

43. HEARINGS PANEL DRAFT REPORT ON THE PROPOSED SPEED LIMITS BYLAW

General Manager responsible:	General Manager City Environment Group, DDI: 941 8608
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PURPOSE OF REPORT

1. This is a report of the Speed Limits Bylaw Hearing Panel (the Hearing Panel). It summarises the consultation process on the proposed Speed Limits Bylaw and recommends the adoption of the Speed Limits Bylaw, as **attached**.

EXECUTIVE SUMMARY

2. The purpose of the proposed Speed Limits Bylaw is to provide a mechanism for setting speed limits for all roads under its jurisdiction. Speed limits will be set in accordance with the Land Transport Rule: Setting of Speed Limits 2003 (Rule 54001) and recorded in the Christchurch City Register of Speed Limits. The register of speed limits does not form part of the bylaw, and a review of speed limits is being undertaken as a separate exercise. The proposed bylaw will replace two existing bylaws relating to speed limits: the Christchurch City Speed Limits Bylaw 2005 and the Banks Peninsula District Council Speed Limit Bylaw November 2005.
3. On 24 September 2009, the Council adopted the proposed Speed Limits Bylaw for consultation. Submissions on the proposed bylaw could be made between 30 September 2009 and 2 November 2009. No submissions were received. The Hearing Panel met to consider the proposed bylaw on 3 December 2009. The panel members were Councillors Gail Sheriff, David Cox and Mike Wall.
4. The Hearing Panel recommends that the Council adopt the Speed Limits Bylaw in the form proposed.

DEVELOPMENT OF PROPOSED BYLAW

5. The proposed Speed Limits Bylaw was developed as part of a review of two existing bylaws: the Christchurch City Speed Limits Bylaw 2005 and the Banks Peninsula District Council Speed Limit Bylaw November 2005. These bylaws are due to be reviewed by 7 April 2010 and 9 November 2010 respectively, in accordance with a Local Government Act 2002 requirement that bylaws made under the Act be reviewed within five years of first being made (section 158).
6. The proposed bylaw provides a mechanism for setting speed limits for all roads within the Council's jurisdiction. The creation of such a bylaw is a requirement of the Land Transport Rule: Setting of Speed Limits 2003 (the Rule). The speed limits themselves do not form part of the bylaw. Speed limits are set in accordance with the requirements of the Rule and then recorded in a separate register. The Christchurch City Register of Speed Limits already records speed limits for the Christchurch district as it was prior to amalgamation. Banks Peninsula speed limits will be transferred from a schedule of the Banks Peninsula District Council Speed Limit Bylaw to the register.
7. Council staff are undertaking a review of speed limits, as a separate process, using the guidelines and calculation process in the Rule. Once the new Speed Limits Bylaw is adopted, the Council will be in a position to undertake consultation on the speed limits that have been identified as in need of change. That consultation will be undertaken in accordance with the requirements of the Rule.

CONSULTATION

8. Public consultation on the proposed bylaw took place from 30 September 2009 to 2 November 2009, by use of the special consultative procedure. The consultation documents were sent directly to a range of groups, organisations and individuals, public notices were placed in The Press, The Star, and community newspapers, and the consultation documents were made available at service centres, Council libraries and on the internet. However, no submissions were received.

LEGAL CONSIDERATIONS

9. A bylaw hearing panel has no decision-making powers, but can make recommendations to the Council, in accordance with its delegation for that purpose, as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit, bearing in mind that the Local Government Act 2002 requires views presented during consultation to be given “due consideration in decision-making”.¹ In this case, no submissions have been made.
10. Section 157 of the Local Government Act requires that the Council give public notice of the making of a bylaw as soon as practicable after the bylaw is made. A recommendation has been made to this effect. It is recommended that the Speed Limits Bylaw come into effect on 1 January 2010, which is in advance of the dates by which the bylaws being revoked would automatically expire. This will allow work to progress on the review of speed limits as soon as possible.
11. The Legal Services Unit considers that the form of the bylaw, as proposed in this report, is the most appropriate form, and that the Speed Limits Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002).

HEARING PANEL RECOMMENDATIONS

The Hearing Panel recommends that the Council:

- (a) Adopt the Christchurch City Council Speed Limits Bylaw 2010, as attached.
- (b) Give public notice as soon as practicable, that the Christchurch City Council Speed Limits Bylaw 2010 has been adopted by the Council, that it comes into effect on 1 January 2010, and that copies of the bylaw will be made available.

¹ Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: “we will receive presented views with an open mind and will give those views due consideration when making a decision”.