

## 5. BRIDLE PATH ROAD AREA PLAN

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### PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval for the adoption of the Bridle Path Road Area Plan (**attached**). The Plan provides the development framework for a change to the City Plan to remove the 'deferred' status from the Living HA Zone located adjacent to Bridle Path Road in the Heathcote Valley.

### EXECUTIVE SUMMARY

2. The Bridle Path Road Area Plan covers the 19.9 hectare 'deferred Living HA Zone' on the lower slopes of the Heathcote Valley (refer **Attachment 1**), and provides the framework for land use planning and public expenditure in this zone. Its purpose is to:
  - (i) ensure future residential development is integrated into the local environment and adjoining land uses;
  - (ii) coordinate the provision of infrastructure and hazard mitigation works; and
  - (iii) protect intrinsic values such as landscape and heritage features.

The Area Plan contains objectives and implementation methods designed to achieve this purpose, and has been finalised following community input to the draft Plan during April-May 2008.

3. The deferred Living HA Zone arose from a Consent Order issued by the Environment Court in 2001 which required the resolution of several issues prior to the deferred zoning being uplifted. These issues have been resolved through the Area Plan process, which also provides the platform for a proposed change to the City Plan to amend the zoning, and sets the resource management framework for the future development of this site. The Consent Order also noted that a variant of the Living HA Zone could be established, and much of the work that has gone into this Plan has been in relation to determining what variant (if any) would be appropriate.

#### *Consultation on the Draft Area Plan*

4. A 'Draft' Bridle Path Area Plan (Draft Plan) was adopted by the Council for public consultation at its meeting on 27 March 2008. The Draft Plan sought public feedback on four development options and flagged 'Option 2' as the preferred option for future development of this area (refer **Attachment 2**). Option 2 was preferred mainly because it offered the least expensive rockfall mitigation option (earth bunding), thereby minimising the risk to Council should circumstances arise that required the Council to pay for the mitigation. An overall summary of the options that were considered in the Draft Plan is attached (**Attachment 3**).
5. A report on public feedback to the Draft Plan was presented to the October meeting of the Regulatory and Planning Committee. Public feedback generally supported a variant of the preferred option 'Option 2', but most submitters sought a lower density of development than proposed in order to reduce the impact of this development (eg visual amenity, traffic, stormwater runoff etc) on the character of the Heathcote Valley. Directly affected landowners also requested that development be permitted further up-hill than depicted in Option 2.

#### *Further site investigations (geotechnical and landscape assessments)*

6. Implicit in the feedback received was a potential tension between densities (lot sizes), the number of lots that could be created, and the efficient use of the site. The development proposal in 'Option 2' was subsequently re-examined, and further investigations into rockfall mitigation were undertaken to establish whether more land could be developed without increasing the risk of property damage or injury from rockfall. The revised geotechnical investigation indicated that an 'earth bund' could be installed at a higher elevation than originally thought, enabling development to extend further up-hill without incurring additional mitigation costs (refer **Attachment 4**). A landscape evaluation was then carried out to assess the effects of extending development further up-hill, and whether the visual effects of the bunding could be mitigated. This evaluation concluded that, in principle, such an extension could occur without compromising the objectives and policies in the City Plan, and any visual effects of bunding could be mitigated.
7. Because the Area Plan will form the basis of a Plan Change prepared in accordance with the Resource Management Act 1991, these new findings will be important considerations. In adopting the Area Plan, the Council has to be satisfied that it will be supported by a Section 32 assessment, particularly in respect to the objectives and policies of the City Plan. The technical work done as part of preparing the Area Plan, particularly around rockfall mitigation and landscape, will form part of this assessment. Although the Area Plan sets out the preferred development plan for the Plan Change, this will not preclude a future hearings panel or (potentially) the Environment Court reaching a different conclusion as a result of any submissions or appeals to this change.

#### *Amended development option*

8. In coming to a preferred land use option for the Bridle Path Road site, considerable weight has been given to the conclusions in the new geotechnical and landscape assessments. This has resulted in the preferred upper boundary of development being moved to the position shown as approximately the 50m contour on the map in Attachment 4. Although the developable area has been increased in the final Plan, the average density has been reduced in response to the concerns raised during community consultation. The Area Plan therefore proposes a range of lot sizes across the site, ranging from around 650m<sup>2</sup> lots between the Bridle Path Road frontage the proposed waterway corridor / 20m contour (whichever is higher up-slope), up to 1,500m<sup>2</sup> adjoining the rural land (upper slopes) above. The anticipated yield is approximately between 70 and 90 sections, notably less than Option 2 (100 – 135 sections).

#### *Implementation*

9. The Plan relies on several methods for its implementation, including rules in the City Plan, land acquisition, environmental compensation, and covenants imposed by the developer(s). However, the key instrument for creating a coordinated development is a requirement, enforced through a rule in the City Plan, to adhere to an Outline Development Plan (ODP). The functions of the ODP are:
  - (i) to prevent ad hoc subdivision by individual land owners, leading to a disjointed development;
  - (ii) to manage the sequence of development so that it is integrated with roading, infrastructure, and hazard mitigation works; and
  - (iii) to identify linkages, open space, hazard mitigation measures, and any other features that need to be protected from the effects of development.
10. An important part of the Area Plan's implementation is to ensure that the initial costs of establishing rockfall hazard mitigation lie with the developer(s). Any lots deemed to be at risk from rockfall will not be approved until the Council is satisfied that adequate mitigation measures have been put in place.
11. Once adopted, the Area Plan will be a document that will have status as a strategy or management plan that Council will have regard to when considering whether or not to grant resource consent(s), and for preparing changes affecting the land.

## EXECUTIVE SUMMARY – UPDATE TO BRIDLE PATH AREA PLAN

12. The preparation of the Bridle Path Area Plan follows a Consent Order issued by the Environment Court in 2002 to rezone this area from Rural 7 to Deferred Living Hills A (LHA). This signalled the intention to allow for future residential development on this site, subject to alleviating a number of constraints, the most significant being:
  - hazard mitigation (especially rockfall), including the location of mitigation works and the corresponding extent of developable area;
  - stormwater disposal;
  - the provision of internal roading access and waterway alignment; and
  - reverse sensitivity (avoiding development that could interfere with existing horticultural activities and high voltage transmission lines).
13. The steep nature of some of the land, and the risk from rockfall means only a part of the 19.9 ha site can be developed without rockfall protection. The further up the slope development occurs, the more elaborate and expensive protection must become. Initial geotechnical advice indicated that development up to approximately the 20m contour could be protected through a relatively inexpensive 'bundling' rockfall protection. The hazard mitigation works would be funded by the developer and would need to be in place prior to subdivision consent or building consent being granted.
14. The Draft Area Plan contained four possible development options for public consultation, including a 'do nothing' (status quo) option. The other three varied in their densities, number of sections, upper limit for development and hazard mitigation systems. The preferred option proposed to keep development to the 20m contour (consistent with advice received), predominantly Living 1 or Living H densities, and estimated a yield of approximately 100–135 lots.
15. Consultation on the Draft Plan included a pamphlet, public meeting and individual meetings with some of the landowners most directly affected. There were 115 written responses and most of the respondents supported the preferred option, but wanted lower densities (minimum 750m<sup>2</sup> sections instead of 450m<sup>2</sup> as proposed in the preferred option). Three of the landowners wanted development to be permitted further up the hill, consistent with the adjacent Morgan Valley development.
16. Further geotechnical analysis was undertaken to investigate the possibility of development occurring further up the hill. This indicated that development was feasible up to approximately the 50m contour using the less expensive rockfall mitigation option. A visual assessment on the effects of development to this level confirmed that such development would be consistent with the objectives and policies of the City Plan, and that lower densities would be preferable.
17. Consultation and follow up work resulted in three key changes recommended to the final Area Plan:
  - the residential development permitted to around the 50m contour
  - a low density development more akin to a Living HA Zone providing for up to approximately 90 lots, and
  - a minimum lot size of 750m<sup>2</sup>, rather than the 450m<sup>2</sup> in the Draft Area Plan.

## FINANCIAL IMPLICATIONS

18. There is a risk that the costs to developers could prove too onerous, or there could be difficulties in getting consent from each of the landowners on whose land the hazard mitigation works will be located. In these situations the Council may be asked in the future to decide whether to fund some or all of the work and recoup costs through financial contributions. This cost is potentially recoverable from developers via financial contributions under the Resource Management Act 1991 (RMA), imposed as conditions of consent, however a change to the City Plan would be required as no provision for such financial contributions currently exists for this area. This expenditure would also have to be provided for in the LTCCP, which may lead to delays in getting the development underway. It is also noted that constructing rockfall mitigation for the benefit of a highly localised area is not a project that is compatible with the Development Contributions Policy.

19. The ongoing cost of maintaining the rockfall mitigation measures has been estimated at \$2,000 to \$3,000 per annum. This ongoing cost cannot realistically be passed on to future landowners, as past Council experience has been that landowners are not diligent in voluntarily maintaining such structures. As these costs are currently not budgeted for, they will need to be included in the LTCCP.
20. Stormwater disposal is a major infrastructure cost in the Bridle Path area, however there is already provision in the Capital Works Programme for an integrated drainage scheme for the Heathcote Valley. Funding for stormwater improvements in the wider Heathcote catchment comes from development contributions.
21. Land for a proposed naturalised waterway link between the south boundary of the Area Plan and Morgan's Valley Road is currently being purchased by the Council and the formation of this link will be funded through development contributions. The formation of an internal road, adjacent to this waterway, will be the responsibility of the developer.

#### **Do the Recommendations of this Report Align with 2006-16 LTCCP Budgets?**

22. Currently there are no anticipated changes needed to the LTCCP other than provision for some operational funding for maintenance of hazard mitigation works (refer paragraph 13).

#### **LEGAL CONSIDERATIONS**

23. There are three key legal issues concerning the management of the rockfall hazard:
  - (1) Whether the Council is liable for damages due to a rock falling from Council-owned land above the proposed development;
  - (2) Whether the Council is liable for costs in mitigating this hazard in the context of future development; and
  - (3) Whether the Council is liable to compensate land owners for "lost" development rights if a dispute arises over the costs or responsibilities of installing mitigation measures.

These matters were traversed at length in a separate report: Bridle Path Road – Options for Zoning, Hazard Mitigation and Hazard Mitigation Funding, presented to the 27 March Council meeting that specifically dealt with the hazard mitigation issues for this area. The relevant material is reproduced in **Attachment 5**.

#### **Have you considered the Legal Implications of the Issue Under Consideration?**

24. Yes, see Paragraph 17 above.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

#### **Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP**

25. Yes. The Area Plan will directly or indirectly support projects and activities under 'City Development', and 'Parks Open space and Waterways'.
26. No provision has been made for any potential cost of hazard mitigation works and/or land acquisition to accommodate it. Provision will need to be made in the 2009-19 LTCCP.

## ALIGNMENT WITH STRATEGIES

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

27. The relevant Council strategies are as follows:

- Greater Christchurch Urban Development Strategy (UDS). The Bridle Path Road Area Plan is within the proposed urban limits delineated in Proposed Change 1 to the Regional Policy Statement (RPS) and is therefore not subject to the provisions in that Change relating to new greenfields development.
- City Plan. The Area Plan achieves several City Plan objectives and polices concerning urban growth, diversity of living environments, rural amenity values, environmental effects, subdivision and development, natural features, amenity value, significant trees, roading and access, water supply, sewage disposal, financial contributions, and the natural environment.
- Heathcote Valley Floodplain Management Strategy. One of the main objectives of this strategy is to improve the functioning of the Heathcote River by reducing peak flood levels as a result of upgrades to the stormwater system in the vicinity of the Bridle Path area.
- Waterways and Wetlands Natural Asset Management Strategy 1999. Heathcote Valley lies within the 'Project Area 1A' Port Hills. A new waterway corridor will add to the linkage between the Port Hills, Morgans Valley, and the stormwater retention ponds/waterways and wetlands restoration on the valley floor.

28. Amongst other strategies, the Area plan will improve linkages such as cycleways, and walkways to the Port Hills, surrounding neighbourhoods and other green spaces, using where possible waterway corridors within the Area Plan.

## CONSULTATION FULFILMENT

29. Council staff have maintained frequent contact with stakeholders through public meetings and telephone calls. In April and May 2008, the Draft Area Plan was made available for public consultation with landowners and the wider community by:

- (i) sending a letter and copy of Draft Area Plan to directly affected parties and residents association;
- (ii) making copies of the Draft Area Plan (including a summary document) available via usual Council channels: services centres, website, 'Have your Say' etc;
- (iii) meeting with directly affected parties;
- (iv) providing opportunities for public feedback through feedback forms and the Council website.

30. Mahaanui Kurataiao Ltd (MKT) has informed the Rapaki Runanga of the existence of the Plan and has been kept informed of the process to date.

31. Any member of the public will be entitled to make a submission and be heard on the Plan Change once it is notified.

## STAFF RECOMMENDATION

That the Council adopt the final Bridle Path Road Area Plan.

## HAGLEY/FERRYMEAD COMMUNITY BOARD CONSIDERATION

The Hagley/Ferrymead Community Board received a presentation from staff on the Bridle Path Road Area Plan at its 5 November 2008 meeting.

The Board discussed communications received from the Heathcote Valley Residents' Association outlining its concerns regarding consultation on the final area plan.

Mr Ian McLeod, President of the Heathcote Valley Residents' Association was invited to address the meeting. Mr McLeod advised that the Association intends to discuss the final area plan at its meeting on 26 November.

In acknowledgement of the Association's intentions, the Board favoured deferring the adoption of the draft plan via the Board to the Council, until after the Association's meeting in late November.

In addition to the recommendation below, the Board decided to commend staff for the report presented and for the manner in which the project has been progressed to date.

## HAGLEY/FERRYMEAD COMMUNITY BOARD RECOMMENDATION

The Hagley/Ferrymead Community Board **decided to** recommend that a deferment be sought of the Council's adoption of the Bridle Path Road Area Plan until the Heathcote Valley Residents' Association has had the opportunity to consider the changes and expresses its view to the Community Board and the Council.

## REGULATORY AND PLANNING COMMITTEE CONSIDERATION

At the Regulatory and Planning Committee meeting on 6 November 2008, Councillor Broughton moved:

*"That the item be deferred to return to the Committee after being considered further by the Hagley/Ferrymead Community Board and the Residents' Association."*

Councillor Buck seconded the motion.

The above motion when put to the meeting was declared **lost** by 5 votes to 1 on division no 3, the voting being as follows:

**Against (5):** Councillors Buck, Button, Reid, Wall, and Wells.

**For (1):** Councillor Broughton

## COMMITTEE RECOMMENDATION

That the Council adopt the final Bridle Path Road Area Plan.

The Committee **noted** that staff will attend the Heathcote Valley Residents' Association meeting on 26 November 2008 and that a deputation to the Council can be heard, if necessary, at its 27 November 2008 meeting.

## ASSESSMENT OF OPTIONS

26. Two principal options have been considered: the recommended option in this report, and the preferred option ('Option 2') that was included in the Draft Area Plan circulated in April for public consultation.

### Recommended option

This option allows residential development up to the toe of rockfall protection structures (refer Attachment 4), at higher density than usual LHA densities but significantly lower than the Living 1 zone standard. Between 70 and 100 lots will be created, with a gradation of densities from 650m<sup>2</sup> fronting Bridle Path Road to 1500m<sup>2</sup> at the upper boundary.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Lower average density and less households moderates the potential impact on the Heathcote Valley School.	No significant difference from other option.
<b>Cultural</b>	No discernable benefits or advantages compared to the other option.	No discernable costs or disadvantages compared to the other option.
<b>Environmental</b>	Lower average density will soften effects of buildings on the landscape and will reduce potential traffic movements on surrounding network.	Potential for adverse visual affects by allowing development higher up-slope than the other option, particularly if not supported by suitable landscape controls.
<b>Economic</b>	Possible economic spin-offs for local businesses.	<ul style="list-style-type: none"> <li>o Some operational costs for on-going maintenance of mitigation works, but no different to alternative option.</li> <li>o Lower section yields may reduce developers' margins.</li> </ul>
<p><b>Extent to which community outcomes are achieved:</b>            This option will contribute in part to the achievement of:</p> <ul style="list-style-type: none"> <li>• A safe city, where risks from hazards are managed and mitigated.</li> <li>• A city of people who value and protect the natural environment, by actively working together to protect, enhance, and restore our environment for future generations.</li> <li>• A well governed city, where decision makers manage public funds responsibly, responding to current needs and planning for the future.</li> <li>• A healthy city in providing water quality, proposed cycleways, walkways and recreation areas, encouraging physical activity.</li> <li>• A city for recreation, fun, and creativity in providing proposed cycleways, walkways and recreation areas, encouraging physical activity.</li> <li>• An attractive and well designed city, through comprehensive planning, the provision of open space and recreation networks.</li> </ul> <p><b>Impact on the Council's capacity and responsibilities:</b>            This option will slightly reduce the funding base for the Heathcote Valley drainage scheme compared to the Draft Option 2.</p> <p><b>Effects on Maori:</b>            The Council aims to achieve the objectives of Iwi Management Plans in relation to water discharge and quality, particularly into and from natural waterways. No known recorded association of particular area with Ngāi Tahu, although Heathcote Valley floor has sites of known archaeological association.</p> <p><b>Consistency with existing Council policies:</b>            Option consistent with relevant Council policies:</p> <ul style="list-style-type: none"> <li>• Supports the Council's City Plan Urban Growth Objective 6.1, the Greater Christchurch Urban Development Strategy, and the proposed Change No 1 to the Canterbury Regional Policy Statement.</li> <li>• Supportive of Port Hills, Open Space policies, landscape and urban design principles.</li> </ul> <p><b>Views and preferences of persons affected or likely to have an interest:</b>            Landowners/ potential developers have not had this proposition put to them as part of consultation on the Draft Plan. It is, however, a variant of Options 2 and 4 in the Draft Plan. Landowners are likely to be supportive and the local community will support lower density but may have mixed views on moving the upper limit to higher position.</p> <p><b>Other relevant matters:</b> N/A</p>		

## Option 2 – As per the Draft Area Plan

This option would allow for significantly higher density development than otherwise provided for under the LHA zone, with between approximately 100 and 135 lots with section sizes more aligned to Living 1 and Living H zones. Development would be limited to area below the low hazard line, and would be contained primarily on the flatter, lower slopes.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Provides more households within the city; increases housing supply; may contribute to more cohesive community in Heathcote Valley and contribute to viability of community networks and local, businesses.	Will potentially put more pressure on Heathcote Valley School, but little significant difference with final option.
<b>Cultural</b>	No discernable benefits	No discernable costs
<b>Environmental</b>	<ul style="list-style-type: none"> <li>Balance of land can be used for visual, amenity and possible recreation purposes.</li> <li>Slightly better in terms of sustainable development potential, for example more energy efficient in potential use of public transport.</li> </ul>	<ul style="list-style-type: none"> <li>Less opportunity for open space and amenity within subdivision.</li> <li>Area surrounded by varying residential development densities. Therefore higher density may appear visually inconsistent.</li> </ul>
<b>Economic</b>	<ul style="list-style-type: none"> <li>Development and mitigation costs per lot are lower for this option</li> <li>Greater 'pool' of developments contributing to both the area's drainage scheme and rockfall mitigation.</li> <li>Possible economic spin-offs for local businesses.</li> </ul>	<ul style="list-style-type: none"> <li>Some operational costs for on-going maintenance of mitigation works but no different to alternative option.</li> <li>Development kept on the lower slopes thereby reducing opportunities for views and more marketable sections. This will also affect returns for landowners.</li> </ul>
<p><b>Extent to which community outcomes are achieved:</b></p> <p>This option will contribute to the achievement of:</p> <ul style="list-style-type: none"> <li>A safe city, where risks from hazards are managed and mitigated.</li> <li>A city of people who value and protect the natural environment, by actively working together to protect, enhance, and restore our environment for future generations.</li> <li>A well governed city, where decision makers manage public funds responsibly, responding to current needs and planning for the future.</li> <li>A healthy city in providing water quality, proposed cycleways, walkways and recreation areas, encouraging physical activity.</li> <li>A city for recreation, fun, and creativity in providing proposed cycleways, walkways and recreation areas, encouraging physical activity.</li> <li>An attractive and well designed city, through comprehensive planning, the provision of open space and recreation networks.</li> </ul> <p><b>Impact on the Council's capacity and responsibilities:</b></p> <p>This option will increase the funding base for the Heathcote Valley drainage scheme with no significant increase in the scheme's cost, and bring about a scheme to better manage and mitigate the risk of flooding in the Heathcote Valley; risk and management of rockfall hazard from Council land above the site.</p> <p><b>Effects on Maori:</b></p> <p>The Council aims to achieve the objectives of Iwi Management Plans in relation to water discharge and quality, particularly into and from natural waterways. No known recorded association of particular area with Ngāi Tahu, although Heathcote Valley floor has areas of known archaeological association.</p> <p><b>Consistency with existing Council policies:</b></p> <p>Option consistent with relevant Council policies:</p> <ul style="list-style-type: none"> <li>Supports the Council's City Plan Urban Growth Objective 6.1, the Greater Christchurch Urban Development Strategy, and the proposed Change No 1 to the Canterbury Regional Policy Statement.</li> </ul> <p><b>Views and preferences of persons affected or likely to have an interest:</b></p> <p>Landowners and the wider community have been consulted by letter, newsletter, telephone and public meetings, most recently in April 2008 when the Draft area Plan was released for public input. Option 2 was identified as the preferred option in that document.</p> <p><b>Other relevant matters:</b> N/A.</p>		