

**QLDC Council  
30 April 2015****Report for Agenda Item: 2****Department: Infrastructure****Speed Limit Bylaw 2009 Amendment No 4 of 2015****Purpose**

- 1 The purpose of this report is to seek adoption of the amendments to the Queenstown Lakes District Councils Speed Limits Bylaw 2009 to be known as Amendment No 4 of 2015.

**Recommendation**

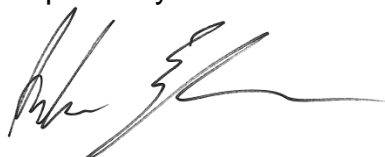
That Council:

1. Note the contents of this report and in particular:
  - a. The Hearings Panel is recommending that the speed limit changes in the Statement of Proposal are adopted as proposed except in two cases:
    - i. The speed limit change proposed for Aubrey Road at the Gunn Road roundabout is extended 100m northwest along Aubrey Road.
    - ii. The speed limit change on Tucker Beach Road is altered to:
      1. a 70 km/h speed limit from State Highway 6 to 200m east of Hansen Road (north), including Shotover Delta Road and Jims Way; and
      2. a 50 km/h speed limit from 200m east of Hansen Road (north) to the end of Tucker Beach Road and including Hansen Road (north).
  - b. That the speed limit is changed to 70 km/h on Arrowtown-Lake Hayes Road between Speargrass Flat Road and 160m south of Malaghans Road to avoid a 70 km/h to 80 km/h change in speed limits and reduce the number of speed limit changes.
  - c. That the speed limit on Speargrass Flat Road remains at 80 km/h to maintain consistency with other rural roads in this area.
2. Adopt the following recommended speed limit changes to be incorporated in the Speed Limit Bylaw 2009 as Amendment No 4 of 2015:

- a. A 70 km/h speed limit on Tucker Beach Road, from State Highway 6 to 200m east of Hansen Road (north) including the full length of Shotover Delta Road and Jims Way.
- b. A 50 km/h speed limit on Tucker Beach Road from 200m east of Hansen Road (north) in a westerly direction to the end of the Tucker Beach Road including the full length of Hansen Road (north).
- c. A 50 km/h speed limit on Aubrey Road starting 200m north west from the Gunn Road roundabout to 100m south of the roundabout.
- d. A speed limit of 70 km/h on Arrowtown-Lake Hayes Road from Speargrass Flat Road to 160m south of Malaghans Road including Butel Road.
- e. A speed limit of 80 km/h on Centennial Avenue between McDonnell Road and the Arrowtown urban traffic area.
- f. A speed limit of 80 km/h on McDonnell Road between State Highway 6 and Centennial Avenue.
- g. A speed limit of 50 km/h on the full length of Whitechapel Road.
- h. A designated area speed limit of 20 km/h for the Frankton Marina Local Purpose Reserve.
- i. A school zone speed limit of 40 km/h that applies to: Centennial Avenue from 150m south of Cotter Avenue to 50m north of Adamson Drive; Adamson Drive from Centennial Avenue to 40m west of Hood Crescent; Hood Crescent from Adamson Drive to Cotter Avenue; Cotter Avenue from Hood Crescent to Centennial Avenue; and the full length of Eva Dawson Place, Butel Avenue, Chalmers Place, Douglas Avenue, Kircher Place, Advance Terrace, and Helms Court. The times applicable are: 8:25am to 9:00am; 2:55pm to 3:15pm; and 10 minutes at any other times during a school day when at least 50 children cross the road or enter or leave a vehicle.
- j. A school zone speed limit of 40 km/h that applies to Plantation Road from 30m north of Kings Drive to 55m east of Totara Terrace. The times applicable are: 8:00am to 8:35am; 3:10pm to 3:30pm; and 10 minutes at any other times during a school day when at least 50 children cross the road or enter or leave a vehicle.
- k. A variable speed limit of 30 km/h that applies to Kinloch Road from Gorge Creek Bridge to 540m south of Gorge Creek Bridge annually from 20th December to 10th February.
- l. An urban traffic area speed limit of 50 km/h over all roads within the Shotover Country development area.

- m. A speed limit of 50 km/h on Cardrona Valley Road from 50m south of West Meadows Drive to 90m south of West Meadows Drive.
- n. The following no through roads to match the speed limit of the adjoining road where the length of the road is too short for a speed limit of 100 km/h:
  - i. 70 km/h on Pringles Creek Rd
  - ii. 70 km/h on Curtis Road
  - iii. 80 km/h on Threepwood Drive
  - iv. 80 km/h on Jane Williams Place
  - v. 70 km/h on Watties Track
  - vi. 50 km/h on Moonlight Track
  - vii. 70 km/h on Oxenbridge Tunnel Road

Prepared by:



Senior Engineer

22/04/2015

Reviewed and Authorised by:



General  
Infrastructure

Manager,

22/04/2015

## Background

- 1 The last approved changes to speed limits, known as Amendment No 3 of 2012, were approved in December 2012.
- 2 At the 12 March 2013 meeting of the Infrastructure Committee, it was resolved a number of proposed speed limit changes would be submitted to the full Council within a Statement of Proposal for the purposes of consultation.
- 3 The Committee also considered changes to the bylaw to correct speed limits shown on the speed limits maps within the bylaw that are not possible by the speed limit rules, and do not change the speed limits as seen by the public (that is, no changes to signs).
- 4 At the 18 December 2014 meeting of Council, the Statement of Proposal: Draft Amendment No 4 of 2015 to the Queenstown Lakes District Council Speed Limits Bylaw 2009 containing the proposed speed limit changes, was approved for the purposes of consultation.
- 5 At the same meeting a hearings panel was established comprising Councillors Cocks, Ferguson and Aoake.
- 6 The hearing for submitters was held on 19 March 2015. The minutes from the meeting are Attachment A.

## Comment

- 7 Attachment A contains the recommendations of the Hearings Panel. The Panel found that the current speed limits on the sections of road where the speed limit changes were proposed were not the most safe and appropriate and therefore supported the speed limit changes as proposed in the Statement of Proposal issued for consultation except as follows:
  - a. The Panel altered the proposed recommendation for the speed limit change on Aubrey Road, to between 200m northwest and 100m south of the roundabout at Gunn Road, from 70km/hour to 50km/hour for the reasons stated on page 4 of the attached Minutes of the Hearings Panel.
  - b. The speed limit change on Tucker Beach Road is altered to:
    - i. a 70 km/h speed limit from State Highway 6 to 200m east of Hansen Road (north), including Shotover Delta Road and Jims Way; and
    - ii. a 50 km/h speed limit from 200m east of Hansen Road (north) to the end of Tucker Beach Road and including Hansen Road (north)

The reasons for this change are stated on page 6 of the attached Minutes of the Hearings Panel.

- 8 A New Zealand Transport Agency representative was present during the Hearing Panel's deliberations and agreed with these altered speed limit changes.
- 9 On review of the Hearings Panel recommendations, it was noted that the council will be adding two undesirable 10 km/h step changes in speed limits when the council has been reducing the number of these changes on local roads. Amendment No 3 of 2012 removed 70 km/h to 80 km/h speed limit changes on Aubrey Road and on Arrowtown-Lake Hayes Road.
- 10 The following changes to the recommendations have therefore been made:
  - a. There is no recommended speed limit change for Speargrass Flat Road.
  - b. A submitter, while objecting to the speed limit change, primarily also asks that there is consistency in speed limits quoting as follows "There are already 8 changes from my home in Arrowtown to the supermarket at Remarkables Park. We should be watching the road, not constantly watching our speedometer". Additionally, of the 20 submissions that supported a speed limit reduction on Arrowtown-Lake Hayes Road, 3 submissions supported a reduction to 70 km/h. It is therefore recommended that the speed limit is reduced to 70 km/h on Arrowtown-Lake Hayes Road between Speargrass Flat Road and 160m south of Malaghans Road. This will ensure a lower, but consistent speed limit on Arrowtown-Lake Hayes Road between State Highway 6 and Arrowtown.

### ***Options***

- 11 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:
- 12 Option 1: Do nothing
 

Advantages:
- 13 Speed limits do not change without any subsequent adverse changes to travel times or cost to install new signage.
 

Disadvantages:
- 14 As the Hearings Panel has determined the most safe and appropriate speed limits based on rigorous assessments, public submissions and a public hearing, if the speed limits remain unchanged they are unlikely to be the most safe and appropriate for the road.
- 15 Option 2: Accept the recommendations of the Hearings Panel.

## Advantages:

- 16 The Hearings Panel has considered all submissions from the public and the New Zealand Transport Agency in conjunction with what had previously been presented to Council meetings to determine the most safe and appropriate speed limits.

## Disadvantages:

- 17 Councillors may have new information that reasonably means the Council's final decision should be different to the panel's recommendations.
- 18 Accepting the recommendations will incur new capital costs up to \$31,000.
- 19 Option 3: Accept the recommendations as proposed in this report.

## Advantages:

- 20 The Hearings Panel has considered all submissions from the public and the New Zealand Transport Agency in conjunction with what had previously been presented to Council meetings to determine the most safe and appropriate speed limits. However, the Council has previously been reducing the number of 70 km/h to 80 km/h speed limit changes and the recommendations have been amended to address this.
- 21 Accepting the recommendations will incur new capital costs up to \$31,000.

## Disadvantages:

- 22 Unless the alterations are in line with the speed limit changes proposed in the Statement of Proposal, or have been suggested through the consultation process, then the relevant statutory bodies and the public will not have had any input into to the change.
- 23 Option 4: Alter some or all of the recommendations of the hearings panel.

## Advantages:

- 24 New information from Councillors may provide evidence that there is a more safe and appropriate speed limit for some or all of the recommended changes. This could include not changing some of the speed limits.
- 25 Some of the estimated \$31,000 in new capital costs could be saved.

## Disadvantages:

- 26 Unless the alterations are in line with the speed limit changes proposed in the Statement of Proposal, or have been suggested through the consultation process, then the relevant statutory bodies and the public will not have had any input to the change.
- 27 This report recommends Option 3 for addressing the matter.

### ***Significance and Engagement***

- 28 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because the decision of council will amend the Speed Limits Bylaw 2009.
- 29 As required by section 156 of the Local Government Act 2002 (**LGA**) the Special Consultative Procedure has been followed to address this high significance. In addition, consultation requirements of the Land Transport Rule: Setting of Speed Limits 2003 have also been applied. This has involved consultation with the parties listed in paragraph 47.

### ***Risk***

- 30 This matter related to the operational risk OR004a 'Serious injury/death to member of the community', as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because the provision of roading is a key activity in the Ten Year Plan 2015-2025. The Council is also required to report annually against the Department of Internal Affairs (DIA) key performance indicator 'The annual change in the number of fatalities and serious injury crashes on the local road network'.
- 31 The recommended option mitigates the risk by treating the risk – putting measures in place that directly impact the risk. The speed limit changes adopted by Council will be those that are deemed to be the most safe and appropriate.

### **Financial Implications**

- 32 Speed signs will need to be purchased and installed, although in a number of cases there are signs that are no longer needed and can be reused. The total cost for these signs will be no more than \$5,000 and will be incurred in the 2014/15 financial year.
- 33 Electronic variable message speed limit signs will be needed for the school zone speed limits as follows:
- a. The Plantation Road signs will be replacing existing variable messaging signs, reducing the cost of each installation. These variable message signs are also reaching the end of their life and will need to be renewed soon. The additional cost to upgrade these signs from variable message to variable speed limit signs will cost in the order of \$10,000.
  - b. The exiting Centennial Avenue school speed zone signs have reached the end of their useful life and require renewal. This will have been a cost to council whether the speed limit was changed or otherwise. However, they will also need to be moved plus new power connections if the Arrowtown school speed zone is approved at a cost of up to \$1,000.

- c. One completely new sign will be needed for Adamson Drive at a cost of up to \$15,000.
- d. These variable speed limit signs will be installed in the 2015/16 financial year due to the long lead times required when ordering these signs.

34 All costs can be covered within the Wanaka and Wakatipu minor improvements budgets which are subsidised by the New Zealand Transport Agency at a rate of 56% in 2014/15 and 50% in 2015/16.

### **Council Policies, Strategies and Bylaws**

35 The following Council policies, strategies and bylaws were considered:

- Speed Limits Bylaw 2009 with Amendments 1 and 3

36 The recommended option is consistent with the principles set out in the named policy/policies.

37 This matter is included in the Long Term Plan and Annual Plan because the provision of roading is a key activity in the Ten Year Plan 2015-2025

### **Local Government Act 2002 Purpose Provisions**

38 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 ensuring speed limits set on the road network are the most safe and appropriate;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **Consultation: Community Views and Preferences**

39 The persons who are affected by or interested in this matter are defined in the Land Transport Rule: Setting of Speed Limits 2003:

- a. The New Zealand Transport Agency as it is responsible for roads that join, or are near, some of the roads being considered for speed limit changes.
- b. Resident and ratepayers as the local community that will be affected by these changes, particularly those who are immediately adjacent to the roads being considered.
- c. The Commissioner of the New Zealand Police.



- d. The Chief Executive Officer of the New Zealand Automobile Association Incorporated.
  - e. The Chief Executive Officer of the Road Transport Forum New Zealand.
  - f. The adjacent schools where school speed zones are being considered.
  - g. The Director of the New Zealand Transport Agency.
- 40 As required by the LGA, the Council has undertaken the Special Consultative Procedure to consult widely on the proposed speed limit changes set out in the associated Statement of Proposal, and specifically with the persons listed above.
- 41 There were 97 submissions received, with 192 specific opinions across the proposed speed limit changes and a further 23 general comments about changing speed limits including suggested changes to other speed limits. All submissions are available on the QLDC website.
- 42 Of the 97 submissions:
- a. 2 were from affected schools, Mount Aspiring College and Arrowtown Primary School, who supported their relevant school speed zones;
  - b. 3 were from affected organisations: Ayrburn Farm Estate and Millbrook Country Club, who supported their relevant changes with some suggestions; and Arrowtown Golf Club, who preferred an alternative speed limit regime, but as a second preference, supported the proposed speed limit change;
  - c. 1 was from a statutory organisation, the New Zealand Transport Agency, which supported all of the proposed changes; and
  - d. The remaining 91 submissions were from individuals or couples who varied in their support or opposition of the proposed speed limit changes.
- 43 There were 6 speakers at the hearing of submissions. Dean Sheppard spoke on behalf of the Mount Aspiring College Board, Graeme Rice spoke on behalf of the New Zealand Transport Agency, Michele Rudd spoke on behalf of the submitter Will Hodgson, and the remaining speakers were speaking to their own individual submissions. All were in support of their relevant proposed speed limits changes. Their comments can be read in the attached Minutes of the Hearings Panel.

### **Legal Considerations and Statutory Responsibilities**

- 44 The Local Government Act 2002 sets out the requirements for altering a bylaw and sets out the Special Consultative Procedure.

- 45 The Land Transport Rule: Setting of Speed Limits 2003 (Rule 54001) sets out the procedures and requirements for determining and changing speed limits. These procedures have been followed in determining the recommended amendments.
- 46 The Special Consultative Procedure set out in sections 83 and 86 of the LGA has been followed as required by section 156 of the LGA.
- 47 Section 155(1) of the LGA requires the Council to determine whether a bylaw is the most appropriate way to address the problem. This was addressed in the Statement of Proposal, where it was confirmed that the amendment (together with the Speed Limit Bylaw 2009, will address actual and likely problems associated with increasing urban development and road traffic throughout Queenstown Lakes District by safeguarding pedestrian and vehicular traffic and assisting enforcement agencies to manage the road network safely, and assist to reduce accidents.
- 48 Section 155(2) also requires the Council to determine whether the proposed bylaw amendment is the most appropriate form of bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990. The proposed amendments to the Bylaw have been prepared in accordance with the Land Transport Rule: Setting of Speed Limits 2003 to address identified problems affecting pedestrian and vehicular traffic and it is considered that it is in the most appropriate form. It is not considered that the proposed amended Bylaw will be inconsistent with the New Zealand Bill of Rights Act 1990. It simply seeks to impose justifiable and reasonable speed limits on roads in Queenstown Lakes District in the interests of public health and safety.
- 49 Once the amendments have been adopted, section 157 of the LGA requires the Council to give public notification of the amended Bylaw, stating the date on which the amendments will come into operation, and where copies can be inspected.

## **Attachments**

- A Speed Limits Bylaw Amendment 2015, Minutes of the Hearings Panel
- B Queenstown Lakes District Bylaw 2009 including Amendment No 1 of 2010, Amendment No 3 of 2012 and Amendment No 4 of 2015