



**TE MANATŪ WAKA**  
MINISTRY OF TRANSPORT

Pursuant to sections 152, 157(1), 159A and 160(4) of the Land Transport Act 1998, and after having had regard to the criteria specified in section 164(2) of that Act

I, Hon Michael Wood, Minister of Transport

make the following ordinary Rule:

Land Transport Rule: Setting of Speed Limits 2022.

Signed at Wellington

This 13<sup>th</sup> day of April 2022

Hon Michael Wood

Minister of Transport

**Land Transport Rule**  
**Setting of Speed Limits 2022**



# Land Transport Rule

## Setting of Speed Limits 2022

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## Extent of consultation

Waka Kotahi NZ Transport Agency published a draft of the Rule along with explanatory material on its website for public consultation on 23 April 2021. Notice of the availability of the consultation draft for comment was sent by email to approximately 1570 groups and individuals who had registered an interest in land transport rules, and a notice was also published in the *Gazette* on 23 April 2021. Consultation was open for submissions until 25 June 2021. As part of the public consultation process, Waka Kotahi ran 14 workshops across New Zealand. Waka Kotahi received 325 submissions on the consultation draft, which were taken into account in finalising the draft Rule. The proposed Rule was then submitted to the Minister of Transport for signing.

Waka Kotahi also presented at regional transport committee meetings, the Road Controlling Authority Forum, and met with key industry stakeholders. And Waka Kotahi met with the Transport Special Interest Group (consisting of regional council representatives) and road controlling authorities.

In addition, clause 10.4(3) of this Rule was consulted on as part of a separate consultation draft rule, titled Land Transport Rule: Traffic Control Devices (Kura/School Signs) Amendment 2021. That consultation draft rule was made available, together with an overview document, on Waka Kotahi's website, and a notice was also published in the *Gazette* on 5 November 2021. Public consultation was carried out from 4 November 2021 to 17 December 2021. Waka Kotahi received approximately 564 submissions on that consultation draft rule. The submissions received were taken into account in finalising Land Transport Rule: Traffic Control Devices (Kura/School Signs) Amendment 2022, and clause 10.4(3) of this Rule.

## **Section 1 Preliminary provisions**

### **1.1 Title**

This Rule is Land Transport Rule: Setting of Speed Limits 2022.

### **1.2 Commencement**

This Rule comes into force on 19 May 2022.

### **1.3 Objective of Rule**

The objective of this Rule is to contribute to road safety by—

- (a) providing for a whole-of-network approach where speed management is considered alongside investment in safety infrastructure; and
- (b) empowering or requiring road controlling authorities to set speed limits for roads under their control; and
- (c) setting out requirements road controlling authorities must comply with when setting speed limits.

### **1.4 Interpretation**

(1) In this Rule, unless the context otherwise requires,—

**Act** means the Land Transport Act 1998

**Agency (as RCA)** means the Agency when acting as a road controlling authority

**Auckland Transport** means the entity established under [section 38](#) of the Local Government (Auckland Council) Act 2009

**category 1 school** means any school that is not a category 2 school, including a school in respect of which clause 5.2(3) applies

**category 2 school** means a school that has been designated as a category 2 school under clause 5.3(1)

**change**, in relation to speed limits, safety cameras and safety infrastructure, includes to put something in place for the first time or to remove something without any replacement

**current**—

- (a) in relation to a plan, means the plan most recently published under this Rule; and
- (b) in relation to a territorial authority speed management plan published under clause 3.5(5), also has the meaning given in clause 3.5(6); and

- (c) in relation to an interim plan, also has the meaning given by clause 12.15(5), 12.16(7) or 12.17(4) (as the case may be).

**cycle** has the same meaning as in the [Land Transport \(Road User\) Rule 2004](#)

**emergency** has the meaning in clause 7.1(4)

**emergency speed limit** means a temporary speed limit set due to an emergency

**financial year** means a period of 12 months commencing on 1 July and ending with 30 June

**Government road safety strategy** has the meaning in clause 3.13(1)

**GPS on land transport** has the same meaning as in the [Land Transport Management Act 2003](#)

**in the register**, in relation to a speed limit, means the speed limit contained in a land transport record that has not been revoked

**mean operating speed** means the mean speed of traffic, including all classes of vehicle, measured in a way that is representative of all traffic speeds on the road over a 7-day period

**mobility device** has the same meaning as in the [Land Transport \(Road User\) Rule 2004](#)

**permanent speed limit** means a speed limit that is in force except when a seasonal, variable, or temporary speed limit is in force

**regional council**—

- (a) means a regional council within the meaning of [section 5\(1\)](#) of the Local Government Act 2002; and
- (b) includes a unitary authority; and
- (c) in relation to Auckland, means Auckland Transport

**regional transport committee** has the same meaning as in the [Land Transport Management Act 2003](#)

**register** has the same meaning as in [section 200A](#) of the Act

**Registrar** has the same meaning as in [section 200A](#) of the Act

**road** has the same meaning as in the Act and includes a section of a road



**safety camera** means a camera used for the primary purpose of detecting offences under transport legislation of exceeding the speed limit

**safety infrastructure** means roading infrastructure intended to improve safety (for example, median barriers, rumble strips, raised crossings, and intersection treatments)

**school** means a registered school within the meaning of [section 10\(1\)](#) of the Education and Training Act 2020

**seasonal speed limit** means a type of speed limit that—

- (a) is the same for all 24 hours during any given day; and
- (a) is different for each of two or more specified periods during a calendar year

**special event** has the meaning in clause 7.1(3)

**speed management committee** means the committee established under clause 3.18

**State highway** has the same meaning as in the [Land Transport Management Act 2003](#)

**temporary speed limit** means a speed limit set in accordance with Section 7

**territorial authority**—

- (a) means a road controlling authority that is a territorial authority within the meaning of the [Local Government Act 2002](#); and
- (b) includes a road controlling authority that is a unitary authority, Auckland Council or Auckland Transport; but
- (c) in clauses 3.5 and 12.17, excludes a unitary authority, Auckland Council and Auckland Transport

**unitary authority** has the same meaning as in the [Local Government Act 2002](#)

**variable speed limit**—

- (a) means a type of speed limit where the speed limit in force on a road changes under certain conditions; and
- (b) excludes a seasonal speed limit

**work** has the meaning in clause 7.1(2).

- (2) A term that is used in this Rule and defined in the Act but not defined in this Rule has the meaning given in the Act (for

example, Agency, Commissioner, Director, land transport record, Minister, and road controlling authority).

## **Section 2      Speed limits**

### *Ascertaining the applicable speed limit*

#### **2.1              Applicable speed limit for a road**

- (1)              The applicable speed limit for a road at any given time is—
- (a)              the speed limit for the road in the register and that is in force at the time; or
  - (b)              if paragraph (a) does not apply and a bylaw made before the commencement of this Rule sets the speed limit for the road, the speed limit set by the bylaw and that is in force at the time; or
  - (c)              if paragraphs (a) and (b) do not apply, a permanent speed limit of 100 km/h.
- (2)              For a seasonal speed limit that is in force, the applicable speed limit for the road at any given time is the speed limit in force at the time in accordance with the details of the speed limit in the register or bylaw (as the case may be).
- (3)              For a variable speed limit that is in force, the applicable speed limit for the road at any given time is the speed limit shown on signs at the time (provided the speed limit shown on the sign is in accordance with the details of the speed limit in the register or bylaw (as the case may be)).

### *Emergency speed limit on register prevails*

- (4)              Despite subclauses (1) to (3), if at any given time there is an emergency speed limit for a road in the register, the applicable speed limit for the road at that time is the emergency speed limit (not the underlying permanent, variable or seasonal speed limit for the road in the register).

### *Temporary speed limit applies despite register*

- (5)              Despite subclauses (1) to (4), if at any given time a temporary speed limit (other than an emergency speed limit) for the road has been set and is in force under Section 7, the applicable speed limit for the road at that time is the temporary speed limit (other than an emergency speed limit),

## *Setting speed limits*

### **2.2 Setting speed limits (other than temporary speed limits)**

- (1) A road controlling authority may set a speed limit for a road under its control (other than a temporary speed limit) under this Rule.
- (2) When setting a speed limit under subclause (1), a road controlling authority may specify a date on which the speed limit comes into force.
- (3) If a road controlling authority specifies a date on which the speed limit comes into force, that date must be no earlier than the day after the corresponding land transport record is created.

### **2.3 Declaring speed limit areas**

- (1) A road controlling authority may set a speed limit (other than a temporary speed limit) for a road or roads under its control by declaring a speed limit area.
- (2) When declaring a speed limit area, a road controlling authority must—
  - (a) identify the boundaries of the area to be designated as the speed limit area; and
  - (b) specify the speed limit that applies in the speed limit area; and
  - (c) specify that the speed limit applies to—
    - (i) all existing and any future roads in that area; or
    - (ii) all existing and any future roads in that area, except for one or more specified existing roads in that area.
- (3) When declaring a speed limit area, a road controlling authority must comply with all provisions of this Rule that apply to a speed limit (other than a temporary speed limit) for a road.
- (4) References in any provisions of this Rule to a speed limit (other than a temporary speed limit) for a road must be taken as also applying to declaring a speed limit area.

### **2.4 Setting temporary speed limits**

A road controlling authority may set a temporary speed limit for a road under its control in accordance with Section 7.

**2.5 Method for all road controlling authorities to set speed limits: using a plan**

- (1) A road controlling authority may set a speed limit (other than a temporary speed limit) for a road under its control if—
- (a) the speed limit—
    - (i) is the same as the speed limit proposed for the road in the relevant plan; and
    - (ii) comes into force within the same timeframe as proposed in the relevant plan; and
    - (iii) is set for the same road as the road listed or described in the relevant plan; or
  - (b) the speed limit set for the road differs from the speed limit for the road proposed in the relevant plan, but the only differences are any of the following:
    - (i) the timeframe within which the speed limit comes into force;
    - (ii) a minor difference in the point on the road at which the speed limit changes.
- (2) In this Section 2, **plan**—
- (a) means the most recently published—
    - (i) State highway speed management plan published under clause 3.3(8); and
    - (ii) regional speed management plan published under clause 3.4(13); and
    - (iii) territorial authority speed management plan published under clause 3.5(5), provided it is current; and
    - (iv) an interim plan or any variation to an interim plan published under clauses 12.15(4), 12.16(6) or 12.17(3), provided it is current; and
  - (b) includes any variation to any of those plans (*see* clause 3.7(4) and (5)).

**2.6 Alternative method for Agency (as RCA) or territorial authorities to set speed limits: Director approval before next plan**

- (1) If the circumstances described in clause 2.5(1) do not apply, the Agency (as RCA) or a territorial authority may set a speed limit

(other than a temporary speed limit) for a road under its control only with the Director's approval and after following the process in subclauses (2) to (7).

- (2) The Agency (as RCA) or a territorial authority must—
  - (a) seek the Director's approval to set the speed limit for the road; and
  - (b) provide details to the Director of the proposed speed limit, including the information that would need to be submitted to the Registrar under [section 200L](#) of the Act.
- (3) Before seeking the Director's approval under subclause (2), the Agency (as RCA) or a territorial authority must—
  - (a) when proposing the speed limit, have regard to guidance and information developed and maintained by the Agency under clauses 3.14 and 3.15, including the guidance on the use of mean operating speed when setting speed limits; and
  - (b) when proposing a speed limit for a road that adjoins a road under the control of another road controlling authority (the **adjoining road**), have regard to the desirability of the road under its control and the adjoining road having the same speed limit, unless there is good reason for different speed limits on each of those roads.
- (4) The Director must give their approval if they are satisfied that good reason exists for the proposed speed limit to be set before the next relevant plan is published (including before an interim plan has been published).
- (5) If the Director gives their approval, the Agency (as RCA) or the territorial authority may proceed to set the proposed speed limit only if—
  - (a) the Agency (as RCA) or the territorial authority consults on, or has recently consulted on, the proposed speed limit in accordance with clause 3.9; or
  - (b) the Agency (as RCA) or the territorial authority considers that the proposed speed limit is only a minor deviation from the speed limit for the road proposed in the relevant plan.
- (6) Clause 3.9 applies to any consultation under subclause (5)(a), with all necessary modifications.

- (7) Before setting the speed limit, the Agency (as RCA) or the territorial authority must consider any submissions received during any consultation under subclause (5)(a).
- (8) Once the Agency (as RCA) or the territorial authority has set the speed limit, it must publish on an Internet site, alongside the relevant plan or a hyperlink to the relevant plan (unless a plan has not yet been published)—
  - (a) details of the speed limit; and
  - (b) whether or not the speed limit was consulted on under subclause (5)(a).

## **2.7 Additional method for other road controlling authorities to set speed limits: using Section 6 process**

- (1) A road controlling authority that is not the Agency (as RCA) or a territorial authority (for example, an airport authority or the Department of Corrections) may also set a speed limit (other than a temporary speed limit) for a road under its control in accordance with Section 6.
- (2) To avoid any doubt, this clause may be relied on whether or not the circumstances described in clause 2.5(1) apply.

### *Registering speed limits*

## **2.8 Speed limit set when land transport record created**

A speed limit that is a permanent, seasonal, variable or emergency speed limit is set once a land transport record has been created for the speed limit (*see* the [Land Transport \(Register of Land Transport Records: Speed Limits\) Regulations 2022](#)).

## **2.9 Submitting information on speed limits to the Registrar**

- (1) When setting a permanent, seasonal, variable or emergency speed limit for a road, a road controlling authority must submit to the Registrar the information required under [section 200L](#) of the Act.
- (2) When setting a temporary speed limit for a road (other than an emergency speed limit), a road controlling authority may submit to the Registrar the information required under [section 200L](#) of the Act.
- (3) If a road controlling authority has submitted information to the Registrar on a temporary speed limit (including an emergency

speed limit), the road controlling authority must, as soon as practicable after deciding to remove the temporary speed limit, submit to the Registrar the information required to remove the temporary speed limit from the register.

### *Installing traffic control devices*

#### **2.10 Traffic control devices installed before speed limits come into force**

A road controlling authority must, before a speed limit comes into force on a road under its control, ensure that all traffic control devices installed on the road that indicate the speed limit—

- (a) comply with Section 8; and
- (b) comply with Land Transport Rule: Traffic Control Devices 2004.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 2.11.

### *Other matters*

#### **2.11 Change of road controlling authority, and boundary adjustments**

- (1) Where the road controlling authority that has control of a road changes, the speed limit that applied to the road before the change of road controlling authority continues to apply, until the new road controlling authority sets a different speed limit for the road.
- (2) Where the boundaries of a region or territory are altered, and a road comes under a different region or under the control of a different road controlling authority, the plan that applied to the road before the alteration of the boundaries continues to apply to the road until a subsequent plan including the road is published.
- (3) Where a land transport record indicates that the road controlling authority has set a speed limit on a road to the boundary of its jurisdiction as shown on the land transport record (**shown boundary**), the speed limit indicated on the land transport record applies to the boundary of the road controlling authority's jurisdiction even if the shown boundary does not accurately depict the boundary of the road controlling authority's jurisdiction.

Compare: 1991 No 69 s 81(1).

## **2.12 Application of Rule**

Nothing in this Rule applies to the setting of a speed limit solely for a footpath, cycle path or shared path separate from the speed limit for the adjoining roadway.

## **Section 3 Planning for speed management**

### **3.1 Requirement to prepare speed management plans and meet deadlines**

- (1) The Agency (as RCA), each territorial authority and each regional transport committee must prepare a speed management plan as required by this Section 3 and in accordance with any deadlines set by the Agency under clause 3.6.
- (2) Each regional council must assist with the preparation of a speed management plan as required by this Section 3 and in accordance with any deadlines set by the Agency under clause 3.6.

### **3.2 Mandatory considerations when preparing any speed management plan**

- (1) When preparing or providing information for any speed management plan, the Agency (as RCA), each territorial authority and each regional transport committee must have regard to—
  - (a) the road safety aspects of the GPS on land transport and any Government road safety strategy; and
  - (b) the desirability of taking a whole-of-network approach to changing speed limits, safety cameras, and safety infrastructure, including considering a range of speed management interventions; and
  - (c) the guidance and information developed and maintained by the Agency under clauses 3.14 and 3.15, including guidance on the use of mean operating speed when setting speed limits.
- (2) The Agency (as RCA) and a territorial authority must, when providing information for any speed management plan to propose a change to a speed limit for a road that adjoins a road under the control of another road controlling authority (the **adjoining road**), have regard to the desirability of the road under its control and the adjoining road having the same speed



limit, unless there is good reason for different speed limits on each of those roads.

### *Speed management plans*

#### **3.3 Process for preparing State highway speed management plan**

- (1) *Step 1 (first draft):* The Agency (as RCA) must—
  - (a) prepare a first draft State highway speed management plan, which must include proposed changes to speed limits on State highways; and
  - (b) provide the first draft to every territorial authority and every regional transport committee.
- (2) *Step 2 (consultation draft):* The Agency (as RCA) must—
  - (a) consider any comments on the first draft State highway speed management plan received from territorial authorities and regional transport committees; and
  - (b) prepare a consultation draft State highway speed management plan to include the content required by clause 3.8.
- (3) *Step 3 (public consultation):* The Agency (as RCA) must—
  - (a) publish the consultation draft State highway speed management plan on an Internet site; and
  - (b) consult on the consultation draft plan in accordance with clause 3.9.
- (4) *Step 4 (final draft):* The Agency (as RCA) must—
  - (a) consider any submissions received on the consultation draft State highway speed management plan (or on a consultation draft regional speed management plan being consulted on at the same time as the consultation draft State highway speed management plan, to the extent that the submissions relate to a State highway); and
  - (b) prepare a final draft State highway speed management plan; and
  - (c) submit the final draft plan to the speed management committee and the Director.
- (5) *Step 5 (speed management committee advice):* The speed management committee must review the final draft State

highway speed management plan and provide advice to the Director on—

- (a) the extent to which the final draft plan meets the requirements in clause 3.11(1); and
  - (b) any comment the committee considers the Director should make under clause 3.11(2).
- (6) *Step 6 (certification)*: After receiving advice from the speed management committee, the Director must determine whether they are satisfied that the final draft State highway speed management plan meets the requirements in clause 3.11(1) and—
  - (a) if the Director is satisfied, they must certify the plan and provide a certificate to that effect; and
  - (b) if the Director is not satisfied—
    - (i) they must refer the final draft plan back to the Agency (as RCA) with recommendations for how to meet the requirements in clause 3.11(1); and
    - (ii) the Agency (as RCA) must have regard to the Director’s recommendations, make any edits to the final draft plan, and re-submit a final draft plan to the Director; and
    - (iii) the Director can then choose whether to seek further advice from the speed management committee (and may request the committee to give advice only on particular matters in the re-submitted final draft plan) or proceed directly to making a determination on the re-submitted final draft plan under this subclause.
- (7) If the Director disagrees with a material aspect of the speed management committee’s advice, the Director must—
  - (a) provide an explanation of why they disagree with the committee; and
  - (b) publish the explanation on an Internet site.
- (8) *Step 7 (publication)*: Once the Director has certified a final draft State highway speed management plan, the Agency must publish, on an Internet site—
  - (a) the plan; and
  - (b) the certificate provided under subclause (6)(a).

### **3.4 Process for preparing regional speed management plans**

- (1) Where a region—
  - (a) has a unitary authority, the unitary authority can perform the roles of both the regional council and a territorial authority under this clause; or
  - (b) is Auckland, Auckland Transport can perform the roles of both the regional council and a territorial authority under this clause (and Auckland Council may also be a territorial authority).
- (2) *Step 1 (territorial authority input)*: Each territorial authority must provide the relevant regional transport committee with—
  - (a) for the purposes of preparing to undertake consultation, the information required by clause 3.8(2) in relation to the roads under its control; or
  - (b) its current territorial speed management plan published under clause 3.5(5) (if any).

*Step 2 (consultation draft)*
- (3) Each regional transport committee must prepare a consultation draft regional speed management plan for its region by—
  - (a) compiling the information received from territorial authorities in Step 1 (and may change the presentation of the information for the purpose of consolidating it into the consultation draft regional speed management plan); and
  - (b) compiling any information received from other road controlling authorities that control roads in the region (for example, an airport authority or the Department of Corrections); and
  - (c) if necessary, including, adding to or making edits to the content required by clause 3.8(1) to accurately describe the approach taken across the region; and
  - (d) making any further edits due to the process under subclauses (4) and (5); and
  - (e) include the content required by clause 3.8(6).
- (4) If a regional transport committee considers that there are inconsistent approaches to speed limits being taken across the region, it must—

- (a) inform the relevant territorial authorities and suggest edits they could make to the information they provided in Step 1; and
  - (b) make any edits the territorial authorities provide; and
  - (c) only provide a consultation draft plan to the relevant regional council once satisfied the relevant territorial authorities have provided all edits or further edits they deem necessary.
- (5) Territorial authorities that receive suggested edits under subclause (4)(a) must use reasonable efforts to consider, discuss with each other, and agree the suggested edits or similar edits.  
*Step 3 (public consultation and territorial authority consideration)*
- (6) Once a regional transport committee provides a consultation draft regional speed management plan to the relevant regional council, the regional council must facilitate public consultation by—
  - (a) publishing the consultation draft regional speed management plan on an Internet site and calling for submissions; and
  - (b) accepting written submissions on behalf of, and forwarding them to, road controlling authorities; and
  - (c) supporting territorial authorities in the region to consult the public (for example, by providing administrative support for collating submissions and submitters' views); and
  - (d) accepting written submissions on behalf of the Agency (as RCA) in relation to the consultation draft State highway speed management plan (if it is being consulted on at the same time as the consultation draft regional speed management plan), and promptly forwarding those submissions to the Agency (as RCA).
- (7) Each territorial authority must (subject to subclause (8))—
  - (a) consult in accordance with clause 3.9 on the consultation draft regional speed management plan as it relates to roads under its control, and may use the support of the relevant regional council to do so; and
  - (b) consider any submissions received on the consultation draft plan that relate to roads under its control; and

- (c) advise the regional transport committee of any changes that it wishes to make to the consultation draft plan in relation to roads under its control.
- (8) However, if a territorial authority has a current territorial authority speed management plan published under clause 3.5(5), it is only required by this clause to consult on information in the consultation draft regional speed management plan that is different from or not contained in the information described in its current territorial authority speed management plan.

*Step 4 (final draft)*

- (9) Each regional transport committee must prepare a final draft regional speed management plan for its region by—
- (a) amending the consultation draft regional speed management plan to reflect any changes—
    - (i) that a territorial authority has advised under subclause (7)(c); and
    - (ii) from other road controlling authorities that provided information under subclause (3)(b); and
  - (b) if necessary, making edits to the content required by clause 3.8(1) to accurately describe the approach taken across the region; and
  - (c) making any further edits due to the process under subclauses (10) and (11); and
  - (d) if necessary, updating the content required by clause 3.8(6).
- (10) If a regional transport committee considers that there are inconsistent approaches to speed limits being taken across the region, it must—
- (a) inform the relevant territorial authorities and suggest edits they could make to the information they provided towards the plan; and
  - (b) make any edits the territorial authorities provide; and
  - (c) only provide a final draft plan to the Director once satisfied the relevant territorial authorities have provided all edits or further edits they deem necessary.
- (11) Territorial authorities that receive suggested edits under subclause (10)(a) must use reasonable efforts to consider,

discuss with each other, and agree the suggested edits or similar edits.

- (12) *Step 5 (certification)*: The Director must determine whether they are satisfied that a final draft regional speed management plan meets the requirements in clause 3.11(1) and—
- (a) if the Director is satisfied, they must certify the plan and provide a certificate to that effect; and
  - (b) if the Director is not satisfied—
    - (i) the Director must refer the final draft plan back to the regional transport committee with recommendations for how to meet the requirements in clause 3.11(1); and
    - (ii) the regional transport committee must repeat Step 4, after having regard to the Director’s recommendations.
- (13) *Step 6 (publication)*: Once the Director has certified a final draft regional speed management plan, the Agency must publish, on an Internet site—
- (a) the plan; and
  - (b) the certificate provided under subclause (12)(a).

*Territorial authority speed management plans ahead of regional process*

**3.5 Territorial authority speed management plans**

- (1) To create a territorial authority speed management plan, a territorial authority must—
- (a) inform the relevant regional transport committee and the Agency (as RCA) of its intention to prepare such a plan; and
  - (b) prepare a consultation draft plan to include—
    - (i) information required by clause 3.8(1) and (2) in relation to roads under its control; and
    - (ii) any relevant information received from road controlling authorities that are not the Agency (as RCA) and that control roads in the territory; and
  - (c) subject to subclause (2) and clause 3.7(3), publish the consultation draft plan on an Internet site; and

- (d) consult on the consultation draft plan in accordance with clause 3.9; and
  - (e) consider any submissions received on the consultation draft plan; and
  - (f) prepare a final draft plan and submit it to the Director for certification (*see* subclause (4)).
- (2) However, a territorial authority must not publish a consultation draft territorial authority speed management plan if the relevant regional transport committee has notified the territorial authority of its intention to publish within the next 28 days a consultation draft regional speed management plan, at which point the territorial authority must instead join the process for preparing a consultation draft regional speed management plan at Step 1 (*see* clause 3.4(2)(a)).
- (3) At any stage a territorial authority can stop the process in subclause (1) and join the process for preparing a consultation draft regional speed management plan at Step 1 (*see* clause 3.4(2)).
- (4) The Director must consider whether they are satisfied that the final draft territorial authority speed management plan meets the requirements in clause 3.11(1) and—
  - (a) if they are satisfied, they must certify the plan and provide a certificate to that effect; and
  - (b) if they are not satisfied—
    - (i) they must refer the final draft plan back to the territorial authority with recommendations for how to meet the requirements in clause 3.11(1); and
    - (ii) the territorial authority must have regard to the Director’s recommendations, make any edits to the final draft plan, and repeat the step at subclause (1)(f).
- (5) Once the Director has certified the final draft plan, the Agency must publish, on an Internet site—
  - (a) the plan; and
  - (b) the certificate provided under subclause (4)(a).
- (6) A territorial authority speed management plan ceases to be **current** when a regional speed management plan that includes roads under the control of the relevant territorial authority has been published under clause 3.4(13).

- (7) In this clause, **territorial authority** excludes a unitary authority, Auckland Council and Auckland Transport.

*Other details about preparing any speed management plans*

**3.6 Agency may set deadlines**

- (1) The Agency may set deadlines for the commencement or completion of any of the requirements or events mentioned in clauses 3.3 to 3.5, including where a plan is being varied or replaced under clause 3.7, and may set different deadlines for different plans and different road controlling authorities.
- (2) In setting those deadlines, the Agency must have regard to timeframes for the creation of regional land transport plans under the Land Transport Management Act 2003.

**3.7 Reviewing, varying and replacing speed management plans**

- (1) The Agency (as RCA), each territorial authority and each regional transport committee must periodically review the relevant plan or plans (as the case may be), in order to make a new plan or plans, in accordance with the deadlines set by the Agency.
- (2) In setting deadlines for the review of a plan, the Agency must—
- (a) set those deadlines so that, as far as reasonably practicable, each plan is reviewed every 3 years; and
  - (b) set a deadline for the publication of a consultation draft regional speed management plan (the event in clause 3.4(6)(a)); and
  - (c) notify the Agency (as RCA), the territorial authority or the regional transport committee (as the case may be) of the deadline set under subclause (2)(b) at least 6 months before the date of the deadline.
- (3) A territorial authority may publish a consultation draft territorial authority speed management plan under clause 3.5(1)(c) no earlier than 6 months before the deadline for the publication of a consultation draft regional speed management plan (that is, the deadline set under subclause (2)(b)).
- (4) The Agency (as RCA), a territorial authority or a regional transport committee may, during the currency of a plan, prepare a variation to a current plan or a new plan to replace a current plan, with the approval of the Director.



- (5) If the Director has approved the preparation of a variation or a new plan, the process set out in clauses 3.3 to 3.5 (as the case may be) must be followed as far as it is relevant and with any necessary modifications.

### **3.8 Content and form of plans**

- (1) A plan must—
- (a) set out the objectives, policies and measures for managing speed on relevant roads for at least 10 financial years from the start of the plan; and
  - (b) include an explanation of how the plan is consistent with the road safety aspects of the GPS on land transport and any Government road safety strategy; and
  - (c) include a general explanation of how a whole-of-network approach was taken to changing speed limits, safety cameras and safety infrastructure, including the approach when deciding whether to invest in making a road safer at higher speeds or to set a lower speed limit.
- (2) A plan must also—
- (a) identify the changes (if any) being proposed to speed limits (other than temporary speed limits) and safety infrastructure on the relevant roads; and
  - (b) include an implementation programme for at least 3 financial years from the start of the plan that sets out—
    - (i) the changes (if any) being proposed to—
      - (A) speed limits on the relevant roads, including, to the extent practicable, information on each proposed speed limit relating to the geographical area of the proposed speed limit, the type of speed limit, the proposed speed limit expressed in kilometres per hour, and, for a seasonal or variable speed limit, the conditions under which each speed limit will apply (*see also* Section 4); and
      - (B) safety infrastructure on the relevant roads; and
    - (ii) the timeframe within which each change is proposed to occur; and
  - (c) for speed limits of 70 km/h or 90 km/h, include any content required by clause 4.3(2); and

- (d) in relation to schools, include—
    - (i) any content required by clause 5.2(4); and
    - (ii) any designation of a category 2 school; and
    - (iii) if required by clause 5.3, an explanation for why, having regard to any guidance provided by the Agency about speed limits outside schools, the speed limit outside the category 2 school is safe and appropriate for the road; and
  - (e) include, for any changes being proposed to a speed limit that do not align with the Agency's confirmed assessment of what is the safe and appropriate speed limit for the road, an explanation for why, after considering the matters in clause 3.2(1), the road controlling authority proposes a speed limit that differs from the Agency's confirmed assessment (unless subclause (3) applies); and
  - (f) include comment on any review relevant to the roads or region that has been completed under clause 3.17 since the previous plan published under clause 3.3(8) or 3.4(13).
- (3) However, a plan does not need to include an explanation of where a proposed change to a speed limit does not align with the Agency's assessment of what is the safe and appropriate speed limit for the road in the following cases:
- (a) where the proposed speed limit is 70 km/h and the Agency's assessment of the safe and appropriate speed limit for the road is 80km/h:
  - (b) where the proposed speed limit is 90 km/h and the Agency's assessment of the safe and appropriate speed limit for the road is 100km/h:
  - (c) where the proposed speed limit is to a road outside a school and complies with Section 5.
- (4) The Agency's **confirmed assessment** of what is the safe and appropriate speed limit for a road is either—
- (a) the assessment that the Agency confirms to the relevant road controlling authority after—
    - (i) the road controlling authority has considered the safe and appropriate speed limit for the road taken from the general guidance and information developed and maintained by the Agency under clauses 3.14 and 3.15; and

- (ii) the road controlling authority has provided further information about the road to the Agency; and
    - (iii) the Agency has considered that further information; or
  - (b) the safe and appropriate speed limit for the road taken from the general guidance and information developed and maintained by the Agency under clauses 3.14 and 3.15 (if the road controlling authority does not provide further information about the road to the Agency).
- (5) A State highway speed management plan—
- (a) must also include a general explanation of how the Agency (as RCA) has, when proposing a change to a speed limit, had regard under clause 3.2(2) to the desirability of a road under its control and an adjoining road under the control of another road controlling authority having the same speed limit, unless there is good reason for different speed limits; and
  - (b) may also include changes to safety cameras on roads that are not State highways.
- (6) A regional speed management plan must—
- (a) identify, for any proposed change to a speed limit for a road under the control of a territorial authority (the **first road**) that adjoins a road under the control of another territorial authority (the **second road**), any instances where the speed limit for the first road is different or is proposed to differ from the speed limit for the second road; and
  - (b) include information from the State highway speed management plan (either the consultation draft or the published copy, depending on which has most recently become available) that relates to State highways in the region.
- (7) A plan may include discussion of other matters related to speed management on the relevant roads, including matters regarding temporary speed limits.
- (8) A plan must be in the form (if any) set by the Agency.

### **3.9 Consultation requirements**

- (1) When it is required to consult under this Rule, the Agency (as RCA) must give a time period of at least 4 weeks, notified on

the Internet site where the consultation draft State highway speed management plan is published, for interested parties to make written submissions on the consultation draft plan.

- (2) When it is required to consult under this Rule, a territorial authority must consult in accordance with the consultation principles specified in [section 82](#) of the Local Government Act 2002.
- (3) When a consultation draft regional speed management plan is being consulted on, each regional transport committee—
  - (a) must accept written submissions on behalf of the Agency (as RCA) in relation to the consultation draft State highway speed management plan if it is being consulted on at the same time as the consultation draft regional speed management plan; and
  - (b) must promptly forward any such submissions to the Agency (as RCA), for the Agency (as RCA) to consider.
- (4) If the Agency receives any submissions on a consultation draft regional speed management plan, it must promptly forward any such submissions to the relevant regional council.
- (5) To avoid any doubt, nothing in this Rule requires a regional council or territorial authority to consult in accordance with section 83 of the Local Government Act 2002.
- (6) When it is required to consult under this Rule, the Agency (as RCA) or a territorial authority (as the case may be) must do everything reasonably practicable to separately consult Māori affected by any proposed change in a draft plan that affects or is likely to affect—
  - (a) Māori land; or
  - (b) land subject to any Māori claims settlement Act; or
  - (c) Māori historical, cultural, or spiritual interests.

Compare: 2003 No 118 s 18G(1).

### **3.10 Māori contribution to creation of plans**

- (1) The Agency (as RCA) and a regional council must, with regard to a State highway speed management plan or regional speed management plan (as the case may be),—
  - (a) establish and maintain processes to provide opportunities for Māori to contribute to the preparation of the plan; and

- (b) consider ways in which the Agency (as RCA) or the regional council (as the case may be) may foster the development of Māori capacity to contribute to the preparation of the plan; and
  - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- (2) Subclause (1) does not limit the ability of the Agency (as RCA) or a regional council to take similar action in respect of any other population group.

Compare: 2003 No 118 s 18H.

### **3.11 Certification of, and comment on, plans**

- (1) For the purposes of clauses 3.3(6), 3.4(12) and 3.5(4), the requirements are—
- (a) the Agency (as RCA) or each territorial authority (as the case may be) has confirmed that consultation has been carried out in accordance with clause 3.9 (and a regional council or regional transport committee may provide the confirmation on behalf of a territorial authority); and
  - (b) the Agency (as RCA), the regional transport committee or the territorial authority (as the case may be) has confirmed that the plan—
    - (i) sets out the objectives, policies and measures for managing speed on relevant roads for at least 10 financial years from the start of the plan; and
    - (ii) identifies all speed limits of 70 km/h or 90 km/h in respect of which content is required by clause 4.3(2);
    - (iii) identifies all roads outside schools for which changes to speed limits are needed in order to set speed limits in accordance with Section 5; and
  - (c) the plan includes the content required by—
    - (i) clause 3.8(2)(b); and
    - (ii) clause 3.8(2)(c) (and the Director may rely on confirmation given in paragraph (b)(ii) above); and
    - (iii) clause 3.8(2)(d)(i) and (iii) (and the Director may rely on confirmation given in paragraph (b)(iii) above); and
    - (iv) clause 3.8(2)(e) and (f).

- (2) When assessing a final draft plan, the Director may also provide comment in writing on the extent to which, in their view, the plan—
- (a) sets out the objectives, policies and measures for managing speed on relevant roads for at least 10 financial years from the start of the plan; and
  - (b) is consistent with the road safety aspects of the GPS on land transport and any Government road safety strategy; and
  - (c) takes a whole-of-network approach to changing speed limits, safety cameras and safety infrastructure; and
  - (d) will lead to speed limits being set in compliance with this Rule; and
  - (e) has had regard under clause 3.2(2) to the desirability of a road under the control of one road controlling authority and an adjoining road under the control of another road controlling authority having the same speed limit, unless there is good reason for different speed limits; and
  - (f) is likely to lead to speed limits outside schools being set in accordance with the targets in clause 5.4.
- (3) The Director may, after providing comments under subclause (2) and giving the Agency (as RCA), regional transport committee or territorial authority (as the case may be) a reasonable time to consider those comments, publish the comments on an Internet site.

### **3.12 Publication copies of certified plans**

A plan that is published under clauses 3.3(8), 3.4(13) or 3.5(5) may differ from the final draft plan to—

- (a) correct minor or technical errors or to change the format and visual presentation of its content; or
- (b) in the case of a regional speed management plan published under clause 3.4(13) that includes information about State highways and safety cameras, ensure that information is consistent with the State highway speed management plan most recently published under clause 3.3(8).

*Government road safety strategy*

**3.13 Minister may issue Government road safety strategy**

- (1) The Minister may, by written notice to the Agency or the Director, require any publicly available document or documents to be treated as the **Government road safety strategy** for the purposes of this Rule.
- (2) To avoid any doubt, the Minister is not required to create a Government road safety strategy.

*Agency to provide guidance and information  
to support speed management*

**3.14 Guidance on speed management**

- (1) The Agency must develop and maintain guidance on speed management, which must include—
  - (a) guidance on the use of mean operating speed when setting speed limits; and
  - (b) the Agency's assessment of what is the safe and appropriate speed limit for a road under the control of the Agency (as RCA) or a territorial authority; and
  - (c) guidance on what the Agency considers is a point of obvious change in the roadside development or the road environment for the purposes of clause 4.8; and
  - (d) guidance about setting speed limits outside schools, including guidance about school travel periods (*see* Section 5); and
  - (e) guidance on maximum lengths between speed limit signs (*see* clause 8.2(2)).
- (2) However, the Agency's assessment of what is the safe and appropriate speed limit for a road does not need to account for whether the road is a road outside a school or the requirements of Section 5 (but, to avoid any doubt, a road controlling authority must comply with Section 5 for roads outside schools).
- (3) The Agency must supply the guidance to road controlling authorities and regional transport committees.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 2.1(1)(a).

**3.15 Information about speed management for roads**

- (1) The Agency must develop and maintain information about speed management for roads under the control of the Agency (as RCA) or a territorial authority.
- (2) When developing and maintaining information about speed management for a road under the control of the Agency (as RCA) or a territorial authority, the Agency must have regard to—
  - (a) the function and use of the road; and
  - (b) crash and injury risks for all road users; and
  - (c) the characteristics of the road and roadsides; and
  - (d) adjacent land use; and
  - (e) the number of intersections and property accessways; and
  - (f) traffic volume; and
  - (g) any planned physical changes to the road and its infrastructure; and
  - (h) the mean operating speed for the road; and
  - (i) the principles and outcomes of any Government road safety strategy; and
  - (j) any other matter the Agency considers appropriate.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 2.3.

**3.16 Agency must supply information**

A road controlling authority or regional transport committee may request from the Agency information about speed management for any road under the control of the Agency (as RCA) or a territorial authority, and the Agency must supply the information to the requester if that information is available.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 2.4(1) and (3).

**3.17 Agency may review implementation of speed management by a road controlling authority**

- (1) The Agency may review a road controlling authority's changes to speed limits, safety cameras and safety infrastructure against any speed management targets in any Government road safety strategy and in the road safety aspects of the GPS on land transport, and against the targets in clause 5.4.



- (2) The Agency must give the road controlling authority an opportunity to comment on the draft findings of a review before completing a review.
- (3) Once a review has been completed, *see* clause 3.8(2)(f).

### *Speed management committee*

#### **3.18 Speed management committee established**

- (1) As soon as practicable after this Rule comes into force, the Agency must establish a speed management committee.
- (2) However, the Minister, not the Agency, may appoint members of the speed management committee.
- (3) The speed management committee must have no more than 9 members.
- (4) The provisions set out in Schedule 2 have effect according to their terms.

#### **3.19 Purposes and functions of speed management committee**

- (1) The purposes of the speed management committee are to—
  - (a) review draft State highway speed management plans and provide advice to the Director in accordance with this Rule; and
  - (b) provide oversight of the information and guidance on speed management that the Agency provides under this Rule, to ensure that the information is up to date and is fit for purpose.
- (2) The speed management committee may also provide comments to the Agency (as RCA) on a consultation draft State highway speed management plan during the consultation process, limiting its comments to the requirements in clause 3.11(1) or matters on which the Director may give comment under clause 3.11(2).
- (3) The speed management committee has the functions, duties, and powers provided in this clause, and in clauses 3.3 and 3.20.

#### **3.20 Speed management committee oversight of Agency**

- (1) The speed management committee may request that the Agency—
  - (a) provide comment to the committee about any information or guidance the Agency has provided; and

- (b) provide or procure an independent review of any information or guidance the Agency has provided, and provide the outcome of the review to the committee.
- (2) The Agency must comply with any requests made under subclause (1).

## **Section 4 Technical requirements for speed limits**

### **4.1 Application of clauses 4.2 to 4.4**

Clauses 4.2 to 4.4 apply whenever—

- (a) in any plan, a change is proposed to a speed limit for a road; or
- (b) a road controlling authority sets a speed limit for a road.

### **4.2 Types of speed limit**

- (1) A speed limit must be one of the following types:
- (a) a permanent speed limit:
  - (b) a seasonal speed limit:
  - (c) a variable speed limit (*see* also clause 4.9):
  - (d) a temporary speed limit (which must be set in accordance with Section 7).
- (2) To provide further clarity, an emergency speed limit is a type of temporary speed limit that is set once a land transport record has been created for the speed limit.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 3.1.

### **4.3 Range of speed limits**

- (1) A speed limit must be one of the following:
- (a) 10 km/h:
  - (b) 20 km/h:
  - (c) 30 km/h:
  - (d) 40 km/h:
  - (e) 50 km/h:
  - (f) 60 km/h:
  - (g) 70 km/h (*see* subclause (2)):
  - (h) 80 km/h:

- (i) 90 km/h (*see* subclause (2));
  - (j) 100 km/h;
  - (k) 110 km/h (*see* clause 4.4).
- (2) If a road controlling authority has a speed limit of 70 km/h or 90 km/h on a road, it must review the speed limit and in its next plan either—
- (a) confirm that a speed limit of 70 km/h or 90 km/h is safe and appropriate for the road; or
  - (b) propose to change the speed limit to be other than 70 km/h or 90 km/h.
- (3) In subclause (2), **next plan** means—
- (a) if the speed limit of 70 km/h or 90 km/h was set before the first plan to be published under clause 3.3(8), 3.4(13) or 3.5(5) (as the case may be), the first plan to be published under any of those clauses; and
  - (b) in any other case, the first plan to be published under clause 3.3(8), 3.4(13) or 3.5(5) (excluding any variations to a plan) after the speed limit of 70 km/h or 90 km/h is set.
- (4) To avoid any doubt, where the speed limit of 70 km/h or 90 km/h is set at a time during the process for preparing a plan, the plan published as a result of that process is still the **next plan** for the purposes of subclause (2).

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 3.2.

#### **4.4 Director approval required for changes to 110 km/h speed limits**

- (1) A road controlling authority may not set a speed limit of 110 km/h for a road unless the road controlling authority has requested and obtained the Director’s approval under this clause.
- (2) If the Director is satisfied that the road has been designed and constructed, and will be managed and operated, to the standard necessary to safely support 110 km/h travel speeds, the Director—
- (a) must give approval, and may do so unconditionally or subject to any conditions that the Director considers appropriate; and
  - (b) must set maximum lengths between speed limit signs for the road.

- (3) If the Director is not satisfied, the Director must not give approval.
- (4) The Director must notify the road controlling authority of their decision in writing, including—
- (a) the conditions to which any approval is subject (if any); and
  - (b) the maximum lengths between speed limit signs for the road.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 4.6(1)-(5).

#### **4.5 Application of clauses 4.6 to 4.9**

Clauses 4.6 to 4.9 apply whenever—

- (a) in any plan, a change is proposed to a speed limit for a road, except in the case of—
  - (i) a temporary speed limit; or
  - (ii) a road where the road controlling authority is not the Agency (as RCA) or a territorial authority; or
- (b) a territorial authority or the Agency (as RCA) sets a speed limit for a road (other than a temporary speed limit).

#### **4.6 Road lengths for speed limits**

A road for which a speed limit is set under this Rule must be equal to or exceed the minimum length in the table in Schedule 1, unless one or more of the following applies:

- (a) the requirement is impracticable for the road;
- (b) the speed limit is less than 50 km/h;
- (c) the speed limit is for a road outside a school;
- (d) a lower speed limit is applied to a section of road as part of a variable speed limit.

#### **4.7 Speed limits on adjoining roads**

When a road controlling authority sets a speed limit for a road under this Rule (**main road**), it may also set the same speed limit on a short length of road under its control that adjoins the main road even though the short length of the adjoining road—

- (a) may not be equal to or exceed the minimum length in the table in Schedule 1; and

- (b) may not be specified in the relevant plan or in the approval sought from the Director under clause 2.6.

#### **4.8 Point on road at which a speed limit changes**

- (1) A road controlling authority must be satisfied that the point on a road at which a speed limit changes is at, or close to, a point of obvious change in the roadside development or the road environment.
- (2) For the purposes of this clause, the presence of a school nearby may be treated as an obvious change in the roadside development or the road environment.
- (3) Subclause (1) does not apply to the point on a road at which a speed limit changes due to the operation of a variable speed limit.
- (4) *See also* clause 8.1(1).  
Compare: Land Transport Rule: Setting Speed Limits 2017, cl 3.3(3).

#### **4.9 Variable speed limits**

- (1) The Agency (as RCA) or a territorial authority may set a variable speed limit only if it is satisfied that—
  - (a) the speed limit needs to vary in order to be safe and appropriate for the road; and
  - (b) a variable speed limit is necessary to address or manage one or more of the following:
    - (i) different numbers and types of road users or different traffic movements:
    - (ii) the effects of changing traffic volumes, including to ease congestion:
    - (iii) for emergency or temporary traffic management:
    - (iv) a crash risk posed by turning or crossing traffic:
    - (v) changing climatic conditions:
    - (vi) the presence of a school (*see also* Section 5):
    - (vii) the presence of a marae:
    - (viii) vehicles driving on a beach or riverbed.
- (2) In any other case, the Agency (as RCA) or the territorial authority may set a variable speed limit only with the Director's approval.  
Compare: Land Transport Rule: Setting Speed Limits 2017, cl 5.1.

## Section 5 Speed limits around schools

### 5.1 Interpretation

For the purposes of Section 5 and clause 4.6(c), a road controlling authority may determine—

- (a) what sections of the road under its control are **a road outside a school**, having regard to—
  - (i) typical or expected routes for pedestrians to access the school; and
  - (ii) the purpose of making people feel safer to walk to and from school (or travel to and from school on cycles or mobility devices) and encouraging them to do so; and
- (b) what are the **school travel periods** for a school, having regard to any guidance provided by the Agency about school travel periods.

### 5.2 Maximum permitted speed limits outside schools

- (1) When setting a speed limit for a road outside a school, a road controlling authority must have regard to any guidance provided by the Agency about speed limits outside schools.
- (2) A road controlling authority must set the speed limit for a road outside a category 1 school as—
  - (a) a permanent speed limit of 30 km/h; or
  - (b) a variable speed limit where 30 km/h is the speed limit in force during school travel periods.
- (3) However, a road controlling authority is not required to set a speed limit in accordance with subclause (2) if, on 20 April 2021 and continuing until immediately prior to the commencement of this Rule, the speed limit for the road outside the school was—
  - (a) a permanent speed limit of 40 km/h; or
  - (b) a variable speed limit where 40 km/h is the speed limit in force during school travel periods (with the school travel periods being determined by the road controlling authority at any time, including before the commencement of this Rule).
- (4) If a road controlling authority has relied on subclause (3), it must in its next plan—

- (a) review the speed limit for the road outside the school having regard to any guidance provided by the Agency about speed limits outside schools; and
  - (b) either—
    - (i) set a speed limit in accordance with subclause (2); or
    - (ii) designate the school as a category 2 school.
- (5) In subclause (4), **next plan** means the first plan to be published under clause 3.3(8), 3.4(13) or 3.5(5) (as the case may be) after the plan in which subclause (3) was first relied on.

### 5.3 Maximum permitted speed limits outside category 2 schools

- (1) A road controlling authority may designate a school as a category 2 school by stating the designation in the relevant plan (*see also* clause 3.8(2)(d)(ii)).
- (2) A road controlling authority may only set the speed limit for a road outside a category 2 school as—
  - (a) a permanent speed limit of 60 km/h or less; or
  - (b) a variable speed limit where 60 km/h or less is the speed limit in force during school travel periods.
- (3) If a road controlling authority has relied on subclause (2), it must in its next plan—
  - (a) review the speed limit for the road outside the category 2 school having regard to any guidance provided by the Agency about speed limits outside schools; and
  - (b) either—
    - (i) explain that a speed limit of 60 km/h or less is safe and appropriate for the road (and may propose a different speed limit than has previously applied, within the range of 60km/h or less); or
    - (ii) remove the school’s designation as a category 2 school and set the speed limit in accordance with clause 5.2(2).
- (4) In subclause (3), **next plan** means the first plan to be published under clause 3.3(8), 3.4(13) or 3.5(5) (as the case may be) after the plan in which the school was first designated as a category 2 school.

## **5.4 Implementation of new speed limits around schools**

A road controlling authority must—

- (a) use reasonable efforts that, for at least 40% of the schools directly accessed from roads under its control, speed limits for roads outside schools that comply with Section 5 are set by 30 June 2024; and
- (b) use reasonable efforts that all roads under its control have speed limits that comply with Section 5 set by 31 December 2027.

## **Section 6 Speed limits for roads not under the control of the Agency (as RCA) or a territorial authority**

### **6.1 Application of Section 6**

In Section 6, **road controlling authority** means a road controlling authority other than the Agency (as RCA) or a territorial authority.

### **6.2 Requirements for setting speed limit under Section 6**

- (1) A speed limit set under Section 6 must—
  - (a) be a permanent speed limit, a seasonal speed limit, or a variable speed limit; and
  - (b) be one of the speed limits in clause 4.3(1)(a) to (j).
- (2) Where a road controlling authority sets a variable speed limit under Section 6, the road controlling authority must (despite clause 4.5) comply with clause 4.9 as though references in that clause to “territorial authority” included the road controlling authority.

### **6.3 Process before setting speed limit under Section 6**

- (1) Before setting a speed limit under Section 6, the road controlling authority must be satisfied that the speed limit is safe and appropriate for the road, having regard to—
  - (a) the function and use of the road; and
  - (b) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders; and
  - (c) the characteristics of the road and roadsides; and
  - (d) adjacent land use; and



- (e) any other matter the road controlling authority considers relevant to public safety; and
  - (f) any guidance and information developed and maintained by the Agency under clauses 3.14 and 3.15.
- (2) Before setting a speed limit under Section 6, the road controlling authority must—
- (a) consult with—
    - (i) the Commissioner; and
    - (ii) the Agency; and
    - (iii) any other persons or groups that the road controlling authority considers to be directly affected by the proposed speed limit, allowing those persons or groups a reasonable time to make written submissions on the proposal; and
  - (b) take into account any feedback received.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 8.1(3).

#### **6.4 Setting speed limit under Section 6**

To avoid any doubt—

- (a) a speed limit under Section 6 is still set as described in clause 2.8 and the road controlling authority must comply with clause 2.9; and
- (b) a road controlling authority can also set a temporary speed limit for a road under its control in accordance with Section 7.

### **Section 7 Temporary speed limits**

#### **7.1 Requirement to consider setting, and criteria for setting, temporary speed limits**

- (1) A road controlling authority—
- (a) must consider setting a temporary speed limit if, in the opinion of the road controlling authority, there is a risk of danger to a worker or the public, or a risk of damage to a road, due to—
    - (i) work occurring on or adjacent to a road that impacts the function of the road (including an ongoing work site outside of the hours of work); or

- (ii) the presence of an unsafe road surface or structure;  
or
  - (iii) a special event; or
  - (iv) an emergency; and
- (b) may set a temporary speed limit if the road controlling authority considers that there is such a risk.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 6.1.

- (2) In this Rule, **work** includes—
- (a) work being actively undertaken on the surface of the road;  
and
  - (b) construction or landscape maintenance works being actively undertaken on or adjacent to the road.

- (3) In this Rule, **special event** means an event held over a short and defined period which would involve a significantly different use of a road, or affects the use of a road, to the extent that the speed limit in force may not be safe.

Compare: Land Transport Rule: Setting Speed Limits 2017, Part 2, definition of “special event”.

- (4) In this Rule, **emergency** means a situation that—
- (a) is the result of any happening, whether natural or otherwise (including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act); and
  - (b) causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public in any part of New Zealand.

Compare: 2002 No 33 s 4 definition of “emergency”.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 7.1(1).

## 7.2 **How temporary speed limit is set, applies, and is removed**

- (1) A temporary speed limit for a road (other than an emergency speed limit) is set and comes into force by installing signs in accordance with Section 8 and a traffic management plan approved in writing by the road controlling authority.

- (2) A temporary speed limit (including an emergency speed limit) must be—
  - (a) one of the speed limits in clause 4.3(1)(a) to (h); and
  - (b) at least 10 km/h less than any permanent speed limit, or seasonal speed limit or variable speed limit that would otherwise be in force, for the road.
- (3) A temporary speed limit (other than an emergency speed limit)—
  - (a) applies from the point on the road at which a temporary speed limit sign is installed to the point on the road at which a sign indicates that a different speed limit applies; and
  - (b) applies from the time a temporary speed limit sign is installed; and
  - (c) ceases to apply when the temporary speed limit signs are removed.
- (4) A temporary speed limit may only apply for longer than 12 months if the Director provides approval under subclause (5).
- (5) The Director must give approval if they consider it is reasonable for the road controlling authority to consider a risk described in clause 7.1(1) remains in place in relation to the road (whether or not it is the same risk that led to the temporary speed limit first being put in place).
- (6) A road controlling authority that has set a temporary speed limit must take reasonably practicable steps so that the cause of the temporary speed limit is clear to a road user.
- (7) A person who is authorised to install a temporary speed limit sign in accordance with the traffic management plan in subclause (1)—
  - (a) may remove a temporary speed limit sign; and
  - (b) must remove the temporary speed limit signs and equipment used to install or support the signs as soon as the person is satisfied that the reason for the temporary speed limit no longer applies.
- (8) When a road controlling authority is satisfied that a temporary speed limit for a road is no longer necessary, it must remove the temporary speed limit.

- (9) Where a land transport record exists for a temporary speed limit, when the temporary speed limit signs are removed the road controlling authority must submit to the Registrar the information required to remove the temporary speed limit from the register (*see* clause 2.9(3)).

**7.3 Director or Commissioner may require removal of temporary speed limit**

The Director or the Commissioner may, at any time, require the removal of a temporary speed limit and the removal of accompanying signs and equipment used to install or support the signs, if satisfied that—

- (a) the reason for the temporary speed limit no longer applies; or
- (b) the temporary speed limit is not safe and appropriate for the road in the circumstances for which the speed limit was set.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 6.2(7).

**7.4 Setting a temporary speed limit due to work occurring on or adjacent to a road**

- (1) Before setting a temporary speed limit due to work occurring on or adjacent to a road that impacts the function of the road (including an ongoing work site outside of the hours of work), the road controlling authority must be satisfied that the speed limit is safe and appropriate for the road, having regard to—
- (a) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders, that use the road; and
  - (b) the nature of the work; and
  - (c) the nature and level of risk to persons working on or near the road; and
  - (d) the nature and level of risk to the public.
- (2) A temporary speed limit that is set due to work occurring on or adjacent to a road may apply for—
- (a) the period during which there is work occurring on or adjacent to a road that impacts the function of the road; or
  - (b) specified times during the period in which there is work occurring on or adjacent to a road that impacts the function of the road.

Compare: Land Transport Rule: Setting Speed Limits 2017, cls 6.3 and 6.2(4).

## **7.5 Setting a temporary speed limit due to an unsafe road surface or structure**

- (1) Before setting a temporary speed limit due to the presence of an unsafe road surface or structure, the road controlling authority must be satisfied that the speed limit is safe and appropriate for the road, having regard to—
  - (a) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders, that use the road; and
  - (b) the nature of the unsafe road surface or structure; and
  - (c) the nature and level of risk to the public.
- (2) A temporary speed limit that is set due to the presence of an unsafe road surface or structure may apply for—
  - (a) the period during which an unsafe road surface or structure is present; or
  - (b) specified times during the period in which an unsafe road surface or structure is present.

Compare: Land Transport Rule: Setting Speed Limits 2017, cls 6.4 and 6.2(4).

## **7.6 Setting a temporary speed limit due to a special event**

- (1) Before setting a temporary speed limit due to a special event, the road controlling authority must be satisfied that the speed limit is safe and appropriate for the road, having regard to—
  - (a) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders, that use the road; and
  - (b) the nature of the special event; and
  - (c) the nature and level of risk to the public.
- (2) A temporary speed limit that is set due to a special event may apply for—
  - (a) the period of the special event including any period of time before or after, and associated with, the event; or
  - (b) specified times during the period of the special event.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 6.5.

## *Emergency speed limits*

### **7.7 Setting a temporary speed limit due to an emergency**

Before setting a temporary speed limit due to an emergency, the road controlling authority must be satisfied that the speed limit is safe and appropriate for the road, having regard to—

- (a) the circumstances of the emergency; and
- (b) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders, that use the road; and
- (c) the needs of any community affected by the emergency; and
- (d) the nature and level of risk to the public; and
- (e) any other measures taken to reduce hazards and risks.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 7.2(9).

### **7.8 Process for setting an emergency speed limit**

Where a road controlling authority sets an emergency speed limit, the road controlling authority must—

- (a) record in writing the reasons why it was satisfied that setting an emergency speed limit was necessary; and
- (b) to avoid any doubt, comply with clauses 2.8 and 2.9.

### **7.9 How emergency speed limit is removed**

When a road controlling authority is satisfied that an emergency speed limit for a road is no longer necessary, it must—

- (a) decide to remove the emergency speed limit; and
- (b) submit required information to the Registrar (*see* clause 2.9(3)).

## **Section 8 Signs**

### **8.1 Requirement to provide signs at, or near, point where speed limit changes**

- (1) A road controlling authority must install a speed limit sign on the left-hand side of a road under its control at or near, and not more than 20 m from, the point on the road where a speed limit changes.

- (2) If the estimated two-way annual-average daily traffic at the point where a speed limit changes exceeds 500 vehicles, the road controlling authority must also install a speed limit sign on the right-hand side of the road, or on the central median where appropriate, at or near, and no more than 20 m from, that point (except in the case where the speed limit is a variable speed limit and an electronic variable speed limit sign has been installed).
- (3) Subclauses (1) and (2) do not apply to speed limits on beaches or riverbeds (but, to avoid any doubt, clause 2.10(b) still applies).
- (4) If a road user might not easily see, or readily understand or react to, a sign that is installed within 20 m of the point on the road where a speed limit changes, a road controlling authority may, despite subclauses (1) and (2), install speed limit signs more than 20 m, but as close to it as reasonably practicable, from that point.
- (5) A speed limit sign may be installed otherwise than as required by subclause (1) if—
- (a) authorised under this Rule or any other enactment; or
  - (b) a road user might not easily see, or readily understand or react to, a sign that is installed on the left-hand side of the road; or
  - (c) the sign would be more effective if installed above a lane.
- (6) A speed limit sign may be installed otherwise than as required by subclause (2) if the sign would be more effective if installed above a lane.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 9.1.

## **8.2 Requirement to provide speed limit signs**

- (1) A road controlling authority must install speed limit signs where they will be easily seen by road users and to which road users may readily react.
- (2) When installing speed limit signs, a road controlling authority must have regard to the Agency's guidance on maximum lengths between speed limit signs.
- (3) Subclause (2) does not apply to speed limits on beaches or riverbeds (but, to avoid any doubt, clause 2.10(b) still applies).

### **8.3 Specific requirements for permanent, seasonal and variable speed limit signs**

- (1) For a permanent speed limit, a seasonal speed limit or a variable speed limit, the speed limit shown on the associated signs installed by the road controlling authority must not be visible to road users until the speed limit comes into force.
- (2) For a seasonal speed limit, a road controlling authority must ensure that, at any given time, the speed limit on the associated signs installed by the road controlling authority show the speed limit that is in force at that time under the seasonal speed limit.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 9.3.

### **8.4 Agency may direct road controlling authority to install, modify, or remove signage**

The Agency may direct a road controlling authority to install, modify, or remove a speed limit sign to comply with this Rule.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 9.7.

## **Section 9 Review of speed limits by Agency**

### **9.1 Agency's powers to monitor and direct a road controlling authority and to set, change or modify a speed limit**

- (1) The Agency may monitor road controlling authorities and regional transport committees for compliance with this Rule.
- (2) The Agency must notify a road controlling authority in writing if it has reason to believe that the road controlling authority might not have complied with this Rule, and give the road controlling authority a reasonable opportunity to respond to the notification.
- (3) If the Agency is not satisfied by a road controlling authority's response to the notice under subclause (2), the Agency may issue directions to the road controlling authority regarding matters to be addressed.
- (4) If the Agency reasonably believes that a road controlling authority has not complied with this Rule in setting a speed limit, or proposing to change a speed limit, or that a speed limit set by a road controlling authority does not comply with this Rule, the Agency may direct the road controlling authority to do the following:



- (a) set the speed limit in accordance with the Agency's directions:
  - (b) review or change the procedures used by the road controlling authority to set speed limits or to propose to change speed limits to comply with this Rule:
  - (c) carry out the instructions in paragraph (a) and (b) within a stated period.
- (5) A road controlling authority must comply with directions given by the Agency under clause 9.1(3) or 9.1(4), or 8.4, or with the requirements of the Agency or the Commissioner under clause 7.3.
- (6) If a road controlling authority does not comply with directions given under clause 9.1(3), 9.1(4), or 8.4, or the requirements of the Agency or the Commissioner under clause 7.3, the Agency may exercise the power of the road controlling authority to set the speed limit under this Rule.

Compare: Land Transport Rule: Setting Speed Limits 2017, cl 2.10.

## **9.2 Ability to change speed limit where Agency has previously directed change to speed limit**

If the Agency has given a direction under clause 9.1(4) to set a speed limit or exercised the powers of a road controlling authority to set a speed limit under clause 9.1(6), a road controlling authority may not change the speed limit from the speed limit directed or set by the Agency in the 3 years following the direction or setting, unless it has the Agency's approval.

## **Section 10 Revocation, transitional provisions, and consequential amendments**

### **10.1 2017 Rule revoked**

Land Transport Rule: Setting of Speed Limits 2017 is revoked (which includes revoking, for example, any conditions specified by the Agency by *Gazette* notice under clause 4.5 of that Rule in relation to speed limits of 70 km/h or 90 km/h or under clause 5.2 of that Rule in relation to variable speed limits).

### **10.2 Continuation of some obligations under 2017 Rule**

- (1) Despite clause 10.1, each road controlling authority must continue to retain the details referred to in clause 2.8(7) of Land

Transport Rule: Setting of Speed Limits 2017 for at least seven years from the date on which the new speed limit (within the meaning of that clause) came into force.

- (2) Despite clause 10.1, any conditions specified by the Agency by *Gazette* notice under clause 4.6 of the Land Transport Rule: Setting of Speed Limits 2017 in relation to a speed limit of 110 km/h continue to apply to the speed limit.

### 10.3 Transitional provisions

Despite anything else in this Rule, the provisions of Schedule 3 apply according to their terms.

### 10.4 Amendments to Land Transport Rule: Traffic Control Devices 2004

- (1) This clause amends Land Transport Rule: Traffic Control Devices 2004.
- (2) In clause 4.2(1), replace “as specified in *section 9 of Land Transport Rule: Setting of Speed Limits 2017*” with “as required by *Section 9 of Land Transport Rule: Setting of Speed Limits 2022*”.
- (3) In Schedule 1, insert the following item in the appropriate alphanumerical order:

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#### R1-6.2 Kura School permanent speed limit

*Highest speed limit is the number of km/h shown on the sign that applies to a road outside a school.*

*Note: only a speed value of 60 or less that is appropriate to a road outside a school can be used with this sign.*

**Shape and size** rectangle backing board 750 x 1300 mm (white (R) background) incorporating: a R1-1, 750 mm diameter sign (background, border and legend as for R1-1), above a ‘Kura School’- supplementary sign (as specified below).

#### ‘Kura School’ – supplementary sign

**Shape and size** rectangle 750 x 500 mm

**Background** yellow-green (RF)

**Border** black 20 mm

| Legend | Description | Colour | Size     |
|--------|-------------|--------|----------|
|        | ‘KURA’      | black  | 125/21   |
|        | ‘SCHOOL’    | black  | 125/19.5 |

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**Schedule 1**  
**Road lengths for speed limits**

Ref: clause 4.6(1)

| <b>Speed limit (km/h)</b> | <b>Minimum length (m)</b>                    |
|---------------------------|--|
| 50                        | 500  |
| 60                        | 600  |
| 70                        | 700  |
| 80                        | 800  |
| 90                        | 2000   |
| 100                       | 2000   |
| 110                       | As approved by the Director under clause 4.4 |

Compare: Land Transport Rule: Setting Speed Limits 2017, Schedule 1.

## Schedule 2

### Speed management committee

Ref: clause 3.18(4)

#### Section 11 Speed management committee

##### 11.1 Appointment of members

- (1) An appointment of a member to the speed management committee must be made by written notice to the member (with a copy to the committee).  
Compare: 2004 No 115 s 28(2).
- (2) The notice must—
  - (a) state the date on which the appointment takes effect which must not be earlier than the date on which the notice is received; and
  - (b) state the term of the appointment.Compare: 2004 No 115 s 28(3).
- (3) The Minister may only appoint a person who, in the Minister's opinion, has—
  - (a) the appropriate knowledge, skills, and experience in relation to speed management and road safety; or
  - (b) the appropriate knowledge, skills, and understanding of the impacts of speed management on local government, motorists, rural communities, vulnerable road users, freight carriers or enforcement matters; or
  - (c) has other appropriate knowledge, skills, and experience to assist the committee to achieve its purposes, perform its functions and duties, and exercise its powers.
- (4) A person is disqualified from being a member of the committee if they would be disqualified from being a member of a statutory entity under [section 30\(2\)](#) of the Crown Entities Act 2004.

##### 11.2 Requirements before appointment

- (1) Before a person is appointed as a member of the committee, the person must—
  - (a) consent in writing to being a member; and
  - (b) certify that they are not disqualified from being a member (*see* clause 11.1(4)); and

- (c) make a disclosure required by [section 96B](#) of the Land Transport Management Act 2003 (and for that purpose the relevant person is the Minister).
- (2) The committee must notify the Minister of a failure to comply with subclause (1)(c) as soon as practicable after becoming aware of the failure.

Compare: 2004 No 115 s 31.

### **11.3 Chairperson and deputy chairperson of committee**

Clauses 1 to 5 of [Schedule 5](#) of the Crown Entities Act 2004 apply as if the committee were a board of a Crown agent and with all other necessary modifications.

### **11.4 Procedure of committee**

Clauses 6 to 14 of [Schedule 5](#) of the Crown Entities Act 2004 apply as if the committee were a board of a Crown agent and with all other necessary modifications.

### **11.5 Certain provisions of Crown Entities Act 2004 apply to committee and its members**

- (1) The following provisions of the [Crown Entities Act 2004](#) apply as if the committee were a board of a Crown agent and with all other necessary modifications:
  - (a) section 32 (which relates to the term of office of members):
  - (b) section 34 (which relates to the validity of members' acts):
  - (c) section 35 (which relates to the validity of appointment of members):
  - (d) section 36(1)-(3) (which relates to the removal of members):
  - (e) section 41(a)-(b) (which relates to the process for removal of members):
  - (f) section 44 (which relates to the resignation of members):
  - (g) section 45 (which relates to members ceasing to hold office).
- (2) Clause 15 of [Schedule 5](#) of the Crown Entities Act 2004 applies as if the committee were a committee appointed under clause 14 of that schedule and with all other necessary modifications.

Compare: 2008 No 91 s 85

## Schedule 3 Transitional provisions

Ref: clause 10.3

### Section 12 Transitional provisions

#### 12.1 Definitions for transitional provisions

In this Schedule,—

**existing speed limit**, in relation to any road, means the speed limit (as defined in section 2(1) of the Act) in force for the road immediately prior to the commencement of this Rule

**interim period** means, in relation to a road controlling authority, the period—

- (a) beginning at the end of the pre-interim period; and
- (b) ending on the day on which the first plan that includes roads under the control of the road controlling authority is published under clauses 3.3(8), 3.4(13) or 3.5(5)

**pre-interim period**, means—

- (a) in relation to the Agency (as RCA) or a territorial authority, the period—
  - (i) beginning on the commencement of this Rule; and
  - (ii) ending on the earlier of—
    - (A) the day on which land transport records have effect under [section 200H](#) of the Act in respect of all the roads under the control of the Agency (as RCA) or the territorial authority (as the case may be) for which there is an existing speed limit; or
    - (B) 19 July 2022; and
- (b) in relation to a road controlling authority other than the Agency (as RCA) or a territorial authority, the period—
  - (i) beginning on the commencement of this Rule; and
  - (ii) ending on 19 July 2022

**previous Rule** means Land Transport Rule: Setting Speed Limits 2017.

#### 12.2 Existing speed limits continue to apply

- (1) An existing speed limit for a road (other than a temporary speed limit) remains the applicable speed limit for the road until a land transport

record in respect of a speed limit for that road has effect under [section 200H](#) of the Act.

- (2) An existing speed limit for a road that is a temporary speed limit remains the applicable speed limit for the road until either—
  - (a) the temporary speed limit is removed in accordance with this Rule or the previous Rule; or
  - (b) a land transport record in respect of the temporary speed limit for that road has effect under [section 200H](#) of the Act (in which case the applicable speed limit becomes, in accordance with clause 2.1(1), the speed limit for the road in the register).

### **12.3 Existing speed limits to become land transport records by 19 July 2022**

- (1) The Agency (as RCA) and each the territorial authority must use reasonable efforts so that, for the roads under their control for which there is an existing speed limit, a land transport record is created that has effect under [section 200H](#) of the Act by 19 July 2022.
- (2) To provide further clarity, the Agency’s power under clause 9.1(6) to exercise the power of the road controlling authority to set the speed limit under this Rule includes the power to create a land transport record for an existing speed limit of the Agency (as RCA) or a territorial authority after the pre-interim period.

#### *Setting speed limits during pre-interim period*

### **12.4 Speed limits must or may be set during pre-interim period**

- (1) During the pre-interim period the Agency (as RCA) and every territorial authority must, for each road under its control for which there is an existing speed limit, do at least one of the following:
  - (a) confirm an existing speed limit under clause 12.5:
  - (b) correct a speed limit under clause 12.6:
  - (c) set a new speed limit under clause 12.7.
- (2) During the pre-interim period a road controlling authority that is not the Agency (as RCA) or a territorial authority (for example, an airport authority or the Department of Corrections) may, for a road under its control, do the following:
  - (a) confirm an existing speed limit under clause 12.5:
  - (b) correct a speed limit under clause 12.6:
  - (c) set a new speed limit under clause 12.7.

- (3) A road controlling authority must, for all speed limits (other than any temporary speed limits) set during the pre-interim period, submit to the Registrar the information required under [section 200L](#) of the Act.
- (4) If a road controlling authority has submitted information to the Registrar before the commencement of this Rule for the purposes of creating land transport records for speed limits, the Registrar and the road controlling authority can treat the information as if it were submitted under clauses 12.5 or 12.6 (as the case may be).
- (5) To avoid any doubt, a speed limit set during the pre-interim period is and must be treated as the valid speed limit once a land transport record has been created for the speed limit.

### **12.5 Confirming an existing speed limit during pre-interim period**

- (1) A road controlling authority may, in relation to a road, submit to the Registrar the information required under [section 200L](#) of the Act that is consistent with the details of the existing speed limit for the road.
- (2) Where an existing speed limit is based on a bylaw, *see* [regulation 13](#) of the Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022.

### **12.6 Correcting speed limit during pre-interim period**

- (1) During the pre-interim period a road controlling authority may seek the Director's approval to set a speed limit (other than a temporary speed limit) for a road—
  - (a) by taking the existing speed limit for the road and making any of the following modifications:
    - (i) changing the location of the start point or end point (or both) of the speed limit to align with the positions of speed limit signs in place at the commencement of this Rule;
    - (ii) changing the speed limit expressed in kilometres per hour to align with that displayed on speed limit signs in place at the commencement of this Rule; or
  - (b) where no bylaw exists or can be found that sets the speed limit for the road, by setting a speed limit for the road that is consistent with speed limit signs in place at the commencement of this Rule.
- (2) The Director must give approval if they are satisfied that—
  - (a) the modifications submitted are accurate for the speed limit signs in place at the commencement of this Rule; and



- (b) the signs in place comply with Section 8 of this Rule and with Land Transport Rule: Traffic Control Devices 2004, and are for speed limits that comply with Section 4 of this Rule.
- (3) During the pre-interim period a road controlling authority may, in relation to a road, submit to the Registrar the information required under [section 200L](#) of the Act that is consistent with the details of the speed limit for the road approved by the Director subclause (2).
- (4) Where the existing speed limit in subclause (1)(a) was based on a bylaw, *see* [regulation 13](#) of the Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022.

### **12.7 Setting a new speed limit during pre-interim period**

- (1) During the pre-interim period a road controlling authority may set a speed limit for any road under its control in accordance with—
  - (a) any enactment (other than this Rule) that empowers or requires the road controlling authority to do so; or
  - (b) Land Transport Rule: Setting of Speed Limits 2017 as if it were in force, despite clause 10.1.
- (2) To avoid any doubt, clause 12.4(3) applies to any speed limit set under subclause (1).
- (3) To avoid any doubt, a road controlling authority may set a speed limit for a road under subclause (1) regardless of whether—
  - (a) an existing speed limit exists for the road; or
  - (b) the road controlling authority has already confirmed or corrected a speed limit for the road under clauses 12.5 or 12.6.
- (4) Where the speed limit set under subclause (1) is contained in a bylaw, *see* [regulation 13](#) of the Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022.

### *Setting speed limits during interim period*

### **12.8 Overview of interim period**

- (1) During the interim period, a road controlling authority may set a speed limit in the following ways:
  - (a) if an interim plan has been published, under clause 2.5(1):
  - (b) under clause 2.6:
  - (c) under clause 12.9:
  - (d) under clause 12.11.

- (2) This clause is only a guide and does not affect the other provisions of this Rule.

### **12.9 Continuation of process to set speed limit under 2017 Rule**

- (1) If a road controlling authority has, before the commencement of this Rule, called for submissions on a proposal to set a speed limit under the previous Rule, the road controlling authority may in the interim period set the speed limit under the previous Rule (including, without limitation, by making a bylaw) as modified by this clause.
- (2) To avoid any doubt, a speed limit set in reliance on this clause only becomes the applicable speed limit once the speed limit for the road is in the register, in accordance with clause 2.1(1).
- (3) A road controlling authority that sets a speed limit set in reliance on this clause does not need to comply with the following provisions of the previous Rule:
  - (a) clause 4.4(2) (which relates to aiming to achieve a mean operating speed less than 10% above the speed limit):
  - (b) clause 4.5 (which relates to additional procedural steps for 70 km/h and 90 km/h speed limits):
  - (c) clauses 5.1 and 5.2 (which relate to variable speed limits).
- (4) A road controlling authority that sets a speed limit for a road in reliance on this clause may comply with either—
  - (a) clause 3.3(3) of the old Rule (which relates to the point at which a speed limit changes); or
  - (b) clause 4.8 of this Rule (which is a similar provision that allows for the presence of a school nearby to be treated as an obvious change in the roadside development or the road environment).
- (5) A speed limit set in reliance on this clause should have signs installed in accordance with this Rule and not the previous Rule.

### **12.10 Creating an interim speed management plan**

- (1) During the interim period, the Agency (as RCA), a regional transport committee or a territorial authority may create an interim speed management plan in accordance with this Schedule.
- (2) A territorial authority may create its own interim territorial authority speed management plan even if the relevant regional transport committee is also creating an interim regional speed management plan.
- (3) However, a territorial authority must not publish a consultation draft interim territorial authority speed management plan if the regional

transport committee has notified the territorial authority of the committee's intention to publish a consultation draft interim regional speed management plan within the next 28 days, at which point the territorial authority must instead participate in the creation of an interim regional speed management plan.

- (4) The Agency (as RCA), a regional transport committee or a territorial authority may vary its interim speed management plan at any time in the interim period by taking the same steps that are required to create an interim plan, but needs to consult only on the variations proposed to be made to the interim plan.
- (5) Clause 3.12, with necessary modification, applies to the publication of interim plans.

### **12.11 Correcting speed limit during interim period**

- (1) During the interim period, the Agency (as RCA) or a territorial authority may seek the Director's approval to set a speed limit (other than a temporary speed limit) for a road by taking the applicable speed limit for the road and making any of the following modifications:
  - (a) changing the location of the start point or end point (or both) of the speed limit to align with the positions of speed limit signs in place at the commencement of this Rule;
  - (b) changing the speed limit expressed in kilometres per hour to align with that displayed on speed limit signs in place at the commencement of this Rule.
- (2) The Director must give approval if they are satisfied that—
  - (a) the modifications submitted are accurate for the speed limit signs in place at the commencement of this Rule; and
  - (b) the signs in place comply with Section 8 of this Rule and with Land Transport Rule: Traffic Control Devices 2004, and are for speed limits that comply with Section 4 of this Rule.
- (3) During the interim period a road controlling authority may, in relation to a road, submit to the Registrar the information required under [section 200L](#) of the Act that is consistent with the details of the speed limit for the road approved by the Director under subclause (2).

### *Interim plans*

### **12.12 Preparing interim plans**

- (1) When preparing or providing information for an interim plan, the Agency (as RCA), each territorial authority and each regional transport committee must have regard to—

- (a) the road safety aspects of the GPS on land transport and any Government road safety strategy; and
  - (b) the desirability of taking a whole-of-network approach to changing speed limits, safety cameras, and safety infrastructure, including considering a range of speed management interventions; and
  - (c) the guidance and information developed and maintained by the Agency under clauses 3.14 and 3.15, including guidance on the use of mean operating speed when setting speed limits.
- (2) The Agency (as RCA), a territorial authority or a regional transport committee may, during the currency of an interim plan, prepare a variation to an interim plan or a new interim plan to replace a current interim plan, with the approval of the Director.
  - (3) If the Director has approved the preparation of a variation or a new interim plan, the process set out in clauses 12.15 to 12.17 (as the case may be) must be followed as far as it is relevant and with any necessary modifications.
  - (4) A territorial authority may have taken any of the steps in clause 12.17(1) before the commencement of this Rule and those steps can be treated as if they occurred under those provisions.

### **12.13 Content and form of interim plans**

- (1) An interim plan must identify changes being proposed to speed limits (other than temporary speed limits) on the relevant roads, and for each proposed change must include—
  - (a) to the extent practicable, information on the geographical area of the proposed speed limit, the type of speed limit, the proposed speed limit expressed in kilometres per hour, and, for a seasonal or variable speed limit, the conditions under which each speed limit will apply (*see also* Section 4); and
  - (b) the timeframe within which the change is proposed to occur.
- (2) An interim plan—
  - (a) must also include, for any changes being proposed to a speed limit that do not align with the Agency’s confirmed assessment of what is the safe and appropriate speed limit for the road, an explanation for why, after considering the matters in clause 3.2(1), the road controlling authority proposes a speed limit that differs from the Agency’s confirmed assessment (unless subclause (4) applies); and
  - (b) may include a designation for a category 2 school; and

- (c) in relation to any designation of a category 2 school, must include an explanation for why, having regard to any guidance provided by the Agency about speed limits outside schools, the speed limit outside the category 2 school is safe and appropriate for the road.
- (3) If an interim plan proposes to change the speed limit on a road outside a school, the road controlling authority must propose to set a speed limit outside the school that complies with Section 5.
- (4) However, a plan does not need to include an explanation of where a proposed change to a speed limit does not align with the Agency's confirmed assessment of what is the safe and appropriate speed limit for the road in the following cases:
  - (a) where the proposed speed limit is 70 km/h and the Agency's assessment of the safe and appropriate speed limit for the road is 80km/h:
  - (b) where the proposed speed limit is 90 km/h and the Agency's assessment of the safe and appropriate speed limit for the road is 100km/h:
  - (c) where the proposed speed limit is to a road outside a school and complies with Section 5.
- (5) In this clause, **confirmed assessment** has the same meaning as in clause 3.8(4).
- (6) However, if a territorial authority has published before the commencement of this Rule a proposal to change a speed limit or speed limits and that proposal has been, is or will be consulted on in accordance with clause 3.9, then—
  - (a) the proposal published may be treated as a consultation draft of an interim territorial authority speed management plan; and
  - (b) the interim territorial authority speed management plan must only identify changes being proposed to speed limits (other than temporary speed limits) on the relevant roads (and may also include further information); and
  - (c) clause 12.12(1) and clause 12.13(1), (2), (3) and (8) do not apply to the interim territorial authority speed management plan; and
  - (d) the territorial authority may (despite anything else in this Rule), in the interim plan, propose a change to a speed limit on a road outside a school that does not comply with Section 5.
- (7) An interim plan may include discussion of other matters related to speed management on the relevant roads, including matters regarding safety infrastructure changes, temporary speed limits, and safety cameras.

- (8) An interim plan must be in the form (if any) set by the Agency.

**12.14 Certification of, and comment on, interim plans**

- (1) For the purpose of clauses 12.15(2), 12.16(5) and 12.17(2), the requirements are—
- (a) the Agency (as RCA), the regional transport committee or territorial authority (as the case may be) has confirmed that—
    - (i) consultation has been carried out in accordance with clause 3.9; and
    - (ii) the interim plan includes an explanation of how the plan is consistent with the road safety aspects of the GPS on land transport and any Government road safety strategy; and
    - (iii) the interim plan includes a general explanation of how a whole-of-network approach was taken to changing speed limits by considering a range of speed management interventions; and
  - (b) the interim plan includes the content required by clause 12.13.
- (2) When assessing a final draft interim plan, the Director may also provide comment in writing on the extent to which, in their view, the plan—
- (a) is consistent with the road safety aspects of the GPS on land transport and any Government road safety strategy; and
  - (b) takes a whole-of-network approach by including consideration of a range of speed management interventions.
- (3) The Director may, after providing comments under subclause (2) and giving the Agency (as RCA), the regional transport committee or the territorial authority (as the case may be) a reasonable time to consider those comments, publish the comments on an Internet site.
- (4) However, if a territorial authority has published before the commencement of this Rule a proposal to change a speed limit or speed limits and that proposal has been consulted on in accordance with clause 3.9, then—
- (a) the proposal published may be treated as a consultation draft of an interim territorial authority speed management plan; and
  - (b) for the purpose of clause 12.17(2), the requirements are that—
    - (i) the territorial authority has confirmed that consultation has been carried out in accordance with clause 3.9; and

- (ii) the interim territorial authority speed management plan identifies changes being proposed to speed limits (other than temporary speed limits) on the relevant roads; and
- (c) subclauses (1) to (3) do not apply.

### **12.15 Process for interim State highway speed management plan**

- (1) To create an interim State highway speed management plan, the Agency (as RCA) must—
  - (a) prepare a consultation draft interim plan to include the content required by clause 12.13; and
  - (b) publish the consultation draft interim plan on an Internet site; and
  - (c) consult on the consultation draft interim plan in accordance with clause 3.9 as if the interim plan were the State highway speed management plan; and
  - (d) consider any submissions received on the consultation draft interim plan; and
  - (e) prepare a final draft interim plan and submit it to the Director for certification.
- (2) The Director must consider whether it is satisfied that the final draft interim plan meets the requirements in clause 12.14(1) and—
  - (a) if it is satisfied, it must certify the plan and provide a certificate to that effect; and
  - (b) if it is not satisfied—
    - (i) it must refer the final draft interim plan back to the Agency (as RCA) with recommendations for how to meet the requirements in clause 12.14(1); and
    - (ii) the Agency (as RCA) must repeat the step at subclause (1)(e), after having regard to the recommendations of the Director.
- (3) However, if the speed management committee has been established (as notified to the Director by the Agency) by the time of the step at subclause (1)(e), the Director must receive and consider the advice of the speed management committee in the same way as if a State highway speed management plan was being prepared under Section 3 of this Rule.
- (4) Once the Director has certified the final draft interim plan, the Agency must publish, on an Internet site—
  - (a) the interim plan; and
  - (b) the certificate provided under subclause (2)(a).

- (5) An interim State highway speed management plan ceases to be **current** when a State highway speed management plan is published under clause 3.3(8).

### **12.16 Process for interim regional speed management plan**

- (1) Where a region—
- (a) has a unitary authority, the unitary authority can perform the roles of both the regional council and a territorial authority under this clause; or
  - (b) is Auckland, Auckland Transport can perform the roles of both the regional council and a territorial authority under this clause (and Auckland Council may also be a territorial authority).
- (2) In this clause, **participating territorial authorities** means territorial authorities that—
- (a) have elected to participate in the creation of an interim regional speed management plan; or
  - (b) have already published interim speed management plans for their territory by the time the regional transport committee takes Step 1 to create an interim regional speed management plan.
- (3) To create an interim regional speed management plan, a regional transport committee and each participating territorial authority must follow Steps 1 to 3 in clause 3.4 with the following modifications:
- (a) the plan only relates to roads under the control of participating territorial authorities;
  - (b) any reference to a “territorial authority” in clause 3.4 only applies to a participating territorial authority;
  - (c) in Step 2 (at clause 3.4(3)), the regional transport committee must also compile the information from territorial authorities in the region that have already published interim speed management plans.
- (4) Following Step 3, the regional transport committee must—
- (a) prepare a final draft interim plan, by—
    - (i) amending the consultation draft interim plan to reflect any changes that a participating territorial authority has advised in Step 3, and any changes advised by other road controlling authorities that provided information under clause 3.4(3)(b); and
    - (ii) making any other changes, not inconsistent with the information the participating territorial authorities provided



- in Step 1 (as amended to reflect any changes advised in Step 3), that the regional transport committee considers necessary for the interim plan to be certified; and
- (b) submit the final draft interim plan to the Director for certification.
- (5) The Director must consider whether they are satisfied that the final draft interim plan meets the requirements in clause 12.14(1) and—
- (a) if they are satisfied, they must certify the plan and provide a certificate to that effect; and
- (b) if they are not satisfied—
- (i) they must refer the final draft interim plan back to the regional transport committee with recommendations for how to meet the requirements in clause 12.14(1); and
- (ii) the regional transport committee must repeat the step at subclause (3), after having regard to the Director's recommendations.
- (6) Once the Director has certified the final draft interim plan, the Agency must publish, on an Internet site—
- (a) the interim plan; and
- (b) the certificate provided under subclause (4)(a).
- (7) An interim regional speed management plan ceases to be **current** when a regional speed management plan is published under clause 3.4(13).

### **12.17 Process for interim territorial authority speed management plan**

- (1) To create an interim territorial authority speed management plan for roads in its area, a territorial authority must—
- (a) prepare a consultation draft interim plan to include—
- (i) the content required by clause 12.13; and
- (ii) any relevant information received from road controlling authorities that are not the Agency (as RCA) or a territorial authority and that control roads in the area; and
- (b) subject to clause 12.10(3), publish the consultation draft interim plan on an Internet site; and
- (c) consult on the consultation draft interim plan in accordance with clause 3.9 as if the interim plan were the territorial speed management plan; and
- (d) consider any submissions received on the consultation draft interim plan; and

- (e) prepare a final draft interim plan and submit it to the Director for certification.
- (2) The Director must consider whether they are satisfied that the final draft interim plan meets the requirements in clause 12.14(1) or (4) (as the case may be) and—
- (a) if they are satisfied, they must certify the plan and provide a certificate to that effect; and
  - (b) if they are not satisfied—
    - (i) they must refer the final draft interim plan back to the territorial authority with recommendations for how to meet the requirements in clause 12.14(1) or (4) (as the case may be); and
    - (ii) the territorial authority must repeat the step at subclause (1)(e), after having regard to the Director’s recommendations.
- (3) Once the Director has certified the final draft interim plan, the Agency must publish, on an Internet site—
- (a) the interim plan; and
  - (b) the certificate provided under subclause (2)(a).
- (4) An interim territorial authority speed management plan ceases to be **current** when—
- (a) a territorial authority speed management plan for the territory is published under clause 3.5(5); or
  - (b) an interim regional speed management plan that includes the territory is published under clause 12.16(6); or
  - (c) a regional speed management plan that includes the territory is published under clause 3.4(13).
- (5) In this clause, **territorial authority** excludes a unitary authority, Auckland Council and Auckland Transport.