

Waka Kotahi NZ Transport Agency Reference: 2021- 1582

24 September 2021

Kāpiti Coast District Council
c/o Suzanne Rushmere
Private Bag 60601,
Paraparaumu 5284
Sent via: Suzanne.Rushmere@kapiticoast.govt.nz

Dear Suzanne,

Waka Kotahi submission on Kāpiti Coast District Council Transport Bylaw 2021

Thank you for the opportunity to submit on the Proposed Transport Bylaw 2021, under the Land Transport Act 1988 and the Local Government Act 2002.

Waka Kotahi NZ Transport Agency (Waka Kotahi) is the road controlling authority for state highways, of which State Highway 1K and Old State Highway 1 traverse your district. While the bylaw does not apply directly to state highways, Waka Kotahi has an interest in how the proposed bylaw will be interpreted and implemented in the case that the Council takes over some delegations for portions of state highway within the Kāpiti Coast district, or the roads are transferred to Council control.

For further context, it is noted that there is a revocation process underway and that while Waka Kotahi is currently the road controlling authority for the sections of state highway in the district, Kāpiti Coast District Council (KCDC) will become the road controlling authority in the future. In addition, Waka Kotahi is working with the district councils in the Wellington region (including KCDC), with the objective to transfer some delegations for state highways in urban areas, to give Councils the authority to undertake enforcement where appropriate. The timeframes of the revocation are uncertain, in the meantime, KCDC has no authority to enforce stationary vehicle offences or other offences covered in the proposed bylaw, on roads classified as State Highway. This poses a legal risk to the Council, as if an attempt is made to enforce a violation where KCDC doesn't have delegation to, the Council can face legal action.

In reference to Section 9 of the proposed bylaw, Waka Kotahi note that whatever changes are proposed in implementing residents and business parking schemes need to improve multimodal accessibility to rail. It is expected that we will see intensification around rail stations at higher frequencies in the future, a goal to supporting a multimodal shift should be included in any planning to address the parking overspill issues outlined in paragraph 75-78 of the Statement of Proposal.

Waka Kotahi has an interest in your proposal and make our submission below:

Section 3. Objective and Scope:

1. Waka Kotahi seek that clause 3.2 is amended as follows: (Italics = *proposed provisions*, Italics and underline = *proposed text* , strikethrough = ~~proposed deletions~~):

3.2 The Bylaw does not apply to State Highways controlled by Waka Kotahi NZ Transport Agency (Waka Kotahi), except for the determination and management of the transport network where delegated by Waka Kotahi to the Kāpiti Coast District Council pursuant to section 62 of the Government Roading Powers Act 1989

2. Waka Kotahi aspire to delegate powers to KCDC for reasons previously outlined. Therefore, Waka Kotahi seek that Clause 3.4 is amended as follows to cover portions of the State Highway where KCDC has some delegated powers.

3.4 This Bylaw applies to public carparks, reserves, any public place owned and controlled by Kapiti Coast District Council and all roads vested in or under the care, control and management of the Kapiti Coast District Council, including partial management or control.

Section 4. Interpretation:

3. Waka Kotahi seek the definition of 'Road' included in section 4.1a) to be amended as follows:

Road shall have the same meaning as in section 315 of the Local Government Act 1974 and the Land Transport (Road User) Rule 2004 and shall where the context requires include a street ~~(excluding State Highways)~~ and any place the public has access to, whether as of right or not.

This revision will add clarity, as state highways are already excluded from the bylaw unless lawfully delegated. By removing this text, it means that if Waka Kotahi does lawfully delegate state highway to KCDC for any purpose, the definition will apply to sections of state highway that are under the control of KCDC.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact Jorgia Kelsey via email at Jorgia.kelsey@nzta.govt.nz or you can contact the environmental planning team at the following email address – environmentalplanning@nzta.govt.nz, and reference case number **2021-1582**.

Waka Kotahi does not wish to be heard in support of this submission.

Yours sincerely



Kathryn Millar-Coote

Team Leader

Environmental Planning, System Design, on behalf of Waka Kotahi NZ Transport Agency.