

12. Item 5: Revocation of the Speed Limit Bylaw 2019

PURPOSE OF THE REPORT | TE TAKE MO TE PURONGO

The purpose of this report is to present to Council the research, reasons and information necessary to consider revoking the Speed Limits Bylaw 2019.

RECOMMENDATION | NGA TUTOHUNGA

That Council:

1. **Note** the contents of this report; and
2. **Agree to revoke** the Speed Limits Bylaw 2019, effective immediately, as a result of the introduction of the Land Transport Rule: Setting of Speed Limits 2022.

	Prepared by:	Reviewed and Authorised by:	Reviewed and Authorised by:
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Position	Senior Policy Advisor	GM Property and Infrastructure	GM Strategy and Development
Signature			
Date	30 November 2022	30 November 2022	30 November 2022

CONTEXT | HOROPAKI

1. Council adopted the Speed Limits Bylaw 2019 (the Bylaw) under s.22AB of the Land Transport Act 1998 and the Land Transport Rule: Setting of Speed Limits 2017 (Rule 54001/2017). The Bylaw imposes speed limits for all roads under the control of Queenstown Lakes District Council (QLDC). Waka Kotahi regulates the speed limits on state highways in the district.
2. Waka Kotahi's Road to Zero 2020-2030 road safety strategy (Road to Zero) underpins its vision that no one dies or is seriously injured in road crashes on New Zealand roads. The Land Transport Rule: Setting of Speed Limits 2022 (the 2022 Rule) came into force on 19 May 2022, to implement the Road to Zero.
3. Under the 2022 Rule, all Territorial Authority speed limits are migrated to a National Speed Limit Register (NSLR). Waka Kotahi has confirmed that QLDC has migrated its speed limit data into the NSLR, which is now live and the legal instrument for the setting of speed limits. This makes QLDC's Speed Limits Bylaw 2019 redundant

4. One key change under the 2022 Rule is that rather than each Territorial Authority managing speed limits of local roads through individual bylaws, Council is responsible for the preparation of a Speed Management Plan that is aligned with the Regional Speed Management Plan. This plan will set out how Council will deliver consistent implementation of safe and appropriate speed limits aligned with Road to Zero, Aotearoa New Zealand's road safety strategy and the Land Transport Rule: Setting of Speed Limits 2022.

5. This means that the Bylaw will no longer be used to set speed limits in the Queenstown Lakes District as a Bylaw is no longer the legal instrument for speed limits. This now sits with the NSLR. The current speed limits remain enforceable because the NSLR has taken the place of the bylaw.

6. Guidance from Waka Kotahi states that the Bylaw should therefore be revoked as soon as practicable. The advice goes on to state that "If the sole reason for the revocation is because the speed limit has been migrated to the NSLR then there is no requirement to consult under s.156 of the Local Government Act 2002 or s.22AB of the Land Transport Act 1998 because of s.168AAA(2) of the Land Transport Act 1998 and regulation 13 of the Land Transport (Register of Land Transport Records—Speed Limits) Regulations 2022". Many councils have already revoked their speed limit bylaws, or are in the process of doing so.

7. Development of Council's Speed Management Plan 2024-27 will commence in December 2022. Council is intending to align the timing of its Speed Management Plan alongside Waka Kotahi. This includes early engagement in February/March 2023 and consultation in June 2023.

ANALYSIS AND ADVICE | TATARITANGA ME NGA TOHUTOHU

8. Council officers are of the view that the Bylaw should be revoked, effective immediately.

9. 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:

10. Option 1: revoke the Speed Limits Bylaw 2019, effective immediately.

11. Advantages:

- Complies with guidance from Waka Kotahi to revoke the Bylaw as soon as practicable.
- Avoids any confusion for the community as to what instrument is regulating speed limits as between the Bylaw and the National Speed Limit Register.

12. Disadvantages:

- There are no known disadvantages to this option.

13. Option 2: do not revoke the Speed Limits Bylaw 2019 (status quo).

14. Advantages:

- There are no known advantages to this option.

15. Disadvantages:

- Does not comply with guidance from Waka Kotahi to revoke the Bylaw as soon as practicable.
- May cause confusion in the community as to what instrument is regulating speed limits on roads controlled by Council.

This report recommends **Option 1** for addressing the matter.

CONSULTATION PROCESS | HATEPE MATAPAKI**SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KA WHAKAARO HIRAKA**

16. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because:

- the matter has minimal impact on the community
- the proposal will not change the level of services provided by Council, or Council's capacity
- there is a nil-level of financial consequence as a result of adopting the recommended option.

17. The persons who are affected by or interested in this matter are users of roads under QLDC jurisdiction. State highway speed limits are regulated by Waka Kotahi.

18. It is recommended that the community be made aware of these changes via the usual channels. This will be actioned shortly after a resolution has been made.

19. Council has not consulted on the revocation of the Bylaw, but will undertake an engagement process as part of the development of the Speed Management Plan in conjunction with the Regional Transport Committee.

MAORI CONSULTATION | IWI RUNANGA

20. This is not a matter that requires specific iwi consultation.

RISK AND MITIGATIONS | NGA RARU TUPONO ME NGA WHAKAMAURUTANGA

21. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00061 Ineffective response to legislative changes and reforms within the [QLDC Risk Register](#). This risk has been assessed as having a low inherent risk rating.

22. The approval of the recommended option will support the Council by allowing us to avoid the risk. This shall be achieved by revoking the Speed Limits Bylaw 2019.

FINANCIAL IMPLICATIONS | NGA RITENGA A-PUTEA

23. Although there are no budget or staff resourcing implications from revoking the Bylaw, resourcing and budget will be required for the development of Council's Speed Management Plan 2024-27 and its subsequent review. This may be in addition to what is signaled in the Ten Year Plan 2021-2031.

COUNCIL EFFECTS AND VIEWS | NGA WHAKAAWEAWE ME NGA TIROHANGA A TE KAUNIHERA

24. The following Council policies, strategies and bylaws were considered:

- Speed Limits Bylaw 2019
- the outcomes and principles of the Vision Beyond 2050
- the QLDC Annual Plan
- the QLDC Ten Year Plan 2021-31.

25. The recommended option is consistent with the principles set out in the above policies, strategies and bylaws.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KA TAKOHA KA WAETURE

26. There are no legal risks or impacts anticipated from revoking the Bylaw.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KAWANATAKA A-KAIKA

27. Section 10 of the Local Government Act 2002 states the purpose of local government is:

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

28. The recommended option:

- Can be implemented through current funding under the Ten Year Plan and Annual Plan.
- Is consistent with the Council's plans and policies; and
- Would not significantly alter 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.

29. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Local Government Act 2002.

ATTACHMENTS | NGA TAPIRIHANGA

Number	Title of Attachment
1.	Speed Limits Bylaw 2019