



Statement of Proposal
Garden Place Pedestrian Mall Designation
April 2012

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SUMMARY OF INFORMATION

Council proposes to designate Garden Place as a pedestrian mall.

Garden Place's legal status is that of a road however it is used by the community as a valued open space. Leaving Garden Place as a road with no other designation causes issues for managing any potential conflict between pedestrians using the space and undesirable vehicle use of the area. Council has considered the situation and proposes applying a pedestrian mall designation to the area known as Garden Place.

CONSULTATION AND SUBMISSIONS

In designating a pedestrian mall, the Council must use the special consultative procedure set out in section 83 of the Local Government Act 2002.

Anyone can make a submission about the designation and we encourage you to tell us your views.

For a copy of the Statement of Proposal, including the proposed designation and information about making a submission, members of the public can visit the Hamilton City Council website (www.hamilton.co.nz). Alternatively, submission forms are available from all Hamilton City Council public or community libraries, or from the Strategy and Research Unit, on the second floor of Council's main Municipal building (Ph 07 838 6537).

Alternatively, simply write us a letter telling us what you agree with, what you don't agree with and why. Please indicate whether you would like to speak to your submission and include contact details.

The period for making written submissions open 18th April 2012 and closes 4.30 pm on 21st May 2012. Submissions should be sent to Hamilton City Council, Strategy and Research Unit, Private Bag 3010, Hamilton 3240.

INTRODUCTION

Hamilton City Council is reviewing the designation of Garden Place.

Garden Place is an pedestrian oriented open space that is used as events location and gathering space by the community.

Its current legal status is as a road and therefore enables it to be used as such unless council places restriction on it or changes it's status. This conflicts with its use by and the expectation of the community.

Council has considered the situation and proposes applying a pedestrian mall designation to the area known as Garden Place.

The Local Government Act 1974 (the Act) requires Hamilton City Council follows the special consultative procedure to make the designation. This Statement of Proposal has been prepared in accordance with the requirements set out in section 86 of LGA 2002 for the adoption of the special consultative procedure. It includes:

- The reason for the proposal;
- Consideration of whether a pedestrian mall is the most appropriate way to address the perceived problem;
- A draft of the proposed designation.

REASON FOR THE PROPOSAL

Garden Place has the legal status of a road whilst it is used as a pedestrian oriented open space. This conflict in use and status needs to be addressed for the optimal and safe ongoing use of the space. Under the Local Government Act 1974 Council has the power to designate a pedestrian mall.

Proposed Designation of Garden Place as a Pedestrian Mall

- a) The purpose of the proposed Designation of Garden Place as a pedestrian mall is to help management the now inappropriate use of vehicles in Garden Place.
- b) The boundary of the proposed pedestrian mall is mapped in attachment 1 to ensure that there is still an access route for service vehicles to the service lane located behind the CML apartment building (Lot 1 DP 29657).
- c) The restrictions the pedestrian mall would place on the mapped area are;
 - the driving, riding or parking of any vehicle will be prohibited on all of the mapped pedestrian mall area.
 - these restrictions and prohibitions will remain in place 24 hours a day, 365 days a year
- d) Emergency vehicles, those with prior permission from Council and bicycles are excluded from the restrictions.

Decision-making Analysis

Section 77 of the Local Government Act 2002 requires local authorities to assess available options when making a decision.

Option 1: Leave Garden Place as a road with no further designation or restrictions

Key Issue

Council would have no ability to manage vehicle use and parking in Garden Place.

Implication

Traffic would be able to move freely within Garden Place and to park anywhere within Garden Place at anytime. This would lead to potential safety risks for the pedestrians using the area and it would not be possible to allow entertainment, events or public gatherings in the area.

Option 2: Apply parking restrictions though the bylaw and use road closures to prevent traffic entering the area

Key Issue

It is very difficult to clearly sign restrictions in this area due to its layout, and any restrictions would only address the issue of vehicles parking in the area, not driving through the area.

Short term road closures to prevent vehicles driving through the area would have to be implemented via the Local Government Act and are limited to a total of 31 closures per annum. Any closure has to be publicly notified at least 42 days in advance of the proposed closure, and is open for objection.

Implication

Signage for the area would be hard to implement and is likely to result in ongoing enforcement issues. Use of the Local Government Act provisions for short term road closures limits the size and duration of events that are able to be held in Garden Place.

Option 3: Place road stopping on Garden Place.

Key Issue

Road stopping is a legal process to remove the current road status from this area which would in turn prevent any vehicle access into the area.

Implication

There is a property that requires legal vehicle access to this area, and there are utility services (power, water etc) that are contained within the area which must be able to be accessed for maintenance and repair. Vehicle and utility access would not be possible if the road were permanently stopped.

Option 4: Designate Garden Place as Pedestrian Mall - Preferred Option

Key issue

Vehicle access into Garden Place would need to be managed through a permitting process managed by Council.

Implication

Creation of a Pedestrian Mall will allow Council to permit events in Garden Place for either a footprint size appropriate for the event (while also considering the needs of the Garden Place businesses and residents), and/or of duration in excess of 31 days per year. Vehicle access could be managed via a permit process which would be able to work in conjunction with any events.

Attachment 1

Proposed Pedestrian Mall Areas

1. **Garden place**, The area mapped as garden place below is to be designated as a pedestrian mall. This means that the driving, riding or parking of any vehicle, excluding emergency vehicles, those with prior permission from Council and Bicycles, will be prohibited on all of the mapped pedestrian mall area. These restrictions and prohibitions will remain in place 24 hours a day, 365 days a year.

