

1. CENTRAL CITY PRODUCE MARKET

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The purpose of this report is to seek Council approval to declare Cambridge Terrace between Colombo Street and Manchester Street a part time pedestrian mall by Special Order under Section 336 of the Local Government Act.

CONTEXT OF REPORT

This report is the next stage of a process commenced in April 2002 when, following presentations to a seminar meeting of the Council and a report through the Sustainable Transport and Utilities Committee, the Council at its April meeting resolved to further progress the establishment of a produce market in the central city. At that stage the matter was taken in public excluded because of the conduct of negotiations, and while some elements of those negotiations will still need to be completed on a confidential basis, there is no longer any reason to withhold information on the overall concept and the site proposed.

The proposal, by Christchurch Market Ltd (CML), was to initially develop a weekend market within the High Street area, but after public consultation and evidence of significant resistance by some of the High Street owners and occupiers, further consideration of this location has been halted for now. Other strategic sites have been investigated and it is now CML's wish to develop the market in Cambridge Terrace, between Colombo and Manchester Streets. This area is traditionally an office location and therefore tends to be lightly populated at weekends. This market will draw people to the area during these quieter times and may, subject to approvals yet to be considered, make good use of the river reserves, which will enhance the market's and the location's appeal.

To form this market it is intended that the road will be the focus of stalls so it will require restrictions to be placed on its use by traffic. As indicated in the April report the appropriate procedure is the creation of a part time pedestrian mall by Special Order.

RELEVANT CURRENT POLICY

The issues in relation to creating a produce market were discussed in the April report referred to above, and attached for information. Earlier this month the Sustainable Transport and Utilities Committee delegated to the Central City Streets Subcommittee (appointed by the Council last month to determine the site and negotiate terms of the licence), authority to report direct to the May meeting of the Council concerning the favoured site and the commencement of Special Order (Pedestrian Mall) procedures. The Subcommittee met with CML on Friday 17 May, and the minutes and recommendations from that meeting are attached. This report covers the matters required to be considered and rewords the recommendations in the appropriate language for commencing the Special Order procedures.

A DESCRIPTION OF THE PROPOSAL

The proposal is to operate a produce market on Saturdays and Sundays in the area of Cambridge Terrace extending between Colombo Street in the west and Manchester Street in the east. The detailed description given of the proposal in the April report, while not specific to this site, remains generally applicable. It is proposed that this market will be formed with stalls mainly along the centre of the road. However, on days of inclement weather the ground floor car parks of some adjoining buildings, which are owned by a director of CML, could be made available for use. Longer term it is CML's wish to provide some sort of permanent covering of the road, which will be developed in consultation with owners and occupiers in the area, and be subject to such procedures and consents as are applicable at that time.

ISSUES FOR CONSIDERATION

Issues relating to the general concept of a central city street market were considered in the earlier report and this section considers those specific to the Cambridge Terrace site and specific to the pedestrian mall Special Order.

- Resource consent issues – No issues in either the transitional district plan or the proposed city plan in respect of on street activity, as indicated in the April report. It is noted that neither plan signals the intent to create a pedestrian mall.

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- Scope of operation - It is not intended that the market directly compete with other existing markets in the city and as part of the licence agreement it is intended to limit its scope to produce and associated products, children and youth products and entertainment and similar activities.
- Hours of operation as a pedestrian mall - While the alternatives of the mall operating from either Fridays from 6pm through to Monday at 2am, or Saturday from 3am through to Monday at 2am were recommended by the Subcommittee, subsequent advice suggests that the first alternative (the inclusion of Friday evening) would not be practical. This is because of the difficulties of ensuring that car parks are vacated early on a Friday evening, given ongoing demand beyond normal working hours. Such a restriction could attract significant objection and would be better not proceeded with at this stage. The Parking Operations Manager is supportive of the second alternative. CML are agreeable to this course of action.
- This part of Cambridge Terrace has a very localised traffic function, more importantly as access to adjacent properties to the north than as through access. A number of these properties also have or can be provided with access to Kilmore Street and this issue is being worked through with those affected. The City Streets Manager advises that there are no issues for the City Streets Unit in this proposal provided local access can be maintained to the satisfaction of both owners and tenants. Appropriate traffic control measures will need to be installed on Colombo and Manchester Streets whenever the road is closed. This will require a traffic management plan but that can be sorted with the license agreement.
- The part time closure of the street to traffic by the creation of a pedestrian mall will bring significant benefits to the community in enabling the creation of a central city street market, which will be beneficial to central city revitalisation for the reasons set out in the April 2002 report. These are considered to outweigh any minor inconvenience to adjacent property owners and occupiers which may occur with the limitation of access during the hours specified.

LEGAL MATTERS

Section 336 of the Local Government Act provides:

The council may from time to time, by special order,—

- (a) Declare any specified road or part thereof to be a pedestrian mall; and*
- (b) Prohibit or restrict, either generally or during particular hours and subject to such exemptions and conditions as to occasional user or otherwise as may be specified in the order, the driving, riding, or parking of any vehicle or the riding of any animal on all or any portion of that pedestrian mall; and*
- (c) Provide that the special order shall have effect for a limited time only:*

The Act also requires the Council to give public notice that any person likely to be affected may object to the establishment of the proposed pedestrian mall, that can be a hearing at which only objectors (and not supporters) to the proposed mall can be heard and that there is a right of appeal to the Environment Court. If objections are received the Council could not consider the issue again until the July Council meeting.

The Council will need to delegate authority to the Council Hearings Panel to hear any objections received by the Council to the proposed pedestrian mall and make a recommendation to the Council.

Note: Although the minutes of the Sustainable Transport and Utilities Committee (p85) foreshadow the intention to recommend the commencement of Special Order procedures, because the Special Order was not included in the Council meeting agenda, Section 716(2)(b)(ii) of the Local Government Act requires all Councillors present at the meeting to unanimously agree to discuss the subject matter of the resolution.

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RESULTS OF INITIAL CONSULTATION

CML limited has been in consultation with businesses (owners, occupiers and tenants) within the area, and so far they have been supportive of the market initiative. Some issues of access to the buildings during the market hours need to be worked through, but CML is confident that it will be able to resolve these matters. Continuing work with stakeholders in the area is anticipated, until establishment of the market.

Subcommittee

Recommendation:

1. That the Council confirm that it will enter into negotiations with Christchurch Market Ltd for a licence to operate a central city market at weekends on that part of Cambridge Terrace situated between Colombo and Manchester Streets.
2. That the market be limited to produce and associated products, children and youth products and entertainment and similar activities.
3. That pursuant to section 336 of the Local Government Act 1974, the Christchurch City Council resolves by Special Order, that Cambridge Terrace, between Colombo Street and Manchester Street, as shown on the plan attached, be declared a pedestrian mall.
4. That the driving, riding or parking of any vehicle or the riding of any animal be prohibited between the hours of 3am Saturday to 2am Monday subject to the following exceptions and conditions:
 - (a) Trade and other vehicles associated with the operation of a street market and associated activities may enter the mall at specified times if authorised by the licensee of the street market.
 - (b) Street cleaning and rubbish collection vehicles operated by the Christchurch City Council or its nominated contractor may enter the mall at any time.
 - (c) Any vehicle or specified class of vehicle that has entered the mall under any section of this special order must not be parked for a longer period than is necessary for its driver to carry out his or her business or for the period of any emergency.

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- (d) Nothing in this Special Order shall be deemed to prohibit or restrict the use of the mall by any police, fire appliance, ambulance or other vehicle where it is necessary for that appliance or ambulance or other vehicle to enter the mall or portion thereof for the protection of human life or property.
- 5. That the Council delegate generally to the Council Hearings Panel the power to hear objections pursuant to Section 336 of the Local Government Act 1974 and to make a recommendation to the Council.

The meeting concluded at 4.30pm

CONSIDERED THIS 23RD DAY OF MAY 2002

MAYOR