



10. BOWER AVENUE - STREET RENEWAL PROJECT AND TRAFFIC AND PARKING AMENDMENT (BOWER AVENUE) BYLAW 2010

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Unit Manager
Author:	Phillip Crossland, Project Manager

PURPOSE OF REPORT

1. The purpose of this report is to request that the Burwood/Pegasus Community Board recommend to the Council that a Special Consultative Procedure be commenced for the establishment of cycle lanes on both sides of Bower Avenue between New Brighton Road and Marriotts Road as part of the Bower Avenue Street Renewal Project, and the amendment of the Christchurch City Council Traffic and Parking Bylaw 2008.

EXECUTIVE SUMMARY

2. This project was initiated by the Transport and Greenspace Unit in June 2009 to renew the remaining kerb and dish channel in Bower Avenue. This project covers the 1,365 metre section of Bower Avenue between New Brighton Road and Marriotts Road.
3. Bower Avenue is a minor arterial road, with an average traffic count of approximately 7,000 vehicles per day. The adjacent land use along the route is predominantly residential, although the route also contains some local shops and an entrance to Queen Elizabeth II Park.
4. In addition to replacing the kerb and channel, other objectives of the street renewal are to maintain and improve safety for all road users, and to renew street drainage pipes where required. Traffic calming facilities (kerb build-outs with Chinese Elms) together with new maples down both berms will enhance the character of the area. The street lighting will also be upgraded. There will be no undergrounding of the existing overhead services. Cycle lanes are proposed along both sides of the road, along with the addition of improved pedestrian crossing facilities. The proposed cycle lanes will link with existing cycle lanes in New Brighton Road. Tactile pavers have been included in the plan at new pedestrian crossing points.
5. The City Plan requires cycle facilities to be considered for collector and arterial roads and the Council Infrastructure Design Standard states that cycle lanes must be included for all street works on collector and arterial roads. A cycle lane is classed as a special vehicle lane and under the Transport Act 1962, special vehicle lanes must be specified in a bylaw. The most appropriate way for Christchurch City Council (the Council) to achieve this is to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw). Under the Council's bylaw making powers in section 72(1) (kb) of the Transport Act 1962, a special vehicle lane can only be created by specifying the road on which the lane is on in a bylaw. To ensure that the proposed cycle lane can be enforced it needs to be specified by inclusion in Schedule 2 of the Bylaw following a Special Consultative Procedure for making amendments to the Bylaw. The Local Government Act 2002 specifies that any alterations or additions to a bylaw may only be undertaken following a special consultative procedure.
6. The Council's Cycling Strategy 2004 aims to create a cycle-friendly city with the three objectives of increasing cycling, increasing the enjoyment of cycling and improving the safety of cycling in Christchurch. The strategy recognises the need to consider the National Engineering Design Guide when developing a cycle network for Christchurch. Enhancing the physical environment is a key method of achieving the strategy's objectives. Provision of an improved physical cycling environment is also aligned with the New Zealand Land Transport Strategy and the National Walking and Cycling Strategy. The cycle network is made up of a mix of on-road and off-road cycle routes. Priority (of provision) is determined by many factors including cycle usage levels, reported cycle accidents and cyclist concerns.

7. The New Zealand Transport Agency Crash Analysis System shows a total of 33 crashes occurred in the vicinity of this section of Bower Avenue over the last five years. One of these involved a pedestrian, and two of them involved cyclists. Of these accidents, the most significant number of accidents occurred at the Bower Avenue/Travis Road/Rockwood Avenue roundabout intersection where 12 accidents occurred over the five year period, with vehicles involved either in "rear-end" shunt style accidents, or when failing to give way at the roundabout. Elsewhere, accidents occur in limited numbers at a number of intersections along Bower Avenue, with only three mid-block accidents, and no more than a single accident occurring at any other intersection.
8. This street renewal project reduces the total number of car parks along this section of Bower Avenue. Parking surveys have been completed for the street and the proposed number of car parks more than caters for the maximum observed number of vehicles that park on the street. The reduction of car parking is due to a number of factors including extending the no stopping beside the bus stops, so that the bus stops are marked in accordance with current design standards; including the standard 4.1 metre wide cut-downs at the entrances to driveways, which widens the majority of the existing entrances; including build-outs for traffic calming and landscaping; including the pedestrian islands to improve pedestrian safety when crossing the road; and including the associated tapers for the cycle lane. The result of these factors reduces the total number of car parks from approximately 200 existing car parks to approximately 140 proposed parks.
9. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Bower Avenue) Bylaw 2010, and the proposed plan) and **Attachment 2** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.
10. The process for making the amendments to the Bylaw is as follows:
 - (a) The Council resolves that the amendments to the Bylaw are the most appropriate way to address the perceived problems (which are identified above) and that there are no inconsistencies with the New Zealand Bill of Rights Act (see recommendations below).
 - (b) The Council approves the Statement of Proposal and Summary of Information, publicises it to enable public submissions and appoints a Hearings Panel to hear submissions (see recommendations below).
 - (c) The Special Consultative Procedure for this proposal will be from Friday 30 April to Monday 31 May 2010.
 - (d) If any submitters wish to be heard, hearings will take place between 28 and 30 June 2010.
 - (e) The Council will then receive a report from the Hearings Panel to consider the recommendations of the panel, and adopt the amendments to the Bylaw (Attachment 1a). Construction of the cycle lane may then take place.

FINANCIAL IMPLICATIONS

11. Funding is provided in the Capital Work Programme and covers all project costs from investigation through to implementation. Recent cost estimates indicate that this project can be completed within the allocated budget.

Do the Recommendations of this Report Align with the 2009-2019 Long Term Council Community Plan (LTCCP) budgets?

12. The recommendations of this report align with the 2009-2019 LTCCP budgets.

LEGAL CONSIDERATIONS/SECTION 155

13. Section 155 of the Act requires the Council to determine whether the making or amending of a bylaw is *“the most appropriate way to address the perceived problem”*. The Council is also required to determine whether the bylaw is in the most appropriate form and that there are no inconsistencies with the New Zealand Bill of Rights Act 1990 (NZBORA).

Appropriate way to address problem

14. Five options were considered for this street renewal project in Bower Avenue.

(a) **Option 1 – Do Minimum**

Option 1 involves maintaining the existing arrangements along the route, simply replacing the existing dish channel, with kerb and flat channel. No other changes are proposed.

Benefits include:

This do-minimum option is the lowest overall cost solution and maintains the existing level of service.

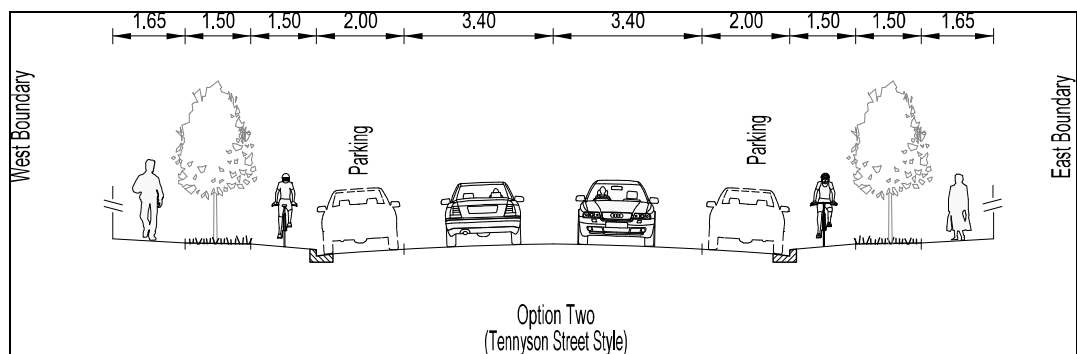
Shortfalls include:

Existing arrangements in terms of street drainage, carriageway structure, footpaths, street lighting, signs, road markings and other infrastructure are maintained, with no improvements made. It does not meet the aims and objectives of the project.

Conclusion:

Option 1 has not been selected as the preferred option as it does not meet the aims and objectives of the project.

(b) **Option 2 – Tennyson Street style cycle lanes**



Option 2 reduces the carriageway width to 10.8 metres and provides two 3.4 metre wide traffic lanes and two metre wide on-street parallel parking lane on each side of Bower Avenue. A 1.5 metre wide off-road cycle lane is proposed between the kerb and the grass berm on both sides of the road, in the style that has been used in Tennyson Street, Beckenham. A 1.65 metre wide footpath is proposed adjacent to the boundary on each side of the road. Kerb extensions, pedestrian median islands and intersection treatments proposed for this option are the similar to Option 3 below. There will be a similar reduction in the number of on-street car parks to that shown in Option 3.

Benefits include:

- (i) Enhanced streetscape by providing more opportunity for landscaping.
- (ii) Mid-block pedestrian crossing points will provide safer crossing points for pedestrians to cross Bower Avenue.

- (iii) New street trees and landscaping will be located in some sections within kerb build outs and the new grass berms along both sides of the road where possible. The existing street trees are to be replaced by Acer Burgerianum (Maple) along the berms and Chinese Elm on the build-outs.
- (iv) The proposed design will have a traffic calming effect, which is expected to reduce vehicle speeds along Bower Avenue.
- (v) The off-road cycle lane separates cyclists from moving vehicles.

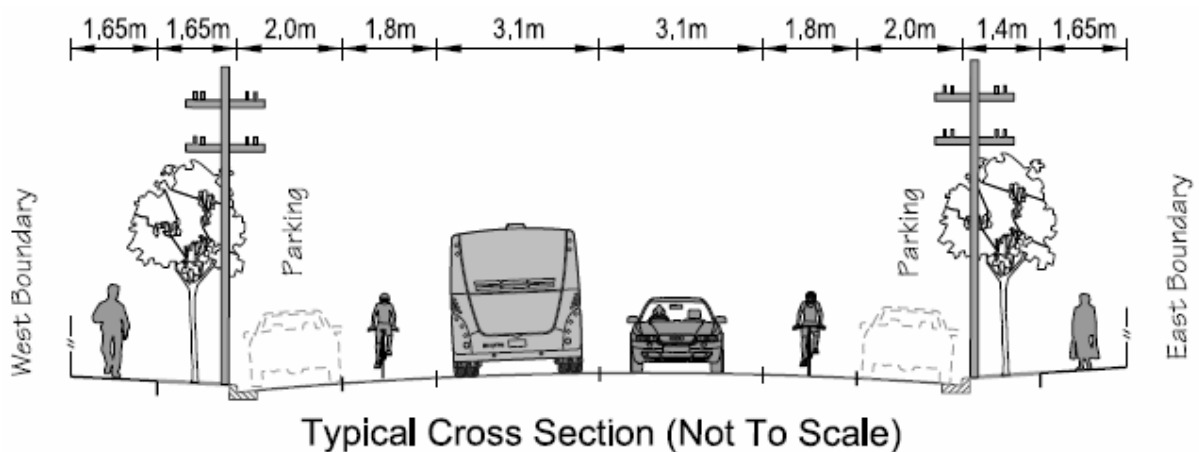
Shortfalls include:

- (i) The road will be narrowed to 10.8 metres, insufficient to meet City Plan requirements. A Resource Consent will therefore be required.
- (ii) Reviews of the Tennyson Street cycle lane have raised concerns in relation to conflicts with vehicles exiting driveways.
- (iii) Cyclists may conflict with parked car opening doors, due to the narrow 1.5 metre cycleway width.
- (iv) Pedestrians may use the cycleway as a footpath.
- (v) Rubbish and recycle bins may be placed on the cycleway on collection days.
- (vi) The Tennyson Street style was not considered to solve adequately the existing conflicts between cyclists and motor vehicles, and brings new safety issues in relation to potential conflicts between cyclists and pedestrians, and between cyclists and service requirements.

Conclusion:

Option 2 has not been selected as the preferred option.

(c) Option 3 – Standard Cycle lanes – the preferred option



Option 3 includes the replacement of the existing dish channel on its existing alignment, retaining the existing carriageway width of approximately 13.8 metres. This option provides two 3.1 metre wide traffic lanes with 1.8 metre wide on-street cycle lanes and two metre wide parallel parking adjacent to the kerb on both sides of Bower Avenue. A grass berm including trees where possible trees are proposed beside the kerbs and 1.65 metre wide footpath is proposed between the berm and property boundaries.

Other features proposed in this option also include:

- (i) A pedestrian median island between Marriotts Road intersection and Dick Taylor Drive intersection to improve accessibility to Queen Elizabeth II Leisure Centre.
- (ii) Another pedestrian median island outside 143 Bower Avenue to provide a crossing facility for Freeville School children.
- (iii) Two 'type B' intersection treatments at the Thurso Place and Castletown Place intersections.
- (iv) Two 'type C' intersection treatments at the Sandy Avenue and Palmers Road intersections.
- (v) Five pairs of kerb build outs along Bower Avenue, in addition to single build outs opposite Saltaire Street and Thurso Place, to slow vehicles down near intersections and also to provide landscape enhancements on the street. The spacing between kerb extensions varies between 90 metres and 120 metres. The proposed kerb extensions that located outside numbers 77 and 62 will have cut downs to provide crossing facilities for pedestrians.
- (vi) Reduction in the total number of car parks on the street from approximately 200 existing car parks to approximately 140 proposed parks. Parking surveys have been completed for the street and the proposed number of car parks more than caters for the observed number of vehicles that park on the street. The reduction of car parking is due to a number of factors including: extending the no stopping beside the bus stops, so that the bus stops are marked in accordance with current design standards; including the standard 4.1 metre wide cut downs at the entrances to driveways, which widens the majority of the existing entrances; including build-outs for traffic calming and landscaping; including the pedestrian islands to improve pedestrian safety when crossing the road; and including the associated tapers for the cycle lane.
- (vii) Bus stops are consistent with the Queenspark Bus Priority project.

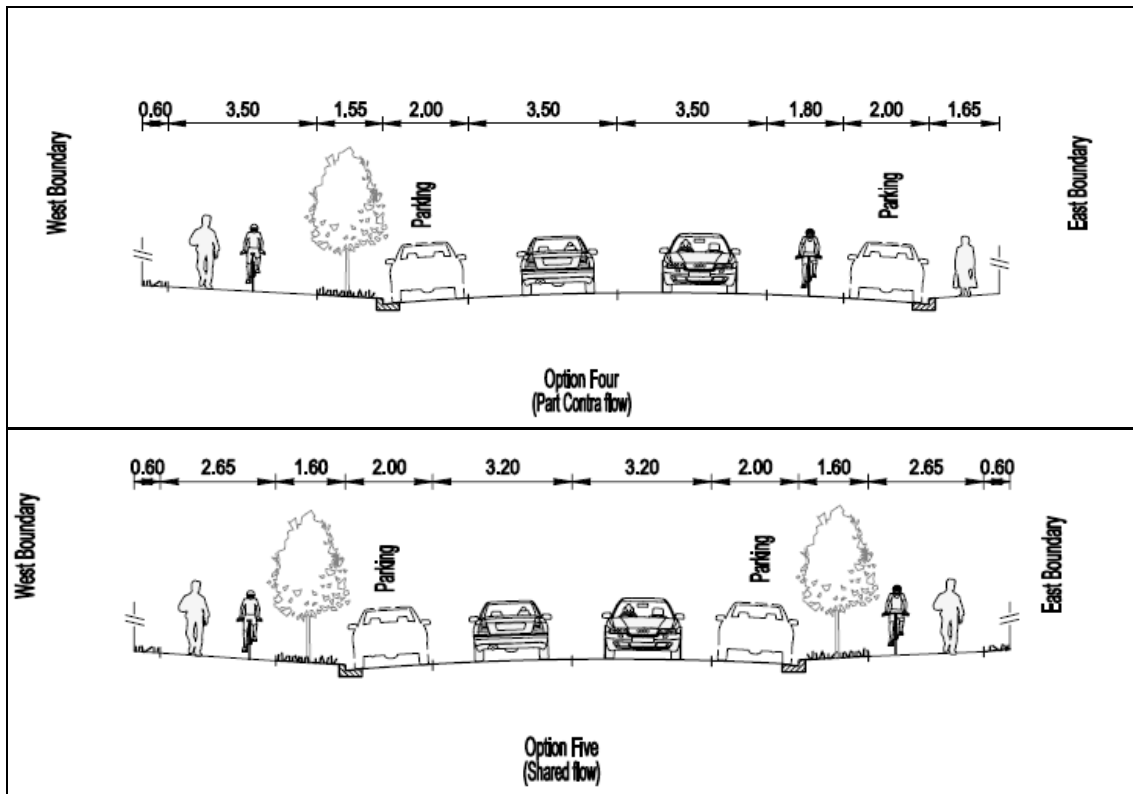
Benefits include:

- (i) Enhanced streetscape by providing more opportunity for landscaping.
- (ii) Mid block pedestrian crossing points will provide safer crossing points for pedestrians to cross Bower Avenue.
- (iii) New street trees and landscaping will be located in some sections within kerb build outs and the new grass berms along both sides of the road where possible. The proposed street trees are Acer Burgerianum (Maple) along the berms and Chinese Elms in the build-outs.
- (iv) The proposed design will have a traffic calming effect, which is expected to reduce vehicle speeds along Bower Avenue.
- (v) A standard marked cycle lane on the roadway provides an increased level of service for cyclists.

Conclusion:

Option 3 has been selected as the preferred option. The full proposed plan is presented in Attachment 1b.

(d) Options 4 & 5 – Off Road Shared path options



Options 4 and 5, as illustrated above, investigated the use of providing off road shared paths for cyclists and pedestrians. These options also included similar build outs and pedestrian features as described for Option 3. There will be a similar reduction in the number of on-street car parks to that shown in Option 3.

Benefits include:

- (i) These options provide separation for cyclists and moving vehicles on the road.

Shortfalls include:

- (i) The shared cycle/pedestrian lane could cause conflict between cyclists and pedestrians.
- (ii) There are safety issues for cyclists entering and exiting the shared path, especially when crossing over intersections.
- (iii) The proximity of the shared cycle lane to the boundary fences means that cyclists would have less visibility of vehicles emerging from driveways. Although the landscaping strip helps with this, the visibility level is still limited and would reduce the safe cycling speed to around 15 kilometres per hour.
- (iv) There are indications that these types of off road cycle lanes do not cater for all cyclists, so tend to be used less than on road cycle lanes.
- (v) To allow space for this layout, the roadway would be narrower than is allowed for in the City Plan. Therefore a Resource Consent would be required.
- (vi) Several power poles would require shifting to fit these options.

Conclusion:

Neither of these options has been selected as the preferred option.

Appropriate form of bylaw

15. The form in which the proposed amendment to the second schedule of the Bylaw has been drafted is considered appropriate in specifying the road where the special vehicle lane will be and the approximate location in the road, and is in accord with the format used in the Second Schedule of the Christchurch City Council Traffic and Parking Bylaw 2008 attached.
16. If a greater level of detail was specified, then if any changes were made to the road in the future which required the alteration of the special vehicle lane the bylaw would need to be amended. If the bylaw was not amended and the changes on the road were made, then that may make enforcement of the bylaw more difficult. The Second Schedule contains wording which provides that lanes will be marked as required/prescribed under the Land Transport legislation or at the officer's discretion in accordance with best practice guidelines.

New Zealand Bill of Rights Act 1990

17. The only provision of the NZBORA which has a bearing on the proposed amendment to the Bylaw is section 18, which provides that everyone lawfully in New Zealand has the right to freedom of movement. Creating special vehicle lanes provides a limitation on this right, but the limitation is considered to be a reasonable restriction in a free and democratic society, in accordance with section 5 of the NZBORA. Persons can still move around the city, and in fact creating cycle lanes may uphold another right under the NZBORA: freedom from discrimination (cycle lanes may provide a safe option for those who cannot drive cars because of a disability or age). Therefore there are no inconsistencies between the draft amended bylaw and the NZBORA.

Legal requirements of a special consultative procedure

18. The Special Consultative Procedure under the Act requires that the Council prepare a Statement of Proposal that must include:
 - “(a) as the case may be,—
 - (i) A draft of the bylaw as proposed to be made or amended; or
 - (ii) A statement that the bylaw is to be revoked; and
 - (iii) The reasons for the proposal; and
 - (iv) A report on any relevant determinations by the local authority under section 155.”
19. The Act also requires the Council to determine the form of the summary of information. Section 89(c) requires that it be distributed "*as widely as reasonably practicable (in such a manner as is determined appropriate by the local authority, having regard to the matter to which the proposal relates)...*" Section 83(e) of the Act also requires that the Council must give public notice of the proposal and the consultation being undertaken.
20. The proposed amendment to the Bylaw concerns a road in one part of the Council's district. It is therefore proposed that the summary of information be distributed to all properties and businesses along the route and nearby properties in adjacent streets and any absentee owners identified within the distribution area. The summary of information will also be sent to other relevant stakeholders, including the Police, Spokes, Taxi Federation, transport groups, and any residents groups in the distribution area. Public notice of the proposal will be published in a local newspaper with a wide circulation in the Council's district. Copies of the consultation documents will be available from the Civic Offices, and selected Council Service Centres and Libraries.

Decisions that are inconsistent with Council policies

21. If the Council decides to pursue an option that is significantly inconsistent with any of its adopted policies or strategies, it is required to comply with section 80 of the Local Government Act 2002. This section requires the Council to identify the inconsistency, the reasons for it and any intention to amend the policy to accommodate the decision.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

22. Yes.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

23. Yes.

ALIGNMENT WITH STRATEGIES

24. The proposed cycle lane is aligned to the following strategies:

- (a) Cycle Strategy 2004
- (b) Draft Infrastructure Design Standard (2009)
- (c) Council's Parking Strategy (2003)
- (d) Metro Strategy
- (e) Sustainable Energy Strategy
- (f) Physical Recreation and Sport Strategy
- (g) Road Safety Strategy
- (h) National Walking and Cycling Strategy
- (i) New Zealand Land Transport Strategy.

STAFF RECOMMENDATION

25. That the Burwood/Pegasus Community Board, through a Chairman's report, recommend that the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Bower Avenue) Bylaw 2010, amending the Christchurch City Council Traffic and Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Bower Avenue between New Brighton Road and Marriotts Road, is the most appropriate way to address the objectives stated in paragraph four of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the draft amendments to the Bylaw are in the most appropriate form.
- (c) Resolve that Council commence a Special Consultative Procedure to make the Bylaw and that the attached Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Bower Avenue) Bylaw 2010 and proposed plan) and the Summary of Information be adopted for consultation and made available for public inspection at selected Council service centres, Council libraries and on the Council's website.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets, and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any residents groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to consider submissions on the proposed Traffic and Parking Amendment (Bower Avenue) Bylaw 2010.
- (g) Note that this report is to be included in the Council meeting agenda of 22 April 2010.

BACKGROUND

26. The Burwood/Pegasus Community Board was advised by a memorandum of the proposed works in early 2008. An initial survey was then undertaken with the residents in May 2008. Their main concerns identified by the survey were landscaping (trees), traffic speed, street lighting, cycle lanes and improved pedestrian facilities.
27. Details of the proposed Bower Avenue street renewal project were presented at a seminar of the Burwood/Pegasus Community Board on 1 March 2010. The statutory special consultative procedure will follow the adoption of the recommendations of this report.
28. The objectives of this project are:
 - (a) Meet budget and achieve lowest overall cost solution.
 - (b) Maintain or improve user safety and level of service.
 - (c) Renew the kerbs and channels to suit drainage and adjacent street drainage needs as required.
 - (d) Renew street drainage pipes as required.
 - (e) Renew carriageway(s) as required.
 - (f) Renew footpaths as required.
 - (g) Renew berms as required.
 - (h) Renew streetlight assets as required.
 - (i) Renew signs and markings as required.
 - (j) Renew other Transport and Streets assets e.g. cycle, traffic signals, retaining walls, fences, railings, etc if required.
 - (k) Install traffic calming infrastructure to suit the speed environment required.
 - (l) Install new landscaping and street trees to meet Council's Community Outcomes.
 - (m) Install additional assets to meet current standards and the new street layout.
29. Key features of the preferred Option:
 - (a) Replaces the existing kerb and dish channel with kerb and flat channel;
 - (b) Provides a continuous cycle lane on each side of Bower Avenue from New Brighton Road to Marriotts Road;
 - (c) A reduction in the amount of car parking spaces spread along the street. Parking surveys indicate that the number of parks proposed will more than cater for the maximum parking demand observed on this street;
 - (d) Inclusion of a number of kerb build outs to accommodate tree planting and landscaping and to provide traffic calming measures;
 - (e) Improved pedestrian crossing points by the addition of three pedestrian islands at desired pedestrian crossing locations; and,
 - (f) The proposed street trees are Acer Burgerianum (Maple) along the berms and Chinese Elms in the build outs.