

9. PROPOSED STANMORE ROAD CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (STANMORE ROAD) BYLAW 2009

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Transport and Greenspace General Manager
Author:	Transportation Consultation Team Leader, Rod Whearty

PURPOSE OF REPORT

1. The purpose of this report is to recommend the commencement of a statutory special consultative procedure for the establishment of a cycle lane on both sides of Stanmore Road between Avonside Drive and North Avon Road and amendment of the Christchurch City Council Traffic & Parking Bylaw 2008. The report also contains a recommendation to appoint a Hearings Panel to hear submissions if the proposal to undertake a Special Consultative Procedure is adopted.

EXECUTIVE SUMMARY

2. The proposal is to create a Special Vehicle Lane (Cycle Lane) on both sides of Stanmore Road between Avonside Drive and North Avon Road. In order to do this it will be necessary to amend Schedule 2 of the Christchurch City Council Traffic & 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, and following a special consultative procedure for making amendments to the Bylaw.
4. Stanmore Road is a "collector road" with an average annual daily traffic count of approximately 15,500 vehicles. In the last five years there have been four reported cycle accidents (3 minor injury/1 non-injury) in this section of Stanmore Road.
5. The northern section of Stanmore Road recorded over 80 trips per day (the highest use category) in the 2006 Christchurch Cycle Network Plan: Cyclist Survey (CCNP:CS). Other sections of Stanmore Road recorded either 21-40 or 41-80 trips per day.
6. The CCNP:CS surveyed trips made by 400 cyclists over a week long period during May-June and October-November 2006. It should be noted that the recorded trips are not overall cycling counts, but the recorded trips of a small representative sample of cyclists. The actual number of cyclists using this road is potentially much higher.
7. 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. Several pedestrian islands have been constructed in recent years. The figures indicate that Stanmore Road is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
8. 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.
9. 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.

10. 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.
11. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009) and **Attachment 2** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.
12. 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 below), they are 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 of 9 to 13 March 2009; and
 - (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 1**). Construction of the cycle lane may then take place.

FINANCIAL IMPLICATIONS

13. Funding is provided in the Transport and Greenspace Capital Work Programme as follows:
 - (a) Stanmore Road Cycle lane 2008/09 \$270,000
 - (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?

14. Not affected by the proposed changes.

LEGAL CONSIDERATIONS/SECTION 155

15. 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

16. The proposed Stanmore Road cycle lane project (between Avonside Drive and North Avon Road) 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 indicate that Stanmore Road 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 Stanmore Road:

- (a) Status quo ie: 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.

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.

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 schools 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 Stanmore Road between Avonside Drive and North Avon Road for increased safety of the cyclists as shown on **Attachment 2**.

This is the preferred option. This option is aligned to and meets the objectives in the Cycle Strategy, sustainable transport modes and provides additional safety benefits for cyclists in this section of Stanmore Road.

This option creates a Special Vehicle Lane. Under the Transport Act 1962, Special Vehicle Lanes must be specified in a Bylaw. The Local Government Act 2002 prescribes that any alterations or additions to a Bylaw may only be undertaken using the Special Consultative Procedure.

The Council's intention is to make an amendment by way of addition to Schedule 2 of the Traffic and Parking Bylaw 2008 to allow a marked cycle lane on both sides of Stanmore Road between Avonside Drive and North Avon Road.

There is no other way of creating a legally enforceable cycle lane on the road; therefore the bylaw amendment is the most appropriate way of addressing this problem.

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 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 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 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. The statutory special consultative procedure will follow the adoption of the recommendations of this report.

CHRISTCHURCH CITY COUNCIL RECOMMENDATION

It is recommended that the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009, amending the CCC Traffic & Parking Bylaw 2008 and providing for special vehicle lanes (cycle lanes) on Stanmore Road, is the most appropriate way to address the perceived problems identified in paragraphs 16 and 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 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 (Stanmore Road) 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, noting that the submissions will close at 5pm on Friday 13 February 2009.
- (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 (Stanmore Road) Bylaw 2009, during the week beginning Monday 9 March 2009.

BACKGROUND

THE OBJECTIVES

28. The primary (must do) objectives for the project are as follows:
- (a) To provide cycle facilities on Stanmore Road between Avonside Drive and North Avon Road which will enhance safety for cyclists.
 - (i) Cycles lanes have been proposed on both sides of Stanmore Road for the entire length between North Avon Road and Avonside drive
 - (b) Maintain the collector function of Stanmore Road.
 - (i) The road design is consistent with maintaining the collector function of Stanmore Road.
 - (c) To complete the construction within the 2008/09 financial year.
 - (i) This objective will not be achieved. The project is scheduled to be constructed in the 2009/2010 financial year. Construction has been delayed due to the time required to complete the special consultative procedure.
 - (d) To maintain or improve safety for all road users, including pedestrians.
 - (i) The proposal will improve safety for pedestrians at some locations and will maintain or improve safety through out. Cyclist safety will be improved through the whole length of Stanmore Road that the project covers. Driver and vehicle safety is maintained, with driver / cyclist interaction reduced.
29. The secondary (would like to do, but add cost) objectives for the project are as follows in priority order:
- (a) To maintain as much parking as possible adjacent to the businesses.
 - (i) The proposed design retains as much kerb side parking as possible adjacent to businesses, whilst providing safe facilities for pedestrians, cyclists and vehicles.
 - (b) Ensure the street lighting and signage is adequate for route.
 - (i) A lighting assessment has been undertaken by Connetics and the upgrade recommendations have been included in this project.
 - (c) To provide extra pedestrian facilities over and above the existing facilities to cater for the high number of school age and elderly pedestrians that use Stanmore Road to access schools in the area and for shopping.
 - (i) The proposal will improve pedestrian links with a kerb build out proposed opposite the supermarket where it will improve pedestrian sight lines at a heavily used crossing point. Tactile pavers for the partially sighted are also proposed at the pedestrian crossing facilities across Stanmore Road and at the North Avon Road signalised intersection.

30. Key features of the proposed Stanmore Road Cycle Lane are as follows:
- (a) Inclusion of cycle lanes varying between 1.5-1.8 metres wide on both sides of Stanmore Road between Avonside Drive and North Avon Road.
 - (c) Maintain the "Collector Road" status of Stanmore Road.
 - (d) Complete construction within 2009/10 financial year.
 - (e) Adding a kerb build out opposite the supermarket to improve pedestrian crossing facilities at that point.
 - (f) Including tactile pavers at the pedestrian islands and pedestrian crossing.
 - (g) Removal of three existing kerb "Build outs" to make room for the proposed cycle lane.
 - (h) Three new pedestrian Islands added at various points between Avonside Drive and North Avon Road.
 - (i) Removal of two Bus Stops. One south of Warwick Street and one south of North Avon Road.
 - (j) Relocation of the existing Taxi Stand to the opposite side of the road to share the space with the Mobile Library.
 - (k) Removal of 36 existing car park spaces at various locations, Car parks in high demand areas are largely retained
 - (l) Two metre wide central flush median retained in some locations.

THE PREFERRED OPTION

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