

9. 10. 2001

REPORT OF THE BRIGHTON MALL SPECIAL ORDER VARIATION SUBCOMMITTEE

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. REPORT ON HEARING OF OBJECTIONS - BRIGHTON MALL SPECIAL ORDER

Officer responsible City Streets Manager	Authors Councillors Sue Wells, Sally Thompson and Sally Buck
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The purpose of this report is to advise the Council of the recommendation of the Subcommittee appointed to hear objections to the variation of the above Special Order.

BACKGROUND

At its meeting on August 23 2001, the Council appointed a subcommittee to hear any objections to the variation to the Special Order of 20 February 1978, establishing the Brighton Mall and recommend to the Council, as per Section 336 of the Local Government Act 1974.

Under section 336 (2) of the Local Government Act only objectors may be heard by the Council in relation to proposals to establish, vary or discontinue pedestrian malls. Unlike resource consent hearings there is no ability for the Council in a S. 336 hearing to hear both those who support, and those who object, to a depedestrianisation proposal.

The Subcommittee believes that both supporters and objectors of a depedestrianisation proposal should be able to be heard as occurs with resource consent hearings. The subcommittee hopes this issue of who can be heard in Local Government Act hearings will be addressed in the forthcoming Local Government Bill.

The subcommittee, consisting of Councillors Wells, Thompson and Buck, heard 21 oral submissions and considered 111 written objections on Thursday 4 and Friday 5 October.

At the hearing, Councillor Wells tabled a letter she had received from Cavell Leitch Pringle and Boyle's Clare O'Neill, acting on behalf of Mark Munro, one of the New Brighton Mall property owners. The letter sought the opportunity to discuss the submissions. Councillor Wells referred the writer to the City Solicitor.

On 31 January 2000, the Burwood/Pegasus Community Board considered a report on the New Brighton Mall Working Party's (hereafter the Working Party) progress of planning for the mall in conjunction with the Council's Environmental Policy and Planning Unit (EPPU). It was noted that as the road issue had caused some controversy in the past, the Working Party had agreed to focus on developments that were consensual to both the Residents' Association and business representatives. The Board duly resolved:

- *To accept the recommendation of the Working Party that the first priority be improvements to the eastern end of the mall.*
- *That staff be asked to provide a design for the eastern end of the mall more closely aligned to the current budget.*
- *That the Working Party continue to discuss an overview plan for the rejuvenation of New Brighton mall aligned with the action points.*
- *The New Brighton Mall progress report be sent to the relevant Standing Committees **for information only.***

The minutes of the City Services Committee meeting on 8 February 2000 show "a deputation from representatives of the New Brighton District Business Association (Mr M Munroe (*sic*) and Mr P Goosey) spoke in support of the reinstatement of the road through the Brighton Mall to Oram Avenue. The Committee noted that a working party chaired by Burwood/Pegasus Community Board Chair, Chrissie Williamson, had convened several meetings with the residents' groups and the New Brighton District Business Association. To date no agreement had been reached on the issues." The submissions from the New Brighton District Business Association were then considered in association with clause 1 of the City Services Committee agenda.

The City Services Committee made the following recommendations to the 24 February Council meeting:

"That the Council re-establish a one-way road east through the mall to Oram Avenue and that connections to either or both Hawke Street (north) and Beresford Street (south) be investigated. That a special rating area be investigated also."

1 Cont'd

The Environment Committee meeting of 10 February 2000 received a report from the Environmental Policy and Planning Manager updated the progress made since August 1999 by the New Brighton Working Party, whose aim is to secure the revitalisation of the New Brighton Mall Area.

The Committee **resolved** *"to endorse the New Brighton Mall Concept Plan as attached for the New Brighton Revitalisation – Oram Avenue to Marine Parade, subject to budgeting approval"*.

At the Council meeting on 24 February 2000, Councillor Close tabled a petition from the New Brighton Residents' Association containing approximately 3,150 signatures requesting that motor vehicles be kept out of the New Brighton Mall.

It was **resolved** that the petition be considered in association with the following clauses: 1 of the City Services Committee's report, 2 of the Environment Committee's report, 9 of the Burwood/Pegasus Community Board's report to the Council and clause 1 of the Burwood/Pegasus Community Board special meeting report of 21 February 2000. *(Another similar petition of 1156 signatures collected by Monica Johnstone had also been received earlier by the Council in April 1999, but was not considered in conjunction with this report.)*

The minutes show as a supplementary item a piece of correspondence from the Christchurch Residents' Group regarding the New Brighton Mall.

The following amendment to recommendation 1 was passed on division by 16 – 5:

"That the Council adopt in principle a one-way road east through the Mall to Oram Avenue, provided that the design, parking issues and connections to either or both Hawke Street (north) and Beresford Street (south) can be resolved."

Recommendation 2, the investigation of the special rating area, was also confirmed.

THE OBJECTIONS

The subcommittee heard from residents and businesses opposed to the proposal.

One submitter tabled a petition of 12 local businesses, six of whom were in the areas most likely to be directly affected by the proposal.

Objections included:

- A café owner in the middle of the western side of the mall. Concerned that outside dining, currently thriving, is likely to be very badly affected by fumes, noise, loss of amenity and the impact of the necessary roadworks.
- A hairdresser in Oram Avenue whose frontage may be masked by passing traffic.
- Loss of space for the market
- General concerns about the impact on the existing customer base of the mall.
- Pedestrian status of the mall its only point of difference.
- Many people who shop at the mall do so because there is no traffic – the elderly, parents with young children, people who have difficulty moving around.
- The proposal cuts across plans to revitalise Brighton.
- Windtunnel effect with the loss of the existing trees.
- Road going into the sunniest, sheltered part of the mall with no other space offered to compensate for it.
- Need more information about the special rate – worried it may make the businesses unsustainable.
- No evidence that this will do anything to attract more people into the mall.
- Loss of community meeting space – the mall is perceived as being as much about open space as it is about shopping.
- Pollution, noise and traffic fumes.
- Proximity of road to children's play area.
- Children's play area more exposed to easterly.
- Loss of feeling of safety.
- No consultation with the community over the matter
- If lots of money is spent on this and it doesn't work – there won't be any more spent on the revitalisation.
- Can't understand the logic.
- It just won't work. "If you want to bring people into New Brighton, who's going to come because there's an incy wincy little bit of road there. It's ludicrous! A road won't *attract* anyone!"

1 Cont'd

This is not an exclusive list. A full list of the objections raised is attached to this report.

It was clear that the loss of Oram Avenue as a meeting place was of particular concern to submitters. Some pointed in the background material to the 1999 EPPU Report, "At The Mall". In it, Oram Avenue is identified as the only ... "semi-sheltered public space in the mall suitable for meeting ... This is a **precious space, in terms of location and size, to the users of the mall.**"

One early submitter raised the idea of linking the mall frontage more strongly with the library and the beach. To test whether submitters were opposed to any change at all rather than this particular proposal, they were asked about how they would feel about the loss of Oram Avenue if there were a suitable alternative pedestrian site found on a closed Marine Parade. There was almost unanimous willingness to consider alternatives to Oram Avenue, but not to accept a straight out loss of their only sheltered public space. A key disbenefit of this proposal was that there was no effective compensatory space offered in return for the slow road going through the mall.

ADVANTAGES OF THE PROPOSAL

While there appears to be no single assessment of whether this particular proposal is likely to achieve any concrete benefit, the subcommittee found a number of useful documents prepared since 1996, which clearly identify that New Brighton is ripe for revitalisation. It also has staff reports and material provided by the Business Association which set out advantages of this particular proposal.

The potential benefits from this proposal identified in staff reports and items from the Business Association included:

- Bringing more activity into the mall and allowing casual surveillance by passing cars.
- Enabling potential customers to see what the mall has to offer by driving through before parking.
- Concentrating activity in the eastern side of the mall, which would make it appear livelier.
- Providing a drop off point deeper within the mall.
- Allowing for quick purchases to be made.
- Officers reports imply that having passing traffic may encourage businesses to retain a 'front of house' facing onto the mall, while retaining egress to the car park on Hawke Street.
- The business owners in the area have agreed to upgrade the Hawke Street car park IF the road goes through, which would improve the amenity of Hawke Street. The road could therefore be viewed as a catalyst for investment in the area.

The only benefit to the community specifically identified by any submitter was that "spending any money on New Brighton is good".

THE CONTEXT OF THE MALL

The focus group market research report that Opinions Market Research prepared for the CCC in February 2001 offers qualitative assessment of the area.

"4.1 Brighton As An Area

Brighton has become an area that is predominantly servicing the basic needs of sections of the local community rather than providing a service to the wider Christchurch population as it once did through its unique retail offer. (Saturday shopping)

The mall area was often described as depressed and unattractive. It was seen as meeting the basic shopping needs for some local residents. This trend appears to be continuing.

However, it was widely recognised that with an injection of capital and confidence, the reinstatement of a unique positioning and the inherent nature of Brighton as a location and what it has to offer, the area has the ability to develop and become an attractive, vibrant and prosperous area.

The only evidence put before the subcommittee as to the functioning of the mall as a shopping area, in absence of any solid retail information, was anecdotal. Submitters advised that the mall still functions well at a local level, that many shoppers are very loyal, and that it is particularly attractive to the elderly and parents with young children. The loss of chain stores in the mall means that people now shop at what are considered "big malls" such as the Palms, Eastgate and even Northlands if they want other than the items offered in New Brighton. New Brighton is felt to have a point of difference, in that it is open, airy, pollution free pedestrian friendly.

1 Cont'd

Many objectors took the opportunity of the hearing to highlight the fact that New Brighton Mall is dowdy and in need of a face-lift, as is the Hawke Street car park. Some queried why the businesses in the area had not done this already. There were also complaints that many businesses on the northern side have chosen to eliminate their frontage from the pedestrian mall and front only onto the Hawke Street car park – many on the south side have chosen to eliminate access to their businesses from the vastly under-utilised Beresford Street car park. This was seen as part of the problem.

A clear message from all the background material and the submissions was that the 'hey-day' of New Brighton Mall as a Saturday shopping destination is gone. If it wishes to be more than a local mall, the documents available indicate that Brighton itself needs to be a destination worth going to, with things to do that will attract patrons from outside the local catchment, who will then be drawn into shopping at the mall.

The subcommittee does suspect that the Mall is not attractive as a shopping destination to all demographic groups within the local community, but that opinion is unable to be supported by any clear evidence. There is however no argument that revitalisation of the area is a desirable outcome.

A full list of concerns expressed by submitters is also attached to this report.

DISCUSSION

In the Council records, among other things in support of this proposal having benefit to the area is a fax to Mark Munro from Paul P Kearne of Retail Consulting Group dated 13 July 2001.

It is very supportive of this proposal, calling it "excellent news", and indicating that he is "sure it will encourage not only increase levels of pedestrian and vehicle traffic but it may be the catalyst for the revitalisation of the area". Mr Kearne goes on to offer advice on parking issues, and indicates that both short and long term planning are essential.

Material tabled by a submitter included another document we understand was prepared in support of the current proposal. It draws on trip notes from a North Island tour undertaken by Simon Henry and Mark Munro in early May 1998, and offers information about North Island pedestrian malls such as the one in Hastings, which is somewhat different to the context of New Brighton.

There are very helpful elements contained as appendices in that document. A 1996 report from Amanda West and Kennedy Smith "*Pedestrian Malls: An Analysis of their Status and Effectiveness in the United States*" makes the following comment:

"Ultimately the decision about whether or not to remove a pedestrian mall must be made on reliable market projections and a sound market strategy appropriate for the traditional commercial district, not on a design decision to try to enliven or animate a street."

No market projections exist, as far as we are aware. That has been one of the concerns expressed by many submitters.

The subcommittee was also asked to consider the March 1999 (EPPU) "Brighton Village Shopping Centre – At 'The Beach' ... Requested depedestrianisation of New Brighton Mall – Context Study" (referred to hereafter as "At The Beach"). In tabling it, a submitter identified that it states "The reinstatement of the road ... will not achieve the desired outcomes." We do note that the layout of the road referred to in that document differed from the current proposal.

There is also a second fax dated July 13 2001 from Mike Cullen at Patrick Partners of Killarney Heights Australia. Initially sent to Mr Mark Munro of Munro Property Group, the New Brighton Mall District Business Association submitted it to the City Services Committee with regard to increasing the number of parking spaces available on the new road. It was directed to the New Brighton Mall Road Subcommittee and is mentioned in the minutes of the Committee meeting of 24 July 2001.

1 Cont'd

The fax includes the following remarks.

"The proposed solution will have little or no effect on the performance of the centre as the conditions for success are not changed by the small portion of street. One wonders why this proposal exists. Has council explained to you the expected outcomes?"

The problem you might face is that if the solution as proposed makes no difference to performance, then it is likely that those that are opposed to the road will use the result to support the view that restoring the street is of no use.

... In my view a full road is more environmentally appropriate, will improve social interaction and security, and is economically sound.

This might sound harsh, but the proposed solution is a waste of money and will not solve the problems recognised by all constituents. In my view, you would do better by establishing a process under which all constituents could get together and work through each other's issues. In this way no single view dominates and the outcomes can be tested."

The subcommittee is aware that those remarks are not necessarily intended to defend the retention of the status quo, but rather appear aimed at supporting a full road through the New Brighton Mall. That notwithstanding, Mr Cullen having some expertise in these matters, his conclusion that the proposed solution will have little or no effect on the performance of the centre cannot entirely be disregarded.

It is also troubling that this fax was dated July 13 2001. Mr Cullen identifies as necessary a process which been occurring for at least 18 months prior to that, until it was interrupted by this proposal.

The market research prepared by Opinions Market Research for the New Brighton Mall Road Subcommittee was not totally geared towards making such an evaluation.

At its meeting of Wednesday 6 December 2000 the New Brighton Mall Road Subcommittee had in attendance a representative of Opinions Market Research. The objectives of the work to be undertaken was:

- *To confirm there was sufficient confidence to proceed with the concept plan based on public response and that the balance between motor vehicles and pedestrians was appropriate.*
- *To ascertain what would attract people to this area and obtain comments on the design and its components and whether anything should be added or deleted from the concept plan.*

At its meeting in February 2001, the New Brighton Mall Road Subcommittee met to hear the results of the focus group research undertaken. Among its findings, the research showed "Overall there had **not** been a positive response to the provision of a slow road through the mall. The overall design was described as desirable and an improvement upon the current situation ... Overall, the issues faced by Brighton and the mall itself were considered far more deep-seated than a slow road through the mall could address. The layout, the nature and general condition of the individual shops and the shopping environment overall was considered an integral part of the issues faced which all need to be addressed in order for a slow road to have any impact."

The New Brighton Mall Subcommittee reports to the April 2001 meetings of the City Services Committee and the Burwood Pegasus Community Board "The survey results have been reviewed by the sub-committee." There is no comment that there had not been a positive response to the provision of a slow road through the mall.

This subcommittee has read the focus group research in full. It is not apparent from the minutes of the April City Services Committee and the April Burwood/Pegasus Community Board whether those elected members ever saw it, or whether they were aware that the market research results were not positive.

At this point, the City Services Committee recommended to the Council that:

- The procedures to reverse the existing Special Order procedure covering the pedestrian status of the mall be commenced.
- That the revised concept plan be adopted for consultation purposes.
- That the concept plan be published in the April issue of City Scene and that public comment be invited.

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The subcommittee is aware of the results of the metropolitan write-in responses that resulted from the City Scene consultation. But we have as yet found no record of any local public meetings called by either the Council or the Community Board for the purpose of canvassing opinion or views, or general consultation on this proposal.

One submitter made the comment "There has not been one single public meeting to discuss this issue. There were two public meetings about the issue of the pedestrian blip - there have been two about placing a bus stop. For neither the council nor community board to meet with residents to discuss this issue flies in the face of the Council's Consultation Policy".

If the submitter is accurate, it may explain the over 4000 signatures on the petitions received by the Council, the signatures in opposition received at the hearing from a local café owner, the 132 written submissions in opposition and the 21 verbal submissions received in opposition to this proposal.

CONCLUSION

The subcommittee has assessed background information contained in Council records. It has considered a report from staff members Kevin Mara and Janet Reeves which rightly note that 'a significant amount of work has been undertaken over the last 5 to 7 years.' It has also read 132 objections to the proposal and heard in person from 21 submitters.

The subcommittee's role is not to decide whether this proposal will work or not in revitalising the mall. It is not here to investigate whether this is a good idea, only whether there are benefits that outweigh concerns raised in objections.

It is worth noting that the subcommittee can find no independent assessment of the comparative advantages of the proposal before the Council's February 2000 decision was made. Nor can it find any independent assessment that has been done since. If such assessments exist, they were not offered at the hearing and do not appear to have been offered to the community.

It is clear that there is both the need and the will to revitalise New Brighton. It is not clear that this proposal will achieve that.

There may well be benefits to some retailers that accrue from this proposal. If it worked as a catalyst to encourage investment into New Brighton, that would be clearly advantageous to the community. If the retailers progressed with their intention to tidy up the Hawke Street car park, that would improve the amenity of the area. However, it would result in significant disadvantages to other retailers currently trading successfully in the mall as well as to the wider community, not the least of which is the loss of Oram Avenue as a sunny, sheltered public space.

Royds Consulting, in its 1996 report identified "a real community spirit and pride" as a strength in its SWOT analysis of the New Brighton Mall. The New Brighton Business Association's "The New Brighton 2000 Plan – The Facts At A Glance" also includes an article from NZLG dated March 1999 which states, "Ways and means must be found to gain the input of the public in a Mainstreet development. Only then can the business sector and the local authority be sure that the end result has a chance of meeting everyone's expectations." This subcommittee is concerned that the community is divided and not supportive of this proposal of the Council. It cannot understand its merits. Continued division of the community is a likely result of this proposal's going further, which would be a major disadvantage.

All but one person submitting against this proposal expressed the willingness to look again at some depedestrianisation of the Mall if it were part of a bigger picture proposal that had compensatory benefits. But all were adamant that this proposal offered only disadvantages to the community, which they were able to identify. Of real concern was that "building this road wasn't going to solve what was really wrong with Brighton. It's just a waste of money."

Subcommittee

Recommendation: That the Council not proceed with the proposal to vary the 1978 Special Order.

CONSIDERED THIS 9TH DAY OF OCTOBER 2001

MAYOR