



Keeping our road network safe and ticking along

Proposed Traffic Safety and Road Use Bylaw 2022

STATEMENT OF PROPOSAL





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Summary

Manawatū District Council has a responsibility to uphold the safety of all road users, and to protect the community's investment in roading assets across the district.

The **Traffic Safety and Road Use Bylaw 2015** has been used to form the basis of the new proposed Traffic Safety and Road Use Bylaw 2022 ('the proposed bylaw') that Council is now seeking community feedback on.

This Statement of Proposal outlines:

- The purpose of the Bylaw
- The assessment undertaken to make sure the bylaw is the most effective tool to address perceived problems
- The proposed provisions of the bylaw

Council welcomes feedback on the proposed bylaw. The closing date for submissions is 4pm, 16 December 2022. Detail on the feedback process is included within this Statement of Proposal.

Supporting documents to the proposed bylaw can be found on Council's Have Your Say webpage mdc.govt.nz/have-your-say including the Section 155 assessment that evaluates whether a bylaw is the most appropriate way to address the perceived issues with traffic safety and road use within the Manawatū district.

Purpose and Application of the Proposed Bylaw

The purpose of the proposed bylaw is to:

- regulate Parking and control of Vehicle traffic on any Road,
- provide for the orderly driving and control of Stock on Roads, with regard to the safety of Road users and to minimise damage to, and avoid Nuisance on, the Roads,
- to regulate the construction, maintenance, and decommissioning of Stock Underpasses on Roads
- and to ensure the ongoing safety of Stock Underpasses.

The authorities to the proposed bylaw are as follows:

- Parts 2 and 3 of the Bylaw are made solely under the Land Transport Act 1998
- The remaining Parts of the Bylaw (being Parts 1 and 4 to 9) are made under both the Land Transport Act 1998 and the Local Government Act 2002

The Council is satisfied that there is legal authority for all provisions in the proposed bylaw, under section 22AB of the Land Transport Act 1998 and/or sections 145 and 146 of the Local Government Act 2002.

The Council is also satisfied that the proposed bylaw is not repugnant to any existing laws, and that it is overall reasonable and drafted to provide sufficient certainty.



Is a Bylaw the Best Way to Address the Perceived Problem?

Under Section 155 of the Local Government Act 2022, a local authority must determine whether a bylaw is the most appropriate way to address the perceived problem.

Council have undertaken this assessment and have identified a number of key issues relating to traffic and road safety within the Manawatu district. The evidence base behind these key issues was further explored, and a decision was made for each issue on whether it was best addressed through a bylaw.

The following key issues were decided on as best addressed by the proposed bylaw:

1. Heavy vehicles, Goods Service Vehicles and/or Stock Vehicles stopping, standing or parking in urban streets, including damage to road berms
2. Traffic safety and environmental nuisance concerns with stock droving and crossing
3. Mud, excrement and silage on the road, particularly outside farm gates at harvest time
4. Planting of trees or other vegetation within the road reserve, particularly in rural areas
5. The control of roadside grazing
6. Roles and Responsibilities for maintenance and ownership of stock underpasses
7. Responsibility of proper installation, repair and maintenance of vehicle crossings
8. Council needs ability to regulate, restrict or prohibit road use, including the ability to specify special vehicle lanes
9. Council needs ability to specify and enforce both class restricted and time limited parking, e.g. 30 minute parking spaces, mobility zones

Section 155 of the LGA 2002 then requires that before adopting a bylaw, Council determine whether the proposed bylaw will give rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

The proposed bylaw has been assessed as not giving rise to any implications under the NZBORA, however following public consultation and before adoption, Council will reassess the bylaw in this respect.



Proposed Provisions

WHAT

Removal of provisions addressing the setting of speed limits.

Effective 19 May 2022, the Land Transport Rule: Setting of Speed Limits 2022 now provides a framework for setting speed limits across New Zealand using speed management plans. The new framework intends to make it easier for Road Controlling Authorities to set safe and **appropriate speeds, alongside considering safety infrastructure and safety cameras, and keep road users safer.**

This Land Transport Rule means that a bylaw is no longer the most appropriate way to allow for the setting of speed limits.



Parking

No significant changes from the Traffic Safety and Road Use Bylaw 2015.

Provisions give Council the ability to specify and enforce parking spaces, including class restricted and time limited parking, e.g. 30 minute parking spaces, mobility parks, and loading zones.



Roading and Traffic Controls

These provisions give Council the ability to regulate, restrict or prohibit road use, including the ability to specify special vehicle lanes. There is no need for Council to duplicate the Land Transport (Road User) Rule 2004 (the 'road rules') within the proposed bylaw.

Beaches

A provision related to beaches has been included to ensure Council is able to prohibit or restrict the use of vehicles on beaches as required.

Planting of Vegetation on Roads

A gap has been identified in Council's ability to prohibit the planting of vegetation in the road reserve that may later lead to road safety issues. A provision within the proposed bylaw has been included to provide this ability.

Removal of mud, silage, excrement or other debris

Although an obstruction or damage to roads provision existed in the 2015 bylaw, the proposed bylaw includes an additional clause within this section to require the removal of mud,

Roading and Traffic Controls continued from previous page

silage, excrement or other debris from the Road as soon as practicable in a way that does not cause danger to other road users. If a person does not remove these as required, the proposed bylaw includes the ability for Council to recover costs from that person for any reasonable costs incurred to repair, clear or clean the road.



Vehicle Crossings

The Local Government Act 1974, Section 335 'Vehicle Crossings' allows for the Council to require the owner or occupier of land to have a properly constructed vehicle crossing, at the expense of the owner or occupier as per the provisions of any bylaw. There is therefore a requirement for Council to provide conditions and specifications to allow for this provision to be enforced.

There is also a need for Council to suitably advise the requirements of maintenance of vehicle crossings, and to highlight that maintenance is the responsibility of the owner or occupier of the land.

The vehicle crossing provision within the proposed bylaw includes the need for a person to gain Council's consent for installation of any vehicle crossing, and for the work to be undertaken by an approved contractor in compliance with Council's standards and planning requirements. Council maintains a list of approved contractors for vehicle crossing installation on its website.



Stock on Roads

Stock on Roads in Urban Areas

As with the Traffic Safety and Road Use Bylaw 2015, the proposed bylaw prohibits the droving of stock in any urban area.

Stock Droving

The Traffic Safety and Road Use Bylaw 2015 included the need for a Traffic Management Plan for stock droving to be submitted to Council no later than 5 days prior to any movement of stock on the road. Following engagement with farmers in the district, Council have removed the requirement for a Traffic Management Plan to be submitted to Council

Stock on Roads continued from previous page

before droving stock. This is to better reflect the reality of the dynamic and unpredictable nature of farming activities. However, to ensure road safety is upheld for all road users, Council have proposed a set of conditions for stock droving to be permitted in rural areas.

Any stock droving activity proposed that does not meet these conditions must receive written consent from Council to occur.

Stock Crossing

A permit for stock crossing was required within the Traffic Safety and Road Use Bylaw 2015. The requirement for a permit for stock crossing has been removed from the proposed bylaw. This is again to reflect the dynamic and unpredictable nature of farming activities.

To uphold safety for road users, Council are proposing a set of conditions for stock crossing to be permitted in rural areas.

Any stock crossing activity proposed that does not meet these conditions must receive written consent from Council to occur.

Stock Owner Responsible for Any Damage

A provision has been included to ensure stock owners are responsible for any damage caused to private property, any road, street furniture or public place by their stock during droving or crossing activities.

**Stock Underpasses**

Due to historical issues with ongoing maintenance and ownership of stock underpasses, a process for the creation of a Covenant Instrument has been included in the proposed bylaw to allow all parties involved to be aware of key responsibilities for Stock Underpasses, including their maintenance and removal.

**Roadside Grazing and Tethering**

Provisions have been included within the proposed bylaw to regulate roadside grazing and tethering of stock.

Roadside Grazing and Tethering continued from previous page

Temporary Roadside Grazing (Fenced)

Within the proposed bylaw, Council have proposed a set of conditions that must be complied with for temporary grazing of sheep, steers, heifers or cows within a temporarily fenced area. This includes compliance with Council's 'Roadside Grazing Temporary Fencing Standard'.

Temporary Roadside Grazing (Tethered)

Council are also proposing a set of conditions for roadside tethering of stock (excluding poultry, bulls, pigs, horses or deer) to be permitted.

Permanent Grazing on Roadside or Unformed Legal Roads

Included within the proposed bylaw is the ability for an owner of stock to apply in writing and enter into a Licence to Occupy with Council to construct permanent fencing on a road to enable Stock grazing. A number of conditions related to the Licence to Occupy are included within the proposed bylaw.



Offences

This part of the proposed bylaw allows Council to remove or cause to be removed any vehicle parked on any road or parking place in breach of the proposed bylaw.

Proposed is also the ability for Council to remove or cause to be removed any item or thing from the road or parking place which may endanger the safety of road users, or cause damage to the road.

This part within the proposed bylaw also outlines that any person in breach of the proposed bylaw commits an offence, and may be liable for any applicable penalty provided for in the Land Transport Act 1998 and the Local Government Act 2002.

How to Provide Feedback

Anyone can give their feedback to Council on the proposed **Traffic Safety and Road Use Bylaw 2022**.

All information and submissions are available on Council's website here: www.mdc.govt.nz/have-your-say

Alternatively, a physical submission form can be collected from

Manawatū District Council offices at 135 Manchester Street, Feilding.

Physical submission forms can:

- be scanned and emailed to submissions@mdc.govt.nz
- hand delivered to the Council office in Feilding
- posted to **Manawatū District Council Private Bag 10001 Feilding 4743 New Zealand**

Any written form of submission will be received and considered.

Submitters should note that their submission will be made available to the public after the submission period closes on the Council's website. You may opt to have your personal contact details kept confidential within your submission form.

Hearings will be held in early 2023. Please indicate on your submission form whether you wish to speak at hearings.

Timeline

Feedback Period

*18th November 2022 -
16th December 2022 (4pm)*

Hearing of Submissions

2nd February 2023 (indicative)

Council deliberate on submissions

16th February 2023 (indicative)

Adoption of Bylaw

16th March 2023 (indicative)



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