

Mayor and Councillors
COUNCIL

29 JUNE 2017

Meeting Status: **Public**

Purpose of Report: For Decision

DELEGATION TO NZ TRANSPORT AGENCY TO ISSUE PERMITS

PURPOSE OF REPORT

- 1 This reports seeks Kāpiti Coast District Council (Council's) approval to delegate it's authority to issue certain permits required under the Land Transport Rule to the New Zealand Transport Agency (NZTA).

DELEGATION

- 2 Council is the Road Controlling Authority (RCA) in respect of roads under its control.
- 3 As RCA Council has the authority to issue permits required under the Land Transport Rule: *Vehicle Dimensions and Mass 2002* (VDAM) for overweight vehicles impacting the local road network.

BACKGROUND

- 4 Vehicles travelling on New Zealand roads must be within certain size and weight limits. This is so they can be accommodated on the road safely and they can fit under bridges or carry their loads safely over them.
- 5 Sometimes, larger or heavier vehicles need to use the road. These could include farm vehicles or vehicles used in house relocation, or an operator may wish to use larger or heavier vehicles to achieve more efficient transportation of freight. In these cases, it is likely that additional requirements may apply to their travel, and a permit needs to be obtained. The purpose of permitting heavy commercial vehicles is to ensure they don't pose a risk to other road users or damage road infrastructure.
- 6 The maximum size and weight dimensions for vehicles are set out in the *Land Transport Rule: Vehicle Dimensions and Mass 2016*.
- 7 The Vehicle dimension and mass permitting manual (the VDAM manual) states the NZTA's policies, standards, processes and procedures for the permitting of vehicles exceeding standard dimension and mass limits, to be followed by both the NZTA and Councils as Road Controlling Authorities.
- 8 There are three types of permits that are issued under the VDAM rule:
 - Overdimension permits
 - Overweight permits and
 - HPMV (High Productivity Motor Vehicle) (with three sub categories of permits; over length, 50 max and high mass)
- 9 Over dimension permits and HPMV over length permits must be issued by NZTA regardless of the network. Overweight permits, HPMV 50 max (50 max) and

HPMV higher mass (HPMV) permits are issued by the relevant RCA (NZTA/Council). The local RCA can however delegate the issuing of HPMV 50 max (50 max) and HPMV higher mass (HPMV) permits to NZTA if it so desires.

ISSUES

- 10 50 max and HPMV permits are route specific permits, which for 50 max permits means that operators are not permitted to use routes where structures have been identified that have weight restrictions. For HPMV permits this means that operators are permitted to travel only on the routes specified on the permit. If part of the route is on the State Highway and part on local roads, the operator will need to obtain two permits; one from NZTA and one from the local Council.
- 11 The Council and NZTA agree that it would be simpler for customers if they were only required to deal with one agency. This would also be more cost effective and efficient with regard to processing.
- 12 NZTA has been issuing 50 max permits by agreement since December 2013. However, it is considered that this arrangement should be put on a more formal basis as outlined in the resolutions.
- 13 To facilitate this NZTA has provided two draft Memorandums of Understanding (MoUs) of which one covers the delegation from Council to NZTA to issue 50 max permits and the other covers the issuing of HPMV permits on behalf of Council.
- 14 It is proposed that Council delegates the authority to issue 50 max and HPMV high mass permits as set out in the draft MoUs to NZTA.

CONSIDERATIONS

Legal considerations

- 15 Pursuant to clause 32(5) of Schedule 7 of the Local Government Act 2002 Council may delegate the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters to any other local authority, organisation, or person.
- 16 Council has delegated to the Chief Executive the authority to make any decisions in respect of the Land Transport Act (and any regulations or Land Transport Rules including the VDAM rule). The Chief Executive has also been delegated the authority to sub-delegate to officers but *not* to other local authorities, organisations or persons.
- 17 Therefore it is recommended that Council resolves to delegate the authority to issue 50 max and HPMV under the Land Transport Rule: Vehicle Dimensions and Mass 2016 to NZTA.
- 18 For the purpose of signing the MoUs it's recommended that Council authorises the Chief Executive to sign the MoUs on Council's behalf.

Financial considerations

- 19 Delegating the authority to issue these permits to NZTA means that that NZTA will be responsible for all costs associated with processing these permits.
- 20 Council will remain responsible for the on-going costs of assessing the roads, routes and structures in the network, which costs are already covered in current budgets.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 21 This delegation does concern a strategic asset (local roading network including bridges) but is considered as having a low level of significance under Council policy.

Consultation already undertaken

- 22 No consultation is planned to be undertaken.

Publicity

- 23 Council's website information will be updated to provide operators with the correct information and provide the correct link to the NZTA website.

RECOMMENDATIONS

- 24 That the Council - pursuant to clause 32(5) of Schedule 7 of the Local Government Act 2002 - delegates to the NZ Transport Agency the authority to issue HPMV permits in respect of the Land Transport Act: Vehicle Dimensions and Mass 2002 on behalf of Council for local roads as set out in report IS-17-228.
- 25 That the Council authorises the Chief Executive to sign the Delegation Memorandum of Understanding for issuing HPMV permits as set out in report IS-17-228.
- 26 That the Council - pursuant to clause 32(5) of Schedule 7 of the Local Government Act 2002 - delegates to the NZ Transport Agency the authority to issue 50 max permits in respect of the Land Transport Act: Vehicle Dimensions and Mass 2002 on behalf of Council for local roads as set out in report IS-17-228.
- 27 That the Council authorises the Chief Executive to sign the Delegation Memorandum of Understanding for issuing to 50 max permits as set out in report IS-17-228.

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