

59. **NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN POPLAR STREET AND CHANGE TO ONE WAY STREET DIRECTION REQUIRING AMENDMENT TO SCHEDULE 1 OF THE TRAFFIC AND PARKING (POPLAR STREET) BYLAW 2010**



General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	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 proposals to:
 - (a) Declare a section of Poplar Street as a part-time pedestrian mall, daily from 6pm to 6am the following day.
 - (b) Amend Schedule 1 of the Traffic and Parking Bylaw 2008 to incorporate changes to the direction of one way travel in Poplar Street (Lichfield Street to Tuam Street).

EXECUTIVE SUMMARY

2. This report and its attachments (listed below) detail two related proposals which have been subject to a Special Consultative Procedure during August 2010. The proposals are as follows:
 - (a) **Proposal A** - to declare a permanent part time pedestrian mall from the south boundary line of Lichfield Street extending along Poplar Street in a southerly direction to a point 45.5 metres south of Lichfield Street, every night from 6pm to 6am the following day, using bollards to effect closure of this route to all vehicles;
and
 - (b) **Proposal B** – to amend Schedule One (One Way Streets) of the Traffic and Parking Bylaw 2008 to change the one way direction in Poplar Street to flow from north to south from Lichfield Street to Tuam Street so that all traffic including the tram can travel in the same direction..

Attachment 1: Proposed Declaration of part time pedestrian mall in Poplar Street.

Attachment 2: Traffic and Parking Amendment (Poplar Street) Bylaw 2010.

Attachment 3: Plan of Poplar Street showing proposed changes.

Attachment 4: Summary of submissions with staff responses.

3. The aim of all the proposals 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 Poplar Street (in conjunction with a trial in Struthers Lane) 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. One way traffic in Poplar Street, between Lichfield Street and Tuam Street, currently flows in a northerly direction. Work is currently proceeding to install tram lines in Poplar Street to enable the tram to travel in a southerly direction along Poplar Street, and it is considered that it would be safer for all traffic and pedestrians if the one way traffic direction were to be changed so that all vehicles travel in the same direction.
6. On 22 July 2010 the Council resolved to commence the special consultative procedure (SCP) on the declaration of a part time pedestrian mall and the one way direction change in Poplar Street. The SCP was carried out between 30 July and 31 August 2010.

7. Eight submissions were received, six of which were in support of both proposals (two were about underground services), with some questions asked (detailed in paragraph 35).
8. 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.
9. No changes to the original proposals are recommended by the Hearings Panel.
10. The key features of the proposals being recommended by this Hearings Panel are as described in paragraph 2 above.

FINANCIAL CONSIDERATIONS

11. Funding for the proposed work is programmed in the 2009 – 19 LTCCP. It will be delivered as part of the Tram Extension project.
12. The current project cost estimates indicate there is sufficient budget allocated in the 2009 – 2019 LTCCP to implement the project.
13. Construction is programmed to commence in the 2010-2011 financial year.

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

14. Yes.

LEGAL CONSIDERATIONS

15. The proposed changes require an amendment to Schedule One (One Way Streets) of the Traffic and Parking Bylaw 2008, and the declaration of a part time pedestrian mall in Poplar Street.
16. Public consultation has been completed via the special consultative procedure, as described above.
17. 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”².
18. The Local Government Act³ requires that the Council give public notice of the amendment of a bylaw as soon as practicable after the bylaw is made. This is covered in recommendation (c) providing the Council adopts the proposed bylaw amendment. A bylaw that is made under section 72 of the Transport Act 1962 (the one way provision of the Traffic and Parking Bylaw 2008 is such a provision) must also be sent to the Minister of Transport within one week of the Bylaw being made.
19. 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”.

² 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”.

³ Section 157

20. 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.
21. 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.
22. 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 address the need for one way street change to accommodate the tram route extension, nor does it meet the request from NZ Police to limit vehicle access to Poplar Street 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?

23. Yes, as per above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

24. 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) 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?

25. Yes, as per above.

ALIGNMENT WITH STRATEGIES

26. Yes, as per above.

Do the recommendations align with the Council's strategies?

27. Yes, as per above.

CONSULTATION FULFILMENT

Proposal A – Poplar Street part time pedestrian mall

28. On 31 January 2009, in conjunction with the Struthers Lane bollard trial, staff installed two trial bollards at one location 30.6 metres south of the intersection of Poplar Street and Lichfield Street, to prevent through traffic along Poplar Street.
29. 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 Poplar Street. This was approved on 22 July 2010. The SCP process ran from 30 July 2010 to 31 August 2010.
30. The SCP proposal includes the replacement of the manual bollards by a set of automated retractable bollards that will be activated by an approaching tram or emergency vehicle.
31. The recommendation includes that the time for raising and lowering these bollards be the same as the trial and on a nightly basis.
32. Earlier Council decisions to extend the tram route via Poplar Street indicated that it would be advisable to change the one way direction of the street so that all vehicles travel in the same direction. The change of one way direction requires an amendment to Schedule One (One Way Streets) of the Traffic and Parking Bylaw 2008. To change a bylaw, the council is required to use the Special Consultative Procedure to gather community views. The SCP can be run in conjunction with the declaration of a mall as described above. Authorisation for the SCP was given by Council as detailed above.
33. 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. They were hand-delivered to all businesses in Poplar Street, Ash Street and the block bounded by Tuam Street, High Street, Lichfield Street, and Madras Street. 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 Thursday 19 August 2010, at which there were two attendees.
34. At the close of the consultation period a total of 8 submissions had been received. Initially there were two requests to be heard by the Hearings Panel, but both were withdrawn when the submitters heard that there were no submissions opposing the proposals. Six submissions supported Proposal A and Proposal B, and two were about underground services. The Hearings Panel met to discuss the submissions on 20 September 2010.
35. Issues raised by the submitters fell into seven categories and are summarised (together with staff comments) as follows, with Hearings Panel considerations shown *in italics*:

Proposal A – part time pedestrian mall

- (a) Concern to know that the tram will be able to run through Poplar Street at night (two submissions).
 - (i) Staff response: The tram is a permitted vehicle in the mall Declaration. Each tram will have a tag that retract the bollards if they are up, and permit the tram to enter Poplar Street.
- (b) 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.
- (c) Police support for the pedestrian mall as a pedestrian safety enhancement.
 - (i) Staff response: Appreciation for submitter support
- (d) One submitter opposed any possible future suggestion that might be made to make the whole of Poplar Street a mall. This submitter feels that the mix of traffic and pedestrians with the tram enhances 'the European flavour of the area and makes it quite unique in Christchurch'.
 - (i) Staff response: Ash Street will remain two way and vehicles will be able to enter and exit from and to Madras Street. Full access to the residents' garage will remain after the project has been completed. There is no proposal at this stage to extend the pedestrian mall area, and the submitter's point is acknowledged by staff.
- (e) Two submitters were concerned about the placement of a second set of bollards outside the Twisted Hop. This concern relates to access for taxis.
 - (i) Staff response: These bollards will not be installed at this stage, but the ducting is being placed as the tram lines are built, so that in future additional bollards can be placed there if the need arises.
- (f) One submitter, while supporting both the proposals, pointed out that there are currently frequent near misses between pedestrians and vehicles travelling the wrong way out of Poplar Street into Tuam Street, going against the one way direction. She believes that the signage is not large enough and hopes that the new direction will be clearly marked. She also points out that the locals call Poplar Street Poplar Lane and wonders if the formal name could be changed.
 - (i) Staff response: This point has been passed to the appropriate staff.

THE HEARINGS PANEL CONSIDERATION:

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

Proposal B - one way street bylaw amendments

- (g) General support for the one way direction change (all submissions).
 - (i) Staff response: Appreciation for submitter support

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 Poplar Street Hearings Panel recommends to the Council that it:

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

- (b) Approve the changes to the Traffic and Parking Amendment (Poplar Street) Bylaw 2010 as shown in Attachment 2.
 - (i) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment (Poplar Street) Bylaw 2010 as shown in Attachment 2 has been approved by the Council.
 - (ii) Send a copy of the new Christchurch City Council Traffic and Parking Amendment (Poplar Street) Bylaw 2010 to the Minister of Transport within one week of the Bylaw being made, as required by section 72(4) of the Transport Act 1962;
 - (iii) Send copies of the new Christchurch City Council Traffic and Parking Amendment (Poplar Street) Bylaw 2010 to those people or organisations that made submissions, advising them of the outcome.