

## 12. SUBMISSIONS ON DRAFT LYTTTELTON 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 Lyttelton/Mt Herbert Community Board and the Council of the community's response to the Draft Lyttelton Master Plan (the Plan);
  - (b) Seek a recommendation from the Board to the Council on whether or not submissions on the Plan should be heard; 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 Lyttelton 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 late May through to early June 2011. The resulting concepts were tested through a series of community feedback presentations in July 2011, which drew 145 submissions, after which the Plan was developed. Having been approved by the Council for public notification in October, the Plan was made available for public consultation, providing the opportunity for formal submissions over a four-week period from mid November 2012. The Plan drew 197 submissions from both individuals and organisations within the community.
4. The 197 submissions were collated and analysed and the overall summary of findings is provided as **Attachment 1**. This shows that considerably more submitters expressed a liking for the draft actions (1808) than a dislike (232). Summaries of the 31 actions and other matters raised by the 67 (34%) submitters who wish to be heard, and staff comments as to how the Plan should be amended in relation to each action are provided in **Attachments 2 and 3**.
5. In general, given the high level of support, staff consider that the draft actions can be retained with some further amendments and consolidation to address the matters raised through submissions. Staff do not consider any additional actions are required.
6. On balance, due to the level of community participation in the preparation of the draft Plan, the support for the draft actions, 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

7. Preparation of the Plan within the Strategy and Planning Group's budget was confirmed through the 2011/12 Annual Plan process. Funding for implementation of the Plan will be considered through the 2012/13 Annual Plan process and Long Term Plan reviews.

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

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

## LEGAL CONSIDERATIONS

9. 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.

10. Staff have met with officials from the Canterbury Earthquake Recovery Authority (CERA) and will continue to do so to ensure that the work on the Plan is informed by and 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 CBD to be subject to public hearings.

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

11. Yes, as above.

## ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. 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?**

13. Yes, as above.

## ALIGNMENT WITH STRATEGIES

14. The Plan is consistent with relevant strategies, including objectives of the Urban Development Strategy.

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

15. Yes.

## CONSULTATION FULFILMENT

16. The Council has endeavoured to ensure the Plan encapsulates the community's vision for Lyttelton's rebuild and recovery, by:

- (a) Proceeding on a community-specific basis for master plan-related community consultation, taking into consideration the size and nature of each suburban centre.
- (b) Flagging early and often throughout the process that there would be three phases of community consultation.
- (c) Seeking ideas from stakeholders early in the process, including the Lyttelton/Mt Herbert Community Board, property and business owners, social and environmental interests and the community generally. Nearly 350 people participated in these focus group and public meetings in early June 2011.
- (d) Presenting the analysis of the ideas received and starting a dialogue to test with the community whether the concepts arising reflected what they had said. At least 300 people attended these community feedback presentations. People could choose to provide feedback via the form provided, or by email or letter. People had three weeks from the presentations ending 21 July 2011 until the deadline for feedback on 12 August 2011. 145 Written submissions were received, all of which informed preparation of the Plan.
- (e) Having ongoing meetings and dialogue with individuals and organisations from the community.
- (f) Having the draft Plan peer reviewed by appropriately qualified local design professionals in late September 2011.
- (g) Having the Plan considered by the Lyttelton/Mt Herbert Community Board in October 2011 prior to going to Council.
- (h) Including in this consultation phase, in response to requests by the Lyttelton Harbour Business Association, Lyttelton Community Association, Lyttelton Harbour Information Centre and Project Lyttelton:
  - (i) A four-week submission period, from 19 November until 19 December 2011;
  - (ii) Publicising details via newspapers, the radio, posters and local networks.
  - (iii) Delivery of:
    - A cover letter explaining the process and consultation details (what, where, when and how), a summary of the Plan (including how to access it) and a submission form to all land owners within Lyttelton south to Cass Bay and Diamond Harbour;
    - A cover letter, the full Plan and a submission form to community groups; and
    - A letter only to the remaining land owners around the harbour.
 Submitters were asked 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; and any other comments they had about any aspects of the Plan or process. They were also asked, if hearings are held, whether they wish to be heard; 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, emails and letters.
  - (iv) Hard copies of the summary Plan, full Plan and submission form were made widely available at all Council libraries and service centres and a variety of other locations around the Lyttelton Harbour Basin.
  - (v) Two drop-in display sessions were held at the Naval Point Yacht Club and Lyttelton Club, and arranged to include timeslots of both day and evening, as well as week and weekend, which were neither too early nor too late into the submission period. Council staff were assisted at these sessions by members of the Lyttelton Harbour Business Association, Lyttelton Community Association, Lyttelton Harbour Information Centre and Project Lyttelton.
  - (vi) Providing community members with a laminated copy of the display panels for use beyond the drop-in sessions.
- (i) Obtaining key tangata whenua values and objectives to consider in the final version of the Plan from Mahaanui Kurataiao Ltd (MKT).

17. The Plan drew 197 submissions from both individuals and organisations within the community.

## STAFF RECOMMENDATION

It is recommended that the Community Board:

- (a) Receive the overall summary of findings in the Summary of Submissions on the Draft Lyttelton Master Plan and the staff comments in relation to each action therein; and
- (b) Recommend to the Council that it resolve not to hear the submissions by the 67 submitters who wish to be heard; and
- (c) Endorse the amendment of the Draft Lyttelton Master Plan in accordance with the staff comments in relation to each action before it is presented to Council for adoption at a later date.

## THE HEARING OF SUBMISSIONS

18. In normal circumstances, Council would consider hearing submissions on a plan of this nature in order to maintain community confidence and encourage ownership of the plan. In considering the question of whether to hold hearings staff have taken into account the following matters:
  - (a) 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. Time, logistics, budget, management and venues permitting, the community consultation undertaken in Lyttelton was responsive and the most comprehensive of all the master plans progressed to date. With 1808 likes and 232 dislikes of the actions identified to achieve the vision overall, clear majority support for the Plan is evident. The Plan anticipates further community consultation being undertaken during its implementation, to develop the detail around projects, and for actions being implemented by local organisations, either separately or in conjunction with the Council and other partner organisations.
  - (b) The number and proportion of submitters wishing to be heard: Of the 197 submissions received on the Plan, 67 (34%) of submitters wished to be heard if hearings are held, 78 (40%) don't wish to be heard and 52 (26%) didn't say either way.
  - (c) Who wished to be heard: Notable submitters wishing to be heard include Hon. Ruth Dyson MP; Lyttelton Port of Christchurch; New Zealand Transport Agency; Lyttelton Harbour Business Association; Lyttelton Community Association; Project Lyttelton; Lyttelton Harbour Information Centre; Lyttelton Environment Group; Norwich Quay Historic Precinct Society; Lyttelton Historical Museum Society; Lyttelton Museum; Harbour Arts Collective; The Loons Theatre Company; Naval Point Club; local design professionals such as Roy Montgomery, Nancy Vance, Peter Rough, Mrs (Liz) Briggs and Ms Jillian Frater; particularly active individuals such as Wendy Everingham, Sarah van der Burch, Trent Hiles and Sue Stubenvoll; and the Diamond Harbour Community Association.
  - (d) The number and nature of actions and submission points on which submitters wish to be heard: All (100%) of the 31 draft actions have been identified by submitters wishing to be heard, about which they have raised 1086 submission points, either in support of or opposition to them (see Attachment 2).
  - (e) The level of support (like/dislike) for the actions on which submitters wish to be heard: Submitters wishing to be heard like all of the actions more than they dislike them, with an overall ratio of 925 (85%) like to 161 (15%) dislike (see Attachment 2). All actions are supported by over 60% of the submitters. The most supported actions – those with a like/dislike ratio of  $\geq 90\%:\leq 10\%$ , of which there are thirteen – are: E3: Appoint a Lyttelton case manager; E5: Funding options and temporary support; M2: Move Port access off Norwich Quay (Heads of Agreement); N1: A new civic square; N2: Pool garden off-season access; N4: Head to Head Walkway; N5: Temporary landscapes; N6: Local landscape and heritage interpretation; N7: Interpretation of Tangata Whenua values; C3: Combined Lyttelton Library and Service Centre redevelopment; C4: New public amenities in the town centre; B1: Development-supportive Proposed Banks Peninsula District Plan (Town Centre Zone) amendments; and B4: Identify and assist retention of remaining built heritage. The five least supported actions – which still enjoy a like/dislike ratio of  $\geq 60\%:\leq 40\%$  – are: M1: Movement and the waterfront; M4: London Street public realm enhancements and public event opportunities; M5: Parking investigations; N3: Rooftop park between, or on a combined, Lyttelton Library and Service Centre; and C2: Alternative use of a Council property on Canterbury Street.

- (f) The actions on which submitters most frequently wish to be heard: The top five actions on which submitters most frequently wish to be heard are M2: Move Port access off Norwich Quay (Heads of Agreement), with a like/dislike ratio of 46:5 (90%:10%); M1: Movement and the waterfront, with a like/dislike ratio of 32:17 (65%:35%); N1: A new civic square, with a like/dislike ratio of 39:4 (91%:9%); E4: Support for a creative hub of affordable workspace, with a like/dislike ratio of 37:5 (88%:12%); and C7: Donald St arts precinct and art in the street, with a like/dislike ratio of 34:6 (85%:15%) (see Attachment 2).
- (g) Local factors that could influence the need to hold hearings: Lyttelton is a community that does not like to be over-managed and seeks active participation in decision-making. The level of community engagement by Lytteltonians was sufficiently high to impress Urbanismplus, the consultants responsible for early development of the Plan, compared to their experiences of community engagement elsewhere and they verbalised this observation on a number of occasions. High public attendance at earlier meetings and presentations has translated into a comparatively high number of submissions. The submissions received reflect the fact that Lyttelton's longer term residents generally better appreciate its historic and current role as a working port than the residents more recently attracted by its niche lifestyle. Progressive expansion of the port and the associated use of Norwich Quay by port-related heavy traffic and exclusion of the public from the inner harbour waterfront have been issues for some time, particularly for the latter part of the community. A number of the submitters have stated in some form that failure to address these port-related issues in the Plan risks failure of the Plan per se. Despite its earthquake recovery focus, local residents have therefore been keen to harness the Plan as a means to progress resolution of these issues sooner rather than later.
- (h) The circumstances which currently justify a more streamlined approach than the hearing of submissions for the Suburban Centres Programme master plans. These include:
  - (i) 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, it is estimated that seven working days would be required for the holding of hearings and deliberation on the submissions, of which at least four days would be required in respect to Lyttelton. 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.
  - (ii) 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.
  - (iii) 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.

19. On balance, it is recommended that submissions should not be heard because:

- (a) There has been considerable opportunity for both verbal and written community input into and feedback on the Plan, from which clear majority support for the Plan is evident;
- (b) That submissions may not be heard was flagged through the various community engagement meetings by the Council, the Lyttelton Review following the deputation to the Council meeting of 27 October 2011 and the official submission form by the Council. Given the logistical constraints, any hearing of submissions would likely only provide each submitter with 10 minutes to address the main points in their written submissions.
- (c) Further community consultation is anticipated during implementation of the Plan, including with many of the notable submitters with respect to those actions in which they have a particular interest;
- (d) The minority (34%) of submitters who wish to be heard like all of the actions more than they dislike them, with an overall ratio of 925 (85%) like to 161 (15%) dislike and all actions supported by over 75% of the submitters;
- (e) Four of the top five actions that were most frequently identified by these submitters - M2: Move Port access off Norwich Quay (Heads of Agreement), N1: A new civic square, E4: Support for a creative hub of affordable workspace and C7: Donald St arts precinct and art in the street – are in the top five actions considered most urgent by the community (with the fifth - M1: Movement and the waterfront – in the top ten actions considered most urgent by the community);

- (f) Relevant local factors have been recognised and/or addressed in development of the Plan, or will be through the amendments proposed in Attachment 3 before the Plan is adopted by the Council at a later date. Given the high level of community engagement, the community consultation undertaken in Lyttelton was responsive and the most comprehensive of all the master plans progressed to date. Although not generated by the earthquakes, the Plan recognises that the long-standing port-related issues of particular concern to the community have the potential to be exacerbated by them and addresses them insofar as is possible within its earthquake-recovery scope through draft actions M1 and M2; and
- (g) There are a number of circumstances which justify not hearing submissions, the most significant being that the purpose of the Plan is to facilitate the rebuild and recovery of one of the most severely earthquake-damaged suburban centres in Christchurch and one which also serves other Lyttelton Harbour communities. We are already 19 months on from the start of the series of damaging earthquakes. Funding and implementation of the Plan needs to start as soon as possible, ie through the 2012/13 Annual Plan, to the extent that this is possible.

20. Should the 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 3 summarise the submissions on the draft actions and staff comments as to how the Plan should be amended in relation to each draft action. In general, given the high level of support for the draft actions, staff consider that they can be retained, with some further consolidation and/or refinement to address matters raised through the submissions. Staff do not consider any additional actions are required.