

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 24 SEPTEMBER 2009**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

## CHRISTCHURCH CITY COUNCIL

**Thursday 24 September 2009 at 9.30am  
in the Council Chamber, Civic Offices**

**Council:** The Mayor, Bob Parker (Chairperson).  
Councillors Helen Broughton, Sally Buck, Ngaire Button, Barry Corbett, David Cox, Yani Johanson,  
Claudia Reid, Bob Shearing, Gail Sheriff, Mike Wall, Sue Wells, Chrissie Williams, and Norm Withers.

- | ITEM NO | DESCRIPTION   |
|---------|---|
| 1.      | APOLOGIES   |
| 2.      | CONFIRMATION OF MINUTES - COUNCIL MEETING OF 27.8.2009 AND 10.9.2009  |
| 3.      | DEPUTATIONS BY APPOINTMENT  |
| 4.      | PRESENTATION OF PETITIONS   |
| 5.      | THE PROPOSED MADRAS STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (MADRAS STREET, MOORHOUSE AVENUE TO CASHEL STREET) BYLAW 2009 |
| 6.      | THE PROPOSED BARBADOES STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (BARBADOES STREET) BYLAW 2009                              |
| 7.      | THE PROPOSED MADRAS STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (MADRAS STREET, KILMORE TO SALISBURY) BYLAW 2009              |
| 8.      | SOUTHERN RIM GATEWAY CITIES TO THE ANTARCTIC - STATEMENT OF INTENT  |
| 9.      | PROPOSED TIMEFRAME FOR THE REVIEW OF OPERATIONAL POLICIES RELATING TO THE PUBLIC PLACES BYLAW 2008  |
| 10.     | REPORT OF THE REGULATORY AND PLANNING COMMITTEE:<br>MEETING OF 3 SEPTEMBER 2009 – ATTACHMENTS SEPARATELY CIRCULATED   |
|         | 1. Variation 96 and Plan Change 46 – Wigram Airfield  |
|         | 2. Christchurch City Speed Limits Bylaw   |
|         | 3. Akaroa Harbour Basin Settlements Study   |
|         | 4. Christchurch City Strategic Intensification Review – Work Programme  |
|         | 5. Adoption of Annual Report to the Liquor Licensing Authority for the period ending 30 June 2009   |
|         | 6. Inspections and Enforcement Unit: Prosecution Update   |
|         | 7. Parking Enforcement Issues arising from the 2008 Review of the Traffic and Parking Bylaw   |
|         | 8. Planning Administration Monthly Report (December 2008 to July 2009)  |
|         | 9. Election of Chairperson  |
|         | 10. Request for Public Places Policy Working Party to report directly to the Council re timelines for the review  |
|         | 11. Resolution to Exclude the Public  |
|         | 12. Draft Belfast Area Plan.  |
| 11.     | NOTICES OF MOTION   |
| 12.     | RESOLUTION TO EXCLUDE THE PUBLIC  |

**24. 9. 2009**

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- 1. APOLOGIES**
  
- 2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 27.8.2009 AND 10.9.2009**  
Attached.
  
- 3. DEPUTATIONS BY APPOINTMENT**
  
- 4. PRESENTATION OF PETITIONS**

**5. THE PROPOSED MADRAS STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (MADRAS STREET, MOORHOUSE AVENUE TO CASHEL STREET) BYLAW 2009**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Peter Barnes, Transport Consultation Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend to the Council that a special consultative procedure be commenced for the establishment of cycle lanes on both sides of Madras Street between Moorhouse Avenue and Cashel Street, and the amendment of the Christchurch City Council Traffic and Parking Bylaw 2008.

**EXECUTIVE SUMMARY**

2. This cycle lane proposal originates from the kerb and channel street renewal project being completed over the section of Madras Street between Moorhouse Avenue and Cashel Street.
3. Madras Street is a major arterial road. The City Plan (Volume 3: Part 8 Special Purpose Zones: Appendix 2 – Roading Hierarchy Standards) states that provision of cycle facilities shall be incorporated into the design and construction of arterial roads. The Infrastructure Design Standard (section 8.6) further reinforces the City plan and states “*provide continuous on-street cycle lanes on all collector and arterial roads.*”
4. 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 the Council to achieve this is to add it as an amendment to Schedule 2 of the Council’s Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
5. The Local Government Act (2002) specifies that any alterations or additions to a bylaw may only be undertaken following the special consultative procedure.
6. Madras Street is a “major arterial road” with an average daily traffic count of approximately 13,500 vehicles.
7. The Land Transport Safety Crash Analysis System shows there have been 102 crashes recorded for the five year period between 2003 and 2008.
8. The section of Madras Street between Moorhouse Avenue and Cashel Street is dominated by business and commercial land use.
9. The proposed plan for this project has been developed in accordance with current Council policies, strategies and standards. The main documents that have influenced the proposed plan are:
  - (a) The Central City Revitalisation Strategy (2006)
  - (b) The Central City Street Trees and Gardens Master Plan (Draft version that is currently being operated under)
  - (c) Parking Strategy (2003)
  - (d) Cycling Strategy (2004)
  - (e) The Infrastructure Design Standard (2009)
10. Madras Street is identified as a “Priority Street for Tree Planting and Landscaping” in the Central City Revitalisation Strategy. The draft Central City Street Trees and Gardens Master Plan prescribes a high intensity of tree planting in this area of the city. All options considered had a high level of tree planting included, some options complied with both these plans, while others had slightly reduced plantings and only complied with Central City Revitalisation Strategy. The appropriate road space to include this tree planting is in the existing kerbside parking areas. This has meant that all options considered in relation to tree planting had a significant loss of parking included, when compared to the existing parking spaces available along this section of road.

## 5 Cont'd

11. Section 5 of the Parking Strategy (2003) covers parking on arterial roads. This section clearly states that the function of an arterial road is *"to give priority to the safe, efficient and sustainable movement of people and goods over the provision of parking."* Section 4.2.6 states that safety; traffic flow, pedestrian or cycle facilities and landscaping all have road space priority before the allocation of parking on arterial roads. Section 5.2 of the Parking Strategy (2003), states that *"activities located on arterial roads provide for their parking needs on site so that the need for parking on street is minimised."* Whilst the proposed plan reduces the amount of on street parking, this proposed loss of parking is consistent with the Parking Strategy, as described above. Section 4.2.6 of the Parking Strategy also states that *"decisions on the allocation of kerb space will still be undertaken by the relevant Community Board or Council Committee in consultation with the affected property owners/occupiers and community."*
12. The required cycle lanes can be incorporated on both side of Madras Street without any impact on parking ie there is sufficient road space to incorporate the traffic lanes and cycle lanes, without impacting the kerbside parking areas.
13. It is the inclusion of the trees that has caused the loss of parking but it is the inclusion of the cycle lanes that has meant this project must follow the special consultative procedure.
14. **Attachment 1** is a Statement of Proposal (including the proposed Traffic and Parking Amendment (Madras Street, Moorhouse to Cashel) Bylaw 2009) and **Attachment 2** is a Summary of Information, as required under the Local Government Act 2002, for formal approval by the Council.
15. 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 will be from 30 September to 30 October 2009;
  - (d) If any submitters wish to be heard, hearings will take place during the week of 23 November 2009;
  - (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 (refer **Attachment 1a**). Construction of the cycle lane may then take place.

## FINANCIAL IMPLICATIONS

16. Funding is provided in the Transport and Greenspace Capital Work Programme and covers all costs from design and consultation through to construction and implementation.

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

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

## LEGAL CONSIDERATIONS/SECTION 155

18. 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).

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### *Appropriate way to address problem*

19. The following four options were considered for the street renewal project in Madras Street:

#### **Option 1 – Do Minimum**

20. Option 1 involves renewing the existing kerb and ditched with kerb and flat channel on its current alignment. No additional build-outs or landscaping are included. The roadway will remain in its current layout.

Benefits include:

- (a) The old kerb and ditched channel is replaced with new kerb and flat channel.

Shortfalls include:

- (a) It does not meet the project objectives.  
(b) No improvements are made for pedestrians or cyclists.  
(c) No landscaping is included.  
(d) It does not meet the aforementioned policies and strategies.

#### **Conclusion**

21. Option 1 has not been selected as the preferred option, due to it not meeting the project objectives or complying with the aforementioned policies and strategies.

#### **Option 2 – Inflow cycle lanes for the full length**

22. Option 2 involves replacing the kerb and channel where there is ditch channel and installing inflow cycle lanes along both sides of Madras Street from Moorhouse Avenue to Cashel Street. This option does not provide any off-road cycle lanes. This option includes build-outs at the intersections and mid-block, where possible, to provide for street trees and landscaping.

Benefits include:

- (a) Enhanced streetscape by providing the opportunity for landscaping.  
(b) Dedicated cycle lanes are expected to increase cycle safety and use.  
(c) Mid-block pedestrian crossing points will provide an opportunity for pedestrians to cross Madras Street and an area for landscaping.  
(d) New kerb and flat channel will enhance the streetscape and reduce maintenance/cleaning costs.  
(e) Improved road markings by installing cycle lanes will delineate and give guidance to all road users.

Shortfalls include:

- (a) Does not cater for the cycle access to Christchurch Polytechnic Institute of Technology (CPIT) that is against the flow of traffic.  
(b) Significant loss of car parking (approximately 68 of the existing 98 car parks remain, ie a reduction of 30 car parks along this section).  
(c) Tree planting does not comply with the draft Central City Street Trees and Gardens Master Plan.

#### **Conclusion**

23. Option 2 has not been selected as the preferred option, because it does not cater for the two-way flow of cyclists to CPIT.

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**Option 3 – Inflow Cycle Lanes, with Contra flow shared path outside CPIT**

24. Option 3 involves replacing the kerb and channel where there is dish channel along the project length and installing inflow cycle lanes along both sides of Madras Street from St Asaph Street to Cashel Street. The section between Moorhouse Avenue and St Asaph Street would have an inflow cycle lane included on the west side and a 3.5 metre wide contra flow shared cycle/pedestrian path adjacent to the eastern property boundary outside CPIT.
25. The proposed plan will include build-outs at the intersections and two mid-block build-outs, where possible, to provide for street trees and landscaping. It will also include improved pedestrian crossing points by the addition of a signalised pedestrian crossing between CPIT and Countdown and additional pedestrian crossing build-outs near CPIT and at some intersections.

Benefits include:

- (a) Enhanced streetscape by providing the opportunity for landscaping.
- (b) Dedicated cycle lanes are expected to increase cycle safety and use.
- (c) Mid-block pedestrian crossing points will provide an opportunity for pedestrians to cross Madras Street and an area for landscaping.
- (d) New kerb and flat channel will enhance the streetscape and reduce maintenance/cleaning costs.
- (e) Improved road markings by installing cycle lanes will delineate and give guidance to all road users.
- (f) Complies with all the aforementioned policies, strategies and plans.

Shortfalls include:

- (a) Significant loss of car parking (57 of the existing 98 car parks remain, a loss of 41 car parks along this section).

**Conclusion**

26. This option follows proven and accepted design principles and maintains current practices already within the City to provide for cyclists. It also complies with the respective strategies and plans to provide the desired level of landscaping in this part of the city. Option 3 is the preferred option.

**Option 4 – Inflow Cycle Lanes**

27. Option 4 has exactly the same traffic lane layout as option 3. The only difference is the number of build-outs and trees that have been included along the length. Option 4 includes build-outs at the intersections and only one mid-block build-out, where possible, to provide for street trees and landscaping.

Benefits include:

- (a) Enhanced streetscape by providing the opportunity for landscaping.
- (b) Dedicated cycle lanes are expected to increase cycle safety and use.
- (c) Mid-block pedestrian crossing points will provide an opportunity for pedestrians to cross Madras Street and an area for landscaping.
- (d) New kerb and flat channel will enhance the streetscape and reduce maintenance/cleaning costs.
- (e) Improved road markings by installing cycle lanes will delineate and give guidance to all road users.

Shortfalls include:

- (a) Significant loss of car parking (approximately 68 of the existing 98 car parks remain, a loss of 30 car parks along this section).
- (b) Tree planting does not comply with the draft Central City Street Trees and Gardens Master Plan.

## 5 Cont'd

### Conclusion

28. This option follows proven and accepted design principles and maintains current practices already within the City to provide for cyclists. Whilst it complies with the Central City Revitalisation Strategy, it does not comply with the draft Central City Street Trees and Gardens Master Plan. It is for this reason that it has not been selected as the preferred option.

### Appropriate form of bylaw

29. 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 Council's Traffic and Parking Bylaw 2008 (refer **Attachment 1a**).
30. 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, 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 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

31. 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

32. 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.”*

33. 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.
34. 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, transport groups, and any business/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.



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**Decisions that are inconsistent with Council policies**

35. 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**

36. Yes.

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

37. Yes.

**ALIGNMENT WITH STRATEGIES**

38. The proposed cycle lane is aligned to the following strategies:
- (a) Central City Revitalisation Strategy.
  - (b) Central City Street Trees and Gardens Master Plan (Draft).
  - (c) The City Council's Cycle Strategy 2004.
  - (d) Parking Strategy and the Infrastructure Design Standard.
  - (e) New Zealand Land Transport Strategy.
  - (f) National Walking and Cycling Strategy.
  - (g) Metro Strategy.
  - (h) Sustainable Energy Strategy.
  - (i) Physical Recreation and Sport Strategy.
  - (j) Road Safety Strategy.
39. Under the Central City Revitalisation Strategy, Madras Streets are identified as "*Priority Streets for Tree Planting and Landscaping*". The Central City Street Trees and Gardens Master Plan specifies that small leafed limes, spaced approximately 25 metres apart, are to be included on these streets. It is the combination of these plans which has led to the proposed tree planting. The impact of this level of tree planting is a significant loss of car parking along this section of road.
40. Section 5 of the Parking Strategy (2003) covers parking on arterial roads. This section clearly states that the function of an arterial road is "*to give priority to the safe, efficient and sustainable movement of people and goods over the provision of parking.*" Section 4.2.6 states that safety, traffic flow, pedestrian or cycle facilities and landscaping all have road space priority before the allocation of parking on arterial roads. Section 5.2 of the Parking Strategy (2003), states that "*activities located on arterial roads provide for their parking needs on site so that the need for parking on street is minimised.*" Whilst the proposed plan reduces the amount of on street parking, this proposed loss of parking is consistent with the Parking Strategy, as described above. Section 4.2.6 of the Parking Strategy also states that "*decisions on the allocation of kerb space will still be undertaken by the relevant Community Board or Council Committee in consultation with the affected property owners/occupiers and community.*"
41. 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.
42. 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.

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**CONSULTATION FULFILMENT**

43. Internal consultation has taken place between relevant units. Details of the proposed Madras Street improvements were presented as a seminar to the Hagley/Ferrymead Community Board on 5 August 2009. The statutory special consultative procedure will follow the adoption of the recommendations of this report. This report was considered by the Hagley/Ferrymead Community Board on 16 September 2009. The Board's recommendation will be forwarded to Councillors.

**STAFF RECOMMENDATION**

That the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Madras Street, Moorhouse to Cashel) Bylaw 2009, amending the CCC Traffic and Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Madras Street, is the most appropriate way to address the perceived problems identified in 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 (Madras Street, Moorhouse to Cashel) Bylaw 2009) 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 as shown on the distribution plan within the summary of information, and any absentee owners identified within the distribution area, as well as to other relevant stakeholder 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 (Madras Street, Moorhouse to Cashel) Bylaw 2009.

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**BACKGROUND**

44. This project was initiated in January 2008.
45. An internal survey was completed to determine the likely issues on Madras Street and to identify other works being completed in this area. Initial consultation was also held with some of the main stakeholders, for example CPIT and some property developers along the route.
46. The Hagley/Ferrymead Community Board received a seminar on 5 August 2009.

**THE OBJECTIVES**

47. The objectives for the project are as follows:
  - (a) To replace the kerb and channel.
  - (b) To maintain or improve safety for all road users.
  - (c) To ensure adequate drainage is provided.
  - (d) To complete the project within the allocated budget.
  - (e) To complete construction of the project in the 2010/11 financial year.
  - (f) To minimise whole of life costs.
  - (g) To include blackspot remedial works identified on the Madras/Kilmore intersection.
48. Key features of the proposed plan are as follows:
  - (a) Replacement of the existing kerb and dish channel generally on the same alignment with new kerb and flat channel.
  - (b) Two 3.2 - 3.4 metre wide northbound traffic lanes.
  - (c) A continuous 1.5 - 1.8 metre wide northbound cycle lane on the west side of Madras Street between Moorhouse Avenue and Cashel Street and a northbound cycle lane on the east side of Madras Street between St Asaph Street and Cashel Street.
  - (d) A 3.5 metre wide contra flow shared cycle/pedestrian path adjacent to the eastern property boundary outside CPIT, between Moorhouse Avenue and St Asaph Street.
  - (e) Parking is kept adjacent to the kerbs where possible on both sides of Madras Street.
  - (f) Inclusion of a number of mid-block build-outs to accommodate increased tree planting and landscaping.
  - (g) Reduction of 41 of the existing car parking spaces spread along the length of the project, due to the inclusion of the build-outs for trees.
  - (h) Improved pedestrian crossing points by the addition of a signalised pedestrian crossing between CPIT and Countdown. Additional pedestrian crossing build-outs have also been included near CPIT and at some intersections.

## 6. THE PROPOSED BARBADOES STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (BARBADOES STREET) BYLAW 2009

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Transport and Greenspace General Manager
<b>Author:</b>	Peter Barnes, Transport Consultation Leader

### PURPOSE OF REPORT

1. The purpose of this report is to recommend to the Council that a special consultative procedure be commenced for the establishment of cycle lanes on both sides of Barbadoes Street between Kilmore Street and Lichfield Street, and the amendment of the Christchurch City Council Traffic and Parking Bylaw 2008.

### EXECUTIVE SUMMARY

2. This cycle lane proposal originates from the kerb and channel street renewal project being completed over the section of Barbadoes Street between Kilmore Street and Lichfield Street.
3. Barbadoes Street is a major arterial road. The City Plan (Volume 3: Part 8 Special Purpose Zones: Appendix 2 – Roading Hierarchy Standards) states that provision of cycle facilities shall be incorporated into the design and construction of arterial roads. The Infrastructure Design Standard (section 8.6) further reinforces the City plan and states “*provide continuous on-street cycle lanes on all collector and arterial roads*”.
4. 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 the Council to achieve this is to add it as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
5. The Local Government Act (2002) specifies that any alterations or additions to a bylaw may only be undertaken following the special consultative procedure.
6. Barbadoes Street is a “major arterial road” with an average daily traffic count of approximately 13,500 vehicles.
7. The Land Transport Safety Crash Analysis System shows there have been 205 crashes recorded for the ten year period between 1998 and 2007. Of which, 23 of the accidents were at the Kilmore and Barbadoes Street intersection, which is listed as an accident blackspot.
8. The northern section of Barbadoes Street between Kilmore Street and Cashel Street is largely residential and contains several infilled sections. The southern section of Barbadoes Street between Cashel Street and Lichfield Street is primarily commercial.
9. The proposed plan for this project has been developed in accordance with current Council policies, strategies and standards. The main documents that have influenced the proposed plan are:
  - (a) The Central City Revitalisation Strategy (2006)
  - (b) The Central City Street Trees and Gardens Master Plan (Draft version that is currently being operated under)
  - (c) Parking Strategy (2003)
  - (d) Cycling Strategy (2004)
  - (e) The Infrastructure Design Standard (2009).
10. Barbadoes Street is identified as a “Priority Street for Tree Planting and Landscaping” in the Central City Revitalisation Strategy. The draft Central City Street Trees and Gardens Master Plan prescribes a high intensity of tree planting in this area of the city. All options considered had a high level of tree planting included, some options complied with both these plans, while others had slightly reduced plantings and only complied with Central City Revitalisation Strategy. The appropriate road space to include this tree planting is in the existing kerbside parking areas. This has meant that all options considered in relation to tree planting had a significant loss of parking included, when compared to the existing parking spaces available along this section of road.

## 6 Cont'd

11. Section 5 of the Parking Strategy (2003) covers parking on arterial roads. This section clearly states that the function of an arterial road is *"to give priority to the safe, efficient and sustainable movement of people and goods over the provision of parking."* Section 4.2.6 states that safety, traffic flow, pedestrian or cycle facilities and landscaping all have roadspace priority before the allocation of parking on arterial roads. Section 5.2 of the Parking Strategy (2003), states that *"activities located on arterial roads provide for their parking needs on site so that the need for parking on street is minimised."* Whilst the proposed plan reduces the amount of on street parking, this proposed loss of parking is consistent with the Parking Strategy, as described above. Section 4.2.6 of the Parking Strategy also states that *"decisions on the allocation of kerb space will still be undertaken by the relevant Community Board or Council Committee in consultation with the affected property owners/occupiers and community."*
12. The required cycle lanes can be incorporated on both side of Barbadoes Street without any impact on parking ie there is sufficient road space to incorporate the traffic lanes and cycle lanes, without impacting the kerbside parking areas.
13. It is the inclusion of the trees that has caused the loss of parking but it is the inclusion of the cycle lanes that has meant this project must follow the special consultative procedure.
14. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Barbadoes Street) Bylaw 2009) and Attachment 2 is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.
15. 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 will be from 30 September to 30 October 2009;
  - (d) If any submitters wish to be heard, hearings will take place during the week of 23 November 2009;
  - (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 (refer **Attachment 1a**). Construction of the cycle lane may then take place.

**FINANCIAL IMPLICATIONS**

16. Funding is provided in the Transport and Greenspace Capital Work Programme and covers all costs from design and consultation through to construction and implementation.

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

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

**LEGAL CONSIDERATIONS/SECTION 155**

18. 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).

## 6 Cont'd

### *Appropriate way to address problem*

19. The following four options were considered for the street renewal project in Barbadoes Street:

#### **Option 1 - Contra-Flow (Crossing into Designated Cycle Lane with median at Intersection)**

20. Option 1 involves renewing the kerb and channel where dish channel is present and provides designated contra-flow and inflow cycle lanes. An inflow cycle lane is proposed on the east side of Barbadoes Street and a contraflow cycle lane on the west side of Barbadoes Street. The inflow cyclist will follow the motorist's direction of travel. The inflow cycle lane will be between the parking lane and the 'live' traffic lane.

#### **Benefits include:**

- (a) Contra-flow cycle lane for residents living at the north end of Barbadoes Street and working at the south end of the street will provide good access to their destination.
- (b) Enhanced streetscape by providing the opportunity for landscaping.
- (c) Dedicated cycle lanes are expected to increase cycle safety and use.
- (d) Mid-block pedestrian crossing points will provide an opportunity for pedestrians to cross Barbadoes Street and an area for street trees and landscaping.

#### **Shortfalls include:**

- (a) The contra-flow cycle lane will run from Lichfield Street to Kilmore Street.
- (b) There will be no link from Moorhouse Avenue to the start of the contra flow cycle lane at Lichfield Street.
- (c) Motorists and contra-flow cyclists may be confused by the intersection layout especially those turning right.
- (d) Conflict points between contra-flow cyclists and pedestrians as the two dedicated areas are located adjacent to each other.
- (e) Residents may not look for contra flow cyclists.
- (f) Additional maintenance for contra-flow medians due to the location between the through and right turning traffic lanes. These medians will be mountable and larger turning vehicles will run them over.
- (g) Significant loss of car parking (approximately 75 of the existing 104 car parks remain, a loss of approximately 29 car parks along this section).
- (h) Tree planting does not comply with the draft Central City Street Trees and Gardens Master Plan.

#### **Conclusion**

- 21 Option 1 has not been selected as the preferred option, due to potential safety concerns and the close proximity of other options for cyclists wishing to travel north, for example Madras Street.

#### **Option 2 – Contra-Flow (Cross onto Footpath at Intersection)**

22. Option 2 involves renewing the kerb and channel where dish channel is present, and provides designated contra-flow and inflow cycle lanes as outlined in option 1. This option requires a cyclist north bound on the contra flow cycle lane crossing the intersections to a lane directly adjacent to the footpath. This is different to option 1 where a cyclist would cross to a lane positioned between the left through and right turning traffic lanes on the north side of the intersection.

#### **Benefits Include**

- (a) Contra-flow cycle lane for residents living at the north end of Barbadoes Street and working at the south end of the street will provide good access to their destination.
- (b) Enhanced streetscape by providing the opportunity for landscaping.
- (c) Dedicated cycle lanes are expected to increase cycle safety and use.
- (d) Mid-block pedestrian crossing points will provide an opportunity for pedestrians to cross Barbadoes Street and an area for landscaping.

## 6 Cont'd

### Shortfalls include

- (a) The contra-flow cycle lane will run from Lichfield Street to Kilmore Street.
- (b) There will be no link from Moorhouse Avenue to the start of the contra flow cycle lane at Lichfield Street.
- (c) Motorists and contra-flow cyclists may be confused by the intersection layout especially those turning right.
- (d) Conflict points between contra-flow cyclists and pedestrians as the two dedicated areas are located adjacent to each other.
- (e) Significant loss of car parking (approximately 75 of the existing 104 car parks remain, a loss of approximately 29 car parks along this section).
- (f) Tree planting does not comply with the draft Central City Street Trees and Gardens Master Plan.

### Conclusion

23. Option 2 has not been selected as the preferred option, due to potential safety concerns and the close proximity of other options for cyclists wishing to travel north, for example Madras Street.

### Option 3- Inflow Cycle Lanes

24. Option 3 involves replacing the kerb and channel where there is dish channel and installing inflow cycle lanes along both sides of Barbadoes Street from Kilmore Street to Lichfield Street. This option does not provide any off road cycle lanes.
25. Inflow cycle lanes are proposed on the east and west side of Barbadoes Street. The inflow cyclist will follow the motorist's direction of travel. The inflow cycle lanes will be between the parking lane and the 'live' traffic lane. The proposed plan will include build-outs at the intersections and two mid-block build-outs, where possible, to provide for street trees and landscaping.

### Benefits include:

- (a) Enhanced streetscape by providing the opportunity for landscaping.
- (b) Dedicated cycle lanes are expected to increase cycle safety and use.
- (c) Mid-block pedestrian crossing points will provide an opportunity for pedestrians to cross Barbadoes Street and an area for landscaping.
- (d) New kerb and flat channel will enhance the streetscape and reduce maintenance/cleaning costs.
- (e) Improved road markings by installing cycle lanes will delineate and give guidance to all road users.
- (f) Complies with all the aforementioned policies, strategies and plans.

### Shortfalls include

- (a) Significant loss of car parking (58 of the existing 104 car parks remain, a loss of 46 car parks along this section).

### Conclusion

26. This option follows proven and accepted design principles and maintains current practices already within the City to provide for cyclists. It also complies with the respective strategies and plans to provide the desired level of landscaping in this part of the city. **Option 3** is the preferred option.

### Option 4- Inflow Cycle Lanes

27. Option 4 is exactly the same traffic lane layout as option 3. The only difference is the number of build-outs and trees that have been included along the length. Option 4 includes build-outs at the intersections and only one mid-block build-out, where possible, to provide for street trees and landscaping.

## 6 Cont'd

### Benefits include:

- (a) Enhanced streetscape by providing the opportunity for landscaping.
- (b) Dedicated cycle lanes are expected to increase cycle safety and use.
- (c) Mid-block pedestrian crossing points will provide an opportunity for pedestrians to cross Barbadoes Street and an area for landscaping.
- (d) New kerb and flat channel will enhance the streetscape and reduce maintenance/cleaning costs.
- (e) Improved road markings by installing cycle lanes will delineate and give guidance to all road users.

### Shortfalls include

- (a) Significant loss of car parking (approximately 75 of the existing 104 car parks remain, a loss of approximately 29 car parks along this section).
- (b) Tree planting does not comply with the draft Central City Street Trees and Gardens Master Plan.

### Conclusion

28. This option follows proven and accepted design principles and maintains current practices already within the City to provide for cyclists. Whilst it complies with the Central City Revitalisation Strategy, it does not comply with the draft Central City Street Trees and Gardens Master Plan. It is for this reason that it has not been selected as the preferred option.

### Appropriate form of bylaw

29. 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 (refer **Attachment 1a**).
30. 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, 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 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

31. 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.



## 6 Cont'd

**Legal requirements of a special consultative procedure**

32. 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.”

33. 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.
34. 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, transport groups, and any business/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**

35. 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**

36. Yes.

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

37. Yes.

**ALIGNMENT WITH STRATEGIES**

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

- (a) Central City Revitalisation Strategy.
- (b) Central City Street Trees and Gardens Master Plan (Draft).
- (c) The City Council's Cycle Strategy 2004.
- (d) Parking Strategy (2003) and the Infrastructure Design Standard (2009).
- (e) New Zealand Land Transport Strategy.
- (f) National Walking and Cycling Strategy.
- (g) Metro Strategy.
- (h) Sustainable Energy Strategy.
- (i) Physical Recreation and Sport Strategy.
- (j) Road Safety Strategy.

39. Under the Central City Revitalisation Strategy, Barbadoes Streets are identified as “Priority Streets for Tree Planting and Landscaping”. The Central City Street Trees and Gardens Master Plan specifies that small leafed limes, spaced approximately 25 metres apart, are to be included on these streets. It is the combination of these plans which has led to the proposed tree planting. The impact of this level of tree planting is a significant loss of car parking along this section of road.

## 6 Cont'd

40. Section 5 of the Parking Strategy (2003) covers parking on arterial roads. This section clearly states that the function of an arterial road is *"to give priority to the safe, efficient and sustainable movement of people and goods over the provision of parking."* Section 4.2.6 states that safety, traffic flow, pedestrian or cycle facilities and landscaping all have roadspace priority before the allocation of parking on arterial roads. Section 5.2 of the Parking Strategy (2003), states that *"activities located on arterial roads provide for their parking needs on site so that the need for parking on street is minimised."* Whilst the proposed plan reduces the amount of on street parking, this proposed loss of parking is consistent with the Parking Strategy, as described above. Section 4.2.6 of the Parking Strategy also states that *"decisions on the allocation of kerb space will still be undertaken by the relevant Community Board or Council Committee in consultation with the affected property owners/occupiers and community."*
41. 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.
42. 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.

**CONSULTATION FULFILMENT**

43. Internal consultation has taken place between relevant units. Details of the proposed Barbadoes Street improvements were presented as a seminar to the Hagley/Ferrymead Community Board on 5 August 2009. The statutory special consultative procedure will follow the adoption of the recommendations of this report. This report was considered by the Hagley/Ferrymead Community Board on 16 September 2009. The Board's recommendation will be forwarded to Councillors.

**STAFF RECOMMENDATION**

That the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Barbadoes Street) Bylaw 2009, amending the CCC Traffic and Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Barbadoes Street, is the most appropriate way to address the perceived problems identified in 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 (Barbadoes Street) Bylaw 2009) 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 as shown on the distribution plan within the summary of information, and any absentee owners identified within the distribution area, as well as to other relevant stakeholder 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 (Barbadoes Street) Bylaw 2009.

**6 Cont'd**

**BACKGROUND**

- 44. This project was initiated in January 2008.
- 45. An internal survey was completed to determine the likely issues on Barbadoes Street and to identify other works being completed in this area.
- 46. The Hagley/Ferrymead Community Board received a seminar on 5 August 2009.

**THE OBJECTIVES**

- 47. The objectives for the project are as follows:
  - (a) To replace the kerb and channel.
  - (b) To maintain or improve safety for all road users.
  - (c) To ensure adequate drainage is provided.
  - (d) To complete the project within the allocated budget.
  - (e) To complete construction of the project in the 2010/11 financial year.
  - (f) To minimise whole of life costs.
  - (g) To include blackspot remedial works identified on the Barbadoes/Kilmore intersection.

**Key Features of the proposed plan are as follows:**

- (a) Replacement of the existing kerb and dish channel generally on the same alignment with new kerb and flat channel.
- (b) Two 3.2 - 3.5 metre wide southbound traffic lanes.
- (c) Continuous 1.5 - 1.8 metre wide southbound cycle lanes included on both the east and west sides of Barbadoes Street.
- (d) Parking is kept adjacent to the kerbs where possible on both sides of Barbadoes Street.
- (e) Inclusion of a number of mid-block build-outs to accommodate increased tree planting and landscaping.
- (f) Reduction of 46 of the existing car parking spaces spread along the length of the project, due to the inclusion of the build-outs for trees.
- (g) Improved pedestrian crossing points by the addition of build-outs at some intersections.

**7. THE PROPOSED MADRAS STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (MADRAS STREET, KILMORE TO SALISBURY) BYLAW 2009**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Transport and Greenspace General Manager
<b>Author:</b>	Peter Barnes, Transport Consultation Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend to the Council that a special consultative procedure be commenced for the establishment of cycle lanes on both sides of Madras Street between Kilmore Street and Salisbury Street, and the amendment of the Christchurch City Council Traffic and Parking Bylaw 2008.

**EXECUTIVE SUMMARY**

2. This cycle lane proposal originates from the kerb and channel street renewal project being completed over the section of Madras Street between Kilmore Street and Salisbury Street.
3. Madras Street is a major arterial road. The City Plan (Volume 3: Part 8 Special Purpose Zones: Appendix 2 – Roading Hierarchy Standards) states that provision of cycle facilities shall be incorporated into the design and construction of arterial roads. The Infrastructure Design Standard (section 8.6) further reinforces the City plan and states “*provide continuous on-street cycle lanes on all collector and arterial roads.*”
4. 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 the Council to achieve this is to add it as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
5. The Local Government Act (2002) specifies that any alterations or additions to a bylaw may only be undertaken following the special consultative procedure.
6. Madras Street is a “major arterial road” with an average daily traffic count of approximately 13,500 vehicles.
7. The Land Transport Safety Crash Analysis System shows there have been 30 crashes recorded for the five year period between 2003 and 2008.
8. The section of Madras Street between Kilmore Street and Salisbury Street is typically residential.
9. The proposed plan for this project has been developed in accordance with current Council policies, strategies and standards. The main documents that have influenced the proposed plan are:
  - (a) The Central City Revitalisation Strategy (2006);
  - (b) The Central City Street Trees and Gardens Master Plan (Draft version that is currently being operated under);
  - (c) Parking Strategy (2003);
  - (d) Cycling Strategy (2004);
  - (e) The Infrastructure Design Standard (2009).

## 7 Cont'd

10. Madras Street is identified as a "Priority Street for Tree Planting and Landscaping" in the Central City Revitalisation Strategy. The draft Central City Street Trees and Gardens Master Plan prescribes a high intensity of tree planting in this area of the city. All options considered had a high level of tree planting included, some options complied with both these plans, while others had slightly reduced plantings and only complied with Central City Revitalisation Strategy. The appropriate road space to include this tree planting is in the existing kerbside parking areas. This has meant that all options considered in relation to tree planting had a significant loss of parking included, when compared to the existing parking spaces available along this section of road.
11. Section 5 of the Parking Strategy (2003) covers parking on arterial roads. This section clearly states that the function of an arterial road is *"to give priority to the safe, efficient and sustainable movement of people and goods over the provision of parking."* Section 4.2.6 states that safety, traffic flow, pedestrian or cycle facilities and landscaping all have roadspace priority before the allocation of parking on arterial roads. Section 5.2 of the Parking Strategy (2003), states that *"activities located on arterial roads provide for their parking needs on site so that the need for parking on street is minimised."* Whilst the proposed plan reduces the amount of on street parking, this proposed loss of parking is consistent with the Parking Strategy, as described above. Section 4.2.6 of the Parking Strategy also states that *"decisions on the allocation of kerb space will still be undertaken by the relevant Community Board or Council Committee in consultation with the affected property owners/occupiers and community."*
12. The required cycle lanes can be incorporated on both side of Madras Street without any impact on parking, for example there is sufficient road space to incorporate the traffic lanes and cycle lanes, without impacting the kerbside parking areas.
13. It is the inclusion of the trees that has caused the loss of parking but it is the inclusion of the cycle lanes that has meant this project must follow the special consultative procedure.
14. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Madras Street, Kilmore to Salisbury) Bylaw 2009) and **Attachment 2** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.
15. 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 will be from 30 September to 30 October 2009;
  - (d) If any submitters wish to be heard, hearings will take place during the week of 23 November 2009;
  - (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 (refer **Attachment 1a**). Construction of the cycle lane may then take place.

**FINANCIAL IMPLICATIONS**

16. Funding is provided in the Transport and Greenspace Capital Work Programme and covers all costs from design and consultation through to construction and implementation.

7 Cont'd

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

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

**LEGAL CONSIDERATIONS/SECTION 155**

18. 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*

19. The following four options were considered for the street renewal project in Madras Street:

**Option 1 – Do Minimum**

- 20 Option 1 involves renewing the existing kerb and ditched with kerb and flat channel on its current alignment. No additional build-outs or landscaping are included. The roadway will remain in its current layout.

**Benefits include:**

- (a) The old kerb and ditched channel is replaced with new kerb and flat channel.

**Shortfalls include:**

- (a) It does not meet the project objectives;  
(b) No improvements are made for pedestrians or cyclists;  
(c) No landscaping is included;  
(d) It does not meet the aforementioned policies and strategies.

**Conclusion**

21. Option 1 has not been selected as the preferred option, due to it not meeting the project objectives or complying with the aforementioned policies and strategies.

**Option 2 – Inflow cycle lane on west side and contra-flow shared pedestrian/cycle path on east side**

22. Option 2 involves replacing the kerb and channel where there is dish channel and installing an inflow cycle lane along the west side of Madras Street from Kilmore Street to Salisbury Street and a contra-flow shared pedestrian/cycle shared path on the eastern footpath. This option includes build-outs at the intersections and mid-block, where possible, to provide for street trees and landscaping.

**Benefits include:**

- (a) Enhanced streetscape by providing build-outs for trees and landscaping;  
(b) Dedicated cycle lanes are expected to increase cycle safety and use;  
(c) New kerb and flat channel will enhance the streetscape and reduce maintenance/cleaning costs;  
(d) Improved road markings by installing cycle lanes will delineate and give guidance to all road users.

## 7 Cont'd

### Shortfalls include

- (a) No link to or from the contra flow section, particularly for cyclists;
- (b) Significant loss of car parking (approximately 30 of the existing 38 car parks remain, a loss of approximately eight car parks along this section);
- (c) Tree planting does not comply with the draft Central City Street Trees and Gardens Master Plan.

### Conclusion

23. Option 2 has not been selected as the preferred option, due to the limitations of the contra-flow section.

### Option 3- Inflow Cycle Lanes

24. Option 3 involves replacing the kerb and channel where there is dish channel along the project length and installing inflow cycle lanes along both sides of Madras Street from Kilmore Street to Salisbury Street.
25. The proposed plan will include build-outs at the intersections and two mid-block build-outs, where possible, to provide for street trees and landscaping. It will also include improved pedestrian crossing points by the addition of a pedestrian build-out at the Kilmore Street intersections.

### Benefits include:

- (a) Enhanced streetscape by providing build-outs for trees and landscaping;
- (b) Dedicated cycle lanes are expected to increase cycle safety and use;
- (c) New kerb and flat channel will enhance the streetscape and reduce maintenance/cleaning costs;
- (d) Improved road markings by installing cycle lanes will delineate and give guidance to all road users;
- (e) Complies with all the aforementioned policies, strategies and plans.

### Shortfalls include

- (a) Significant loss of car parking (20 of the existing 38 car parks remain, a loss of 18 car parks along this section).

### Conclusion

26. This option follows proven and accepted design principles and maintains current practices already within the City to provide for cyclists. It also complies with the respective strategies and plans to provide the desired level of landscaping in this part of the city. **Option 3** is the preferred option.

### Option 4- Inflow Cycle Lanes

27. Option 4 has exactly the same traffic lane layout as option 3. The only difference is number of build-outs and trees that have been included along the length. Option 4 includes build-outs at the intersections and only one mid-block build-out, where possible, to provide for street trees and landscaping.

## 7 Cont'd

### Benefits include:

- (a) Enhanced streetscape by providing build-outs for trees and landscaping;
- (b) Dedicated cycle lanes are expected to increase cycle safety and use;
- (c) New kerb and flat channel will enhance the streetscape and reduce maintenance/cleaning costs;
- (d) Improved road markings by installing cycle lanes will delineate and give guidance to all road users.

### Shortfalls include

- (a) Significant loss of car parking (approximately 30 of the existing 38 car parks remain, a loss of approximately 8 car parks along this section);
- (b) Tree planting does not comply with the draft Central City Street Trees and Gardens Master Plan.

### Conclusion

28. This option follows proven and accepted design principles and maintains current practices already within the City to provide for cyclists. Whilst it complies with the Central City Revitalisation Strategy, it does not comply with the draft Central City Street Trees and Gardens Master Plan. It is for this reason that it has not been selected as the preferred option.

### Appropriate form of bylaw

29. 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 (refer **Attachment 1a**).
30. 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, 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 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

31. 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.



## 7 Cont'd

**Legal requirements of a special consultative procedure**

32. 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.”*

33. 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.
34. 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, transport groups, and any business/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**

35. 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**

36. Yes.

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

37. Yes.

**ALIGNMENT WITH STRATEGIES**

38. The proposed cycle lane is aligned to the following strategies:
- (a) Central City Revitalisation Strategy;
  - (b) Central City Street Trees and Gardens Master Plan (Draft);
  - (c) The City Council's Cycle Strategy 2004;
  - (d) Parking Strategy and the Infrastructure Design Standard;
  - (e) New Zealand Land Transport Strategy;
  - (f) National Walking and Cycling Strategy;
  - (g) Metro Strategy;
  - (h) Sustainable Energy Strategy;
  - (i) Physical Recreation and Sport Strategy;
  - (j) Road Safety Strategy.

## 7 Cont'd

- 39 Under the Central City Revitalisation Strategy, Madras Streets are identified as "Priority Streets for Tree Planting and Landscaping". The Central City Street Trees and Gardens Master Plan specifies that small leaved limes, spaced approximately 25 metres apart, are to be included on these streets. It is the combination of these plans which has led to the proposed tree planting. The impact of this level of tree planting is a significant loss of car parking along this section of road.
40. Section 5 of the Parking Strategy (2003) covers parking on arterial roads. This section clearly states that the function of an arterial road is "to give priority to the safe, efficient and sustainable movement of people and goods over the provision of parking." Section 4.2.6 states that safety, traffic flow, pedestrian or cycle facilities and landscaping all have roadspace priority before the allocation of parking on arterial roads. Section 5.2 of the Parking Strategy (2003), states that "*activities located on arterial roads provide for their parking needs on site so that the need for parking on street is minimised.*" Whilst the proposed plan reduces the amount of on street parking, this proposed loss of parking is consistent with the Parking Strategy, as described above. Section 4.2.6 of the Parking Strategy also states that "*decisions on the allocation of kerb space will still be undertaken by the relevant Community Board or Council Committee in consultation with the affected property owners/occupiers and community.*"
41. 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.
42. 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.

**CONSULTATION FULFILMENT**

43. Internal consultation has taken place between relevant units. Details of the proposed Madras Street improvements were presented as a seminar to the Hagley/Ferrymead Community Board on 5 August 2009. The statutory special consultative procedure will follow the adoption of the recommendations of this report. This report was considered by the Hagley/Ferrymead Community Board on 16 September 2009. The Board's recommendation will be forwarded to Councillors.

**STAFF RECOMMENDATION**

That the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Madras Street, Kilmore to Salisbury) Bylaw 2009, amending the CCC Traffic and Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Madras Street, is the most appropriate way to address the perceived problems identified in 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 (Madras Street, Kilmore to Salisbury) Bylaw 2009) 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.

**7 Cont'd**

- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets as shown on the distribution plan within the summary of information, 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 business/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 (Madras Street, Kilmore to Salisbury) Bylaw 2009.

**BACKGROUND**

- 44. This project was initiated in January 2008.
- 45. An internal survey was completed to determine the likely issues on Madras Street and to identify other works being completed in this area. Initial consultation was also held with some of the main stakeholders and property developers along the route.
- 46. The Hagley/Ferrymead Community Board received a seminar on 5 August 2009.

**THE OBJECTIVES**

- 47. The objectives for the project are as follows:
  - (a) To replace the kerb and channel;
  - (b) To maintain or improve safety for all road users;
  - (c) To ensure adequate drainage is provided;
  - (d) To complete the project within the allocated budget;
  - (e) To complete construction of the project in the 2010/11 financial year;
  - (f) To minimise whole of life costs.

**Key Features of the proposed plan are as follows:**

- (a) Replacement of the existing kerb and dish channel generally on the same alignment with new kerb and flat channel;
- (b) Two 3.2 -3.4 metre wide northbound traffic lanes;
- (c) Continuous 1.5 - 1.8 metre wide northbound cyclelanes included on both the east and west sides of Madras Street;
- (d) Parking is retained adjacent to the kerbs where possible on both sides of Madras Street;
- (e) Inclusion of a number of mid-block build-outs to accommodate increased tree planting and landscaping;
- (f) Reduction of 18 of the existing car parking spaces spread along the length of the project, due to the inclusion of the build-outs for trees.

## 8. SOUTHERN RIM GATEWAY CITIES TO THE ANTARCTIC - STATEMENT OF INTENT

General Manager responsible:	General Manager Public Affairs, DDI: 941-8982
Officer responsible:	Civic and International Relations Manager
Author:	Shirley Johnson

### PURPOSE OF REPORT

1. The purpose of this report is to provide the Mayor of Christchurch with the authority to sign the Statement of Intent (**Attachment 1**) between Antarctic Rim Gateway Cities to the Antarctic: Ushuaia, Punta Arenas, Christchurch, Hobart and Cape Town.

### EXECUTIVE SUMMARY

2. The Antarctic Industry contributes \$88 million direct expenditure annually to the Christchurch economy. Christchurch is becoming a lead international player, as a Gateway to the Antarctic, having secured the COMNAP (Council of Managers of National Antarctic Programmes) office from Hobart, and continuing to host both the largest Antarctic programme, USA, the Italian programme and in future, potentially the Korean programme. We are also developing stronger Antarctic links with China, with their icebreaker visiting and securing supplies in October 2009.
3. The recent establishment of CABIN (Canterbury Antarctic business interest network) in Christchurch, provides further growth opportunities in the Antarctic logistics and supply areas.
4. The sharing of best practise in the Antarctic logistics area is a key component of this proposed Statement of Intent.

### FINANCIAL IMPLICATIONS

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

5. The signing of the Statement of Intent is part of the Season Opening for the Antarctic Summer season. The Season Opening is budgeted for within the LTCCP, through Events budgets. Support for maintaining and developing international partnerships for the Christchurch Antarctic programme is within the International Relations activity management plan.

### LEGAL CONSIDERATIONS

6. The Statement of Intent is not a legally binding document, but rather an expression of intent to conduct collaborative activity. The Statement of Intent has a time frame duration of 18 months, at which stage consideration will be given to moving forward to a more formal, legal agreement.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

7. The maintenance and development of relationships with international partners in the Christchurch Antarctic programme' is a service level in the International Relations Activity Management plan under economic development.

#### Do the recommendations align with the Council's strategies?

8. Developing International partnerships in the Christchurch Antarctic programme funding aligns with the following Community outcomes:
  - A prosperous city
  - A city of inclusive and diverse communities.

### CONSULTATION FULFILMENT

9. Consultation has been facilitated with MFAT, Canterbury Antarctic partners, Antarctica NZ and with the Embassies of the signing partners.

**8 Cont'd**

**STAFF RECOMMENDATIONS**

It is recommended that the Council delegate authority to the Mayor to sign this Statement of Intent.

**BACKGROUND**

10. Over 50 years of direct association with Antarctica has seen the development of specialist cold climate expertise in Christchurch. The Antarctic Industry now contributes \$88 million direct expenditure annually to the Christchurch economy. Christchurch is becoming a lead player, as a Gateway to the Antarctic- having secured the COMNAP office from Hobart, and continuing to host both the largest Antarctic programme, USA, the Italian programme and in future, potentially the Korean programme. We are also developing stronger Antarctic links with China- with their icebreaker visiting and securing supplies in October 2009.
11. The Antarctic connections attract external guests in the areas of science and technology, business and logistics and tourism. The city's Antarctic heritage is also an opportunity to showcase talented New Zealand people as well as showcasing our long-standing commitment to Antarctic protection. The Antarctic connections reinforce the city's clean/green image and is in strong alignment with the country's environmental sustainability agenda.
12. The recent establishment of CABIN (Canterbury Antarctic Business Interest Network) in Christchurch city is providing further growth opportunities in the Antarctic logistics and supply areas- with local businesses realising that gains can be made through collaborative bidding and supply processes. The sharing of best practice, with businesses in other gateway cities, will assist these businesses to increase capability.

## 9. PROPOSED TIMEFRAME FOR THE REVIEW OF OPERATIONAL POLICIES RELATING TO THE PUBLIC PLACES BYLAW 2008

<b>General Manager responsible:</b>	General Manager Strategy and Planning Group, DDI: 941-8281
<b>Officer responsible:</b>	Alan Bywater, Programme Manager Strong Communities
<b>Author:</b>	Tina von Pein (Contractor) Teena Caygill, Senior Policy Analyst

### PURPOSE OF REPORT

1. To seek approval from Council on the proposed timeframes for the staged review of the operational policies that relate to the Public Places Bylaw 2008 and agreement on the level of consultation to be undertaken in relation to each group of policies.

### EXECUTIVE SUMMARY

2. On 2 February 2009, the Regulatory and Planning Committee agreed to appoint a working party to work with staff to discuss the review of operational policies that relate to matters covered by the Public Places Bylaw 2008. The members of the Public Places Policies Working Party are Crs Wells, Wall, Shearing and Johanson.
3. A new operational policy is to be developed from a review of 12 existing policies. The policies all relate to the clauses in the Bylaw that regulate commercial activities and obstructions in public places (clauses 6 and 7).
4. The policies were developed before the amalgamation of Banks Peninsula District Council and the Christchurch City Council, and all were developed before the adoption of the new Bylaw. The policies need to be reviewed to ensure that they are still necessary, that they are appropriate and that they are fit for purpose. The review of the policies will:
  - Rationalise the current policies, where needed
  - Establish whether current practice and needs align with the policies
  - Assess whether any new matters need to be included
  - Establish whether the policies align with the bylaw
  - Take account of internal (Council) needs and external (stakeholder) needs
  - Result in redrafted policies that are coherent, stand-alone documents.
5. In addition to these 12 policies, related operational issues have been identified that would benefit from being included in or adopted into the new operational policy, resulting in some new areas of consideration.
6. Staff have been working, in liaison with the working party, on reviewing these policies for more than six months. However the review process is complicated and incorporates a crossover of many issues, historical decisions, new matters and a range of units within the Council. It also includes consideration of the issues that vary across the district, including those in the central city, Christchurch suburbs and Banks Peninsula townships. Progress has been slower than initially anticipated for these reasons.
7. This report recommends a staged approach to the review of these 12 policies, as set out in the attachment and below. The intention is to have one single policy that covers all policy aspects of the Public Places Bylaw at the end of this process, however, the volume of information is not practical to be considered at one time, so splitting the reviews into smaller groups is proposed.

### *Request for consideration of a staged timeframe for review of the Public Places related policies*

8. At its recent meeting (24 August 2009), the working party asked staff to prepare a timetable for the review of the 12 policies that sit under the Public Places Bylaw 2008, including restructuring the grouping of the reviews, and to present this information directly to the Council at its September meeting.

**9 Cont'd**

9. This timetable straddles the current Council term and the next Council term, post October 2010. Because of this, staff are proposing a split in the policy review timetable to allow some parts of the review to progress within the current Council term, and others to be completed within the next Council term. It is not possible at this stage to complete all policy review aspects within the current Council term.
10. It is proposed that the following three groupings of policies and related issues be reviewed within the current council term (with completion by June 2010):

**Structures on streets**

- Policies
  - Airspace over Public Roads - Granting Rights
  - Footpath Extensions to Expand Cafes onto the Roadway
  - Legal Road as Licensed Premises, use of
  - Structures on Streets (Ramp, Retaining Walls, Garage, Parking Platform Etc)
- Issues/extras
  - Poster bollards

**Street Trading (Stage 1) - Central City<sup>1</sup>**

- Policies
  - Street Trading Policy
  - Stalls in Cathedral Square and City Mall
  - Stall Site Licensing Policy
  - Victoria Square and Victoria Square Amphitheatre (use of)
- Issues/extras
  - Mobile traders, travelling shops, hawkers

**Street Trading (Stage 2) - Banks Peninsula Townships<sup>2</sup>**

- Policies
  - Banks Peninsula District Council Stalls/Market Policy
- Issues/extras
  - Signboards, particularly the revoked parts of the BPDC Public Places and Signs Bylaw.

11. The remaining policies and issues would be scheduled for review post election, with staff progressing the review work during the July 2010 to January 2011 period. The remaining policies and issues are:

**Street Trading (Stage 3) – Completion**

- Policies
  - Busking Conditions
- Issues/extras
  - New policy area – street appeals and soliciting for membership
  - Street trading and stall licensing in Christchurch suburbs (central city and Banks Peninsula already completed)
  - Any remaining matters from the first two street trading stages.

**Signboards**

- Policies
  - Signboards in Public Places Policy

<sup>1</sup> Central City is defined as within the four Avenues

<sup>2</sup> Town centre zones, as listed in chapter twenty six of the Banks Peninsula District Plan – Akaroa, Lyttelton, Governors Bay, Diamond Harbour, Church Bay and Little River.



9 Cont'd

**Public Street Enclosure Policy and Fees Charged**

*Request for the consideration of the level of consultation recommended for the policy group reviews*

12. There are three groups of policies that are timetabled for review by June 2010. These groups are:

Structures on Streets

Street Trading (Stage 1) - Central City

Street Trading (Stage 2) - Banks Peninsula Townships

13. Initial analysis of these policies and the potential review requirements of each group have been considered in relation to the Council's Policy on Determining Significance, and the level of formal consultation that may be required has been considered.
14. The following levels of consultation are recommended to be implemented for each set of policies:

**Structures on Streets**

- Pre consultation with internal stakeholders and Community Boards
- Pre consultation with identified key stakeholders (current leasees/licence holders; developers proposing such developments; etc)
- No formal consultation

**Street Trading (Stage 1) - Central City**

- Pre consultation with internal stakeholders and the Community Board
- Pre consultation with identified key stakeholders (potentially current leasees/licence holders; business and residents associations in the central city; directly affected parties as identified through the pre consultation activity)
- Formal consultation post adoption of draft policy for consultation

**Street Trading (Stage 2) - Banks Peninsula Townships**

- Pre consultation with internal stakeholders and the Community Boards
- Pre consultation with identified key stakeholders (local businesses and residents associations; local development/promotion/tourism group(s); directly affected parties as identified through the pre consultation activity)
- Formal consultation post adoption of draft policy for consultation.

**FINANCIAL IMPLICATIONS**

15. Funding for formal consultation processes.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

16. Not applicable.

**LEGAL CONSIDERATIONS**

17. The relevant legal considerations here relate to the level of consultation that is appropriate for these policies in order to ensure that the Council seeks community views in a way that complies with the Local Government Act and with the Council's new Policy on Determining Significance.
18. Under the Policy on Determining Significance, the review of these policies is more likely to be something which the Council must treat as significant, because it is not a matter that flows consequentially from an LTCCP or Annual Plan process or other public hearing. There has been no public hearing in relation to the proposed changes/proposed new policies.

**9 Cont'd**

19. However, the position is not entirely clear, because it could be regarded as a decision that flows consequentially from the special consultative procedure on the Public Places Bylaw. Considering the general approach to determining significance therefore, it seems that some of the policies and proposed changes will not attract a high degree of interest and/or have much of an impact, while other policies may do.
20. The greatest impacts will be on individuals/businesses, rather than there being any effect on Council's capacity to perform its role. For some policies there are also impacts on social and economic wellbeing.
21. The Legal Services Unit considers that eight out of 12 of the policies being reviewed are likely to be, or could potentially be, significant (that is, that they will or may have a high degree of significance). The other four policies are likely to be of low or medium significance. Making an assessment across the three areas that the Working Party has determined provide appropriate groupings for the policies (Structures on Streets, Street Trading - stages 1 and 2, and Signboards), the recommendation is that, at this point in time, Structures on Streets is of low to medium significance, Street Trading is significant, and Signboards is also likely to be significant.
22. The Council's Policy on Determining Significance does not require that Council carry out a special consultative procedure in relation to the review of these policies (ie those that are considered to be significant or potentially significant), but the Council must determine, in light of the decision-making requirements in the Local Government Act 2002, how to gather the best information about community views on the new policy, in proportion to the significance of these matters.

**Have you considered the legal implications of the issue under consideration?**

23. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

24. None applicable.

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

25. Not applicable.

**ALIGNMENT WITH STRATEGIES**

26. Not applicable.

**Do the recommendations align with the Council's strategies?**

27. Not applicable.

**CONSULTATION FULFILMENT**

28. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Adopt the proposed timetable for the staged review (as set out in the attached document) of policies that relate to the Public Places Bylaw 2008.
- (b) Adopt the proposed level of consultation (as set out in paragraph 14) for each set of policies to be reviewed by June 2010.

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**10. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:  
MEETING OF 3 SEPTEMBER 2009**

Attached.

**Note:** Attachments for this report have been separately circulated, and are also available on the Council's website.

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11. NOTICES OF MOTION

12. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 24 SEPTEMBER 2009

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

*Section 48, Local Government Official Information and Meetings Act 1987.*

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 13-15.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
13. CONFIRMATION OF MINUTES – COUNCIL MEETINGS OF 1. 27.8.2009 2. 10.9.2009	) ) ) ) )	
14. NEW ARANUI LIBRARY PROPOSED LAND SITE	)GOOD REASON TO )WITHHOLD EXISTS )UNDER SECTION 7 )	SECTION 48(1)(a)
15. COMMISSIONER'S RECOMMENDATION ON PLAN CHANGE 8 TO THE CITY PLAN	) ) ) )	

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item 13.1	Protection of privacy of natural persons	(Section 7(2)(a))
Item 13.1	Commercial activities	(Section 7(2)(h))
Item 13.2	Protection of privacy of natural persons	(Section 7(2)(a))
Item 13.2	Commercial activities	(Section 7(2)(h))
Item 13.2	Conduct of negotiations	(Section 7(2)(i))
Item 14	Conduct of negotiations	(Section 7(2)(i))
Item 15	Right of appeal exists	(Section 48(2)(a))

**Chairman's Recommendation:** That the foregoing motion be adopted.

**Note**

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

"(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority."