

7. VARIATION OF THE SPECIAL ORDER FOR THE CITY MALL (TRAM)

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PURPOSE OF REPORT

1. Further to decisions by the Council on this matter in September 2007, this report identifies a preferred route option for the proposed tram extension, including details of street location. Given the desirability and support for including the installation of tram rails during the City Mall reconstruction programme, the report recommends a way forward, including adoption of the preferred route for consultation, a funding package for constructing the extension within the Mall, and a consultation process in relation to the extension including amending the City Mall Special Order to allow for trams in addition to service vehicles.

EXECUTIVE SUMMARY

2. At its 27 September 2007 meeting, the Council received a report summarising the findings of the consultant's study which it had requested on the possible extension of the existing central city tourist tramway. The route recommended by Maunsell Ltd, which included both the Cashel and High parts of City mall was supported by the Council, but more work on the options of turning at either the Holiday Inn Hotel or continuing to Manchester Street was requested. The Council also asked for further work to be done on route details, cost estimates and funding options and also approved "future proofing" for the tram extension by the inclusion of a concrete base for the tram tracks as part of the City Mall design and construction.
3. Since that time, a staff project team has been established across relevant Council units and the work to identify options for the detailed location of tram tracks around the whole route has been completed. Some clear preferences have emerged, including the option to continue to Manchester Street. These have now been tested by a traffic safety audit and an underground services check, which have confirmed the feasibility of the route and the most suitable alignment of the tram line along the route. There is good fit between the preferred traffic option and the best infrastructure option for all of the route except for the Colombo Street-Cathedral Square section where there is a traffic safety provisional preference (subject to more study) for off street, but a clear infrastructure preference for on-street.
4. There has also been liaison with other Council interests to ensure co-ordination with other projects (e.g. Oxford Tce pedestrian/vehicle conflict issues). Discussions with the owners of the Cashel Mall air bridge concerning its possible removal are in progress and the outcomes will be reported to the Council on 4 March.
5. Preliminary discussions with the tram operator (Christchurch Tramway Ltd) have revealed the eventual need for additional trams and tram storage and the potential for these to be provided by the operator. These discussions will need to be progressed if the Council confirms the tram extension. It should be noted that while there is some expectation of an increase in local patronage with the extended route, it is not at this stage being proposed as a central city commuter service. It does, however, have some potential to be linked to future light rail opportunities.
6. Having undertaken the additional studies outlined above, staff are now in a position to recommend a particular option and alignment as further detailed in attachment 1. The provision of funding and the initiation of consultation procedures as part of the 2008/9 Annual Plan process is also recommended, taking into account the following matters:
 - The general support for the tram extension so far.
 - A need to determine track layout through Hack circle, and to resolve the Cashel air bridge issue.
 - A strong desire by mall retailers to avoid a second round of disruption in the future
 - The opportunity to improve pedestrian/traffic conflict issues in Oxford Tce as a part of the tram design and installation.
 - The opportunity to have the extension completed in time for the 2011 Rugby World Cup.
 - Potential for significant cost savings by including rails during the City Mall rebuild.

FINANCIAL IMPLICATIONS

7. The cost of incorporating tram rails into the redevelopment of the City Mall is \$550,000. If this expenditure is approved by the Council it is proposed that it be included in the 2008/09 Annual Plan which will go out for public consultation in March 2008.
8. The cost of installing tram rails for the balance of the extended network (i.e. the loop around High Street, Manchester Street and Cashel Street) is expected to be \$4 million. It is recommended that this amount be budgeted for and consulted on in the 2009-19 LTCCP.

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

9. The \$550,000 is an addition to the 2006-16 budget.

LEGAL CONSIDERATIONS

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

10. At its meeting on 9 August 2007 the Council resolved to rescind an earlier resolution that staff be authorised to commence the necessary special consultative procedure to give effect to installation of a one-way slow road in the City Mall. The Council noted that issues relating to the tram and other aspects of the mall development were to be referred to the Council for a decision.
11. On 27 September 2007 the Council resolved that it:
 - (a) *Acknowledge the potential for extending the tram route to incorporate Oxford Terrace, City Mall (Cashel and High Streets), Colombo Street and Cathedral Square, joining the existing line behind the Cathedral;*
 - (b) *Acknowledge the merits of the tram either continuing along High to Manchester to Cashel Streets or turning across the reserve to the west of the Holiday Inn Hotel and request a further report on which of these options should be recommended;*
 - (c) *Authorise further work on the route details, cost estimates and funding options with a view to progressing the proposal through the 2009-19 LTCCP;*
 - (d) *“Future-proof” for the extension of the tram by:*
 - (i) *Confirming the general route (as per (a) above) for future planning and investigative purposes;*
 - (ii) *Approving the design and construction of the strengthened concrete base for the later stages of the mall reconstruction (i.e. Cashel Street) in addition to High Street (already approved).”*
12. At present, the City Mall is subject to a Special Order made by the Council in February 1981 that declared it to be a pedestrian mall.

“In those parts of Cashel Street and High Street comprising the mall, the driving, riding or parking or any vehicle, bicycle or animal is prohibited at any time except for:

 - (a) *Goods service vehicles other than between 11am and 4pm each day;*
 - (b) *Trade and other vehicles if authorised to enter the City Mall;*
 - (c) *Street cleaning and rubbish collection vehicles operated by the Council;*
 - (d) *Goods service vehicles servicing the existing business of Whitcoulls;*
 - (e) *Any fire appliance, ambulance or other vehicle where it is necessary to enter the mall for the protection of human life or of property.”*

13. The power to declare the City Mall to be a pedestrian precinct is contained in Section 336 of the Local Government Act 1974. That section also gives the Council the power to revoke or vary the pedestrian mall declaration by using a Special Consultative Procedure. There is a right of appeal to the Environment Court against any decision made by the Council.
14. It is recommended that the Council vary the current Special Order in respect of the City Mall. A recent amendment to the Land Transport Act 1998 suggests that a tram is not a "vehicle" for the purposes of Section 336. However, the effect of introducing trams to the mall is to quite clearly change its status as a pedestrian precinct.
15. The advice from the Legal Services Unit is therefore that the proposal to extend the tram network through the City Mall is a variation of the existing Special Order and therefore the special consultative procedure must be adopted before the Council makes its decision.
16. The Council will be using the special consultative procedure to consult with its ratepayers in respect of the 2008/09 Annual Plan and amendments to the 2006-16 LTCCP. It is recommended that the special consultative procedure required for variation of the Special Order be carried out the same time. Conducting this in parallel to the Annual Plan process has two advantages. If approved it will confirm the need for the funding of the tracks (\$550,000 in the draft budget) and be in time to allow the tracks to be laid as part of the Mall refurbishment programme in 2008/09.
17. So far as the balance of the proposed tram route extension is concerned, there is no statutory obligation on the Council to adopt the special consultative procedure before a decision is made. Notwithstanding that, the Council is required to consult with those people who have an interest in or who are affected by the decision. Previous advice obtained by the Legal Services Unit is that there is no difficulty in roads vested in the Council being used for a tramway so long as it does not constitute an obstruction amounting to a public nuisance. Such a use would not be outside of or beyond the designated purpose of roads.
18. Two of the options for extending the tram route would result in rails being laid over land that is classified as a reserve under the Christchurch City (Reserves) Empowering Act 1971. This would mean a public notification process (separate to the special consultative procedure) and a right of objection available to interested persons or organisations. These may be identified and any concerns dealt with during the consultation process. The reserve land is also under two different zones in the City Plan: the Special Purpose (Pedestrian Precincts Zone (outside Holiday Inn) and Conservation 2 (Historic and Garden City Parks) Zone (Manchester High Street corner). It would be necessary to apply for resource consents if this land was to be used. It is noted however that the preferred option arising from the consultants' studies and the traffic safety and infrastructure audits does not involve use of either reserve.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

19. Funding for the City Mall project is included in the 2006-16 LTCCP. Extension of the tram is not funded.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

20. An extension of the tram route is consistent with the Central City Revitalisation Strategy, Greater Christchurch Urban Development Strategy and the Christchurch Visitor Strategy.

CONSULTATION FULFILMENT

21. Consultation on Project City Mall in 2006 favoured extending the tram through the Mall. This report recommends the form and process of further required consultation.

STAFF RECOMMENDATION

It is recommended:

1. That the Council adopt for consultation the proposed tram extension via Oxford Terrace, Cashel Mall, Cashel Street, Manchester Street, High Street, High Street Mall, Colombo Street and Cathedral Square, as illustrated in Attachment 1, sheet 7. (Note: for Colombo Street-Cathedral Square both options (Sheet 6) will be included in the consultation)
2. That the Council approve the Statement of Proposal and Summary of Information (Attachment 3) in respect of the proposed variation of the Special Order declaring the City Mall a pedestrian mall.
3. That the Council adopt the same dates for publicly notifying the Statement of Proposal and Summary of Information as those dates adopted for the 2008/09 Annual Plan and amendments to the 2006-16 LTCCP.
4. That the draft 2008/09 Annual Plan provide for the \$550,000 for the cost of including tram rails in the reconstruction of the City Mall.
5. That staff be authorised to consult with those people and organisations that have an interest in or who would be affected by a decision to extend the tram route beyond the City Mall.
6. That the Chief Executive be authorised to negotiate and conclude an agreement with Christchurch Tramway Limited suitable terms and conditions for that company to operate trams on the existing and extended tram route.

BACKGROUND (THE ISSUES)

22. This report is the next stage of the detailed report presented to the Council at its 27 September 2007 meeting. The previous report described the project city mall consultation in 2006, resulting in strong support for the tram which had led to future proofing the mall design by including a concrete base for the tram rails, while authorising a consultant study to investigate options for the route extensions. The consultant's findings considered the economic costs and benefits of extending the tramway and recommended a route option which added a further partial loop to the existing line commencing at Oxford Terrace and proceeding through the Cashel and High Street portions of City Mall then via Colombo Street and Cathedral Square joining back onto the existing line at Worcester Street behind the Cathedral.
23. The Council acknowledged the potential for this route but sought more information on the options of either turning across the reserve to the west of the Holiday Inn Hotel or continuing in a loop around Cashel, Manchester and High Streets. It authorised further work on the route details, cost estimates and funding options and for the concrete base to be constructed through all stages of the City Mall redevelopment.
24. A staff project team was subsequently established involving relevant Council business units, and options for the detailed location of tram tracks around the whole route have been identified and evaluated. These include options in Oxford Terrace (on and off road), variations of the Holiday Inn and Manchester Street turning options, and on and off road options for Colombo Street and Cathedral Square. These are shown in Attachment 1, sheets 1-7.
25. An independent traffic safety audit has reviewed these options as well as considering the impact of the tram within the mall, and the effect of or on other potential vehicles (e.g. cycles and cars) in the mall. An Executive Summary of the audit is attached as Attachment 2.
26. An underground services review has also been undertaken with the objective of identifying/verifying the location of existing services in the streets where the tram is proposed to be extended, and to determine the impacts of the various track location options. This work has only just been completed but has helped inform the recommended option and will enable more accurate cost estimates. Except for the section in Colombo Street and Cathedral Square the best traffic safety option is also the best infrastructure option, but for that section the traffic safety preference is less clear. More study is needed and it proposed that consultation be undertaken on both options.
27. During this study of the route and detailed alignment options, a number of issues have been identified and in considering these a preferred option has become evident. These are summarised as follows:

Oxford Terrace (Worcester to Hereford) (Sheet 1) The options were (a) in the road (east side adjacent to kerb) or (b) on the footpath (west side). The best option in safety, convenience, cost and infrastructure terms is (a).

Oxford Terrace (Hereford to Cashel) (Sheet 1) The options were (a) on the footpath/riverbank (west side), b) in the road east side adjacent to kerb) and (c) on the footpath (east side, adjacent to outdoor dining). The best option in safety, convenience, cost and infrastructure terms is (b). This will, however, require the flow of the present one way portion of Oxford Terrace to be reversed and this is recommended as it also assists access, pedestrian/vehicle conflict issues being separately considered and due to be reported to the Council.

Cashel Mall (Oxford to High) (Sheet 2) The proposal is to include the tram track within the service lane. The service lane is currently proposed to veer to the north in the vicinity of the Cashel air bridge to give clearance for both service vehicles and the tram and it was noted that it would not be possible for double-decker trams to pass under the bridge. This alignment will also require the relocation of a water main. A separate process is considering the removal of the bridge.

Cashel Mall to High St Mall There are two clear options here – (a) turn across the reserve to the west of the Holiday Inn Hotel (**Sheet 3**) and (b) continue to Manchester St (clockwise or anti-clockwise). (**Sheet 4**)

While the Holiday Inn option would cost less (a reduction of \$800K) it has some serious disadvantages. It requires a very tight radius turn and even then puts the tram tracks very close to shop fronts on both Cashel and High Streets. Such a long turn can be quite noisy and also requires quite complex overhead wiring arrangements. Crossing the reserve will require additional consents, which cannot be guaranteed. Further extensions beyond here (say along High St towards the Polytechnic, Cathedral, AMI Stadium etc,) would have some difficulty, though would not be impossible. Finally the longer route gets closer to the revitalising areas of High Street and the Lanes, and Central City South.

One of the Manchester Street options (Clockwise - centre of the road) on the other hand while initially considered to have some potential traffic difficulties, has none of the disadvantages of the Holiday Inn option, and has been recommended by the traffic safety audit as the best option. This is because the tram as it turns from Cashel Street and along Manchester Street is in its own (centre) lane, with general traffic lanes occupying a separate part of the carriageway. It is also the best option as far as infrastructure is concerned. The other Manchester Street option (Anticlockwise – side of road) has clearance difficulties at both Manchester - High, and Manchester - Cashel corners, and there is a number of service relocations required. The preferred option, also indicating possible future extensions along High Street is shown on **Sheet 5**.

High Street Mall The proposal is again to include the tram track in the service lane, and it should be noted that the “crossed” track to the east of Hack Circle reinforces this alignment. There are no significant infrastructure issues. At the Hereford- Colombo corner while the service lane curves to the right to access Hereford St, the tram would continue towards the Hereford – Colombo St intersection.

Colombo Street - Cathedral Square (Sheet 6) The options include (a) in the roadway and (b) in the pedestrianised area to the south east of the roadway. Each have advantages and disadvantages, and the safety report indicates a preference for the off- street option (b), if practicable as it would reduce the potential vehicle (including bus) conflict. On-street does remain an acceptable option however, it being noted that this situation pertains north of the Cathedral where the tram has operated safely since inception. The difficulty with the off street option lies in the limited space available on the east side of Colombo St, including overhanging veranda issues, and behind the Cathedral whether the line passes the Millennium and Heritage hotels and rejoins the existing track. The infrastructure study has also revealed potentially costly service relocation requirements in several areas. It may be appropriate to consult on both options for this part of the line.

The complete route together with the existing line is shown on **Sheet 7**.

28. **Operator issues.**

These relate to the additional costs of operation on the extended line, vehicles, storage, and the need to review the terms of the existing licence and lease. These are matters which should be discussed with Christchurch Tramway Limited as the consultation proceeds.

29. **Stakeholder consultation.**

Consultation to date has included public consultation in relation to City Mall (September-October 2006) and identification of and discussions with key stakeholders by the tram study consultants (April-August 2007). Consultation still required includes the formal process of amending the Special Order for City Mall as described in the Legal Considerations section of this report, further consultation with key stakeholders and general consultation around the wider route and with the public generally. It is considered that all of this consultation should be undertaken in parallel with the 2008-9 annual plan process which would include consultation for the funding proposed for 2008-9 (i.e. \$550,000 for inclusion of rails in the Mall development).

THE OBJECTIVES

30. The objectives of extending the existing city tramway are:
- to assist with the rejuvenation of the central city (including City Mall) by bringing more movement and people.
 - attract additional tourists – the lengthened trip increases its value.
 - expand the existing tourism experience by incorporating new attractions.
 - create a route to attract greater use by locals.
 - create a core loop with potential to be part of a light rail future.

THE OPTIONS

31. The options include:
- (a) Committing to the tram extension, subject to consultation, as per the preferred route and alignment (i.e. Manchester Street) (see Sheet 7), and providing funding in 2008-9 Annual Plan for rails to be incorporated as part of City Mall redevelopment, with the balance of the project to be funded through the 2009-19 LTCCP,
 - (b) Do nothing – i.e. retain status quo of providing only for the concrete base for future tram tracks in the mall at this time and
 - (c) As for (a) but confirming the Holiday Inn option in preference to Manchester Street (Sheet 3).

THE PREFERRED OPTION

32. Option (a)

ASSESSMENT OF OPTIONS

The Preferred Option

33. Extension to Manchester Street - commit to, subject to consultation and commence Mall construction - (Oxford Terrace, Cashel Street, Manchester Street, High Street, Colombo Street, Cathedral Square (**see Sheets 5, 7**))

	Benefits (current and future)	Costs (current and future)
Social	A safer option through the mall than full traffic option	
Cultural	Restoration of parts of historic tram routes (Oxford Tce, Cashel St (part) High St, Colombo St, Cathedral Square "fits" with heritage as well as modern buildings	
Environmental	High quality tram infrastructure. Ability to "calm" traffic but mix with pedestrians better than other vehicles	Overhead wires (minimised as per existing circuit)
Economic	Businesses believe tram will bring significant economic benefit to area. Gets close to revitalisation locations (High St, Lichfield Lanes, and South of Lichfield) Opportunity for future extension along High St towards AMI stadium and beyond. Designed to allow for modern light rail vehicles in the future	Costs of installation. May slow traffic down

Extent to which community outcomes are achieved:

Tram will contribute towards:

- a city with a sustainable environment
- a prosperous city
- a safe city
- a cultural and fun city
- a liveable city

Impact on the Council's capacity and responsibilities:

Relatively minor this year - allocate a further \$550,000. A further \$4M to be provided for by future LTCCP amendment.

Effects on Maori:

nil

Consistency with existing Council policies:

Central City Revitalisation Strategy, Greater Christchurch UDS, Christchurch Visitor Strategy

Views and preferences of persons affected or likely to have an interest:

Strong support from Central City Business Association, and many mall owners and retailers, ChCh Tramway Ltd. Other community support also evident from earlier consultation. May be opposed by those who do not favour a tram extension

Other relevant matters:

Facilitates design and construction decisions for Project City Mall. Enables co-ordination with other central city projects. Logical to undertake all consultation (inc Special Order changes) at same time.

Maintain the Status Quo (if not preferred option)

34. Do nothing at this time Option

	Benefits (current and future)	Costs (current and future)
Social		Tram may be less likely to be built if newly completed mall has to be dug up again - tram adds to safety in the mall.
Cultural		Tram may be less likely to be built if newly completed mall has to be dug up again - tram in the mall adds liveliness, and heritage
Environmental		Noise and disruption for a second time if and when tram is extended
Economic	Less cost now, but adds to cost later if tram goes ahead. Concrete base in some areas would need to be omitted until decision made.	Most costly option for future extension of tram through mall.

Extent to which community outcomes are achieved:

Doing nothing would not help achieve the community outcomes identified in Options C and D

Impact on the Council's capacity and responsibilities:

Nil

Effects on Maori:

Nil

Consistency with existing Council policies:

Yes but only to the extent that the tram extension is not currently included in the LTCCP. No, in that providing for a future extension would be consistent with Central City Revitalisation, Greater Christchurch UDS and Christchurch Visitor Strategy.

Views and preferences of persons affected or likely to have an interest:

Would be supported by those opposed to tram, and strongly opposed by those in support - especially Central City Business Association

Other relevant matters:

City mall design compromised if tram agreed later

At Least one Other Option (or an explanation of why another option has not been considered)

35. Holiday Inn option - excludes extension to Manchester St (see **Sheet 3**)

	Benefits (current and future)	Costs (current and future)
Social		
Cultural	Similar to preferred option but to a lesser degree	Occupies Council reserve
Environmental	Avoids traffic issues in Manchester Street	Long, sharp turn has potential to be noisy. More overhead wires. Track very close to some High Street properties
Economic	Costs less than preferred option.	Does not get as close to areas of central city revitalisation.

Extent to which community outcomes are achieved:

As per preferred option

Impact on the Council's capacity and responsibilities:

Similar, but slightly less to preferred option

Effects on Maori:

nil

Consistency with existing Council policies:

As per preferred option but to a lesser degree

Views and preferences of persons affected or likely to have an interest:

It is known that there is some opposition to use of the reserve outside the Holiday Inn

Other relevant matters:

Less potential for future extensions.