

Notice of Meeting:

I hereby give notice that an extraordinary Meeting of the Council will be held on:

Date: Monday 29 April 2019
Time:
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN LATE AGENDA

Membership

| | |
|--------------------|--------------------------|
| Chairperson | Mayor A King |
| Deputy Chairperson | Deputy Mayor M Gallagher |
| Members | Cr M Bunting |
| | Cr J R Casson |
| | Cr S Henry |
| | Cr D Macpherson |
| | Cr G Mallett |
| | Cr A O'Leary |
| | Cr R Pascoe |
| | Cr P Southgate |
| | Cr G Taylor |
| | Cr L Tooman |
| | Cr R Hamilton |

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

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Governance Manager

29 April 2019

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Council Report

Item 8

Committee: Council **Date:** 29 April 2019
Author: Lee-Ann Jordan **Authoriser:** David Bryant
Position: Governance Manager **Position:** General Manager Corporate
Report Name: Whakatane District Council Proposed LGNZ Remit: Road Safety

| | |
|----------------------|-------------|
| Report Status | <i>Open</i> |
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Purpose

1. To inform the Council of a proposed remit for the Local Government New Zealand (LGNZ) Annual General Meeting 2019 relating to road safety from Whakātane District Council.
2. To seek a decision as to whether or not the Council wishes to support the proposed remit.

Staff Recommendation

3. That the Council:
 - a) receives the report; and
 - b) endorses/does not endorse the proposed remit from Whakātane District Council regarding road safety (attachment 1 of this report).

Discussion

4. Member authorities of LGNZ (member councils) have been invited to submit remits for consideration at the LGNZ Annual General Meeting on Sunday 7 July 2019.
5. If supported at the AGM by the majority of member councils present, remits will be actioned by LGNZ.
6. Remits must be of a major policy nature and relevant to local government as a whole rather than a single sector or council.
7. Remits proposed to the AGM must have support from at least one zone or sector group meeting or from five councils. Evidence of this support is part of the submission.
8. On Friday 26 April 2019 an email from the Mayor of Whakātane District Council was received asking Hamilton City Council (and other councils) to support their remit by 10 May 2019 so that they can submit it to LGNZ for consideration by member councils at this year's Annual General Meeting in July.

Item 8

9. Whakātane District Council is proposing a remit to request the New Zealand Transport Authority (NZTA) review its Code of Practice for Temporary Traffic Management (CoPTTM) and review its CoPTTM Training System. The proposed remit also encourages Road Controlling Authorities (RCAs) to work with NZTA on a review of local road Temporary Traffic Management, and to adopt, with urgency, any local road CoPTTM improvements that arise from the review.
10. Council staff have not developed this report so are unable to comment authoritatively on considerations such as financial implications and risk.
11. However, staff consider the decision in this report has low significance and that the recommendation complies with the Council's legal requirements.

Attachments

Attachment 1 - Draft Remit LGNZ Road Safety proposals May 2019



26 April 2019

To my fellow Mayors and Councils

REQUEST FOR SUPPORT OF AN LGNZ REMIT RELATED TO ROAD SAFETY

I am writing to you to request your support for a remit that I wish to put forward to the LGNZ Annual General Meeting in July 2019 related to road safety. A copy of the draft remit and background information is attached to this letter. I would appreciate your support for this remit before Friday 10 May 2019 in order to submit this to LGNZ.

After the recent tragic events in my district, where three road workers were killed, I believe we have to ask ourselves are we doing all that we can to ensure those working on our roads are safe from harm. As Mayor I have raised at recent Regional Transport Committee meeting my concern about the level of public discontent with traffic management on road work sites by contractors, and, in my view, evidence that a high proportion of motorists tend to ignore temporary speed sign restrictions. I believe this has come about particularly on unattended sites, where traffic management speeds don't seem appropriate or are left in place too long.

Our roading team at Whakatāne District Council have already been working proactively with NZTA and local contractors to review traffic management requirements. However I believe a national response is appropriate and would indicate the support of local government as a whole for this work. The remit that I intend, with your support, to propose is attached.

Broadly this would:

- Support NZTA's initiative to review CoPTTM in light of the recent fatalities
- Encourage NZTA to work closely with RCA's to ensure the CoPTTM review also covers local road Temporary Traffic Management
- Strongly encourage RCA's to work with NZTA, perhaps through the RCA Forum, on a review of local road Temporary Traffic Management
- Strongly encourage RCA's to adopt with urgency, any local road CoPTTM improvements that arise from the review.

I ask your Council to consider this information, and to confirm your support for the attached Remit by reply to me before Friday 10 May 2019.

Yours sincerely

Tony

**MAYOR
WHAKATĀNE DISTRICT**

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This Remit is in two parts;

1. That LGNZ acknowledges that the New Zealand Transport Agency's (NZTA's), Code of Practice for Temporary Traffic Management (CoPTTM) is a comprehensive and robust document, and that NZTA ensures the CoPTTM system is regularly reviewed, refined and updated. However, in light of the recent road worker fatalities LGNZ requests NZTA, in partnership with Road Controlling Authorities (RCAs);
 - a. Review afresh its Code of Practice for Temporary Traffic Management (CoPTTM) to satisfy themselves that;
 - i. The document provides sufficient guidelines and procedures to ensure approaching traffic are given every possible opportunity to become aware of the worksite ahead and to respond appropriately and in a timely manner
 - b. Review its CoPTTM Training System to ensure;
 - i. Trainers are sufficiently qualified and adequately covering the training syllabus
 - ii. Site Traffic Management Supervisors (STMS's) and Traffic Controllers (TC's) are only certified when they can demonstrate competence in the application of CoPTTM.
 - iii. A robust refresher programme is in place to ensure those in charge of Traffic Management on worksites remain current in the required competencies.
 - c. Review its Site Auditing requirements to ensure the traffic management at worksites is independently audited at a sufficient frequency to ensure compliance, and that a significantly robust system is put in place to enable enforcement of compliance.
2. That LGNZ takes steps to remind its members of their duties with respect to their role as Road Controlling Authorities including;
 - a. Appointing and sufficiently training and resourcing a Traffic Management Co-ordinator to ensure their obligations under the Health and Safety Work Act 2015, with respect to traffic management, are being met.
 - b. Adequately resourcing and undertaking audits of road work sites to ensure compliance with CoPTTM.

OBJECTIVE: A1508216

Background Information and Research

1. Nature of the Issue

Four road workers have been killed on New Zealand roads this calendar year, and we need to ask ourselves, are we doing all that we can to ensure those working on our roads are safe from harm.

There is an increasing level of public discontent with the level of discipline around traffic management being maintained on roadwork sites by contractors, particularly on unattended sites, where all too often the temporary traffic management on site does not seem appropriate, or to adequately inform motorists of the need for the restrictions, or is left in place for too long.

2. Background to it being Raised

Frameworks for the safe management of roadworks have been in place for over 2 decades now, and during this time they have evolved and improved to keep up with the changing risks in the workplace environment.

The current framework is the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management, 4th edition 2018 (CoPTTM).

This is a comprehensive document that applies a risk based approach to temporary traffic management, based on a road's classification and intensity of use, and the nature of works required to be undertaken on the road.

It is closely aligned to the Health and Safety at Work Act 2015, recognising the statutory duty of all those involved with activities on or adjacent to the road, to systematically identify any hazards, and if a hazard is identified, to take all reasonably practical steps to ensure no person is harmed.

It includes steps to eliminate risks to health and safety and if it is not reasonably practicable, to minimise risks to health and safety by implementing risk control measures in accordance with Health and Safety at Work (General risk and Workplace Management) Regulations 2015.

CoPTTM also includes a risk matrix to help determine what is the appropriate temporary speed limit, that should be applied to a worksite, whether attended or unattended.

It further contains procedures for undertaking safety audits and reviews of worksites, including the ability to close down worksites that are identified as unsafe following an audit.

There are no financial penalties for non-compliance, although there are a range of other penalties that can be imposed, including the issue of a notice of non-conformance to individuals or companies, and a '3 strikes' system whereby the issue of three non-conformances within a 12 month period results in sanctions being imposed. These can include:

- removal of any prequalification status,
- reduction of quality scores assigned in tender evaluations,
- forwarding of non-conformance to the appropriate Standards organisation which may affect the company's ISO9000 registration,
- denial of access to the road network for a period of time,
- requirement for the company to have someone else provide their TTM
- staff retraining for CoPTTM warrants.

In principle there would seem to be sufficient processes in place to ensure that traffic management on road worksites was appropriate and adequately provided for the safety of workers on site, the general public, and passing traffic.

However, this year has seen four road workers killed whilst working on our roads.

There is also a growing level of discontent from motorists regarding the appropriateness of signs that are left out on unattended sites.

Often these signs are perceived to be (any combination of) unnecessary, poorly located, incorrectly advising the condition of the road ahead, having an inappropriate speed limit, or being left out to long

3. Issues Relationship, if any, to the current Local Government New Zealand Business Plan and its objectives;

Local Government New Zealand has five policies in place to help achieve their sector vision: *Local democracy powering community and national success.*

Policy Priority 1 is Infrastructure, which focuses on water, transport and built infrastructure. The Transport statement states that a national policy framework is needed to achieve five outcomes. One outcome is 'a safe system, increasingly free of death and serious injury'.

This remit is aligned to this priority outcome as it is focused on reducing safety risks, death and serious injury in locations where road works are being undertaken.

4. Level of work, if any, already undertaken on the issue by the proposer, and outcomes to date

OBJECTIVE: A1508216

The Whakatāne District Council has been working proactively with NZTA and its local contractors to review its own traffic management requirements, the level of compliance with those requirements, and the adequacy of its auditing processes and frequencies.

There has been positive engagement with NZTA and the local contracting sector on this matter.

The process has identified improvements that could be effected by both the Council and its contractors. A plan is being developed to socialise the outcomes with NZTA and other RCA's, and this REMIT forms part of that plan.

The New Zealand Transport Agency is also responding to the recent deaths by initiating immediate temporary changes to pertinent traffic management plans, and considering permanent changes through its standard CoPTTM review process.

There is currently no national initiative to require local government RCA's to review their practices in response to these deaths.

5. Resolution, outcome and comments of any zone or sector meetings which have discussed the issue;

This remit has not been presented to zone or sector meetings at this stage.

6. Suggested actions that could be taken by Local Government New Zealand should the Remit be adopted.

- Support NZTA's initiative to review CoPTTM in light of the recent fatalities
- Encourage NZTA to work closely with RCA's to ensure the CoPTTM review also covers local road Temporary Traffic Management
- Strongly encourage RCA's to work with NZTA, perhaps through the RCA Forum, on a review of local road Temporary Traffic Management
- Strongly encourage RCA's to adopt with urgency, any local road CoPTTM improvements that arise from the review.

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

| General subject of each matter to be considered | Reasons for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution |
|--|--|--|
| C1. Release of public Excluded Minutes, Resolutions and Report |) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987 | Section 48(1)(a) |

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1. to prevent the disclosure or use of official information for improper gain or improper advantage Section 7 (2) (j)