


7. CHESTER ST WEST – CONSIDERATION OF REQUEST TO REVOKE PEDESTRIAN MALL STATUS



General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of the report is for the Board to recommend that the Council decline the request that staff investigate the possible revocation of the Pedestrian Mall in Chester St West between Park Terrace and Chester St West.

EXECUTIVE SUMMARY

2. A request has been received from the Inner City West Neighbourhood Association (ICON) asking the Board to reconsider the Special Order declaring part of Chester Street West be a pedestrian mall under section 336 of the Local Government Act 1974 (made by the Council in 2000) following consideration by the Board.
3. In December 1999 the Cathedral Grammar School, which is bisected by Chester Street West, approached the Hagley/Ferrymead Community Board suggesting the conversion of part of Chester St West into a pedestrian mall following concerns relating to the safety of school pupils and traffic congestion.
4. In August 2000 the Council under s336 of the Local Government Act 1974 gave public notice to declare part of Chester Street West a pedestrian mall between the hours of 9.30am and 2.00pm, Monday to Friday on a school day, subject to a number of conditions. These conditions mainly related to exemptions for emergency, cleaning, delivery and trade vehicles as well as the delegation to School representatives to physically open and close the street. On 28 September 2000 the Council adopted the notice of motion concerning Confirmation of Proceedings to create a Pedestrian Mall in Chester Street between Park Terrace and Cranmer Square.
5. There were no objections received to the proposed declaration and consequently there were no appeals to the Environment Court.
6. In October 2002, the Board, via a deputation, received a similar request to the one considered in this report seeking that the pedestrian mall status be lifted. Following a site visit, the Board decided in January 2003 that the pedestrian mall status remain. Advice was sought and received in May 2003 from the then Director of Legal and Secretarial Services who reviewed the process to date and reported on the legality of the process.
7. In 2005, following a further deputation and in an attempt to address some other concerns expressed by various parties regarding car parking shortages and congestion the Board asked staff to prepare a report on the possible conversion of part of Chester Street West between Park Terrace and Cranmer Square to a one-way street. A comprehensive report was commissioned from Streets in Sync and the Board considered the report in February 2007 and did not pursue the option of the creating a 'one-way' section.
8. There are two possible options. Either, that the Board recommend to the Council that the request investigating the possible revocation of the pedestrian mall status be declined. If this option is agreed, staff will advise both the Cathedral Grammar School and ICON advising them of the fact.
9. The other option is that staff are requested to prepare a report to commence the revocation procedure which follows the same Special Order process as to make the declaration (Section 336 (13) of the Local Government Act 1974 would apply. The same rights of objection and appeal to the Environment Court would apply. The process would then recommence.

FINANCIAL IMPLICATIONS

10. To commence the revocation procedure a Council resolution is required and public notification and rights of appeal would apply. In order to advise the Board and the Council on whether revocation should occur staff consider that the matter would need to be fully investigated. This is not currently budgeted for in the 2006-16 Long Term Council Community Plan (LTCCP) and the process would incur a significant cost. The technical aspects of revocation are estimated to cost \$20,000. However, the consultation involved, given the rights of objection and appeal to the Environment Court could cost hundreds of thousands of dollars which is not budgeted for.

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

11. There is no money set aside for a report investigating revocation. If the Board and the Council request staff to prepare a report investigating the revocation of the mall status money would have to be redirected from other projects already committed in the LTCCP

LEGAL CONSIDERATIONS

12. If staff are requested to commence the revocation procedure which follows the same Special Order process as to make the declaration (Section 336 (13) of the Local Government Act 1974 would apply. The same rights of objection and appeal to the Environment Court would apply.

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

13. As above. The Board and Council should consider carefully whether there is a genuine desire to commence the process for revoking the pedestrian mall as the mall has now been in place for almost seven years, any revocation is likely to be objected to and possibly appealed. The Board does not have delegated authority in this matter. The Board does, however, have recommendatory powers to the Council.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. Not Applicable.

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

15. As above

ALIGNMENT WITH STRATEGIES

16. Not Applicable.

Do the recommendations align with the Council's strategies?

17. Not Applicable.

CONSULTATION FULFILMENT

18. If the Council decides to request the report regarding revocation then consultation will occur as part of that process.

STAFF RECOMMENDATIONS

It is recommended that the Board recommend to the Council:

- (a) That the request that staff investigate the possible revocation of the pedestrian mall status for part of Chester St West between Park Terrace and Cranmer Square be declined.
- (b) That the Cathedral Grammar School and the Inner City West Neighbourhood Association be advised of the decision.

CHAIRPERSONS' RECOMMENDATION

For discussion.