

IN THE MATTER of The Local Government Act
1974

AND

IN THE MATTER of a proposal under s339 by
**CHRISTCHURCH CITY
COUNCIL** for the erection of
5 Bus shelters in Cathedral
Square.

RECOMMENDATION OF HEARINGS PANEL

On 8 December 1998 property owners adjacent to the northwest quadrant of Cathedral Square were notified, pursuant to s 339 of the Local Government Act 1974, of the City's proposal to erect 5 bus shelters in the area. The position and design of these shelters were shown on a plan forming part of the notification.

Objections to this proposal were received from

- NZL (Christchurch) Ltd
- Aorangi Sheepskins
- Interforex Pty Ltd

On 25 February 1999 the Christchurch City Council established a Hearings Panel consisting of Councilors David Buist and David Close (to be assisted by an independent consultant) to consider these objections and hear submissions by or on behalf of the objectors. At a later time John Milligan was appointed to assist the Panel.

On 21 April 1999 the Panel (with Mr Milligan) met and heard from Mr George Hadley, a Transportation Planner employed by the City, and from Mr Grant Barlow, the proprietor of Aorangi Sheepskins. No other objectors indicated a wish to be heard – their written objections were, however, included in the Panel's consideration.

Basing itself on the decision of the No 2 Division of the Planning Tribunal in *Francke –v- Onehunga Borough Council* (30 July 1979, D B 2237), the Panel saw its role as being:

- *Firstly* to determine whether any of the proposed shelters would unreasonably prevent access to any land having frontage to the road – if that is found to be the case then the proviso to ss1 precludes the erection of the offending shelter; and
- *Secondly* to decide whether injurious affection to the frontage of any land arising from the erection of any shelter is such that, all things considered, that shelter ought not to be erected.

In the end, the only concerns expressed were as to a shelter proposed for the vicinity of the Bureau de Change. This, it was said in the objections, would detrimentally affect the commercial operation of businesses in the vicinity and impede pedestrian circulation in the north west quadrant of the Square. Mr Barlow amplified these concerns, arguing that the combined effect of the proposed shelter, other street furniture and an accumulation of waiting bus passengers would be to deter pedestrians from walking round the edge of the Square, persuading them instead into a short cut across the pedestrian and bus-stop islands. That, he said, would detrimentally affect the frontages of businesses such as his own by reducing their retail attractiveness. The Panel could see how this might occur, but had some difficulty in reconciling this argument with his approval of a shelter in front of the DFS operation (given, as it understood has already been agreed, the removal of existing seats and the relocation of a rubbish bin).

On the other hand the Panel was satisfied that erection of the shelter would benefit the public in the following ways:

- By providing a limited number of sheltered seating spaces, particularly for the elderly and those in wheelchairs; and

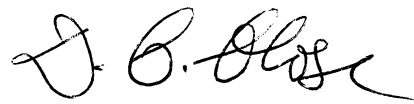
- By providing a clear indication of the position of important bus stops.

The Panel made a site inspection in the late afternoon of the 23 April, for the purpose of enabling it to appreciate the force of the objections and submission received. It appreciated that, as Resource Consent to the erection of the shelters had been given on a non-notified application, the present hearing had provided the only formal occasion for those concerned about the proposal to make their views heard. In the end it concluded that, while the matters of concern to the submitters were real and entitled to some weight, they did not outweigh the public benefits arising from the erection of the shelters, and particularly that proposed for the front of the Bureau de Change. It accordingly concluded:

- That erection of the shelters would not unreasonably prevent access to land having frontage to the road – the contrary was never seriously asserted,; and
- Any injurious affection to the frontage of land arising from the erection of the shelters was unlikely to be of a scale or duration which would outweigh the public convenience arising from their presence.

Accordingly the Panel **recommends** that the Council resolve to dismiss the objections referred to above.

Dated the day of 1999



Cr. David Close



Cr. David Buist



John Milligan