

### 13. PROPOSED NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN STRUTHERS LANE USING BOLLARDS FOR CLOSURE EVERY NIGHT

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Unit Manager Transport & Greenspace
<b>Author:</b>	Christine Toner, Consultation Leader, Transport and Greenspace Unit Barry Cook, Network Operations & Transport Systems Team Leader

#### PURPOSE OF REPORT

1. The purpose of this report is:
  - (a) To recommend that the Council approve the commencement of a statutory special consultative procedure for a proposal to create a permanent part time pedestrian mall at night time (from 6pm through to 6am the following day) using two sets of bollards to effect closure of this route to vehicles. This project is in support of work being carried out by the New Zealand Police, and bar owners and operators, to improve safety for pedestrians and modify the behaviour of bar patrons;
  - (b) To recommend that the Council approve the continuation of the trial of bollards with an additional set of bollards located near the western end of Struthers Lane, until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a part time pedestrian mall or another means of improving pedestrian safety has been established.

#### EXECUTIVE SUMMARY

2. This report and its attachments detail the proposal of the declaration of a new part time pedestrian mall in Struthers Lane from a point 23 metres west of the western boundary line at Manchester Street and extending in a westerly direction for a distance of 56.5 metres, every night from 6pm to 6am the following day.
3. The aim of all the proposals is to improve safety for motorists and pedestrians:
  - (a) To provide a safer environment for the public;
  - (b) To remove potential conflict between pedestrians and vehicles.
4. At the request of the Council in January 2008, a trial nightly closure was carried out for twelve months starting on 31 January 2009, using one bollard located west of SOL Square on the east side of the intersection of Struthers Lane and the lane running north south between the Civic offices and the building to its east. The trial in Struthers Lane was carried out in conjunction with a trial of bollards in Poplar Street, which is the topic of a separate report to Council. The full report of the trial is available on request.
5. Assessment of the effectiveness of the bollard trial began in November 2009.

This involved:

- (a) Qualitative interviews with local business people, property owners, residents, managers of emergency services, providers of security services and drivers who park in Struthers Lane;
- (b) Analysis of crash data from 2004-2009;
- (c) Observations by the Christchurch Safer City Officers of the presence of vehicles and pedestrian behaviour each time they visited the area;
- (d) Evaluation of footage from a night vision video camera installed on a back window of the third floor of the Civic Offices building (around 60 hours (not continuous) video footage of the bollards and eastern end of Struthers Lane was studied).

6. The results of the study indicate that the single bollard location has been very successful in preventing through traffic, therefore improving pedestrian safety, and has not inconvenienced local businesses, property owners or residents unduly. However the trial has also highlighted that a small amount of vehicular traffic continues to enter between Manchester Street and SOL Square, at times approaching the eastern side of the single bollard location.
7. Based on the results of this study, Council staff now recommend that the trial be extended by retaining the existing bollard location and adding a second bollard location near to the Manchester Street end of Struthers Lane, for the same time frame as the earlier trial and on a nightly basis. The extension of the trial would continue until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a part time pedestrian mall or another means of improving pedestrian safety has been established.

#### **FINANCIAL CONSIDERATIONS**

8. The cost of the proposed special consultative procedure is included within the LTCCP Street and Transport Operational Budgets.

#### **Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

9. As above.

#### **LEGAL CONSIDERATIONS**

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

10. Under Section 342(1)(b) and Clause 11, Schedule 10 of the Local Government Act 1974, the LGA staff sought approval from both the Police and Ministry of Transport to run the trial. Both responded without any objection to the proposed trial.
11. In order for staff to fully assess the impact of restricting vehicle access at night for a period of one year in each of these developments, it was proposed to restrict vehicle 'through' traffic between defined hours and monitor pedestrian, and vehicle behaviour over this period.
12. The Council requirement was that staff would report back to the Council on the trial, and either seek further permission from the Council under section 336 LGA 1974 to turn one or both areas (ie Struthers Lane and Poplar Street) into a permanent pedestrian only zone during defined periods of the day/night, or keep the roads open and only use restrictions for special events such as the Buskers Festival or Jazz Alley, following the normal public notification periods. This report deals just with Struthers Lane and an associated report deals with Poplar Street.
13. This report recommends a declaration of a part-time pedestrian mall in Struthers Lane.
14. Section 336 of the Local Government Act 1974 provides that Councils can declare a pedestrian mall by using the special consultative procedure, as follows:
  - (a) "...
    - (i) *declare a specified road or part of a specified road to be a pedestrian mall, and*
    - (ii) *prohibit or restrict the driving, riding or parking of any vehicle, or the riding of any animal, on all or any portion of the pedestrian mall either*
      - (i) *generally; or*
      - (ii) *during particular hours.*
  - (b) *A declaration—*
    - (i) *may include exemptions and conditions; and*
    - (ii) *does not take effect until—*
      - (i) *the time for appealing under subsection (3) has expired; and*
      - (ii) *any appeals have been determined under subsection (4)...*

15. Section 336(3) provides that anyone may within one month after the making of a declaration, or within such further time as the Environment Court may allow, appeal to the Environment Court against the declaration made by the Council. The public notice required as part of the special consultative procedure (by section 83(1) (e)) of the Local Government Act 2002 must explain this right of appeal.
16. Analysis of reasonably practicable options considered by the Council:
  - (a) The following options exist for the Council in relation to this proposal:
    - (i) Status quo. ie Do nothing. Leave Struthers Lane open to all traffic at all hours. This option is not preferred because it does not address the safety issues arising during the hours of 6pm to 6am and it does not support the endeavours of the New Zealand Police to deal with problems of alcohol and drug induced behaviour;
    - (ii) Close Struthers Lane to all traffic except taxis, between a time no earlier than 6pm to a time no later than 6am the following day. This option is not preferred because of the difficulty of enforcing a taxi only zone. It does not address the safety issues of vehicles driving through a road where there are often large numbers of intoxicated people wandering across the road, throwing bottles or using broken bottles to scare vehicles as they pass. There is also the potential for confusion and the subsequent danger to pedestrians who think that vehicles are banned and who may therefore wander out onto the road into the path of oncoming vehicles;
    - (iii) Close the length of Struthers Lane from Manchester Street to Tuam Street and Lichfield Street between a time no earlier than 6pm to a time no later than 6am the following day. This option is not preferred because it does not enable access to the businesses and car parking in and adjacent to Struthers Lane;
    - (iv) Create a part-time pedestrian mall in Struthers Lane from a point 23 metres west of the western boundary line at Manchester Street and extending in a westerly direction for a distance of 56.5 metres, every night from 6pm to 6am the following day. This option will address the safety issues for pedestrians and vehicles that arise during the hours of 6pm and 6am and support the endeavours of the New Zealand Police to deal with problems of alcohol and drug induced behaviour;
    - (v) Create a part time pedestrian mall in Struthers Lane as described in (iv) above every night from a time no earlier than 11pm to a time no later than 5am the following day.
  - (b) Option (iv) is the preferred option. It is aligned to and meets the project objectives.

#### ADDITIONAL CONSIDERATIONS

17. In the decision in ***Pool v New Plymouth City Council*** [1977] 6 NZTPA 201, the Town and Country Planning Appeal Board adopted some 'considerations' in examining a decision to declare part of a city street a mall. Those considerations were:
  - (a) Whether the closure of a street to traffic would be to the advantage of the community in general.
  - (b) Whether there were disadvantages to the community in general which balanced or outweighed the advantages.
  - (c) Whether there was detriment to property owners or business operators which was unreasonable given the absence of compensation.

- (d) Whether the closure adversely affected other property owners or business operations who may depend on the flow of traffic along the street.
18. These 'tests' were reframed in the context of the principles of the Resource Management Act 1991 in ***Bain v Waimakariri District Council***, C111/08, Environment Court Christchurch, 20/10/08, as follows:
- (a) Whether aspects of the public interest would be enabled by the creation of the pedestrian mall.
  - (b) Whether aspects of the public interest would be disenabled by the creation of the pedestrian mall.
  - (c) Whether individuals would benefit from the creation of the pedestrian mall.
  - (d) Whether individuals would be disadvantaged by the creation of the pedestrian mall.
  - (e) Whether the pedestrian mall would better achieve the sustainable management of the physical resources of the district.
19. These considerations/tests from the above cases are discussed in relation to this proposal in Struthers Lane and also serve as consideration of social and environmental matters arising from the proposals:
- (a) There will be significant safety improvements for the public (patrons of the bars and other businesses in the area as well as other pedestrians) as a result of the creation of the part time pedestrian mall in Struthers Lane.
  - (b) For motorists, their exclusion from the area from 6pm to 6am the following day will be a safety improvement, removing them from a possible conflict situation, and although it may mean a detour, the increased trip distance is not great.
  - (c) In their feedback to preliminary community consultation, only two businesses in Struthers Lane identified some disadvantages to the proposal at that time and indicated that at times the night time bollard trial had resulted in day time inconvenience for their tenants and delivery trucks or for themselves. It appears that early in the trial there were a few occasions when the bollard was not lowered until late morning, in error. This problem has not recurred in recent months. One of these business people also claimed that bar staff from SOL Square were using the closed Lane as a parking area. Observations by Christchurch Safer City Officers and video footage do not support this claim. The installation of a second bollard will however prevent this happening in the future.
  - (d) The benefits of safety and efficiency are considered to outweigh the relatively small disadvantages for a small number of drivers.

#### **CULTURAL CONSIDERATIONS**

20. Apart from the Central City Revitalisation and economic advantage of providing patrons with a safer environment, the Council is not aware of any cultural issues that should be taken into account in respect of the proposal contained in this statement.

#### **ECONOMIC CONSIDERATIONS**

21. The Council is not aware of any economic issues arising either from the 12 month trial nor from the proposed permanent introduction of a part time pedestrian mall at night time in Struthers Lane.

## **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

### **Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

22. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes – Safety and Community.

## **ALIGNMENT WITH STRATEGIES**

### **Do the recommendations align with the Council's strategies?**

23. The proposal aligns with the following:
- (a) Christchurch City Plan - Lanes redevelopment projects that improve pedestrian facilities and pedestrian safety are consistent with the transport and access provisions of the City Plan (see Objective 7.5, and Policy 7.5.1), and with objectives and policies for the Central City (see in particular, Policy 12.3.1 and 12.3.4);
  - (b) Central City Revitalisation Strategy - Lanes redevelopment projects that improve the visual amenity, uniqueness, range of activities, and vitality of the Central City will enhance revitalisation objectives;
  - (c) Central City Transport Concept - Lanes redevelopment projects that improve pedestrian activity and permeability (via mid-block linkages) will facilitate the implementation of the Central City Transport Concept;
  - (d) Safer Christchurch Strategy - Lanes redevelopment projects that increase natural surveillance in lanes areas and incorporate principles of Crime Prevention through the Christchurch Safer Road Strategy. Environmental Design (CPTED) is consistent with the Safer Christchurch Strategy;
  - (e) Greater Christchurch Urban Development Strategy and the Christchurch Visitor Strategy - as they facilitate the extension of the tram route and they make the area safer for bar patrons and passers by, as well as for motorists;
  - (f) Also aligns with the Parking Strategy 2003, Pedestrian Strategy 2001, Road Safety Strategy 2004;
  - (g) National Urban Design Protocol - Lanes redevelopment projects that improve quality and design of the urban environment and reflect urban sustainability principles will facilitate the implementation of the National Urban Design Protocol.

## **CONSULTATION FULFILMENT**

24. In May 2007, 100 concept plans including the possible location of bollards and planter boxes were mailed out to property owners and the remainder were hand delivered to the properties within the block bounded by Tuam, Manchester, Colombo and Lichfield Streets. Staff received a total of 14 responses, two initial objectors and four seeking clarification to the proposal. These four were then either visited personally by staff or contacted by phone.
25. The two objectors were contacted by phone to discuss. Concerns either related to access to business premises out of hours for delivery purposes, and the ability to use a 'through route' from one end of the lane to the other.
26. A second letter was sent out in June 2007 explaining that as a result of the initial proposal a slight change would be made to the proposed location of the retractable bollards at the eastern end of the lane, but staff would be seeking Community Board and Council approval to restrict vehicle access. As a result of this letter staff received numerous e-mails and phone calls from the principle objector to this proposal culminating in a solicitor's letter objecting to any restriction of access through the lane.

27. As a result of this, the report was withdrawn from the Hagley/Ferrymead Community Board agenda pending an internal review of the proposal.
28. The review resulted in a proposal to seek the Council's approval for a 'trial period' during which time signage and/or retractable bollards would be utilised and data collected on their effectiveness in reducing vehicle pedestrian conflicts. This 'trial' would be for one calendar year, thus providing data in both the winter and busier summer months.
29. A further letter was sent out in August 2007 explaining that staff would seek Land Transport New Zealand and Police approval to trial a lane closure for one year prior to any final decision being made and that staff would seek the Council approval for this.
30. This again prompted an objection. The principle and one other objector to this proposal put their cases to both the Hagley/Ferrymead Community Board on 30 January 2008 and to the Council (which is the decision making authority for this proposal on 13 March 2008).
31. Having heard the submissions the Council resolved authorisation, in January 2008, of a 12 month trial of the bollard in Struthers Lane.
32. On 31 January 2009, staff installed two bollards side by side at the eastern side of the intersection of Struthers Lane and the lane running north south between the Civic offices and the building to its east, a few metres west of SOL Square. One set of bollard was considered to be sufficient to meet the objectives of the trial by preventing through traffic along Struthers Lane.
33. Assessment of the effectiveness of the bollard trial began in November 2009.

This involved:

- (a) Qualitative interviews with local business people, property owners, residents, managers of emergency services, providers of security services and driers who park in Struthers Lane;
  - (b) Analysis of crash data from 2004-2009;
  - (c) Observations by the Christchurch Safer City Officers of the presence of vehicles and pedestrian behaviour each time they visited the area;
  - (d) Evaluation of footage from a night vision video camera installed on a back window of the third floor of the Civic Offices building (around 60 hours (not continuous) video footage of the bollards and eastern end of Struthers Lane was studied).
34. The result of the trials in Poplar Street and Struthers Lane indicates that the installation of bollards in both streets has improved the environment for pedestrians during the closure period. It also indicates that a safer environment would be created by installing a second set of bollards near to the intersection of Struthers Lane and Manchester Street. The full report of the trial up to March 2010 is available on request.
  35. With mainly positive feedback from users and local stakeholders, Council staff now recommend that the trial be extended by replacing the existing bollards and adding a second set of bollards at a location near to the Manchester Street end of Struthers Lane, just to the west of Plimsoll Lane so as to retain access for vehicles using Plimsoll Lane for parking, loading and unloading etc, for the same time frame as the earlier trial and on a nightly basis. The extension of the trial would continue until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a part time pedestrian mall or another means of improving pedestrian safety has been established. An assessment of automated bollards is also being carried out. Please see the separate report on this assessment in this Order Paper.

36. To create a mall, the Council is required to use the Special Consultative Procedure to gather community views on the establishment of a permanent night time pedestrian mall. The SCP process requires a Hearings Panel, and staff recommend running the SCP process in conjunction with that proposed for Poplar Street where a trial of bollards has also been carried out. (An associated report for Poplar Street is to be presented to the Council in conjunction with this report). The SCP process can be scheduled from 30 July 2010 to 31 August 2010, with the submissions to be read and heard by a Hearings Panel later in 2010 (after the council elections) or early in 2011.

#### **STAFF RECOMMENDATION**

Staff recommend that the Council:

- (a) Approves the continuation of the trial use of bollards in Struthers Lane with an additional set of bollards located near the intersection of Struthers Lane and Plimsoll Lane, until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a part time pedestrian mall or another means of improving pedestrian safety at night has been established.
- (b) Adopts for consultation through the special consultative procedure the proposed declaration of the part time pedestrian mall in Struthers Lane, by approving the Statement of Proposal and Summary of Information (Attachment 1 and 2 respectively).
- (c) Adopts the dates for publicly notifying the Statement of Proposal and the Summary of Information (30 July 2010 to 31 August 2010).
- (d) Determines that the Summary of Information be distributed to all properties and businesses along Struthers Lane, Manchester Street between Tuam Street and Lichfield Street, Lichfield Street between Manchester Street and Colombo Street; Colombo Street between Lichfield Street and Tuam Street, and Tuam Street between Colombo Street and Manchester Street; to any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident and Business Groups in the distribution area.
- (e) Determines that the Statement of Proposal and the Summary of Information be made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.
- (f) Publish public notice of the proposal in a newspaper having a wide circulation in the Council's district; and that this notice explains the right of appeal in relation to this proposal, and advises where people can view copies of the summary of information and the statement of proposal, and the time within which submissions can be made.
- (h) Appoint a hearings panel to hear any submissions on the proposal.