

MINUTES/DECISION



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MEMBERSHIP: Cr Seymour, Cr Foster and Cr Wharehinga

MINUTES of the REGULATORY Committee

Held in Te Ruma Kaunihera (Council Chambers), Awarua, Fitzherbert Street, Gisborne on Wednesday 29 June 2022 at 9:00AM.

PRESENT:

Councillor Pat Seymour (Chair), Deputy Mayor Josh Wharehinga and Councillor Larry Foster

IN ATTENDANCE:

Chief of Strategy & Science Jo Noble, Asset Planning Manager Tina Middlemiss, Governance Advisor Jill Simpson and Committee Secretary Penny Lilburn.

INTRODUCTIONS

Cr Pat Seymour declared the meeting open and introduced Cr Larry Foster and Cr Josh Wharehinga as part of the panel.

A welcome was expanded to the submitters and an outline of the hearing process was followed.

SUBMITTERS ATTENDING

Jeanie Rose McCallum (Personal), Hemara Donnelly (Personal), Kay Bermingham (Personal), Robyn Busby (Personal), Sandy Bull (Personal), Raymond Kitchen (Personal) and Katrina Duncan (Gisborne Cycle Walkway Trust).

SUBMITTERS RECIEVED

Council received a total of 154 submissions. Submitters who spoke at the hearing expanded on their written submissions included in the officer's report.

1. Apologies

There were no apologies.

2. Declarations of Interest

Larry Foster declared that he is a resident of Kaiti Beach.

3. Leave of Absence

There were no leaves of absence.

4. Reports of the Chief Executive and Staff for DECISION

4.1 22-140 Draft Amended Speed Limit Bylaw Report 2013 - Hearings Report

PURPOSE OF THE DRAFT POLICY – Reporting Officers Tina Middlemiss & Jo Noble

Staff started reviewing the 2013 Bylaw with the intent to make a Speed Management Plan which would align the speeds as determined by Waka Kotahi nationally across New Zealand.

- Following this, engagement in the community began around a year ago with a broad-brush approach to change all the speeds in the beginning stage.
- In April 2022 there were 154 submissions with the majority supporting speed changes around schools and beaches. However, there was still resistance by reducing the speeds from 100km to 50km in some areas. Specific speeds were concerns to people in the community and each of the responses received had individual issues.
- Reporting Officer Tina Middlemiss stated that staff would like to stick with what is proposed. This is due to the new law as there is no longer a bylaw system, it is instead done under a National Speed Limit register which is in place. If approval is made for these changes, they will be implemented into the register which is a process done over time with Waka Kotahi.
- There are trials currently being done for schools, and after that it would be aligned with township planning jobs. There are no published lists or timeframes.

5. SUMMARY OF EVIDENCE HEARD (Additional to their written submissions)

5.1 Jeanie McCallum (Personal)

Introduced herself and thanked the Panel for the opportunity to speak. Points of clarification included:

- Mrs McCallum believes that due to the change in speed limits it was an appropriate time to bring up these two subjects.
- The proposal is to get the 50km signage down to the south end of Bilham Road.
- There are 11 vehicle exits on Bilham Road; rural, horticultural, residential and includes an Astro Tour site run by well know Gisborne astronomer, John Drummond. There are two regular nights where he does tours and has 25 people on his property.
- Both roads have exit and entrance points to De Costa Enterprises, which has huge areas of apple orchards and an assortment of trucks, tractors, and spray units in action.
- Kaimoe Road is a single lane and there are 19 exit and entrances and would also like speed reduced on this road.
- Mrs McCallum feels incredibly strongly about this as the 50km sign into the village was put in 35-40 years ago when there was no development. During the time living there, there has been many missed calls, and it has been sheer luck that there have been zero total fatalities.
- There are two families living on both roads with young children.
- These roads can be safer by simply shifting the speed signs as proposed. The community is behind this, and all residents have spoken verbally to Jeanie that they agree with this proposal.

Further Clarifications:

- Both Cr Foster and Cr Wharehinga thanked her for her response.
- Reporting Officer stated that although this wasn't in the consultation document that was handed out, it can be included in the Traffic Speed Management Plan and it will be fed into the Speed Register and implemented over time as resources allow.
- Reporting Officer cannot give an approximate time of completion as the budget gets reviewed every three years along with expenditure and the long-term plan. When the new plan is looked over it is a second opportunity for residents to let Council know of their proposal.

5.2 Hemara Donnelly (Personal)

There have been a higher number of visits from the Mongrel Mob that are arriving from Hawkes Bay into Kaiti and as a result, an increase in wheelies and burn outs in the middle of the road, intimidating children.

- This hazardous driving occurs mainly on the straight between Ranfurly Road and Oxford Street, which they use as a racetrack. One day somebody's house is going to be smashed or worse, something will happen to a child.
- The signage that Council wants to put up will mean nothing to these boy racers.

Hemara also stated that the footpath that has been widened around Cambridge Terrace has angled and needs fixing.

In Response to Questions:

- Hemara rings the police anytime he sees a large number of vehicles at number 64 and 52 Ranfurly Road, where two of the cars do not have license plates. By the time police arrive, the cars have usually gone, and there isn't anything they can do about it.
- Reporting Officer stated that the issue of the footpath will be lodged as well as a request for service.

Councillor Seymour thanked Hemara for always being involved in Council and constantly putting an effort into their causes.

5.3 Kay Bermingham (Personal)

Thanked the Council staff for the well-meaning protection of Makorori and Kaiti Beach and the encompassing issues that come with this.

Summary of Points:

- Mrs Bermingham has been personally contacting Council since 2008. In principle back then it was noted that there was going to be a prohibition for vehicles on beaches with exceptions; but obviously this has not happened.
- In the past 2-3 years there has been a significant increase of the number of vehicles and people on beaches and a significant number of people coming into the district. This brings a lot into the community however, vehicles and people are harassing seals, disrespecting the dunes, abusing beach users, and driving dangerously.

- The Makorori community and holiday makers that come here believe that reducing the speed to 20km is inviting more vehicles onto the beach. SUV's drive onto the beach and sit in front of people who are sitting and enjoying the environment.
- Council have put in a lot of time, money, and resources that seems to have had little change. If you do not prohibit vehicles on the beach, you may as well leave the signage instead of wasting ratepayers' money on a sign that nobody is going to pay attention to.
- Climate change is of real importance to people, especially to our coastal environments and a real threat to the dunes which are constantly being eroded due to weather events. However, you as Council are allowing further erosion with driving on the beach.
- No driving on the beach with exceptions would mean that no one would constantly be called on to regulate activity on the beach and would not require bollards. Currently Police and Council staff are constantly being contacted for rule breakers and staff are already under pressure, but this is what we as locals must do to live in a safe environment.
- There are sealed roads and dune tracks along Makorori and Kaiti Beaches so there is no need for vehicles to drive on the beach unless they are emergency vehicles. It only takes one vehicle or one child for there to be an accident.
- This does not just concern Makorori and Kaiti, but all the beaches around Gisborne. Currently so many laws are being violated as people drive across the dunes and onto the beaches.
- Places where you are not allowed to drive on beaches are Auckland, Whakatane, and Clutha, so why not Gisborne? There is a chance to change this Bylaw now, to prohibit vehicles on beaches.

In Response to Questions:

- Regular carcasses are dumped on the beach by the dunes alongside furniture which is often discarded there.
- A lot of people have moved back to Gisborne, so there are also a lot of gang issues. Makorori is the first flat beach out of town, and it's close enough to town that people are there every day.
- To remove vehicles or ban vehicles on the beach would not be done under the Speed Limits Bylaw, it would either be a different bylaw or resource management plan.

5.4 Robyn Busby (Personal)

The proposal put forward by the Council is to implement a 20km sign on Makorori and Kaiti beach, the last time she was here it was also for no vehicles on the beach.

- Surely by putting up a speed sign, you are telling everyone it is okay to use a vehicle and drive onto the beach. How is this going to be policed? Also, there are no designated access points to stop the destruction of the dunes.
- All roads have regulations that people adhere to, but the beach is the recreational area, and it does not need added hazards.

- Why is it okay for Wainui to have a sign that says no vehicles on the beach, but not at Makorori or Kaiti? We, the residents of Makorori have been repeating ourselves saying the same thing, no vehicles on the beach, and have received multiple hazardous complaints including rogue motorbikes roaring up and down the beach causing violation of speed and extreme noise on a recreational beach in a community.
- Have some common sense for the Police to enforce laws for this behaviour

5.5 Sandy Bull (Personal)

Mr Bull's submission is in support of the Makorori residents. Residents have been attempting to change this for over three years and has noticed a similar problem for the residents of Kaiti Beach. Other concerns are damage to the foreshore and dunes by vehicles. It is a danger to other beach users and is a great concern to the residents.

- I disagree to the new speed limit of 20km per hour. These beaches are being replaced as roads and state highways, e.g. Makorori like SH35. Except for official purposes, police and surf life savers, there should be no vehicles on beaches. With respect, this illegal behavior would not be tolerated on Gisborne's other beach reserves.
- Officers of Council can be empowered to carry out official duties, also honorary persons can be empowered through Council to carry out enforcement work. No regulations are of any value if there are no enforcements.

Cr Seymour thanked Mr Bull for his effort and persistence.

In response to Councillor Questions:

- There is no hard evidence of birds being killed. However, Council has a list that sets out the threatened species in the district and from time to time there are penguins which nest, particularly on the dunes. Makorori have photographs of the damage on the dunes, and disturbance to vegetation. Habitats of protective wildlife are also threatened.
- Any records of the disturbance of wildlife over the years would have been and should have been kept by the Internal Affairs Department of Wildlife. Mr Bull has highlighted 4 species that are found on these beaches. Their threat status is critically threatened. The little blue penguins are threatened and on the gradual decline.
- The volume of vehicles on the beach is a deterrent to birds and is an offence. In some cases, can land you a fine of up to \$20,000.

In response to questions staff advised:

- A ban across the beaches was discussed by the Traffic Sub-Committee and there is a clause that allows Council to place restrictions on beaches.
- In terms of Makorori this was thought about in some depth and there is a master plan that will occur. However, due to a wave of sickness of staff this has been delayed.
- Council is working on a physical barrier to stop people from going on beaches.
- A community engagement process will follow and will need to be discussed with tangata whenua.

- As discussed at some length during the bylaw processes, enforcement is incredibly difficult. The only way to take action is to prosecute people and we need the police in order to do that, which is really hard to manage. Council needs physical restraints to stop the access which is where the bollards come into play.
- Council has not consulted on banning all vehicles, and this will have significant issues for some people in the community, e.g., fishing, but it may be something that comes into play for the Tairāwhiti Resource Management planning process.
- Gisborne District Council is looking at a new biodiversity action plan. A national action plan for biodiversity is being released later this year and Council will have to develop a regional biodiversity strategy as a part of this process. It will need engagement from the community, and from this may well place wider restrictions of vehicles on beaches to protect the coast and the wildlife.
- Presence is much easier to monitor than speed limit. But it is a question of do Council have the staff for this, and what needs to be put aside in order to monitor this daily. There remains the enforcement issue which because of the way bylaws and the legislation are structured, is very hard as we have to take a court case. The associated costs and burden of evidence that must be provided to the courts that someone hasn't stolen someone's car or borrowed it, assuming we have the license plate, is a lot of extra work.
- There are greater troubles banning vehicles at Makorori rather than Wainui as not all of the land is owned by Council. There are also issues with resource consents which allows the motorcycle racing on the beach. In general, a more densely populated urban area is easier to control access due to the increased amount of surveillance. The further you get along the coast the easier it is to access. It is a real behaviour change.

Panels response:

- Cr Seymour stated that it was certainly not that difficult to make similar changes as Wainui. It is frustrating for the community to continue to see the degradation and abuse of the beach and the dunes.
- Cr Foster suggests that a major part of the Tairāwhiti community are law-abiding citizens and if there was a ban of vehicles the majority of people would abide by that. If the minority were still doing this activity and was monitored by locals, it would be decreased quite rapidly, with the odd offender being caught.
- Cr Seymour stated that there needs to be a behaviour change. Unfortunately, as councillors, we have to remember that while we can advocate for what seems a reasonable outcome, we have to manage the process asked by Council and today's decision is about speed limit and location. However, it is a good opportunity to have these discussions about what the community are seeking and what Council can do to help.

Secretarial Note: Mr Bull asked to speak again.

Cr Seymour stated that if Mr Bull would like to add something else he needs to come back to the table, to be heard by council officers and by the community.

- Mr Bull had meant to put in his submission that he gives great credit to the amount of effort and money Council have put in to protecting all other reserves e.g. Wainui and Okitu. In the process Council have planted trees, put concrete paths, and cannot see any difficulty for doing the same thing at Okitu. The parking areas at Waikanae and the walking access is ideal. The main thing is to allow the public to use the beach but not drive on it. What is happening at Makorori is a travesty and the photos being given to Councillors are horrific.

5.6 Raymond Kitchen (Personal)

The proposal to Gisborne District Council appears to be the outcome of a survey and seems to be Waka Kotahi and Nationally driven.

- This impacts considerably on road safety. Not all roads can do cycling and walking, and this does not seem to be appear acknowledged.
- To address specific locations: In Stout Street you propose 50km to 40km and have installed judder bars. Judder bars have also been installed on Salisbury Road, why do you need two methods? Reducing the speed on Stout Street will significantly increase traffic in Ormond Road which is already overrun by heavy vehicles.
- Reducing the speed to 30km is too slow and leads to frustrations and therefore silly behaviour.

Cr Seymour stated that it is part of the national strategy, but Council do have bylaws to make speeds that are fitting for their community.

In response to questions staff advised:

- There is a budget line that relates to road safety improvement. There is another two years left of this long-term financial budget and the intention is that implementation will be phased out and the likelihood is that schools will be the priority with trials already begun.
- Following the Hearing and Councillors decision, the first step will be to create a more detailed analysis plan and phase it out so that it is affordable and remains in the budget. In 2024, if additional resources are needed, engagement will be undertaken with the community and Councillors will make a call on what is to be prioritised.
- Everything that has been done is excluded from the State Highway and have heard nothing that it will be changed. It is something that will be pulled up under the new rule, but as it is a rural school it will likely only go down to 60km.

Secretarial Note: The meeting adjourned at 10.14am and reconvened at 11.02am.

Cr Seymour stated that due to submitters declining to come and speak the summary will begin and will have a second summary if new material arrives.

5.7 SUMMARY

- Chief of Strategy & Science Jo Noble stated that there isn't anything that will change the recommendations of the speed limits. The next step is already under way as part of the implementation plan, but as submitters what they may want to turn their minds to (and would be helpful to Council), is if there are any certain roads that should be a priority and therefore will be progressed first.
- Have heard loud and clear about the message of vehicles on Makorori beach. The master plan has been delayed due to sickness and other matters arising, but the intention now is to run community workshops which will be underway in August. Excluding or restriction of vehicles on the beach is a clear theme coming through the master plan.
- The new area that was bought forward by the first submitter this morning will be included in the new plan.

Staff responses:

- Workshops are being held to ensure that we have heard from the community and to make sure that the aspirations for the area from mana whenua are involved within the decision. It is a bigger picture than just the beach. What is happening in the town planning are flow-on effects as to why people go to the beach.
- Kaiti Beach is not included in the same process at the moment as Makorori is being used as a trial to see what may be rolled out for other areas of the coastline.

Cr Seymour welcomed and appreciated that Mrs Katrina Duncan has attended to fill in for the Gisborne Cycle Walkway Trust.

5.8 Katrina Duncan (Gisborne Cycle Walkway Trust)

Here to support safer limits for our people. Have strong links to the Netherlands where their streets are prioritised for cyclists and pedestrians. The Netherlands made a decision 30-40yrs ago which has changed the entire way that people move, and Council should do the same, making people the forefront of the decisions to make the future for Gisborne a much nicer place.

Further Clarifications

- The Netherlands is a very diverse place with lots of villages that are very similar to Gisborne areas - lots of flat land and side suburbs. All the side streets are 30km which makes them beautiful streets for people to live in. It makes the areas incredibly quiet and an all-round much more pleasant place to live.

5.10 Final responses from Reporting Officers:

- Priority 1 would start now, assuming schools is the priority and Priority 2 will begin to be woven in. Priority 3 and 4 will be prioritised and would be done in the next 2 years. Townships will probably happen sooner and then progressively go from there based on population and risk.
- Mrs McCallum's submission will be sorted into the next relevant committee meeting. We were unaware of the problem before so it will go back through the matrix. This is a guidance tool used by staff to work out what a speed should be based on factors such as speed, value, function of the road etc.

- Would advise the Panel to include something in the Hearing report regarding a vehicle ban on beaches and give clear directions to Council and the Chief Executive on how important of an issue you think it is.
- Signs can be put up; it then depends on whether or not it can be legally enforced. There can be some signage that portrays the message of what is appropriate or inappropriate behavior in the environment.
- To have nil speed as supplementary signage would have to be checked for the legality of reducing the speed to zero under a bylaw.

Cr Seymour stated that the Committee will take on this information and the issues raised. Acknowledgements to all the submitters for the speed limit bylaw and appreciate that it is a long process with many consultations. The Committee understands that Council Officers hands are sometimes tied with bureaucracy but will do their best to put the submissions into effect.

No further questions from Councillors.

6. Close of Meeting

There being no further business, the meeting closed at 11:24am to consider all submissions.

7. Matters considered and Reasons for the Decision

- a) The Committee considered all written submissions and those from submitters attending in person. The Committee observed that the generic nature of the key proposals in Table 1 of the report provided insufficient clarity for some members of the public.
- b) We noted concerns expressed that the state highway might be reduced to 20kmph along Makorori beach and by extension both of the beaches mentioned, Makorori and Kaiti beach.
- c) The Committee heard from written and oral submissions that the members of the Makorori Beach community wished to see vehicles, excluding emergency service vehicles and site-specific boat launching, excluded from driving on Makorori Beach. Their reasoning being it is a popular beach for day picnickers and families and there is concern that an accident is likely to happen from vehicles speeding along the sand. Degradation of the dunes continues as the number of vehicles driving over the dunes increases.
- d) Council Officers asked the Committee to indicate priorities for the introduction of the changed speed limits since not all locations can be changed at one time. Considering previous submissions and the submissions to this bylaw review the Committee recommend that around primary schools be addressed, the Makorori and Kaiti beach speed reduction on a pathway to removing cars from these beaches altogether and speed limits reductions in townships be addressed as a priority.

MOVED by Cr Wharehinga, seconded by Cr Foster

That the Regulatory Committee

1. Recommends that Council:

- a. Determines that the draft amended Speed Limit Bylaw 2013:
 - I. is the most appropriate form and the way to address speed limits.
 - II. amends the speed limit on Makorori beach and Kaiti Beach to 5 kmph
 - III. does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- b. makes the included amendments to the Speed Limit Bylaw 2013
- c. introducing the reduced speed limits around schools be addressed as a priority, followed by townships and Makorori and Kaiti beach.

CARRIED

Pat Seymour
Chair