



8. PROPOSED CONDELL AVENUE STREET RENEWAL PROJECT AND TRAFFIC AND PARKING AMENDMENT (CONDELL AVENUE) BYLAW 2010

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Transport and Greenspace General Manager
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PURPOSE OF REPORT

1. The purpose of this report is to request that the Fendalton/Waimairi Community Board recommends to Council that a special consultative procedure be commenced for the establishment of cycle lanes on both sides of Condell Avenue between Blighs Road and Matsons Avenue as part of the Condell Avenue Street Renewal Project, and the amendment of the Christchurch City Council Traffic and Parking Bylaw 2008. This report is also being considered by the Shirley/Papanui Community Board.

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 Condell Avenue. This project covers the 625 metre section of Condell Avenue between Matsons Avenue and Blighs Road. Condell Avenue forms the boundary between the Shirley/Papanui and Fendalton/Waimairi Community Board areas, so both Community Boards will be included in the consultation for this project.
3. Condell Avenue is a Collector Road, with an average traffic count of approximately 3,200 vehicles per day. The adjacent land use along the route is predominantly residential, although the route also contains a rest home, a retirement village, Laidlaw College and is used as a route to school for many children. Condell Avenue has a memorial street status.
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 scarlet oak trees) together with new magnolia vulcan trees down both berms will enhance the character of the area and street lighting will be upgraded. There will be no under grounding of the 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 Blighs 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. (The Council's Full Cycle Network Plan includes Blighs Road as part of the recommended route from Bishopdale to the city.) 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 seven crashes occurred along this section of Condell Avenue over the last five years. 'Road factors' possibly contributed to four of these crashes. One crash occurred on the Blighs Road approach to the Blighs Road/Condell Avenue intersection. Along Condell Avenue one crash involved a vehicle undertaking with an unsafe overtaking manoeuvre (where excess speed was sited as a contributory factor), leading to a serious and two minor injuries, another when a cyclist changed lanes into the path of a car when approaching the Aorangi Road Intersection (resulting in no injury), and the final accident occurred when a vehicle tried to undertake a u-turn manoeuvre and was hit by a vehicle in a "rear-end shunt" style accident, resulting in a minor injury.
8. This street renewal project reduces the total number of carparks along this section of Condell 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 84 existing car parks to approximately 64 proposed parks.
9. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Condell Avenue) Bylaw 2010, and the proposed plan, **Attachment 2**) is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council. Refer **attachment 3** for Consultation pamphlet and **attachment 4** for the "Have your Say" submission form.
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 2009-19 Long Term Council Community Plan (LTCCP) budgets?

12. The recommendations of this report align with the 2009-19 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. The following three options were considered for the Condell Avenue (Blighs to Matsons) street renewal project.
15. Option 1 includes maintaining the existing arrangements along the route, simply replacing the existing dish channel, with kerb and flat channel. No other changes are proposed. This do-minimum option meets few of the aims and objectives, replacing only the existing dish channel with kerb and flat channel. Existing arrangements in terms of street drainage, carriageway structure, footpaths, street lighting, signs and markings and other infrastructure are maintained, with no improvements made.

Conclusion - Option 1 has not been selected as the preferred option as it does not meet the project's aims and objectives.

16. Option 2 (refer **Attachment 1**) includes providing two 3.1 metre traffic lanes, two 1.8 metre cycle lanes, two 2 metre parking lanes, using the remaining width to provide a 1.65 metre wide footpath, behind a 1.5 metre wide grass berm (within which all service poles will be located). Traffic calming will be provided in the form of three build-outs (outside 19, 55 and 71 Condell Avenue) and three pedestrian islands (outside 37, 95 and 107 Condell Avenue) providing pedestrian linkage to bus stops and Matsons Avenue. Build-outs will include tree pits, reflecting the 'memorial street' status of Condell Avenue, and the berms will be of a sufficient width to accommodate trees. The cycle lanes will be continued up to the Blighs Road intersection. Swept path assessments have been undertaken to ensure that a bus can still enter and exit Condell Avenue and Blighs Road.

Conclusion - Option 2 has been selected as the preferred option.

17. Option 3 includes narrowing of the carriageway to 12 metres, providing two 4 metre traffic lanes, two 2 metre parking lanes, using the remaining width to provide a 3 metre wide contra flow shared cycle/footpath on the north-east side of Condell Avenue, along with a 1.65 metre wide footpath on the south-west side, and two 1.73 metre berms. Traffic calming will be provided in the form of build-outs, which will include tree pits, reflecting the memorial status of Condell Avenue. The scheme will also provide a three pedestrian crossing facilities in the locations specified in Option 2. There is a reduction in the total number of car parks on the street.

In this option, only one cycle lane will be located on only one side of the road, which would likely reduce the use of the cycle lane. There would also be potential conflicts with entering and exiting the shared path due to the contra flow nature of the cycle lane.

Conclusion - Option 3 has not been selected as the preferred option.

Appropriate form of bylaw

18. 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.
19. 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 (NZBORA) 1990

20. 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

21. 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.”
22. 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.
23. 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 resident 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

24. 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

25. Yes.

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

26. Yes.

ALIGNMENT WITH STRATEGIES

27. 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

28. That the Fendalton/Waimairi Community Board through a joint Chairperson's report (with the Shirley/Papanui Community Board) recommend that the Council:
- (a) Resolve that the proposed Traffic and Parking Amendment (Condell Avenue) Bylaw 2010, amending the CCC Traffic & Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Condell Avenue between Blighs Road and Matsons Avenue, is the most appropriate way to address the objectives stated in paragraph 4 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 the 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 (Condell Avenue) Bylaw 2010) 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 resident 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 (Condell Avenue) Bylaw 2010.
 - (g) Note that this report is to be included in the Council agenda of 22 April 2010.

BACKGROUND

29. The Shirley/Papanui and Fendalton/Waimairi Community Boards were advised by memorandum of the proposed works in November 2009. An initial survey was then taken with the residents, rest home, retirement village, college and property owners over November – December 2009. Their main concerns identified by the survey were landscaping (trees) and traffic speed.
30. Details of the proposed Condell Avenue (Blighs Road to Matsons Avenue) renewal project were presented as a seminar to the Shirley/Papanui and Fendalton/Waimairi Community Boards on 17 and 22 February 2010 respectively. The statutory special consultative procedure will follow the adoption of the recommendations of this report.
31. The objectives of this project are;
 - Meet budget and achieve lowest overall cost solution.
 - Maintain or improve user safety and level of service.
 - Renew the kerbs and channels to suit drainage and adjacent street drainage needs as required.
 - Renew street drainage pipes as required.
 - Renew carriageway(s) as required.
 - Renew footpaths as required.
 - Renew berms as required.
 - Renew streetlight assets as required.
 - Renew signs and markings as required.
 - Renew other Transport and Streets assets e.g. cycle, traffic signals, retaining walls, fences, railings, etc if required.
 - Install traffic calming infrastructure to suit the speed environment required.
 - Install new landscaping and street trees to meet Council's Community Outcomes.
 - Install additional assets to meet current standards and the new street layout.

KEY FEATURES OF THE PREFERRED OPTION

- Replaces the existing kerb and dish channel with kerb and flat channel;
- Provides a continuous cycle lane on each side of Condell Avenue from Blighs Road to Matsons Avenue;
- 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.
- Inclusion of a number of kerb build outs to accommodate tree planting and landscaping and to provide traffic calming measures;
- Improved pedestrian crossing points by the addition of three pedestrian islands at desired pedestrian crossing locations.
- The existing street trees, which are predominantly Silver Birches, are to be replaced with magnolia vulcan trees along the berms and scarlet oak trees in the kerb build outs.