface by writing or otherwise or in any other manner damage any building or structure in any Reserve, or therein act or use these buildings or structures in an appropriate manner.

704 Litter

704.1 No Person shall leave any litter within the limits of any Reserve otherwise than in receptacles provided.

705 Pollution

705.1 No Person shall deposit offensive, or dangerous matter or cause pollution within the limits of any Reserve, be it to land, water or air.

706 Dogs

- 706.1 Dogs are only allowed on reserves, as noted in Chapter 6.

707 Firearms

- 707.1 No Person shall carry any loaded firearm on or across a Reserve or use or discharge any such firearm on any part of a Reserve unless specifically authorised by Council.

708 Water

- 708.1 No Person shall permit or cause wastage of water or permit any water tap to flow for a period longer than may be reasonably required for the filling of utensils for drinking, cooking, or washing purpose; nor shall any Person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any water supply in any Reserve.

709 Wandering Stock

- 709.1 No Person shall, without the prior permission of Council, turn in or allow any Animal to wander or graze within the limits of any Reserve.

710 Riding and Driving

- 710.1 No Person shall without Council permission Park, ride or drive any Vehicle or bicycle, or drive, ride, or lead any horse, or other Animal on any area of any Reserve except on those areas set aside specially for such purpose.

711 Speed

- 711.1 No Person shall drive or operate any Vehicle in any Reserve at a speed in excess of the speeds indicated on the signs displayed in the Reserve or listed in Chapter 11 of this Bylaw.

712 Dangerous and Inconsiderate Driving

- 712.1 No Person shall drive or ride any Animal or drive or operate any Vehicle in any Reserve without due care and attention or without reasonable consideration for other Persons using the Reserve.
- 712.2 No Person shall drive or ride any Animal or drive or operate any Vehicle within any Reserve in such a manner as to cause damage to the surface or to any part of the Reserve.

713 Notices and Signs

- 713.1 No Person shall post or interfere with any placard, sign, or notice board in, on, or about any Reserve without the prior permission of Council, nor without such permission distribute any handbill or notice in a Reserve or at any entrance to a Reserve.

714 Bathing

- 714.1 No Person shall bathe or wade within a Reserve in any water where such bathing or wading has been prohibited by Council.

715 Lighting Fires

715.1 No Person shall, without the express permission of Council, light any fire in a Reserve except in a place specially provided by Council for that purpose, or set fire to any vegetation in any Reserve.

715.2 No Person shall light any fire or continue burning the same in a Reserve after sunset without the consent of Council or the Custodian.

716 Erection of Tents and Booths

716.1 No Person shall put up or erect any stall, tent or structure of any kind within any Reserve except by permission of an authorised Officer of Council, and only then in compliance with every condition under which such permission may have been granted.

717 Trading and Intoxicating Liquors

717.1 No Person shall sell or offer for sale any article of food or merchandise or liquor or drink, or carry on any trade, within any Reserve, without permission of Council, and then only in compliance with every condition under which such permission may have been granted.

718 Misbehaviour

718.1 Within the limits of any Reserve, no Person shall obstruct, annoy, or interfere with any other Person in the use or enjoyment of any Reserve, or use any obscene language, or be intoxicated or under the influence of drugs or in any way behave in an offensive manner.

719 Destruction of Fauna

719.1 No Person shall by any means whatsoever destroy or take any Animal, fish, bird, nest, or egg, or attempt so to do, in or from any Reserve without the prior consent of Council:

Provided that in the case of any Animal or bird protected by the Wildlife Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with to Council's satisfaction.

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720 Assemblies

720.1 No Person shall, within the limits of any Reserve and except with the prior permission of Council, conduct any public meeting or gathering, or make any public address, or attempt to collect a crowd.

721 Interference with Workers

721.1 No Person shall in any Reserve interrupt or interfere with any Person working therein.

722 Sports and Games

722.1 Council may prevent any game being played on any Reserve or any part thereof which is liable to damage the said Reserve or anything therein, or which could otherwise be detrimental to the Reserve, or any part thereof.

- 722.2 Every Person who fails upon the request of Council as aforesaid to stop playing or taking part in any such game shall commit an offence against this chapter of the Bylaw.
- 722.3 No Person shall play any game in any Reserve except upon such areas of the Reserve set apart for that purpose.
- 722.4 No Person shall play at or engage in or practice activities or sports on any playing ground or part thereof on any Reserve after being requested by Council to leave, or when any notice is erected at the main entrance to such playing ground or Reserve or on the particular part thereof bearing the words GROUND CLOSED TO PLAY whether alone or with any other words.
- 722.5 No Person shall play or practise golf on a Reserve except on a Reserve, or any part thereof, which Council has by resolution set aside for that purpose.
- 722.6 No Person shall place any merry-go-round, stall, fence, barrier, or any other article within a Reserve without the permission of Council.
- 723 Model Aeroplanes/Unmanned Aircraft**
- 723.1 No Person shall fly any model-aeroplane/unmanned aircraft within a Reserve except with the prior permission of Council and then only in compliance with every condition under which such permission is granted.
- 724 Landing of Aircraft**
- 724.1 No Person shall make use of any part of any Reserve for the purpose of the landing thereon or flying therefrom of an aircraft or of any kind of flying machine or glider except in case of emergency or in accordance with the prior permission of Council.
- 725 Council Officers**
- 725.1 No act by any Officer, employee, or agent of Council when engaged in duties on any Reserve shall constitute an offence against this chapter of the Bylaw.
- 726 Times of Opening of Reserves**
- 726.1 Council may from time to time, by public notice, prescribe the period or periods during which any particular Reserve, or any part thereof, shall be open to the public.
- 726.2 If Council has prescribed such period or periods in the manner aforesaid, no Person shall be in or upon or remain in or enter such Reserve, or part thereof, otherwise than during such period or periods.
- 727 Closing in Special Circumstances**
- 727.1 Council may close any Reserve, or parts thereof, as a result of civil disorder, bio security hazard, natural disaster, safety hazard or such other factor as is deemed necessary.
- 727.2 No Person shall enter or remain in such Reserve or nominated part thereof during such period of closing without the prior permission of Council.
- 728 Charges on Special Occasions**

- 728.1 Council may close all or any part of any Reserve during such times as it thinks fit, and where charges may lawfully be made, may fix charges within legal limits for the right to use such parts of a Reserve as are open to the public.
- 728.2 Council may adopt regulations governing the use of such parts of any Reserve, and may fix charges for this purpose. Each area within a Reserve shall be used only for the purpose for which it was constructed or set apart, and no Person shall enter that part of a Reserve unless they shall have first paid the charge fixed for that purpose.
- 728.3 Every Person who on any day for which a charge is payable for admission to any Reserve, or part thereof, enters any such Reserve, or part thereof, without paying the proper charge commits an offence against this chapter of the Bylaw.
- 728.4 Every Person who on any day for which a charge is payable for admission to any Reserve, or part thereof, has, before the hour at which any use for which the charge is made is due to commence, entered such Reserve, or part thereof, without paying the prescribed charge for admission, shall before the commencement of the activity for which the admission fee has been charged either pay the proper charge for admission or leave the Reserve, or that part subject to the admission charge.

729 Breach of Bylaw

- 729.1 Every Person committing any breach of the provisions of this Chapter of the Bylaw shall, upon request by/of Council's Officer or agent immediately leave the Reserve and may be prohibited from appearing on the Reserve for such periods as Council deems fit. Any Person failing with all reasonable speed to comply with such request shall commit a further offence.

730 Offenders Required to Give Names

- 730.1 Any Person who in the opinion of Council commits a breach of any of the provisions of this chapter of the Bylaw shall if so requested by an Authorised Officer or Council's agent, supply his/her full name and address.

BEACHES

In addition to the above provisions of this chapter of the bylaw, specific provisions for beaches follow:

731 Protection of property

- 731.1 Except with the prior consent of Council, which may be granted subject to conditions no person shall:
- (a) Remove from any beach any stone, shingle, sand, boulders, silt, mud, or other material above the mean high water springs;
 - (b) Use any part of a beach as a hauling-out site for the wintering of boats.

732 Prohibition of bathing/swimming

- 732.1 Council may prohibit bathing or swimming on any beach or any part thereof, and may erect notice boards defining the limits within which bathing or swimming shall be confined, and any person bathing or swimming anywhere on such beach

(or part thereof) and outside such limits commit an offence against this chapter of the bylaw.

TRACKS

In addition to the above provisions of this chapter, specific provisions for tracks follow:

741 Defined Use

- 741.1 Council may, from time to time, designate certain Tracks or walkways for the exclusive use of walkers or cyclists.
- 741.2 Any such designation imposed under clause 741.1 shall not include a walkway in bush, which shall remain for the exclusive use of walking.

Bylaw Evaluation

Chapter under assessment	Chapter 7 Parks, Reserves, Beaches and Tracks assessment	
Assessor	Dan Mitchell, Asset Group Manager	
Date	13 June 2017	
Questions	Yes/No	Action
Is the bylaw a legal requirement	No	Continue Analysis
Does the Council have the authority to prepare the bylaw	Yes	Continue Analysis
Will the bylaw give rise to any issues under the New Zealand Bill of Rights Act 1990? (s155(2)(b) LGA 2002)	No	Continue Analysis
Is there existing legislation that covers the bylaw?	No	Continue Analysis
Will the bylaw prevent injury, damage, and nuisance to the public and/or goods? (s145 LGA 2002)	Yes	Continue Analysis
Does the bylaw assist Council to meet its statutory obligations?	No	Continue Analysis
Is the bylaw consistent with Councils plans and policies?	Yes	Continue Analysis

Alternatives to the bylaw (s155(1) LGA 2002)

Could the issue be controlled primarily by	Yes/No
Education	No
Providing services	No
Providing incentives	No
Voluntary agreements	No
Charges	No
District Plan/policies	No
Do nothing	No
Another organisations responsibility	No

Effectiveness of the bylaw method

Effectiveness	Yes/No
Will it deal with the main issues needing controlling?	Yes
Is the bylaw practically enforceable?	Yes

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Community Wellbeing assessment

Question	Yes/No
Are there economic effects for the community	Yes
Are there environmental effects for the community	Yes
Are there social effects for the community	Yes
Are there cultural effects for the community	No

Conclusions

Question	Yes/No
Is a bylaw the most appropriate form or regulating this activity?	Yes
Is the proposed bylaw the most appropriate form of bylaw	Yes
What other methods are identified to support the bylaw approach?	

Item 8

Waimate District Bylaw Review – Chapter 9 Cemeteries

Prepared by: Dan Mitchell
Asset Group Manager

Purpose of Report

- 1 To review Waimate District Bylaw Chapter 9 Cemeteries.

Background

- 2 Bylaws are Council made rules or regulations created to protect the community and our District making it a safe and healthy place. They apply specifically to the Waimate District and are enforceable by either Council or other nominated agencies such as the New Zealand Police. They are a localised form of legislation that applies to local issues not already covered by any existing Act of Parliament or Regulations. In most cases, Council makes bylaws under the Local Government Act 2002 and they are generally made for one or more of 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.
- 3 Not complying with a bylaw can result in fines, seizure of property and remedial action. Bylaws can be enforced by warranted Council staff or contractors and by other appropriate external agencies such as the New Zealand Police.
- 4 Council is required to carry out its second review of the Waimate District Council Consolidated Bylaw 2008 by July-December 2018 under section 159 of the Local Government Act 2002 (LGA). Under section 160 (LGA) Council must carry out the bylaw review by making the determinations required under section 155 of the LGA:

s159 Further reviews of bylaws every 10 years

A local authority must review a bylaw made by it under this Act, the Maritime Transport Act 1994, or the Local Government Act 1974 no later than 10 years after it was last reviewed as required by section 158 or this section.

Section 159: substituted, on 28 June 2006, by section 19 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 159: amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

Procedure for review

- 5 The bylaw shall be reviewed in adherence with the process described under the Council resolution 'Waimate District Bylaw Review' on 6 December 2016.
- 6 At the completion of the review of all bylaws contained within the Waimate District Consolidated Bylaw 2008, the special consultative procedure will be undertaken in accordance with section 156 (1) (a) as follows:

s86 Use of special consultative procedure in relation to making, amending, or revoking bylaws

- (1) *This section applies if, in accordance with section 156(1)(a), the special consultative procedure is required to be used in relation to the making, amending, or revoking of a bylaw.*
- (2) *The statement of proposal referred to in section 83(1)(a) must include:*
 - (a) *as the case may be,—*
 - *a draft of the bylaw as proposed to be made or amended; or*
 - *a statement that the bylaw is to be revoked; and*
 - (b) *the reasons for the proposal; and*
 - (c) *a report on any relevant determinations by the local authority under section 155.*

Section 86: replaced, on 8 August 2014, by section 28 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Supporting Legislation and Documents

Local Government Act 1974

Local Government Act 2002

Bylaw Act 1910

Burial and Cremation Act 1964

Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967

Health Act 1956

Waimate District Plan

Waimate District Council Policies

Proposal / Options

- 7 To review Waimate District Bylaw Chapter 9 Cemeteries.
- 8 To approve the draft bylaw for consultation, with the proposed attached track change amendments supported by the following reasons:
 - a **904.2** “8 working hours” replaced with “24 hours” to represent a more acceptable notice period.
 - b **904.6** Winter interment times added to ensure interments are completed during daylight hours. This could be amended to align with New Zealand Daylight Time Order 2007.
 - c **913.1** “..six calendar months” replaced with “..two calendar months” to represent current invoicing practices.

Obstacles

- 9 There are no known obstacles.

Assessment of Significance

- 10 This matter may be deemed significant under the Council's Significance and Engagement Policy.

Budget Considerations

- 11 There are no known budget considerations.

Cost-effectiveness

- 12 Consideration has been given to cost-effectiveness.

Recommendation

- 1 That the Waimate District Bylaw Review – Chapter 9 Cemeteries report is accepted; and
- 2 That the District Infrastructure Committee approves the Draft of Chapter 9 Cemeteries as provided for consultation; or
- 3 That the District Infrastructure Committee approves the Draft of Chapter 9 Cemeteries with amendments for consultation.

WAIMATE DISTRICT CONSOLIDATED BYLAW ###**CHAPTER 9****9 CEMETERIES****Scope**

The purpose of this chapter of the Bylaw is to provide for the purchase of plots, interment, erection of structures and maintenance of cemeteries.

901 Interpretation

- 901.1 Memorial Park includes areas of cemeteries set aside for interments which shall contain headstones or plaques set on a concrete berm but not contain plots that have a concrete top, fencing, perimeter kerbing, vaults or another monument thereon.

CEMETERIES**902 Burials and sale of plots**

- 902.1 Burials may be made in any cemetery for the time being vested in the Council or under its control and not closed in a manner provided by law in that behalf subject to the conditions prescribed in this chapter of the Bylaw.
- 902.2 Burial plots may be sold upon such terms and conditions as shall be decided by Council and the exclusive right of burial may be granted in perpetuity.

903 Burial plots

- 903.1 Where the exclusive right of burial for such limited period as Council by resolution decides, has not been purchased and the full purchase price thereof paid, and where the human remains to be buried are not that of a poor Person as mentioned in clause 923 hereof, such burial shall take place only upon production to the Council of the appropriate certificate.

904 Provisions for all interments

- 904.1 No burial shall be made in any cemetery without a burial warrant.
- 904.2 "Out of district fees" shall be payable for the burial of a deceased Person who was not residing in the district for the 3 months immediately prior to date of death.
- 904.3 In all cases of intended burials, the funeral director or Person having the management or control of the same shall make application to Council for a warrant for such burial, and shall produce such evidence of death as may be required; Council is authorised to grant the appropriate warrant.
- 904.4 No burial warrant will be issued until an interment fee has been paid. Provided however, that in the case of an interment under the management or control of a funeral director, Council may render an account.
- 904.5 Notification of an intended burial shall be given to Council at least 24 hours prior to the time fixed for the burial. 904.6 Except to comply with the duties of Council under section 86 of the Health Act 1956 relating to the interment of people who have died from an infectious and/or notifiable disease, interment

services shall take place between the hours of 9.00am and 4.00pm on ordinary weekdays between October to April and between 9.00am and 3.00pm on ordinary weekdays between May to September. Outside of these times it may be possible to make special arrangements for a burial upon the payment of a prescribed additional fee.

905 Warrant to be authority

905.1 The burial warrant, when issued by Council, shall be sufficient authority for burial.

906 Authorised Persons only to dig grave

906.1 Only Persons authorised by Council shall dig any grave in, or open the ground for burial in, any part of any cemetery. The minimum depth of cover for any coffin shall be not less than one metre.

907 Burial of ashes

907.1 Upon application to Council and following payment of any prescribed fees, a receptacle containing the ashes of any deceased Person may be buried in the special portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.

908 Fees

908.1 All fees shall be as Council decides.

909 Purchase of the exclusive right of burial

909.1 Every application for the purchase of an exclusive right of burial in any part of the cemetery shall be on the appropriate form.

909.2 No burial shall take place in any plot in respect of which an exclusive right of burial has been granted unless the grantee consents to such a burial.

910 Purchaser or Owner of private ground may transfer

910.1 The grantee of an exclusive right of burial in any plot in which no burial has taken place may, with the consent of Council, transfer that exclusive right of burial to any other Person.

911 Keeping graves in order

911.1 Council may agree to keep any grave in any cemetery in order upon payment of the appropriate fee.

912 Fencing, tombstones, etc

912.1 Grantees of an exclusive right of burial in any cemetery other than a Memorial Park cemetery may surround the plots of ground allotted with kerbing or fences in permanent materials that are acceptable to Council.

912.2 All foundations for kerbs, fences, tombstones, headstones, monuments, and vaults shall be laid to the satisfaction of Council.

913 Lapsing of applications

- 913.1 Any application for the purchase of an exclusive right of burial in any plot or ground not previously used for interment shall lapse unless the purchase is completed by payment within two calendar months from the date of the application.

914 Keeping in order

- 914.1 All kerbs, fences, headstones and other monuments shall be kept in safe and proper repair by the purchaser of the plot in the first instance and if that purchaser shall be deceased then by the immediate family of the deceased Person who is buried in the plot. If after reasonable enquiry no such Person or Persons can be located then Council will undertake the necessary maintenance.

915 Shrubs and trees

- 915.1 Any plants in any portion of any cemetery may at any time be trimmed, removed, or cut down by Council.
- 915.2 No planting shall be undertaken in any cemetery by any Person without the consent of Council.

916 What fees cover

- 916.1 Plot purchase fees do not buy any work required to be done in relation to an interment in that plot.

917 Levelling

- 917.1 Any Person who encloses any plot of ground shall do all levelling work to comply with the requirements of Council.
- 917.2 Every such Person shall remove all rubbish and earth not required in the filling in of the grave, or in connection with such levelling from the cemetery to a place approved by the sexton.

918 Deposit of materials

- 918.1 No monumental mason or other Person erecting or repairing any headstone, monument, fence, or other work, in any cemetery shall make use of any Footpath or other part of a cemetery for a longer time than is reasonably necessary for the purpose of completing such work.
- 918.2 No Person shall make use of any Footpath or Roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in some other approved manner.
- 918.3 Council may construct sheds or other buildings for storage, and may make charges for the use of the same.

919 Vehicles

- 919.1 No Person shall take any Vehicle into any cemetery except between the hours Council decides.
- 919.2 No Person shall permit any Vehicle to remain in any cemetery without the permission of Council.

- 919.3 No Person in control of any Vehicle unless authorised by Council shall drive the Vehicle on any part of any cemetery except the Roads open for vehicular traffic.
- 919.4 No Person shall drive or operate any Vehicle in any cemetery at a speed greater than 20km/h, or greater than that indicated on any sign within any cemetery.
- 919.5 All Vehicles (other than hearses) shall yield an unconditional right of way to any funeral procession in any cemetery.
- 919.6 Every Person driving or operating any Vehicle in any cemetery shall stop or move such Vehicle as directed by the Sexton or any other Officer of Council.
- 919.7 Every Person shall drive or operate any Vehicle in any cemetery in the direction indicated by traffic signs situated in that cemetery.
- 920 Removal of fences, headstones, plants, etc**
- 920.1 No Person shall, without authority, remove from any cemetery or from any grave any kerb, headstone, monument, or tablet.
- 920.2 No Person shall, without authority, remove or take from any cemetery, or from any grave in any cemetery, any vase, wreath, plant, flower, or any other thing, except that Council may cause to be removed any neglected, inappropriate or broken or unsafe item of this nature.
- 921 Misconduct**
- 921.1 No Person shall, in any part of any cemetery, behave in a violent or improper manner, or prevent, interrupt, or delay a funeral service.
- 922 Soliciting of orders**
- 922.1 No Person shall, in any cemetery, advertise or solicit any order or custom from any other Person for any work whatsoever to be done in or in connection with any burial plot, kerb, headstone, monument or tablet or any interment service.
- 922.2 Except at the specific request of a purchaser of plots or their representatives, no Person shall, in any cemetery, accept or take any such order or custom as aforesaid.
- 922.3 No Person shall, without the consent of the funeral director, or a special permit in writing for the occasion issued by Council, attend any funeral for the purpose of taking photographs or capturing images for commercial purposes.
- 923 Interment charges - poor Persons**
- 923.1 Where an application is made to Council for an interment of any deceased poor person at reduced charges, the applicant shall, on making such application, furnish to Council a certificate duly signed by him/her certifying that the deceased Person has not left sufficient means to pay the ordinary charges of interment.
- 924 Deceased servicemen**
- 924.1 Notwithstanding anything to the contrary contained in this chapter of the Bylaw, in the case of an application by the War Graves Branch of the Department of Internal Affairs for the disinterment of any deceased serviceman and the

subsequent re-interment in the War Graves section of the cemetery, the fees payable shall be as may be agreed upon between Council and the War Graves Branch of the Department of Internal Affairs from time to time.

925 Disinterment

- 925.1 Where an application for a disinterment is received by Council, the disinterment shall be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964 and shall be subject to the payment of such fees as imposed by resolution.

926 Vases or Containers

- 926.1 All vases or containers for flowers shall be housed in insets set into the base or kerb behind any mowing strip on which the memorial is placed and shall not be made of glass. This shall not apply in the RSA section of any cemetery except that no vases shall be located on the mowing strip.

MEMORIAL PARK (BERM OR GARDEN) CEMETERIES

927 Interments

- 927.1 Interments may be made from time to time in ground in the cemetery set apart by Council for the purpose of a Memorial Park and shown on a plan prepared by Council, but no fences or monuments other than headstones shall be erected, or trees, shrubs or flowers planted except as approved by Council, and no kerbings shall be erected anywhere within the precincts of such Memorial Park cemetery.

928 Purchase of allotments

- 928.1 Any Person may upon payment of the prescribed fees purchase allotments in any Memorial Park cemetery. The number of plots to be sold at any one time shall at the discretion of Council.

929 Erection of memorials

- 929.1 No Person may construct, create or place any headstone, plaque, fence, kerb or other enclosure on a grave unless it is approved by Council and any prescribed fees have been paid.

Note: Standard size of headstone is 280cm x 380cm,

- 929.2 Council may construct a continuous concrete platform or berm at ground level or below as required, of a width suitable to maintain stability. The cost of the platform shall be included in the purchase price of the plot.

Comment [DM1]: Currently not reflected in Fees and Charges structure

- 929.3 Concrete based work for all memorials shall not stand higher than 500mm above the highest point of the concrete berm or ground level, whichever is the higher, and shall, where required, allow insets for flower containers.

- 929.4 On surface berms (or platforms) a space of 50mm excluding the mowing strip, clear of such memorial foundation base shall be maintained, both front and back.

- 929.5 No erected memorial shall, at the head of any plot, be higher than 1.50m from the centre point of the berm. Such memorial shall be acceptable to Council and will comply with the appropriate New Zealand Standard.

- 929.6 No erected memorial shall be of any material other than granite, or a suitable material approved by Council. Concrete shall be finished in white cement only.
- 929.7 In constructing bases and erecting memorials, the adjoining Roads, paths or allotments shall not be damaged.
- 929.8 All memorials shall be maintained in good and safe repair by the purchaser of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which fall into a state of decay or disrepair, may at any time be removed from the cemetery by Council, and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot may be taken before removal and filed with cemetery records.
- 930 Vaults, and bricks or walled-in graves**
- 930.1 No vaults or brick or walled-in graves above ground shall be constructed in a Memorial Park cemetery except in such part or parts as may be set aside for such purpose by Council.
- 931 Floral Tributes**
- 931.1 Flowers, wreaths and floral tributes may be placed on graves at the time of interment. After the lapse of seven days from the date of the interment Council may remove these tributes and dispose of them.
- 932 Ornaments**
- 932.1 No inappropriate ornaments may be placed in a Lawn cemetery.

Bylaw Evaluation

Chapter under assessment	Chapter 9 Cemeteries assessment	
Assessor	Dan Mitchell, Asset Group Manager	
Date	13 June 2017	
Questions	Yes/No	Action
Is the bylaw a legal requirement	No	Continue Analysis
Does the Council have the authority to prepare the bylaw	Yes	Continue Analysis
Will the bylaw give rise to any issues under the New Zealand Bill of Rights Act 1990? (s155(2)(b) LGA 2002)	No	Continue Analysis
Is there existing legislation that covers the bylaw?	Yes	Continue Analysis
Will the bylaw prevent injury, damage, and nuisance to the public and/or goods? (s145 LGA 2002)	No	Continue Analysis
Does the bylaw assist Council to meet its statutory obligations?	Yes	Continue Analysis
Is the bylaw consistent with Councils plans and policies?	Yes	Continue Analysis

Alternatives to the bylaw (s155(1) LGA 2002)

Could the issue be controlled primarily by	Yes/No
Education	No
Providing services	No
Providing incentives	No
Voluntary agreements	No
Charges	No
District Plan/policies	No
Do nothing	No
Another organisations responsibility	No

Effectiveness of the bylaw method

Effectiveness	Yes/No
Will it deal with the main issues needing controlling?	Yes
Is the bylaw practically enforceable?	Yes

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Community Wellbeing assessment

Question	Yes/No
Are there economic effects for the community	No
Are there environmental effects for the community	Yes
Are there social effects for the community	Yes
Are there cultural effects for the community	Yes

Conclusions

Question	Yes/No
Is a bylaw the most appropriate form or regulating this activity?	Yes
Is the proposed bylaw the most appropriate form of bylaw	Yes
What other methods are identified to support the bylaw approach?	

Item 9

Consideration of Major (Urgent Business) or Minor Items not on the Agenda

Prepared by: Stuart Duncan
 Chief Executive

The District Infrastructure Committee is to consider any major (urgent business) or minor items identified earlier in the meeting.