

13. 3. 2008

**HAGLEY/FERRYMEAD COMMUNITY BOARD
30 JANUARY 2008**

**A meeting of the Hagley/Ferrymead Community Board
was held on Wednesday 30 January 2008 at 3pm
in the Boardroom, Linwood Service Centre**

PRESENT: Bob Todd (Chairperson), John Freeman, Yani Johanson,
Brenda Lowe-Johnson, David Cox, Tim Carter, and Rod Cameron

APOLOGIES: Tim Carter retired 5.35pm and was absent for clauses 10,11,13,14,
20 and 21.


Brenda Lowe-Johnson retired at 6.00pm and was absent for
clauses 10, 11, 13, 14, 20 and 21.

Rod Cameron retired temporarily and was absent for clauses 1 and
17.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. COLOMBO STREET - PROPOSED BUS STOP AND NO STOPPING RESTRICTION



General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Green space Manager
Authors:	Steve Dejong/Barry Cook

PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Council to remove the existing 'P5 at any time' located outside Smith City on Colombo Street and to relocate the bus stop further to the north to allow for better visibility of oncoming traffic to pedestrians using the crossing point between Smiths City and South City Mall.

EXECUTIVE SUMMARY

2. The Council has received a complaint concerning the lack of visibility pedestrians have of oncoming traffic at the crossing point from Smiths City to South City Mall on Colombo Street. This arose after a five year old boy was struck by an oncoming car while trying to cross the road as vision was obscured by the shuttle bus at the bus stop outside Smiths City.
3. Presently, this pedestrian crossing point is located at the mid-point along the frontage of the Smiths City building, between the bus stop to the south and the shuttle bus stop to the north. The crossing facility consists of a kerb build out on each side of Colombo Street and a narrow island in the centre of the road.
4. Pedestrians crossing from the east side to the west side of Colombo Street have their vision of oncoming traffic obscured when the shuttle bus is at the stop to the north of the crossing point. The shuttle is usually only at the stop for a short period. The length of time that it stops depends on the type of passengers boarding and alighting.
5. In the case of the accident involving the child, the mother with an infant in a pushchair and her five year old child were starting to cross the road and had moved out between the kerb build outs but could not see around the shuttle bus. She said to the boy "we will have to go back" but he misunderstood and went forward and ran into the side of an oncoming car breaking his leg.

1 Cont'd

6. This pedestrian crossing facility is not ideal, however, improvement options are limited by the requirements of the public transport system, the narrowness of the Colombo Street, intersecting streets and entry and exits to both the South City Mall and the Smiths City centre, the pedestrian crossing desire line and financial constraints.
7. Presently located at the rear of the shuttle bus stop is a nine metre long 'P5 at any time'. This 'P5 at any time' is, however, currently signed as a 'P5 Loading Zone'. This is because all the changes from the Central City Loading Zone Review approved by Council on 10 August 2006 have not been fully implemented. By removing the seldom used 'P5 at any time' immediately north of the shuttle bus stop and relocating the shuttle bus stop to the northern end of the Smiths City building, better visibility of oncoming traffic can be achieved for pedestrians using the crossing point.
8. It is proposed that the kerb build out on the eastern side of Colombo Street outside the Smiths City centre be redesigned and enlarged. This will discourage the shuttle bus from stopping forward of the stop. In the interim it is proposed that "No Stopping" lines be installed between the southern end of the bus stop and the existing kerb build out.
9. Consultation has been carried out with the management of the Smiths City Centre who have advised the 'P5 at any time' is no longer used and there is parking provided at the rear of its premise for customers. They are in support of the proposal to improve pedestrian safety outside its business.

FINANCIAL IMPLICATIONS

10. The estimated cost of this proposal is \$5,000.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

11. The installation of road markings, signs and a post is within the LTCCP Street and Transport Operational Budgets.

LEGAL CONSIDERATIONS

12. The Land Transport Rules provide for the installation of parking restrictions.

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

13. As noted in paragraph 12.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. Aligns with the Streets and Transport activities by contributing to the Council's Community outcomes – Safety.

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

15. This contributes to improve the level of service and safety.

ALIGNMENT WITH STRATEGIES

16. The recommendations align with the Council's Parking Strategy 2003.

Do the recommendations align with the Council's strategies?

17. As noted in paragraph 16.

1 Cont'd**CONSULTATION FULFILMENT**

18. Both the 'P5 at any time' and the bus stop (for the shuttle bus) are located directly outside the Smith City centre. Smith City is, therefore, the only business directly affected by both the removal of the 'P5 at any time' and the relocation of the bus stop. The management of Smith City were contacted and they advised all loading is undertaken at the side or rear of the premises and they also have off-street parking provided for customers. They support both the proposed removal of the 'P5 at any time' and the relocation of the shuttle bus stop.

STAFF RECOMMENDATION

That the Board recommend to the Council that it approve the following:

- (a) That the bus stop on the eastern side of Colombo Street commencing at a point 44 metres north of its intersection with Dundas Street and extending in a northerly direction for a distance of 21 metres be revoked.
- (b) That the parking of vehicles presently restricted to a maximum of five minutes at any time on the eastern side of Colombo Street commencing at a point 65 metres north of its intersection with Dundas Street and extending in a northerly direction for a distance of nine metres be revoked.
- (c) That a bus stop be installed on the eastern side of Colombo Street commencing at a point 59 metres north of its intersection with Dundas Street and extending in a northerly direction for a distance of 15 metres.
- (d) That the stopping of vehicles be prohibited at any time on the east side of Colombo Street commencing at a point 44 metres north of its intersection with Dundas Street and extending in a northerly direction for a distance of 15 metres.

BOARD RECOMMENDATION

That the Council adopt the staff recommendation.

2. MADRAS STREET – PROPOSED MOTORCYCLE STAND RELOCATION

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Greenspace Manager
Authors:	Steve Dejong/Barry Cook

PURPOSE OF REPORT

1. The purpose of this report is to seek approval of the Council for the relocation of the present redundant motorcycle stand outside No. 216 Madras Street, one block north to outside No. 218 Madras Street.

EXECUTIVE SUMMARY

2. The Council has recently received a request from the owner of a new motorcycle accessory shop located at 218 Madras Street to have a motorcycle stand installed outside his shop. He has stated that customers often cannot find convenient on-street motorcycle parking due to all the 'pay and display' car parking spaces being occupied, motorcyclists are then forced to park on the footpath.
3. An investigation into this request revealed that outside number 216 Madras Street (one block south, due to strange street numbering) there is a redundant motorcycle stand that had been previously placed outside "Superior Motorcycles" which has since moved.

2 Cont'd

4. By relocating the motorcycle stand from outside number 216 Madras Street one block north to 218 Madras Street the number of on street 'pay and display' parking spaces within the two blocks would remain the same. The proposed change would give both the motorcycle and furniture shop additional on street customer parking and it would make for more efficient use of on street parking in this area.
5. The furniture shop proprietor has been consulted and supports the relocation of the redundant motorcycle stand.

FINANCIAL IMPLICATIONS

6. The estimated cost of this proposal is approximately \$1,000.00.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

7. The installation of road markings, signs and a post is within the LTCCP Street and Transport Operational Budgets.

LEGAL CONSIDERATIONS

8. The Land Transport Rules provide for the installation of parking restrictions.

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

9. As noted in paragraph 8.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes-Safety.

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

11. This contributes to improve the level of service and safety.

ALIGNMENT WITH STRATEGIES

12. The recommendations align with the Council's Parking Strategy 2003.

Do the recommendations align with the Council's strategies?

13. As noted in paragraph 12.

CONSULTATION FULFILMENT

14. It was not considered necessary to consult with all businesses in the area because the number of on street parking spaces will not change within the two blocks. The proprietor of the furniture shop at 216 Madras Street was consulted and supports the proposal because it will give their customers the use of one additional space.

STAFF RECOMMENDATION

That the Board recommends that the Council approve the following:

- (a) That the motorcycle stand with a time limit of 60 minutes be revoked on the east side of Madras Street between Lichfield Street and Tuam Street commencing at a point 24.8 metres south of the Lichfield Street intersection, and extending in a southerly direction for 5.5 metres.

2 Cont'd

- (b) That the parking of vehicles in Madras Street presently controlled by 'Pay and Display' and limited to a maximum period of 120 minutes and operative 9am to 5pm, Monday through Thursday, 9am to 8.30pm Friday be revoked on the east side of Madras Street, between Lichfield Street and Cashel Street commencing at a point 37.5 metres north of the Lichfield Street intersection, and extending 4.8 metres in a northerly direction.
- (c) That a motorcycle stand with a time limit of 60 minutes be created on the east side of Madras Street commencing at a point 37.5 metres north of the Lichfield Street and extending in a northerly direction for a distance of 4.8 metres.
- (d) That the parking of vehicles to be controlled by 'Pay and Display' be created on the east side of Madras Street between Lichfield Street and Tuam Street commencing at a point 24.8 metres south of the Lichfield Street intersection, and extending in a southerly direction for 5.5 metres, limited to a maximum period of 120 minutes and operative 9am to 5pm, Monday through Thursday, 9am to 8.30pm Friday.

BOARD CONSIDERATION

Some members were concerned that matters as this needed to come back to the Board for a decision when, ideally, Council staff may be able to change the parking status of an area as business use changes.

BOARD RECOMMENDATION

- (a) That the staff recommendation be adopted.
- (b) That should the trading style of the property at 218 Madras Street change from motorcycle activities that the parking space immediately be changed to on-street vehicle parking.

3. LICHFIELD LANE, STRUTHERS LANE BOLLARD TRIAL

General Manager responsible:	General Manager City Environment DDI 941-8656
Officer responsible:	Transport and Greenspace
Author:	D A Pinkney

PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Council (under section s342(1) and Schedule 10, clause 11(b) of the Local Government Act (LGA) 1974) to an experimental traffic diversion for a trial period to temporarily restrict the through movement of vehicle traffic in two of the lane re-developments, Struthers Lane and Lichfield Lanes (Poplar and Ash Streets).
2. The trial involves the use of signage and/or the use of retractable bollards which will be raised from a time no earlier than 6pm and lowered no later than 6am, for the purpose of restricting vehicle 'through' access during these hours. The trial will investigate whether these restrictions need to be in force seven days a week or just during the busier weekend periods. Effectively these areas will become 'pedestrian only malls' at night.

EXECUTIVE SUMMARY

3. In September 2006 the Council signed off on the draft Lanes Plan to allow consultation to proceed with affected property owners and developers, however, during that meeting the Council approved four specified projects for immediate construction. Struthers Lane, Poplar and Ash Street (The Lichfield Lanes), Kivers Lane and Westpac Lane. The first two of these lanes have since been re-developed in conjunction with local developers, Kivers and Westpac are still in the option development stage.

3 Cont'd

4. Struthers Lane and The Lichfield Lanes have, during this time, become very popular. So much so that safety concerns have been raised by businesses in these areas, and to a lesser extent the Police. The main concern relates to vehicle access through these areas after hours when the normal retail activities give way to more entertainment orientated activities. Traffic calming has been incorporated into both projects, along with proposed speed restrictions, however, there is still the possibility of pedestrian/vehicle conflict, and it is this issue that vehicle restrictions are intended to address.

FINANCIAL IMPLICATIONS

5. Cost of the signage and bollards including installation will be around \$7,500, two are required for Struthers Lane development and four are required for the Lichfield development. Funding for each will be met through their appropriate budgets within the Major Amenities Budget.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

6. Funding allocations have been made as part of the Central City Revitalisation Strategy and the Central City Transport Concept. These projects were approved by Council for construction in September 2006.

LEGAL CONSIDERATIONS

7. Section 342(1)(b) of the LGA provides that:
1. *The council may, in the manner provided in Schedule 10 —*
 - (b) *Close any road to traffic or any specified type of traffic (including pedestrian traffic) on a temporary basis in accordance with that Schedule and impose or permit the imposition of charges as provided for in that Schedule.”*
8. Schedule 10, clause 11 states:
11. *The council may, subject to such conditions as it thinks fit (including the imposition of a reasonable bond), and after consultation with the Police and the Ministry of Transport, close any road or part of a road to all traffic or any specified type of traffic (including pedestrian traffic)*
 - (b) *where, in order to resolve problems associated with traffic operations on a road network, experimental diversions of traffic are required; or...”*

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

9. Under Section 342(1)(b) of the LGA staff have sought approval for this course of action from both the Police and Ministry of Transport, both have responded without any objection to the proposed trial.
10. In order for staff to fully assess the impact of restricting vehicle access at night for a period of one year in each of these developments, it is proposed restrict vehicle ‘through’ traffic between defined hours and monitor pedestrian, and vehicle behaviour over this period. After this trial period has expired staff will report back to the Council on the trial, and either seek further permission from the Council under section 336 LGA to turn one or both areas into a permanent pedestrian only zone during defined periods of the day/night, or, keep the roads open and only use restrictions for special events such as the Buskers Festival or Jazz Alley, following the normal public notification periods.

3 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Details are listed below.

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

12. Yes.

ALIGNMENT WITH STRATEGIES

13. **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).

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.

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.

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.

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 align with the Council's strategies?

14. Yes.

CONSULTATION FULFILMENT

15. Initially consultation with the relevant community in 2007 on both proposals, included no mention of planter boxes or the proposal to install signage or retractable bollards to restrict vehicle access. These developments evolved due to a need to control traffic speeds through these areas as they became more popular and the risk of vehicle/pedestrian conflict increased.

Struthers Lane

16. In May 2007, 100 concept plans including the possible location of bollards and planter boxes were mailed out to property owners and the remainder were hand delivered to the properties within the block bounded by Tuam, Manchester, Colombo and Lichfield Streets. Staff received a total of 14 responses, two initial objectors and four seeking clarification to the proposal. These four were then either visited personally by staff or contact by phone.

17. The two objectors were contacted both by phone to discuss. Concerns either related to access to business premises out of hours for delivery purposes, and the ability to use a 'through route' from one end of the lane to the other.

3 Cont'd

18. A second letter was sent out in June 2007 explaining that as a result of the initial proposal a slight change would be made to the proposed location of the retractable bollards at the eastern end of the lane, but staff would be seeking Community Board and Council approval to restrict vehicle access. As a result of this letter staff received numerous e-mails and phone calls from the principle objector to this proposal culminating in a solicitor's letter objecting to any restriction of access through the lane.
19. As a result of this, the report was withdrawn from the Hagley/Ferrymead Community Board agenda pending an internal review of the proposal.
20. The review resulted in a proposal to seek the Council's approval for a 'trial period' during which time signage and/or retractable bollards would be utilised and data collected on their effectiveness in reducing vehicle pedestrian conflicts. This 'trial' would be for one calendar year, thus providing data in both the winter and busier summer months.
21. A further letter was sent out in August 2007 explaining that staff would seek Land Transport New Zealand and Police approval to trial a lane closure for one year prior to any final decision being made and that staff would seek Council approval for this.
22. This again prompted an objection. However, as this report will be heard first by the Hagley/Ferrymead Community Board and finally the Council, the principle objector to this proposal has the option to put his case to both the Community Board and ultimately the Council (which is the decision making authority for this proposal).

Poplar and Ash

23. Notification was submitted late February 2007, informing residents of the intended sequence of work for the upgrade of Poplar Street. In this letter it was suggested that planter boxes be used within the street as part of traffic calming to slow vehicle speeds down whilst passing through this area and also to define differing areas within the street.
24. In July 2007, a letter was sent out to all residents and property owners with a proposal to install bollards in addition to the road calming influence of planter boxes within the lane, this was at the request of businesses and property owners who saw an increase in vehicle numbers and perceived speed as a result of the upgrade works being completed. Consultation was opened from 3 to 17 August 2007. Comments received were all positive. Submissions mainly related to changes in the parking restrictions found within the lane which will form part of a separate report to the Hagley/Ferrymead Community Board early in 2008.
25. It is also intended in 2008, and as part of a city wide speed review, that the posted speed for both Poplar and Ash will be reduced to 10km/hr.

STAFF RECOMMENDATION

It is recommended that the Board recommend that the Council:

- (a) Approve the trial to restrict through vehicle access for a period of one year for both Struthers Lane and The Lichfield Lane (Poplar and Ash Streets), from a time no earlier than 6pm to a time no later than 6am. (See **attached** plans)
- (b) Note that after one year, staff will report back to the Council on the trial and will either seek Council approval to embark on the 'Special Consultative Procedure' under section 336 of the Local Government Act 1974 to turn one or both areas into a permanent part-time pedestrian mall, or, remove any restriction to vehicle movement during the hours of 6pm until 6am except in the case of holding street events, which may require traffic restrictions on safety grounds.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

3 Cont'd

BACKGROUND (THE ISSUES)

26. A number of developers working in partnership closely with Council staff have looked to transform some of the back lanes and neglected streets within the centre of Christchurch. These have involved upgrading to the streetscape by using less traditional pavement finishes such as Timaru Blue stone, enhancement and upgrade to the street lighting, or the addition of planter boxes for street enhancement and to aid the reduction of vehicle speeds through narrowing of the streets in question.
27. Conflicts have been observed between adjacent property owners within Struthers Lane relating to access issues and the proposed part-time closure of the lane. This report seeks approval to trial a part-time road closure for a period of one year and assess the impact on safety and accessibility within the lane. This should yield enough information to accurately report back to the Council on the advantages and disadvantages of the proposal.
28. Numerous requests have been received from business owners to occupy legal road for the purpose of selling food and alcohol within defined areas. Consultation has been conducted internally between Council business units. As a result of this, Liquor Licensing, Property, Legal, the Asset Group and the Police have met and work is ongoing to develop a framework which is both manageable, enforceable, safe, but still maintains access through these areas for emergency vehicles or pedestrians just wishing to pass through. Restricting 'through' vehicle access by the use of appropriate signage or with retractable bollards will provide additional security during the evening and night hours for those using outdoor licensed areas, should space be granted within the road corridor, as they eliminate the potential for these vehicle /pedestrian conflicts.

THE OBJECTIVES

29. The key objective is to reduce the potential for a vehicle/pedestrian conflict within this enclosed area, especially as these areas are becoming very popular with individuals enjoying the numerous eating and drinking establishments found at these locations. Three areas are currently being considered for this treatment, Poplar and Ash Street, Struthers Lane and the Strip.
30. The Strip is being managed separately to the Poplar and Ash Street and Struthers Lane area, and a report will be submitted by the Network Operations Team of the City Environment Unit in due course.

THE OPTIONS

- Option 1 -** Maintain the status quo.
- Option 2 -** Install additional signage only, introducing a vehicle ban during night defined times.
- Option 3 -** Install collapsible barriers and additional signage to prevent vehicle access during the night hours or during public events held in these areas.

ASSESSMENT OF OPTIONS

THE PREFERRED OPTION

OPTION 3

31. The recommended option is to install collapsible bollards similar to those found in the square within the two zones Poplar and Ash Streets and Struthers Lane as shown on the **attached** plan. Approve additional signage to reinforce the restricted vehicle traffic through these areas.
32. Signage on its own (as can be demonstrated in numerous locations across the city) is not always adhered to and thus relies heavily on enforcement being in the right time at the right place and generally during unsociable hours. An example of this is illegal after hour parking in New Regents Street. A physical barrier, although severe, eliminates the need for enforcement officers to be present but gives the option to allow access when required.

3 Cont'd

33. It has been proposed that the City Cleaning contractors lower the bollards in the early morning hours which could tie in with their cleaning rounds. It is not proposed to allow businesses/property owners the right to raise/lower these bollards. An automated system was looked at but the procurement, installation and maintenance costs were prohibitive and thus rejected for the moment. Request for closure for special events will be administered through either the Events Team or the Transport and Greenspace Unit.
34. Traffic calming has already taken place using planter boxes to effectively narrow the street down to make it very uncomfortable to pass through these areas at any great speed.
35. Struthers Lane is already zoned for a maximum speed of 10km-h, and it is intended to report to Council in 2008 as part of a wider speed review to also make Polar and Ash Streets a 10Km^h zone.

	Benefits (current and future)	Costs (current and future)
Social	Reduce the risk of vehicle/pedestrian conflict within these confined areas	Max \$2,500 in Struthers Lane Max \$5,000 in Lichfield Lanes (Poplar and Ash Streets)
Cultural	Provides the ability to utilise these areas for special events, Buskers festival etc	
Environment al	Encourages greater partnering between Council, Businesses and Developers through shared ownership and responsibility for these areas.	
Economic	Potential reduction on operational costs for cleaning and maintenance.	
<p>Extent to which community outcomes are achieved:</p> <p>A Safer Community.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>Effects on Maori:</p> <p>None.</p> <p>Consistency with existing Council policies:</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Through access for adjacent businesses has been compromised but not removed. Alternate access to parking and property is still available using different entrances to both areas.</p> <p>Other relevant matters:</p> <p>These areas form part of a network of lanes and back streets being currently developed as part of the Central City Lanes Walk plan, this has been specifically developed to encourage pedestrian movement and linkages through these areas and across the City.</p>		

Option 2

36. Option 2 - Install additional signage.
37. Although signage has been employed in numerous locations across the city it relies very heavily on enforcement to tackle any breeches of rules laid down. Other than access, which will still be available from alternate directions to parking etc, this will deter elements of society for which additional signage will be ignored. For this reason it is not recommended that this option proceed.

4. BRIDLE PATH ROAD AREA PLAN - OPTIONS FOR ZONING/DEVELOPMENT, HAZARD MITIGATION AND HAZARD MITIGATION FUNDING

General Manager responsible:	General Manager Strategy and Planning DDI 941-8177
Officer responsible:	Carolyn Ingles, Liveable City Programme Manager
Author:	Diana Plesovs, Senior Planner

PURPOSE OF REPORT

1. The purpose of this report is to request that the Council adopt the 'Development Option 2' in **attachment 3** as the preferred option for inclusion in the Draft Bridle Path Road Area Plan for public consultation. This report is complementary to the report to Council on the draft Bridle Path Road Area Plan. A locality map is included as **attachment 1**.

EXECUTIVE SUMMARY

2. Several submissions were lodged on the Proposed City Plan (notified in 1995), requesting that the Horticultural Sub Zone in Heathcote Valley be rezoned for residential purposes. The Council rejected those submissions and rezoned the area Rural 7. Appeals to the Environment Court against the Council decision followed and subsequent negotiations between the appellants and the Council led to a Consent Order being signed by the Environment Court, changing the zoning to Deferred Living Hills A.
3. The Consent Order required a number of issues to be addressed prior to residential zoning taking effect. The main issue was land stability, with the area being susceptible to rockfall, landslide and erosion hazards. Other issues identified by the Court as needing further consideration included matters relating to integration, reverse sensitivity, access and stormwater disposal.

Land Stability

4. A preliminary geotechnical study has identified the nature and distribution of geotechnical hazards in the area. Four hazard areas were identified. Based on a qualitative assessment of risk, these hazard areas provide a useful general guide to the likely location and significance of natural hazards present on this land, which in turn provide general guidance as to potential development constraints. Development options are also based on the assumption that protection would be provided further up the slope.
5. A second geotechnical study focused on mitigation options and strategies that might best achieve appropriate outcomes for the deferred Living Hills A (LHA) zone. Cost estimates for various options were also produced.
6. Using these studies and other background work (for example, a landscape study), options for residential development, hazard mitigation, and funding were presented to a Council seminar on 15 May 2007. These options were:
 - Option 1 - No further development in the Deferred LHA zone other than what is permitted under the underlying zoning of Rural 7.
 - Option 2 - Limiting development to the low hazard area, on the lower, gentler slopes.
 - Option 3 - Permitting development within both the low (gentle slopes) and minor (steeper slopes) hazard areas at a higher density than LHA.
 - Option 4 - Development within low (gentle slopes) and minor (steeper) hazard areas at a lower density to Option 3.
7. The options are mapped in **Attachment 2**, and a comparison made over a range of variables in **Attachment 3**. This analysis has excluded the upper moderate and high hazard areas from analysis as a development option, because of their much steeper slopes and increased hazard risk, mainly from erosion and rockfall. These slopes are therefore considered unsuitable for development.

4 Cont'd

8. The consensus emerging from the Council seminar on 15 May 2007 was that Option 2 was the preferred option for development; a higher density, would be entirely within the lowest risk hazard area and on the more gentle slopes. Further geotechnical analysis for this particular option would recommend bunding (an earth barrier) as an appropriate method of ensuring rockfall into the low hazard area does not cause significant property damage. Consequently, the extent of mitigation works and their costs for Option 2 are significantly less than development options three and four.
9. The costs of hazard mitigation works reduce substantially, by approximately half, for the less steep areas. Mitigation structures constructed on the upper slopes have been costed at around \$1 million + GST, reducing to around \$500,000 + GST on the lower slopes. The likely costs for a projected 100 households, therefore equates to around \$5,000 per lot. This minimises the financial risk to Council if unforeseen circumstances arise where it, rather than a developer, ends up funding the work and having to recover costs through financial contributions.
10. From a geotechnical perspective development is possible further up the slope, but a future developer will need to meet the costs of any additional mitigation and servicing requirements. Development is unlikely to be approved under Section 106 of the Resource Management Act 1991 (RMA) without hazard mitigation in place, and consequently the area above the low hazard zone is likely to remain unattractive for development on a cost/benefit basis and may therefore remain undeveloped. There is no onus on the Council to acquire this land but this is a matter for further consideration following further consultation with land owners.

Density and Reverse Sensitivity

11. Housing density is an issue closely associated with development options in the hazard areas. Density is affected by topography, Living Hills A (LHA) zoning rules, the location of hazard mitigation structures, and local amenity concerns. The LHA zone description allows for some flexibility in the way rules in the area are applied in order to achieve the outcomes for the semi-rural character. Compatibility with the existing living environment is a key principle, however, suggesting that the character should be more or less consistent with the pattern that exists elsewhere in the Heathcote Valley. Future development needs to be set back from transmission lines and the Aromaunga Flowers site.
12. Densities were discussed at length at the May 2007 seminar and the prevailing view was that 'higher densities' should be promoted along the Bridle Path Road frontage, and the overall density should be consistent with the Greater Christchurch Urban Development Strategy. Earlier Landscape and Urban Design assessments for the area, although not specifically addressing these options, suggest that higher density is inappropriate on the upper slopes, and that buildings should be kept on the lower valley slopes, reinforcing to some extent the Councillors' views.
13. The options set out in Attachment 3 provide some possibilities for development and hazard mitigation by way of comparison and are certainly not exhaustive. For example, with an overall density of around 15 households per hectare in Option 2, the number of lots may be similar to Option 4 but Option 4's lower density is spread over a greater area. Development in Option 4 would require more substantial and costly hazard mitigations structures. Although the low hazard area could theoretically accommodate around 135 households, this has been assessed more realistically at around 100 households. That number of lots will be still constrained by for example, topography, space for the required link/connecting road (servicing new lots), and waterway corridor, setbacks from transmission lines, provision of a local reserve, and the location of the hazard mitigation structure.

4 Cont'd

Access and Stormwater

14. Development will be subject to a comprehensive plan which will integrate staging and timing of development with hazard mitigation and servicing. Development may be able to be staged in two parts, with the southern part proceeding as Stage 1 in a south to north direction between Morgans Valley Road and the northern boundary of No 112 Bridle Path Road (this staging is illustrated in the Development Plan, Attachment 2 to the Council report on the draft Area Plan which follows). A requirement for a connecting road, from Morgans Valley Road and the subdivision to the south, through to Bridle Path Road north of Martindales Road, is designed to provide connectivity with adjoining areas. A new waterway is currently being planned along the alignment of the proposed road as part of a comprehensive stormwater upgrade for the whole of the Heathcote Valley. This upgrade is already committed and being implemented, with land purchase of the waterway corridor through the area currently being negotiated. This waterway upgrade will be carried out irrespective of whether or not the Area Plan is adopted and will be sized and routed to provide for much of the new area.
15. In summary, Option 2 is regarded as being the most appropriate development scenario for consultation, taking into account all of the above matters. Nevertheless, the Draft Area Plan acknowledges that variants of Options 3 and 4 may be achievable outcomes following a comprehensive Section 32 assessment under the RMA, and provided that the Council is satisfied over matters to do with legal liability and financial risk.

FINANCIAL IMPLICATIONS (SEE ALSO LEGAL CONSIDERATIONS BELOW)

16. **Attachment 4** sets out the options for funding the hazard mitigation work. The preferred option is that landowners or future developers will be responsible for funding of works needed to mitigate the rockfall hazard for any future development. On the basis of the geotechnical advice received, it is essential that mitigation is in place prior to subdivision and development approval. Although mitigation construction is a pre-requisite to development, this may be staged in two parts – the southern part and the northern part, both subject to on-site assessment.
17. There is a risk 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 at some future date to fund some or all of the work and recoup its costs through financial contributions. The cost of mitigating these adverse effects on the environment is potentially recoverable from developers via financial contributions under the RMA, imposed as conditions of consent. A Plan Change would be required to the City Plan, 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.
18. Constructing rockfall mitigation for the benefit of a highly localised area is not a project that is compatible with the Development Contributions Policy adopted by the Council. It is not appropriate to recover the cost of such measures via development contributions under the Local Government Act 2002 (LGA), as these are limited to the cost of providing network and community infrastructural services and facilities, such as reserves, water supply, wastewater, surface water, transport and leisure facilities.
19. Ongoing costs associated with maintenance and repairing damage from falling rocks cannot realistically be passed on to future landowners. Past Council experience is that landowners are not diligent in voluntarily maintaining such structures and cleaning out the trough/drain uphill of the bund barrier. With the probability of a rock reaching the developed area estimated at one per year, these costs should not be significant, but some budget for Council maintenance will be required unless a different approach is taken, i.e. putting the onus on adjoining land owners to maintain the structure.
20. Stormwater disposal is a major infrastructure cost in the Bridle Path area, but there is already provision in the Capital Works Program for an integrated drainage scheme for the Heathcote Valley. Over half the drainage scheme has already been implemented, with the principle works so far being carried out within the Heathcote Valley floodplain.

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21. Funding for the scheme was originally provided for by way of a formal cost share scheme with the Council responsible for a significant contribution, to provide for both 'retro fitting' existing development, and for the amenity value which would accrue with the proposed waterway improvements. With the recent adoption of the Development Contributions Policy, further funding will now come from a 'wider' pool throughout the Heathcote Catchment which includes the subject land, once that development proceeds. Annual funding for the ongoing projects that are still to be completed within the scheme will continue to come from the Transport and Greenspace Unit budget. Adoption of the Bridle Path Road Area Plan will result in future revenue from development contributions to help offset costs for which the Council is already committed.
22. The link between the south boundary of the Area Plan area and Morgans Valley Road has been purchased and the formation of this link, together with the internal road, will also need to be a developer responsibility.

DO THE RECOMMENDATIONS OF THIS REPORT ALIGN WITH 2006-16 LTCCP BUDGETS?

23. Currently, there are no anticipated changes needed to the LTCCP other than possibly some provision for operational funds for maintenance of hazard mitigation works. Adopting this Area Plan (refer to the following Council report on Bridle Path Road Area Plan), will result in future revenue from development contributions to help offset costs for which the Council is already committed.

LEGAL CONSIDERATIONS

24. There are three key legal issues:
- 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.
 - 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.

Is the Council liable for damages due to a rock falling from Council owned land above the development?

25. The Christchurch City Council has previously been found liable in Court actions based on negligence where a rock fall in the Port Hills area has caused damage to property, and the Council did not provide adequate advice to the landowners on the existence of the rock fall hazard¹. It should be noted that in the Grasmueck case, the Court awarded damages on the basis that the Council had a duty to disclose to the landowners the information it held about the rock fall hazard. The Court found that the Council was negligent in meeting that duty because it did not provide the advice in an accurate and adequate form. Provided the Council places adequate and accurate information in LIM reports, registers a notice against the title in terms of the Building Act 2004 and notes the existence of the natural hazard in the policies and objectives of any Plan Change made, it is unlikely a Court would find the Council liable for damages on the grounds of negligent advice as the Council will have fulfilled its duty to provide adequate advice.
26. A land owner could also bring a claim based on nuisance against the Council, on the basis that the rock fall event has interrupted their enjoyment of their land. In New Zealand, Councils to date have been generally successful in defending themselves against such claims, particularly where, as in this case, the location, nature, scale or effect of a rockfall event is unpredictable, and is therefore an unforeseeable event.

¹ (*Grasmueck v Christchurch City Council*, Judge Green, DC 6253/92)

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Is the Council liable for costs in mitigating this hazard in the context of future development²?

27. There is an argument available to developers that the Council should be required to meet the full cost of installing the rock fall hazard mitigation as the Council owns the land from which the hazard originates.
28. The RMA does not create any legal duty to prevent the occurrence of a natural hazard³. The emphasis within the RMA is to avoid, remedy or mitigate the effects of a natural hazard. The need to mitigate that hazard by protecting future residents of the area arises from the increase in the scale and intensity of residential activity. As the effects of the natural hazard occur on the land which is to be developed, there is a reasonable argument that it is the developer's responsibility (not the Council's obligation) to provide the necessary mitigation.
29. Further, based on the geotechnical advice received, there is a logical connection, and a causal nexus between increasing residential development arising from subdivision activity and the requirement for mitigation from the rockfall hazard. This broad principle was recently applied by the Supreme Court⁴ and it is a principle that is now binding on the Environment Court in future cases. There are reasonable arguments that the Council can rely on this principle to require a developer to install the mitigation barrier, either by inserting a rule in the district plan, or alternatively by imposing a condition of consent requiring such works to be performed. It is therefore likely the Court could defend any legal challenge to the requirement for a developer to install rockfall hazard mitigation measures.

Is the Council liable to compensate land owners for "lost" development rights if a dispute arises over the costs or responsibilities of installing mitigation measures?

30. In general terms, the Council is not liable for compensation should development not proceed or be delayed. Further, no compensation is payable in circumstances where as a result of controls imposed by a district plan a developer's or landowners interests are affected⁵. The Council is performing a statutory function and achieving the purpose of the Act. It is not required to compensate parties for consequences of decisions made in the performance of a statutory function and the principles of administrative law were adhered to in the decision making process. Further, for any such claim for compensation to be successful it will be necessary for a person to demonstrate an actual financial loss caused by such restrictions, rather than a mere lost opportunity. Given that land owners have not had an actual right to develop land in accordance with the proposed Area Plan, it will be very difficult for a landowner to prove the existence of such a right and any losses which accrue.
31. However, it should be noted the Council may be in a situation where the landowners have a legitimate expectation to develop their properties. Such a claim is only available on a judicial review of the Council's decisions (or lack of decision). Broadly speaking, provided the Council can demonstrate that its decisions are reasonable and that progress continues to be made in finalising the proposed zone provisions. It is unlikely that a claim for compensation of this nature would be successful.

² Note: The focus of the legal advice provided is for the purpose of assessing the Council's liability for future development. This advice should not be relied on as an accurate statement of law as to the Council's exposure to liability for properties that already exist in this area. If that topic was of interest to Councillors, it would be necessary for advice to be provided in a separate report to the Council.

³ *Canterbury Regional Council v Christchurch City Council* (HC) [1995] NZRMA 452.

⁴ *Waitakere City Council v Estate Homes* [2006] NZSC 22

⁵ Section 85, Resource Management Act 1991

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Other matters

32. If the preferred Option 2 for developing the lower slopes is adopted, then mitigation would be constructed on private land, approximately along the low hazard line as a bund, and would consequently be less expensive than fencing and planting on the higher slopes. This would result in some practical difficulties with the construction of the hazard mitigation, as each landowner would be required to give their consent for the rockfall mitigation barrier to be constructed. If one land owner did not provide consent, the barrier could only be partially constructed and would not provide effective mitigation. It is feasible for the developer to enter into side agreements to encourage landowners to give their consent, or to purchase a portion of land for the erection of the mitigation. However, this practical difficulty may result in constraining the immediacy of actual development occurring on the site while such negotiations are concluded.
33. Resolving the finer details of this practical issue can be deferred until the Plan Change process where it will be necessary to craft appropriate rules to ensure that the construction of the mitigation barrier by developers is contiguous with increasing the residential activity in this area. However, the law is not well developed on this point and care will need to be taken to address the precise wording of the proposed rules, or wording of consent conditions to ensure that they are valid, binding and reasonably capable of being defended if litigation should eventuate.
34. For completeness, it should also be noted that existing landowners may have grounds to apply for an enforcement order requiring the Council to construct hazard mitigation to protect the existing homes. However, it would be necessary for the landowners to have strong evidence that there was a real and substantial risk of a rock fall event occurring in the immediate future which would have an adverse effect on the environment. The Council's geotechnical advice to date would not support the Court granting orders requiring the Council to install mitigation. On that basis it is considered that the land owners would not succeed if such an application was made.

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?**

35. The draft Area Plan will assist in achieving a number of community and Council outcomes under the LTCCP, in particular those concerning planning for the future growth of the city.
36. The waterway corridor and waterway formation works for this area are consistent with the adopted drainage scheme for the Heathcote Valley. The works are also necessary to meet Environment Canterbury's expected requirements for the renewal/replacement of the existing discharge consent for Morgans Valley. A catchment wide consent application is planned for 2008, which will supersede the Morgans Valley consent.

ALIGNMENT WITH STRATEGIES**Do the recommendations align with the Council's strategies?**

37. The relevant Council strategies are as follows:
- Greater Christchurch Urban Development Strategy - the Bridle Path Road Area Plan area can be regarded as a Greenfield area as it is largely undeveloped, but it is already recognised in Change No 1 to the Regional Policy statement as being within the urban limits.
 - City Plan – the Area Plan achieves a number of City Plan objectives and policies in relation to urban growth, diversity of living environments, rural amenity values, hazard mitigation, subdivision and development.
 - Heathcote River Floodplain Management Strategy – one of the main underlying objectives is to improve the functioning of the Heathcote River by reducing peak flood levels.

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- Waterways and Wetlands Natural Asset Management Strategy 1999 - Heathcote Valley lies within the project area 1 A Port Hills. Amongst other strategies, the Area Plan will ensure the creation of linkages such as cycle ways, and walkways to the Port Hills, surrounding neighbourhoods and other green spaces using, where possible, waterway corridors in the area. 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.

CONSULTATION FULFILMENT

38. Council staff have maintained regular contact with landowners by letter, public meetings and telephone calls. The most recent meeting with landowners to discuss development options was held on 10 May 2007, followed by a Council seminar on 15 May 2007. Following this meeting of the Community Board, the report will be presented to the Council to adopt preferred development Option 2 and the draft Area Plan for public consultation to landowners and the wider community. A draft consultation process is attached as **Attachment 5**. This proposed consultation process should be effective in dealing with any issues regarding the Area Plan prior to the statutory timeframes imposed by the subsequent Plan Change process.

STAFF RECOMMENDATION

That the Hagley/Ferrymead Community Board recommends that the Council adopts development Option 2 as the preferred development option, incorporating the following key features, to be included in the Draft Area Plan for public consultation:

- Development is limited to the area referred to as the low hazard area in Attachment 2.
- The number of dwellings to be approximately 100 at Living 1 and/or Living Hills zone density.
- Inclusion of policies to ensure development occurs in an integrated manner and in accordance with a Development and Staging Plan, Attachment 2 to the Council report – Bridle Path Road Area Plan.
- These policies to be given effect through rules in the subsequent Plan Change.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

(Note: Yani Johanson abstained from voting on this item.)

BACKGROUND

Introduction

40. This report and the need for a decision on a preferred option for development arose from a Council seminar on 15 May 2007 on the Bridle Path Road Area Plan, Deferred Living Hills A zone, in the Heathcote Valley. The purpose of that seminar was to provide an understanding of the issues, priorities and implementation process; to seek feedback prior to finalising the draft Area Plan; and to ultimately progress a Plan Change to the City Plan to uplift the deferred notation for this zone.
41. The need for an Area Plan and consequently this decision, arose from submissions on the Proposed City Plan (notified in 1995), seeking to rezone the horticultural sub zone in Heathcote Valley for housing. The Council rejected those submissions and rezoned the area Rural 7.
42. Those residents making submissions lodged a reference to the Environment Court against the Council decision. Following negotiations between those referrers and the Council, a Consent Order (a negotiated agreement) was signed in the Environment Court recording the area zoned Rural 7 in Heathcote Valley be rezoned deferred Living Hills A. This signalled the intention to allow residential development.

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43. The Bridle Path Road Area Plan (see Council report Bridle Path Road Area Plan which follows this report on the agenda) has been prepared to assist implementation of the Consent Order, subject to a comprehensive development plan addressing key issues, and with the provision that a Plan Change be prepared to remove the deferred status and enable the land to become available for subdivision.
44. The Living Hills A (LHA) zone in the City Plan includes areas where there is an existing residential settlement that has a predominantly low density or semi rural character. Development Options 2 and 3 in this report suggest alternatives to this density and if either one is adopted an alternative zoning may need to be considered.
45. The Proposed Area Plan is intended to provide a carefully researched and positive resource management framework to assist in promoting sustainable management, while accepting that an unavoidable presence of a natural hazard (and its consequent risks) exist.

Major Issues

46. The Consent Order listed a number of issues to be addressed prior to the deferment being removed. In particular, the issues requiring Council resolution are:

Land Stability, Hazard Mitigation, and the Related Issues of Building Density (lot areas, urban design, and landscape)

47. Two geotechnical reports were commissioned by the Council. The first, a geotechnical hazard assessment, identified active natural processes and established hazard areas creating levels of hazard associated with these active processes. These hazard areas, identified in Attachment 2, are indicative, providing guidance on determining areas more suitable for residential development and densities.
48. The low hazard area (9.41 ha), corresponding to Option 2, is more or less along the lower, gentler slope fronting Bridle Path Road. No significant geotechnical constraints for residential development are suggested and, with bunding in place, the likelihood of rocks rolling into this area and causing significant property damage has been assessed as low. As the slope angles progressively reduce south across the deferred LHA zone, the bunds may potentially move upslope, thereby creating more space for safe residential development in that area. According to the consultant's report, there would be no need to remove larger boulders on high rock strewn slopes of the Conservation 1 zone.
49. The minor hazard area (4.73 ha) has constraints that are generally erosion related, as well as a higher risk from rock fall. Geotechnical evidence suggests specific geotechnical investigation is required although residential development is possible. Rocks are more likely to enter this area than in the low hazard area without hazard mitigation.
50. The moderate hazard area (6.27 ha) is located on the upper slope and steeper sites than the low and minor hazard areas. General erosion and rockfall hazard here requires detailed specific investigation, such that only isolated areas are suitable for residential development.
51. The high hazard area (0.07 ha) is on the higher, steeper slopes of hillside, generally outside the Rural 7 deferred LHA Zone. This area includes greater hazards from rockfall, landslides and erosion making this area generally unsuitable for residential development.
52. While the first geotechnical report provided some guidance on how zoning densities may be approached, it was not considered detailed enough for the location and implementation of mitigation works. Consequently a second geotechnical report was commissioned, aimed at identifying in more detail the nature and distribution of geotechnical hazards in and above the deferred LHA zone, with particular emphasis on mitigation options and strategies that might best achieve appropriate outcomes for the deferred LHA zone.
53. In the course of investigating the matters that were the subject of the Environment Court Consent Order, a detailed subdivision plan was prepared for the Council. The purpose was to determine the feasibility of development, to identify practicable house sites, and to identify where further site assessment might be required while addressing the other issues raised in the Consent Order. This plan produced Option 4 in Attachment 2.

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54. Other matters also need to be considered when choosing a development option. Amenity issues are important, particularly in a semi rural environment like the Heathcote Valley and, together with topography, will affect the density at which development is permitted to occur. In essence, there needs to be a balance between density, amenity and the economies of scale needed to generate a financially viable development.
55. The Living Hills A zone includes a range of areas where there is existing residential settlement that has a predominantly low density or semi rural character. The zone would appear to recognise flexibility in development patterns for particular locations. Therefore a higher density over a smaller area could be appropriate in terms of the zone description. Density may not necessarily be as much a determinant of maintaining visual amenity as a good comprehensive subdivision design.

Stormwater

56. A catchment plan for surface water management within Heathcote Valley has already been adopted by the Council and has been steadily implemented over the last six to seven years. Along with other significant works in the Heathcote Valley floodplain, that plan proposes the upgrading and diversion of the Heathcote Valley Drain, from its current alignment within the Morgans Valley development, across this area plan area, to connect into an upgraded waterway within Cooks Lane. Funding for the scheme was originally provided for by a formal cost share scheme set up under provisions within the Local Government Act. The Council was responsible for a significant contribution to the scheme to provide for both 'retro fitting' existing development and for the considerable amenity value which would result from the waterway improvements. With the recent adoption of the Development Contributions Policy, future contributions will now come from a wider 'pool' throughout the greater Heathcote catchment, as well as from this area, once development proceeds. Annual funding for the ongoing projects still to be completed within the scheme will continue from the Transport and Greenspace budget.

Roading, Connections and Access

57. Integrated development and road user safety are also integral to achieving a comprehensive plan sought through the Consent Order. Morgans Valley and the Bridle Path Road Area Plan are intended to be linked to provide connectivity for vehicles, pedestrians and cyclists. The link road which will achieve this, as well as other roading networks required to service the future subdivision, will be the responsibility of landowners/developers. While the land required for the link road and its connection to Morgans Valley Road have been identified, a further link road between the south boundary of the Area Plan area and Morgans Valley Road will need to be constructed by the developer.
58. It is desirable that the proposed link road be developed sequentially from Morgans Valley and Morgans Valley Road through to Bridle Path Road. This aims to achieve good development and is a requirement of the Consent Order. To safeguard its efficiency as a Minor Arterial Road, multiple accesses to Bridle Path Road are to be avoided. This can only be achieved through a binding development plan, as shown in Attachment 2 to the report on the Bridle Path Road Area Plan that follows.

Open Space and Recreation Links

59. The future of the undeveloped land in the minor, moderate and high hazard areas will require further analysis and assessment of options. The undeveloped upper slopes (moderate hazard area) may be taken in their entirety or in part as reserve contribution, or acquired by the Council through a sale and purchase agreement. The use of the Strategic Land Purchase Fund (if Council agrees) or environmental compensation may be other ways to acquire the land. The undeveloped minor hazard area could also be acquired by the Council or be attached to lots in the low hazard area, to be maintained by landowners, but with no building permitted. Experience does show however, that parts of lots excluded from building are not always well maintained by landowners. This is particularly significant as this land is likely to contain the bunding which requires ongoing maintenance.

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60. Where the Council becomes owner of land unsuitable for development, that land could be combined with the Conservation 1 zone and the Port Hills recreation area for public use and pedestrian access to the Port Hills. The upper slopes might also be planted to provide further mitigation as well as amenity. However, there may be difficulties as the upper slopes become steeper. Availability of water and maintaining planting has historically been difficult.
61. A decision on this matter needs a comprehensive assessment of the costs and benefits at the time of the plan change or subdivision process.

Comprehensive Development and Integration with the Adjoining Morgans Valley Subdivision

62. Although this area is quite small at around 20 ha, the Consent Order recognised the success of development would benefit from a comprehensive plan and integrated infrastructure requirements. Council staff have extended this concept by creating a linkage with the adjoining subdivision to the south in Morgans Valley, mentioned under paragraph 57 above.
63. It would be preferable for at least two reasons for development to be staged from the south. Firstly, the waterway will be constructed from that direction, and the road can follow, incorporating the link with Morgans Valley. Secondly, a two stage implementation plan will enable the hazard mitigation to be broken down into two stages, thereby reducing up-front costs.

THE OBJECTIVES

64. The objectives are to meet the terms of the Consent Order, and facilitate a comprehensive development that achieves the objectives and policies of the Plan, and the purpose of the RMA.

THE OPTIONS - SUMMARY

65. Four options have been considered for hazard mitigation and subsequent development. In addition to hazard mitigation consideration has been given to the terms of the Consent Order, City Plan provisions, the Port Hills environment and landscape, existing overhead transmission lines, and infrastructure requirements particularly for stormwater management
66. Option 1 – maintains the existing level of development at 13 houses, and does not rezone land to Living Hills A (or any form of residential zoning). Hazard mitigation may still be required as there is a 1% probability of rocks falling into this area. Any mitigation is the responsibility of the landowner. On present information Option 1 is unlikely to meet the tests under Section 32 of the RMA. Both the Consent Order and geotechnical reports suggest some form of development is acceptable and adverse effects can be mitigated.
67. Option 2 – rezone and develop the low hazard area only, to a density higher than currently anticipated by the LHA Zone. The cost of rockfall hazard mitigation is approximately \$500,000 + GST) to be paid for by the developer. With the likely maximum development potential being approximately 100 households (having regard to UDS preferred Greenfield densities); the approximate cost per lot would be around \$5,000.
68. Option 3 – rezone and develop both the minor and low hazard areas, (but excluding the moderate and high hazard areas), to a density higher than currently anticipated by the LHA Zone. The total cost of rockfall hazard mitigation would be approximately \$1.04 million + GST. The development potential would be up to a maximum of approximately 200 households at a similar cost per lot to Option 2. This form of development could however have a significant visual impact.
69. Option 4 – rezone and develop both the minor and low hazard areas, (but excluding the moderate and high hazard areas), to a lower density. To ensure Consent Order matters could be met, and site limitations taken into account, a draft survey plan was prepared for the site. The aim was to achieve an LH density closer to Bridle Path Road, and an LHA density as the slope increased. This option achieved 116 lots, ranging in area between approximately 700 m² -1900 m². The cost of rockfall hazard mitigation would be the same as Option 3.

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THE PREFERRED OPTION

70. Option 2 limits development to below the low hazard line on the more gentle slopes, subject to less severe rock roll and rockfall hazard. Consequently mitigation by bund construction is significantly less expensive than options three and four. In addition, more lots are provided for by allowing for a higher density than usually anticipated in LHA zones. This would provide a similar development potential to Option 4 which the landowners might have an expectation in achieving. This option allows for a similar number of lots to Option 4, however, Option 2 only requires bunding as mitigation, without the need to build more elaborate and expensive mitigation measures. Option 2 is also preferred to Option 3 which includes steeper slopes and would also require more elaborate and expensive mitigation measures.

ASSESSMENT OF OPTIONS**Option 2 Preferred option**

71. Allows for higher density development than otherwise provided for under the LHA zone, limited to below the low hazard line with a bund as rockfall mitigation at the developers responsibility and cost.

	Benefits (current and future)	Costs (current and future)
Social	Higher than LHA density provides more households within the city; increases housing supply; may contribute to more cohesive community in Heathcote Valley and make schools, businesses etc more viable.	Development costs for landowners and potential landowners may be higher eg foundations. Amount of development less than that on flat land with medium density development, given infrastructure requirements eg waterway, link road.
Cultural		Less opportunity for open space and amenity within subdivision although compensated for by upper slopes being free from development. Improved facilities may be required. Some facilities running at capacity eg St Mary's Church Hall.
Environmental	Provides housing in a rural area surrounded by varying residential development densities. Therefore higher density may not appear visually inconsistent. Less hazard mitigation work required. Bunding only required as opposed to fencing and planting as less probability of rockfall in this area, and rock fall slows further down slope. Balance land for visual, amenity and possible recreation purposes. Development kept off upper slopes, as more difficult to develop.	Development kept on the lower slopes thereby reducing opportunities for views.

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Economic	<p>Higher development contributions for reserves and open space development on the Port Hills. More sustainable development eg more energy efficient in potential use of public transport, less car miles travelled than from outlying suburbs or Greenfield areas.</p> <p>Work such as waterway already planned and budgeted for and which can cope with forecast increase in households. Greater 'pool' of developments contributing to both the area's drainage scheme and rockfall mitigation.</p> <p>Cost of hazard mitigation approximately half that of other development options - three and four, although the cost per household not significantly different from other options.</p>	Some operational costs for on-going maintenance of mitigation works.
<p>Extent to which community outcomes are achieved: This option will contribute to the achievement of:</p> <ul style="list-style-type: none"> • A safe city, where risks from hazards are managed and mitigated. • 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. • A well governed city, where decision makers manage public funds responsibly, responding to current needs and planning for the future. • A healthy city in providing water quality, proposed cycleways, walkways and recreation areas, encouraging physical activity. • A city for recreation, fun, and creativity in providing proposed cycleways, walkways and recreation areas, encouraging physical activity. • An attractive and well designed city, through comprehensive planning, the provision of open space and recreation networks. <p>Impact on the Council's capacity and responsibilities: 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. Primary alignment with Community Outcome, City Development, City Plan Urban Growth Objective 6.1. Aligns with Proposed Policy 2 of draft proposed Change No 1 to the Canterbury Regional Policy Statement. Refer to legal considerations section for analysis of these responsibilities.</p> <p>Effects on Maori: 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 Ngai Tahu, although Heathcote Valley floor has areas of known archaeological association.</p> <p>Consistency with existing Council policies: Option specifically consistent with relevant Council policies:</p> <ul style="list-style-type: none"> • Greater Christchurch Urban Development Strategy - takes into account development options for Greenfield development areas and proposed change No.1 to the Regional Policy Statement. • Development Contributions Policy, in relation to providing reserves and network infrastructure to service growth; and, <p>Views and preferences of persons affected or likely to have an interest: Landowners have been regularly consulted by letter, newsletter, telephone and public meetings, most recently on 10 May 2007 particularly in regard to Option 4. Option 2 was raised at the Council seminar on 15 May however has not been specifically presented to landowners. This option will be made available to landowners when the draft Area Plan is made available for public comment.</p> <p>Other relevant matters: Purchase or vesting land for mitigation works, undeveloped land on upper slopes as reserve.</p>		

4 Cont'd

Option 1 - Maintain the Status Quo (if not preferred option)

72. No further development in the deferred LHA zone. Maintain existing 13 dwellings.

	Benefits (current and future)	Costs (current and future)
Social	Lifestyle choice retained.	Landowner expectations and Environment Court Consent Order conditions not met. Housing need of city not assisted in being met.
Cultural	None.	None.
Environmental	More visual open space on Port Hills, though in private use.	No direct costs.
Economic	Nothing specific.	Land not effectively or efficiently used. Work such as waterway already planned and budgeted for. Lower rating base to recover costs from.

Extent to which community outcomes are achieved:

This option will contribute less than Option 2 to the achievement of:

- A safe city, where risks from hazards are managed and mitigated.
- 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.
- A well governed city, where decision makers manage public funds responsibly, responding to current needs and planning for the future.
- A healthy city in providing water quality, proposed cycleways, walkways and recreation areas, encouraging physical activity.
- A city for recreation, fun, and creativity in providing proposed cycleways, walkways and recreation areas, encouraging physical activity.
- An attractive and well designed city, through comprehensive planning, the provision of open space and recreation networks.

Impact on the Council's capacity and responsibilities:

This option will increase the Council's share of the Heathcote Valley Drainage Scheme as there will be fewer Development Contributions.

Refer to legal considerations section for analysis of these responsibilities.

Effects on Maori:

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 Ngai Tahu, although Heathcote Valley floor has sites of known archaeological association.

Consistency with existing Council policies:

Inconsistent with Greater Christchurch Urban Development Strategy (UDS), City Plan Urban Growth Objective 6.1, UDS and RPS Proposed Plan Change No. 1 in particular.

Views and preferences of persons affected or likely to have an interest:

Landowners/developers unlikely to support this option as expectation for development through Consent Order and subsequent discussions by the Council with landowners. Landowners are likely to suffer a loss of public confidence in the planning process provided by the Council.

Other relevant matters:

Purchase or vest undeveloped land on upper slopes as reserve.

4 Cont'd

Option 3

73. Development within both minor and low hazard areas at higher density than usual LHA densities. Rockfall hazard mitigation by fencing and planting. Cost to developers approximately \$1.04 million + GST. No development in moderate or high hazard areas.

	Benefits (current and future)	Costs (current and future)
Social	Higher than LHA density provides more households within the city; increases housing supply; may contribute to more cohesive community in Heathcote Valley and make schools, businesses etc more viable.	Development and hazard mitigation costs increase on steeper land
Cultural	More people in Heathcote Valley supporting the valley's facilities.	Less opportunity for open space and amenity within subdivision although compensated for by upper slopes being free from development. Improved facilities may be required. Some facilities running at capacity eg St Mary's Church Hall.
Environmental		Loss of visual amenity and need for greater hazard mitigation eg higher retaining walls to protect development closer to rockfall hazard.
Economic	Higher development contributions for reserves and open space development on the Port Hills. More sustainable development eg more energy efficient in potential use of public transport, less car miles travelled than from outlying suburbs or Greenfield areas. Work such as waterway already planned and budgeted for and which can cope with forecast increase in households. Greater 'pool' of developments (than Options 2, 4), contributing to both the area's drainage scheme and rockfall mitigation.	Development and mitigation costs for developers higher than for Option 2, although lot yield higher than Option 4 therefore potentially lower cost per lot.
<p>Extent to which community outcomes are achieved: This option will contribute in part to the achievement of:</p> <ul style="list-style-type: none"> • A safe city, where risks from hazards are managed and mitigated. • 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. • A well governed city, where decision makers manage public funds responsibly, responding to current needs and planning for the future. • A healthy city in providing water quality, proposed cycleways, walkways and recreation areas, encouraging physical activity. • A city for recreation, fun, and creativity in providing proposed cycleways, walkways and recreation areas, encouraging physical activity. • An attractive and well designed city, through comprehensive planning, the provision of open space and recreation networks. 		

4 Cont'd

Impact on the Council's capacity and responsibilities:

Higher costs associated with development on land subject to higher risk from rockfall hazard and associated higher mitigation, and, ongoing maintenance costs.

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.

Refer to legal considerations section for analysis of these responsibilities.

Effects on Maori:

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 Ngai Tahu, although Heathcote Valley floor has sites of known archaeological association.

Consistency with existing Council policies:

Supports the Council's City Plan Urban Growth Objective 6.1, the growth strategy for the Greater Christchurch Urban Development Strategy, and, the proposed Change No 1 to the Regional Policy Statement.

Supportive to a degree of Port Hills, Open Space policies, landscape and urban design principles.

Option more specifically consistent with relevant Council policies:

- Development Contributions Policy, in relation to providing reserves and network infrastructure to service growth

Views and preferences of persons affected or likely to have an interest:

Landowners/ potential developers have not had this proposition of higher density put to them as it followed on from the Council Seminar, after the meeting with them. Likely to give some landowners a greater advantage than others, as the benefits of high density development will not be spread evenly across all landowners.

Other relevant matters:

Purchase or vest land for mitigation works, undeveloped land on upper slopes as reserve.

Option 4

74. Development within both Minor and Low hazard areas at lower density similar to Living Hills A zone hillslope densities. Mitigation costs of \$1.04 million + GST to be developers' expense.

	Benefits (current and future)	Costs (current and future)
Social	Higher than LHA density provides more households within the city; increases housing supply; may contribute to more cohesive community in Heathcote Valley and make schools, businesses etc more viable.	Development and hazard mitigation costs increase on steeper land.
Cultural	More people in Heathcote Valley supporting the valley's facilities.	Less opportunity for open space and amenity within subdivision although compensated for by upper slopes being free from development. Improved facilities may be required. Some facilities running at capacity eg St Mary's Church Hall.

4 Cont'd

Environmental	Some development contributions for reserves and open space development on the Port Hills.	Loss of visual amenity and need for greater hazard mitigation eg higher retaining walls to protect development closer to rockfall hazard.
Economic	More sustainable development – eg more energy efficient in potential use of public transport, less car miles travelled than from outlying suburbs or Greenfield areas. Work such as waterway already planned and budgeted for. Can cope with forecast increase.	Development costs per lot higher than Option 2 for developers. fewer lots than Option 3
<p>Extent to which community outcomes are achieved: Primary alignment with Community Outcome, City Development, City Plan Urban Growth Objective 6.1. Aligns with Proposed Policy 2 of draft proposed Change No. 1 to the Canterbury Regional Policy Statement.</p> <p>This option will contribute in part to the achievement of:</p> <ul style="list-style-type: none"> • A safe city, where risks from hazards are managed and mitigated. • 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. • A well governed city, where decision makers manage public funds responsibly, responding to current needs and planning for the future. • A healthy city in providing water quality, proposed cycleways, walkways and recreation areas, encouraging physical activity. • A city for recreation, fun, and creativity in providing proposed cycleways, walkways and recreation areas, encouraging physical activity. • An attractive and well designed city, through comprehensive planning, the provision of open space and recreation networks. <p>Impact on the Council's capacity and responsibilities: 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.</p> <p>Refer to legal considerations section for analysis of these responsibilities.</p> <p>Effects on Maori: The Council aims to achieve the objectives of Iwi Management Plans in relation to water discharge and quality, particularly into and from natural waterways.</p> <p>No known recorded association of particular area with Ngai Tahu, although Heathcote Valley floor has sites of known archaeological association.</p> <p>Consistency with existing Council policies: Supports the Council's City Plan Urban Growth Objective 6.1, the growth strategy for the Greater Christchurch Urban Development Strategy, and, the proposed Change No 2 (Development of Greater Christchurch) to the Regional Policy Statement.</p> <p>Views and preferences of persons affected or likely to have an interest: Landowners familiar with this proposition or similar for some time.</p> <p>Other relevant matters: Purchase or vest land for mitigation works, and upper slopes as reserve.</p>		

5. BRIDLE PATH ROAD DRAFT AREA PLAN

General Manager responsible:	General Manager Strategy and Planning DDI 941-8177
Officer responsible:	Carolyn Ingles, Liveable City Programme Manager
Author:	Ivan Thomson, Principal Advisor Diana Plesovs, Senior Planner

PURPOSE OF REPORT

1. The purpose of this report is to request that the Council adopt the Draft Bridle Path Road Area Plan for public consultation. The area is identified in **Attachment 1**.

EXECUTIVE SUMMARY

2. The purpose of an Area Plan is to facilitate integrated land use planning. These plans assist in coordinated planning of Council managed services, enable the Council to anticipate and budget for infrastructure, provide a framework for development contributions assessments, and identify areas where land needs to be acquired.
3. An Area Plan also provides a basis for a subsequent Plan Change to the Christchurch City Plan incorporating, amongst other things, a comprehensive plan for a specific area. The process provides confidence that development is feasible, that the area is able to be serviced, and good quality development can be achieved. However, details need to be resolved through the Plan Change process particularly in the preparation of City Plan rules.
4. The Bridle Path Road Area Plan will facilitate the comprehensive and integrated planning for the deferred Living Hills A (LHA) zone. This zone, established as a result of a Consent Order through the Environment Court in 2000, required the resolution of several issues prior to the deferred zoning being uplifted. One of the key issues is how to mitigate against the risk of rockfall hazard. The preferred development option (Option 2), adopted by the Board in the previous report on the agenda, emanated mainly from the assessment of hazard mitigation options. A possible development proposal based on this option is identified in the draft Outline Development Plan in **Attachment 2**.
5. As a draft Area Plan, it is acknowledged that there are still outstanding matters that need finalising, including through consultation with affected parties and the public before the Plan Change process commences. The benefits of this consultation is to gain general consensus and as much resolution as possible on the issues prior to statutory time frames commencing. A consultation plan has been prepared and proposes the following steps:
 - Letter and copy of Draft Area Plan sent to directly affected parties and residents association.
 - Copy of draft Area Plan available via usual Council channels: Services Centres, Website, Have your Say.
 - Meeting involving directly affected parties and residents association.
 - Summary report on the consultation feedback.

FINANCIAL IMPLICATIONS

6. These were dealt with fully in the previous item: Bridle Path Road – Options for Zoning / Hazard Mitigation and Hazard Mitigation Funding (the previous report on this agenda).

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

7. Currently there are no anticipated changes needed to the LTCCP other than provision for some operation funding for maintenance of hazard mitigation works.

LEGAL CONSIDERATIONS

8. The Area Plan is a non statutory document. However, much of its implementation will have statutory effect through the City Plan, via the Plan Change process.

5 Cont'd

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

9. Yes, see above. Refer also to previous item: Bridle Path Road – Options for Zoning, Hazard Mitigation and Hazard Mitigation Funding.

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

10. Community Outcome, City Development, covers relevant matters for the Area Plan, such as Urban Design "... maintaining the attractiveness of the city; Safety "...by developing the urban environment in a way that ...promotes safety"; Environment "...by planning for the sustainable use and protection of the city's natural and physical resources" (Refer to previous report: Bridle Path Road – Options for Zoning/Development, Hazard Mitigation and Hazard Mitigation Funding.
11. No provision has been made for any potential cost of hazard mitigation works and/or land acquisition to accommodate it.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

12. The relevant Council strategies are as follows:
- Greater Christchurch Urban Development Strategy (UDS) - Bridle Path Road Area Plan is within the proposed urban limits delineated in Change 1 to the Regional Policy Statement (RPS). Residential development in this area is compatible with both the UDS and the RPS.
 - City Plan – the Area Plan achieves a number of City Plan objectives and policies in relation to 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 River Floodplain Management Strategy – one of the main underlying objectives is to improve the functioning of the Heathcote River by reducing peak flood levels as a result of upgrades to the stormwater system.
 - 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.
13. Amongst other strategies, the Area plan will ensure the creation of linkages such as cycleways, and walkways to the Port Hills, to surrounding neighbourhoods and other green spaces, using where possible waterway corridors within the Area Plan.

CONSULTATION FULFILMENT

14. Council staff have maintained regular contact with landowners by letter, public meetings and telephone calls. The most recent meeting with landowners to discuss development options was held on 10 May 2007. In the Council seminar that followed on 15 May 2007, the matter of higher densities, to be consistent with the Greater Christchurch UDS, was raised. However, this has not been discussed with landowners. That will happen when the draft Area Plan is released for public comment.

5 Cont'd

15. Following this meeting of the Board, the report will be presented to the Council to adopt preferred development Option 2 and the draft Area Plan made available for public consultation with landowners and the wider community. A plan will be developed that is likely to involve the following steps:

- Letter and copy of Draft Area Plan sent to directly affected parties and residents association.
- Copy of draft Area Plan available via usual Council channels: Services Centres, Website, Have your Say.
- Meeting involving directly affected parties and residents association.
- Summary report on the consultation feedback.

This process should be effective in clarifying any issues regarding the Area Plan prior to the statutory timeframes imposed by the subsequent Plan Change process.

STAFF RECOMMENDATION

That the Hagley/Ferrymead Community Board recommends that the Council adopts the Draft Bridle Path Road Area Plan for public consultation.

BOARD RECOMMENDATION

That the staff recommendation be adopted..

PART B - REPORTS FOR INFORMATION



6. DEPUTATIONS BY APPOINTMENT

6.1 DAVE ALEXANDER OF ALEXANDER'S ON MOORHOUSE

Mr Alexander spoke about the on-going issues of vandalism, including graffiti, broken glass, and the cost of damage to property and vehicles in car yards occurring in Moorhouse Avenue. Mr Alexander expressed some frustration that this was a problem that had been ongoing and there was concern at the perceived lack of action by the Council.

Mr Alexander suggested making Moorhouse Avenue between Colombo Street and Hagley Avenue a 'no stopping' zone between 10 pm and 6 am.

In responding to questions from the Board, Mr Alexander indicated that he understood that the Police would be favour of his suggested no stopping zone. He said that private security options had been explored and trialled but had not been successful.

The Chairman thanked Mr Alexander for his submission.

Barry Cook, Traffic Network Operations and Traffic Systems Team Leader, responded to questions from the Board. He advised that while there were transport options the problem was not solely a transport one, noting that the Board had asked for a strategy for dealing with the issue which might include transport solutions. As such, other units within the Council needed to be involved.

The Board considered making a decision on the deputation but chose not to proceed at this time without a staff report before them on a deputation which had not appeared on the agenda. As a way forward the Community Board Adviser suggested that the earlier report the Board had considered could be brought back to its February meeting, or, the Board could consider revoking its earlier decision on the matter and staff would come back to the Board with advice in due course.

6 Cont'd

6.2 BRUCE WILLIAMSON ACCOMPANIED BY MATTHEW GLANVILLE

Mr Bruce Williamson outlined his concerns and his objection to the proposal to run a one year trial to close Struthers and Lichfield Lanes to vehicular traffic between the hours of 6.00 pm and 6.00 am. (see clause 3 refers) item 3).

Mr Williamson felt that treating all lanes in the area in the same way was inappropriate, there was a long history of access to the lanes for business purposes. His objection included that the lanes would then be used for private purposes, it would affect his business operation, and that this situation where there was a perception and not fact. Mr Williamson also mentioned the behaviour of another operation within the Lanes.

As a part of his presentation Mr Williamson provided video clips of incidents between pedestrians in the lane, and instances of traffic safely moving through the lane while there were a number of pedestrians.

Mr Glanville addressed the Board on his own behalf.

Mr Glanville believed continued access was necessary for the safety of under age patrons attending youth events at locations within the lane. In addition, services for youth, for example support vehicles taking intoxicated youth out of the lane to safe site required access to the lane.

In responding to questions from members both Messrs Williamson and Glanville advised that they were unaware of any actual vehicle/pedestrian conflicts in the lane.

The Chairman thanked Mr Williamson and Mr Glanville for their submission.

6.3 MR DAVE HENDERSON

Mr Dave Henderson responded to some of the issues raised by Mr Williamson. Mr Henderson confirmed that there had been some issues around security staff stopping underage patrons from entering the lane. He assured the Board that this had been addressed and staff were no longer doing this (other than in lanes which were private property).

Mr Henderson advised that businesses had alternative access routes and that the lanes were 'no stopping' lanes for business in the lane were pointed out. He said the lanes were part of a unique environment and could be used for events like the Buskers Festival and Jazz Festival.

The Chairman thanked Mr Henderson for his submission.

7. PRESENTATION OF PETITIONS

Nil.

8. NOTICE OF MOTION

The following notice of motion was moved by Yani Johanson, pursuant to Standing Order 2.16.1 and seconded by Brenda Lowe-Johnson:

"Recognising the proactive, positive, and successful approach in engaging with local Maori that the Hagley/Ferrymead Community Board has undertaken, and;

given that the Hagley/Ferrymead ward's population has a relatively high percentage of Maori, Pacific Island and Asian people compared to other wards, that

the Hagley/Ferrymead Community Board resolves to:

- *hold a hui with the local Maori community to introduce the role of the community board and to discuss local community needs and issues*

8 Cont'd

- *hold a fono with the local Pacific Island community to introduce the role of the community board and to discuss local community needs and issues*
- *hold a meeting with the local Asian community to introduce the role of the community board and to discuss local community needs and issues*
- *develop action plans to involve and engage Maori, Pacific Island and Asian people in local government through the Community Board to address concerns/issues”*

After a full discussion of the motion Bob Todd moved by way of amendment:

“That the Hagley/Ferrymead Community Board meet with appropriate Council staff to discuss with them the process and methodology to proceed on this matter”.

The amendment when put to the meeting was then declared **carried** as the substantive motion.

The meeting **resolved**:

That the Board meet with the appropriate Council staff to discuss with them the process and methodology to proceed to:

- hold a hui with the local Maori community to introduce the role of the community board and to discuss local community needs and issues
- hold a fono with the local Pacific Island community to introduce the role of the community board and to discuss local community needs and issues
- hold a meeting with the local Asian community to introduce the role of the community board and to discuss local community needs and issues
- develop action plans to involve and engage Maori, Pacific Island and Asian and other people in local government through the Community Board to address concerns/issues.

9. CORRESPONDENCE

A letter was **received** from Gavin Bain of Fazzazz and was considered as part of the discussion on item 3, Struthers Lane, Lichfield Land Bollard Trial.

10. BRIEFINGS

Nil.

11. MEMBERS QUESTIONS

Nil.

12. COMMUNITY DEVELOPMENT ADVISER'S UPDATE

The Community Development Adviser gave an oral update on items of interest to the Board.

13. COMMUNITY BOARD ADVISER'S UPDATE

The Board **received** information from the Community Board Adviser covering upcoming meetings and events and reporting back on the outcome of investigation into concerns raised by the deputation of the Sumner Resident's Group at the 12 December 2007 Board meeting.

14. MEMBER'S QUESTIONS

Nil.

PART C – DELEGATED DECISIONS TAKEN BY THE BOARD

15. CONFIRMATION OF MEETING REPORT - 12 DECEMBER 2007

The Board **resolved** to confirm the report of its ordinary meeting of 12 December 2007.

16. RECESS COMMITTEE MEETING REPORT - 21 DECEMBER 2007

The Board **received** the report of the Recess Committee meeting of 21 December 2007.

17. FLINDERS ROAD – PROPOSED NO STOPPING RESTRICTIONS

The Board considered a report seeking approval to install a 'no stopping' restriction on a blind corner in Flinders Road.

The Board **resolved** to defer consideration of the report until its next meeting to allow time for staff to provide evidence that the local resident's association had been consulted on the matter.

18. FERRY ROAD - PROPOSED 10 MINUTE PARKING RESTRICTION

The Board considered a report on the installation of a 10 minute parking restriction on the south side of Ferry Road between Lancaster Street and Fitzgerald Avenue outside Stu's Café and Takeaway Bar.

The Board **resolved** to approve, subject to consultation by staff with business owners on the both sides of the road:

- (a) That the parking of vehicles restricted to a maximum period of 30 minutes on the south side of Ferry Road commencing at a point 125 metres west of its intersection with Lancaster Street and extending in a westerly direction for 15 metres be revoked.
- (b) That the parking of vehicles be restricted to a maximum period of 10 minutes on the south side of Ferry Road commencing at a point 125 metres west of its intersection with Lancaster Street and extending in a westerly direction for 15 metres.

19. LAING RESERVE - EASEMENT OVER

The Board considered a report seeking approval to grant a stormwater easement in gross over Laing Reserve for the benefit of AFD Limited, an adjoining subdividing land owner.

The Board **resolved** to:

1. Approve an Easement in Gross to convey water over Lot 8 DP 52894 known as Laing Reserve, subject to the following conditions:
 - (a) The applicant being responsible for all costs associated with the easement (processing, valuation, survey, legal and registration) and installation of the requisite services, including all Council related costs.
 - (b) The applicant pay a performance bond of \$2,000 to the Council (fully refundable less Council costs incurred in relation to the work undertaken on site) and sign a temporary access licence before any construction work commences on site.

Hagley/Ferrymead Community Board 30.1.2008

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19 Cont'd

- (c) The applicant provide to the Council a surveyed easement plan on which the proposed easement in gross is shown, within three months of completion of the work.
- (d) The consent of the Department of Conservation being sought by the Council.
2. Authorise the Unit Manager Corporate Support, to finalise and conclude any compensation transaction.

20. COUNCIL FARMS – GRAZING LICENCE TO TUSSOCK HILLS FARM LIMITED

The Board considered a report to ratify an existing arrangement by issuing a licence to Tussock Hills Farm Limited over those areas of reserve land contained within the Council's farm portfolio for up to two years.

The Board **resolved** to approve the granting of a licence for grazing or other similar purposes over those reserve lands described and marked Ψ in the first schedule for a term of two years less one day effective from 1 December 2007 at a rental as submitted as part of the RFP process comprising both freehold and reserve lands of \$25,000 per annum plus GST.

(Note Yani Johanson advised he was unable to support the motion and voted against it.)

SCHEDULE ONE

Note: The land identified with a "Ψ" symbol indicates land held by the Council as a reserve pursuant to the Reserves Act 1977.

SCHEDULE OF PROPERTIES

Name	Plan Reference	Location	Legal Description	CT Reference	Approximate Area (ha)
Bexley	Plan 1	Dyers Road/ Breezes Road Intersection Dyers Road/ Breezes Road Intersection Breezes Road/ Bexley Road Intersection	Lot 2 DP 48246	40A/81 Ψ	83.5
			Lot 4 DP 5306	40A/82	
			Lot 3 DP 48246	40A/81 Ψ	
			Part Lot 3 DP 5306	40A/82	
			Part Lot 1 DP 48246	40A/81 Ψ	
			Part Lot 5 DP 48246	40A/81 Ψ	
			Part RS 41458 (SO 14803)	40A/86	
			Part RS 6356 (BM 318)	40A/85	
			Part RS 5839 (BM 318)	40A/83	
			Part RS 5854 (BM 318)		
			Lot 4 DP 48246	40A/81 Ψ	
			Part Lot 1 DP 994	192/211	
			Part Section 1 SO 307757	Gazette 2002 at page 4055	
Part Lot 1 DP 994	712/11				
Part Lot 1 DP 18712	680/78				
Part Lot 3 DP 2787	12B/958				
Cuthberts Paddocks	Plan 2	Cuthberts Road	Part Lot 1 DP 53704	31F/439	25
			Lot 2 DP 28471	32B/102	
			Part Lot 2 DP 8686	32B/102	
			Part Lot 3 DP 21264	32B/102	
Linwood	Plan 3	Bordered by Dyers Road/ Linwood Avenue	Part Lot 1 DP 9714	6D/180	81
			Part Lot 2 DP 9714	6D/180	
			Part Lot 3 DP 9714	9F/947	
			Part Lot 4 DP 9714	9F/947	
			Part Lot 5 DP 20628	?	
			Part Lot 1 DP 20628	40A/82	
			Part Lot 2 DP 20628	2B/871	
			Part Lot 3 DP 20628	40A/82	

20 Cont'd

Name	Plan Reference	Location	Legal Description	CT Reference	Approximate Area (ha)
Queen Elizabeth II	Plan 4	QEII Drive	Section 1 SO 333506	Identifier 170303 Ψ	11.7
			Section 2 SO 333506	Identifier 170304 Ψ	
			Section 3 SO 333506	Identifier 170305	
			Section 4 SO 333506	Identifier 170306	
Ruru Paddocks	Plan 5	Dyers Road	Part Lot 5 DP 8686	2F/382	6
Styx Conservation Reserve	Plan 6		Lot 6 DP 29040	11A/954 Ψ	18.2
			Lot 7 DP 29040	11A/955 Ψ	
			Part Lot 18 DP 50763	59/138 Ψ	
			Part RS 243	34B/654	
			Part Lot 1 DP 46233	34B/654	
Travis Wetland Paddocks	Plan 7		Part Lot 1 DP 75093	42A/516	42
			Part Lot 2 DP 73239	42B/138 Ψ	
			Part Section 3 SO 19465	42B/138 Ψ	
			Part Lot 1 DP 75091	42A/518	
			Lot 1 DP 75092	42A/517	
			Part Lot 2 DP 9176	17B/977	
			Part Lot 1 DP 45936	GNA470289.1 Ψ	
			Part Lot 1 DP 73239	42B/138 Ψ	
			Part Section 1 SO 18724	42B/138 Ψ	
				TOTAL AREA	267.4 ha

21. BOARD REPRESENTATION ON OUTSIDE ORGANISATIONS AND COMMITTEES

The Board considered a report on appointment of Board members to outside organisations.

The Board **resolved** to appoint Rod Cameron to Christchurch Streets and Garden Awards Committee, and defer to a later meeting the appointments for the Christchurch Estuary Association, Keep Christchurch Beautiful, and Neighbourhood Support Canterbury.

22. ADJOURNMENT OF MEETING

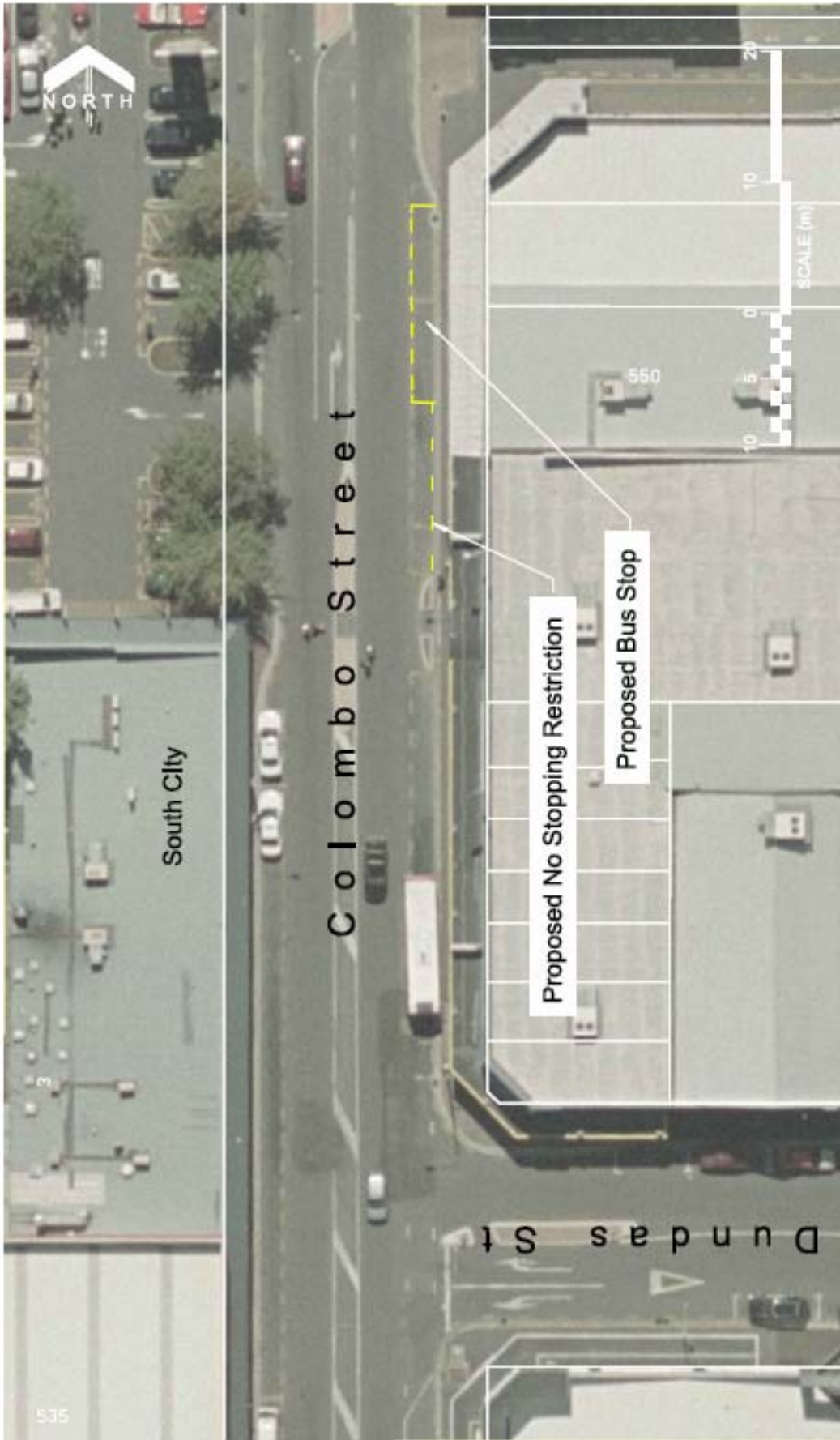
At 4.50pm the Board **resolved** that the meeting stand adjourned and resume at 5.10pm.

The meeting concluded at 6.35pm.

CONFIRMED THIS 20TH DAY OF FEBRUARY 2008



**BOB TODD
CHAIRPERSON**



Original Plan Size: A4
 ISSUE.1 29/11/07
 TP301612 MJR

Colombo Street
 Proposed Bus Stop & No Stopping Restriction
 For Board Approval





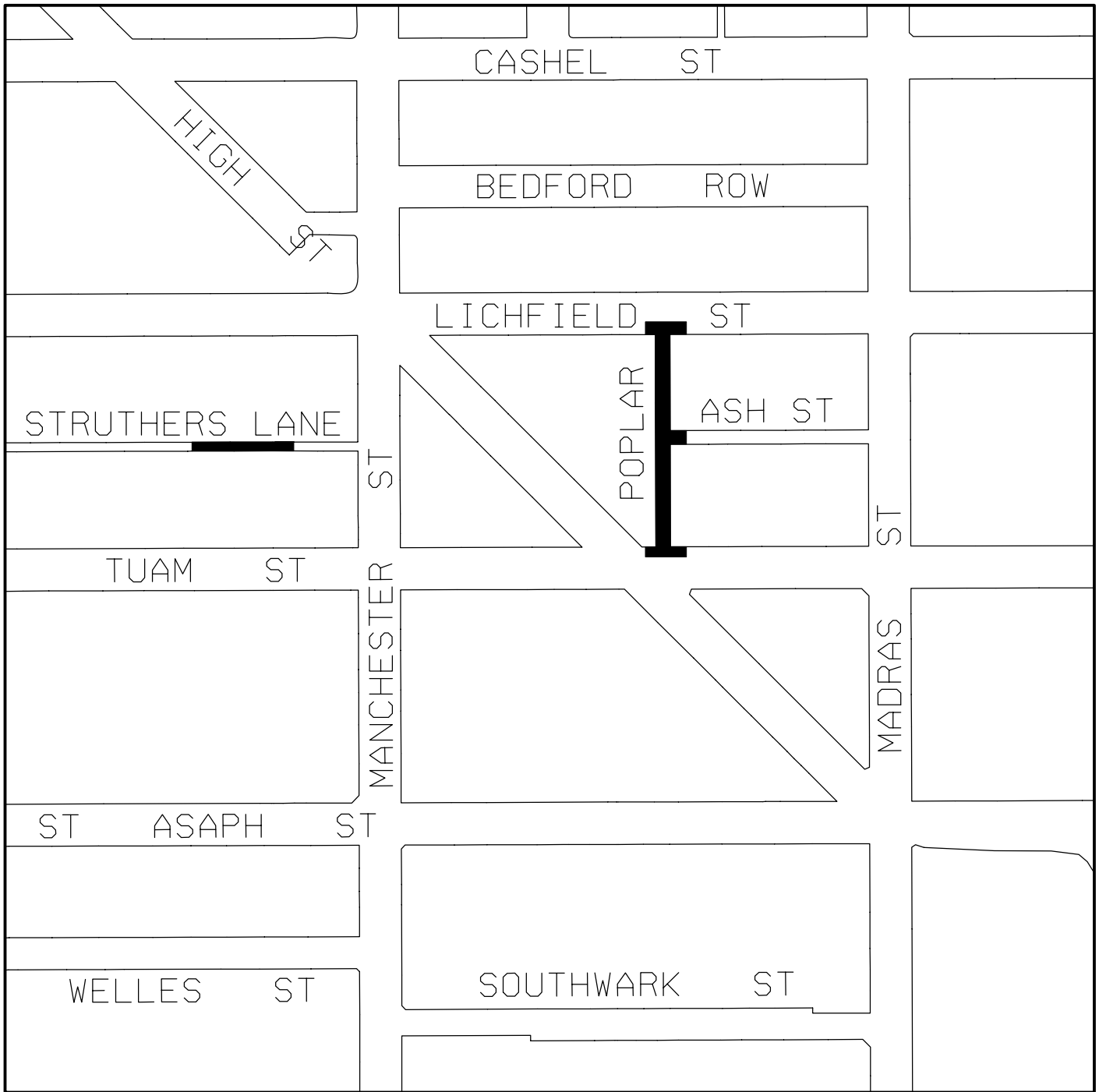
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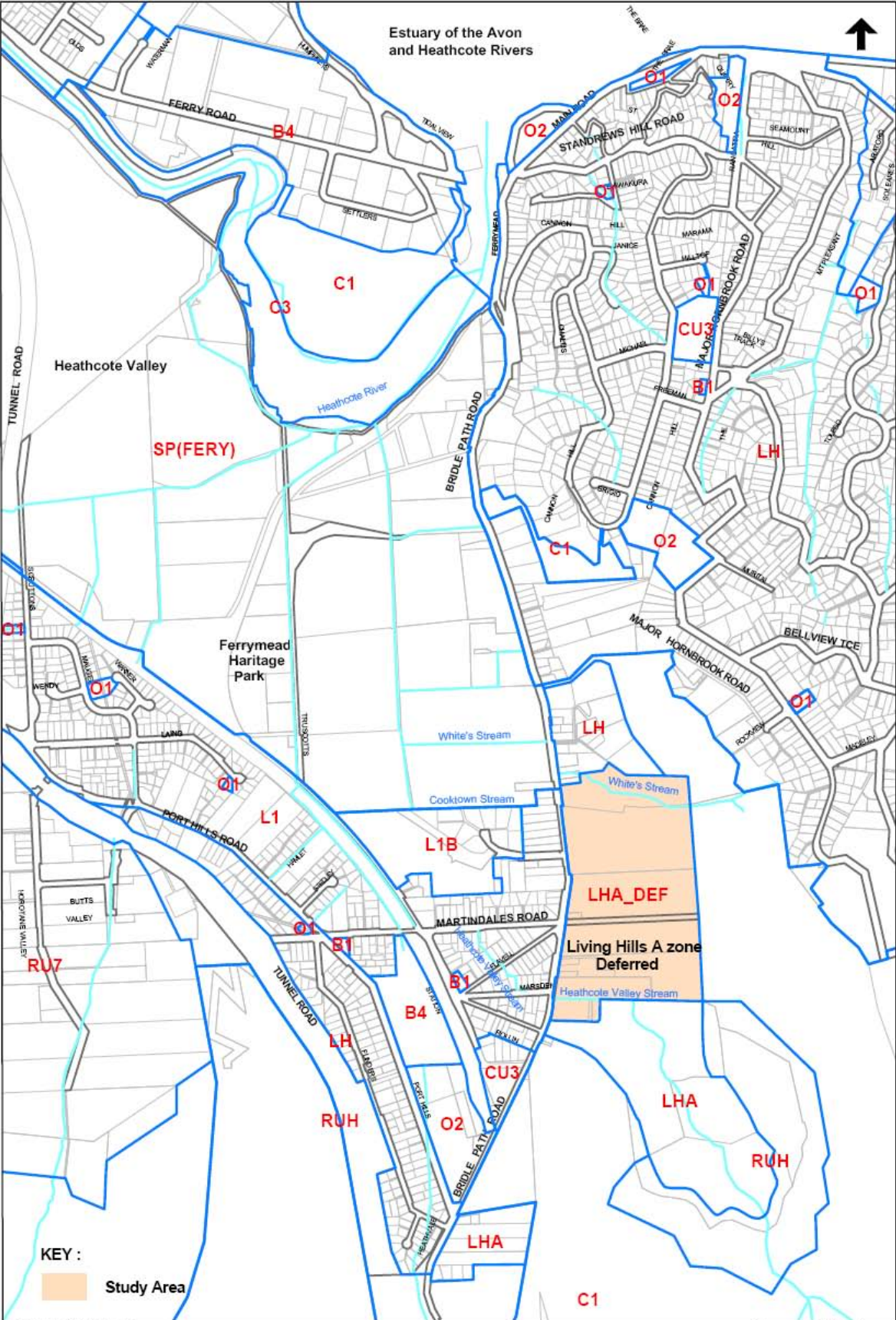
Original Plan Size: A4
 ISSUE.1 14/11/07
 TP301603 MJR

Madras Street
 Proposed Motorcycle Stand Relocation
 For Board Approval



Attachment One





Geodata Services
Christchurch City Council

Map: ap001707.gws
Date: 25/07/03

Deferred Living Hills A Zone, Bridle Path Road Locality and Zoning Map

OPTIONS FOR DEVELOPMENT & HAZARD MITIGATION

Refer also to Attachment 2.

Development Options	Development Potential	Risk factor	Mitigation	Cost Estimates	Comments
<p>Option 1:</p> <p>No further development in deferred LHA zone</p> <p>Area = 20 ha approx.</p>	<p>Maintains existing rural zoning;</p> <p>Very limited rural subdivision potential as few lots over 2 ha, min. subdivision area.</p> <p>13 existing houses.</p>	<p>Modelling shows rocks can enter this area, and recent experience (Jan 2006) shows this can happen, when a rock rolled into the back of glasshouses only 30-50m above the Low Hazard area</p>	<p>With any new building, mitigation would be done by owners as part of their new building consents.</p> <p>Work required for each new house likely to be minor i.e. bund or relatively cheap low energy fence.</p>	<p>Cost likely to be around \$5,000 - 10,000 per lot.</p>	<p>Removes deferred LHA zoning which would be unpopular as expectation by landowners that land would be developed.</p>
<p>Option 2:</p> <p>Development within the Low Hazard area only</p> <p>Total Area = 9.41 ha approx.</p>	<p>Suggest higher density than LHA eg medium density could be feasible as area has;</p> <p>-a gentle slope, but limitations to development as is bisected by a waterway, road corridor, and transmission lines.</p> <p>-northern part of area unlikely to develop in short term because of glasshouse operation and drainage issues on northern most property.</p> <p>Area could potentially provide for around 100 households.</p>	<p>Recent experience (in Jan. '06) of rock rolling into back of glasshouses, only 30-50m above the Low Hazard area.</p> <p>Only reasonably reliable estimate of potential triggering events is earthquake shaking.</p> <p>Probability assessment modelled - 98% of rocks or better would be stopped by bund barrier.</p> <p>Therefore extremely low risk of rock intrusion with mitigation.</p>	<p>If development only in Low Hazard area, extent of works reduces substantially, and likely to be feasible with a (relatively cheap) earth bund.</p>	<p>Approx. 50% reduction of the estimated cost of Options 3 & 4. ie estimated cost approximately \$500,000 + GST. Removal or stabilisation of rocks in Conservation 1 zone (Council land), unnecessary.</p> <p>Cost likely to be around \$5,000 per lot.</p>	<p>Two geotechnical studies and modelling for Option 2 by geotechnical Consultant, inform Council of potential risk.</p> <p>Councillors have indicated that mitigation measures should not be Council responsibility.</p>
<p>Option 3:</p> <p>Development within Low (9.41 ha) and Minor Hazard areas (4.73 ha),</p> <p>Total Area = 14.14 ha</p>	<p>Suggest higher density to LHA eg medium density because of- gentle slope in low hazard area, however, limitations to development as area bisected by a waterway and road corridor, and transmission lines.</p> <p>-glasshouses over northern part of area (unlikely to develop in short term).</p> <p>Area could potentially provide for around 200 households.</p>		<p>This most intensive option may require higher rated catch fences in at least some areas than would otherwise be required.</p>	<p>Cost estimate \$700,000 - \$1.04 million +GST for rockfall hazard mitigation by fencing and bunding.</p> <p>Cost likely to be around\$ 5,000 per lot.</p>	<p>Major departure from current zoning. Likely to have significant affect on local amenity. little vegetation, loss of views.</p>
<p>Option 4:</p> <p>Development within Low and</p>	<p>Approximately 116 sections feasible from subdivision design, with</p>	<p>A 1000 kJ fence would stop 90% of rocks up to 2 tonnes - (the modal</p>	<p>Catch fencing and planting across most of Deferred LHA zone; bunding</p>	<p>Cost estimate \$700,000 - \$1.04 million plus GST for rockfall hazard</p>	<p>Still allows for development potential "conceded" by not</p>

Development Options	Development Potential	Risk factor	Mitigation	Cost Estimates	Comments
<p>Minor hazard areas.</p> <p>Total area = 14,41 ha,</p>	<p>variable density because of existing site constraints such as transmission lines, waterway, link road and topography.</p>	<p>size for even the worst upslope areas but not the largest rocks in each area), and probably a considerably higher proportion than 90% of rocks once rock shape and true source point origin are allowed for.</p> <p>With the 1000 kJ fence some work is still required on the relatively few rocks above the fence that are loose and exceed the modal size.</p> <p>A 500 kJ fence may also be feasible here after proportionally more work on the rock slopes, because the cost difference over the distance involved (400m) is so large.</p>	<p>at southern end of the area AND re-grading lower access track, AND planting nominal area.</p> <p>The catch fences would be EITHER:</p> <p>400m of 1000 kJ catch fence, AND relatively minor rock pinning, blasting etc of larger rocks above catchfence area. By using the 1000 kJ capacity of catch fence the disturbance to the Quarry Park area is kept to the minimum),</p> <p>OR</p> <p>400m of lower rated 500 kJ catch fence</p> <p>however, this would require considerably more work on the potential rock sources in the Quarry Park.</p>	<p>mitigation by fencing and bunding.</p> <p>Likely cost per lot Approximately \$8,000.</p>	<p>developing to upper edge of zone.</p> <p>Higher mitigation costs than Option 2.</p>
<p>Upper slopes moderate hazard areas.</p>	<p>Very upper slopes not considered suitable for development because of steepness for site development and access.</p>				

FUNDING OPTIONS FOR HAZARD MITIGATION

1. Developer / landowner	Meets all costs	Mitigation undertaken by developer prior to subdivision. Council has ongoing maintenance costs.
2. Council / landowner	Council pays costs ahead of development	Financial contribution. Council recovers costs from developer / landowners. Council has ongoing maintenance costs.
3. Council	Shares costs with developer / landowners	Arranged through negotiated agreement with developer / landowner. Council has ongoing maintenance costs.
4. Council	Meets all costs	Mitigation constructed ahead of subdivision and development; Council has ongoing maintenance costs.

Proposed Consultation Process

Background

In order for houses to be developed in the Bridle Path Area, a plan change is required. As part of an ongoing consultation process begun in 1995, Diana Plesovs, Senior Planner, has been working with affected parties to develop a concept plan for the area.

This concept plan is now ready to go to the Community Board and Council, and if adopted, out for public consultation and adoption in the first half of 2008.

Following consultation, and once the final concept plan has been adopted by Council, a plan change from 'Living HA Deferred' to 'Living HA' under Resource Management Act 1991 (RMA) will require statutory notification, allowing further public input.

Public Affairs objectives

- To effectively inform and engage with stakeholders about the Bridle Path Concept Plan in a timely manner.

Stakeholders – to be confirmed

External

- 9 Bridle Path area landowners, including developer (directly affected parties)
- Local residents association
- Mahaanui Kurataiao Limited (MKT)
- Wider Ferrymead residents.

Internal

- Hagley Ferrymead Community Board
- Councillors
- Hagley Ferrymead Engagement Advisor
- Relevant CCC staff and consultants.

Deliverables/Channels

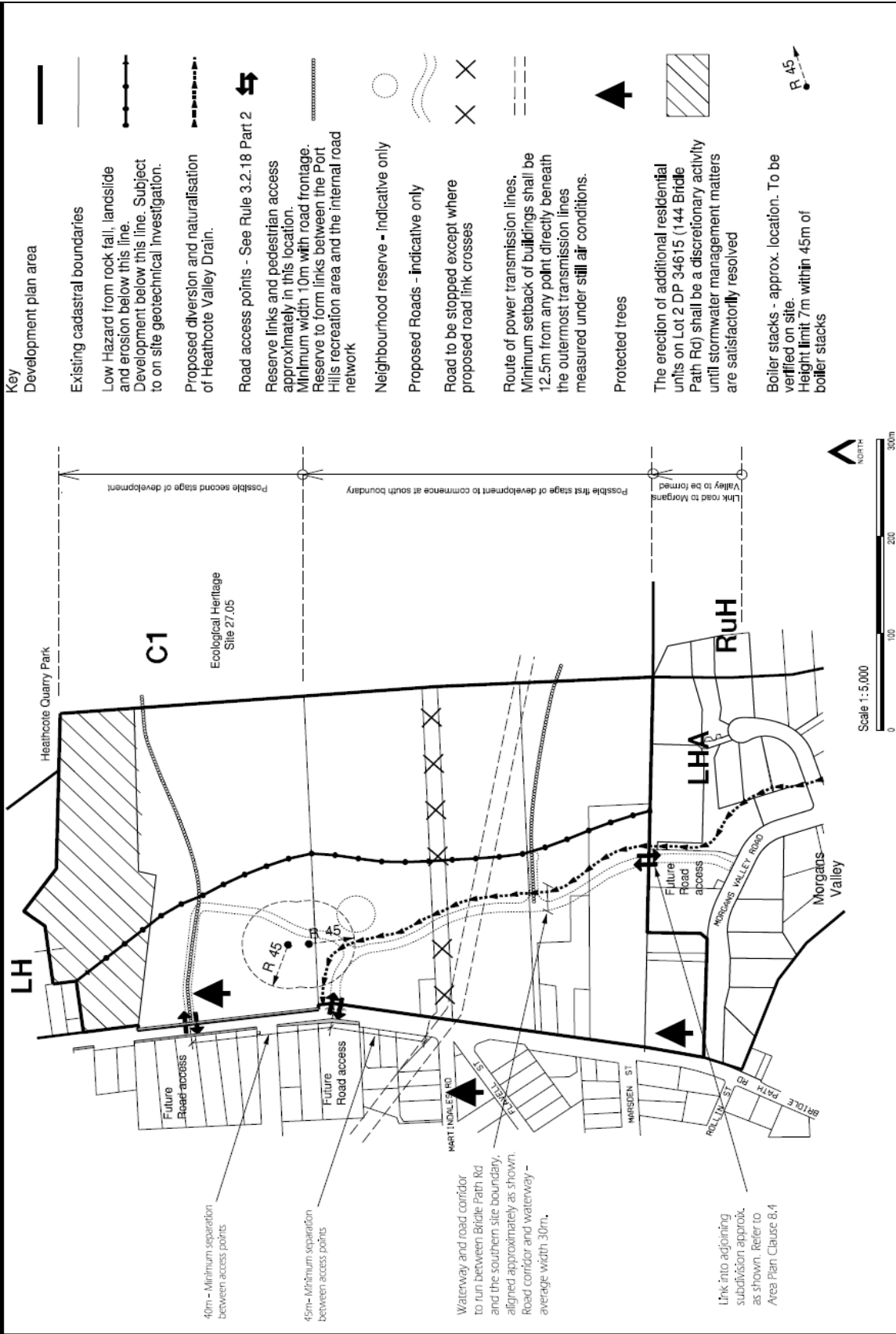
- Draft Concept Plan designed and printed (c 80 copies), sent to all directly affected parties and Resident Association, and available at Linwood Service Centre.
- Letters to directly affected parties and residents association re a) public consultation, and b) outcome of this consultation.
- Display advertisements for community newspaper/ residents association newsletter?
- Media releases re a) consultation and b) outcome of consultation.
- Web page and Have Your Say.
- Public meeting with directly affected parties.
- Final Concept Plan designed and printed (c 50 copies?).

Timeline

1. Two reports and Draft Concept Plan (Word version) to Community Board meeting 30 January 2008, then to Council .
2. Late February-March: public consultation on Draft Concept Plan (designed).
3. April-May: summary information on outcome of consultation.
4. May: Final Concept Plan (designed) to Council for adoption.
(Plan change notified by June then allow six months to go through.)

Draft Development Plan

Appendix X. Development plan (Bridle Path Road, former Deferred LHA Zone)



IT Services
Christchurch City Council

Draft. Bridle Path Road, former Deferred LHA Zone