

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 11 FEBRUARY 2010

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

AGENDA - OPEN

CHRISTCHURCH CITY COUNCIL

**Thursday 11 February 2010 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.	DEPUTATIONS BY APPOINTMENT
3.	PRESENTATION OF PETITIONS
4.	REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 30 NOVEMBER 2009
5.	REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 14 DECEMBER 2009
6.	REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 2 DECEMBER 2009
7.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 2 DECEMBER 2009
8.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 16 DECEMBER 2009
9.	REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 1 DECEMBER 2009
10.	REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 15 DECEMBER 2009
11.	REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 2 DECEMBER 2009
12.	REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 16 DECEMBER 2009
13.	REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 17 NOVEMBER 2009
14.	REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 4 DECEMBER 2009
15.	REPORT BY THE CHAIRPERSON OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: 15 DECEMBER 2009
16.	REPORT OF THE LYTTTELTON/MT HERBERT COMMUNITY BOARD: MEETING OF 17 NOVEMBER 2009
17.	REPORT OF THE AKAROA/WAIREWA AND LYTTTELTON/MT HERBERT COMMUNITY BOARDS JOINT MEETING HELD ON 2 DECEMBER 2009
18.	REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 11 NOVEMBER 2009
19.	PERFORMANCE REPORT FOR THE SIX MONTHS TO DECEMBER 2009
20.	BYLAW TO PROHIBIT CRUISING AND ASSOCIATED ACTIVITIES IN CHRISTCHURCH
21.	CHRISTCHURCH CYCLE LANES: PROPOSED COLOURED SURFACING CHANGE
22.	NOTICES OF MOTION
23.	RESOLUTION TO EXCLUDE THE PUBLIC

11. 2. 2010

- 1. APOLOGIES**
- 2. DEPUTATIONS BY APPOINTMENT**
- 3. PRESENTATION OF PETITIONS**

19. PERFORMANCE REPORT FOR THE SIX MONTHS TO DECEMBER 2009

General Manager responsible:	General Manager, Corporate Services, DDI: 941 8528
Officer responsible:	Corporate Performance Manager Corporate Finance Manager
Author:	Paul Anderson, General Manager Corporate Services

PURPOSE OF REPORT

1. The purpose of this report is to update the Council on service delivery and financial performance results for the six months to 31 December 2009. The budgets and targets in this paper are based on those approved by the Council in the 2009-19 LTCCP.

EXECUTIVE SUMMARY

2. Attached are appendices showing summaries of:
 - Performance against organisational targets as at 31 December 2009 (**Appendix 1**)
 - Financial performance as at 31 December 2009 (**Appendix 2**)
 - Significant capital projects (>\$250,000) as at 31 December 2009 (**Appendix 3**)
 - Housing development fund as at 31 December 2009 (**Appendix 4**)
 - Proposed changes to levels of service (**Appendix 5**).

Performance Against Organisational Targets

3. The attached report (Appendix 1) shows the forecast of the Council's expected year-end performance for Level of Service delivery. The target for 2009/10 is 85 per cent or more of 2009-19 LTCCP levels of service delivered to standard. The current forecast is 90 per cent. 3.4 per cent of levels of service are forecast as likely to fail, and 5.9 per cent are forecast as requiring intervention. Details of these are included in Appendix 1.

Proposed Changes to Levels of Service

4. There are three categories:
 - (i) 2009/10 targets now provided - this applies where a target was not available during the 2009 Activity Management Plan process, but an undertaking was made to develop one.
 - (ii) Amend Levels of Service - where a discovered error or omission in calculation makes the approved target untenable and a new one is provided. Errors of this sort make up the bulk of the proposed changes.
 - (iii) Add new Levels of Service - where necessary performance targets have been found missing from the 2009 process.
5. The levels of service proposed for change, deletion, or addition are all at Activity Management Plan level, not published in the LTCCP.
6. They do not require a Special Consultative Procedure (SCP) for a variation, but may be amended by Council at its discretion, effective immediately.

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Financial Performance

7. The key financials for the year are summarised in the table below, with more detail provided in Appendix 2:

\$000's	Actual	Plan	Variance	Forecast	Plan Year	Variance
<u>Financial Summary</u>						
Operational Funding	-225,137	-220,264	-4,874	-436,339	-431,751	-4,588
Operational Costs	217,466	225,257	-7,791	430,447	431,806	-1,359
Operational Deficit (Surplus)	-7,672	4,993	-12,665	-5,893	54	-5,947
Capital Programme	106,664	150,332	-43,668	295,024	258,566	36,458
Capital Funding	-68,626	-80,768	12,143	-188,057	-189,291	1,234
Capital Borrowing Requirement	38,039	69,563	-31,525	106,966	69,275	37,691

8. The forecast operational surplus variance of \$5.9 million over budget is largely due to reduced interest expense, higher rates income, and underspends on heritage grants and energy conservation. The last two items will generate operational carry forward requests totalling \$2 million. We are also aware of the potential requirement for an additional payment to the Riskpool Mutual Fund of \$1.1 million in 2009/10. Combined with the carry forwards noted above, this would reduce the surplus to \$2.8 million.
9. The capital programme forecast includes a \$35.7 million investment in Vbase relating to the transfer of the Town Hall building which was planned to occur prior to 30 June 2009. This transfer is now forecast to occur during the current financial year.

Operational Funding

10. Operational funding is currently \$4.9 million above budget and forecast to drop slightly to \$4.6 million above by year end. The key variances are:
- Fees, Charges and Operational Subsidies are currently \$1.4 million above budget, driven by higher than planned revenue from building consents (\$1.2 million), trade waste and excess water charges (total of \$443,000), Community Services grants (\$0.5 million), and cost recoveries relating to private plan changes (\$0.7 million). Partially offsetting these, NZTA operational subsidies are \$1.2 million behind budget, mainly as a result of delays in the transport capital programme, as is revenue from fines and court recoveries, which is \$0.4 million behind budget.
 - Dividends and interest revenue is \$573,000 higher than budget, \$247,000 of which relates to the late receipt of the 2008/09 Transwaste dividend.
 - Rates income is forecast to be \$1.4 million higher than budget at year end, mainly as a result of penalties being higher than planned.

Operational Costs

11. Operating costs excluding debt servicing are \$7.6 million under budget year to date, \$5.2 million of which mainly relates to timing issues around contract/maintenance costs, particularly in the Road Network (\$2.5 million), Waterways and Land Drainage (\$0.9 million), Parks (\$0.8 million) and Wastewater Treatment (\$0.5 million) areas. These maintenance programmes are forecast to be fully spent by year end. Grants costs are also under budget by \$1.7 million, although \$1.2 million of this is a timing issue relating to community grants which have not yet been paid out as planned, but which are forecast to be paid out by year end.
12. Debt servicing costs are \$843,000 less than budget, due to lower than planned interest rates and higher than planned capex carry forwards. This positive variance is forecast to increase to \$2.1 million by year end, and is partially offset by operating costs which are \$768,000 ahead of budget, largely driven by contract staff required for higher building consent volumes.

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Capital Programme

13. The Capital Works Programme is currently \$38 million behind budget (as shown in Appendices 2 and 3). The main driver of this variance is delays across the Streets and Transport area, which is \$17.7 million behind budget. \$3.7 million relates to the Transport Interchange, \$2.3 million is a result of delays relating to design and schedule changes of some of the Bus Priority Routes, and \$5.0 million is driven by delays on various Kerb and Channel projects. In addition to this there is \$4.2 million of various IM&CT projects behind budget, most of which are due to incorrect phasing.
14. The current forecast highlights \$41 million of projects (15.23 per cent of programme) to be carried forward to 2010/11, which exceeds the 15 per cent target. Key identified carry-forwards include: Strategic Land Purchases (\$12.0 million), Graham Condon Leisure Centre (\$7.0 million), Botanic Gardens Entry Pavilion (\$2.6 million), Cashmere Forest Park (\$3.0 million), and the Ferrymead Bridge (\$2.0 million).
15. Financial details of significant capital projects are shown in Appendix 3 along with a full list of forecast carry-forwards.

Capital Funding

16. Capital grants and subsidies are \$6.4 million behind budget, nearly all being NZTA capital subsidies, which is in line with the current transport capital delays. A shortfall of \$4.3 million is forecast for year end, partly due to delays in the Capital Programme.
17. Transfers from reserves for capital are \$1.0 million lower than planned due to the timing of capital spend that utilises development contribution revenue.
18. The forecast borrowing requirement for 2009/10 is \$37.7 million over that planned, largely comprising the Town Hall transfer that was planned to occur last year. The Council's opening debt position was lower than forecast as a result of this.

Operational Activities

19. City and Community Long-Term Policy and Planning – This activity is currently \$0.8 million under budget, due to an underspend on consultants' fees, and this variance is forecast to continue.
20. Heritage Protection – This activity is \$1.1 million behind budget mainly due to planned Heritage grants not yet paid out (\$0.8 million). This variance is forecast to increase to \$1.4 million at year end due to grants with-held waiting for agreed conditions to be met. This will be proposed to be carried forward.
21. Energy Conservation – The forecast variance of \$745,000 behind budget relates to delays in starting the Energy Conservation Programme. This will be proposed to be carried forward.
22. Community Grants – This activity is currently \$1.1 million behind budget due to delays in scheduled grants payments, but is forecast to be on budget at year end.
23. Social Housing – Currently \$500,000 overspent, driven by maintenance costs. All of this year's planned exterior repainting and most of the redecorating have been completed, and only urgent redecorations are planned for the remainder of the year.
24. Regional Economic Development – This activity is currently \$720,000 higher than budget, \$425,000 of which relates to depreciation costs for the Town Hall, which was planned to be transferred to Vbase last year.
25. Sports Parks – This activity is currently \$0.5 million under budget, driven by lower than planned depreciations costs (\$220,000) and timing issues around maintenance costs (\$221,000), however this activity is forecast to be on budget at year end.

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26. Waterways and Land Drainage – This activity is currently \$1.1 million under budget, driven by timing under-spends on contract costs (\$850,000). It is forecast to be on budget at year end.
27. Parks & Open Spaces Capital Revenues – Currently ahead of budget by \$748,000, mainly due to Reserves Development Contributions which are \$2.2 million higher than planned, partially offset by Land Drainage Development Contributions which are \$1.6 million lower.
28. Recreation and Sports Services – This activity is \$1 million below budget, mainly as a result of timing issues with some Pool Programme revenue and contract and asset expenses. It is forecast to be close to budget at year end.
29. Events and Festivals – The \$0.8 million YTD overspend is due to timing issues around various events, however this activity is forecast to be on budget at year end.
30. Organic Material Collection & Composting – This activity is forecast to be \$0.6 million less than budget at year end, due to lower than anticipated organics collection costs. The collection costs forecast has been revised down as the costs have been split between each bin type based on trends this year, with the corresponding cost increase being in Recycled Materials Collection.
31. Enforcement and Inspections – Enforcement & Inspections are currently \$591k behind budget, driven by fines revenue which is \$442,000 less than planned. This is due to a higher level of absenteeism earlier in the year, in addition to lower than planned revenue around Bus Lane enforcement. This is due in part to a delay in completing the Papanui Bus Lane as well as various operational issues around enforcement of the bus lanes. These have been factored into the year end forecast (\$691,000 shortfall).
32. Regulatory Approvals – While this activity is currently tracking \$0.5 million under budget, it is forecast to be on budget at year end. A forecast overspend of \$0.6 million relating to weathertight homes claims is expected to be offset by higher than planned revenue for both building consents and LIM's.
33. Road Network – This activity is currently \$1.1 million under budget YTD largely due to delays in contract commencement on carriageways (\$1.5 million) as well as lower than planned costs relating to storm damage/emergency work (\$0.5 million), in addition to a \$0.4 million saving on electricity costs (due to a reduction in charges from Meridian). Partially offsetting this is a \$1.3 million shortfall in NZTA subsidy revenue. The Road Network activity is forecast to be close to budget at year end.
34. Public Transport Infrastructure – This activity is forecast to be \$632,000 under budget due to additional NZTA subsidy revenue (\$352,000 higher than planned as a result of a backdated increase in the subsidy rate in this area) and depreciation costs \$224,000 less than budget.
35. Streets and Transport Capital Revenues – Currently \$7.2 million behind budget, \$6.3 million of which relates to NZTA subsidies and \$0.8 million to Road Network Development Contributions. This is forecast to improve but remain \$5 million behind budget at year end.
36. Wastewater Collection – This activity is forecast to be close to budget at year end, but is currently underspent by \$0.7 million due to depreciation costs (\$0.4 million less than planned) as well as lower than planned electricity costs. The electricity costs being incurred at the Pumping Stations are believed to be understated and are being investigated.
37. Wastewater Treatment and Disposal – This activity is currently \$853,000 under budget, due mainly to efficiencies (reduced polymer required for processing as well as reduced maintenance costs) as a result of upgrades at the CWTP. The forecast underspend reflects the polymer savings only with the expectation that maintenance costs will increase when the fifth and sixth digesters come online.
38. Wastewater Collection and Treatment Capital Revenues – Currently \$0.9 million less than budget due to lower than planned Development Contributions received year to date, although this is forecast to improve by \$0.5 million by year end.

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39. Corporate Revenues and Expenses – Forecast to be \$4.7 million better than budget, driven by net interest expense which is forecast to be \$2.9 million below plan (primarily due to lower than planned interest rates and higher capital carry forwards), and rates income (including penalties) which is forecast to be \$1.4 million higher than planned. Dividends revenue is also forecast to be \$339,000 higher than planned due mainly to the late payment of the 2008/09 Transwaste dividend.

FINANCIAL IMPLICATIONS

40. As above.

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

41. Yes.

LEGAL CONSIDERATIONS

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

42. Yes – there are none.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

43. Both service delivery and financial results are in direct alignment with the LTCCP and Activity Management Plans.

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

44. As above.

ALIGNMENT WITH STRATEGIES

45. Not applicable.

CONSULTATION FULFILMENT

46. Not applicable.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Receive the report.
- (b) Approve the changes in Levels of Service as detailed in Appendix 5.

20. BYLAW TO PROHIBIT CRUISING ACTIVITIES IN CHRISTCHURCH

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager Strong Communities
Authors:	Caroline Hart, Terence Moody and Judith Cheyne

PURPOSE OF REPORT

1. To recommend the adoption of a proposed new bylaw to prohibit cruising in the Christchurch City area, and to recommend an amendment to the Traffic and Parking Bylaw 2008 regarding prohibited times on roads (clause 15), to ensure a consistent and integrated approach to the “boy-racer” or anti-social road users¹ issue, by stating the purpose of clause 15 of the Traffic and Parking Bylaw 2008.

EXECUTIVE SUMMARY**Background**

2. The Council has been aware for some time of problems caused by street racing and “cruising”, as defined in the Land Transport Act 1998 (the Act), and its associated problems. The problems include noise from vehicles, dangerous driving, racing at excessive speeds, and driving around streets in convoy creating disturbance to adjacent residences. Associated activities have been large gatherings of spectators collectively causing public nuisance to residents and Police, causing damage to roads, disquiet amongst communities and traffic dangers for other motorists. The Council has received a number of complaints from the public concerning these activities and associated problems within the four avenues, on some residential streets, and in certain industrial areas of Christchurch City. Police records show that 749 infringement offence notices related to anti-social road user activities were issued in 2009 covering 190 roads across the city. Forty percent (40 per cent) of these notices were issued on six roads (Moorhouse Avenue, Bealey Avenue, Fitzgerald Avenue and Deans Avenue (29.6 per cent collectively), all of Esplanade (Sumner) (6.8 per cent) and the whole of Main Road (from Ferry Road to Marriner Street, Sumner) (4.1 per cent), clearly illustrating the problem areas.
3. When considering the development of a bylaw for cruising, it is important to distinguish cruising, as narrowly defined by the Act², from the diverse range of other activities/behaviours exhibited by the anti-social road users. The issue associated with the specific activity of cruising in Christchurch is one of noise and disturbance to other road users, and more specifically, residences and businesses near the location in which cruising occurs.

List of Attachments:

- Proposed Cruising Bylaw
- Statement of Proposal for Cruising Bylaw
- Summary of Information for Cruising Bylaw.

Current Council and Police action to resolve related problems

4. The Traffic and Parking Bylaw 2008 has Clause 15 relating to prohibited times on roads. This was introduced to limit the nuisance caused by street racing and associated activities. There are 35 roads that have prohibitions placed on them to prevent vehicles weighing less than 3,500 kilograms operating on those roads from 9 or 10pm to 5am, largely on days at the end of the week. Legal advice³ was that such bylaws could be made under section 145 of the Local Government Act 2002 (LGA02) in regard to all three subsections; to *protect the public from nuisance*; to *protect, promote, and maintain public health and safety*; and to *minimise the potential for offensive behaviour in public places*.

¹ For the purpose of this document, the term anti-social road user will be used as it is non-discriminatory and inclusive of all road users who exhibit anti-social behaviour.

² Cruising means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that—(a) draws attention to the power or sound of the engine of the motor vehicle being driven; or (b) creates a convoy that— (i) is formed otherwise than in trade; and (ii) impedes traffic flow]

³ *Street Racing Prohibition*, Legal Advice from Simpson Grierson, 24 August 2007

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5. The Police currently have powers, introduced by the Land Transport (Unauthorised Street and Drag Racing) Amendment Act 2003 into the Act to prohibit street racing, exhibition of speed or acceleration, pouring or allowing petrol/oil/diesel or substances likely to cause a vehicle to undergo loss of traction on roads, or causing a vehicle to undergo a loss of traction. These activities are distinct from cruising, though they may be undertaken by cruising participants. Under those provisions, when a Police officer believes on reasonable grounds that a vehicle has been involved in an illegal street race, an unnecessary exhibition of speed, or a burnout, the officer may impound the vehicle for 28 days at the owner's expense, effective immediately.

New cruising-specific legislation

6. A newly created bylaw-making power, introduced by the Land Transport (Enforcement Powers) Amendment Act 2009 into the Act, enables the Council to make bylaws for controlling, restricting or prohibiting cruising specifically. This includes the power to specify the section of road or roads on which cruising is controlled, restricted or prohibited. The Act allows the Council to prescribe the period of time that must elapse between each time a driver drives on a specified section of road to avoid being regarded as cruising. A bylaw made under the Act may apply to all roads, any specified road, or any part of a specified road under the Council's control, management or care. The Council could, under this Act, apply the bylaw to all vehicles or traffic, or to any specified class or classes of vehicles or traffic, cruising on a specified road or roads. Section 22AB(3) of the Act also specifies that a cruising bylaw may leave any matter or thing to be regulated, controlled, or prohibited by the Council by resolution generally, for any specified classes of case, or in a particular case.
7. During the development of legislative amendments, the Council made submissions to the Transport and Industrial Relations Select Committee outlining concerns with the legislation, including: seeking a national level response to the problem (rather than local authority bylaws); and seeking amendments to other legislation to enable control of anti-social behaviour associated with cruising not currently covered by the Act. The Council's overall stance in the submission was that, as proposed, the Bill was flawed on the basis that any bylaw would be difficult to enforce and that while a bylaw may be able to control cruising per se, associated activities remain beyond bylaw, and subsequently, the Council's control. As most of the issues raised by the Council remain unaddressed, it is considered that management of anti-social road user/cruising issues will remain problematic though the Bill's bylaw does empower the Council to create a bylaw to address the act of cruising specifically.

Result of discussions with Police and the New Zealand Transport Agency (NZTA)

8. With the advice of the Police and staff it is suggested that, should a cruising bylaw be created:
 - (a) The bylaw should apply to all multi-lane roads in the city; on the whole of Main Road (from Ferry Road to Marriner Street, Sumner) and all of Esplanade, Sumner.
 - (b) The bylaw should empower the Council to determine by resolution the time period that must elapse between repeated use of a road by a driver to avoid being regarded as cruising. It is recommended that the period of time consulted on should be 60 minutes (i.e. if someone drives on the same road in the same direction more frequently than this, drawing attention to the sound of their vehicle's engine or travelling in convoy and impeding traffic, then cruising is considered to have occurred).
 - (c) The prohibition should apply largely during the night hours, late in the week (Thursday, Friday, Saturday and Sunday), and covering public holidays (as similarly adopted in the Traffic and Parking Bylaw 2008).
9. Police have also advised that there is evidence of displacement of anti-social road user activity following enforcement efforts of Police, for example, in relation to prohibition on roads in clause 15 Traffic and Parking Bylaw. This strongly suggests that displacement of cruising may also occur supporting advice that all multi-lane roads in the city be included in the bylaw, not just the four Avenues.

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10. NZTA have advised that currently cruising is not identified as an issue on NZTA administered roads. However, were cruising to emerge as an issue in these areas, NZTA has the ability to delegate to the Council the authority to apply cruising bylaw provisions to those roads. Delegations could be considered at that time should such an issue emerge.

Risk of Challenge

11. If the Council adopted a cruising bylaw this would be the first such bylaw in New Zealand. There is the potential for those that object to the newly created bylaw-making power in the Act to challenge the Council's newly adopted bylaw in a court of law.

FINANCIAL IMPLICATIONS

12. The enforcement of any cruising bylaw rests with the Police and therefore most costs will rest with that service. The Council may contribute to Police enforcement of the bylaw through the provision of additional cameras or registration plate reading technology for example. This technology is currently being trialled and results are expected to become available in July 2010. Decisions on the suitability of this technology, deployment and cost-sharing will need to be deferred until after this time.
13. There may be a need to provide signs on roads to which the cruising bylaw applies. However, budgetary provision for the appropriate signage has already been made in the Transport and Greenspace budget.
14. There are specific financial implications from this bylaw including the cost of the Special Consultative Procedure and advertising it once the bylaw comes into effect. The bylaw review process can be funded by the budget in the City and Community Long-Term Policy and Planning Activity Management Plan.

DO THE RECOMMENDATIONS OF THIS REPORT ALIGN WITH 2009-19 LTCCP BUDGETS?

15. As above. No financial provisions have been made specifically for the development of a cruising bylaw in the 2009-19 LTCCP. However, the costs of developing the bylaw can be accommodated within the budget for the Long-Term Policy and Planning Activity Management Plan.

LEGAL CONSIDERATIONS

New bylaw power

16. Section 22AB⁴ of the Act allows the Council to make "*any bylaw that it thinks fit for one or more of the following purposes:*
 - (a) *Controlling, restricting, or prohibiting cruising, including (but not limited to):*
 - (i) *Specifying the section of road or roads on which cruising is controlled, restricted, or prohibited*
 - (ii) *Prescribing the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising."*
17. A cruising bylaw may apply to all roads, any specified road, or any part of a specified road under the Council's control; to all vehicles or traffic, or to any specified class or classes of vehicles or traffic using a Council road; and at any specified time or times.

⁴ This came into effect on 1 December 2009.

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18. Cruising is narrowly defined and means *driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that:*
 - (a) *Draws attention to the power or sound of the engine of the motor vehicle being driven; or*
 - (b) *Creates a convoy that:*
 - (i) *Is formed otherwise than in trade; and*
 - (ii) *Impedes traffic flow.*
19. The Act (under section 22AF) makes provision for warning notices to be attached to vehicles which breach a qualifying bylaw. A qualifying bylaw is any bylaw made under section 22AB of the Act, and can include bylaws made under various other Acts, including section 145 of the LGA02, if the bylaw is made "*for the stated purpose of ...restricting or placing conditions on the racing of motor vehicles or any associated activities*" or "*controlling or restricting cruising or any associated activities*".
20. A copy of the bylaw must be supplied to the Minister of Transport in accordance with section 22AB(2)(4), who may at any time disallow the bylaw, or part of the bylaw, in accordance with section 22AC.

Amendment to the Christchurch City Council Traffic and Parking Bylaw 2008

21. It is proposed that the Cruising Bylaw also amend the Christchurch City Council Traffic and Parking Bylaw 2008, by adding a purpose statement to Clause 15. This provides the Council with the power to specify by resolution the days and times and roads on which cars weighing less than 3500 kilograms are prohibited from using those roads. The reason for enacting Clause 15 was to restrict street-racing and its associated activities, and by including a stated purpose, it also makes clause 15 a "*qualifying bylaw*". That will allow the Police to also issue warning notices in respect of breaches to clause 15. This provides for a consistent and integrated approach to the anti-social road users issue.

Amendments by resolution

22. Section 22AB(3) of the Act also specifies that a cruising bylaw may leave any matter or thing to be regulated, controlled, or prohibited by the Council by resolution generally, for any specified classes of case, or in a particular case.⁵ The Select Committee, in its report, noted that the addition of this clause "*would allow the authority to amend details of the roads affected, and the times at which the prohibition applied, once a bylaw has been made. It would also allow the exemption of an event from the provisions of the Act.*"
23. The bylaw proposes that the Council can make resolutions to prohibit cruising on other roads in the future, in addition to multi-lane roads, after consulting with the persons listed in the bylaw. The Council can also make resolutions to specify the time period that must elapse between each time a driver drives on a specified section of road to avoid being regarded as cruising. Before any future decisions are made by resolution the Council will also need to apply the decision-making requirements of the LGA02.
24. Council does not need to provide for any potential exemptions from within the cruising bylaw because the draft states that the provisions of the General Bylaw 2008 form part of the cruising bylaw, and there is a 'dispensation power' in Clause 13 of the General Bylaw 2008. Clause 13 provides that the "*Council may grant a dispensation to any person or business from full compliance with any provision of a Bylaw in any case where the Council is of the opinion that full compliance would needlessly and injuriously affect that person or business, without a corresponding benefit to the public or any section of it.*"

⁵ This adopts more or less the same language as in section 151(2) of the LGA02.

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Consultation and other procedural requirements

25. Section 22AD of the Act is headed "*Consultation*" and states that if the road-controlling authority making a section 22AB bylaw is a local authority it may not make the bylaw unless it has used the Special Consultative Procedures set out in section 83 of the LGA02. For other road controlling authorities, subsections (2) and (3) specify that the authority cannot make the bylaw unless it has consulted with the people and bodies listed in (2)(a) to (g), and subsection (3) specifies how it is to consult with those persons.
26. Section 83 of the LGA02 provides bylaw-making procedures. Section 83 states who must be consulted with, it states the documents that must be used (the statement of proposal and summary of information), it provides timeframes for certain steps, and any other requirements of the process.
27. It is recommended that an amendment to Clause 15 of the Traffic and Parking Bylaw 2008 also be undertaken and a Special Consultative Procedure applies to this amendment also.

Section 155 requirements

28. Under section 155 of the LGA02 a local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem. If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw is the most appropriate form of bylaw, and gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA 1990) as no bylaw may be made which is inconsistent with the NZBORA 1990, notwithstanding section 4 of that Act.
29. In the Council's submission on the Land Transport (Enforcement Powers) Amendment Bill (and the Vehicle Confiscation and Seizure Bill), the Council sought an amendment to the Bill to make it clear whether or not the requirements of section 155 of the LGA02 applied to the making of a cruising bylaw.⁶ The Council's submission was not given effect to, and there were no comments in the Select Committee's report on the Council's submission. As a result, the Act does not specify clearly whether section 155 does or does not apply. However, it is staff advice that if the Council applies the tests in section 155 in making a cruising bylaw, it will minimise the risk of any challenge to the new bylaw.
30. Even if the Council is not required to apply section 155 in making a cruising bylaw the Council must still comply with the decision-making requirements in sections 76-81 of the LGA02. Some of these requirements provide a parallel to section 155(1): "*the local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem*". Under section 77(1) of the LGA02 the Council must "*seek to identify all reasonably practicable options for the achievement of the objective of a decision*".
31. In terms of the section 155 assessment, components of this assessment have been undertaken throughout this report. There are three aspects of the section 155 assessment that need to be evaluated: whether the bylaw is the most appropriate way of addressing the perceived problem; if the bylaw is the most appropriate form, and if there are any implications under the NZBORA.

⁶ An example of such a provision can be found in section 13 of the Prostitution Reform Act 2003 (procedure for making a bylaw), which provides that a bylaw made under section 12 of that Act must be made in the same manner in all respects as if it were a bylaw made under the LGA02, except that section 155(3) does not apply and the bylaw can be inconsistent with the New Zealand Bill of Rights Act 1990.

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32. With regard to the appropriateness of the bylaw to address the perceived problem; the problems associated with anti-social road users are multifaceted, and can include cruising along with a range of other activities, for example, street racing or when congregations of car enthusiasts (cars are stationary) occur and the associated anti-social behaviour that emerges. The newly created bylaw-making power in the Act is a tool that has been created to empower Councils to deal with the activity of cruising specifically. Enacting a bylaw will not address wider behavioural issues that are considered problematic (and may be addressed through other legislative provisions), and therefore a bylaw should not be seen as a solution to the anti-social road user problem in its entirety. However, it does provide a mechanism to address the cruising activity specifically.
33. An evaluation of options ensures that any bylaw proposed is in the most appropriate form, including consideration of where the bylaw should apply (which roads), when (times) and when a driver is considered to be not cruising.
34. An evaluation of whether there are any implications under the NZBORA has also been included in the report below.

Risk of Challenge

35. A cruising bylaw may have implications under the NZBORA, and in particular section 18 relating to the right to freedom of movement: *"Everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand."*
36. The Select Committee had the following to say about NZBORA issues in relation to the Land Transport (Enforcement Powers) Amendment Bill:

"New Zealand Bill of Rights issues Standing Order 261 (1) requires that whenever a bill contains any provision which appears to the Attorney-General to be inconsistent with any of the rights and freedoms contained in the New Zealand Bill of Rights Act 1990, the Attorney-General must indicate to the House what that provision is and how it appears to be inconsistent with the New Zealand Bill of Rights Act. We are aware of concern regarding property issues about vehicle impoundment; the reverse onus of proof in clause 6; and freedom of association, peaceful assembly, and movement. However, Crown Counsel advised the Attorney-General that there were no inconsistencies with the Act."
37. Even if the Council were to prohibit cruising over the whole of the Council's district, provided there was evidence to support and justify such an extensive prohibition, that would be unlikely to be inconsistent with the NZBORA. That is because section 5 of the NZBORA allows the rights and freedoms in the NZBORA to be subject to reasonable legal limits. As a prohibition on cruising does not prevent a person from driving on the particular streets involved in the prohibition, only that they cannot undertake cruising in those streets, the bylaw will be a reasonable limit on the right to freedom of movement.
38. While NZBORA allows for a cruising bylaw with reasonable limits on the right of freedom of movement, there remain questions of a possible challenge to the bylaw. There is the potential for those that object to the newly created bylaw-making power in the Land Transport Act 1998, as well as those that object to specific provisions in the Council bylaws, to challenge the Council's newly adopted bylaw in a court of law.
39. It should be noted that the legislation providing the power for territorial authorities to make bylaws of this sort to control, prohibit or restrict cruising is new, there is no current case law and this Council is likely to be the first territorial authority to bring in such a bylaw and hence, will be setting a legal precedent for New Zealand. As a result, this increases the risk that elements of the Council's bylaw may be challenged legally.

HAVE YOU CONSIDERED THE LEGAL IMPLICATIONS OF THE ISSUE UNDER CONSIDERATION?

40. As above.

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ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

41. Creating a cruising bylaw aligns to a level of service *Maintain Safe City accreditation every five years – next in July 2013, July 2018, July 2024* in the Strengthening Communities Activity Management Plan, and indirectly contributes to a level of service in the Roothing Network Activity Management Plan that aims to reduce the number of fatal and serious road accidents in Christchurch.

DO THE RECOMMENDATIONS OF THIS REPORT SUPPORT A LEVEL OF SERVICE OR PROJECT IN THE 2009-19 LTCCP?

42. As above.

ALIGNMENT WITH STRATEGIES

43. The recommendations align with the Road Safety Strategy 2004 and the Safer Christchurch Strategy 2005.

DO THE RECOMMENDATIONS ALIGN WITH THE COUNCIL'S STRATEGIES?

44. As above.

CONSULTATION

45. Information was sought from the Community Board Advisers of all Community Boards on complaints received regarding cruising or anti-social road users' activities. There has also been consultation with the New Zealand Police and the New Zealand Transport Agency.
46. A Special Consultative Procedure (SCP) is required to create a cruising bylaw. Staff intend to include discussions with road users, moteliors, other businesses and other specific key stakeholder groups during the SCP.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Note that under section 22AB Land Transport Act, the Council is now empowered to establish bylaws for the purpose of controlling, restricting or prohibiting cruising.
- (b) Adopt the attached proposed bylaw which meets the requirements of section 155 of the Local Government Act 2002 for consultation in accordance with the Special Consultative Procedure.
- (c) Adopt the attached Statement of Proposal (which includes the proposed Bylaw) and the attached Summary of Information for consultation in accordance with the Special Consultative Procedure.
- (d) Consult on a proposal to make a resolution that the time that must elapse between each time a driver drives on a specified section of road in the same direction to avoid being regarded as cruising is 60 minutes.
- (e) Give public notice of the consultation in The Press and Christchurch Star newspapers, on the Council's website, and that public notice of the proposal be given in the Akaroa Mail and other community newspapers distributed in the Christchurch area, as close as possible to the approval of these recommendations.
- (f) State the period within which written submissions may be made to the Council be between 18 February and 5pm 25 March 2010.
- (g) Appoint a hearings panel to hear submissions, deliberate on those submissions and to report back to the Council on the final form of the bylaw.
- (h) Note that once the new bylaw is adopted a copy needs to be forwarded to the Minister of Transport for the Minister's approval in terms of section 22AB (4) of the Local Government Act 2002.

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BACKGROUND

Relevant legislation

Police jurisdiction - Street racing and other activities

47. There are provisions in the Land Transport Act 1998 (the Act) to control illegal street racing offences such as unauthorised racing, unnecessary exhibition of speed or acceleration and sustained loss of traction (i.e. drifting, doughnuts or wheelies).⁷ Provisions introduced by the Land Transport (Enforcement Powers) Amendment Act 2009 enable the impoundment of vehicles undertaking such offences. The Act also provides additional powers to deal with illegally modified, unsafe, or excessively noisy vehicles. In the latter case it will be mandatory for a vehicle ordered off the road for excessive exhaust noise to undergo a metered noise test before obtaining a new warrant of fitness. Vehicles that pass the test will have the exhaust system indelibly marked to avoid swapping or tampering.
48. Demerit points have been increased for registration plate offences, noisy vehicle offences⁸, and breaches of Graduated Driver Licensing System conditions. Police may take away keys for breaches such as an unsupervised restricted licence holder driving with passengers. There will be a licence reinstatement fee for drivers needing a new licence after suspension or disqualification ends, and increased penalties for failing to stop for Police and providing details of who was driving a vehicle at the time of an offence.

Council jurisdiction for bylaw creation - Cruising

49. Prior to the enacting of new provisions that came into force on 1 December 2009, territorial authorities did not have the ability to regulate cruising activity. A newly created bylaw-making power in the Act enables the Council to make bylaws for controlling, restricting or prohibiting cruising specifically. This includes the power to specify the section of road or roads on which cruising is controlled, restricted or prohibited. The Act allows Council to prescribe the period of time that must elapse between each time a driver drives on a specified section of road to avoid being regarded as cruising as defined in the Act.
50. In relation to the time-specifying power, the Transport and Industrial Relations Select Committee stated: *"We consider that the time in question should probably be measured in minutes, not hours, and would depend to some extent on local geography."*⁹
51. Section 22AB¹⁰ of the Land Transport Act 1998 (LTA) allows the Council to make *"any bylaw that it thinks fit for 1 or more of the following purposes:*
 - (a) *Controlling, restricting, or prohibiting cruising, including (but not limited to):*
 - (i) *Specifying the section of road or roads on which cruising is controlled, restricted, or prohibited:*
 - (ii) *Prescribing the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising:...."*
52. A bylaw made under the Act may apply to all roads, any specified road, or any part of a specified road under the Council's control, management or care. The Council could, under this Act, apply the bylaw to all vehicles or traffic, or to any specified class or classes of vehicles or traffic, using the specified road or roads.

⁷ Section 22A of the Land Transport Act 1998

⁸ At least two sources of noise have been identified with this type of motor vehicle use and the operations of the Car-Centred Sub-Culture (CCSC). There is noise produced by engines and exhaust systems, and noise produced by car stereograms or similar music playing equipment. The Land Transport (Road User) Rule 2004 states "a driver must not operate a vehicle that creates noise that, having regard to all the circumstances, is excessive." It also states, "a person must not create by any means (for example, a car stereo) within or on a vehicle any noise that, having regard to all circumstances, is excessive."

⁹ Land Transport (Enforcement Powers) Amendment Bill as reported from the Transport and Industrial Relations Committee, 15 September 2009.

¹⁰ This came into effect on 1 December 2009.

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53. It is important to highlight the very narrow definition of cruising¹¹ which contains a number of factors that must be met before cruising is considered to have occurred: repeated driving over a section of road within a specified period which either draws attention to the power or sound of the engine OR creates a convoy. Given the current typical driving patterns of drivers cruising in Christchurch, convoys that impede the flow of traffic are not generally an issue currently, though this has been in the past. Police enforcement of the bylaw will likely focus on proving that repeated driving on a section of road is occurring in a manner that draws attention to the power or sound of the engine of the motor vehicle being driven (i.e. not the stereo but the engine itself). It should also be noted that cruising is a driver offence (not a moving vehicle offence) meaning that individual drivers need to be identified not just the vehicle in order for an infringement notice to be issued or a successful prosecution brought. Police have a specialist anti-social road user team who will likely lead the enforcement of this bylaw should it be established.
54. The bylaw-making power in the Land Transport (Enforcement Powers) Amendment Act 2009 allows Council to prescribe fines, not exceeding \$500, for the breach of the bylaw. However, the recent amendments to the legislation also included an amendment to the Land Transport (Offences and Penalties) Regulation 1999, which provides that a breach of a cruising bylaw means a person is liable on summary conviction to a fine not exceeding \$1000, or can be subject to an infringement fee of \$150. There is therefore no need to prescribe an alternative fine in the bylaw.
55. Section 22AB(3) of the LTA also specifies that a cruising bylaw may leave any matter or thing relating to cruising to be regulated, controlled, or prohibited by the Council by resolution generally, for any specified classes of case, or in a particular case.¹² The Select Committee in its report noted that the addition of this clause *"would allow the authority to amend details of the roads affected, and the times at which the prohibition applied, once a bylaw has been made. It would also allow the exemption of an event from the provisions of the Act."*
56. The Act (under section 22AF) makes provision for warning notices to be attached to vehicles which breach a qualifying bylaw. A qualifying bylaw is any bylaw made under section 22AB of the Act, and can include bylaws made under various other Acts, including section 145 of the Local Government Act 2002, if the bylaw is made *"for the stated purpose of ...restricting or placing conditions on the racing of motor vehicles or any associated activities"* or *"controlling or restricting cruising or any associated activities"*.

Amendment to the Christchurch City Council Traffic and Parking Bylaw 2008

57. It is proposed that the Cruising Bylaw also amend the Christchurch City Council Traffic and Parking Bylaw 2008, by adding a purpose statement to clause 15. Clause 15 provides the Council with the power to specify by resolution the days and times and roads on which motor vehicles weighing less than 3500kg are prohibited from using those roads. The reason for enacting clause 15 was to restrict street racing and its associated activities, and by including a stated purpose, it also makes clause 15 a *"qualifying bylaw"*. That will allow the Police to also issue warning notices in respect of breaches of clause 15. This provides for a consistent and integrated approach to the anti-social road users issue.

Overseas experiences with cruising

58. The problems of street racing and modified car groups are world-wide. In respect of western countries, these issues have been recognised as nuisances in Great Britain and Ireland, Canada, the United States of America, and Australia at least. In a number of authorities in the United States anti-cruising rules apply at one or more traffic control points near areas of traffic congestion and signage is used to define the "No Cruising" area.

¹¹ See above definition.

¹² This adopts more or less the same language as in section 151(2) of the LGA02.

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59. The United States Department of Justice has produced a Problem-Oriented Guide for Police entitled Cruising.¹³ The guide¹⁴ provides a summary of responses to cruising, the mechanism by which they are intended to work, conditions under which they work best, and considerations before implementing a particular response. They make the point that responses should be tailored to local circumstances. An effective strategy, in their view, may involve several different responses. Some of the favoured responses are: enlisting community support; establishing alternative activities for youth; promoting other uses of the cruising area; enacting and enforcing cruising ordinances; enforcing trespassing and loitering laws; restricting parking; enforcing laws that restrict juveniles' driving privileges; regulating and redirecting traffic; and increased street lighting. Those responses with limited effectiveness include sanctioning cruising in alternative locations; enforcing juvenile curfews; increasing police patrols; sentencing offenders to community service; and setting up sobriety and vehicle inspection checkpoints.

The problems in Christchurch and Council activity to address related issues

60. The Council has been aware for some time of problems caused by street racing and cruising and its associated problems. The Council has attempted to address the issue over three periods – 2001/02, 2007, and 2008.
61. In 2001/02 issues included that of vandalism, anti-social behaviour, groups congregating, and speeding cars occurring in Colombo Street, south of Moorhouse Avenue and north of Milton Street. At that time the Council identified that this problem was not a core function of the Council, however, given the amount of concern raised (and the fact that resident businesses were unable to obtain insurance), the Council decided to put resources to the problem. A consensus was arrived at to employ Parking Wardens on Friday and Saturday nights between the hours of 7pm and 3am. Patrols by the Parking Wardens commenced on 12 October 2001. Local police were also part of the initial strategy development.
62. In February 2002 the Wardens were removed. The nuisances did not re-emerge post February and as a consequence the Parking Wardens were not reinstated. It was difficult to establish cause and effect regarding the Parking Warden involvement and the decrease in nuisance. At a meeting in July 2002 key players resolved to abandon the Council's involvement in the issue. Over the life of the project, reports were produced each week by the Wardens, the reports recorded on an hourly basis the traffic and pedestrian activity between the hours of 7pm and 3am. It appears that the worst instances of vandalism were occurring after 3am, once the bars and nightclubs had closed in town and patrons were heading home.
63. On 9 July 2001, the Council also introduced into its Traffic and Parking Bylaw 1991 a "*prohibited times on roads clause*", which was the predecessor to the current clause 15 of the Traffic and Parking Bylaw 2008. This provides for the Council to make resolutions (recorded in a register) to specify roads in which motor vehicles weighing less than 3,500 kilograms are prohibited from being used on that road on certain days and times. However, the controls over racing through prohibited roads appear to have resulted in shifting some of the activity towards other roads which are more residential in nature.
64. In December 2007 the Mayor also invoked emergency powers under s342(1)(b) (temporary road closures) and paragraph 11(c) of the 10th Schedule of the Local Government Act 1974 to temporarily close certain roads to certain vehicles (similar to the "*prohibited times on roads*" provisions in the Traffic and Parking Bylaw) on roads in the area around Ruapuna Park, Orana Park, and Spencerville. The emergency powers were invoked only after a formal request from the Area Commander of the Police was received by the Mayor indicating that there was a high probability of public disorder.

¹³ *Cruising, Problem-Oriented Guides for Police, Problem-Specific Guides Series No.29*, U.S. Department of Justice, Office of Community Oriented Policing Services, January 2005

¹⁴ *Cruising*, U.S. Department of Justice, *op cit*

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65. These powers can only be used as a temporary measure until consultation is carried out, a report is prepared and a resolution of the Council is made. The resolution of the Council formalising the regulations was made on Thursday 28 February 2008. The erection of the signs on the roads prohibiting vehicles weighing less than 3,500 kg (from 10pm Thursdays, Fridays and Saturdays to 5am the following day) significantly reduced inappropriate behaviour on these roads.
66. Generally the gatherings of large numbers of vehicles (in excess of 200) have not occurred. However smaller groups tend to find other locations to gather, and after a period of time the numbers grow and the need for further prohibitions become necessary. It is important to note that the Police have to support any additional *"prohibition on roads"* as the success depends on Police enforcement.

DEVELOPMENT OF A CRUISING BYLAW

67. Prior to the development of the power to create a cruising bylaw, the Council did not have the mandate to regulate this issue specifically. In the Council's submission on the Land Transport (Enforcement Powers) Amendment Bill¹⁵ (and the Vehicle Confiscation and Seizure Bill) the Council supported the spirit of both of the Bills and stated that they may be able to slowly bring about positive change. However, the Council stated that it:

"believes, that the bylaw making powers proposed in the Land Transport (Enforcement Powers) Amendment Bill (the LT Bill), will be ineffective and strongly opposes the introduction of such a power into the LT Bill. The issues proposed to be the subject of bylaws could more effectively and efficiently be dealt with by national legislation that prohibits "cruising" on every road in New Zealand, if not 24 hours a day, then at night-time, when these activities usually take place."

Current anti-social road user issues (as identified by NZTA, Police, Council staff, and Community Board Advisors).

68. With the enactment of the legislation, a meeting of some key stakeholders was held in November 2009 to undertake initial discussions, including Council officers and representatives of the New Zealand Police and the New Zealand Transport Agency (NZTA).
69. The Council's Team Leader Network Operations and Traffic Systems and Police noted three distinct issues:
 - (a) Incidences of loss of tyre traction (i.e. wheelies, donuts, drifting) occur all over the city.
 - (b) Cruising primarily occurs along the four avenues, Main Road and Esplanade. Multi-lanes, red lights and being able to complete a circuit in an area of high attention makes the four avenues attractive to anti-social road users. Main Road and Esplanade are roads that provide opportunity to travel in convoy and the return via a circuit.
 - (c) Once large numbers of anti-social road users have built up on the Avenues, they will head out of the central city and congregate around Pound Road (or similar).
70. The Council's Metropolitan Community Advisor for youth noted there are three main groups of people involved in car-related activities:
 - (a) Young people with cheap cars – alcohol and crime issues possibly relate primarily to this group.
 - (b) Young people with more expensive and well-looked after cars – this group may be involved with issues of some loss of traction.
 - (c) An older group of car enthusiasts, some of whom are joining in with the second group of young people.

¹⁵ This Bill proposed the local authorities power to create a cruising bylaw power.

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71. The Police indicated that cruising, as defined in the Act, is more likely to occur on multi-lane roads in the central city, with evidence of cruising also occurring on Main Road and Esplanade. The Police representative confirmed that the Bealey Avenue, Moorhouse Avenue, Fitzgerald Avenue, Deans Avenue circuit is of primary concern to them. Of the 749 Infringement Offence Notices issues in 2009 for anti-social road user activities, 29.6 per cent were issued on the Avenues. Infringement Offence Notices issues on Main Road and Esplanade were 4.1 per cent and 6.8 per cent respectively.
72. The NZTA representative advised they were not aware of any cruising issues regarding their roadways. Of the roads under their control Brougham Street and Main North Road are the roads likely to be most of interest to anti-social road users. Other roads include Main South Road, State Highway One, QEII Drive and the Eastern ring road.
73. Community Board Advisers have confirmed that most Boards have expressed some concerns regarding anti-social road user issues. However, many of these were about congregations of vehicles and associated groups with noise and inappropriate behaviour causing nuisance as opposed to cruising per se. The issues relating to use of roads and possible cruising appear to be more obvious in some Board areas. Akaroa-Wairewa appears to be clear of such problems. A number of Boards' have roads included in the prohibitions under the Traffic and Parking Bylaw 2008.

Complaints received – central city

74. A number of complaints to the Council have been about stationary vehicles rather than cruising. However, cruising, as defined by the Act, appears, at present to be confined to the four avenues. The following analysis relates to 48 complaints about "*anti-social road user*" type activities made to the Council between December 2007 and October 2009. The Council received many more letters/emails about anti-social road users during this period. However, most were written in response to media reports at the time and contain general comments rather than location-specific complaints. Most of these letters/emails either commend the Mayor/Council for taking a strong stand against anti-social road user type activities or provide suggestions for dealing with the issues.
75. The majority of complaints (25) relate to the central city, specifically:
 - (a) Bealey Avenue – 11 complaints were made by moteliers and/or guests (including multiple complaints from some moteliers)
 - (b) Deans Avenue – 6 complaints were made by moteliers and/or guests (including multiple complaints from one motelier)
 - (c) Harper Avenue – 3 complaints were made by residents who either live nearby or who were passing through the area
 - (d) Fitzgerald Avenue – 2 complaints were made by one resident of the street, and
 - (e) Moorhouse Avenue – 2 complaints were made.

Another person made a complaint about the noise of anti-social road users in the central city generally. The complaints about the four avenues all relate to Friday and Saturday nights, and other nights during public holiday periods.

76. The most common complaint about Bealey Avenue and Deans Avenue was the noise related to the use of vehicles (cars revving, wheels squealing, car horns, exhausts) and to behaviour on the streets (yelling, a car alarm being repeatedly set off). Eleven of the 17 complaints for these two roads mentioned noise. Other common complaints were broken bottles (7), other litter (5) and congregation (5). Bealey Avenue moteliers also complained about the consumption of alcohol and people urinating or vomiting on private property. A Deans Avenue motelier identified speeding, burnouts and loutish behaviour as issues in that area.

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77. Harper Avenue complaints varied. One complainant representing nearby residents made general comments about problems following a car show over the weekend. Another commented on the broken bottles and litter left behind in the mornings. The third was a cyclist who had faced verbal abuse and intimidation by people in parked and driven vehicles, and who had almost been driven off the road (at 11pm on a Saturday).
78. A Fitzgerald Avenue resident made two separate complaints that appeared to relate to groups of people congregating on the street, including verbal abuse, alcohol use, vandalism, broken bottles, noise, litter and urinating on private property.
79. Moorhouse Avenue complaints included one complaint on issues associated with the congregation of anti-social road users in the Countdown carpark, including alcohol use, broken bottles and skids, the other complainant complained about litter.

Complaints received - other residential areas

80. Ten complaints were made about anti-social road user activity in residential areas outside of the central city. Most complaints relate to weekend nights but complainants did not always specify a day of the week or a time of day, and some complaints relate to weekday activity. Burnouts were the main issue of concern, featuring in seven of the ten complaints. The locations varied and included:
 - (a) Geraldine Street, St Albans
 - (b) Lindsay Street, St Albans
 - (c) Aorangi Road/Brookside Terrace intersection, Bryndwr
 - (d) Palmers Road, New Brighton
 - (e) Bayswater Crescent, Woburn Street, Maces Road, St Johns Street and Ruru Road, Bromley
 - (f) Stanbury Avenue, Lower Cashmere, and
 - (g) Warren Crescent area, Hoon Hay.
81. Noise was the primary issue in two other complaints – relating to Avonside Drive, and the St Martins area generally, as well as the Bromley complaint above. A further complaint was made about drug use, speeding and pouring diesel on the road in the Aston Drive, Rothesay Road area around the edge of Bottle Lake Forest. The Bromley complainant also mentioned speeding and litter as issues of concern. Intimidation was a concern in the Lindsay Street complaint. The Palmers Road complainant expressed concern about road accidents caused by anti-social road user activity.

Complaints received - Industrial, remote and rural areas

82. The remaining thirteen complaints related to roads in more remote, rural or industrial areas. Complainants did not always specify a day of the week or a time of day; where they did, weekend nights were most often mentioned but some complaints relate to weekday and/or daytime activity. Five complaints relate to roads in the Yaldhurst area around the back of the airport: McLeans Island Road, Chattertons Road, the top end of Avonhead Road, Jessons Road, Guys Road, Ryans Road, Pound Road and School Road. Four of these complaints were made in December 2007 around the time the Mayor used emergency powers to introduce prohibited times on roads in the area. A further two complaints relate to Harewood Road. Other complaints concerned:
 - (a) Roads in the Marshlands area: Belfast Road, Walters Road, Prestons Road, Hawkins Road and Hills Road (two complaints)
 - (b) Carrs Road, Wigram (one complaint)
 - (c) Chapmans Road, Woolston (one complaint), and
 - (d) Summit Road (one complaint).

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83. The issues raised by complainants are varied but relate primarily to anti-social behaviour associated with the congregation of people in vehicles (alcohol and drug use, blocking the road, intimidation, people throwing bottles, people urinating on private property, broken bottles and other litter), and to the use of those vehicles (burnouts, wheelies, damage to roads, noise, car wrecks).
84. Two complaints relate to roads in the Waimakariri district: South Eyre Road and roads around Fernside. The latter complainant noted that large numbers of cars were coming out of Christchurch City and causing a nuisance on the roads around Fernside.

THE OBJECTIVES

85. The purpose of the draft bylaw is to control and restrict the cruising of motor vehicles by prohibiting cruising on certain roads at specified days and times.

AREAS OF DISCRETION

86. The areas of the cruising bylaw for which discretion exist are:
 - (a) Whether the Council elects to consult on a bylaw to control, restrict or prohibit cruising
 - (b) The period of time that must elapse between each time a driver drives on a specified section of road in the same direction to avoid being regarded as cruising
 - (c) The days of the week and times of the day to apply the controls, prohibitions or restrictions on cruising, and
 - (d) The roads, or parts thereof, to apply the regulations to.
87. The bylaw-making power gives Council the ability to control, restrict or prohibit cruising. Due to the nature of cruising in the Council district, it is difficult to identify any controls or restrictions that would have any effect on cruising. It is recommended that a prohibition of that activity at the proposed days and times will be more effective than attempting to control or restrict it at those times.
88. As noted previously in this report, it is recommended that the Council consult on a proposal to determine by resolution that the time that must elapse between each time a driver drives on a specified section of road in the same direction to avoid being regarded as cruising be 60 minutes. This time period has been arrived at using the judgement of Council officers, the Police and NZTA staff, taking into account the particular road layout and nature of the issues in Christchurch. The 60 minute period came about following consideration about how to interrupt the sort of cruising circuit anti social road users might use. An alternative consideration is the frequency of occasions a person driving down the same section of road drawing attention to the power or sound of the vehicle's engine that is likely to cause disturbance and nuisance to residents living close to an affected road. Consideration of this factor may lead to the adoption of a longer time period that must elapse between the time a driver drives on a specified section of road in the same direction to avoid being regarded as cruising.
89. The bylaw as drafted imposes a prohibition on cruising on Thursday, Friday, Saturday and Sunday nights between 10pm and 5am the following morning and on public holidays. These days of the week and times of the day have been selected as it is during these periods that most of the issues with cruising have taken place. Those times and days are also consistent with many that exist in relation to roads which have prohibitions on them under clause 15 of the Traffic and Parking Bylaw 2008 (or its predecessor).
90. The above recommendations regarding areas of discretion when drafting a bylaw apply consistently to options 2, 3 and 4. Option 1 (status quo – no bylaw) remains outside these considerations.

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91. The main options for the Council to consider are therefore (d) which roads or part thereof the bylaw should apply to. Options are outlined and analysed below. Each of the options (except for Option 1) have consistent provisions with regard to (a) prohibition of cruising, (b) the period of time that must elapse between each time a driver drives on a specified section of road in the same direction to avoid being regarded as cruising and (c) the days of the week and times of the day to apply the prohibitions on cruising.
92. It should be noted that the legislation allows the Council to make changes to the days/times and the roads the bylaw applies to by way of resolution. This enables the Council to vary the specifics of the bylaw to respond to changes in the nature of the cruising behaviour.

Option 1

Status Quo to remain with no bylaw being adopted.

Option 2

Bylaw to be adopted which prohibits cruising on **all four central city avenues** with the ability to make resolutions for other roads to be subject to a prohibition on cruising.

Option 3

Bylaw to be adopted which prohibits cruising on **all multi-lane roads, on the whole of Main Road (from Ferry Road to Marriner Street, Sumner) and all of Esplanade, Sumner** in Christchurch City, with the ability to make resolutions for other roads to be subject to a prohibition on cruising.

Option 4

Bylaw to be adopted which prohibits cruising **on all roads** across Christchurch City.

PREFERRED OPTION

Option 3

Bylaw to be adopted which prohibits cruising on **all multi-lane roads, on the whole of Main Road (from Ferry Road to Marriner Street, Sumner) and all of Esplanade, Sumner** in Christchurch City, with the ability to make resolutions for other roads to be subject to a prohibition on cruising.

20 Cont'd

ASSESSMENT OF OPTIONS

The Preferred Option

93. Option 3 - Bylaw to be adopted which prohibits cruising on **all multi-lane roads, Main Road (from Ferry Road to Marriner Street, Sumner) and Esplanade** in Christchurch City, with the ability to make resolutions to alter and/or add different roads, times, or days to the cruising prohibition.

	Benefits (current and future)	Costs (current and future)
Social	Actions of a minority that impact detrimentally on the community are managed through the Bylaw.	Restriction of cruising " <i>freedom</i> " will likely be perceived as a cost of the bylaw by participating drivers.
Cultural	None particularly identified.	Car centred sub culture seen to be persecuted.
Environmental	As the bylaw will not likely curtail vehicle emissions, benefits in that area are assumed to be negligible, but there should be some reduction in noise effects.	No increase in environmental costs expected.
Economic	City wide response through inclusion of all multi-lane roads ensures that the economic impacts of cruising are not simply moved on to other areas not covered by the bylaw as Option 2 provides. Business not impacted by cruising behaviour.	Costs of implementation and enforcement primarily borne by Police though Council may choose to support Police financially through the purchasing of technology (to be determined).

Extent to which community outcomes are achieved:

A strong stance is taken to achieve a safe and prosperous city.

Impact on the Council's capacity and responsibilities:

Police responsibility for implementation and enforcement. By focusing on all multi-lane roads, Main Road and Esplanade, Council is exercising its responsibility to focus on those roads that are currently a problem or to which transference of the problem could occur.

Effects on Maori:

Establishment of a Bylaw is not considered to have effects on Maori distinct from the rest of the population.

Consistency with existing Council policies:

The days of the week and times of the day identified are consistent with those on roads which have prohibitions on them under clause 15 of the Traffic and Parking Bylaw 2008 (or its predecessor).

Views and preferences of persons affected or likely to have an interest:

This broad approach to the bylaw means that communities beyond the four avenues have their interests protected.

Other relevant matters:

Including all multi-lane roads in the bylaw prevents the relocation of cruising that might occur. Police have advised that focusing the bylaw to multi-lane roads (instead of all roads in the city) will assist in the enforcement of the bylaw.

Providing the power to make resolutions to add other roads allows the Council to tackle problems arising in the future without going through a complete bylaw amendment process using the special consultative procedure. It allows Council to carry out targeted consultation with the relevant affected persons and communities instead. The Council is also required to follow the decision-making requirements in the Local Government Act 2002 in relation to any such decision. Forty percent (40%) of all anti-social road user infringement offence notices issued in 2009, were issued over on the four Avenues, Main Road and Esplanade making these roads (and other multi-lane roads) a priority for bylaw attention.

20 Cont'd

Other Options

94. Option 1 - **Status Quo** to remain with no bylaw being adopted.

	Benefits (current and future)	Costs (current and future)
Social	Cruisers may be seen to benefit from the status quo as their activities would remain unimpeded by bylaw provisions.	Wider social costs ongoing, communities continue to experience effects of cruising behaviour.
Cultural	None particularly identified.	Cultural impacts are not considered to be altered.
Environmental	None particularly identified. Status quo.	Most environmental impacts arise from car emissions and these remain unchanged with status quo.
Economic	Economic benefits are indirect and are restricted to the retailers of cars, car accessories, fuel and alcohol etc.	Costs continue to lie where they fall, no increased costs for Police for enforcement, economic impacts on local businesses ongoing
<p>Extent to which community outcomes are achieved:</p> <p>Status quo remains.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>No additional responsibilities assumed, pressure to address the issue will likely remain.</p> <p>Effects on Maori:</p> <p>Absence of a bylaw not considered to have detrimental effects that apply to Maori distinct from the rest of the population.</p> <p>Consistency with existing Council policies:</p> <p>Status quo is not inconsistent with existing Council policies.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Some businesses and members of the public may be concerned at seeming inaction of Council to utilise a tool specifically developed for the anti-social road user/cruising issue.</p> <p>Other relevant matters:</p> <p>Christchurch has been the "<i>poster child</i>" for this issue and expectation may be high for an early adoption of the bylaw tool provided.</p>		

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95. Option 2 - Bylaw to be adopted which prohibits cruising in **all four central city avenues**, with the ability to make resolutions to alter and/or add different roads, times, or days to the cruising prohibition.

	Benefits (current and future)	Costs (current and future)
Social	Those Christchurch City communities currently most affected by cruising would benefit from the introduction of the bylaw.	Restriction on cruising " <i>freedom</i> " will likely be perceived as a costs of the bylaw by participating drivers.
Cultural	None particularly identified.	Car centred sub culture seen to be persecuted.
Environmental	As the bylaw will not likely curtail vehicle emissions, benefits are assumed to be negligible.	No increase in environmental costs expected.
Economic	Restricting the bylaw to focusing on the four central city avenues targets areas where the majority of the impacts are assumed to be accruing (moteliars) meaning those business would no longer be impacted by cruising behaviour.	Costs of implementation and enforcement primarily borne by Police though Council may choose to support Police financially through the purchasing of technology (to be determined). Costs of implementation may be reduced by focusing on key areas of cruising.
<p>Extent to which community outcomes are achieved:</p> <p>Progress is made on promoting a safe and prosperous city from the effects of cruising within the four central city avenues only.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>Police have responsibility for the implementation of the bylaw. Council may be perceived as having exercised its responsibility by addressing issues in the high profile avenues.</p> <p>Effects on Maori:</p> <p>Establishment of a Bylaw is not considered to have effects of Maori distinct from the rest of the population.</p> <p>Consistency with existing Council policies:</p> <p>The days of the week and times of the day identified are consistent with those in the existing Traffic and Parking bylaw.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Members of the community beyond the four avenues may be concerned at the lack of bylaw provision in their area.</p> <p>Other relevant matters:</p> <p>Police records show that 29.6% of anti social road user infringement offence notices issued in 2009 were issued in the four Avenues. However, cruising may relocate to areas in which the bylaw is not in effect meaning the problem would be unable to be managed in the new location.</p>		

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96. Option 4 - Bylaw to be adopted which prohibits cruising for **all roads** across Christchurch City, with the ability to make resolutions to alter and/or add different roads, times, or days to the cruising prohibition.

	Benefits (current and future)	Costs (current and future)
Social	All Christchurch City communities benefit from the bylaw.	Restriction on cruising " <i>freedom</i> " will likely be perceived as a cost of the bylaw by participating drivers.
Cultural	None particularly identified.	Car centred sub culture seen to be persecuted.
Environmental	As the bylaw will not likely curtail vehicle emissions, benefits are assumed to be negligible.	No increase in environmental costs expected.
Economic	City wide response through inclusion of all roads ensures that the economic impacts of cruising are not simply moved on to other areas not covered by the bylaw as Option 2 provides. Businesses not impacted by cruising behaviour.	Costs of implementation and enforcement primarily borne by Police though Council may choose to support Police financially through the purchasing of technology (to be determined).

Extent to which community outcomes are achieved:

A strong stance is taken to achieving a safe and prosperous city.

Impact on the Council's capacity and responsibilities:

Creating a bylaw that applies to all roads in the city is the strongest approach that Council could take with this issue, however, having all roads subject to the bylaw would include roads that are not seen as attractive to cruisers by virtue of their lack of visibility/profile, absence of multi-lanes and intersections/lights making the bylaw insufficiently focused.

Effects on Maori:

Establishment of a Bylaw is not considered to have effects of Maori distinct from the rest of the population.

Consistency with existing Council policies:

The days of the week and times of the day identified are consistent with those in the existing Traffic and Parking bylaw.

Views and preferences of persons affected or likely to have an interest:

Communities throughout the city would be 'protected' from cruising by the comprehensive bylaw.

Other relevant matters:

The option of applying the regulations to all roads in the City may be more open to legal challenge than a more targeted approach given the evidence of the issue suggests it is most prevalent on specific types of roads. Similarly applying the regulation to all roads in the City could possibly increase the risk that the Minister of Transport will exercise his power to disallow the bylaw or part thereof.

Note the Council has the ability to make changes to the days/times and the roads the bylaw applies to by way of resolution.

21. CHRISTCHURCH CYCLE LANES: PROPOSED COLOURED SURFACING CHANGE

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	Steve Dejong, Traffic Engineer, Transport

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to change the coloured surfacing of Christchurch Cycle Lanes from the red that is presently used to green.

EXECUTIVE SUMMARY**Current Practice**

2. The current Council practice is to apply red coloured surfacing in selected sections of cycle facilities to heighten the awareness of motorists and cyclists regarding the presence of cycle facilities such as cycle lanes, cycle bypasses, advanced stop lines, advanced stop boxes and hook turn boxes. Christchurch was the first city in New Zealand to implement coloured surfacing in cycle facilities and decided upon red. However, apart from Waimakariri District, the rest of the country subsequently adopted green surfacing for cycle facilities, as well as for bus lanes and hence recent updates to the Manual of Traffic Signs and Markings (MOTSAM) guide have included the specification of green surfacing, with an exception for Christchurch due to historic reasons.

History

3. Christchurch marked its first red coloured cycle lane, a 200 metre section on Kilmarnock Street, in 1998 for a trial of the effectiveness of coloured surfacing. Various colour alternatives were considered with the two most probable candidates being red and green. The most influential factor was a German study (no longer available) where psychologists assessed the influence of colours on road users and concluded that red produced the highest response rate. Thus the Kilmarnock Street cycle lane and all subsequent coloured cycle facilities in Christchurch were coloured red.
4. At the 1999 IPENZ Traffic Management Workshop (1 to 3 November, Palmerston North) one of six sessions was completely devoted to new cycling developments. After this session, a meeting was held for attendees to further discuss the appropriate colour for cycle lanes and bus priority lanes. About 30 practitioners from local authorities, Transit New Zealand (now NZTA), traffic engineering consultancies, road safety co-ordinators, the Land Transport Safety Authority (now NZTA) and road marking companies attended the meeting.
5. Attendees desiring to achieve consistency within New Zealand in terms of traffic management, specifically cycle facility colouring, concluded that green was the most appropriate colour based on a majority vote. Some Christchurch attendees, however, supported red based on the aforementioned study and the considerable length of red coloured cycle lanes already installed in Christchurch. The group then made an informal recommendation to New Zealand's road controlling authorities that if colour is used to delineate cycle, bus and combined bus and cycle facilities it should be green (Wilke, 1999).
6. Based on the outcome of the 2000 workshop, Council staff proposed to the Sustainable Transport and Utilities Committee that Christchurch adopt green surfacing instead of red. The Councillors at that time, however, opposed this decision given the aforementioned German study and the fact that Christchurch, then, had approximately the same amount of coloured surfacing for cycle facilities as the rest of the country combined.
7. The only other local authorities to adopt red as their preferred colour for cycle facilities were Nelson City and Waimakariri District. Nelson City changed their preference to green several years ago. Waimakariri District still uses red, however, they have approximately only 200 metres of coloured surfacing in total.

21 Cont'd

8. In 2008, MOTSAM (Manual of Traffic Signs and Markings) was revised to include markings for cycle facilities. This included the specification of green as the colour for coloured surfacing, although it included a note allowing Christchurch to continue using red coloured surfacing. Thus, to this day, Christchurch has red coloured surfacing in cycle facilities whereas the rest of New Zealand (except 200 metres at Waimakariri District Council) uses green. It is of note that the New Zealand Transport Agency (NZTA) office in Christchurch also uses red for cycle facilities on State Highways, because of the previous Council decision, so that there is consistency between the various intersection approaches within Christchurch. Tony Spowart of NZTA Christchurch, who was on the MOTSAM Working Party, expressed a strong desire for Christchurch City to start using green, so that NZTA could comply with national guidance.

Reference Manuals

9. All the current, major traffic engineering manuals used as guides/references by the Traffic Engineering industry within New Zealand specify green as the coloured surfacing of choice for cycle lanes.

Manual of Traffic Signs and Markings (MOTSAM)
(New Zealand Transport Agency, 2008) NZ.

Austroads Guide to Traffic Management part 6: Intersections, Interchanges and Crossings
(Austroads, 2007) Australia and NZ.

Austroads Guide to Traffic Management part 8: Local Area Traffic Management
(Austroads, 2008) Australia and NZ.

Cycle Note 14 – Coloured Surface Treatments for Bicycle Lanes
(VicRoads, 2005) Australia.

CONSIDERATIONS

Scientific evidence

10. Based on current literature, there is little scientific evidence to support either green or red over the other. There are few documented studies of the effects on quantifiable aspects such as accident rates, conflict occurrences, motor vehicle positioning or cyclists' perceptions of safety of using red versus green surfacing.
11. The Executive Director of the New Zealand Road Markers Federation (2009) revealed that green is superior to red in terms of longevity. This is due to the red pigments reacting differently to UV light and thus causing red surfacing to fade more quickly. This occurs regardless of the surfacing material (eg epoxy chipseal, thermoplastic or coloured emulsion) used. There are methods of avoiding this fading, but these are generally considered prohibitively expensive.

Purpose of coloured surfacing

12. In New Zealand, like most other countries, it is uncommon to colour full lengths of cycle lanes, generally only the major conflict points are highlighted. Highlighting only the conflict points has a significant financial advantage given the high cost of coloured surfacing. More importantly, there is less chance road users will become complacent and unresponsive to colour if it is used only in locations where particular care is required.

Relationship with other special vehicle lanes

13. Christchurch's "bus priority lanes" are technically shared bus and cycle lanes. This is a popular approach internationally and is used almost exclusively throughout New Zealand (with the exception of some bus only lanes in Wellington). The shared nature of bus lanes means using different colours makes more sense from the point of view of where buses can travel, (ie buses can travel in green lanes but not in red ones). However, from the point of view of where cyclists can travel, applying one colour is more logical (ie cyclists can travel in all green lanes).

21 Cont'd

14. The use of green will also simplify the road environment along the newly implemented bus corridors. Rather than switching between sections of green (where bus lanes are present) and sections of red (where bus lanes are continued for small sections, but at intersection cycle lanes - are introduced) there will be one consistent colour giving the message to general motorists that they are not supposed to be in this lane (see Para 17 and 18, Christchurch Consistency and **Attachment 1**).
15. Bus priority lanes generally operate for only three hours per day during the working week and revert to parking and cycle lane for the rest of the time.

National Consistency

16. International literature and common sense suggest that a consistent approach to colouring is required throughout a city/district. It also makes sense that the larger an area with consistent facilities the better. This is particularly true for New Zealand, which has high rates of cross-over between various districts. Being a relatively small country, it should be easy to apply consistent coloured surfacing standards throughout New Zealand. While Christchurch may have been first to research and implement coloured surfacing in cycle facilities, the reality is that the rest of the country now uses green.
17. It is important for road users to be able to travel throughout the country with consistent road markings that are easy to understand. This is especially important for tourists who often encounter a road environment significantly different to that in their home countries. It is also increasingly important given the imminent development of the National Cycleway projects that will likely bring greater numbers of cycle tourists to locations throughout the country.

Christchurch City Consistency

18. In 2009, by default due to the introduction of the new bus priority lanes which are shared cycle lanes, Christchurch's special vehicle lanes are now coloured both green and red, as the portion of the bus priority lane acting as the cycle lane is coloured green (see **Attachments 1 and 3**). In many locations along Papanui Road the designated cycle lane on one side of the road is coloured red while directly opposite on the other side of the road the new bus/cycle lane is green (see **Attachment 4**). Evidence of existing red cycle lanes are provided in **Attachment 2**.
19. There are several other locations along Papanui Road, where the new green shared bus lane/cycle lane terminates and the designated red cycle lane continues on. Effectively, when the bus priority lane is not operating the coloured surfacing indicating the cycle lane changes from green to red (see **Attachment 1**).

Logistics of Change

20. If Christchurch were to adopt green surfacing for cycle facilities it would be expensive to replace all the existing red surfacing in Christchurch with green in one go. Therefore it is proposed that any transition would occur over time, as part of general carriageway resurfacing programmes and in line with the remarking schedule for the coloured surfaces (see **Attachment 5**).
21. It is believed that road users are sensible enough to react to two different colours being used in different locations for the same purpose without confusion or a decrease in safety occurring. The situation will be comparable to the change in limit line marking styles, or the change to the give way triangle. The new limit lines were marked site by site as part of general road maintenance and thus it took a long time for all limit lines throughout the country to be upgraded but the in-between time did not incur any safety hazards.
22. The timing of the decision to change the coloured surfacing from red to green of Christchurch is critical. The introduction of the first bus priority lanes late last year has highlighted the extent of the coloured road surfacing being used in Christchurch. The next bus priority lanes are programmed for installation in February 2010 and the coloured surfacing will need to be ordered soon. The time to make the decision is therefore timely now as any delay would make the change over in the future more difficult.

21 Cont'd

Practical benefits

23. From the initial installation and the maintenance point of view, it would be easier to only have to apply one colour when marking and re-marking cycle and bus facilities. This would eliminate the need to clean out gear for the change over and separate tanks on the applicators for storage of the two colours. This would result in time savings and therefore cost savings to the Council. The cost of the materials could also be less due to bulk purchasing. Green epoxy surfacing is approximately \$7.00-\$10.00 cheaper per square metre than red; this equates to an estimated saving of \$13,000 on the Queenspark and Colombo Street bus priority lanes alone. The savings over time for all new or remarking of coloured surfacing within cycle lanes would be significant.

FINANCIAL IMPLICATIONS

24. Nil. It is proposed that any colour change would be undertaken as part of general carriageway resurfacing programmes in line with the remarking schedule and paid for from existing budgets.

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

25. The installation and removal of road markings and signs is within the LTCCP Street and Transport Operational Budgets.

LEGAL CONSIDERATIONS

26. The installation of any signs and markings must comply with the Land Transport Rule: Traffic Control Devices 2004, Rule 54002, part 1 Sections 4 and 5.
27. The installation of any coloured surfacing within a Special Vehicle Lane(Cycle Lane) must comply with the Land Transport Rule: Traffic Control Devices 2004, Rule 54002, part 1 Sect 11.2(2)c being; *a surface treatment of contrasting colour or texture to that of adjacent lanes used by other vehicles:*
- (i) at locations along the length of the lane; or*
- (ii) along the length of the lane.*

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

28. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

29. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes-Safety and Community.

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

30. Yes, as above.

ALIGNMENT WITH STRATEGIES

31. The recommendations align with the Council Strategies including the Road Safety Strategy 2004, Safer Christchurch Strategy 2005 and the Cycle Strategy 2003.

Do the recommendations align with the Council's Strategies?

32. Yes, as above.

21 Cont'd

CONSULTATION FULFILMENT

33. ViaStrada, who are recognized as the leading cycleway planning consultancy within New Zealand were engaged to prepare an issues paper on green versus red coloured surfacing within Christchurch. ViaStrada support the proposal. The issues paper recommends:
 - (a) Green be adopted as the colour for cycle facilities in Christchurch.
 - (b) This is done over a course of time.
 - (c) This is discussed with the Highways and Network Operations part of NZTA first.
34. The New Zealand Transport Agencies (NZTA) Christchurch, Traffic and Safety Manager, Toney Spowart was consulted. NZTA supports the proposal. Tony Spowart has voiced a strong desire that Christchurch conform to national guidelines so that NZTA can conform to national guidelines within Christchurch City.
35. Representatives of "Spokes" the Canterbury cycling advocacy group attending the Christchurch Transport Plan meetings were spoken to by Christchurch city engineering staff and support the proposal stating "that it is keeping in line with national practice".
36. Engineering staff from the Waimakariri District Council, (the only other local authority in New Zealand to use red coloured surfacing for cycle lanes) were consulted and stated that they used red coloured surfacing in cycle lanes for consistency because Christchurch City Council did. They further stated that they had only approximately 200 metres of red coloured surfacing and this was nearly due for repainting.

STAFF RECOMMENDATION

That the Council approve that the coloured surfacing used in cycle lanes within Christchurch City be changed from red to green, and that this be undertaken immediately for any new projects, but over a course of time as part of general carriageway resurfacing programmes in line with the remarking schedules for existing coloured surfacing.

11. 2. 2010

22. NOTICES OF MOTION

23. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 11 FEBRUARY 2010

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 24-26.

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
24. REPORT OF THE SHIRLEY/ PAPANUI COMMUNITY BOARD: MEETING OF 2 DECEMBER 2009))))	
25. REPORT OF THE SHIRLEY/ PAPANUI COMMUNITY BOARD: MEETING OF 16 DECEMBER 2009) GOOD REASON TO) WITHHOLD EXISTS) UNDER SECTION 7)	SECTION 48(1)(a)
26. INDUSTRIAL WASTEWATER DISCHARGE)))	

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 24	Conduct of negotiations	(Section 7(2)(i))
Item 25	Conduct of negotiations	(Section 7(2)(i))
Item 26	Conduct of negotiations	(Section 7(2)(i))

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.”