

58. **HEARINGS PANEL REPORT TO COUNCIL RE NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN STRUTHERS LANE**



<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
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**PURPOSE OF REPORT**

1. The purpose of this report is to present the Hearings Panel recommendations for a proposal to declare a section of Struthers Lane as a part-time pedestrian mall, daily from 6pm to 6am the following day.

**EXECUTIVE SUMMARY**

2. This report and its attachments (listed below) detail a proposal, which has been subject to a Special Consultative Procedure during August 2010, to declare a permanent part time pedestrian mall 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, using bollards to effect closure of this route to all vehicles.

**Attachment 1:** Proposed Declaration of part time pedestrian mall in Struthers Lane.

**Attachment 2:** Plan of Struthers Lane showing proposed changes.

**Attachment 3:** Summary of submissions with staff responses.

3. The aim of all the proposal is to improve safety for motorists and pedestrians and to assist the New Zealand Police in their efforts to manage disorderly behaviour among bar patrons in areas where. The Council objectives are to:
  - (a) Provide a safer environment for the public
  - (b) Remove potential conflict between pedestrians, trams and other vehicles.
4. A trial of bollards in Struthers Lane (in conjunction with a trial in Poplar Street) during 2009 and early 2010 has proved successful in stopping through traffic and thereby separating pedestrian and vehicular traffic during the times when bars are open and pedestrian activity is high.
5. On 22 July 2010 the Council resolved to commence the special consultative procedure (SCP) on the declaration of a part time pedestrian mall in Struthers Lane. The SCP was carried out between 30 July and 31 August 2010.
6. Ten submissions were received, eight of which were in support of the proposal (two were about underground services), with some questions asked (detailed in paragraph 29).
7. The Council appointed a Hearings Panel chaired by Councillor David Cox, and comprising Councillors Gail Sheriff and Mike Wall. The panel met on 20 September 2010 and discussed all written submissions, and to make recommendations on the proposed changes for the Council to consider.
8. No changes to the original proposals are recommended by the Hearings Panel.
9. The key features of the proposals being recommended by this Hearings Panel are as described in paragraph 2 above.

**FINANCIAL CONSIDERATIONS**

10. 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?**

11. Yes.

## LEGAL CONSIDERATIONS

12. The proposed changes require the declaration of a part time pedestrian mall in Struthers Lane.
13. Public consultation has been completed via the special consultative procedure, as described above.
14. The Hearings Panel has no decision-making powers, but can make recommendations to the Council as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit. However, the Local Government Act states that the views presented during consultation should be received by the Council with an open mind and should be given “due consideration in decision-making”<sup>1</sup>.
15. Section 336(1) of the Local Government Act 1974 provides that a Council “may, by using the special consultative procedure (a) declare a specified road or part of a specified road to be a pedestrian mall and (b) 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 generally or during particular hours. Section 336(8) states that any declaration “may be revoked or varied by a subsequent declaration using the procedure in subsection (1), and that subsection applies with all necessary modifications”.
16. Any declaration of the Council under section 336(1) may include exemptions and conditions but does not take effect until the time for appealing a declaration has expired or any appeal has been determined. Any person can appeal the making of the declaration to the Environment Court (they must do so within one month of the declaration being made). The public notice for this special consultative procedure explained this right of appeal.
17. Once a declaration has been made, and has taken effect it is an offence under section 336(7) to drive, ride, or park any vehicle or ride any animal, or cause or permit any vehicle to be driven, ridden, or parked or any animal to be ridden, in contravention of the declaration.
18. The following options exist for the Council:
  - (a) Status Quo ie reject the proposal as consulted on in its entirety. This option is not preferred as it does not meet the request from NZ Police to limit vehicle access to Struthers Lane at night for safety reasons.
  - (b) Accept the proposal recommended by the Hearings Panel.
  - (c) Change or reject part or parts of this report and the proposals, noting that major changes may require further work by staff and/or further community consultation before they could be finally adopted by the Council.

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

19. Yes, as per above.

## ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. 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;

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<sup>1</sup> Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: “we will receive presented views with an open mind and will give those views due consideration when making a decision”.

- (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) are 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.

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

- 21. Yes, as per above.

**ALIGNMENT WITH STRATEGIES**

- 22. Yes, as per above.

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

- 23. Yes, as per above.

**CONSULTATION FULFILMENT**

**Proposal A – Struthers Lane part time pedestrian mall**

- 24. 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 bollards was considered to be sufficient to meet the objectives of the trial by preventing through traffic along Struthers Lane.
- 25. With mainly positive feedback from users and local stakeholders during the trial, staff asked the Council to authorise the use of the Special Consultative Procedure (SCP) to gather community views on the creation of a permanent part time pedestrian mall in Struthers Lane. This was approved on 22 July 2010. The SCP process ran from 30 July 2010 to 31 August 2010.
- 26. The SCP proposal was to declare a part time pedestrian mall 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, using bollards to effect closure of this route to all vehicles. It incorporates the possibility of adding a second set of bollards at the point 23 metres west of the western boundary line at Manchester Street to ensure that vehicles do not enter SOL Square.
- 27. The public consultation as required by the special consultative procedure took place from 30 July to 31 August 2010. The consultation documents were sent directly to a range of groups, organisations and individuals, and posted to property owners in the block bounded by Tuam Street, Manchester Street, Lichfield Street and Colombo Street. They were hand-delivered to all businesses in this block also, Public Notices appeared in relevant newspapers,

and the consultation documents were made available at service centres, Council libraries and on-line via the Council's "Have Your Say" web page. A public information evening was also held in the project area on Wednesday 18 August 2010, at which there were no attendees.

28. At the close of the consultation period a total of 10 submissions had been received. There were no requests to be heard by the Hearings Panel. Eight submissions supported the proposal and two were about underground services. The Hearings Panel met to discuss the submissions on 20 September 2010.
29. Issues raised by the submitters fell into four categories and are summarised (together with staff comments) as follows:
  - (a) Notice from Contact Energy/Rock Gas and Orion re the location of their assets in the street. Orion request assurance that they will continue to have 24/7 access for repairs and maintenance.
    - (i) Staff response: This advice was passed on to the appropriate staff for action. Where necessary, emergency services and other essential service providers will be provided with a tag so that they can retract the bollards.
  - (b) Police support for the pedestrian mall as a pedestrian safety enhancement.
    - (i) Staff response: Appreciation for submitter support
  - (c) One submitter supports the proposal but suggests that service vehicles should be allowed in at all times on a very restricted speed limit "2 kilometres per hour".
    - (i) Staff response: There is no proposal to allow service vehicles in during the mall closure hours in Struthers Lane. Preventing conflict between vehicles and pedestrians is an important objective.
  - (d) One submitter on behalf of people with vision loss and low contrast sensitivity asked if the bollards could be 'contrasted sufficiently to the background to be detectable in low lighting'. This submitter also said that there 'are generally issues for safe travel through the area with vehicles and street objects and no identified accessible path through. She added that Struthers lane would be more accessible if cars were not permitted in this area at all hours except for defined deliveries. 'I have observed conflicts between use of space for pedestrians and vehicles as well as furniture extending out from cafe/bar spaces into the through route. If the Council is serious about enlivening our central city then the areas must be better controlled and designed for pedestrians to enjoy and make use of.
    - (i) Staff response: This point about making the bollards detectable for those with vision loss or low contrast sensitivity has been passed on to the appropriate people. There is no proposal to extend the timing of the pedestrian mall in Struthers Lane. It is currently an important access way to businesses in the block

#### **THE HEARINGS PANEL CONSIDERATION:**

The Hearings Panel accepted each staff response as set out above.

#### **HEARINGS PANEL RECOMMENDATIONS**

The Proposed part time pedestrian mall and one way street change in Struthers Lane Hearings Panel recommends to the Council that it:

- (a) Approve the Struthers Lane Part Time Pedestrian Mall Declaration as shown in Attachment 1.
  - (i) Give public notice as soon as practicable, that the Christchurch City Council Struthers Lane Part Time Pedestrian Mall Declaration as shown in Attachment 1 has been

approved by Council, and that the declaration will take effect one month from the date of the Council's resolution provided there are no appeals lodged with the Environment Court, or will take effect once any appeal has been determined.

- (ii) Send copies of the declaration to those people or organisations that made submissions, advising them of the outcome and right of appeal.