
REPORT 6
(1215/53/IM)

REVIEW OF SPEED LIMITS BYLAW

1. Purpose of Report

This report presents the results of the Special Consultative Procedure for the proposed amendments to the Wellington Consolidated Bylaw 2008 – Part 6 Speed Limits (Speed Limits Bylaw) and seeks agreement from the Strategy and Policy Committee to refer the proposed Speed Limits Bylaw to Council for consideration and adoption.

2. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*
2. *Note that 17 written submissions (refer to Appendix 1) on the proposed amendments to the Wellington Consolidated Bylaw 2008 – Part 6 Speed Limits were received during the Special Consultative Procedure undertaken in accordance with sections 83 and 86 of the Local Government Act 2002.*
3. *Note that one submitter was heard at the oral hearings on 20 August 2009.*
4. *Agree that the issues raised by the submitters on the proposed amendments to the Wellington Consolidated Bylaw 2008 – Part 6 Speed Limits have been considered.*
5. *Agree to the proposed amendments to the Wellington Consolidated Bylaw 2008 – Part 6 Speed Limits, as shown at Appendix 2.*
6. *Recommend to Council that it:*
 - (a) *Agree to the proposed Wellington Consolidated Bylaw 2008, Part 6 – Speed Limits as attached at Appendix 2.*
 - (b) *Agree that the proposed Wellington Consolidated Bylaw 2008, Part 6 – Speed Limits shall commence on 1 February 2010 having been publicly notified in accordance with the requirements of the Local Government Act 2002.*

3. Background

Central government has delegated local city and district council's responsibility for setting speed limits on their roads as Road Controlling Authorities (RCAs). The various legal, technical and procedural requirements placed on RCAs as a result of these responsibilities are contained in The Setting of Speed Limits Rule 2003 (Rule) which was created by the Land Transport Safety Authority.

The Wellington City Speed Limits Bylaw came into effect on 11 October 2004. The Speed Limits Bylaw currently allows the Council to set speed limits of 20, 30, 40, 50, 60, 70, 80 or 100km/h in relation to roads or areas under its control in the district.

The Speed Limits Bylaw is being reviewed pursuant to section 158 of the Local Government Act 2002 (LGA 2002) which requires bylaws to be reviewed within five years of coming into force. The review proposed to amend the Bylaw by including provisions to set speed limits of 10 and 90km/h (in addition to the speed limits already allowed within the Bylaw).

Since the Speed Limits Bylaw came into effect, a number of resolutions have been passed under this Bylaw. The plans attached to this Bylaw have also been updated as part of this review to reflect these changes (refer to Appendix 2).

On 29 June 2009, Council agreed to initiate the Special Consultative Procedure. The resulting public consultation took place from 30 June to 7 August 2009.

This report presents the results of the Special Consultative Procedure on the proposed amendments.

4. Discussion

4.1 Consultation process

A public notice, which included an outline of the proposal and details for making a submission were placed in The Dominion Post on 2 July 2009.

The Statement of Proposal and the Summary of Information about the proposed amendments to the Speed Limits Bylaw were made publicly available in Council libraries, service centres and on the Council's website.

4.2 Consultation results

17 written submissions were received, 14 from individuals, one on behalf of the Wellington District of the New Zealand Automobile Association (AA), one on behalf of Living Streets (Wellington Branch) and one on behalf of Cycle Aware Wellington. The submissions are attached at Appendix 1.

Of the 17 submissions received, five are opposed to the proposed amendments and 12 are in support. The AA made an oral submission on 20 August 2009 in line with their written submission attached.

From the submissions to the proposed amendments to the Speed Limits Bylaw, several issues were raised. Those issues, along with officer's comments are detailed in the following table:

Issues Raised	Submission Number	Council officer response
1. A speed of 10km/h barely registers on many car speedometers.	1	Even though some cars may not register a speed of 10km/h, a low speed zone does encourage drivers to drive at an appropriate speed and to pay particular attention to potential dangers.
2. In a low speed environment it is more important for motorists to concentrate on the environment outside the car rather than trying to read the speedometer which is barely above the zero mark.	1	The intent is not to focus attention on car instruments. Low speed environments encourage drivers to be alert and focus on the external environment.
3. Putting up a speed limit sign has very limited effect on vehicle speeds in low speed environments. The installation of traffic calming devices such as judder bars is more effective and eliminates the confusion of multiple speed limits over short distances.	1	The speed limit rule requires that before a limit less than 50 km/hr can be imposed the operating speed must be close to the posted speed. To ensure this, low speed limits are aligned with a range of traffic calming measures as required by the Land Transport Setting of Speed Limits Rule.
4. Police car speedometers are only calibrated at speeds from 30km/h upwards.	1	If need be the Police are able to enforce lower speed limits when stationary.
5. If a road is not suitable for 100km/h there is no point in having a 90km/h limit when the police tolerance prior to issuing a ticket would be a further 9km/h i.e. back to 100km/h. If a road is not suitable for 100km/h the speed limit should be lowered to 80km/h.	1	Council's current Speed Limits Bylaw provides for speed limits of 20, 30, 40, 50, 60, 70, 80 and 100km/h. The proposed amendments only provide for the potential for 10km/h and 90km/h speed limits to be introduced if and when required.
6. 5km/h should also be included as an option to allow for the development of shared road space proposals, such as that proposed for Lower Cuba Street.	8, 16	The Council are unable to include 5km/h within the Speed Limits Bylaw as the Land Transport Setting of Speed Limits Rule does not allow councils to set 5km/h. A speed limit of 5km/h has not been proposed for Lower Cuba Street.
7. New Zealand has too many speed limits. It is no longer obvious what speed you should be doing in an area. Adding more	9, 10	Refer to Council officer's response for issue 5 above.

options will make it more confusing. We need 30, 50, 75 and 100. Setting a speed limit to 10km/h means you can be fined \$170 for driving 30km/h. Better to close the road off if you think people should drive that slowly.		
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4.3 Proposed Speed Limits Bylaw

Officers recommend that no further changes to the draft speed limits bylaw be made, other than those amendments that have been consulted on.

If adopted, the amended Speed Limits Bylaw 2009 will allow the Council to:

- set speed limits of 10km/h in relation to roads or areas under its control in the district
- set speed limits of 90km/h on roads in rural areas which may be subject to conditions imposed by the New Zealand Transport Agency by notice in the Gazette
- update the 2004 approved plans to reflect changes made by resolution of the Council over the last five years.

5. Conclusion

Council officers recommend that the Strategy and Policy Committee agree to the proposed amendments to the Speed Limits Bylaw and recommend the amended Bylaw to Council for adoption.

Contact Officer: *Hanita Shantilal, Policy Advisor*

Supporting Information

1) Strategic Fit / Strategic Outcome

The Speed Limits Bylaw is consistent with the Council's Strategic outcome 2.5 Safer – 'Wellington will seek to improve the safety and security of its citizens as they move around the City and region'.

2) LTCCP/Annual Plan reference and long term financial impact

No long term financial impacts have been identified.

3) Treaty of Waitangi considerations

No Treaty of Waitangi issues or opportunities have been identified through the review process.

4) Decision-Making

This is not a significant decision as defined under the Council's Significance Policy.

5) Consultation

Consultation on the proposed amendments to the Speed Limits Bylaw has been carried out in accordance with the requirements of the Special Consultative Procedure as set out in sections 83 and 86 of the Local Government Act 2002.

6) Legal Implications

Legal advice has been obtained during the preparation of this proposal.

7) Consistency with existing policy

The proposed bylaw retains the intent of the existing Bylaw and has been reviewed to meet the Council's responsibility for setting speed limits on their roads.