

**QLDC Council  
7 March 2019****Report for Agenda Item: 10****Department: Property & Infrastructure****Speed Management and Speed Limits Bylaw 2009 Review****Purpose**

The purpose of this report is to consider the findings of the Speed Management and Speed Limits Bylaw 2009 Review and adopt the Speed Limits Bylaw 2019 and New Permanent Speed Limits Statement of Proposal for public consultation by way of a special consultative procedure.

The report also recommends appointments to the panel to deliberate and make recommendations to Council on feedback received during the public consultation.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Note** the recommendations outlined in the Findings Report of the Speed Management and Speed Limits Bylaw 2009 Review in Attachment A of the agenda report.
3. **Adopt** the Statement of Proposal (in Attachment B of the agenda report and including the proposed Speed Limits Bylaw 2019 at Attachment C and the recommended permanent speed limit network maps at Attachment D) and make it publicly available for persons to present their views in accordance with section 83 of the Local Government Act 2002.
4. **Appoint** the Deputy Mayor Councillor MacLeod and Councillors Stevens and Ferguson as a panel to attend hearings, to deliberate and make recommendations to the Council on public feedback to the Statement of Proposal in Attachment B of the agenda report.
5. **Delegate** authority to the Deputy Mayor to make replacement appointments to the panel if a member of the panel is unavailable.
6. **Delegate** through the General Manager, Property and Infrastructure to a manager responsible for bylaws to make any amendments to the Statement of Proposal in Attachment B of the agenda report to correct errors, omissions or reflect decisions made by the Council.
7. **Note** that staff will continue to work with Council on Stage Two, the remainder of the local road network and the New Zealand Transport

Agency to achieve a timely full speed management review (including the permanent speed limits) of district's state highways.

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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 on 25 May 2010, 18 December 2012 and 30 April 2015 by resolutions of Council.
- 3 The bylaw was made under the Local Government Act 2002 (LGA) and Land Transport Rule 54001: Setting of Speed Limits 2003. The rule set out procedures to be followed in establishing speed limits.
- 4 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.
- 5 The Validation Act responded to concerns that some council's 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.
- 6 The Validation Act confirmed 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).
- 7 The Validation Act also amended the LTA to place a specific power in section 22AB for road controlling authorities (RCAs, such as Council) to make speed limit bylaws. This provision, and not the LGA, should now be used by an RCA to create speed limits on roads within its jurisdiction.
- 8 The LGA and LTA have differing, but not conflicting, requirements for the making of bylaws. 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.

- 9 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. This requires 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.
- 10 In 2017 the Land Transport Rule: Setting of Speed Limits 2003 was revoked and replaced by the Land Transport Rule 54001 Setting of Speed Limits 2017 (the Rule). Speed limits must now be set in accordance with the Rule.
- 11 On 3 May 2018 Council approved its intention to review the Speed Limits Bylaw 2009, with the proposed scope being to understand the following, in line with the 2016 New Zealand Speed Management Guide (the Guide):
  - 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.

### **Comment**

- 12 Staff have completed the bylaw and speed management review and the findings including recommendations are contained in the Findings Report of the Speed Management and Speed Limits Bylaw 2009 Review (Findings Report - Attachment A).

### **Bylaw review**

- 13 In completing the bylaw review, staff:
  - a. reviewed the relevant changes in legislation and regulation since 2009
  - b. reviewed the current process for amending speed limits
  - c. engaged with key external stakeholders including NZTA, NZ Police, AA and passenger service vehicle operators
  - d. engaged with key community stakeholders including community associations and schools.

- 14 As outlined above, the bylaw and its subsequent amendments were made under previous legislation and regulation and as such contain references that no longer apply.
- 15 Further, the bylaw contains details of the speed limits that apply to each road under Council's jurisdiction and therefore changing or adding to these requires a full bylaw amendment and associated consultation by way of the special consultative procedure.
- 16 It is recommended to change both the form and function of the bylaw.
- 17 In relation to bylaw form, it is recommended to incorporate technical revisions and new definitions to address inadequacies and gaps identified in the current bylaw and to reflect legislative change since the last bylaw was adopted.
- 18 In relation to bylaw function, it is recommended that detailed speed limit information should not be included in the bylaw itself, but instead in publicly accessible schedules, which is permitted under the LTA.
- 19 This will enable Council to make changes by resolution, meaning a faster response time to issues identified in the district, including growth and enable changes necessary for transport network operation.
- 20 The Council will still have to carry out appropriate consultation (as required by the Rule) before permanent speed limits are changed or introduced; but will no longer be required to conduct a special consultative procedure as at present.
- 21 Updating the bylaw to reflect current legislation and rules, combined with moving speed limits to schedules outside of the bylaw is recommended to improve the efficiency and effectiveness of council's decision making and operational management of the transport network.

### **Speed Management Review**

- 22 In completing the Speed Management Review, staff followed the framework established in the Guide and the requirements of the Rule.
- 23 Various research and engagement methods were used to gain insight on the key questions including:
  - **Local data:** research of local road performance and status, vehicle and operational speed counts, crash data and crash environments, speed infringements and on-site verification of issues and recommendations.
  - **Research:** analysis of existing plans and legislation for speed management, including the LTA, the Rule, LGA 1974 and LGA 2002.
  - **Community requests:** review of customer requests while the current bylaw has been operative.
  - **Benchmarking of other councils:** assessment of other council's speed management approaches and bylaw forms.

- **Internal stakeholder engagement:** discussions with Council staff from Regulatory, Community Services, Parks and Recreation and Property and Infrastructure.
- **External stakeholder engagement:** feedback sought from community and village associations, local education providers, large tour operators, small passenger service vehicle operators, social service agencies, local and central government agencies and representatives from business association
- **Analysis of past speed limits bylaw reviews and amendments.**

### **Speed Management Review**

24 The review assessed the whole network under Council's jurisdiction as is recommended good practice. Previous bylaw reviews or amendments have focused on specific roads or areas that have been identified via the community or Council officer's recommendations.

25 As part of the new review process introduced under the Guide; early in 2018 NZTA provided Council with a draft speed management map of the network that:

- a. Shows where the existing speed limits differ from the framework's recommended safe and appropriate operating speeds (those deemed appropriate for the road function, design, safety and use, i.e. both safety and efficiency are considered)
- b. Identifies areas for recommended speed limit changes
- c. Identifies areas recommended for Council to make infrastructure improvements to improve roads to increase safety.

26 In developing these maps, several factors were considered including:

- a. the district's roads performance and status
- b. vehicle operating speeds and counts
- c. crash data and crash environments.

27 This information was sense-checked locally through:

- a. analysing speed infringements
- b. obtaining additional speed data
- c. on-site verification of recommendations.

### **Setting new speed limits**

28 The Rule sets out the process Council must follow in setting permanent, holiday and variable speed limits, with NZTA approval required for setting variable limits and for new 70, 90 and 110 km/h limits.

- 29 This reflects the goal of the Safer Journeys road safety strategy to, over time, reduce the number of different speed limits applying at higher speeds to 60 km/h, 80 km/h, 100 km/h, and 110 km/h, to make the speed limits more self-explanatory to road users.
- 30 The Rule provides that the default speed limit for urban traffic areas is 50km/h and for rural areas and motorways the default is 100km/h unless otherwise set in accordance with the Rule.
- 31 This also means that in considering safe and appropriate speeds across the network, council can determine speed limits for defined geographical urban areas, considering the factors required by the Rule, rather than on a road by road basis.

### **Recommended speed limit changes resulting from the Speed Management Review**

- 32 The Speed management review identified 40 sealed rural roads and 15 urban areas in the district where a reduction in speed limit is recommended. A further 92 unsealed rural roads (347km) with a current speed limit of 100km/h have been identified for a reduction to 60km/h or 40km.
- 33 This is an extensive and comprehensive proposal for change for the network that would require implementation consistent with the Rule as outlined above.
- 34 After considering several factors impacting implementation of all changing arising from the review, it is recommended that a staged approach is taken to introducing new speed limits.
- 35 It recommended that stage one of speed limit changes is focused on:
- a. improving safety for vulnerable road users (urban traffic areas)
  - b. improving safety on roads with high death or serious injury risk (five identified high benefit opportunity roads)
  - c. permanent changes to areas with recently posted reduced speed limits (four roads).
- 36 Further, it is considered that appropriate public consultation on the first stage of speed limit changes could be achieved by including the changes within the special consultative procedure on the proposed new bylaw.
- 37 The factors that determined Stage two changes are discussed later in this report.

### **Stage one speed limit changes recommended for consultation with proposed new bylaw**

#### ***Urban traffic areas***

- 38 The review confirmed 15 urban traffic areas within the district, and in all cases a speed limit of less than the default is recommended. The recommendations for the urban traffic areas are shown below.

Urban traffic area	Current permanent speed limit (km/h)	Recommended permanent speed limit (km/h)
Arrowtown	50	40
Queenstown	50	40
Fernhill, Sunshine Bay	50	40
Quail Rise	50	40
Shotover Country	50	40
Lake Hayes Estate	50	40
Arthurs Point (residential)	50	40
Kelvin Heights (residential)	50	40
Wanaka	50	40
Albert Town	50	40
Hawea	50	40
Kingston	50	40
Glenorchy	50	40
Luggate	50	40
Cardrona	50	40

39 Work is underway on the Queenstown and Wanaka Masterplans to establish a framework for the future of these centres. As work progresses on these plans further speed reductions may be considered.

#### **High benefit opportunity roads**

40 The five stretches of roads identified as high risk, high benefit opportunities are roads that have a medium-high to high infrastructure risk rating, meaning the road environment and condition is inconsistent with the posted speed limit. These roads contribute disproportionately to the numbers of death and serious injuries in the district and are recommended for both speed limit reduction and physical changes. These roads are:

Road	Current permanent speed limit (km/h)	Recommended permanent speed limit (km/h)
Queenstown - Glenorchy Road Sunshine Bay to Glenorchy township	100	80
Queenstown - Glenorchy Road From One Mile roundabout to Sunshine Bay	100	60
Crown Range Road As per map, small section of 80km after first zigzag from Arrowtown side then Cardrona side of summit	100	80
Crown Range Road From SH6 Junction to Cardrona side of summit (small 80km section as above)	100	60
Malaghans Road From Lake Hayes Road junction through to speed change East of Coronet peak turn off	100	80
Arthurs Point Road From Coronet Peak Junction to Watties Track junction	80	60
Gorge Road From Arthurs Point Road through to Queenstown township	80	60
Cardrona Valley Road	100	80

From distillery and ski field turn off to Wanaka township		
Wanaka-Mount Aspiring Road (sealed and unsealed)	100	80

### **Reduced speed sign posted areas**

41 Reduced speed limits have been sign posted on several roads across the district over the past 12-18 months following requests from the community and analysis of safe and appropriate speeds for each road type. Note Arthurs Point Road is also included in the high benefit opportunity roads above. It is recommended that new permanent speed limits be set for these roads. These roads are:

<b>Area</b>	<b>Current permanent speed limit (km/h)</b>	<b>Current temporary speed limit (km/h)</b>	<b>Recommended permanent speed limit (km/h)</b>
Arrowtown Urban boundaries	50	40	40
Aubrey Road From Anderson Road intersection to Albert Town roundabout	70	50	60
Arthurs Point Road From Coronet Peak Junction to Watties Track junction	70	50	60
Cardrona Valley Road From township to distillery	100	70	80

### **Maps**

42 The recommended speed limits for stage one changes are shown on the network maps at Attachment D.

### **Speed limit changes for the remainder of the network – Stage two**

43 The district's rural sealed network is heavily reliant on the connections provided by, and integration with, the state highways. NZTA is pursuing its own review and while efforts have been made to align the programme, the national priorities are currently Auckland, Waikato and Christchurch.

44 Confirmation on timing for the NZTA Otago state highway review is expected in the first half of calendar 2019.

45 Outside of those roads identified as high benefit opportunities to reduce deaths and serious injury included in the recommendations for the first stage of consultation, to ensure consistency in road user experience and expectation across the district it is recommended that changes to the rural sealed network are considered by Council at a later stage in conjunction with the NZTA review.

46 The district's rural unsealed roads, with one notable exception included in the high benefit opportunity list, generally have low volumes and relatively low user speeds.

It is recommended that these are considered by Council on a case by case basis in response to issues at a later stage.

- 47 Under the proposed Speed Limits Bylaw 2019, current speed limits on these “Stage two” roads will continue without change, for the time being. The form of the proposed bylaw, if adopted, will allow Council to react in a timely manner to issues and required changes in the future.

### **Statement of Proposal and proposed Speed Limits Bylaw 2019 and proposed new speed limits**

- 48 Staff have prepared a Statement of Proposal (Attachment B) and a proposed bylaw (Attachment C) to implement the recommendations arising from the Speed Management and Speed Limits Bylaw 2009 Review and contained in the Findings Report.

- 49 The key changes proposed in the new bylaw (as compared to the current bylaw) are:

- a) The current bylaw contains details of the speed limits that apply to each road under Council’s jurisdiction and therefore changing or adding to these requires a full bylaw amendment. Under the proposed bylaw, this detailed information will not be included in the bylaw itself, but instead in publicly accessible schedules, which is permitted under the LTA. This will enable Council to make changes by resolution, meaning a faster response time to issues identified in the district, address growth and enable changes necessary for the transport network operation. The Council will still have to carry out appropriate consultation (as required by the Rule) before permanent speed limits are changed or introduced.
- b) The proposed new bylaw includes technical revisions and new definitions to address inadequacies and gaps identified in the current bylaw and to reflect legislative change since the last bylaw was adopted.

- 50 The speed limit changes which are proposed at this stage are set out earlier in this report and apply to urban traffic areas, certain high benefit opportunity roads, and reduced speed sign posted areas (as shown on Attachment D network maps).

- 51 Staff recommend that Council appoint three Councillors to attend hearings, deliberate and make recommendations back to Council on public feedback on the Statement of Proposal.

### **Options**

- 52 Option 1 Do not consult on the Statement of Proposal

*Advantages:*

- 53 Resource assigned to the consultation can be reallocated to other projects.

*Disadvantages:*

- 54 Council's speed management will not meet current national good practice.
- 55 Council will not address recommended improvements to its road network to achieve safe and appropriate speeds.
- 56 Council may not meet external stakeholder expectations, including NZ Police, raised through the review process.
- 57 Council will not address the outstanding community requests for speed reductions.
- 58 Council will miss the opportunity to continue positive engagement with the community in addressing perceived current and future speed management issues in the district.

Option 2 Consult on the Statement of Proposal for review of speed limits and proposed bylaw

*Advantages:*

- 59 Council's speed management will reflect current national good practice.
- 60 Council will address identified improvements in its roading network to achieve safe and appropriate speeds.
- 61 Council will meet external stakeholder expectations, including NZ Police, raised through the review process.
- 62 Council will address outstanding community requests for speed reductions.
- 63 Council will have the opportunity to continue positive engagement with the community in addressing perceived current and future speed limit issues.

*Disadvantages:*

- 64 Resource cannot be reallocated to other projects.
- 65 This report recommends **Option 2** for addressing the matter because:
- a. It is supported by the recommendations of the Findings Report of the Speed Management and Speed Limits Bylaw 2009 Review
  - b. Council will meet its statutory requirements for the bylaw review and consultation as set out in the LTA and LGA.

***Significance and Engagement***

- 66 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because there is community interest in setting of speed limits and management of road safety across the district.

## **Risk**

- 67 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.
- 68 The recommended option considered above mitigates the risk by treating the risk – putting measures in place which directly impact the risk.
- 69 The recommended option will address the risks identified by implementing speed management recommendations across Council's network to achieve safe and appropriate operating speeds.

## **Financial Implications**

- 70 Costs relating to the special consultative procedure will be covered within existing budgets.

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

- 71 The following Council policies, strategies and bylaws were considered:
- 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.
- 72 The recommended option is consistent with the principles set out in the named policy/policies.
- 73 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item / activity.
- 74 It can be delivered within general infrastructure management activities, in alignment with other projects such as town centre planning, road safety initiatives and road maintenance contract delivery.

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

- 75 The recommended option:
- Will help meet the current and future foreseeable 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**

76 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 and AA.

77 Staff invited a range of stakeholders to discuss issues and opinions as part of the information gathering stage to inform the Findings report and next steps recommendations.

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

78 The proposed Speed Limits Bylaw 2018 and proposed new permanent speed limits are being released for public consultation by way of the special consultative procedure pursuant to section 156 of the Local Government Act 2002 and section 22AD of the Land Transport Act 1998.

### **Attachments (circulated separately)**

- A Findings Report of the Speed Management and Speed Limits Bylaw 2009 Review
- B Statement of Proposal
- C Proposed Speed Limits Bylaw 2019
- D Network Maps
- E Speed Limits Bylaw 2009 and Amendments