

**QLDC Council
3 May 2018****Report for Agenda Item: 4****Department: Property & Infrastructure****Speed Limits Bylaw 2009 (Incorporating 2010, 2012 and 2015 Amendments)
Review****Purpose**

The purpose of this report is to confirm Council's intention to review the Speed Limits Bylaw 2009 (and its subsequent amendments) and the proposed methodology for the review.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Confirm** its intention to review the Speed Limits Bylaw 2009: and
3. **Note** that the proposed scope is to understand the following:
 - a. Is the network area appropriately defined?
 - b. Have safe and appropriate speeds been determined?
 - c. Are there high benefit opportunities to improve both safety and economic productivity?
 - d. Does Council have the capacity to deliver on priority areas for speed management?
 - e. How will Council monitor and evaluate the outcomes of its speed management activities?

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Background

- 1 The Queenstown Lakes District Council Speed Limits Bylaw 2009 (the Bylaw) sets speed limits on roads under Council's control.
- 2 The bylaw was passed on 28 April 2009, and subsequently amended by Council resolution on 25 May 2010, 18 December 2012 and 30 April 2015.
- 3 The bylaw was made under the Local Government Act 2002 (LGA) and Land Transport Rule 54001: Setting of Speed Limits 2003 (the Rule).
- 4 The Rule sets out procedures to be followed in establishing speed limits.

Comment

Changes in legislation

- 5 On 21 July 2015 The Land Transport (Speed Limits Validation and Other Matters) Act 2015 (Validation Act) was passed under urgency by Parliament and came into force on 22 July 2015.
- 6 The Validation Act responded to concerns that some speed limit bylaws made up to that date may have:
 - a. referenced incorrect or revoked empowering provisions
 - b. been made or amended using a non-compliant process
 - c. been revoked due to non-compliance with review requirements in the LGA.
- 7 The Validation Act validated specified bylaws made prior to 22 July 2015 and deemed those in force on 21 July 2015 to have been validly made under new provisions in the Land Transport Act 1998 (LTA).
- 8 The Validation Act also amended the LTA to place a specific power in Section 22AB for road controlling authorities (RCAs), such as Queenstown Lakes District Council, to make speed limit bylaws.
- 9 This new provision, and not the LGA, should be used by RCAs to create speed limits on roads that they control.
- 10 The LGA and LTA have differing, but not conflicting, requirements for the making of Bylaws.
- 11 The LTA enables councils to make a Bylaw as of right, whereas Section 155 of the LGA requires councils to first determine whether a Bylaw is the most appropriate way of addressing issues identified.
- 12 Although the review requirements of the LGA no longer apply to councils in making speed limit bylaws, councils must still consult as required under Section 156 of the LGA.

- 13 This requires the Council to determine the appropriate level of consultation based on its significance and engagement policy and if significant, a special consultative procedure under Section 86 of the LGA must be used.
- 14 The Ministry of Transport recommends regardless of significance, that changes should only occur to the Bylaw following community engagement.

Changes to speed management guidance

- 15 In 2016, the New Zealand Transport Agency (NZTA) introduced a new New Zealand Speed Management Guide (the Guide) to assist RCAs in determining road risk and working with communities to address that risk and meet their needs.
- 16 The Guide fulfilled part of the 2012-2015 Safer Journeys Action Plan and the overall direction for speed management continues through the 2016-2020 Safer Journeys Action Plan.
- 17 The Guide was developed in consultation with the transport sector and Automobile Association and is underpinned by the following principles:
 - a. Evidence-based
 - b. A nationally consistent approach
 - c. Prioritise high benefit areas that improve both safety and economic productivity, and areas that will contribute to the credibility of speed management
 - d. Achieve good value for money
 - e. Build better understanding between road controlling authorities and the public for speed management.
- 18 To formalise the Guide's new approach to speed management, the Rule was also updated in 2017 and in particular:
 - a. requires NZTA to provide guidance on and information about speed management to RCAs
 - b. requires RCAs to set speed limits that are, in the RCA's view, safe and appropriate
 - c. encourages a consistent approach to speed management throughout New Zealand
 - d. replaces the methodology of the 2003 Rule with assessment criteria and outcome statements based on the approach in the Guide.
- 19 While the 2003 Rule has been replaced, a speed limit set, or an urban traffic area designated, prior to the commencement of the 2017 Rule continues to apply.
- 20 Given the changes to the regulatory framework and the growth of the district, it is considered appropriate to review the Bylaw at this time.

Methodology for the review

- 21 Consistent with the principles of the Guide, the approach to the Bylaw review is that the following proposed questions define the scope:
 - a. Is the network area appropriately defined?
 - b. Have the safe and appropriate speeds been determined?
 - c. Are there high benefit opportunities to improve both safety and economic productivity?
 - d. Does Council have the capacity to deliver on priority areas for speed management?
 - e. How will Council monitor and evaluate the outcomes of its speed management activities?
- 22 Roads controlled by the NZTA are out of scope for the review.
- 23 An offer was made to NZTA to undertake a coordinated review of speeds on highways and roads in the district; however, this offer has not been accepted at this time.
- 24 The review will be evidence based and will hold fairness and transparency as overarching and guiding principles.
- 25 Staff have begun the discovery phase of the review through interviews with internal and external stakeholders, preliminary data organisation and background research.
- 26 Consistent with the Guide, staff propose the following methodological steps to the review for Council approval.
 - a. Define the network area and calculate base information – develop a draft Speed Management Map
 - i. Define areas and overlay the One Network Road Classification (ONRC)
 - ii. Overlay land use
 - iii. Map speed limits
 - iv. Map operating/travel speeds
 - b. Identify safe and appropriate speed classifications – permanent, variable and interim.
 - c. Determine high benefit opportunities
 - d. Sense checking the Speed Management Map
 - i. technical
 - ii. planned and future land use
 - iii. types of intervention proposed
 - e. Focus group discussions.

Options

27 Option 1 Do not review the Bylaw

Advantages:

28 Resource assigned to the Bylaw review can be reallocated to other projects.

Disadvantages:

29 Council's speed management will not reflect current national practice.

30 Council will miss the opportunity to consider recent and pending changes to the district's road network and ensure speed limits are appropriate.

31 Council will miss the opportunity to take a holistic approach to speed management across its road network, including the identification and prioritisation of high benefit opportunities.

32 Council will miss the opportunity to gain community engagement in and support for speed management initiatives.

33 Council will miss the opportunity to consider the resource required to deliver efficient and effective speed management in the district.

34 Option 2 Review the 2009 Speed Limits Bylaw

Advantages:

35 Council's speed management will reflect current national practice.

36 Council can consider recent and pending changes to the district's road network and ensure speed limits are appropriate.

37 Council can take a holistic approach to speed management across the district, including the identification and prioritisation of high benefit opportunities.

38 Council can gain community engagement in and support for speed management initiatives.

39 Council can consider the resource required to deliver efficient and effective speed management in the district.

Disadvantages:

40 Speed limits can be contentious issues and there may be challenges in managing timeframes and expectations with stakeholders and the public.

41 This report recommends **Option 2** for addressing the matter because Council will apply current national practice, including community engagement with issues and options, to its speed management practices.

Significance and Engagement

- 42 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy as the matter is of considerable interest to the communities of the district.
- 43 In addition, road safety has been elevated within the draft 2018 Government Policy Statement (GPS) for land transport to include the specific objective that land transport "is a safe system, free of death and serious injury"
- 44 This increased focus on increasing road safety is supported by the recent announcement by the Associate Health Minister of "Vision Zero", which seeks to set a target of zero road deaths on New Zealand Roads.

Risk

- 45 This matter relates to the strategic risk SR3 - Management Practice - working within legislation, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because the primary legislation which Council operates within, requires reviews of Bylaws to be completed within set, fixed timeframes, and comply with community engagement and set consultative procedures, including confirmation that any Bylaw does not breach the New Zealand Bill of Rights Act 1990.
- 46 The recommended option considered above mitigates the risk by: Treating the risk - putting measures in place which directly impact the risk.
- 47 The recommended option will be implemented in such a way that all the requirements of the LGA, LTA and the Bill of Rights Act are identified, tracked and fulfilled to the satisfaction of Council's in-house legal counsel.

Financial Implications

- 48 The cost of the review will be met from existing operational budgets.

Council Policies, Strategies and Bylaws

- 49 The following Council policies, strategies and bylaws were considered:
- Draft 10-Year Plan 2018-2028 strategic framework contributing to efficient and effective infrastructure and a responsive organisation
 - Speed Limits Bylaw 2009 as existing regulation
 - Queenstown Integrated Transport Strategy supporting improved network performance and customer experience for all modes and improved liveability and visitor experience
 - Wanaka Transport Strategy 2008 supporting an appropriate transport network and parking provision.
- 50 The recommended option is consistent with the principles set out in the named policy/policies.
- 51 There are three phases to this Bylaw review:

- a. Evaluation of the existing Bylaw and next steps
- b. Further recommendations (investigate alternative approaches or significant changes)
- c. Statutory consultation.

Local Government Act 2002 Purpose Provisions

52 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by developing an enabling and responsive regulatory framework for the management of traffic and parking issues in the district;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan; and
- Is consistent with the Council's plans and policies.

Consultation: Community Views and Preferences

53 The persons who are affected by or interested in this matter are residents/ratepayers; business associations; emergency services; schools; large tourism transport operators; passenger service vehicles; heavy motor vehicle users; NZTA.

54 The Council has made initial contact with New Zealand Police and NZTA about the intention to review the Bylaw. Other stakeholders will be invited for discussions on issues and opinions as part of the information gathering stage to inform the development of the Speed Management Map.

55 With Council approval in September, a formal Special Consultative Process, open to all members of the community will be undertaken in accordance with Section 156 of the LGA.

Legal Considerations and Statutory Responsibilities

56 Staff will work with Council lawyers on the appropriate structure for the Bylaw.

Attachments

A Speed Limits Bylaw 2009