

Chairperson and Committee Members

REGULATORY MANAGEMENT COMMITTEE

3 SEPTEMBER 2015

Meeting Status: **Public**

Purpose of Report: For Decision

SPEED LIMITS BYLAW 2015

- 1 The purpose of this report is to make recommendations to Kapiti Coast District Council ('the Council') on the adoption of the Speed Limits Bylaw 2015.

DELEGATION

- 2 The Regulatory Management Committee has the authority to consider the issues raised in this report under clause 7.12 section B2 of the Governance structure:

Bylaws

7.12 Authority to review Council bylaws, to approve draft bylaws for public consultation, to hear submissions, and to recommend to the Council amendments to the bylaws.

BACKGROUND

- 3 The purpose of the Speed Limits Bylaw 2015 is to allow the Council to set speed limits by resolution, on all roads under its ownership or control and in certain designated locations specified in the Bylaw. The Draft Bylaw is essentially an update of the 2005 Bylaw.
- 4 The Committee approved the release of the Statement of Proposal on the Draft Speed Limits Bylaw 2015 for public consultation on 11 June 2015 (report IS-15-1508 refers). A special consultative procedure has been undertaken. The submission period was from 17 June through to 22 July 2015. No submissions were received.

ISSUES AND OPTIONS

- 5 On 22 July 2015, the Land Transport (Speed Limits Validation and Other Matters) Act 2015 was passed. The purpose of this legislation was to validate speed limit bylaws made by local authorities that may have been invalid or automatically revoked as a result of various situations, including a failure to review the bylaw within timeframes specified under the Local Government Act 2002.
- 6 Under the Validation Act all speed bylaws existing on 21 July 2015 are declared to be lawfully made and to be and always had been valid. This legislation means that the current 2005 Bylaw no longer requires review and there is no legal requirement to adopt the Kapiti Coast District Council Speed Limits Bylaw 2015.
- 7 However It is considered appropriate that the Bylaw review is completed for the following reasons:
 - completeness rather than leaving the bylaw review process unfinished;
 - reflect recent changes in legislation; and
 - ensure the Bylaw uses the improved wording in the 2015 draft Bylaw.

- 8 Therefore in order to complete the bylaw review process, the Regulatory Management Committee needs to make a recommendation to Council to revoke the Kapiti Coast District Council Speed Limits Bylaw 2005 and approve the adoption of the Kapiti Coast District Council Speed Limits Bylaw 2015.

CONSIDERATIONS

Policy considerations

- 9 There are no policy considerations associated with this report.

Legal considerations

- 10 The Kapiti Coast District Council Speed Limits Bylaw 2015 is made under section 22AB of the Land Transport Act 1998. This is in accordance with the Land Transport (Speed Limits Validation and Other Matters) Act 2015.

Financial considerations

- 11 There are no financial considerations associated with this report.

Tāngata whenua considerations

- 12 There are no specific tāngata whenua considerations at this time.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 13 This matter has a low level of significance under Council policy.

Consultation already undertaken

- 14 The review of the draft 2015 Bylaw has followed the special consultative procedure as prescribed in sections 83 and 86 of the Local Government Act 2002.

Engagement planning

- 15 An engagement plan is not needed to implement this decision.
- 16 However, under section 22AE of the Land Transport Act 1998, once a bylaw has been adopted, Council is required, by public notice, to advise that the bylaw has been adopted and when the bylaw will take effect from. The bylaw must also be made available for inspection at Council offices.

RECOMMENDATIONS

- 17 That the Committee recommends to the Council that it revokes the Kapiti Coast District Council Speed Limits Bylaw 2005 and approves the adoption of the Kapiti Coast District Council Speed Limits Bylaw 2015 as attached in Appendix 1 of report IS-15-1659, subject to any amendments made by the Committee.

Report prepared by

Approved for
submission

Approved for submission

Sean Mallon
Group Manager

**INFRASTRUCTURE
SERVICES**

Sharon Foss
Acting Group Manager

**COMMUNITY
SERVICES**

Stephen McArthur
Group Manager
**STRATEGY &
PLANNING**

ATTACHMENTS

Appendix 1: Speed Limits Bylaw 2015

**PART 14 OF THE KAPITI COAST DISTRICT COUNCIL CONSOLIDATED
BYLAWS**

SPEED LIMITS BYLAW 2015

1. SCOPE

This Bylaw, known as the Speed Limits Bylaw 2015, allows the Council to set speed limits, by resolution, for all roads under its ownership, control, or management.

The Bylaw is made pursuant to section 22AB of the Land Transport Act 1998.

This bylaw replaces the 2005 Speed Limits Bylaw.

2. COMMENCEMENT

2.1 This Bylaw came into force on [date].

3. BYLAW VALIDATION

3.1 This Bylaw was approved at a meeting of the Kapiti Coast District Council held on [date] after completion of the special consultative procedure.

The Common Seal of the Kapiti Coast District Council was affixed pursuant to the resolution of Council on [date] in the presence of:

Ross Church
Mayor

Pat Dougherty
Chief Executive

Cr [insert name]
Councillor

4. DEFINITIONS

Council means the Kapiti Coast District Council.

Designated location means any of the areas listed in section 4.1(2) of the Rule, including a car park, educational or scientific institution, industrial facility, health facility, residential facility, camping ground, sports facility or other recreational area, botanical garden, port or wharf area, airport, beach, cemetery, facility operated by the New Zealand Defence Force, and any other location approved by the New Zealand Transport Agency.

Rule means the Land Transport Rule: Setting of Speed Limits 2003.

Definitions of other words, phrases or expressions used in this Bylaw that are in the Land Transport Act 1998 or the Rule will apply to this Bylaw.

5. APPLICATION OF THIS BYLAW

5.1 This Bylaw applies to all roads under the Council's jurisdiction as a road controlling authority.

6. SPEED LIMITS

- 6.1 The Council may, by resolution;
- a. designate, amend, or revoke an urban traffic area;
 - b. set, amend, or revoke a permanent, holiday, variable, minimum, or 90 km/h speed limit for any road;
 - c. set, amend, or revoke a speed limit for any road in a designated location.
- 6.2 In making a resolution under clause 6.1, the Council must state the date that the designation or speed limit comes into force.
- 6.3 The Council must comply with the Rule in making a resolution under clause 6.1.
- 6.4 After making a resolution under clause 6.1, the Council must record the matter in its register of speed limits and install speed limit signs and road markings, in accordance with the Rule.

7. KAPITI COAST DISTRICT COUNCIL GENERAL BYLAW

The provisions of the Kapiti Coast General Bylaw 2010, and any bylaw passed in amendment or substitution, are implied into and form part of this Bylaw, except to the extent that they may be inconsistent with this Bylaw.