

## 11. SUBMISSIONS ON DRAFT SELWYN STREET SHOPS MASTER PLAN

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager Healthy Environment
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### PURPOSE OF REPORT

1. The purpose of this report is to:
  - (a) inform the Spreydon/Heathcote Community Board and the Council of the community's response to the Draft Selwyn Street Shops Master Plan (the Plan);
  - (b) recommend to Council whether or not submissions on the Plan should be heard (in accordance with the Council's resolution on 24 November 2011); and
  - (c) provide an indication of the initial staff response to the submissions and proposed direction for finalising the Plan, in the event the Council decides not to hear the submissions

### EXECUTIVE SUMMARY

2. The Plan was approved as a project by the Council in June 2011 to provide a vision, framework and action implementation plan to support the recovery and rebuild of the Selwyn Street Shops suburban centre, which was badly damaged in the Canterbury earthquakes.
3. Initial direction for the Plan was obtained via a series of focus groups and public workshops in August 2011. Having been approved by the Council for public notification in November, the Plan was made available for public consultation over a seven-week period from mid December 2011. The Plan drew 49 submissions from both individuals and organisations within the community.
4. The report on the consultation summary and findings on the draft Plan is provided as **Attachment 1**. In total 283 submission points were raised. These showed that the majority (83%) of submitters liked the proposed actions. Regardless of whether or not submitters indicated that they would like to be heard, all comments (both positive and negative) have been assessed. Where it is considered that suggested changes would work within the wider framework of proposals and improve the Plan these have been recognised for inclusion.
5. In general, given the level of support, staff consider that the draft actions should be retained, with some amendments to address the matters that arose through the submissions. On balance given the level of consultation and support for the plan, the need for expediency in finalising the plan and the opportunity for further engagement in the implementation stage, it is recommended that hearings are not held.

### FINANCIAL IMPLICATIONS

6. Preparation of the Plan within the Strategy and Planning Group's budget was confirmed through the 2011/12 Annual Plan process. Any hearings would fall within this plan preparation budget. Preparatory implementation work is proposed in the coming financial year, with the majority of funding for implementation of the Plan to be considered through the Long Term Plan process in 2013.

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

7. Yes, funding for preparation of the Plan has been provided within the Strategy and Planning Group's 2011/12 budget.

## LEGAL CONSIDERATIONS

8. There are no immediate legal considerations, other than having undertaken consultation in accordance with *S.82 Principles of consultation* of the Local Government Act 2002 (LGA). In summary, these require that, in relation to any decision or other matter:
- (a) affected persons should have reasonable access to relevant information in a manner and format appropriate to their preferences and needs;
  - (b) affected persons should be encouraged to present their views;
  - (c) affected persons should be given clear information concerning the purpose of the consultation and the scope of the decisions to be made following consideration of the views presented;
  - (d) affected persons who wish to have their views considered should be provided with a reasonable opportunity to do so in a manner and format appropriate to their preferences and needs;
  - (e) the views presented should be received with an open mind and given due consideration;
  - (f) affected persons who present their views should be provided with information concerning the decision/s and reasons for the decision/s.

The Council is to observe these principles in whatever manner it considers appropriate in the circumstances.

9. Staff have met with officials from CERA and will continue to do so to ensure that the work on the Plan is informed by and is consistent with the Recovery Strategy and Recovery Plans. There is no requirement under *S. 19 Development of Recovery Plans* of the Canterbury Earthquake Recovery Act 2011 for recovery plans for areas outside the central city to be subject to public hearings.

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

10. Yes, as above.

## ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Yes, completion of the Plan is provided for within Activity Management Plan *1.0 City and Community Long-Term Policy and Planning* updated as at 1 July 2011.

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

12. Yes, as above.

## ALIGNMENT WITH STRATEGIES

13. The Plan is consistent with relevant strategies, including the Urban Development Strategy.

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

14. Yes.

## CONSULTATION FULFILMENT

15. The Council has endeavoured to ensure the Plan encapsulates the community's vision for the Selwyn Street Shops rebuild and recovery, by:

- proceeding on a community-specific basis for master plan-related community consultation, taking into consideration the size and nature of each suburban centre.
- flagging early and often throughout the process that there would be two phases of community consultation.
- seeking ideas from stakeholders early in the process, including the Spreydon/Heathcote Community Board, property and business owners, social and environmental interests and the community generally. Over 50 people participated in these focus group and public meetings in August 2011.
- Having ongoing meetings and dialogue with individuals and organisations from the community.
- Having the Plan considered by the Spreydon/Heathcote Community Board prior to the Council in November 2011, for approval for the final phase of community consultation.
  - Included in this consultation phase:
    - a seven-week submission period, from Monday, 19 December until 5pm on Friday, 17 February 2012;
    - publicising the details of it via newspapers, the radio, posters and local networks.
    - Delivery of:
      - a cover letter explaining the process to date, process forward and consultation details (what, where, when and how), a full copy of the Plan, a summary of the Plan, including an official submission form, to all land owners and businesses within the Selwyn Street Shops
      - a cover letter, the summary Plan and an official submission form to local residents in the area surrounding the Selwyn Street Shops.
      - The official submission form asked submitters to state which actions they liked, disliked and why; which actions they considered the most important; of those, which actions they considered the most urgent; any other comments they had about any aspects of the Plan or process; if submissions are heard, whether they wish to be heard if hearings are to take place; and, if they wish to assist with the implementation of any actions, which ones. Written submissions were also accepted via the Council's Have Your Say website and free-form emails or letters.
      - Placing of hard copies of the summary Plan, full Plan and official submission form at all Council libraries and service centres open.
      - Two drop-in display sessions were held in the church hall in Selwyn Street in early February.
      - Copies of the draft Plan were also distributed upon request and to those who have expressed an interest in receiving a copy.
      - Copies of the draft plan summary were provided to a local Addington community group (Addington well-being, Manuka Cottage).
      - Tangata whenua values and objectives have been sought via Mahaanui Kurataiao Ltd (MKT).

16. The Plan drew 49 submissions from both individuals and organisations within the community.

**STAFF RECOMMENDATION**

It is recommended that the Community Board:

- (a) note the overall summary of findings on the Draft Selwyn Street Shops Master Plan and the staff comments in relation to each action; and
- (b) recommend to the Council that the 49 submissions received on the draft Selwyn Street Shops Master Plan not be heard; and
- (c) endorse amendment of the Plan in accordance with the staff comments in relation to each action before it is considered by the Council for adoption, at a later date.

**CHAIRPERSON'S RECOMMENDATION**

For discussion.

## BACKGROUND

17. In normal circumstances, the Council would hear submissions on a plan of this nature, in order to maintain community confidence in the Council and encourage ownership of the plan. In considering the questions of whether to hold hearings staff have taken into account the following matters:
- The extent and nature of consultation undertaken to date: As noted in paragraph 14, there has been considerable opportunity for both verbal and written community input into and feedback on the Plan. With 149 likes and 30 dislikes of the projects identified to achieve the vision overall, majority support for the Plan is evident as a result. The Plan also anticipates further community consultation being undertaken during implementation of the Plan, to develop the detail around implementation projects, and various actions being implemented by local organisations, either separately or in conjunction with the Council and other partner organisations.
  - The number and proportion of submitters wishing to be heard: Of the 48 submissions received on the Plan, 13 (27 per cent) of submitters wished to be heard if submissions are heard, 28 (57 per cent) don't wish to be heard and 8 (16 per cent) didn't say either way.
  - The number and nature of actions and submission points on which submitters wish to be heard: All nine of the draft actions have been identified by submitters that expressed a desire to be heard. In total there are 52 submission points from these submitters (see table 1 in Attachment 1).
  - The level of support (like/dislike) for the actions on which submitters wish to be heard: Overall 85 per cent of submissions liked the draft actions, with only 15 per cent disliking them. Each of the draft actions had more submissions that liked the proposal than disliked it (see table 1 in Attachment 1).
  - The actions on which submitters most frequently wish to be heard: S1 – Street and Movement had the most submissions (10). B2 – 299 Selwyn Street (8) and N1 – Selwyn St Reserve (7) had the next most submissions (see table 1 in Attachment 1).
  - Circumstances which currently justify a more streamlined approach than the hearing of submissions for the Selwyn Street Shops master plan include:
    - Availability of resources: A Hearings Panel of elected representatives would need to be appointed. For the four draft master plans that have completed their final consultation phase (Lyttelton, Sydenham, Linwood Village and Selwyn Street Shops), it is estimated that seven working days would be required for the holding of hearings and deliberation on the submissions, of which a full day would be required for the Selwyn Street Shops. This assumes that each submitter would only have 10 minutes to verbally present their submissions, similar to the Annual Plan hearings process. The likely timing for hearings also presents a timetabling difficulty as it clashes with the hearings schedule for the Annual Plan. There would also be implications for Council staff administering the process.
    - Alignment with the Annual Plan process: In order to progress the implementation of the master plans, the Council needs to confirm its work programme and funding for 2012/13 before the end of June 2012. Failure to include implementation projects within the 2012/13 Annual Plan could cause a 12 month delay, prior to the next opportunity to programme projects in the Long Term Plan review in 2013.
    - Expediency: Finalising the master plans quickly will provide property owners and the community with more certainty over the context for the rebuild of their centre.
18. Table 1 in Attachment 1 summarises the projects that are the subject of submissions by the 13 (27 per cent) of submitters who wish to be heard.
19. On balance, it is recommended that submissions should not be heard in view of the level of consultation and support for the plan, and taking into account the potential impacts on implementation that could be caused by delaying adoption of the final version. Further community consultation is anticipated during implementation of the Plan, particularly with reference to the street layout and reserve actions.

20. Should the Community Board and Council decide to hear submissions a Hearings panel will need to be appointed and arrangements made for the hearing including timetabling and circulation of the officer report. Both the hearing format and officer report are likely to be similar to those regarding area plans.

**STAFF COMMENTS**

21. The tables in Attachment 1 summarise submissions for each project and provide staff comments as to how the Plan should be amended in relation to each draft action. In general, given the level of support for the draft actions, staff consider that they can be retained with some amendment to address the matters raised through the submissions. Staff do not consider that any additional actions are required.