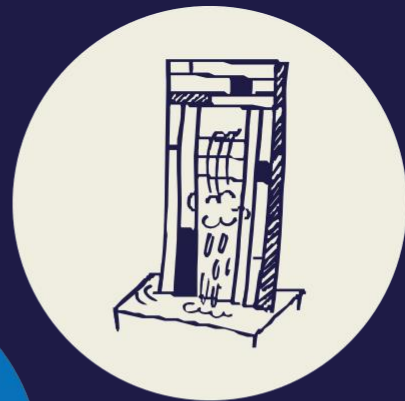


HAMILTON CITY COUNCIL SUBMISSION

Regulatory Systems (Transport) Amendment Bill – Land Proposals (May 2022 Consultation Document)

Ministry of Transport



6 July 2022



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to the priority '**A city where our people thrive**'.

As a city we want to have safe routes for people to move around our city, alongside efficient transport connections to connect Hamilton to other places.

Council Approval and Reference

This submission was approved (under delegated authority) by the Chair and Deputy Chair of Hamilton City Council's Infrastructure Operations Committee (as resolved at the Council's 31 May 2022 Infrastructure Operations Committee meeting).

Hamilton City Council Reference D-4227387 - Submission # 691

Key Messages and Recommendations

1. We support the overall direction and content of the consultation document **Regulatory Systems (Transport) Amendment Bill – Land Proposals**.
2. We agree with the proposal to serve regulatory notices electronically, which is also required to facilitate a number of the efficiencies being deployed in our digital infringement management systems.
3. RCAs should be exempt from Waka Kotahi NZ Transport Agency's motor vehicle registrations 'look up' costs.
4. We agree with the changes to support enforcement of point-to-point camera offences. With the increasing use of 110km/h speed limits on expressways, alongside with the increasing use of central wire rope barriers, it makes this type of enforcement critical to achieving our Road to Zero targets.
5. Although we agree with the proposed changes to support automated infringement offences, the level of automation used should remain as a choice of the individual RCA; significant reputational risk exists, and costs would escalate should false infringements be raised and sent.
6. In regard to removing RCAs' restrictions on cost recovery charging for resident parking, we support Option 3 (remove the cost recovery restriction and replace it with reasonable costs), provided that RCAs have the ability to recover reasonable fees, which is a tenant that we want to see included in a number of other parking related activities.
7. We support the two-step process to transfer Part 21 of the LGA74 to the GRPA.
8. We agree that the maximum value of infringement fees should be increased. The existing rates have been in place for many years and are now often not a deterrent to non-compliant activity.

Introduction

9. Hamilton City Council appreciates the opportunity to make a submission to the Ministry of Transport's May 2022 Consultation Document **Regulatory Systems (Transport) Amendment Bill – Land Proposals**.
10. Hamilton City Council has provided the following response/feedback to a number of the key questions outlined in the Ministry of Transport's May 2022 Consultation Document.
11. **Proposal 1.1: Enable electronic service of documents and electronic signatures**
12. *Do you agree with the proposal to serve regulatory notices electronically?*
13. Yes – this is a really important step forward. In particular, Hamilton City Council faced a number of problems obtaining information during the COVID-19 Pandemic.
14. This is also required to facilitate a number of the efficiencies being deployed in our digital infringement management systems. It also needs to be noted that there must be an integrity check and process improvements made to Waka Kotahi NZ Transport Agency's motor vehicle registrations database.
15. The Road Controlling Authority (RCA) should also be exempt from Waka Kotahi NZ Transport Agency's motor vehicle registrations 'look up' costs as many hundreds of thousands of vehicle checks will be completed monthly by Licence Plate Recognition systems around the country - this information will generally assist the Police and the Ministry of Justice.
16. Also, with integration to regional public transport providers, there will be benefit for all New Zealanders. To charge on a per 'look up' basis would be cost-prohibitive.
17. **Proposal 1.2: Clarify the enforcement of point-to-point camera speeding offences**
18. *Do you agree with the changes to support enforcement of point-to-point camera offences?*

19. Yes – Hamilton City Council strongly supports this proposal, and with the increasing use of 110km/h speed limits on expressways, alongside with the increasing use of central wire rope barriers, it makes this type of enforcement critical to achieving our Road to Zero targets.
20. Hamilton City Council, in its 23 November 2021 submission to Waka Kotahi NZ Transport Agency’s **Proposal to Raise the Speed Limit on 64km of the Waikato Expressway to 110km/h** ([refer here](#)), noted the following key points in regards to use of point-to-point cameras:
- *Hamilton City Council is in support of the proposed 110km/h on the Waikato Expressway section of State Highway One on the basis that a safe systems approach has been undertaken to ensure that the appropriate infrastructure is in place for this higher speed limit to be considered a Safe and Appropriate Speed.*
 - *We would however, request that urgency be provided to ensuring that appropriate mechanisms/legislative changes are progressed to enable more appropriate speed enforcement such as point-to-point cameras to be operational on the section of proposed 110km/h speed limit.*
 - *Some extreme speeds have been reported on the Cambridge section and while the infrastructure such as central wire ropes is very effective at preventing head on crashes, it does also mean that effective enforcement on this road is very hard for the New Zealand Police to complete safely.*
 - *Hamilton City Council also notes that there are a large number of state highways where the infrastructure is such that the current speed limit of 100km/h is not safe and appropriate.*
 - *Hamilton City Council strongly encourages Waka Kotahi NZ Transport Agency to urgently progress lowering the speed limits on these routes.*
21. Hamilton City Council, in its 30 September 2020 submission to the Ministry of Transport’s **Proposed Approach to Speed Management - Land Transport Rule: Setting of Speed Limits - Draft for Targeted Consultation (July 2020)** ([refer here](#)), noted the following key points in regards to the Speed Management Plans and the Safety Camera Programme:
- *The Road to Zero Strategy Action Plan 2020-2030 referred to National Speed Management Plans (rather than State Highway Speed Management Plans). It is not clear how the Safety Camera programme will be included in this process now as the focus seems to be on Waka Kotahi as an RCA and regulator and not as a manager of the Safety Camera programme.*
 - *The proposals are unclear on how safety cameras are addressed through State Highway Speed Management Plans.*
 - *Hamilton City Council supports Speed Management Plans, including changes to speed limits, safety camera locations and infrastructure on the relevant roads.*
22. The above points from previous submissions around use of safety cameras are still critical/relevant and need to be urgently addressed by the Ministry of Transport.
23. **Proposal 1.3: Provide for the future use of automated infringement offences**
24. *Do you agree with the proposed changes to support automated infringement offences?*
25. Yes, however the level of automation used should remain as a choice of the individual RCA; significant reputational risk exists, and costs would escalate should false infringements be raised and sent. This issue may eventuate at any time, for example, during infringement management system version changes and/or the associated geospatial data files are updated, added, or patched.

26. As noted previously, the RCA should also be exempt from Waka Kotahi NZ Transport Agency's motor vehicle registrations 'look up' costs as many hundreds of thousands of vehicle checks will be completed monthly by Licence Plate Recognition systems around the country - this information will generally assist the Police and the Ministry of Justice.
27. Also, with integration to regional public transport providers, there will be benefit for all New Zealanders. To charge on a per 'look up' basis would be cost-prohibitive.
28. **Proposal 2.1: Remove Road Controlling Authorities' restrictions on cost recovery charging for resident parking**
29. **Option 1 – status quo (no changes)**
30. This would leave the LTA section unchanged. This would not cause significant risks in the medium-term, but would perpetuate the inequity of some neighbourhoods enjoying cost-reduced parking subsidised indirectly by ratepayers elsewhere.
31. **Option 2 – remove the cost recovery restriction in the LTA**
32. This option would remove the cost recovery restriction in the LTA. This would allow RCAs to charge a cost it deems appropriate for resident parking.
33. **Option 3 (preferred) – remove the cost recovery restriction and replace it with reasonable costs**
34. This option would remove the cost-recovery restriction in the LTA (as Option 2) but would make the cost of resident parking limited to a 'reasonable' amount. This would be achieved by explicitly making this bylaw-making power subject to Section 150(3) of the Local Government Act 2002.
35. Section 150(4) of the Local Government Act 2002 reads:
36. *"The fees [set by the bylaw for residents parking] must not provide for the local authority to recover more than the reasonable costs incurred by the local authority for the matter for which the fee is charged".*
37. Hamilton City Council's preference is **Option 3**, provided that RCAs have the ability to recover reasonable fees, which is a tenant that we want to see included in a number of other parking related activities. In reality, it should be left to the discretion of the RCA as to what level they enact the cost recoveries, as various stages of city growth are being experienced around the country. As noted previously, this should include any costs that could be applicable including towage, administration costs, monitoring, lost parking revenue etc.
38. **Proposal 5.1: Modernise roading provisions and consequential drafting improvements**
39. In order to improve the overall framework of roading legislation, we propose a two-step process. As a first step, the proposal would see the transfer of the existing Sections 315 to 361 (Part 21) and Schedule 10 of the LGA74 into the GRPA. A second step would be to make minor and technical amendments to make sure no inconsistencies occur and to make minor adjustments to sections to make them fit into the GRPA better. The title of the GRPA may need to be reconsidered as a consequential amendment.
40. *Do you agree with the two-step process to transfer Part 21 of the LGA74 to the GRPA?*
41. *Why/why not? In your answer, you may wish to consider commenting on:*
- *Any other minor or technical amendments you believe should be addressed during this process.*
 - *Any major or significant changes you believe should be made to the LGA 74 Part 21 provisions.*
42. Hamilton City Council supports the two-step process to transfer Part 21 of the LGA74 to the GRPA.
43. **Proposal 5.4: Increase the maximum level of fines and infringement fees**

44. Hamilton City Council agrees that the maximum value of fines and infringement fees should be increased. The existing rates have been in place for many years and are now often not a deterrent to non-compliant activity.
45. Higher infringement costs will support motorists' behavioural changes and improve compliance to many road safety initiatives. A relatively easy comparison that could be used is by comparing both the cost of non-compliance and road incidents between New Zealand and Australia. In Australia, where higher costs are attributed to non-compliance, improved road statistics over that of New Zealand are realised.
46. Hamilton City Council would also request that the review of fines, infringement fees and penalties therefore also includes a close look at those related specifically to road safety and the changes needed to achieve Road to Zero.

Further Information and Opportunity to Discuss Our Submission

47. Should the Ministry of Transport require clarification of the submission from Hamilton City Council, or additional information, please contact **Robyn Denton** (Operations Team Leader, City Transportation) on 07 838 6910 or 021 971 127, email robyn.denton@hcc.govt.nz in the first instance.
48. **Hamilton City Council would welcome the opportunity to discuss the content of our submission in more detail with the Ministry of Transport.**

Yours faithfully



Lance Vervoort
CHIEF EXECUTIVE

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