

7. **HEARINGS PANEL REPORT ON THE PROPOSED KILMORE STREET (MADRAS STREET TO FITZGERALD AVENUE) CYCLE LANE AND AMENDMENT TO SCHEDULE 2 OF THE TRAFFIC AND PARKING BYLAW 2008**

PURPOSE OF REPORT

1. The purpose of this report is to present the Hearings Panel recommendations for the Kilmore Street cycle lane and seek Council approval to adopt the Christchurch City Council Traffic and Parking Amendment (Kilmore Street) Bylaw 2009 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008.
2. The report also contains a number of recommendations to implement parking restrictions associated with the proposed Kilmore Street cycle lane, if the proposal is approved.

EXECUTIVE SUMMARY

3. The Kilmore Street cycle lane project is located within a two way section of Kilmore Street between Madras Street and Fitzgerald Avenue. This part of Kilmore Street is classified as minor arterial and is part of a strategic cycling route that will allow connectivity from the eastern suburbs into the inner city. There are existing cycle facilities that this route will connect to at Avonside Drive and further planned cycle facilities along Fitzgerald Avenue and Madras Street.
4. The surrounding area is generally residential, including a mixture of apartment and rental buildings. There is a concentration of retail businesses at the Barbadoes Street/Kilmore Street intersection, and businesses clustered around the Kilmore Street/Fitzgerald Avenue intersection. Christchurch Central Fire Station and regional headquarters is located on the southern side between Madras Street and Oxford Terrace.
5. On 19 December 2008, the Council resolved to commence the special consultative procedure to undertake an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008.
6. The proposal is to create a Special Vehicle Lane (cycle lane) on both sides of Kilmore Street between Madras Street and Fitzgerald Avenue. In order to do this it is 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. The proposal is in accordance with the Council's Cycling Strategy 2004 and the national strategies, the project also aims to balance the demands of all road users.
7. The amended plans (TP301301, Issue 9) showing the proposed road layout incorporating changes recommended by the Hearings Panel is shown in **Attachment 1**. The full Amendment Bylaw to be adopted by the Council is shown in **Attachment 2**. A summary of the submissions including staff comments and Hearings Panel's response is shown in **Attachment 3**.
8. The Council appointed a Hearings Panel comprising of Bob Todd (Chair), Councillors Sally Buck and Chrissie Williams, who deliberated on all written and oral submissions prior to confirming the Hearings Panel's recommendations on the proposed Kilmore Street cycle lane for the Council to consider.
9. Several changes to the original proposal were recommended by the Hearings Panel. The recommended changes are covered in more detail further on in the report under the section titled "Recommended changes to the plan".
10. A list of the key features of the proposed plan being recommended by the Hearings Panel is shown below:
 - (i) Provision of a continuous and marked cycle lane on both sides of Kilmore Street between Madras Street and Fitzgerald Avenue.
 - (ii) Reduction of Kilmore Street to a single west bound traffic lane between Dawson Street and the fire station.

- (iii) Improved street signage and road markings to provide clear and safe instructions for all traffic movements.
- (iv) Rationalisation of the parking layout and restrictions to maximise parking opportunities in the vicinity of the businesses
- (v) Complete construction within 2009/10 financial year.

FINANCIAL IMPLICATIONS

- 11. The proposed cycle lane works for Kilmore Street are included in the Transport and Greenspace Unit's capital programme for implementation in the 2009/2010 financial year.
- 12. Recent project cost estimates indicate that this project can be achieved within the allocated budget.

CONSULTATION FULFILMENT

- 13. The consultation period for the special consultative procedure took place from 12 January 2009 to 13 February 2009. The consultation documents were sent directly to a range of groups, organisations and individuals, and hand-delivered to all businesses on the route. Public notices appeared in relevant newspapers, and the consultation documents were made available at service centres, Council libraries and on-line via the Council's "Have Your Say" web page . A public information evening was also held in the project area on Thursday 22 January 2009 for interested people to drop-in and talk to project staff.
- 14. A meeting was held between Christchurch Central Fire Station management and project staff during the consultation period to clarify the concerns of the fire station in relation to the proposed pedestrian island on Kilmore Street. The Fire Service made written and verbal submissions on specific aspects of the proposal.
- 15. At the close of the consultation period a total of 19 submissions had been received. Five people requested to be heard by the Hearings Panel in support of their submissions. The hearings were held on 10 and 13 March 2009. The Panel deliberated and considered the submissions on 25 March 2009 and requested staff to amend the proposed plan in line with its recommended changes. The full summary of submissions, including staff comments and the Hearings Panel recommendation is shown in Attachment 3.
- 16. Of the 19 submissions received, three were on behalf of groups or organisations, five from businesses affected by the proposal, and 11 were from individual submitters. The majority of submissions focused on opposition to the proposed pedestrian island (seven submitters), loss of parking for businesses (six submitters), and opposition to the clearway (four submitters). Other issues raised related to signage and road marking, traffic flow and access, and cycle safety, particularly at intersections.
- 17. Of the five submitters who requested to be heard by the Hearings Panel, two represented their own local businesses, and three represented groups or organisations. One person who asked to be heard submitted individually but was heard as one of the three representatives of an organisation (in effect a total of four presentations were made to the Hearings Panel).

RECOMMENDED CHANGES TO THE PLAN

- 18. The original proposal included a parking clearway between 7am and 9am on the west-bound lane between Dawson Street and the fire station. This was proposed to maintain two westbound traffic lanes through this section at peak traffic times. The key recommendation of the Hearings Panel is to remove the proposed clearway and reduce that section of Kilmore Street to a single west bound traffic lane over that section. Traffic modelling, for current and future traffic volumes, has been completed and found that this reduction in traffic lanes had a minor impact on the overall network and caused only a small loss of service at the Kilmore Street/Barbadoes Street intersection. Removing the clearway has meant the cycle lane can be permanently marked throughout this section, the kerbside parking can be maintained at all times and the general road layout can be kept simpler, reducing the potential for confusion for drivers.

19. The Hearings Panel recommend that the proposed physical pedestrian island is not included outside the Christchurch Central Fire Station, however, the proposed lane layout including painted flush median is retained. The primary reason for this recommendation is strong opposition to the physical island from the fire service and concerns that they will not be able to meet their safety requirements for official response times to call-outs and the need to travel up the centre of the road to the Madras Street intersection when traffic is backed up. Six other submissions also supported its removal from the plan, with reasons ranging from support for perceived safety and egress issues for the fire service, safety issues for pedestrians, and concerns that the island would block off turning traffic into Oxford Terrace.
20. In response to local business (Retropolitan, Dairy) concerns about the removal of parking outside their premises and the likelihood of all day parking encroaching on the remaining adjacent parking, it is recommended that parking restrictions outside 237 Kilmore Street be changed from P30 to P10.
21. In response to local business (Retropolitan, Dairy) concerns about the removal of parking outside their premises and the likelihood of all day parking encroaching on the remaining adjacent parking, it is recommended that unrestricted parking spaces outside 241 and 243 Kilmore Street be changed to P30.
22. In response to local business (Amala Hairdresser and Pug) concerns regarding potential long term parking outside their premises it is recommended that the unrestricted parking between numbers 234 and 242 Kilmore Street be changed to P30.
23. In response to concerns about the need for longer term parking for Amala hairdresser and general parking demand for businesses in this area, it is recommended that one additional restricted space be added on the east side of Barbadoes Street, south of the Kilmore Street intersection and these four spaces be restricted to P60.
24. In response to concerns from Foley Towers backpackers hostel concerning the loss of long term parking outside its premises, it is recommended that three P 120 parking spaces be provided opposite the Backpackers premises to replace the existing P60 parking.
25. In response to concerns about the need for an adequate parking space for buses and to allow for the pick-up and drop off of bus passengers from Foley Towers backpackers hostel, it is recommended that a P60 tour coach park be provided outside the Fire Fighters' Memorial in Kilmore Street.
26. The Hearings Panel also recommends that the cycle lanes are marked inline with the Cycle Lane Marking Guidelines 2006 to allow wider vehicles to park up to the dashed lines and to improve the paint/signage in some areas to make the entry and exit to cycle lanes better defined.

LEGAL CONSIDERATIONS

27. Public consultation has been completed via the special consultative procedures, as described above.
28. The Hearings Panel has no decision-making powers, but can make recommendations to the Council as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit. However, the Local Government Act states that the views presented during consultation should be received by the Council with an open mind and should be given "due consideration in decision-making"¹.
29. The Local Government Act² requires that the Council give public notice of the amendment of a bylaw as soon as practicable after the bylaw is made. This is covered in recommendation (c) providing the Council adopts the proposed bylaw amendment.

¹ Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".

² Section 157

30. The Legal Services Unit considers that the form of the bylaw, as proposed, is the most appropriate form, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002).

HEARINGS PANEL RECOMMENDATIONS

The Hearings Panel recommends that the Council:

- (a) Approve the proposed Kilmore Street Cycle Lane between Fitzgerald Ave and Madras Street, as shown on the attached plan (TP301301, Issue 9) in Attachment 1, to proceed to detailed design and construction.
- (b) Adopt the Christchurch City Council Traffic and Parking Amendment (Kilmore Street) Bylaw 2009 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008, as shown in Attachment 2.
- (c) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment (Kilmore Street) Bylaw 2009 has been made by the Council, and that it comes into effect on 1 December 2009 (but noting that it is expected that the cycle lanes will not be marked on the road until approximately February 2010), and that copies of the Bylaws will be made available.
- (d) Send a copy of the amended Bylaw to the Minister of Transport within one week of the Bylaw being made, as required by section 72(4) of the Transport Act 1962.
- (e) Send copies of the Bylaw and approved plan to those people or organisations that made submissions, advising them of the outcome.

Revocation of existing parking restrictions to take effect following the completion of the cycle lane in Kilmore Street:

- (f) That all existing no stopping resolutions and parking restrictions on the north side of Kilmore Street from Madras Street to Fitzgerald Avenue be revoked.
- (g) That all existing no stopping resolutions and parking restrictions on the south side of Kilmore Street from Madras Street to Fitzgerald Avenue be revoked.
- (h) That all existing no stopping resolutions on the east side of Oxford Terrace (133 metres east of the Madras Street intersection) from Kilmore Street and extending 40 metres in a northerly direction be revoked.
- (i) That all existing no stopping resolutions on the west side of Oxford Terrace (108 metres east of the Madras Street intersection) from Kilmore Street and extending 44 metres in a northerly direction be revoked.
- (j) That all existing no stopping resolutions on the east side of Oxford Terrace (77 metres east of the Madras Street intersection) from Kilmore Street and extending 16 metres in a southerly direction be revoked.
- (k) That all existing no stopping resolutions on the west side of Oxford Terrace (61 metres east of the Madras Street intersection) from Kilmore Street and extending 21 metres in a southerly direction be revoked.
- (l) That all existing no stopping resolutions on the east side of Oxford Terrace (27 metres west of the Fitzgerald Avenue intersection) from Kilmore Street and extending 16 metres in a northerly direction be revoked.
- (m) That all existing no stopping resolutions on the west side of Oxford Terrace (40 metres west of the Fitzgerald Avenue intersection) from Kilmore Street and extending 17 metres in a northerly direction be revoked.

- (n) That all existing no stopping resolutions on the east side of Bangor Street from Kilmore Street and extending 15 metres in a northerly direction be revoked.
- (o) That all existing no stopping resolutions on the west side of Bangor Street from Kilmore Street and extending 10 metres in a northerly direction be revoked.
- (p) That all existing no stopping resolutions and parking restrictions on the east side of Barbadoes Street from Kilmore Street and extending 44 metres in a southerly direction be revoked.

New No Stopping Restrictions to take effect following the completion of the cycle lane in Kilmore Street:

Kilmore Street

- (q) That the stopping of vehicles be prohibited at any time on the south side of Kilmore Street at its intersection with Madras Street and extending 14 metres in an easterly direction.
- (r) That the stopping of vehicles be prohibited at any time on the north side of Kilmore Street at its intersection with Madras Street and extending 109 metres in an easterly direction.
- (s) That the stopping of vehicles be prohibited at any time on the north side of Kilmore Street at its intersection with Oxford Terrace (133 metres east of Madras Street) and extending 10 metres in an easterly direction.
- (t) That the stopping of vehicles be prohibited at any time on the south side of Kilmore Street at its intersection with Oxford Terrace (61 metres east of Madras Street) and extending 21 metres in a westerly direction.
- (u) That the stopping of vehicles be prohibited at any time on the south side of Kilmore Street at its intersection with Oxford Terrace (77m east of Madras Street) and extending 75 metres in an easterly direction.
- (v) That the stopping of vehicles be prohibited at any time on the north side of Kilmore Street at its intersection with Barbadoes Street and extending 42 metres in a westerly direction.
- (w) That the stopping of vehicles be prohibited at any time on the north side of Kilmore Street at its intersection with Barbadoes Street and extending 25 metres in an easterly direction.
- (x) That the stopping of vehicles be prohibited at any time on the south side of Kilmore Street at its intersection with Barbadoes Street and extending 4 metres in a westerly direction.
- (y) That the stopping of vehicles be prohibited at any time on the south side of Kilmore Street at its intersection with Barbadoes Street and extending 45 metres in an easterly direction.
- (z) That the stopping of vehicles be prohibited at any time on the south side of Kilmore Street commencing 140 metres east of its intersection with Barbadoes Street and extending 11 metres in an easterly direction.
- (aa) That the stopping of vehicles be prohibited at any time on the north side of Kilmore Street at its intersection with Bangor Street and extending 11 metres in a westerly direction.
- (ab) That the stopping of vehicles be prohibited at any time on the north side of Kilmore Street at its intersection with Bangor Street and extending 12 metres in an easterly direction.
- (ac) That the stopping of vehicles be prohibited at any time on the north side of Kilmore Street at its intersection with Oxford Terrace (40 metres west of Fitzgerald Avenue) and extending 12 metres in a westerly direction.
- (ad) That the stopping of vehicles be prohibited at any time on the north side of Kilmore Street at its intersection with Oxford Terrace (near Fitzgerald Avenue) and extending in an easterly direction to its intersection with Fitzgerald Avenue.

- (ae) That the stopping of vehicles be prohibited at any time on the south side of Kilmore Street commencing at its intersection with Fitzgerald Avenue and extending 38 metres in an westerly direction.

Oxford Terrace

- (af) That the stopping of vehicles be prohibited at any time on the west side of Oxford Terrace at its intersection with Kilmore Street (near Madras Street) and extending 32 metres in a northerly direction.
- (ag) That the stopping of vehicles be prohibited at any time on the east side of Oxford Terrace at its intersection with Kilmore Street (near Madras Street) and extending 27 metres in a northerly direction.
- (ah) That the stopping of vehicles be prohibited at any time on the west side of Oxford Terrace at its intersection with Kilmore Street (near Madras Street) and extending 23 metres in a southerly direction.
- (ai) That the stopping of vehicles be prohibited at any time on the east side of Oxford Terrace at its intersection with Kilmore Street (near Madras Street) and extending 18 metres in a southerly direction.
- (aj) That the stopping of vehicles be prohibited at any time on the west side of Oxford Terrace at its intersection with Kilmore Street (near Fitzgerald Avenue) and extending 15 metres in a northerly direction.
- (ak) That the stopping of vehicles be prohibited at any time on the east side of Oxford Terrace at its intersection with Kilmore Street (near Fitzgerald Avenue) and extending 13 metres in a northerly direction.

Bangor Street

- (al) That the stopping of vehicles be prohibited at any time on the east side of Bangor Street at its intersection with Kilmore Street and extending 15 metres in a northerly direction.
- (am) That the stopping of vehicles be prohibited at any time on the west side of Bangor Street at its intersection with Kilmore Street and extending 9 metres in a northerly direction.

Barbadoes Street

- (an) That the stopping of vehicles be prohibited at any time on the east side of Barbadoes Street at its intersection with Kilmore Street and extending 13 metres in a southerly direction.

New parking restrictions to take effect following the completion of the cycle lane in Kilmore Street:

Kilmore Street

- (ao) That the parking of vehicles be restricted to a maximum of 15 minutes on the south side of Kilmore Street commencing at a point 14 metres east of the intersection of Madras Street and extending 9 metres in an easterly direction.
- (ap) That the parking of vehicles be restricted to a maximum of 30 minutes on the south side of Kilmore Street commencing at a point 68 metres west of the intersection with Barbadoes Street and extending 12 metres in a westerly direction.
- (aq) That the parking of vehicles be restricted to a maximum of 30 minutes on the south side of Kilmore Street commencing at a point 4 metres west of the intersection of Barbadoes Street and extending 41 metres in a westerly direction.
- (ar) That the parking of vehicles be restricted to a maximum of 120 minutes on the north side of Kilmore Street commencing at a point 42 metres west of the intersection of Barbadoes Street and extending 19 metres in a westerly direction.

- (as) That the parking of vehicles be restricted to a maximum of 60 minutes on the north side of Kilmore Street commencing at a point 61 metres west of the intersection of Barbadoes Street and extending 25 metres in a westerly direction.
- (at) That the parking of vehicles be restricted to a maximum of 10 minutes on the north side of Kilmore Street commencing at a point 25 metres east of the intersection of Barbadoes Street and extending 11 metres in an easterly direction.
- (au) That the parking of vehicles be restricted to a maximum of 30 minutes on the north side of Kilmore Street commencing at a point 42 metres east of the intersection of Barbadoes Street and extending 6 metres in an easterly direction.
- (av) That the parking of vehicles be restricted to a maximum of 30 minutes on the north side of Kilmore Street commencing at a point 54 metres east of the intersection of Barbadoes Street and extending 17 metres in an easterly direction.
- (aw) That the parking of vehicles be restricted to a maximum of 30 minutes on the south side of Kilmore Street commencing at a point 45 metres east of the intersection of Barbadoes Street and extending 44 metres in an easterly direction.
- (ax) That the parking of vehicles be restricted to a maximum of 120 minutes on the south side of Kilmore Street commencing at a point 38 metres west of the intersection of Fitzgerald Avenue and extending 20 metres in a westerly direction.

Barbadoes Street

- (ay) That the parking of vehicles be restricted to a maximum of 60 minutes on the east side of Barbadoes Street commencing at a point 13 metres south of the intersection of Kilmore Street and extending 31 metres in a southerly direction.

New loading zone restriction to take effect following the completion of the cycle lane in Kilmore Street:

- (az) That a time limited Loading Zone (maximum period of 5 minutes) be installed on the south side of Kilmore Street commencing at a point 50 metres west of the intersection of Barbadoes Street and extending 6 metres in a westerly direction.

New Tour Coach Stop restriction to take effect following the completion of the cycle lane in Kilmore Street:

- (ba) That a Tour Coach Stop be installed and restricted to a maximum of 60 minutes on the south side of Kilmore Street commencing at a point 23 metres east from its intersection with Madras Street and extending in an easterly direction for a distance of 18 metres.

Give way controlled Intersection:

- (bb) That a give way sign be placed against Oxford Terrace (120 metres east of the Madras Street intersection) at its intersection with Kilmore Street (north side).