

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

General Manager responsible:	General Manager City Environment, DDI 941-8608
Author:	Special Vehicle Lanes Hearings Panel

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

3. The Madras Street (Kilmore to Salisbury) kerb and channel renewal project is located on Madras Street between Kilmore Street and Salisbury Street. This section of Madras Street is classified as a major arterial road with an average daily traffic count of approximately 13,500 vehicles per day.
4. The surrounding area is a mixture of residential and commercial land use.
5. On 24 September 2009, Council resolved to commence the special consultative procedure to undertake an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008.
6. This kerb and channel renewal project includes the provision of cycle lanes (special vehicle lane on both sides of Madras Street between Kilmore Street and Salisbury Street. In order to do this, it is necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
7. The amended plan (TP311902, Issue 2) showing the proposed road layout incorporating changes recommended by the Hearing Panel is shown in **Attachment 1**. The full Amendment Bylaw to be adopted by the Council is shown in **Attachment 2**. A summary of the submissions including staff comments and Hearing Panel's response is shown in **Attachment 3**. A full set of the original submissions is available.
8. The Council appointed a Hearings Panel comprising of Councillors David Cox (Chair), Gail Sherriff and Mike Wall, who deliberated on all written and verbal submissions prior to confirming the Hearing Panel's recommendations on the proposed Madras Street (Kilmore to Salisbury) kerb and channel renewal project for the Council to consider.
9. Several changes to the original proposal were recommended by the Hearings Panel. These changes related to resolving issues raised in submissions. The recommended changes are covered in more detail further on in the report under the section titled "Recommended changes to the plan"
10. A list of the key features of the proposed plan being recommended by the Hearing Panel is shown below:
 - (a) Replacement of the existing kerb and dish channel generally on the same alignment with new kerb and flat channel.
 - (b) Two 3.2 metre – 3.4 metre wide northbound traffic lanes.
 - (c) Continuous 1.5 metre - 1.8 metre wide northbound cycle lanes on both sides of Madras Street between Kilmore Street and Salisbury Street.

- (d) Parking is located adjacent to the kerbs where possible on both sides of Madras Street.
- (e) Inclusion of mid block build outs to accommodate increased tree planting and landscaping.
- (f) 32 of the existing 38 car parks are retained. i.e. a reduction of six car parking spaces spread along the length of the project. The reduction in parking is due to the inclusion of the buildouts for trees
- (g) Improved pedestrian crossing point by the addition of a build out at the Madras Street Kilmore Street intersection.
- (h) Construction is planned for the 2010/11 financial year to be completed prior to the Rugby World Cup.

FINANCIAL IMPLICATIONS

- 11. The proposed construction works for Madras Street are included in the Transport and Greenspace Unit's capital programme for implementation in the 2010/2011 financial year.
- 12. Recent project cost estimates indicate that this project can be achieved within the allocated budget.

CONSULTATION FULFILMENT

- 13. The consultation period for the special consultative procedure took place from 30 September 2009 to 30 October 2009. The consultation documents were sent directly to a range of groups, organisations and individuals, and hand-delivered to all businesses on the route. Public notices appeared in relevant newspapers, and the consultation documents were made available at service centres, Council libraries and on-line via the Council's "Have Your Say" web page. A public information evening was also held in the project area on Wednesday 13 October 2009 for interested people to drop-in and talk to project staff.
- 14. At the close of the consultation period a total of 27 submissions had been received. Five people requested to be heard by the Hearings Panel in support of their submissions. The hearings were held on 3 December 2009. The panel deliberated and considered the submissions on 3 December 2009, 15 December 2009 and 3 February 2010 and requested staff to amend the proposed plan in line with their recommended changes. The full Summary of Submissions, including staff comments and the Hearing Panel's recommendation is shown in **Attachment 3**.
- 15. Of the 27 submissions received, 10 submitters were generally in support of the proposal, nine were opposed, and eight did not indicate if they supported or opposed the plan.
- 16. Common submission themes included support for the addition of street trees and cycle lanes and concerns about the loss of parking.

RECOMMENDED CHANGES TO THE PLAN

- 17. The Hearings Panel has recommended various changes to the plan that was distributed for consultation. These changes mainly relate to rationalising the number of proposed trees and build out locations to achieve the appropriate balance between the landscaping enhancements and the amount of available parking.

LEGAL CONSIDERATIONS

- 18. Public consultation has been completed via the special consultative procedures, as described above.

19. The Hearings Panel has no decision-making powers, but can make recommendations to Council as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit. However, the Local Government Act states that the views presented during consultation should be received by the Council with an open mind and should be given "due consideration in decision-making"⁴.
20. The Local Government Act⁵ requires that the Council give public notice of the amendment of a bylaw as soon as practicable after the bylaw is made. This is covered in recommendation (c) providing the Council adopts the proposed bylaw amendment.
21. The Legal Services Unit considers that the form of the bylaw, as proposed, is the most appropriate form, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002).

HEARING PANEL RECOMMENDATIONS

The Hearing Panel recommends that the Council:

- (a) Approve the proposed Madras Street (Kilmore to Salisbury) kerb and channel renewal project, as shown on the attached plan (TP311902, Issue 2) in **Attachment 1**, to proceed to detailed design and construction.
- (b) Adopt the Christchurch City Council Traffic and Parking Amendment (Madras Street, Kilmore to Salisbury) Bylaw 2009 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008, as shown in **Attachment 2**.
- (c) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment (Madras Street, Kilmore to Salisbury) Bylaw 2009 has been made by the Council, and that it comes into effect on 1 August 2010, and that copies of the Bylaws will be made available.
- (d) Send a copy of the amended Bylaw to the Minister of Transport within one week of the Bylaw being made, as required by section 72(4) of the Transport Act 1962.
- (e) Sends copies of the Bylaw and approved plan to those people or organisations that made submissions, advising them of the outcome.
- (f) Revoke existing no stopping restrictions:

Kilmore Street to Salisbury Street

- (i) That all existing no stopping restrictions on the west side of Madras Street between Salisbury Street and Kilmore Street be revoked.
 - (ii) That all existing no stopping restrictions on the east side of Madras Street between Salisbury Street and Kilmore Street be revoked.
- (g) Revoke existing parking restrictions:

Kilmore Street to Salisbury Street

- (i) That all existing parking restrictions on the west side of Madras Street between Salisbury Street and Kilmore Street be revoked.
- (ii) That all existing parking restrictions on the east side of Madras Street between Salisbury Street and Kilmore Street be revoked.

⁴ Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".

⁵ Section 157

- (h) Adopt new no stopping restrictions:

New No Stopping – Salisbury Street to Peterborough Street

- (i) That the stopping of vehicles be prohibited at any time on the west side of Madras Street commencing at a point 5 metres south of its intersection with Salisbury Street and extending 9 metres in a southerly direction.
- (ii) That the stopping of vehicles be prohibited at any time on the west side of Madras Street commencing at a point 50 metres south of its intersection with Salisbury Street and extending 9 metres in a southerly direction.
- (iii) That the stopping of vehicles be prohibited at any time on the west side of Madras Street commencing at its intersection with Peterborough Street and extending 15 metres in a northerly direction.
- (iv) That the stopping of vehicles be prohibited at any time on the east side of Madras Street commencing at a point 6.5 metres south of its intersection with Salisbury Street and extending 20.5 metres in a southerly direction.
- (v) That the stopping of vehicles be prohibited at any time on the east side of Madras Street commencing at a point 38 metres south of its intersection with Salisbury Street and extending 12 metres in a southerly direction.
- (vi) That the stopping of vehicles be prohibited at any time on the east side of Madras Street commencing at its intersection with Peterborough Street and extending 15 metres in a northerly direction.

(i) **New No Stopping – Peterborough Street to Kilmore Street**

- (i) That the stopping of vehicles be prohibited at any time on the west side of Madras Street commencing at its intersection with Peterborough Street and extending 11 metres in a southerly direction.
- (ii) That the stopping of vehicles be prohibited at any time on the west side of Madras Street commencing at a point 42 metres south of its intersection with Peterborough Street and extending 12 metres in a southerly direction.
- (iii) That the stopping of vehicles be prohibited at any time on the west side of Madras Street commencing at its intersection with Kilmore Street and extending 12 metres in a northerly direction.
- (iv) That the stopping of vehicles be prohibited at any time on the east side of Madras Street commencing at its intersection with Peterborough Street and extending 26 metres in a southerly direction.
- (v) That the stopping of vehicles be prohibited at any time on the east side of Madras Street commencing at a point 45 metres south of its intersection with Peterborough Street and extending 13 metres in a southerly direction.
- (vi) That the stopping of vehicles be prohibited at any time on the east side of Madras Street commencing at its intersection with Kilmore Street and extending 10.5 metres in a northerly direction.

- (j) Adopt new parking restrictions:

New Parking Restriction – Mobility Park

- (i) That a Mobility Park with a time limit of 60 minutes At Any Time be installed on the west side of Madras Street commencing at a point 15 metres north from its intersection with Peterborough Street and extending in a northerly direction for a distance of 7 metres.

New Parking Restriction - Residents Parks

- (ii) That the parking of vehicles be restricted to Authorised Resident Permit Holders At Any Time on the east side of Madras Street commencing at a point 50 metres north from its intersection with Peterborough Street and extending in a northerly direction for a distance of 5.5 metres.
- (iii) That the parking of vehicles be restricted to Authorised Resident Permit Holders At Any Time on the east side of Madras Street commencing at a point 26 metres north from its intersection with Peterborough Street and extending in a northerly direction for a distance of 11.5 metres.

New Parking Restriction - P10

- (iv) That the parking of vehicles be restricted to a maximum period of 10 minutes At Any Time on the west side of Madras Street commencing at a point 14 metres south from its intersection with Salisbury Street and extending in a southerly direction for a distance of 13.5 metres.
- (v) That the parking of vehicles be restricted to a maximum period of 10 minutes At Any Time on the west side of Madras Street commencing at a point 33.5 metres south from its intersection with Salisbury Street and extending in a southerly direction for a distance of 11 metres.
- (vi) That the parking of vehicles be restricted to a maximum period of 10 minutes At Any Time on the west side of Madras Street commencing at a point 21.5 metres north from its intersection with Salisbury Street and extending in a southerly direction for a distance of 25.5 metres.
- (k) That recommendations (f) to (j) take effect once the respective no stopping lines are painted on the road associated with the new kerbs in the Madras Street (Kilmore Street to Salisbury Street) Kerb and Channel Renewal Project.