

## 9. ADOPTION OF CHRISTCHURCH CITY SPEED LIMITS BYLAW 2005

<b>General Manager responsible:</b>	General Manager City Environment
<b>Officer responsible:</b>	Manager Transport and City Streets
<b>Author:</b>	David Rolls, Solicitor, DDI 941-8892

### PURPOSE OF REPORT

1. The purpose of this report is to advise the Council of the outcome of the special consultative procedure which was undertaken in respect of the draft Christchurch City Speed Limits Bylaw 2005 and to recommend that the Council now adopt that draft bylaw.

### EXECUTIVE SUMMARY

2. At its meeting on 17 February 2005 the Council approved the draft Christchurch City Speed Limits Bylaw 2005 ("the draft bylaw") which is attached to this report and marked Attachment 1. At that meeting the Council also resolved to commence the special consultative procedure under the Local Government Act 2002 ("LGA 2002") in order to make that bylaw.
3. The period during which the public were invited to make submissions on the draft bylaw was between 23 February 2005 and 24 March 2005. Only one submission was received during this time.

### FINANCIAL AND LEGAL CONSIDERATIONS

4. Section 156(1) of the LGA 2002 provides that the Council must follow the special consultative procedure set out in Section 83 of that Act when making a bylaw. That procedure has now been completed in respect of the draft bylaw. The only submission supports the making of the draft bylaw. Consequently the Council may now formally adopt the draft bylaw.
5. Section 157(1) of the LGA 2002 provides that as soon as practicable after making a bylaw the Council must give public notice of the making of the bylaw. That notice must state the date on which the bylaw will come into force and that copies of the bylaw may be inspected and obtained at the office of the Council upon payment of a specified amount. In this regard it is recommended that the Council resolve that such notice be given in 'The Press' and the 'Christchurch Star' newspapers and on the Council's website on Wednesday 13 April 2005. It is also recommended that the Council resolve that the purchase price of copies of the bylaw be \$2. This will cover printing costs.
6. In the report considered by the Council on Wednesday 17 February 2005, it was pointed out that once the bylaw has been made and the relevant provisions of the bylaw have come into force, it will be necessary for the Council to pass resolutions pursuant to the bylaw in order to:
  - (a) Designate an urban traffic area (ie an area in which roads are subject to a 50km/h speed limit, saved under Section 4 of the Transport Amendment Act 1997); and
  - (b) Validate all speed limits saved under Section 4 of the Transport Amendment Act 1997 other than:
    - (i) 50km/h speed limits on roads within a designated urban traffic area; and
    - (ii) 100km/h speed limits on roads within a rural area.
7. These resolutions will effectively save the existing legally imposed speed limits presently in force on roads under the Council's control. The Council is required to save those speed limits by Rules 10.1(1) and 10.1(2) of the Rules. If it fails to do so, all of those speed limits will revert to 100km/h on 1 July 2005.
8. It will also be necessary for the Council, at the same time as it passes resolutions saving the existing speed limits, to pass a resolution pursuant to the draft bylaw setting three new variable speed limits. In terms of the Rule, a variable speed limit is a preset alternative speed limit that may be in force for a particular road depending on the presence of specified conditions at that time.

9. At its meeting on 1 July 2004 the Council approved the creation of new 40km/h variable speed limits on roads outside three schools. Those roads are Ilam Road outside Cobham Intermediate School, New Brighton Road outside Burwood School and Waimairi Road outside Westburn School. These new variable speed limits may only be imposed by Council resolution pursuant to the draft bylaw once the procedure specified in the Rule for the setting of variable speed limits has been complied with. This procedure includes public consultation. In anticipation that the Council will adopt the draft bylaw, the City Transport Unit is presently undertaking the procedure in respect of the three proposed variable speed limits. The details of this will be provided in a subsequent report to Council.
10. If at this meeting the Council resolves to adopt the draft bylaw the suggested timetable from here is:

13 April 2005	Public notice given of new bylaw
21 April 2005	Council resolves to save existing speed limits and to set the three new variable speed limits referred to above.
11. This timetable accords with the timetable given in the report considered by the Council at its meeting on 17 February 2005.
12. The financial considerations in relation to the draft bylaw were detailed in the report considered by the Council on 17 February 2005.

#### **STAFF RECOMMENDATIONS**

It is recommended that the Council resolve:

- (a) To adopt the Christchurch City Speed Limits Bylaw 2005 which appears in Attachment 1 to this report.
- (b) That public notice of the making of that bylaw be given in 'The Press' and in the 'Christchurch Star' newspapers and on the Council's website on Wednesday 13 April 2005.
- (c) That the purchase price for copies of the bylaw be \$2.

## BACKGROUND

13. On 5 April 2004 the Government formally passed the responsibility for setting speed limits on roads to road controlling authorities (RCAs). A RCA is the authority having control of a road. They include territorial authorities and Transit New Zealand. The various legal, technical and procedural requirements which RCAs must now observe in setting speed limits are set out in the Land Transport Rule: Setting of Speed Limits 2003 (Rule 54001) ("the Rule"). Included amongst these is a requirement that each RCA make a bylaw to confirm all existing legal speed limits for roads under its control and to set new speed limits, in the future, by way of bylaw.
14. Unless the Council, as a RCA, makes such a bylaw all existing speed limits on roads which are under the Council's control will revert to 100km/h upon the repeal of Section 52A of the Transport Act 1962. Presently that section is scheduled for repeal on 1 July 2005. Furthermore, until such a bylaw has been made the Council is unable to set any new speed limits on roads under its control.
15. The draft bylaw will enable the Council to save its existing speed limits and to set new speed limits in the future. It will do this by conferring upon the Council the power to pass resolutions in this regard. The draft bylaw will not confirm any existing speed limits nor will it set any new speed limits. It will merely provide the Council with mechanism for doing so, that is, by way of resolution.
16. In accordance with the resolution of the Council on 17 February 2005 the following action has been taken:
  - (a) Public notice of the proposal to make the draft bylaw was given in 'The Press' and in the 'Christchurch Star' newspapers and also on the Council's website on Wednesday 23 February 2005. That notice invited public submissions on the proposal between Wednesday 23 February 2005 and Thursday 24 March 2005.
  - (b) Copies of the Statement of Proposal, which was approved by the Council, were made available for public inspection. That Statement of Proposal contained a copy of the draft bylaw.
  - (c) The Summary of Information (being a summary of the information contained in the Statement of Proposal) which was approved by the Council was distributed by way of publication together with the Notice of Proposal to Make the Draft Bylaw in 'The Press' and in the 'Christchurch Star' Newspapers and the Council's website on Wednesday 23 February 2005.
17. Section 155 of the LGA 2002 provides that before commencing the process to make a bylaw the Council must determine whether:
  - a bylaw is the most appropriate way to address the perceived problem
  - the proposed bylaw is the most appropriate form of bylaw
  - the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA 1990).
18. At its meeting on 17 February 2005 the Council, by resolutions 67(2) and 67(3), complied with these criteria.
19. Only one submission was received from the public on the proposal to make the draft bylaw. This was from the Charleston Neighbourhood Association Incorporated. A copy of that submission is attached and marked Attachment 2. It appears that the Association is supportive of the proposal. The minimal public response is not unexpected as the draft bylaw is merely a mechanism for the Council to save existing speed limits and to set new speed limits. As stated earlier, it does not alter any existing speed limits.

## **CONCLUSION**

20. As noted in the report to the Council on 17 February 2005 the draft bylaw is required under the Land Transport Rule Setting of Speed Limits 2003: Rule 54001. The draft bylaw will not alter any speed limits on any road under the Council's control. It is merely the mechanism which will enable the Council to save existing speed limits and to set new speed limits on those roads. Without the bylaw the Council is unable to set any new speed limits on its roads and all existing speed limits on those roads will revert to 100km/h on 1 July 2005.