

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**



General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
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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.

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).

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 dish 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.

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.

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.

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.

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.

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.