8. PROPOSED LINWOOD AVENUE CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (LINWOOD AVENUE) BYLAW 2009

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 seek the Council's approval to commence the Special Consultative procedure recommending the commencement of a statutory special consultative procedure for the establishment of a cycle lane on both sides of Linwood Avenue between Worcester Street to Tilford Street and to make a bylaw to amend the Christchurch City Council Traffic and Parking Bylaw 2008.

2. This report went before the Council meeting of 27 November 2008. The Council resolved to send this report to the Hagley Ferrymead Community Board for its consideration and Part A recommendation to Council. The Hagley/Ferrymead Community Board is meeting on Wednesday 17 December 2008. A recommendation will be forwarded prior to the Council meeting on 19 December 2008.

EXECUTIVE SUMMARY

2. The proposal is to create a Special Vehicle Lane (Cycle Lane) on both sides of Linwood Avenue between Worcester Street to Tilford Street. In order to do this it will be necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.

3. 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. Any amendments to a bylaw can only be done by way of the special consultative procedure.

4. Linwood Avenue is a "major arterial road" used by approximately 29,000 vehicles per day. In the five year period between 2002 and 2006 there were seven reported cycle accidents in this section of Linwood Avenue.

5. Data from cycling surveys carried between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. A 2006 survey also found that the Linwood Avenue/Buckleys Road intersection had received considerable negative comments about cyclist safety and is one of the key areas for improvement.

6. The length of road within this cycle lane project has adjacent land uses split between retail and residential with a local park in the centre. The retail areas have a relatively high level of on-street parking, driveways and minor intersections. There is an existing central median island for the full length of this section of Linwood Avenue. The figures indicate that Linwood Avenue is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.

7. 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 and that enhancing the physical environment is a key method towards achieving the Strategy objectives.

8. The 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 and the priority of provision is determined by many factors including cycle usage levels, reported cycle accidents and cyclist concerns.

9. Opportunities are also taken to coordinate cycle lane construction with other road network improvement projects such as road reconstructions, kerb and channel renewal, safety improvements etc to create a network of continuous routes for existing use and anticipated future growth.

10. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009) and **Attachment 2** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.

11. The process for making the Amendment Bylaw (which will amend Schedule 2 of the Traffic and Parking Bylaw 2008) is as follows:

    (a) The Council resolves that the Amendment Bylaw is the most appropriate way to address the perceived problems (which are identified below), the bylaw is in the most appropriate form, 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 and publicises it for public submissions, and appoints a hearings panel to hear submissions (See recommendations below);

    (c) The special consultative procedure will be from Monday 12 January 2009 to Friday 13 February 2009;

    (d) If any submitters wish to be heard, hearings will take place during the week beginning 9 March 2009.

    (e) The Council will then receive a report from the hearings panel to consider the recommendations of the panel, and adopt the Amendment Bylaw (**Attachment 1)**. Construction of the cycle lane may then take place.

FINANCIAL IMPLICATIONS

12. Funding is provided in the Transport and Greenspace Capital Work Programme as follows.

    (a) Linwood Avenue Cycle Lane for 2008/09 is $230,000

    (b) The funding for this project covers all costs from design and consultation through to construction and implementation.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

13. Not affected by the proposed changes.

LEGAL CONSIDERATIONS/SECTION 155

14. Section 155 of the Local Government Act 2002 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

15. Linwood Avenue is a "major arterial road" used by approximately 29,000 vehicles per day. In the 5 year period between 2002 and 2006 there were 7 reported cycle accidents in this section of Linwood Avenue. Data from cycling surveys carried between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. A 2006 survey also found that the Linwood Avenue/Buckleys Road intersection had received considerable negative comments about cyclist safety and is one of the key areas for improvement.

16. The proposed Linwood Avenue cycle lane project (between Worcester Street to Tilford Street) is identified as part of Christchurch's Primary Cycle Network within the Council's full Cycle Network Plan for Christchurch. The proposed project supports the Council's Vision in the Cycling Strategy towards helping Christchurch to be a cycle friendly city and specifically assists in the targets of increasing cycling and making it safe to cycle. The figures above indicate that Linwood Avenue is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.

17. The following options exist for the Council in relation to managing cycle use on Linwood Avenue:

    (a) Status quo. – i.e.: Do nothing. Make no specific provision and leave cyclists with the responsibility for moving and maintaining their own space within the road corridor and traffic flow.

        (i) This option is not preferred because it does not support the Strategies identified in paragraph 26 of this report. There are a number of school children using this road and this option does not provide any additional safety benefits for cyclists using this road.

    (b) Create an off-road cycle path or shared cycle/pedestrian path along all or parts of the route.

        (i) This option is not preferred because there is insufficient area to accommodate the shared path within the existing legal road boundary and property purchase would be required in some areas to achieve this option. The distribution of retail and commercial areas along the route and the high number of pedestrians associated with the activity and shops in this area poses potential conflict with a shared cycle/pedestrian path,

    (c) Provide a dedicated and marked cycle lane as part of the road layout on Linwood Avenue between Tilford Street and Worcester Street for increased safety of the cyclists as shown on **Attachment 2**.

        (i) This is the preferred option, which will require the creation of a special vehicle lane.

        (ii) Under the Transport Act 1962, the Council can only create special vehicle lanes by specifying the road on which the lane is on in a bylaw. The Local Government Act 2002 prescribes that making or amending a Bylaw can only be done by using the special consultative procedure.

        (iii) The Council's intention is to make an Amendment Bylaw to amend Schedule 2 of the Traffic and Parking Bylaw 2008 to include a cycle lane on both sides of Linwood Avenue between Tilford Street and Worcester Street, which will address the problems of cycle safety on Linwood Avenue as well as increasing the number of cyclists using Linwood Avenue and will also mean there is a legally enforceable cycle lane on Linwood Avenue.

Appropriate form of bylaw

18. The form in which the proposed Amendment Bylaw has been drafted is considered appropriate, in that specifying the road where the special vehicle lane will be and the approximate location in the road, is in accord with the format used in the proposed new second schedule in the amendment to the Traffic and Parking Bylaw 2008 which is currently out for consultation.

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, and then each time that happened 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 proposed new 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 (NZBORA)

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 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 should also be sent to other relevant stakeholders, including Spokes, Taxi Federation, Transport Groups, and 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 all Council service centres and libraries.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

24. Yes.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

25. Yes.

ALIGNMENT WITH STRATEGIES

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

    (a) Cycle Strategy 2004
    (b) New Zealand Land Transport Strategy
    (c) National Walking and Cycling Strategy
    (d) Metro Strategy
    (e) Sustainable Energy Strategy
    (f) Physical Recreation and Sport Strategy
    (g) Road Safety Strategy

CONSULTATION FULFILMENT

27. Internal consultation has taken place between relevant units. Details of the proposed Linwood Avenue Cycle lane were presented as a seminar to the Hagley/Ferrymead Community Board on 16 July 2008. The statutory special consultative procedure will follow the adoption of the recommendations of this report.

STAFF RECOMMENDATION

It is recommended that the Council:

(a) Resolve that the proposed Traffic and Parking Amendment (Linwood Ave) Bylaw 2009, amending the CCC Traffic & Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Linwood Ave, is the most appropriate way to address the perceived problems identified in paragraphs 15-17 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 proposed Amendment Bylaw is 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 (Linwood Ave) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all 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 (Linwood Avenue) Bylaw 2009.

(g) Note that this report is included in the Council agenda of 19 December 2008.

(h) Note that, in order to meet the consultation and hearing timetable outlined in the Statement of Proposal and the Summary of Information, staff advise that the Board's recommendation will be forwarded to the 19 December 2009 Council meeting by way of memorandum from the Community Board Advisor.

HAGLEY/FERRYMEAD COMMUNITY BOARD RECOMMENDATION

This will be forwarded to the Council on 18 December 2008.

BACKGROUND

THE OBJECTIVES

28. The primary (must do) objectives for the project are as follows:

    (a) Improve facilities to enhance safety for cyclists.

        (i) Continuous cycle lanes are proposed on both sides of Linwood Avenue between Tilford Street and Worcester Street. Street signage and markings will also be improved along this section to enhance the safety for cyclists.

29. The secondary (would like to do, but add cost) objectives for the project are as follows in priority order:

    (a) Ensure that street lighting and signage is adequate for facilities provided.

        (i) A lighting assessment has been undertaken by Connetics and the upgrade recommendations have been included in this project. It also improves the signage and street markings for all road users throughout this section to provide safe and efficient movement of traffic.

    (b) Maintain level of service for other road users (all modes).

        (i) The proposal maintains level of service for all road users. It provides adequate and continuous lanes throughout the study section to allow safe movement of all vehicles. It also preserves the existing pedestrian facility which includes continuous 2.0 m wide footpath with safe crossing points at all intersections.

30. Key features of the proposed Linwood Avenue Cycle Lane are as follows

    (a) Inclusion of cycle lanes varying between 1.6-1.8 metres wide on both sides of Linwood Avenue between Tilford Street and Worcester Street.

    (b) Commence construction within 2009/10 financial year.

    (c) Realignment of traffic lanes in some locations to incorporate the cycle lanes and to provide continuous traffic flow.

    (d) Provision of a special 'WATCH FOR DOORS' sign south of the Buckleys Road/Linwood Ave intersection.

    (e) Provision of cyclist advanced stop boxes for through movements on Linwood Avenue at the Buckleys Road/Aldwins Road intersection and at the Linwood Avenue/Hereford St intersection.

    (f) Repair and/or replacement of road signage to maintain the efficiency and safety for all traffic movements.

    (g) Addition of red paint markings of the cycle lane at potential vehicle/cyclist conflict points.

    (h) The majority of on street parking along this section is retained. The existing on street parking on Linwood Avenue between Cashel Street and Hereford Street is removed.

    (i) The existing pedestrian facilities are retained.

    (j) The existing bus stops will be retained along this section.

THE PREFERRED OPTION

31. Commence the special consultative procedure to make the recommended amendments to the Bylaw.