

# **Proposed Change to the Hastings District Plan: “Ocean Beach Special Character Zone”**

Section 32 Report

December 2007

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# 1 Introduction

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This report has been prepared to fulfill the requirements of Section 32 of the Resource Management Act 1991 (“the Act”) in respect of a private plan change request by Hill Country Corporation (“Hill Country”) to establish an Ocean Beach Special Character Zone in the Hastings District Plan. The area is clearly identified in the appendices to the plan change, generally following appropriate cadastral boundaries atop the primary ridgeline. Hill Country is the major landowner in the area, with further private interests in smaller landholdings, including significantly those of the Waipuka Incorporation and Puke Puke Tangiora Estate (Maori land holdings).

Section 32 of the Act prescribes the level of analysis which must be undertaken in support of any application for private plan changes. The requirements of Section 32 are set out in more detail in Section 5.0 of this report.

The private plan change itself is sought in response to growing demand for coastal development in the District, and in particular at Ocean Beach. However, there is currently little scope at Ocean Beach to meet this demand due to existing provisions in the District Plan.

This plan change seeks to release land for development within a comprehensive planning framework that will support community based development and protect natural values, as there is a wide recognition that the current provisions will not achieve this. The framework covers an area of approximately 900 hectares.

The proposed planning framework provides for approximately 1062 dwelling units (excluding possible secondary dwellings) over approximately 842 lots, over a development footprint area of 140 hectares, leaving the majority of the study area for rural and conservation purposes, thereby retaining the existing open, coastal character.

The statutory framework, local planning and development issues, the District Plan context, and an outline of the recent planning initiatives for Ocean Beach are explored in detail in the remaining sections of this report, which is organised under the following headings:

- Section 1.0: Introduction
- Section 2.0 Background

- Section 3.0 Statutory Framework
- Section 4.0: Operative Hastings District Plan
- Section 5.0: Section 32 Requirements
- Section 6.0: Introduction to the Private Plan Change
- Section 7.0: Resource Management Philosophy and Framework
- Section 8.0: Section 32 Analysis: Objectives, Policies and Rules
- Section 9.0: Section 32 Analysis: Evaluation of Proposed Methods
- Section 10: Consultation
- Section 11: Appropriateness of the Plan change
- Section 12: Conclusions

## 2 Background

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### 2.1 Introduction

The environment of Ocean Beach has been extensively reviewed over the past decade (and more) as development and protection proposals have been put forward, debated, and, as often as not, left unresolved. The present plan change is based both on that material – where that is in the public arena – and also on a number of key investigation reports commissioned by Hill Country and further reports carried out for Waipuka Incorporated.

This Section 32 report includes a bibliography of those investigation reports, covering the range of cultural, ecological, archaeological, landscape, geotechnical, engineering, traffic, infrastructural, retail, geomorphological, hazard and sundry other matters.

In summary these describe the background conditions against which the proposed plan changesits and into which it is proposed to establish a new community. These reports establish a sound basis upon which to move forward and all conclude that, subject to careful consideration at subsequent site-specific levels, development within the footprint determined can proceed. These matters are explored in greater detail in subsequent sections of this report.

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### 2.2 Resource Management Context

A number of unsuccessful subdivision proposals for Ocean Beach have been proposed over the years. The most recent of these applications include the Donloben application first lodged in 1995 and revised in 1997; and the Puke Puke Tangiora Estate residential and farm park proposals in 2001. However, development in some form at Ocean Beach has for some time been recognised as appropriate provided the structure and form of development takes full account of the varied values found along this part of the coast.

The existing, essentially unplanned, bach community at Waipuka is within the generally agreed 100 year coastal hazard zone and will, over time, need to be relocated.

The present proposed plan changehas taken this planning history into account in determining that the appropriate form of development is one that encourages the development of a community within a defined portion of the beach, offset by

substantial conservation and restoration measures to enhance and reverse the decline apparent with respect to the natural, archaeological and cultural values of Ocean Beach.

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### **2.3 Community Charette**

In 2001 Hastings District Council resolved to prepare a Variation to the Proposed District Plan for Ocean Beach. Ocean Beach was “defined” to include both the Maori land held by Waipuka 3B1C1 Incorporated and Puke Puke Tangiora Estate, as well as the general land north of the Waipuka stream as far north as the point known as Rangaiika. The purpose of that Variation was stated as being to provide an integrated solution for the development of Ocean Beach and to determine an appropriate scale of development following open consultation and taking into consideration previous development options.

In December 2004 Council resolved to enter a charette workshop process to help determine the options for consideration. The charette was held at Ocean Beach in October 2005 and the results reported through to Council in December 2005. The eventual charette proposal was a 782 lot development at the southern end of the beach.

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### **2.4 Hastings District Council Proposed Structure Plan**

In April 2006 the Ocean Beach Issues and Options paper was released by Council for public comment. The results of that consultation were reported to Council in August 2006. This resulted in a resolution to proceed to develop a draft plan change for Ocean Beach. The first draft Ocean Beach Draft Structure Plan was presented to Council in December 2006 - being a modified intermediate option yielding 469 residential lots/units). This was revised under instruction from Council and re-presented in January 2007 (with a reduced yield of 286 residential lots/units). This latter version was subsequently released for public submission.

Both the charette and the subsequent proposal by Council accepted that the status quo was not an option in terms of securing long-term sustainable outcomes for the natural systems (especially the dune system) and archaeology. Evidence was accepted that these systems require active long-term management.



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## 2.5 Plan Change 38

As a separate exercise Council released proposed plan change 38 in November 2006. This proposed change was intended to address concerns over the comparative openness of the rural and coastal subdivision and development provisions of the operative District Plan and applies directly to the relevant rural zone provisions for that defined area. The present proposed Plan change (Ocean Beach Special Character Zone) establishes a different zoning structure and is therefore outside the provisions of proposed plan change 38 (while having careful regard to those proposed provisions as a minimum standard in the Ocean Beach Rural Sub-Zone).

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## 2.6 Background Reports

In addition to the various background reports that have accompanied the previous development applications and planning proposals, Hill Country and Waipuka Incorporated have commissioned specific investigations into archaeological, geotechnical, landscape, coastal hazard, economic, commercial, cultural and infrastructural matters.

These reports are listed in the bibliography/ reference list at the rear of this report. They form the basis upon which this plan change proposes development (see Sections 6-7 of this report), while also satisfying the Schedule 1 cl 22(2) RMA requirement for an assessment of the anticipated environmental effects of implementing the proposed change. These reports are also referred to throughout this document in support of the positions put forward. Each report contains not only the baseline technical data required but also an overall assessment of the proposed plan change. Furthermore the authors of those reports have advised recommendations that have either been incorporated directly into the proposed plan change or provision has been made for their more detailed analysis / response through the subsequent pre-approval resource consent processes outlined later in this report. In the latter event, this approach has been adopted because the precise response can only be made when a fine-grained development programme is developed (based on the eventual provisions of the *actual* operative plan change).

## 3 Statutory Framework

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### 3.1 Introduction

This section outlines the statutory documents which must be given regard to in the preparation of District Plans and plan changes. These are as follows:

- the Resource Management Act (specifically the purpose and principles of the Act in Part II);
- the New Zealand Coastal Policy Statement;
- the Hawke's Bay Regional Council Plans; and
- the Operative Hastings District Plan.

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### 3.2 Resource Management Act 1991

Part II of the Act sets out the purpose and principles. These are the key elements against which plans and plan changes prepared under the Act are to be tested. The relevant provisions are listed below and their intent has been incorporated into the proposed private plan change:

#### **5. Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
  - (c) *Avoiding, remedying or mitigating and adverse effects of activities on the environment.*

## **6. Matters of National Importance**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) The protection of historic heritage from inappropriate subdivision, use and development:*
- (g) The protection of recognised customary activities.*

## **7. Other matters**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have regard to –*

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) repealed:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

## **8. Treaty of Waitangi**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).*

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### **3.3 New Zealand Coastal Policy Statement**

Section 57(1) of the Act states that there shall at all times be at least one New Zealand Coastal Policy Statement prepared and recommended by the Minister of Conservation. Further, Section 56 states that the purpose of a New Zealand Coastal Policy Statement is to state policies directed to achieve the purpose of the Act in relation to the 'coastal environment' of New Zealand. The 'coastal environment' is not defined in the Act but is generally held to have a wider meaning than the 'coastal marine area' as defined by the Act.

The New Zealand Coastal Policy Statement includes seven chapters of policies addressing a wide range of matters. While the NZCPS is given primary planning effect through regional plans (in the case of Hawke's Bay there is current an operative and proposed coastal plan), the following policies are generally relevant to the current private plan change application:

#### **Policy 1.1.1**

*It is a national priority to preserve the natural character of the coastal environment by:*

- a. encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;*
- b. taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*
- c. avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

#### **Policy 1.1.5**

*It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.*

**Policy 2.1.1**

*Provision should be made for the identification of the characteristics of the coastal environment of special value to the tangata whenua in accordance with tikanga Maori. This includes the right of the tangata whenua to choose not to identify all or any of them.*

**Policy 2.1.2**

*Protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.*

**Policy 3.1.1**

*Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.*

**Policy 3.2.1**

*Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.*

**Policy 3.2.2**

*Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.*

**Policy 3.2.3**

*Policy statements and plans should recognise the powers conferred by Section 108 to obtain environmental benefits which will (to a degree) offset environmental damage, by specifying purposes in their plans for which 'financial contributions' can be sought, in cases where there will be unavoidable adverse effects from subdivision, use or development in the coastal environment.*

**Policy 3.2.4**

*Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree.*

### **Policy 3.2.5**

*Subdivision, use and development in the coastal environment should be conditional on the provision of adequate services (particularly the disposal of wastes), and the adverse effects of providing those services should be taken into account when preparing policy statements and plans and when considering applications for resource consents.*

### **Policy 3.2.6**

*Policy statements and plans should make provision for papakainga housing and marae developments in appropriate places in the coastal environment. 'Papakainga housing' means residential occupancy on any ancestral land owned by Maori.*

### **Policy 3.4.5**

*New subdivision, use and development should be so located and designed that the need for hazard protection works is avoided.*

### **Policy 3.5.2**

*In order to recognise the national importance of enhancing public access to and along the coastal marine area, provision should be made to identify, as far as practicable:*

- i. the location and extent of places where the public have the right of access to and along the coastal marine area;*
- ii. those places where it is desirable that physical access to and along the coastal marine area by the public should be enhanced; and*
- iii. those places where it is desirable that access to the coastal marine area useable by people with disabilities be provided.*

### **Policy 3.5.3**

*In order to recognise and provide for the enhancement of public access to and along the coastal marine areas as a matter of national importance, policy statements and plans should make provision for the creation of esplanade reserves, esplanade strips or access strips where they do not already exist, except where there is a specific reason making public access undesirable.*

### **Policy 3.5.4**

*Policy statements and plans should as far as practicable identify the access which Maori people have to sites of cultural value to them, according to tikanga Maori.*

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### 3.4 Hawke's Bay Regional Plans

There are three regional plans of relevance to this plan change request. These are the Regional Resource Management Plan (operative 2006), the Regional Coastal Plan (operative 1999) and the Proposed Regional Coastal Environment Plan (notified 2006).

The Proposed Regional Coastal Environment Plan will eventually supercede the Operative Regional Coastal Plan altogether, but currently is still undergoing the hearings process and no decisions have been released. The Proposed Plan also has wider application than the Operative Plan as it applies to the "coastal environment" – a wide area extending beyond the mean high water spring, rather than simply seaward of the mean high water spring.

The Regional Resource Management Plan applies to all land located landward of the mean high water spring, meaning that its jurisdiction slightly overlaps with the Proposed Coastal Environment Plan. This is the approach sought by the Hawke's Bay Regional Council on the basis that it provides for an "integrated resource management approach".

As the Ocean Beach area (as defined in the current plan change request) is primarily located within the "coastal environment", the plan that will ultimately have the most relevance is the Proposed Coastal Environment Plan. Its stated purpose is "to promote the sustainable management of natural and physical resources in the coastal environment". It sets out a framework for managing activities in an integrated manner throughout the Hawke's Bay coastal environment, which is defined as follows:

*The coastal environment's inland boundary recognises the varying natural and physical characteristics of Hawke's Bay's coast and does not represent a 'one size fits all' approach. The margin largely follows property boundaries, coastal ridgelines and clifftops and other natural or physical features (e.g.: roads, rail) where appropriate.*

Although there is no single document called the "Hawke's Bay Regional Policy Statement" this is a term used by the Regional Council, and it is essentially a fluid concept represented by objectives and policies contained throughout the regional plans. As the District Plan must be consistent with a regional policy statement the currently proposed plan change must therefore be consistent with the policy direction of these three documents.

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### **3.5 Hastings District Plan**

The Hastings District Plan is the statutory document to which this private plan change relates, and is addressed separately in Section 4.0 below. As the Act is a hierarchical statute the Hastings District Plan (including the currently proposed private plan change) is required to be consistent with the above documents.

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### **3.6 Summary**

Part II of the Act, the NZCPS and the Hawke's Bay Regional Plan establish a statutory basis upon which the proposed private plan change must be based. At the top of the hierarchy is Section 5 of the Act ("purpose") which "promotes the sustainable management of natural and physical resources".



## 4 Operative Hastings District Plan

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### 4.1 Introduction

The Hastings District Plan (operative June 2003) is the primary planning document for the Hastings District. The District Plan is required to be consistent with the purpose and principles of the Act, and to give effect to any national or regional policy statements. It must not be inconsistent with any operative regional plan, and must have regard to any proposed regional policy statement or plan.

The District Plan sets out objectives, policies and rules designed to control land use and development. The provisions of the Plan are separated into four main categories, being zone provisions, activity provisions (district wide), general provisions and subdivision and land development provisions. The following assessment focuses on those sections of the plan which have a direct bearing on the level of development catered for at Ocean Beach. These are:

- The Coastal Environment Objectives and Policies (Section 2.7);
- The Rural Zone provisions (Section 5.0);
- The Subdivision and Land Development provisions (Section 15.1); and
- Notified Plan Change 38 which applies to subdivision in those parts of the Rural Zone which are also within the Coastal Environment.

The purpose of this section is to outline these parts of the in order to establish the context for the plan change currently sought. The purpose of the plan change is to alter the above sections of the Plan and introduce a new section in order to provide for the development sought. This matter is explored in detail in sections 6 and 7 below. Less central changes are also sought for administrative and mechanical reasons to other parts of the Plan.

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## 4.2 Coastal Environment Provisions

In the District Plan the coastal environment “means the area within 500m of the MHWS or the dominant ridgeline behind the coast, whichever is the lesser”. This definition incorporates most of the Ocean Beach area.

The Hastings Coastal Environmental Strategy was completed in July 2000 and sets out strategies for dealing with this area. It is not a statutory document but its intent is captured by Section 2.7 of the District Plan which sets out an objective and policies which are reflected in other parts of the plan. These are as follows:

*CE01 To ensure the implementation of the integrated management regime contained within the Coastal Environment Strategy that protects, manages and develops the Coastal Environment.*

*CEP1 Implement the Hastings District Coastal Environment Strategy to ensure the integrated management approach is adopted for the protection and development of the Hastings coastal environment.*

*CEP2 Carefully manage development and any further expansion of residentially zoned land in existing coastal settlements in accordance with the Hastings Coastal Environment Strategy.*

*CEP3 Review the legal and practical future of the existing bach community at Ocean Beach as part of the Hastings District Coastal Environment Strategy.*

*Explanation*

*This bach community has limited legal status. This has restricted its development rights, but has also resulted in a form, style and density that has contributed to its unique ‘bach’ appeal. As part of the implementation of the Hastings Coastal Environment Strategy Council is examining how this bach community should be managed in the future, and if retained, how its style, form and contribution to the character of the coast and the District can be maintained and enhanced.*

*CEP4 Establish appropriate provisions within the Hastings District Plan to address the effects caused by natural coastal processes in the Coastal Environment.*

*CEP5 Encourage the provision of public access to the Coastal Environment unless it is in conflict with other cultural or natural values apparent on the coast.*

*CEP6 Ensure the protection of natural and cultural features identified in the Coastal Environment.*

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## 4.3 Rural Zone Provisions

### 4.3.1 Objectives

*RU01 To safeguard the life-supporting capacity of the rural land resource for present and future generations.*

*RU02 To enable the rural land resource to be used for a wide range of activities while avoiding, remedying or mitigating adverse effects of land use activities, marae and the environment.*

### 4.3.2 Policies

From the above objectives flow seventeen policies which advance the general nature of the objectives by specifying the types of activities which are regarded as appropriate as well as the relevant resource management issues. The policies reflect the ongoing diversification of the rural land resource, and the need to provide for this whilst protecting amenity values and maintaining the soil/ land resource for farm production.

Specific provision is made for commercial, industrial, intensive farming and vineyard activities, subject to managing environmental effects. The extent of residential activity and lifestyle lot subdivision is limited by the policies. The relevant policies are:

*RUP1 To enable the establishment and efficient operation of Land Based Primary Production by safeguarding the life-supporting capacity of the rural land resource and ensuring the management of adverse effects on the environment.*

*RUP2 Recognise that Intensive Rural Production and Feedlots are appropriately located in the Rural Zone but that potential adverse effects generated by them need to be avoided, remedied or mitigated.*

*RUP3 Control the scale and intensity of residential activity in the Rural Zone in order to safeguard the life supporting capacity of the soil resource and avoid reverse sensitivity effects.*

*RUP4 Recognise that industrial activities can be appropriately located in the Rural Zone where the scale and intensity of effects is limited, where necessary, to ensure the sustainable management of the soil resource.*

*RUP5 Limit the scale and intensity of the effects of Commercial Activity in the Rural Zone in order to ensure the sustainable management of the rural land resource.*

*RUP6 Monitor the development of new Industrial and Commercial Activities to assess their cumulative effects on the rural land resource and rural*

*community, as well as on the Commercial and Industrial Zones of the Hastings District.*

- RUP7 Control the adverse effects of buildings and activities on the community, adjoining activities and the environment.*
- RUP8 Control the location of buildings and yards and the storage and use of waste and organic products for Intensive Rural Production and Feedlots, to address potential noise, odour and noxious effects.*
- RUP9 Ensure that noise levels associated with activities are consistent with the character and amenity of the Rural Zone.*
- RUP10 Ensure that the outdoor storage areas of commercial and industrial activities are screened, and that the outdoor display areas and parking areas of commercial and industrial activities are landscaped, to mitigate their visual impact on adjacent or opposite activities, where this is necessary to protect the visual amenity of the rural area.*
- RUP11 Control access and egress to ensure the safe and efficient movement of traffic to and from the Hastings District Roding Network.*
- RUP12 Ensure that traffic movements associated with Feedlots do not adversely affect the performance of the Hastings District Roding Network and do not cause adverse environmental effects such as the generation of excessive levels of noise, fumes and dust.*
- RUP13 Monitor the effects of land use activities in the Rural Zone to determine the ongoing appropriateness and necessity of development and Performance Standards included in the District Plan, to avoid, remedy or mitigate adverse effects on the environment.*
- RUP14 Provide for the subdivision of Lifestyle Sites in the Rural Zone on a limited basis.*
- RUP15 Activities locating in the Rural Zone will need to accept existing amenity levels associated with land use management practices involved with the sustainable use of the soil resource.*
- RUP16 Land users will be encouraged to minimise adverse effects on Marae Activities.*
- RUP17 Recognise the concept of vertical integration when assessing the effects of wineries.*

#### 4.3.3 Rules and Standards

The following activities are provided for as Permitted and Controlled Activities in the Rural Zone subject to meeting defined standards and terms:

##### Permitted Activities:

- Land Based Primary Production;
- Residential Activities;
- Commercial Activities;
- Industrial Activities;
- Temporary Event Days;
- Relocated Buildings;
- Wineries.

##### Controlled Activities:

- Intensive Rural Production;
- Feedlots.
- Other activities specifically provided for are:
- Helicopter depots (Restricted Discretionary Activity);
- New residential buildings or buildings associated with maraes, places of assembly or commercial and industrial activities within 400m of an intensive rural production activity (Discretionary Activity); and
- Mustelid farming.

All other activities are either Restricted Discretionary, Discretionary or Non-Complying Activities, depending on compliance with standards and whether the activity is anticipated. The standards which underlie the rules are equally important in determining the activity status and these are set out in Section 5.8 and 5.9. Given the clear demand for development at Ocean Beach, the commercial and residential standards are of particular importance, and those relevant are listed below:

##### Commercial Activity

- Retail activities must not exceed 75m<sup>2</sup> gross floor area;
- Retail activities with display areas less than 50m<sup>2</sup> must not stock more than 75% of this area;

- Retail activities with display areas more than 50m<sup>2</sup> must not stock more than 85% of this area;
- Professional and personal services must be run by a person who lives on the site, with no more than three additional staff;
- Visitor accommodation must have no more than six bedrooms;
- Entertainment facilities must have a maximum serving floor area of 100m<sup>2</sup> and accommodate no more than 40 persons at any given time;
- All other commercial activities must be run by a person who lives on the site and is supported by no more than three staff, with the gross floor area not exceeding 50m<sup>2</sup>;
- Hours of operation for retail activities and/or service of food and beverages shall be limited to 8am - 10pm (all days of the week).

#### Residential Activity

- On sites between 2,500m<sup>2</sup> and 20 hectares in area, one residential building (dwelling) plus a secondary dwelling is permitted;
- On sites greater than 20 hectares in area an additional residential building (dwelling) is permitted;
- On residential farm park sites one residential building plus a secondary building is permitted;
- All secondary buildings must be clearly incidental to the primary residential building and must not exceed 80m<sup>2</sup> gross floor area.

The residential activity standards must be read in conjunction with the subdivision standards for the reason that the above standards limit the number of dwellings to be built per site.

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## **4.4 Subdivision and Land Development Provisions**

### **4.4.1 Objectives**

*SDO1 To provide for the subdivision of land which supports the overall Objectives and Policies for the various Zones, Resource Management Units, or District Wide Activities in the District Plan, and promotes the sustainable management of natural and physical resources, while avoiding, remedying or mitigating any significant adverse effects on the environment.*

*SDO2 To ensure that sites created by subdivision are physically suitable for a range of land use activities allowed by the rules of the District Plan.*

*SDO3 To avoid subdivision in localities where there is a significant risk from natural hazards, unless this risk can be avoided or mitigated without significant adverse effects on the environment.*

*SDO4 To ensure that land which is subdivided is, or can be, appropriately serviced to provide for the likely or anticipated use of the land, the health and safety of people and communities, and the maintenance or enhancement of amenity values, while avoiding, remedying or mitigating adverse effects on the environment.*

#### **4.4.2 Policies**

From the above objectives flow twenty-four policies, not all of which are specifically relevant to the matter of future development at Ocean Beach. Only the relevant policies are listed below.

*SDP1 That standards for minimum site sizes be established for each Zone in the District.*

*SDP2 Provide for the subdivision of land to create Conservation Lots for the protection of native bush or other features of biological, scientific or heritage significance.*

*SDP3 Provide for the subdivision of land to create Conservation Lots for the protection of recognised heritage features.*

*SDP4 Allow the creation of sites of various sizes and dimensions for special purpose allotments.*

*SDP8 Require applicants for subdivision consents for sites within the Rural Residential Zone or Plains Zone (where they are located on land comprising Outstanding Natural Features and Landscapes or Significant Landscape Character Areas) and in the Rural Zone (where they are located on land comprising Outstanding Natural Features and Landscapes), and for subdivision consent applications for sites in the Te Mata Special Character Zone, to demonstrate that the subdivision will have no significant adverse visual or landscape effects.*

*SDP9 Ensure that land being subdivided, including any potential structure on that land, is not subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.*

*SDP10 Ensure that any measures used to avoid, remedy or mitigate the risks of natural hazards do not have significant adverse effects on the environment.*

*SDP11 Recognise the role of the Hastings District Council's Code of Practice for Subdivision and Land Development (November 1997) in providing Performance Standards which may be used as a means of compliance with the rules of the District Plan for Subdivision and Land Development, and*

*may be applied as conditions of subdivision consents for the servicing of sites.*

*SDP12 Ensure provision of on site services for water supply, sewage disposal or stormwater disposal for sites in the Rural and Plains areas unless the provision of reticulated services is identified as an appropriate work to mitigate adverse effects on the environment.*

*SDP13 Ensure that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on the environment.*

*SDP14 Require the provision of safe and practicable vehicular access from a public road to each site.*

*SDP15 Ensure that roads provided within subdivision sites are suitable for the activities likely to establish on them and are compatible with the design and construction standards of roads in the District Roading Network which the site is required to be connected to.*

*SDP16 Subdividers and Developers shall be required to accommodate within the design and layout of any subdivision or development any Structure Road or Structure Utilities identified on an approved Structure Plan within any Proposed New Urban Development Area.*

*SDP17 Utilise existing Unformed Legal Roads as part of subdivisions, where appropriate.*

*SDP18 Ensure that earthworks associated with providing vehicle access or services on land being subdivided will neither detract from the visual amenities of the area, nor have adverse environmental impacts, such as dust, or result in the destruction of heritage sites, cause natural hazards, or increase the risk of natural hazards occurring.*

*SDP19 Ensure that any infrastructural costs arising from subdivision proposals are apportioned in a fair and reasonable way between existing and new users.*

*SDP20 Require subdividers to pay their fair and reasonable share of the costs of purchasing land for reserves.*

*SDP24 Ensure that subdivision or developments do not result in adverse effects on the environment by requiring upon subdivision or development a means of connection to a water supply and services for the disposal of wastewater and stormwater.*



#### 4.4.3 Rules and Standards

Existing rules relevant to subdivision in the Ocean Beach area are:

- Subdivisions in the rural zone which comply with the rural zone subdivision standards and general standards - Controlled Activity;
- Subdivision of conservation lots within protected natural areas and for heritage items (sections 12.5 and 13.10) – Restricted Discretionary Activity;
- Subdivision in the rural zone to create lifestyle lot subdivisions which comply with the relevant standards - Discretionary Activity;
- Subdivision not otherwise provided for - Non-Complying Activity;
- There is no specific rule for subdivision within the Coastal Environment - this is the subject of proposed Plan Change 38.

The below standards are also central to determining the activity status of subdivision:

- Minimum lot size of 20 hectares;
- Minimum legal access width of 5m to all lots;
- One lifestyle lot can be subdivided where the new lot will be between 1.5 – 2.5 hectares in area and the balance lot will be 20 hectares or more in area;
- One lifestyle lot of between 1.5 – 2.5 hectares can be created where two lots each larger than 6 hectares are amalgamated.

As noted above lifestyle lot subdivisions are provided for as Discretionary Activities. This is subject to a minimum lot size of 2,500m<sup>2</sup> and a balance lot comprising at least 92% of the parent lot (otherwise the activity is Non-Complying).

These standards, combined with the Rural Zone rules for residential dwellings, establish a maximum dwelling density of two dwellings (one primary plus once secondary dwelling) per 20 hectares of area. However, it should be noted that an anomaly in the current Rural Zone rules relating to “visitor accommodation” permits six one bedroom chalets to be built on a site in addition to the allowance for residential activity (above). This has occurred at Waimarama Beach and has significantly increased the density of built development and altered coastal character.

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#### 4.5 Plan Change 38

Additionally Council notified Plan Change 38 in November 2006. This plan change seeks to change the rules so that any subdivision within the rural zone which is also within the ‘coastal environment’ would automatically become a Discretionary Activity (it is currently a Controlled Activity subject to meeting standards).

Council's stated rationale for adopting the proposed plan change relates to increased development pressure for rural coastal property and raised concerns over management of such land. Council has also stated concern that the Plan's existing provisions are not consistent with national and regional policy directions for managing the coastal environment.

Ocean Beach is located within the coastal environment as well as the Rural Zone, and therefore Plan Change 38 further restricts development, and as it has been notified, regard must be had to it with respect to any applications before Council.

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#### **4.6 District Wide Activities**

Part D of the District Plan includes provision for a number of "District Wide Activities" –activities which have District wide application and have their own rules which apply across all zones. District wide activities include earthworks, Papakainga (Maori housing on Maori owned land), community facilities and network utilities among others. Overall the effect of these provisions is to provide a greater level of permissibility for these activities.

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#### **4.7 Summary**

Ocean Beach is currently zoned "Rural" in the District Plan. This zone is underpinned by a set of objectives, policies, rules and standards which provide for the primary use, which is "land-based primary production". However, the provisions also reflect the increasing diversification of rural land in the District and provide for some commercial and industrial activities, subject to standards which protect rural amenity and limit the extent of development.

Residential development is constrained by the dual method of restricting the number of dwellings on any site and setting large minimum lot sizes in the subdivision standards. These dictate dwelling densities of one dwelling for every ten hectares (whilst recognising the anomaly potentially providing for six one bedroom chalets as outlined above). Lifestyle lot subdivision is provided for but a large balance lot must be maintained.

Plan Change 38 further restricts residential development as it elevates subdivision in the "Coastal Environment" of the Rural Zone from a Controlled Activity to a Discretionary Activity.

While the rural zone rules and standards are appropriate to rural areas the key question in the context of the current private plan change application is a broader question of whether the zone is appropriate to Ocean Beach. This is set against the backdrop of demonstrated demand for land, the unique coastal setting, the already

existing Waipuka settlement, and the potential to provide for this in a manner that does not compromise the values of the area. It is the contention of this of this plan change request that development can be accommodated whilst protecting the areas of environmental value. This matter is explored in greater detail in the subsequent sections of this report.

## 5 Section 32 Requirements

Section 32 outlines a rigorous statutory process for testing the appropriateness and effectiveness of new plans, policy statements, plan changes and variations prepared under the Act.

In this instance a plan change has been requested. The Act enables private parties to do this subject to meeting the requirements of Section 32(1)(d) as follows:

*32(1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified under section 48, or a regulation is made, an evaluation must be carried out by -*

*(d) The person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.*

Sections 32(3) and 32(4) further prescribe how the evaluation must be undertaken:

*32(3) An evaluation must examine –*

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives*

*32(4) For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account –*

- (a) the benefits and costs of policies, rules or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

This report is directed to satisfy the provisions outlined above, and the Section 32 analysis is included in Sections 8 and 9 below.

## 6 An Introduction to the Private Plan Change

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### 6.1 Resource Management Issues

The following resource management issues form the context from which the private plan change request has been developed, and are the basis for the analysis which follows in Sections 8 and 9. They are also included within the plan change document for the proposed Section 11.4 to the Hastings District Plan (“Ocean Beach Special Character Zone”) and are the foundation for the plan change objectives, policies and rules.

The following issues have been derived from a synthesis of issues canvassed through the charette and Council structure plan processes, and subsequent background investigations commissioned by Hill Country and Waipuka Incorporated – and placed in the context of outcomes sought through this plan change:

**1. *The need to identify and recognise the special rural and coastal character of the Ocean Beach area and develop it in such a way as to protect it from adverse effects.***

The Ocean Beach area has high amenity value resulting from its rural and coastal character. In recent years the area has come under development pressure from people seeking to experience these amenity values. These factors must be effectively balanced.

The attributes which distinguish the Ocean Beach area from other parts of the District are Ocean Beach itself, a long sweeping sand beach, small cluster of bach type dwellings, open rural land and a range of coastal hills to the west providing a natural boundary to the area.

**2. *The avoidance of ad hoc subdivision and development, particularly suburban sprawl and coastal ribbon development.***

Ad hoc subdivision and development has the potential to compromise the character of the area by locating within high amenity locations, particularly along the beach fringe.. A comprehensive planning approach which concentrates development into discrete areas can avoid the adverse effects associated with sprawl and ribbon development.

**3. *The protection of the high recreation values associated with the Ocean Beach area.***

The Ocean Beach area has high recreational values, associated primarily with the beach itself. It is, therefore, important to protect the area as a recreational resource by maintaining and, where appropriate, enhancing public access to the beach and providing new public recreation facilities as the Ocean Beach area continues to develop, particularly in the form of parks and reserves.

**4. *The protection of areas of cultural and archaeological significance***

Ocean Beach contains areas of significant Māori cultural and archaeological heritage. The identification and protection of those heritage values, where practicable, is critical to any proposed development.

**5. *The protection of areas of natural significance***

Ocean Beach contains areas of significant natural values – particularly the coastal dune system and its associated vegetation. Ongoing protection and the sustainable management of these values is critical to any proposed development.

**6. *The retention of rural land***

The Ocean Beach area comprises a significant area of rural land, currently used for pastoral farming and a range of other productive activities. It is important to protect this resource from inappropriate development, particularly ad hoc rural lifestyle lot development which has the potential to utilise large areas of land and fragment land ownership. Steps should be taken to ensure that rural lifestyle lot subdivision occurs in discrete areas where the loss of the use of productive land is minimised, and rural character can be maintained.

**7. *The management of effects at the urban/ rural interface***

Continued development in the Ocean Beach area is likely to generate tensions between activities at the interface of urban type activities and productive rural activities. Often these effects are mitigated by large rural land holdings which can create large separation distances between these activities. However, where these activities are located in close proximity more careful planning is needed to ensure effects are avoided, remedied or mitigated.

**8. *The recognition that some non-traditional rural activities will be appropriate in the Ocean Beach area***

Within the Hastings District productive use of rural land is becoming more diversified, particularly as demand has risen for recreational and tourism related activities. At Ocean Beach there is significant potential for this type of activity given the environmental and recreational opportunities associated with the coastal setting. It is important to ensure that these opportunities are provided for

whilst at all times avoiding, remedying and mitigating adverse effects on the environment.

**9. *The recognition that development size and form is a critical determinant in the quality of the future Ocean Beach community.***

The size and form of development will have a fundamental bearing on the quality of life for future residents at Ocean Beach. In terms of form, the layout of access, walkability and spatial relationship of different facilities and land uses will be critical. The ultimate development yield will also be important in terms of determining the level of services that can be supported and the sense of community that will develop.

**10. *The impact of new building development on the coastal character and high amenity values of the Ocean Beach area***

The Ocean Beach Special Character Zone provides for a vibrant mixed-use core via the Ocean Beach Village Centre Sub-Zone. It is important to ensure that the development of this sub-zone is in harmony with the special coastal character and high amenity values associated with this area. The Ocean Beach Special Character Zone also includes a commercial service area (shown as the Ocean Beach Commercial Service Sub-Zone) to ensure commercial service and light industrial activities are available to service demand generated by local residents. This area has been located on the edge of the proposed main entry road to avoid impacts on sensitive land uses. Provision is however included to ensure that the amenity values of adjoining landowners and coastal character are maintained.

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## **6.2 Plan Change Approach**

The planning approach adopted recognises that the overall development will be achieved over an extended timeframe – and certainly one that exceeds the ten year life cycle of the operative District Plan. Accordingly it needs to leave sufficient room in its provisions for changing requirements – both regulatory and non-regulatory – while establishing sufficient certainty as to the overall outcome.

Furthermore, in some instances, the appropriate on-the-ground response will also be conditioned by statutory requirements that lie outside of the Act – as, for example, with the NZ Historic Places Trust and its regulatory role with respect to the granting of authorisations. Such requirements may change over time and it is therefore appropriate to secure those beyond this plan change at the fine-grain development stage.

The planning adopted is to secure the general framework for the development by means of a Development Plan and Indicative Concept Plan with the detailed investigations and consents being subject to the gaining of resource consents

through subsequent individual development or concept plans. This provides a two-stage formal planning process which should enable the overall development to proceed while being responsive to particular resource management issues as they arise – in effect a type of adaptive management approach that is becoming more common under the Act planning for more complex projects.

This approach also provides a more robust process for Council and community participation (and, importantly, for those future residents and businesses who decide to buy into the development in due course to help ensure that the vision they have invested in is realised).

It is also noted that the statutory purpose of the Act is to promote sustainable management, and the Section 32 evaluation is required to demonstrate that the proposed plan change (and specifically its objectives, policies and rules) is the most effective and efficient way of doing this. It is the premise of this plan change that active management is required to realise the sustainability and sustainable management of the natural and physical resources of Ocean Beach; that this cannot be achieved passively; and that a community development is the basis upon which this will best be achieved. These matters are explored in detail in Section 7.

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## **6.3 Structure of the Plan Change**

### **6.3.1 Primary Components**

The primary components of the plan change are:

- The “Ocean Beach Special Character Zone”;
- The Ocean Beach “Sub-Zone” Framework;
- The “Ocean Beach Development Plan”
- The Ocean Beach “Indicative Concept Plan”; and
- The Ocean Beach “Comprehensive Development Areas”

The Ocean Beach Special Character Zone underpins the plan change through general objectives, policies and rules which apply across all of the subsequent “sub-zones” and set the tone for the type of development sought.

Beneath the umbrella of the Ocean Beach Special Character Zone is a local zoning framework comprising eight special Ocean Beach ‘sub zones’ which, with discrete variations, broadly follow the existing ‘Rural Zone’, ‘Residential Zone’ and ‘Commercial Zone’ provisions of the Hastings District Plan. Each sub-zone has its own set of objectives, policies and rules, but also carries through some existing provisions. The new provisions are consistent with and designed to give effect to the



Ocean Beach Special Character Zone objectives, but are more focused, reflecting the specific role of each sub-zone. The eight sub-zones are:

- Ocean Beach Residential 1, 2 and 3;
- Ocean Beach Village Centre;
- Ocean Beach Commercial Service;
- Ocean Beach Rural;
- Ocean Beach Rural Equestrian;
- Ocean Beach Rural Conservation.

The Development Plan and Indicative Concept Plan in the plan change documents (Appendix 11.4-1 and 11.4-2) provides a general expectation of the layout of roads, reserves and community facilities. Rigid implementation of these plans is not required but provisions throughout the zone and activity sections require development to be 'in general accordance'.

The "Comprehensive Development Areas" are cadastral-based cells shown in the zoning map enlargement. Prior to subdivision within any of these areas a Comprehensive Development Plan (or Village Centre Outline Concept Plan in the case of the Ocean Beach Village Centre Sub-Zone) must be approved under the proposed Ocean Beach Special Character Zone rules. This introduces an additional layer of approvals which is considered necessary to ensure both that development occurs with reference to the Development Plan and Indicative Concept Plan and preceding. The mechanism is explored in greater detail in Section 7.

The plan change will also rely on existing district wide activity rules and standards in Section D of the District Plan. These changes are outlined and evaluated in Section 8.

### **6.3.2 Approvals Process**

As has already been inferred a twofold approach to approvals has been adopted for development. This is as follows:

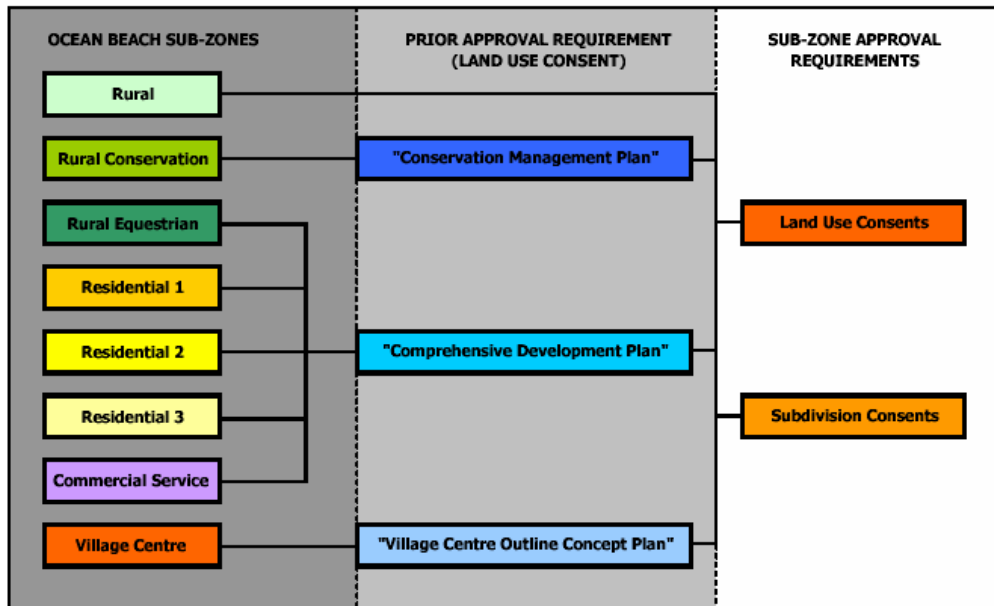
- A prior approval process which is to precede development and sets out a general pattern for development to follow; and
- The standard land use and subdivision consent process administered under the Act/ District Plan process.

The prior approvals process is to be applied via the "zone wide" rules for the whole Ocean Beach Special Character Zone. The pre approvals are as follows:

- “Comprehensive Development Plans” required to be approved for the Residential Sub-Zones, Rural Equestrian Sub-Zone and Commercial Service Sub-Zone ahead of any subdivision or development;
- A “Village Centre Outline Concept Plan” which is required to be approved prior to any subdivision or development in the Village Centre Sub-Zone;
- A “Conservation Management Plan” which is required to be approved ahead of any development in the Rural Conservation Sub-Zone

Standard land use and subdivision consent process which will be applied via the sub-zone rules after the above plans are approved.

### Schematic Diagram – Ocean Beach Special Character Area Resource Consent Approvals Process



# 7 Resource Management Philosophy and Framework

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## 7.1 Introduction

The resource management philosophy and the subsequent framework which flows from it have been developed with clear reference to the broad level Ocean Beach resource management issues (see Section 6.1), specific constraints distributed across the study area, and Hill Country's vision of what a community at Ocean Beach should be. These matters are considered in turn in Sections 7.2 – 7.4.

As a general introduction, and to set the scene for the analysis which follows in the remainder of this section, the table overleaf provides a summary of the plan change development proposal.

### Summary Table –Ocean Beach Special Character Zone

Sub-Zone	Approx Area	Yield	Approximate Location	Role
Village Centre	9.3 ha	160 Lots 380 Units	1 km north of existing Council Reserve, adjoining dune reserve.	Will form the “heart” of the settlement, providing for higher density residential development and a range of commercial and community services
Commercial Service	2.0 ha	Commercial	Above the coastal strip where the existing Ocean Beach Road descends the coastal escarpment	To provide for lower amenity commercial service activities that require separation from residential areas and other sensitive land uses
Residential 1	21.4 ha	309 Lots 309 Units	Extends both north and south of the Village Centre Sub-Zone along the coastal strip, approximately 500m to the north and to south of the Waipuka Stream	To provide for higher density residential living in close proximity to the Village Centre Sub-Zone (minimum lot size 250m <sup>2</sup> )
Residential 2	13.3 ha	200 Lots 200 Units	Two separate pockets – one immediately behind the Village Centre Sub-Zone, and the other at the southern end of the settlement south of the Waipuka Stream	To provide conventional residential living (minimum lot size 500m <sup>2</sup> )
Residential 3	70.3 ha	148 Lots 148 Units Education	On steeper land behind the proposed Village Centre and south of the Waipuka Street	To provide for lower density residential living and provide a transition zone between the settlement and rural land. Also to provide for educational facilities
Rural	360 ha	None specifically provided for	Large expanses of land both north and south of the main development area	Little development in order to maintain rural character and “push” development into the sub-zones above
Rural Equestrian	35 ha	25 Lots 25 Units Facilities	3 kilometres north of Waipuka Stream around the existing Hansen horse facilities	Equestrian events and facilities with associated dwellings
Rural Conservation	350 ha	Conservation Facilities	Large area of land at the northern end of the beach 4-9 kilometres north of the Waipuka Stream	To protect areas of high cultural, natural and visual value at the northern end of the beach and provide for related conservation activities

*\*Yields are estimated only, and do not take account of potential secondary units on individual sites*

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## 7.2 Ocean Beach Objectives

The plan change is driven by the following objectives derived from the resource management issues identified in Section 6.1 (these also form the primary “Ocean Beach Special Character Zone” objectives);

*OBO1 To protect, preserve, manage and enhance Ocean Beach’s natural character and its associated natural, cultural and archaeological values.*

*OBO2 To provide a diverse coastal community appropriate in built scale and form.*

*OBO3 To achieve responsible mixed use development that supports conservation and community development.*

*OBO4 To achieve a high quality public environment and street system with a high degree of walkability and good connections within and to the beach.*

*OBO5 To provide a wide range of residential, recreational, employment and service opportunities for the public enjoyment of Ocean Beach.*

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## 7.3 Ocean Beach Community Concept

The primary tension for the area is balancing demonstrated demand for development with the high visual/ landscape character. Clearly where development occurs there will be some visual/ landscape impact. The concept encapsulated in this plan change proposal is for a “community development” which seeks to minimise those impacts whilst recognising the social and economic benefits that development can deliver. It is also considered that a community style development offers several sustainability benefits over those of a bach, dormitory or suburban development. What is meant by a “community development” in this context is:

- Development contained within a defined footprint at the southern end of the beach where the landscape is most highly modified
- Simultaneously protecting the areas of highest value at the northern end of the beach;
- Accepting that some landscape/ visual impacts will occur but seeking to minimise those whilst providing for a scale of development sufficient to support local services and deliver social and economic benefits;
- Avoiding a lower development yield which runs the risk of imposing significant environmental impacts without compensating with social and economic benefits;
- A walkable neighbourhood development pattern with residential densities which increase towards a central village centre maximising convenience for residents;
- Housing choice to provide for a diverse community;

- A high quality public realm which maximises recreational opportunity and makes the settlement attractive to residents and visitors alike.

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## **7.4 Development Proposal**

### **7.4.1 Introduction**

Based on the community concept introduced in Section 7.3 above a development proposal has been formulated. A further layer contributing to this is the significant technical investigation commissioned by Hill Country, and introduced in Section 7.5. However, this section translates the concept above into the proposal and explains in detail the rationale behind the proposed size, density and pattern of development and the services/ employment it is expected to sustain.

### **7.4.2 Development Size**

One of the main elements of the debate surrounding the future of Ocean Beach has been the capacity of the area to absorb future development. This debate has generally been considered in the context of the environmental values of the area, particularly visual amenity and the high ecological, archaeological and character values of the northern end of the beach. This was a primary consideration during the drafting of the private plan framework.

Consistent with the purpose of the Act, social, cultural and economic needs were also primary considerations. Specifically in the Ocean Beach context minimising the development footprint in order to protect environmental values and avoid all adverse effects would mean that the local population would be unlikely to reach the critical mass required both to support a range of local services and employment, and also the on-going sustainable management of protected sites and areas. Failure to achieve such a critical mass would simply result in a satellite dormitory community with high dependency on outlying urban areas to provide services and employment.

With these considerations in mind Hill Country engaged Mark Tansley of Marketplace NZ (initially in September 2006) to develop a better understanding of the figures required to achieve the community development sought, and some analysis around Council's structure plan proposal also. Mr Tansley's initial findings gave some justification to the numbers proposed by Hill Country, but he has undertaken subsequent work (July 2007) which provides the basis for the current assessment.

Mr Tansley's report refers to a "enabling suburban development" of 5,000 dwellings (enabling in terms of provision of services etc), which clearly is not feasible at Ocean Beach. It is in this context that Mr Tansley makes the following statements about the current plan change proposal ("OBV") and the Council structure plan:

*"My brief conclusion at Section 5.0.0 reflects the finding that it will require a development of substantially greater yield than that of Council's Concept Plan to support **any** commercial operation or a local medical practitioner. What is more, it would not be until the area passes a permanent household count of 600 that more than one business could, with some confidence, establish in the area. That point can, in my view, only be reached if the prospective dwelling yield is materially in excess of 800, with further "upside" in dwelling capacity lifting commercial potentials above marginal status. This concept, "materially in excess of 800", may be compared with the 376 dwelling potential of the Council's Concept Plan.*

*"Under the Proposed Plan Change, the 1,062 proposed **dwelling** potential could be expected to give rise to a permanent community of well in excess of 800 **households**, because the Village Centre would make Ocean Beach a much more attractive residential base and a vacancy ratio of 20% or less would be likely. Whilst I have not attempted to evaluate other than prospective commercial operations plus a medical practice, a range of other activities would be better facilitated by the larger proposal. These include holiday accommodation (which would extend to house-swapping as well as the sporadic occupation of the normally vacant dwelling count) the potential for community clubs and groups to form, perhaps generate a multi-purpose community centre building and (possibly in conjunction) an inter-denominational church. There would be more opportunity and need for local trades people to establish in the area, so job potentials would be relatively greater.*

*"Overall, such a vision, as expressed by the Objectives, Policies and proposed Methods of the Change, is an enabling initiative that would attract support (i.e. prospective residents) from a much wider community than Hastings and thereby add economic value (that would otherwise benefit other areas) to Hastings District.*

The following further statement is made specifically about the plan change proposal ("OBV"):

*"The Ocean Beach Village proposal ("the OBV") has about one-fifth the capacity of the theoretical suburban concept. Implicitly or explicitly, this indicates either that larger proposals are seen as too problematic from an investment viewpoint (especially at much larger theoretical scales) and/or that sustainability criteria can not be met at levels much above 1,000 prospective dwellings. **In other words, the OBV proposal of 842 lots / 1,062 dwelling capacity represents not some kind of extreme concept but is, in fact, the most enabling proposal in respect of which the sustainability criteria of s5 can be and are proposed to be met**".*

Hill Country had previously engaged Wolf Management Consultancy to undertake an economic impact assessment (dated November 2006) into the 'charette' and 'intermediate' options in Council's 'Issues and Options' paper for Ocean Beach and the findings of their report generally support Mr Tansley's. In particular the finding

that “*materially in excess of 800 dwellings*” are required to support a community, are consistent with the Wolf Management report which suggests 820 sections are required. These findings establish a broad band which has been used by Hill Country to formulate a development size that will make the development viable and support associated infrastructure requirements. The indicative provisional yield for the development framework proposed is 1062 dwellings over 842 sections which is in accordance with the broad targets identified by Tansley and Wolf Management.

#### **7.4.3 Density and Land Use Pattern**

Having established that the indicative provisional yield of 1062 dwellings represents an appropriate number required to support a viable community, we now turn our attention to how it should be shaped in order to maximise social benefit and mitigate environmental impacts.

The critical environmental consideration is the size and location of the development footprint, its potential effect on visual amenity, and maintaining the integrity of areas with high natural and cultural value (concentrated at the northern end of the beach). In response to these matters the proposed land use pattern will concentrate dwellings towards the southern end of the beach in the vicinity of Ocean Beach Road, the Waipuka settlement and the Ocean Beach Surf Club.

This land has a higher propensity for development, which is reflected in the separate assessments undertaken for Council (Stage I – Spatial Assessment Report, November 2006 by Environmental Management Services) and Hill Country (D J Scott and Associates August 2006), draw similar conclusions in terms of identifying land which is either appropriate or inappropriate for development. The yield associated with the current proposal will primarily be facilitated by higher density, which is considered appropriate because:

- It will assist in creating a compact, walkable community with associated social and convenience benefits;
- It will enable more people to enjoy the benefits of this location;
- It will assist general and infrastructural viability;
- Amenity effects associated with the higher densities will be offset by a comprehensive set of urban design controls (considered throughout the following sections of this report);

These points are supported by the assessments undertaken by Tansley and Wolf Management Consultancy referred to above. The approximate dwelling yield across this area will be 7.5 dwellings per hectare - which is comparable to average dwelling yields in suburban areas throughout New Zealand. However, the density pattern will be quite different to suburban areas and will reflect more of a village or hamlet pattern. In particular the development footprint area will be made up of five different



urban sub-zones, each with different densities, ranging from 1-17 dwellings per hectare with a general pattern of decreasing density away from the village centre. The individual sub-zones and their associated densities and provisions are explored in the following sections.

The higher yield will also be facilitated in part by a slightly larger development footprint than in Council's draft Structure Plan. In particular development is proposed on land that the Council assessment states:

*"...requires long term protection & should not be developed"*

*"...falls somewhere in between requiring long term protection & sustaining some form of development"*

The Hill Country Corporation view is that this "additional" land is already highly modified, being located in the vicinity of the Waipuka settlement and Ocean Beach Road, and can be developed for this reason. This assessment of the land is supported by technical assessments undertaken by DJ Scott for Hill Country. Furthermore development in this area will help contain the development footprint, longer term development demand, and avoid development pressures on areas of higher value (particularly to the north). The land in question is:

- The strip of land approximately 20 ha in area adjoining the coastal dunes immediately north and south of the Waipuka settlement (proposed as "Ocean Beach Residential 1 Sub-Zone");
- Approximately 70 ha of land immediately north of Ocean Beach Road where it mounts the coastal range and drops down onto the coastal strip (proposed as "Ocean Beach Residential 3 Sub-Zone"); and
- 25 ha of land located 2.5 km to the north on Haupouri Station proposed for an equestrian park development - the proposed "Ocean Beach Rural Equestrian Sub-Zone". This land is slightly different to that referred to above but the level of development proposed is appropriate given:
  - The activities will be relatively low intensity, able to be readily absorbed into a rural environment, and subject to strict provisions including restrictive bulk and location standards;
  - The activities will be an extension of existing horse breeding activities carried out by the present landowners; and
  - The activities will not be visible from the main community area, being located 2.5 km to the north, and isolated by topography and an intervening conservation zoning.

#### 7.4.4 Service and Employment Role

As outlined above the projected size of the Ocean Beach settlement will be sufficient to support some community/ commercial services and create a scenario of co-dependency between businesses and residents. This co-dependence will be critical in developing a community which can provide both services and employment, and minimise dependency on outlying urban areas.

Mr Tansley also assessed the viability of local services. The following statements from his report show the relative viability of local services for the Council structure plan and currently proposed plan change:

*"At 200 households, there are no commercial potentials that would enable any type of business or service to establish in new commercial premises. If the permanent household potential at Ocean Beach is below this level – as for example in the Council's Concept Plan, with a 376 dwelling and 150-190 permanent household potential – this prognosis confirms the proportionately low expectation of permanent households".*

*"At 600 households, the superette is a marginal opportunity, as is a mixed bakery / casual café trader. A doctor / small pharmacy complex would also be a prospect, though no guarantee without some further "upside". Two restaurants would be in prospect plus a hairdresser. This is effectively the point at which a small village complex becomes a prospect, but most opportunities are marginal and require a larger local market to confidently ensure their viability.*

*"At 800 households [calculated as applying to the current plan change proposal], an additional restaurant / takeaway business would be supportable; also, the other businesses would no longer be marginal. The prognosis is for three retailers (one of them part food and beverage service) three other prepared food and beverage traders, a personal service (hairdresser) and a doctors surgery, eight in all. In all probability, a local real estate office would be attracted to such a village environment as well as other social and recreational activities".*

The assessment demonstrates that there is an almost exponential rise in business viability as the development yields. This is evidenced by the fact that the Council proposal of less than 200 permanent households may not be enough to support a single business, whilst the current plan change proposal could support up to nine businesses of different types (food and beverage, hairdresser, doctor's surgery, real estate agent). Clearly this would also have flow on effects in terms of local employment, with the current proposal having clear advantages over the Council structure plan.

The proposed zoning framework (particularly the Village Centre Sub-Zone) has been developed with Mr Tansley's findings in mind, whilst the rule framework provides for a wider range of desirable activities than he has identified as viable at this stage. This will ensure that the market is not artificially constrained by lack of available land.

#### 7.4.5 Recreational and Access Considerations

One of the main attractions of Ocean Beach is the range of recreational opportunities created by the rural/ coastal setting. These include horse riding, swimming, surfing, surf lifesaving, fishing and walking. It is considered that opportunities for each of these activities will be enhanced by the proposed plan change, as the creation of a community at Ocean Beach will allow more people (residents and visitors) the opportunity to enjoy these recreational pursuits.

The proposed Ocean Beach Rural-Equestrian Sub-Zone will enhance the recreational potential of the area, with an equestrian arena envisaged, which could provide for the obvious equestrian events, as well as public gatherings and recreational events. The plan change also provides for further recreational opportunity through the provision of reserves and a children's playground. It is also likely that the increased resident population will increase the viability of the existing surf club and create demand for infrastructure that will facilitate further recreational benefits, possibly including sports clubs and tennis courts.

It is well documented that public access to the beach is highly valued. Historically access has been enabled by a combination of access over private and public land, and Hill Country is committed to ensuring ongoing public access. To this end several formal access points are provided for in the plan change.

There are several pedestrian access points through the dunes and down to the beach, and these have been strategically located in areas where pedestrian traffic will be greatest in order to maximise convenience. They have also been located in areas of the dunes where significant ecological damage has already occurred in the dune ecosystem. Unfettered access through the dunes will not be provided for however, as this is not considered necessary or desirable given the fragile nature of the dune systems.

Formal vehicle access will be explored in greater detail at a later stage and likely controlled by way of a District Bylaw. However, it is likely a single vehicle access point will be provided adjacent to the proposed village centre for boat launching and emergency vehicles only. This will help to protect the fragile nature of the dune ecosystem and avoid the difficulty of policing driver behaviour on the beach, especially towards the northern end. To provide access up and down the beach, a public "ferry" service along the beach may be considered for peak periods, although this would also need to be discussed with Council at a later date.

Overall the plan change provides for a high level of public access to the beach. However, there is an obvious balancing act in providing access whilst protecting the fragile dune ecosystems.

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## 7.5 Technical Investigations

The proponents have engaged several technical experts as part of a wide ranging background investigation into the study area. The reports produced by those experts have informed the development of the plan change concept above by addressing the key planning constraints, feasibility aspects, and the likely environmental effects. They are now introduced here against the context of the proposal.

Hill Country commissioned an initial round of investigations prior to lodging the plan change request in May 2007, and further investigations following requests for further information from Council in June, September and October 2007.

The assessments are summarised below, and refer to the findings of the original assessments, as well as those made in response to Council's requests. In particular the following areas of investigation have been addressed:

- economic feasibility
- social assessment
- landscape/ visual assessment
- archaeological assessment
- ecological assessment
- urban design assessment
- cultural impact assessment
- coastal hazards
- geotechnical
- engineering/ servicing
- traffic
- soil

### 7.5.1 Economic Feasibility

#### Introduction

The purpose of this assessment is to provide a broad level project viability assessment. Whereas the Wolf Management Limited report 2006, peer reviewed by Council consultants, establishes broad economic viability based on economic analysis, Hill Country has reviewed the proposed plan change on the basis of project viability.

The first practical implication is that this project is considered as a multi stage, multi-year development. It could be characterized as a “marathon” not a “sprint”. The finish line will not be crossed at the end of the first leg, rather the first leg will provide a foundation / fitness for the duration of the event.

Hill Country envisages that development of the substantive portion of the allowable development area would be managed through one authorised entity; therefore a baseline recovery cost approach on core infrastructure is justified. This approach has allowed interpretation of the approximate number of lots, recovery rates on lots, and position of lots required to create an immediate nucleus of the village heart. The fundamental consideration is; a fast initial take-up, driving desired density and occupancy, delivering “live / work” capabilities, and thereafter organically generating the requisite vibrancy, creating interest to spur demand for each subsequent phase in the development and sales process. In so doing, building on the critical mass requirements for a longer term sustainable and viable community over a 5, 10..... and longer year time horizon - Wolf Management Limited 2006 Report.

These lots are proposed to be situated in development zone cell 1 comprising the Village Centre and Residential 1 Sub-Zones, with the larger component percentage situated in and around the village centre. Here density and the range of dwelling options are greater, providing three key characteristics as highlighted below. Each derived from New Zealanders’ desire to live by water:

- Relative affordability and access to a broad cross section of society
- Low maintenance accommodation. Occupiers leverage open spaces and contribute through use, to the sustainability of village amenities
- Potential for improved year round occupancy through letting of dwelling units, generating opportunity for both economic benefits to early established village businesses and secondary income / return on investment for owners who initially desire a holiday residence.

#### Cost Inputs

Cost inputs have been evaluated, and suggest that a progressive spend over 1-2 years of approximately NZ\$26,250,000 is required to develop the infrastructure to support the approach taken. These inputs also account for the core infrastructure components to be bought into the development to support the overall development as it progresses by stage.

The inputs are tabled below and are principally supported by:

- Recent historical rates from actual development activities
- Information supplied from third party suppliers
- Hill Country Corporation Limited internal assessments of cost:

Core Infrastructure : water, sewer, power, telecommunications, bulk earthworks, engineering	\$14,170,000
Lots development	\$5,820,000
Consultancy costs	\$3,910,000
Levies	\$1,050,000
Dune rejuvenation & walkways	\$50,000
Contingency	\$1,250,000
<b>Total</b>	<b>\$26,250,000</b>

Assessment of Marketability/ Saleability

Hill Country has requested Bayleys Real Estate Ltd to provide an opinion on the marketability and saleability of the proposed private plan change for Ocean Beach. (See report attached). This report supports Hill country's view that the provision of core infrastructure and a vibrant active heart upfront should establish sufficient market demand and support the initial outlay above. In addition, the Hill Country approach is flexible enough to involve the provision of early entry incentives of various kinds to underpin the initial sales thrust. The Bayley's assessment confirms the marketability/ saleability of the concept as follows:

*"The Ocean Beach private plan change that is being promoted by Hill Country Corporation Limited is a marketable and saleable project in our opinion based upon the following:*

*"It will offer a mix of purchase opportunities – price, dwelling etc*

*"A sufficient number of Lots and dwellings to create saleable product volumes across a range of market sectors.*

*"It will establish a community and village that can be sustained by the number of residents.*

*"Open up public access to a beach and conservation area that to date has been limited through private ownership.*

*"Within close proximity and easily accessible to major infrastructure, transport and population base*

*"If properly planned and marketed, it has the ability to create sufficient initial market impact to establish a core of activity that can be added to and sold down over the medium to long-term to match market demand over time.*

*"It will have broad appeal to both local, regional, national and international buyers at a number of levels.*

*"It is unique in terms of scale and has very special location attributes i.e. beach – conservation areas".*

### Ongoing Viability

Long term, community viability increases as amenities are constructed, occupancy increases through dwelling construction and sale, and business are established and are frequented.

Ocean Beach is a destination attraction and will continue as such. However, uniquely and unlike many other coastal developments, it is only a short drive from central infrastructure and city. Historically, perceived public attraction has been a sense of wilderness, white sand beaches and summer swimming. The future vision retains these natural characteristics, and enhances them by adding amenity (in the form of; short stay and permanent accommodation, cafés and restaurants, and tourism, collectively multi faceted “vibrancy”). The overall development strategy outlined above will underpin economic viability because it;

- Minimizes large holding cost implications
- Manages the supply side and land values using dwelling unit:lot diversity and purchase options to retain a mix of affordability
- Benchmarks actual development costs to sales values appropriate for the intended stage
- Elevates purchaser interest and ensures vibrancy
- Provides a return on investment for the developer over the longer **term**
- Future infrastructure costs for development outside of the village centre will, to a large extent run with the release of lots, using a typical subdivision approach and be recovered in the same manner. This approach reduces the risk on ultimate viability and ensures that supply remains closely benchmarked to demand so as not to erode values and increase overall risk.

#### **7.5.2 Landscape/ Visual Assessments**

As part of the development of the plan change concept Hill Country engaged DJ Scott Associates - landscape architects - in 2006 to address the obvious importance of landscape and visual effects at Ocean Beach. Their report, dated September 2006, was an important input into the concept that has ultimately been developed. In general terms the 2006 DJ Scott report was a key driver behind locating development at the highly modified southern end of the beach, and protecting the northern end. It also helped to inform the development pattern, height and density provisions (DJ Scott worked closely with Hill Country’s urban designer, Graeme McIndoe, on these aspects).

However, as the 2006 landscape/ visual assessment preceded the development of the plan change concept, it did not directly address the effects of the plan change. In response Council's further information request of June 2007, requested that further details be provided to address specific elements of the plan change proposal. Hill Country re-engaged DJ Scott to specifically address Council's request.

In essence, DJ Scott's response (dated August 2007), states that the location of development at the southern end of the beach, protection of the northern area, and application of appropriate development controls and assessment criteria, ensures that the appropriate regulatory framework is in place to manage landscape/ visual impacts. It further states, that at this conceptual stage it is not possible to address specific landscape impacts, and that those are more appropriately dealt with at resource consent stage. The following excerpt from DJ Scott's August 2007 assessment best represents this position.

*"Of importance here is the fact that the process by which the Proposed Plan change (and Structure Plan Map) has been formulated essentially relies on the broad spatial, ecological, landscape and land use capability analysis together with specific input from archaeological (heritage), geotechnical, ecological and coastal processes data. It is this broad scale land use planning, assessment and design approach which has, in our opinion, ensured that the critical elements and features of the site have been addressed as a fundamental landscape framework of the development at a contextual landscape level. This leads to a consideration of primary issues associated with the avoidance, remedying and/or mitigation of the potential effect of any particular development scenario, and responds to RMA Part II, Section 5 matters".*

### **7.5.3 Archaeological Assessments**

Hill Country Corporation engaged Architage Consultants to undertake investigations into the archaeological value of the study area. In addition Waipuka Incorporated engaged CFG Heritage Consultants to specifically investigate the archaeological value of the Waipuka Settlement land and the Puke Puke Tangiora Estate land.

The Architage assessment identifies that the Ocean Beach site contains a variety of archaeological sites, including former pa sites, food storage pits and midden. The majority of this evidence is located at the northern end of the study area, where less substantial land modification has taken place. The value of the northern area was identified by previous work done by Architage, and was a key driver of the proposed Rural Conservation Sub-Zone.

Conversely the southern area is identified as being of comparatively lesser archaeological value and is highly modified. Consistent with the approach of the plan change the Architage report concludes that the southern/central area is appropriate for development on the basis that any significant development at the northern end of Ocean Beach is likely to have adverse effects on archaeology, so therefore it should be located where these effects are minimised. Further the Architage report states



that the following positive effects can be realised under the framework of the existing plan change:

- Through careful excavation as development proceeds there is potential to gain significant information relating to the past occupation of the area which in turn could create a valuable database of national significance; and
- The currently proposed development can be undertaken in a way that would improve the management and protection aspects of archaeological assets at Ocean Beach.

The Architrage report also includes some possible approaches which could enhance the preservation and management of archaeological assets, and are currently being considered by HCC.

On the Waipuka Settlement and Puke Puke Tangiora Estate land CFG identified seven valuable archaeological sites on the coastal dune plain (2) and hills to the rear (5). These include middens, kumara pits and terraces. The plan change proposes that this land be placed primarily in residential zonings and as such CFG have identified the following measures as necessary to protect the sites:

- Earthworking be monitored by an archaeologist to enable identification of unrecorded sites;
- Upon identification of new sites earthworks should cease immediately and the Historic Places Trust and Tangata Whenua should be informed;
- Site W22/44 in the hills area is considered especially valuable but is also unstable – stabilising measures should be considered as the first option, followed by archaeological investigation if this fails;
- Avoid effects on the sites within the dune plain.

Overall, the primary archaeological assets are located at the northern end of the beach. This has been one of the main drivers of the Rural Conservation Sub-Zone where minimal development will occur, and where it does occur controls will be put in place to protect these values. Architrage identifies that some positive effects can also occur if development is managed properly – namely more formal protection of sites and the build up of an important archaeological database. The CFG assessment identifies that on Maori owned land at the southern end of the area there are some potential conflicts between the proposed residential zonings and some valuable archaeological sites. However, some management actions are proposed and overall these pose only localised constraints that do not threaten the proposed development pattern in a material way.

#### 7.5.4 Ecological Assessment

Hill Country engaged Dr Vaughan Keesing of Boffa Miskell Ltd to undertake an ecological assessment of the area to help drive the plan change. Following the lodgement of the request with Council further information was requested to address specific ecological matters.

Overall, the ecological assessments identify the coastal dune system, starting at the northern end of the study area and tapering to the south as a nationally significant landform and habitat for native species. Mitigation and enhancement options are offered in the report, and the following have been taken up in the current plan change proposal:

- The zoning of this area “Ocean Beach Rural Conservation Sub-Zone” with provisions which prohibit further subdivision, provide only for low impact/conservation type activities, and require a “Conservation Management Plan” to be implemented prior to development of the area;
- Predator proof fencing to prevent stock and predator species damaging the fragile dune flora and fauna;
- The identification of an ecological line delineating the area of highest value within the dune system, and within which development will be avoided; and
- Provision for ecotourism, conservation and education activities which may help to raise awareness, protection and funding for the area.

Outside of the identified dune system the report identifies the study area as highly modified particularly towards the southern end of the study area around the Waipuka settlement and surf club where human influence has been greatest throughout the history of the beach. Overall, there is a predominance of pasture, reflecting the historic use of the land and there is a general lack of native flora or fauna.

In the coastal hills there are some remnant pockets of native vegetation, however, these are not of significant value and the report states their total loss would result in “no more than minor” effects. Notwithstanding, some mitigation and enhancement options are offered for these areas, and while these are not precluded by the plan change, they will require individual landowner commitment to be realised.

Overall, ecological considerations are not a significant constraint on development due to the modified nature of the study area. However, the dune system is nationally significant and therefore the current plan change provides for its formal protection (which is currently lacking). The assessment also provides ecological justification for concentrating the development footprint on the highly modified southern area around the existing Waipuka settlement, surf club and farm buildings.

### 7.5.5 Urban Design Assessment

Hill Country engaged Graeme McIndoe, architect and urban designer, early in the development of the plan change, recognising the importance of quality urban design in the overall outcome. Mr McIndoe's input has been a primary driver in the overall concept which is addressed in more detail in Section 7.5. In particular the following urban design principles have driven the plan change.

- Concentration of activity at the centre, thereby creating a vibrant, mixed-use focus for the community and freeing remaining land for conservation and open space purposes;
- Sufficient population and scale to make services viable;
- A range of lot sizes to increase housing choice;
- Architecture consistent with the unique coastal location;
- A well connected, walkable street and reserves network;
- High quality public spaces, brought about by quality building design and avoidance of large carparking areas.

These outcomes will be achieved through the various rules, activity standards and assessment criteria. Where desired outcomes can be achieved via quantitative means these have generally been included in standards (i.e. building height, setbacks etc), and where qualitative judgement is required these issues are generally dealt with by way of assessment criteria. In the Village Centre Sub-Zone, where quality urban design outcomes are critical to the intimate, walkable environment sought, all new buildings are required to gain resource consent to enable Council to exercise control over design (even though the activity to be housed within the building may be permitted).

In his urban design assessment Mr McIndoe concludes the following:

1. *"This plan creates a unique environment, establishing a precedent for future environmentally, socially, culturally and economically responsible coastal development in New Zealand. It is a potential prototype for responsible 21<sup>st</sup> century coastal development.*
2. *"Innovative development at Ocean Beach can provide a coastal lifestyle experience that is highly valued by New Zealanders as well as a further lifestyle choice in Hawkes Bay. While the same could be argued about development in any coastal location, this development as proposed for Ocean Beach is unique because of its proposed intensive, mixed use nature. This promotes access to services and urban vitality, and enhances walkability with consequent accessibility and health benefits.*
3. *"Development here will enhance public access to one of New Zealand's prime coastal locations, offering a unique combination of landscape, heritage and environmental attributes as well as recreational potential.*

4. *"The chosen approach will develop a distinctive and attractive sense of place, complimenting the natural features that characterise the site.*
5. *"Conservation of a large proportion of the land allied with concentration of built development in a tight cluster at the south end of the beach minimises impact on the coastal environment.*
6. *"Public access can have negative consequences as well as positive, and potential negative effects must, and will be addressed with careful spatial planning, and ongoing management and control.*
7. *"Use of a comprehensive development plan in the form of a Structure Plan ["Indicative Concept Plan"] and a co-ordinated package of District Plan controls for the entire beach and surrounding landscape co-ordinates initiatives and maximises their benefits".*

#### 7.5.6 Cultural Impact Assessment

Hill Country Corporation have engaged Buddy Mikaere of Buddy Mikaere and Associates over a period of time to address tangata whenua issues and to consult with local Maori groups. Mr Mikaere undertook extensive consultation, both as part of an original consultation programme, and in response to requests by Hastings District Council to undertake further consultation with specific groups and individuals.

Whilst this section refers to the consultation with local Maori groups, it draws on other sources of information, including relevant reports in the public domain, site visit of the wider Ocean Beach area, personal interviews with appropriate kaumatua, discussions with Hill Country Corporation and Mr Mikaere's extensive experience in the field of cultural impact assessment and Maori consultation.

In undertaking the cultural impact assessment Mr Mikaere first identified three broad groups that need to be considered (tangata whenua/ mana whenua), these are (in priority order):

- Puke Puke Tangiora Estate and Waipuka 3B1C1 Incorporation – identified in the report as "...former owners, current owners and residents – ahi kaa<sup>1</sup> – on the land involved in the plan change there is no doubt that their interests and concerns must receive priority and due deference".
- Whanau and hapu affiliates who have traditional and customary interests in the land involved but are not landowners – it is assessed that the Waimarama Ocean Beach Development Committee fits into this category.
- Iwi – in this case Ngati Kahungunu whose administrative body is Ngati Kahungunu Iwi Incorporated. Under this umbrella are hapu, and the identified hapu for Waipuka are Ngati Mihiroa, Ngati Whakaiti and Ngati Kurukuru. For

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<sup>1</sup> Ahi kaa – literally, long burning fires – a reference to people who physically live on the land

Pukepuke Tangiora Estate the identified hapu is Ngati Mihiroa. Other hapu are also identified as having an interest in the land.

It is clear from the above that the matter of mana whenua/ tangata whenua is relatively complex and involves several different groups. In this respect it is important to outline Hill Country's response to this complexity, which is best represented in the following paragraphs from pages 4-5 of Mr Mikaere's cultural impact assessment:

- 3.1.8 *"However for representation purposes it should be noted that the multiple hapu affiliations are not a concern for the Company who in any case, do not have the ability, nor see the need, to adjudicate on this aspect. Rather it is happy to accept and be guided by tangata whenua in this matter while reserving the right to deal with local Maori landowners or their representatives in the first instance, regardless of hapu affiliation.*
- 3.1.9 *"The Company also understands that in terms of accepted RMA practice it needs to deal with whomever "steps up to the plate" and is able to demonstrate a genuine interest in a project or development.*
- 3.1.10 *"It should be made clear that in respect of the planning change proposal the Company has no desire to become embroiled in arguments over mana whenua.*
- 3.1.11 *"In this respect the Company has no issues with the whanau, hapu and iwi affiliations claimed by the Estate and Incorporation members. It also unreservedly accepts the rich traditional histories advanced by those members and their long association, occupation and use of the Waipuka and Ocean Beach land and resources in traditional times. Those associations continue today in respect of the lands still held in their ownership.*
- 3.1.12 *"As far as Waipuka is concerned the first observation made of the relationship between the Company and the Estate and Incorporation – the local mana whenua - is one of mutual respect and a clear desire by the Company and their consultation partners to ensure that that relationship is protected and allowed to flourish.*
- 3.1.13 *"In terms of the private plan change application the main point to this section of the assessment is to emphasise that advice has been taken and effort put into correctly identifying the appropriate tangata whenua/mana whenua for consultation on the proposed change.*

Through the methods employed, but principally through consultation, Mr Mikaere identified four main areas relevant to the cultural impact assessment, being:

- The cultural landscape – being made up of symbolic/ prominent landscape features, the Waipuka Stream and archaeological/ cultural deposits such as midden, food storage pits and pa sites;
- Cultural resources – in this area dominated by kaimoana (seafood), including paua, kina, koura, kahawai and hapuka. Further important food sources are associated with the Waipuka Stream, including, eel, freshwater crayfish, lamprey, kokopu (native trout), mudfish and whitebait.

- Spiritual issues – can include a number of intangible values. In this case the Waimarama Maori Committee have identified “patupaiarehe” or “fairy people”.
- Contemporary issues – the following issues were raised as potential concerns - rates increases, loss of land, increased traffic, access to cultural sites, retention of traditional farming, displacement of culture and wastewater treatment and disposal.

Below are excerpts from the cultural impact assessment that address these specific issues:

#### Impacts on the cultural landscape

- 5.13 *"The plan change will have a positive effect on the cultural landscape. After setting aside the larger part of the land for conservation or rural purposes, the balance of the land, already highly-modified, is identified as suitable for the development over time of a small, compact village. As previously noted the intention is that the village would sustain a mixed, vibrant community with a vested interest in protecting the natural and cultural resources in the locality.*
- 5.14 *"The ecological evidence shows that the landscape has been highly modified and is degrading requiring significant input to effect restoration. In this respect it is envisaged that much of the northern part of Ocean Beach – including the Whakapou sites - will be set aside as a wildlife preserve and largely retired from grazing. Over time this area will be revegetated.*
- 5.15 *"An archaeological management plan is proposed. For the archaeological sites at locations in the southern, heavily modified, part of Ocean Beach where the establishment of a village complex is being considered, based on the advice of specialist archaeologists and in consultation with tangata whenua and the Historic Places Trust, decisions will be made as to whether these sites should be protected and preserved, modified or destroyed by way of proper excavation. The proposal envisages a village complex that complies with all tangata whenua concerns in terms of archaeological sites and similar.*
- 5.16 *"Similarly with the major northern dune system and its midden sites which will be protected by its conservation status and through control on public access<sup>2</sup> to the areas above mean high water spring. This will be supplemented by the erection of a predator fence, the retirement of much of these lands from grazing and the eradication of burrowing and grazing pests such as rabbits, hares and rats.*
- 5.17 *"There is no impact on Motu O Kura Island, which sits outside the plan change area.*
- 5.18 *"There is also no negative impact on the Waipuka Stream as a result of the plan application. However, Ocean Beach Land Holdings Limited owns part of the gully area through which the stream flows. The retirement of*

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<sup>2</sup> Apart from walkers, recreational 4WD vehicles and trail bikes currently access the area with consequent damage to the dune system and midden features.

*this land from grazing and the planting of the steep slopes with native trees and other vegetation should enhance water quality through the reduction in nutrients and sediment entering the stream. The risk of erosion into the stream should also be significantly lessened.*

- 5.19 *"It is understood that the traditional kainga site and former fishing station of Rangaiika is associated with a wahi tapu, an urupa or burial place. But that site is outside the area of the plan change and therefore outside the ability of the applicant to influence.*
- 5.20 *"The area around the pa complex at Whakapou will be considerably enhanced by the restoration of the major sand dune system, the reintroduction of birds and other wildlife and the protection and possible restoration of the pa site itself. Controls over indiscriminate access by people should also assist in ensuring that the cultural and natural significance of the site is preserved.*
- 5.21 *"In terms of planned future development it is proposed to put in place agreed protocols to deal with accidental discovery of koiwi<sup>3</sup> or other cultural material; or additional archaeological sites uncovered by construction activities. The suggested protocol attached to this document as Appendix 3 represents a standard document that has previously been accepted by the Environment Court as suitable for consent condition use.<sup>4</sup>*

#### Impacts on Cultural Resources

- 5.23 *"It is accepted that these resources [kaimoana] are already under severe pressure. The applicant notes the involvement of local tangata whenua as Customary Fisheries Officers and supports that involvement. Assistance in helping to facilitate that role by not providing for vehicle beach access under the plan is directed at reducing pressure on pipi beds and limits use of the resource to people who are prepared to walk. Monitoring of the fisheries resource, for example by checking daily takes, is therefore made much easier for Customary Fisheries Officers. Assistance with education efforts, for example placement of signage about maximum catch limits and fish size presents another supporting opportunity.*
- 5.24 *"The applicant would also be supportive of the use of traditional Maori social controls like rauiri, the setting aside of food reserves for the exclusive use of certain people such as the elderly; or the application of a rahui or closed season on shellfish harvesting to allow the resource to recover if necessary.*
- 5.25 *"A similar situation...*
- 5.26 *"The measures proposed under the Impact on the cultural landscape section above give an outline of environmental enhancement on the stream and subsequent improvement of water quality. It therefore follows that there must be a positive effect on the stream, food and the associated resources just listed.*

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<sup>3</sup> Skeletal material.

<sup>4</sup> Appendix 3.



5.27 *"Flax will be an important plant in terms of re-establishing native vegetation along the stream margins and the substantial native plantings and pest control measures for the stream and the planned adjacent reserve areas should result in a dramatic increase in bird life. Releases of endangered native bird species in the reserve areas protected by a predator fence have already taken place. More releases are planned for the future".*

#### Spiritual Component

5.29 *"However, the first step in seeking a comfortable accommodation has been taken with the establishment of an on-going consultation process that can also serve as a forum for addressing intangible issues. The applicant is supportive of ensuring provision is made for the proper observance of tikanga Maori including ceremonial requirements and will work with tangata whenua to ensure that the appropriate protocols are in place.*

5.30 *"A concern has been expressed for the protection of patupaiarehe – the fairy people – or as noted by the Waimarama Maori Committee – the children of the mist. Traditionally patupaiarehe inhabited high places. Access to those places will be controlled as a result of the installation of the predator fence and the creation of the northern conservation area. Replanting of parts of the land with natives will be another tangible response to an intangible concern".*

#### Contemporary Issues

7.2 *"It is acknowledged that the rates increase is inevitable. However, in that the Estate and the Incorporation are willing parties to the proposed plan changethen both parties to the application are aware of the probable outcome.*

7.3 *"The future development proposals envisage a solution to the current issues surrounding road access to Waipuka, including the loss of land by the Estate and Incorporation for roading purposes. It is expected that under the application's solution an entirely new access will be created over land other than that belonging to the Estate and the Incorporation.*

7.4 *"The plan changedoes envisage a change of land use that may well mean that "traditional" farming by Maori might not continue. However cessation of those activities is a matter for the owners of the lands involved, the Estate and the Incorporation, to decide. It is pointed out that "traditional farming" is not currently an activity practised by the owners because the lands are all leased out.*

7.5 *"Other lands are leased and include the land underlying some of the existing non-compliant baches sitting within the coastal hazard zone. Changing the land use under the proposed plan will alleviate this situation.*

7.6 *"With the proposed future development there will be an increase in traffic. However that traffic will largely be directed away from the Maori-owned blocks. The quid pro quo will be better access for the present Waipuka residents and to the Estate and Incorporation lands.*

7.7 *"Access to cultural sites will continue under the plan and any future development. The steps outlined earlier in this assessment in respect of known archaeological and cultural sites address fears about desecration.*



*Consultation provides a mechanism for dealing with any related issues that may arise subsequently.*

- 7.8 *"Displacement of the existing culture is a subjective perspective but the intent is that under the plan the Estate and the Incorporation have the ability to determine their own subdivision arrangements on their land and therefore the nature of their "culture."*
- 7.9 *"During consultation Estate and Incorporation representatives raised a future concern with how wastewater and effluent would be treated. A brief explanation was given in respect of a high level treatment process with discharge to land but that this would be a matter set aside for further consultation at the appropriate time. The concern was that there should be no pollution of kai moana as a result of the system.*
- 7.10 *"In respect of these future development issues the perception is that the advantages outweigh the perceived disadvantages; for example the proposed private plan change provides a comprehensive planning regime for the whole of Waipuka – Ocean Beach. The potential development yields create greater flexibility for the Maori owners as well as a greater likelihood that long-standing contentious roading issues may be more readily resolved.*
- 7.11 *"The Council plan puts an emphasis on public access to a larger surf club and reserve area and does not resolve the roading access issues that are currently a source of discontent for the Maori landowners. There is no support for the Council proposal from any of the Ocean Beach landowners.*
- 7.12 *"The lodging of a plan change by the Estate or the Incorporation is not an option for cost and other reasons. However, under the proposed Hill Country Corporation plan change application the potential for residential development on their lands becomes available in addition to improved infrastructure services, a whole beach solution and access to advice and expertise from people experienced in such development and who are supportive of the cultural heritage aspects that are a feature of the area".*

In summary the cultural impact assessment states the following:

- 8.1 *"The conclusion of this assessment is that the cultural issues identified to date in respect of the planning change application have been addressed. Through an on-going consultation process, provision is made for a forum in which approaches to any cultural concerns can be modified or refined, or where new issues can be addressed.*
- 8.2 *"The further conclusion is that from the Company perspective, cultural issues should not be an impediment to the plan change proposal".*

It should also be noted that the cultural impact assessment includes an assessment against the relevant sections of the Act, as they are relevant to tangata whenua, and concludes that the approach taken by Hill Country has been consistent with these. The relevant sections are 6(e) – consideration of Maori culture and traditions, 7(a) – "Kaitiakitanga", and 8 – "Treaty of Waitangi".

### 7.5.7 Coastal Hazard Assessments

In 2005 Hill Country engaged coastal engineer Dr Jeremy Gibb to assess the coastal hazard vulnerability of Ocean Beach, and any constraints this might pose to development. At that time Dr Gibb completed a report which identified areas susceptible to coastal landslip hazards, coastal erosion hazards and coastal flood hazards. This assessment formed a valuable part of the constraints analysis for the development of the plan change concept (i.e. development zones were located clear of vulnerable areas).

Following revised sea level figures released by the International Panel on Climate Change in 2007, Hill Country re-engaged Dr Gibb to review his 2005 assessment to ensure it was still accurate. That report was completed in July 2007, and did identify some areas of change. That assessment was further updated in October 2007. This updated assessment also utilises the coastal hazard zone framework of the Proposed Hawke's Bay Regional Coastal Plan which was notified in August 2006.

That framework utilises a graduated system of coastal hazard zones – from CHZ1 (highest risk) to CHZ3 (lowest risk). Notwithstanding, these zones as they have been applied to Ocean Beach have never been used as a guide by Hill Country, as Regional Council recognises that they are broad scale zones, and not accurate on a site by site basis. Therefore Hill Country did not consider them an appropriate basis for developing the plan change concept.

Conversely, Dr Gibb's analysis is detailed and specific to Ocean Beach, and in July 2007 he presented evidence on behalf of Hill Country at the hearings on the Proposed Regional Coastal Plan. At the hearing Dr Gibb recommended that his hazard lines be adopted over those currently within the Proposed Plan.

Dr Gibb's findings show that the CHZ1 is primarily contained seaward of the dune system and will not affect the proposed development. CHZ2 and CHZ3 will generally not affect the proposed development footprint either, although CHZ3 does extend over parts of the Ocean Beach Village Centre Sub-Zone and Residential 1 Sub-Zone.

CHZ3 is the area of least risk. It is defined on the glossary of the Proposed Plan as "...assessed as being potentially at risk in a 1-in-50 year combined tide and storm surge event...". Further, the provisions of the Proposed Plan generally indicate a level of comfort with allowing development in these areas (resource consent generally not required).

Dr Gibb's original report also recommended a number of actions to maintain/ restore the coastal foredune, to provide a further, natural buffer to coastal hazards. Importantly these included formalising access through the dunes to prevent

unencumbered movement of people and vehicles – and associated “dune blowout” scenarios. (Dunes are recognised as natural buffers to coastal hazard risks).

Hill Country has incorporated Dr Gibbs’s recommendations into their development programme, and overall, coastal hazards do not pose a major obstacle to the plan change as follows:

- Development will generally be located clear of hazard zones, with some encroachment by CHZ3. Where this occurs building exclusions zones or specific engineering requirements can be imposed at subdivision stage to avoid/ mitigate the hazard.
- The application of CHZ3 should not pose major procedural problems, as the zone is not especially restrictive and resource consent is not always required for new activities/ building.
- The plan change includes a zone wide rule making any activity between the line of the mean high water spring and the seaward line of CHZ1 a Non-Complying Activity.

#### 7.5.8 Geotechnical Assessments

Prior to the lodging of the plan change application Tonkin & Taylor Consulting Engineers (T&T) were separately engaged by HCC and the Waipuka Incorporation to assess the general suitability of land proposed for development both north and south of the Waipuka Stream. These reports were completed in April and May this year and lodged with the plan change application. What follows below is a summary of the T&T findings in terms of general suitability of the land proposed to be developed.

Taking into account the full study area, the two T&T assessments address seven different areas, which are co-related below against the proposed Ocean Beach sub-zones for the purposes of clarity.

#### ***Co-relation between T & T Study Areas and Proposed Sub-Zones***

<b>T&amp;T Area</b>	<b>Proposed Ocean Beach Sub-Zone(s)</b>
Land south of Waipuka Stream	Ocean Beach Residential 1, 2 and 3 Ocean Beach Rural
“Beach Village Flats”	Ocean Beach Village Centre Ocean Beach Residential 1
“Beach Village Basin”	Ocean Beach Residential 2 and 3
“Upper Hamlet”	Ocean Beach Residential 3 Ocean Beach Rural

"Paddock 7"	Ocean Beach Rural
"Paddock 8"	Ocean Beach Rural Equestrian
"Ocean Beach Road"	Ocean Beach Residential 3

The T&T assessments identify that development on the land south of Waipuka Stream, the 'beach village flats', the 'beach village basin' and 'upper hamlet' is generally suitable for development with some limitations caused by unstable ground, liquefaction, coastal hazards and flood levels. However, it is considered that in each case the limitations can be overcome by methods such as:

- Building restriction areas;
- Debris and flood retention structures;
- Specifically design earthworks; and
- Shear keys.

Paddock 7 is considered unsuitable for development, however this area is located in the proposed Ocean Beach Rural Sub-Zone where building and subdivision is not encouraged. The assessment of the Ocean Beach Road area identifies the road as being located on an active landslide and recommends realignment. This advice has been accepted and road realignment clear of the unstable area is proposed as part of the plan change (see 'Structure Plan' and 'Indicative Concept Plan').

Overall the T & T assessment identifies that the proposed development footprint is located on land generally suitable for development, with some limitations in terms of unstable land. Where these limitations occur it is generally the case that instability can be overcome by appropriate engineering and construction responses. On this basis geotechnical limitations will not present a barrier to the feasibility of the plan change concept.

Notwithstanding in June and September 2007 Council requested the following further information relating to geotechnical matters:

- Explanation of the location of the proposed Ocean Beach Road and Residential 3 Sub-Zone relative to a proposed development avoidance area;
- A more detailed assessment of "Paddock 8" within the proposed Rural Equestrian Sub-Zone;
- Confirmation that the proposed Commercial Service Sub-Zone is geotechnically sound for development as it is located in close proximity to the Ocean Beach Road landslide area .

In response to the first issue Hill Country were able to immediately confirm that the proposed road and Rural 3 Sub-Zone are located clear of the avoidance zone, however, T & T were re-engaged to address the requests about Paddock 8 and the

Commercial Service Sub-Zone. Their findings in relation to each are summarised below.

In relation to the Commercial Service Sub-Zone T & T generally concludes that the land is suitable for development subject to a 10m setback at the lowest (most seaward) point of the sub-zone, which would require more detailed investigation at the time of development. The following concluding statements are included in their report dated December 2007:

*"Based on our aerial photograph interpretation of the area the commercial service area is separated from the major landslide that effects the existing road..."*

*"Our present understanding of the major landslide is that it is translational in nature and involves a movement along a bedding plane surface dipping to the west. Projection of this weak surface assuming no change in strike and dip would place the weak surface outside of the proposed commercial service area and within the area of marked up land instability. Hence in our opinion there is not likely to be any deep-seated problem that would prevent development of the land."*

*"We conclude that a terraced area could be constructed for the proposed development provided that a suitable setback is adopted separating the area from the land instability below the present road alignment".*

In relation to Paddock 8 T & T divides the area up into "upper" and "lower" parts. The upper area is assessed as having some susceptibility to slips activated by seismic activity, but development can likely occur, subject to further investigations for individual proposals. The lower area is assessed as being less susceptible to seismic induced slips, but would be affected by seismic shaking and subsequent movement of debris. However, these effects on the lower area can be managed through detailed geotechnical investigations occurring as part of the development process. These findings are expressed in the following concluding statements of the report:

*"The upper part of the site enclosed by the dark lines shows the surface outline of the remnant wedge block. There is potential for reactivation of this wedge in a major earthquake, with debris flows from the steeper slopes onto and off the upper bench. This area of the site could potentially be developed provided the risk of debris inundation allowed for in building setbacks and foundation are designed for soft ground conditions. However, this area within the landscape block will require further investigations to determine its susceptibility to future severe earthquake events. While the magnitude of seismic shaking to reactivate significant movement of the slide area is still to be determined, as set out in Section 4.2, we expect the magnitude of such an earthquake to be large. Approval for development of this area should be conditional on further geotechnical investigations and analysis of the slide area under seismic shaking to confirm the suitability of any specific development."*

*"The lower part of the site is underlain by mudstone stratigraphically below the bedding plane on which movement occurred, and no landslide movement or deformation is apparent. Consequently development on this later area should not be directly affected by any future seismically induced movement of the original wedge but would be affected by the earthquake shaking and local debris flow from the steeper slopes. We expect that this risk can be managed, and the lower part of the site is expected to be suitable for development such as cluster housing associated with the proposed equestrian activities. Such development, however, should require approval of a comprehensive development plan for the area supported by site specific geotechnical evidence before any plan is allowed to proceed".*

Taken together the T & T assessments demonstrate that significant amounts of proposed development land will not be lost as a result of geotechnical constraints. Although some constraints have been identified, these can be dealt with by way of more detailed investigations at the time of development, and responses such as building restrictions and engineering works (which can provide appropriate avoidance and mitigation measures). Overall, geotechnical issues do not present any major obstacles to the plan change, and consequently no changes have been made to the proposed development pattern.

#### **7.5.9 Engineering/ Servicing Assessments**

Hill Country has engaged civil engineer and been in discussions with various service providers to ensure that the proposal is feasible from an engineering perspective. The majority of this work has been carried out by Deziqworks HB Consulting engineers. Council, in their further information request of June 2007, asked that these assessments be drawn together to address broad scale engineering viability. This was subsequently provided to Council in August 2007, with the broad level costs repeated in Section 7.4.1 of this report. Therefore the focus of this section is simply to introduce the proposed servicing arrangements, with brief commentary on the environmental effects and how these can be avoided, remedied or mitigated.

##### Water Supply

Following discussions with Council it is proposed to connect into the Hastings town water supply in order to service the settlement. In particular it is proposed to connect into an existing high level reservoir at Havelock North which would allow for gravity feed to Ocean Beach (no pumps required). If connection into the Hastings town supply cannot ultimately be achieved then alternative options are available including augmented supply from the aquifer of the Tukituki River in addition to sustainable demand management of on-site water. At Ocean Beach this water would be fed into a large storage reservoir on the coastal escarpment and be supplied via gravity feed. An indicative position for the high level reservoir is shown on the "Concept

Development Plan” which forms part of the plan change. A further small low level reservoir may also be established at Ocean Beach.

More recently Council have advised that connection into the Havelock North Reservoir may not be possible due to cost and capacity constraints, and that the alternative option may need to be exercised.

Dezignworks advise that both the high and low level reservoirs can be designed to avoid unnecessary height, and thereby avoid adverse visual impacts. In particular the high level reservoir can be ‘scaloped’ into the ground to minimise its height, whilst the low level reservoir may be able to be completely buried. Construction, trenching of pipes and any upgrades to the Hastings town supply pipes will be temporary activities and it is anticipated these can be managed to avoid or mitigate associated adverse effects.

#### Power Supply

A letter has been provided Unison Networks indicating that electricity supply to the proposed development is beyond the capability of the existing rural feeder to the area. The letter outlines the likely infrastructure required to supply power to Ocean Beach, which includes a new zone substation and extension and upgrade of some existing infrastructure. A broad estimate of costs is also included in the letter and these are included in the broad scale feasibility assessment included in Section 7.4.1.

#### Wastewater Disposal

A reticulated effluent disposal system is proposed for the residential and commercial sub-zones. (Outside of these areas wastewater would be disposed of on a site by site basis – septic tanks). The reticulated system would pump effluent to a wastewater treatment plant located on the coastal escarpment behind the proposed Village Centre Sub-Zone, and from there treated effluent will be discharged to a disposal field located further to the north (see the “Indicative Concept Plan”). The main disposal field will be fenced off and has a minimum setback of 40m from the adjoining Residential 2 Sub-Zone.

Advice from Reaman Industries, a supplier of wastewater treatment plants is that there are ‘minimal odours’ associated with their systems, and that where there is potential for odours, ozone is used to mitigate this. In terms of visual effects of the treatment plant, it is anticipated that careful positioning of the plant can mitigate these. Further, the treated effluent is of high quality and will have a negligible effect on ground water quality.



### Stormwater Disposal

A reticulated stormwater system which discharges to a network of swales, detention ponds and overland flowpaths are proposed in order to dispose of stormwater. In general terms the proposed stormwater disposal system is designed to be low impact, as it will primarily dispose of water via ground soakage and evaporation, and is designed to avoid rapid rates of runoff and associated scouring and erosion. The proposed detention ponds may also be used for water recycling. The general location of swales, spillways and overland flowpaths (including through the fragile dune system) is shown on the Concept Development Plan which forms part of the plan change itself.

Dezignworks were re-engaged by Hill Country in October 2007 to address specific queries raised by Council in relation to wastewater and stormwater infrastructure. The queries related to the operation and configuration of infrastructure to ensure that it can be effectively provided to the settlement. Dezignworks response, dated 29 October 2007, outlines possible options, operating requirements and further demonstrates that the relevant infrastructure can be provided to support the settlement.

#### **7.5.10 Traffic Assessments**

Hill Country engaged Traffic Design Group to address the servicing of the proposed development along the existing arterial roads, and also in terms of the proposed internal road layout, including the realignment of Ocean Beach Road where it descends the hill and will enter the settlement. Their original report, submitted with the plan change request in May made the following conclusions:

*"This report provides a traffic engineering review of the proposed residential development at Ocean Beach to support a private plan change. The appropriateness of the intended design elements are outlined, and further road safety considerations are identified.*

*"It is found that, subject to the implementation of additional seal widening, the proposed access roads intended to support the proposed development are of an appropriate standard to meet the immediate and future needs of the proposed development and the local roading network. The proposed concept design meets most, but not all current Council roading standards, which reflects a desire to achieve better environmental outcomes in a manner that also achieves the required levels of safety, capacity and amenity.*

*"With the appropriate engineering and application of design principles, it is concluded that the proposed development will offer a properly balanced level of service for all users. It will provide good quality access to, from and within Ocean Beach in a manner that will not compromise the safety or convenience of any road users".*



Notwithstanding the above assessment, Council's further information request in June 2007, and a second further information request in September asked Hill Country to address a number of specific issues relating to crash analysis/ history, the capacity of existing intersections to cope with increased demand resulting from development, and issues relating to road widening. In response Traffic Design Group produced further assessments which were provided to Council. The second of those assessments was completed in October 2007, and concludes as follows:

*"Based on the details provided, it is assessed that there are engineering solutions available to resolve all of the traffic engineering and transportation matters raised by Council pertaining to this proposal".*

#### **7.5.11 Soil Assessment**

In response to the original plan change request lodged in May 2007 Council required an assessment of soil contamination issues around the existing Woolshed Building to be located within proposed Residential 1 Sub-Zone land. Council was concerned by agrichemical soil contamination associated with sheep dipping. Hill Country Corporation engaged Geo & Hydro K8 Ltd to address this issue. The conclusions of that assessment are as follows (p9):

- *"Generally the Arsenic contaminant levels were quite low compared to many other sheep dip sites;*
- *"The estimated total soil volume contaminated with metals (arsenic, copper, zinc) is limited;*
- *"On-site burial of the metal-contaminated soil within the reserve areas of the site is likely to be the most environmentally friendly remedial option. However, given the relatively low volume of contaminated soil in relation to the property, an alternative could be remediation by soil mixing to bring the concentration of Arsenic down to below the guidelines as set by Hastings District Council for Residential land use".*

It is clear from the assessment above that levels of soil contamination are not high and can be effectively remediated.

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## **7.6 Summary**

It is established that the current planning controls are inadequate in terms of securing the long term future of Ocean Beach, as is demonstrated by the fact that both Council and Hill Country have advanced ideas for the future management of the area. The key consideration in this regard is balancing the valuable natural/ cultural landscape with the demonstrated demand for development.

In response the plan change proposal, is supported by a comprehensive range of technical assessments carried out for Hill Country. Hill Country consider that the proposed plan change is the most appropriate means of advancing the resource management framework for Ocean Beach. This is based on a careful balancing of environmental, social and economic factors as is required under Section 5 (“Purpose”) of the Act and has been demonstrated in the preceding parts of this section. On this basis, this section forms the foundation for the Section 32 analysis that follows in Sections 8 – 10. The key elements of this balancing act are:

- Development contained within a defined footprint at the southern end of the beach where the landscape is most highly modified (whilst protecting the areas of highest value at the northern end of the beach);
- Accepting that some landscape/ visual impacts will occur but seeking to minimise those whilst providing for a scale of development sufficient to support local services and deliver social and economic benefits;
- Accordingly, avoiding a lower development yield which runs the risk of imposing significant environmental impacts without compensating with social and economic benefits;
- A walkable neighbourhood development pattern with residential densities which increase towards a central village centre – thereby providing housing choice and a compact community that maximises convenience for residents;
- A high quality public realm which maximises recreational opportunity and makes the settlement attractive to residents and visitors alike.

The technical assessments referred to above also confirm that the plan change is economically feasible, and practical in terms of physical constraints. Where constraints do exist, for example archaeological deposits and unstable ground, these constraints can be effectively managed in subsequent stages (typically through the resource consent process). These matters are important because if not carefully considered the plan change could not be realised in its current form.

This section also provides the foundation for the Section 32 analysis which is contained Sections 8 and 9 below, as it establishes the credentials of the plan change. It does this outlining the results of several technical assessments which tackle the key planning considerations, and then draws this analysis together and concludes that the proposed plan change will deliver the best balancing of social, environmental and economic matters. Accordingly, the analysis contained in Sections 8 and 9 refers back to the conclusions drawn in this section.

## 8 Section 32 Analysis: Objectives, Policies, Rules and Other Methods

### 8.1 Introduction

The purpose of this section is to address Section 32(3) of the Act which reads as follows:

*32(3) An evaluation must examine –*

- (c) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (d) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives*

The objectives, policies and rules have been assessed accordingly in the following subsections and it is therefore appropriate at this point to introduce the structure of objectives, policies and rules proposed by the plan change. Overall, the structure used has been designed to minimise disturbance to the existing District Plan structure, and to ensure the greatest level of clarity.

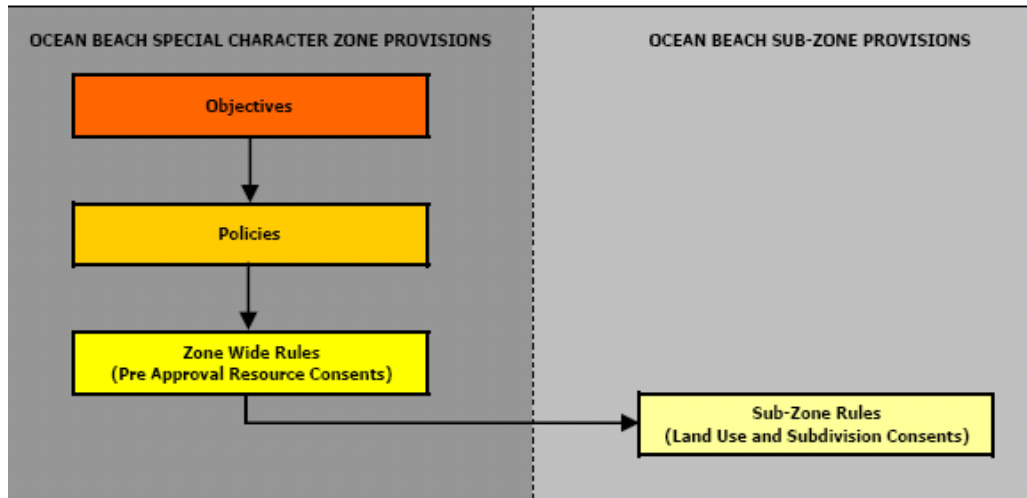
The plan change proposes a new Section 11.3 entitled “Ocean Beach Special Character Zone”, in the same vein as the Te Mata and Tuki Tuki Special Character Zones (existing Sections 11.1 and 11.2 of the District Plan). The Ocean Beach Special Character Zone is broken down further into sub-zones (as described above in Section 6.3. Within Section 11.3 there is the following structure of objectives, policies and rules:

- The objectives and policies apply broadly across the whole special character zone (no differentiation by sub-zone).
- There are Ocean Beach Special Character Zone rules specifically for pre-approval resource consent– these apply to a “village centre outline concept plan”, “comprehensive development plans” and a “conservation management plan” for the Rural-Conservation Sub-Zone. The purpose of these “pre-approval” consents is to establish detailed development frameworks for specific parts of the special character zone.
- There are also specific “sub-zone” rules which are designed to control the standard resource consent process – i.e. for subdivision and individual activities, and are based on the existing rule format within the District Plan. Applications for

sub-zone consents are required to be consistent with the framework handed down by the pre-approval consents described above.

The above provisions have been assessed below in Section 8.2. Their structure is represented in the schematic diagram below.

**Schematic Diagram – Structure of Provisions with new Section 11.3 of the District Plan – “Ocean Beach Special Character Zone”**



It should also be noted that aside from proposed new section 11.3 the plan change will necessitate some changes throughout existing sections of the Plan. Those changes have been made to fit within the existing structure of the Plan, and have been assessed in Section 8.3 as a separate exercise.

**8.2 Ocean Beach Special Character Area Objectives**

(Refer to proposed Section 11.3.3 in the Plan change documents). Section 32(3)(c) requires each objective to be assessed in terms of its appropriateness in achieving the purpose of the Act, which to recap is as follows:

**5. Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying or mitigating and adverse effects of activities on the environment.*

***OBO1*** *To protect, preserve, manage and enhance the natural character of the Ocean Beach area and its associated natural, cultural and archaeological values.*

As has been established in Section 7 of this report Ocean Beach has considerable natural character, archaeological and cultural values, particularly at the northern end of the beach. The objective above recognises these values, and establishes a means by which they can be protected. This is a view generally held throughout the community and is considered to appropriate in terms of the purpose of the Act.

***OBO2*** *To provide a diverse coastal community appropriate in built scale and form.*

Council, the proponents of this plan change, and most members of the community recognise that some sort of development at Ocean Beach is inevitable and indeed desirable. This is well established as detailed in Section 7 of this report. It is further recognised that due to the special landscape and coastal character it is essential that the form and scale of development is “appropriate” to this context. This view is directed towards protecting that special character by minimising visual intrusion. Also as detailed in Section 7, Hill Country believes that a diverse community, in terms of both housing choice and provision of services, is more likely to deliver a wide range of social benefits. On this basis the above objective is considered to be appropriate in terms of the purpose of the Act.

***OBO3*** *To achieve responsible mixed use development that supports conservation and community development.*

Hill Country take the view that a focused planning regime which respects the areas of highest natural and cultural values, and which provides for a range of services has the greatest potential to deliver optimal social and environmental outcomes. It is also hoped that through developing an integrated community a greater sense of environmental awareness will result, hopefully followed by community driven conservation initiatives. These rationale for this approach has been explored in detail in Section 7, and on this basis the above objective is seen as appropriate in terms of achieving the purpose of the Act.

**OB04** *To achieve a high quality public environment and street system with a high degree of walkability and good connections within and to the beach.*

One of the key outcomes of ongoing public consultation has been the need to maintain Ocean Beach as a destination for the wider community, and to maintain access to the beach, which is seen as a valuable public resource. The recreation value of the beach is well established but the development of other high quality public areas/ connections will diversify the attraction of Ocean Beach for residents and visitors alike. On this basis the above objective is seen as appropriate in terms of achieving the purpose of the Act.

**OB05** *To provide a wide range of residential, recreational, employment and service opportunities for the public enjoyment of Ocean Beach.*

Consultation has indicated a widely held public sentiment that access to, and enjoyment of Ocean Beach, is something that should be available to all the community. To help achieve this Hill Country proposes to provide housing choice and employment opportunities through the plan change. This intention is represented in the objective above and further articulated in the analysis that follows on policies and rules. Housing choice, employment and provision of local services are intertwined into the overall community development philosophy that underpins the plan change as a whole, and is concluded in Section 7 as achieving the purpose of the Act.

**OB06** *To enable the comprehensive development of the Ocean Beach Character Area in line with the provisions of the Ocean Beach Special Character Zone to ensure the high amenity values and public access to the beach are maintained.*

The credentials of the plan change have already been explored in detail in Section 7, and found to be appropriate in terms of achieving the purpose of the Act. Part of this This objective will ensure that development proceeds along the lines of the plan change concept, and accordingly that the purpose of the Act will be met.

**OB07** *To provide for appropriate commercial service activities to service the Ocean Beach community in a manner that avoids, remedies or mitigates impacts on natural character and community amenity.*

Hill Country recognises that in order to support the community development sought, some “commercial service” activities will need to be established in the area. Commercial service activities are typically low amenity activities, such as repair and building supply stores, and specifically in the Ocean Beach context a waste transfer station is anticipated. The objective above ensures that these activities can be provided for, but should be located where amenity impacts will be minimised. This objective is considered an appropriate response in terms of balancing the competing social/ economic and environmental factors, and accordingly in terms of achieving the purpose of the Act.

**OB08** *To provide for a vibrant, mixed-use core at the heart of the Ocean Beach Special Character Zone, comprising primarily higher density residential activity, supported by retail, office, visitor accommodation and conference facilities, as well as community and recreational facilities.*

Provide a critical mass of development within a contained footprint area is vital to the success of the plan change, in terms of social, environmental and economic outcomes. A big part of making the development attractive is to provide a vibrant, centralised area of commercial and community services, in close proximity to housing. This clearly delivers on social and economic objectives, but will inherently impose some visual/ character impacts on the surrounding areas. However, Section 7 explores the balancing of these issues in detail, and concludes that it will be appropriate if located at the southern end of the beach. On the basis of the assessment in Section 7 of this report the objective is considered appropriate in terms of achieving the purpose of the Act.

**OB09** *To maintain the amenity of residential dwellings within and adjoining the Ocean Beach Village Centre.*

Following on from “OB08” above it is important that the amenity of dwellings adjoining the village centre are protected from the effects of the community and commercial activities that will occur there. Amenity values are a key consideration under the Act, and the objective is therefore considered appropriate.

**OB10** *To create convenience and amenity for residents within the Ocean Beach Village Centre Sub-Zone and adjoining areas.*

As described above the village centre will form a central focus for the Ocean Beach community, particularly those located within close proximity. This will create convenience and amenity for these residents, helping them to provide for their social and economic wellbeing. Therefore the objective is considered appropriate in terms of meeting the purpose of the Act.

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### 8.3 Ocean Beach Special Character Area Policies

The policies are required to be assessed in terms of their “efficiency and effectiveness” in achieving the objectives. This section links the policies to the relevant objectives and makes that assessment. Some of the policies relate to more than one objective and are therefore assessed more than once below.

#### 8.3.1 Objective 1

**OBO1** *To protect, preserve, manage and enhance the natural character of the Ocean Beach area and its associated natural, cultural and archaeological values.*

**OBP1** *Establish an appropriate framework, as part of the overall Ocean Beach Special Character Zone, for the mitigation of potential adverse visual effects;*

*enhancement of ecological values through revegetation, dune restoration, and other conservation measures; and, where appropriate for identified sites, the protection of areas of special cultural and archaeological value.*

***OBP7*** *Concentrate development in the southern half of the Ocean Beach Special Character Zone, within an open space and conservation framework that promotes the conservation and preservation of its natural and physical values.*

***OBP8*** *Encourage innovative low-impact urban design and development solutions in the more sensitive locations near to dunes, pedestrian and vehicular accessways, and open space.*

***OBP10*** *Locate service activities in the Ocean Beach Commercial Service Sub-Zone in areas of lesser natural value.*

***OBP11*** *Provide opportunities for ecological enhancement and related activities.*

Protection, preservation and enhancement of Ocean Beach's natural, cultural and archaeological values requires a myriad of responses, particularly as the current resource management regime is a blanket rural zone across the whole study area. A focused response is required, namely protection of the areas of highest value (principally located at the northern end of the beach) coupled with defined areas for development (at the southern end) – this creates a clear expectation about the pattern of development sought. A further strand is the encouragement of formal enhancement/ conservation activities. All of these things are provided for in the above policies, on this basis they are considered the most efficient and effective way of achieving objective OB01.

### 8.3.2 Objective 2

***OB02*** *To provide a diverse coastal community appropriate in built scale and form.*

***OBP8*** *Encourage innovative low-impact urban design and development solutions in the more sensitive locations near to dunes, pedestrian and vehicular accessways, and open space.*

***OBP9*** *Create diverse but interesting built form by means of height and form modulation requirements and variability in lot sizes.*

***OBP15*** *Provide for a range of non-traditional rural activities within the Ocean Beach Rural Sub-Zones to cater to the growing diversification of rural land use whilst recognising the differential values associated with these zones, and the need to maintain rural amenity and a low intensity of built development.*

Objective OB02 strikes at the primary consideration of the plan change– balancing the social and economic benefits of development with the special visual/ landscape character. Accordingly, the policies which fall under the umbrella of this objective represent this balancing act by promote the establishment of various activities whilst encouraging low impact design solutions. The policies are considered to be consistent with the objective, and will be effective and efficient in terms of achieving it.



### 8.3.3 Objective 3

***OBO3 To achieve responsible mixed use development that supports conservation and community development.***

***OBP7 Concentrate development in the southern half of the Ocean Beach Special Character Zone, within an open space and conservation framework that promotes the conservation and preservation of its natural and physical values.***

***OBP11 Provide opportunities for ecological enhancement and related activities.***

***OBP12 Provide a development size sufficient to support local service and community facilities as the population grows over time.***

This objective represents the balancing act between providing for sufficient development to support a range of activities/ sense of community and the associated environmental impacts. As described in Section 7, a big part of striking this balance is containing development at the southern end of the beach, whilst protecting the areas of higher value at the northern end, and additionally promoting conservation/ enhancement activities. It is considered that the policies strike this balance, and accordingly will be efficient and effective in terms of achieving the objective.

### 8.3.4 Objective 4

***OBO4 To achieve a high quality public environment and street system with a high degree of walkability and good connections within and to the beach.***

***OBP3 Provide permanent legal public access to the beach.***

***OBP4 Provide visual and physical open space connections at important points throughout the Ocean Beach Special Character Zone.***

***OBP5 Provide convenient and attractive pedestrian access in association with the public road network.***

***OBP6 Provide a public road layout that provides good visual and physical connections to the beach and open space areas and enhances walkability with a controlled speed environment.***

***OBP21 Allow variations from the engineering standards provided in the Hastings District Council's Engineering Code of Practice for Subdivision and Land Development (1997) where an alternative solution is available which can better achieve the urban design outcomes sought for the Ocean Beach Special Character Zone.***

The objective emphasises the importance of a high quality public realm, to make the development attractive and convenient for residents and visitors alike. In the specific Ocean Beach context this means legal/ convenient access to the beach, an easy and relaxed pedestrian environment, and good open space/ visual connections to take advantage of the special coastal character. Allowing variations from the engineering code of practice is of particular importance as that document promotes traditional development patterns with development specifications which may detract from the walkable, intimate scale environment that is sought in some areas. The

above policies address all of these issues, and therefore will be efficient and effective in terms of achieving the objective.

### 8.3.5 Objective 5

***OB05 To provide a wide range of residential, recreational, employment and service opportunities for the public enjoyment of Ocean Beach.***

***OBP12 Provide a development size sufficient to support local service and community facilities as the population grows over time.***

***OBP14 Encourage diversity of accommodation opportunity around the Village Centre by providing for and promoting secondary dwellings.***

***OBP15 Provide for a range of non-traditional rural activities within the Ocean Beach Rural Sub-Zones to cater to the growing diversification of rural land use whilst recognising the differential values associated with these zones, and the need to maintain rural amenity and a low intensity of built development.***

***OBP16 Introduce Ocean Beach Residential Sub-Zones to enable the implementation of the Ocean Beach Indicative Concept Plan***

The plan change has not simply sought to minimising development in order minimise environmental effects. Rather it recognises that additional impacts imposed by a higher yield can be offset through careful siting and controls, and that the additional yield can also offer substantial social and economic benefits. These benefits centre around a wider range of housing choice, provision of local services and employment. Objective OB05 introduces this approach in a general way, and the associated policies translate it down into the range of measures required to implement it. On this basis the policies are considered efficient and effective in terms of achieving the objectives.

### 8.3.6 Objective 6

***OB06 To enable the comprehensive development of Ocean Beach in line with the provisions of the Ocean Beach Special Character Zone to ensure the high amenity values and public access to the beach are maintained.***

***OBP2 Recognise that the Ocean Beach development will be realised over a timescale greater than any single District Plan period, and therefore provide sufficient certainty with flexibility for appropriate changes.***

***OBP3 Provide permanent legal public access to the beach.***

***OBP18 Ensure high levels of amenity for residential dwellings both within and adjoining the Ocean Beach Village Centre Sub-Zone.***

The plan change recognises that high levels of amenity and ongoing public access to the beach are important for any future development at Ocean Beach. In particular, consultation has consistently emphasised that the community sees the beach itself as a community resource, and that legal access must be provided into the future.

The policies above are very focused and respond directly to the concerns of the objective, and on this basis it is considered they will be both efficient and effective.

### 8.3.7 Objective 7

***OB07 To provide for appropriate commercial service activities to service the Ocean Beach community in a manner that avoids, remedies or mitigates impacts on natural character and community amenity.***

***OBP10 Locate service activities in the Ocean Beach Commercial Service Sub-Zone in areas of lesser natural value.***

The above policy directly addresses the objective, and on this basis will be effective and efficient in terms of achieving it. By way of explanation, the Commercial Service Sub-Zone is required to accommodate essential servicing activities for the community, some of which are by their very nature, unpleasant. For example, a waste transfer station. However, the sub-zone has been located behind the settlement, distant from the residential sub-zones and village centre in order to minimise amenity impacts on the most sensitive land uses.

### 8.3.8 Objective 8

***OB08 To provide for a vibrant, mixed-use core at the heart of the Ocean Beach Special Character Zone, comprising primarily higher density residential activity, supported by retail, office, visitor accommodation and conference facilities, as well as community and recreational facilities.***

***OBP18 Ensure that activities within the Ocean Beach Village Centre Sub-Zone provide for appropriate levels of on-site parking taking into account the needs of residents and businesses, the safety and efficiency of the road network, and urban design objectives for the area.***

***OBP19 Create a vibrant mixed-use format for Ocean Beach within the Ocean Beach Village Centre Sub-Zone. Residential activity shall be the primary land use, supported by retail and office activities, visitor accommodation, community and recreation facilities to allow this area to function as a service centre for the growing residential population.***

***OBP20 Control activity intensity within the Ocean Beach Village Centre Sub-Zone by a combination of height, site coverage, servicing and on-site car parking standards rather than by minimum lot size requirements.***

The objective recognises the importance of a vibrant core in the success of the plan change overall, particularly one with a mix of residential, commercial and community uses. Policy OBP20 directly translates the objective into action, whilst policies OBP19 and 21 address the associated concerns of appropriate car parking and bulk and location standards. Overall, the policies further articulate the issues incorporated

into the objective, and provide a platform for rules to follow. On this basis the policies will be effective and efficient in terms of achieving the objective.

#### 8.3.9 Objective 9

***OB09 To maintain the amenity of residential dwellings within and adjoining the Ocean Beach Village Centre.***

***OBP17 Ensure high levels of amenity for residential dwellings both within and adjoining the Ocean Beach Village Centre Sub-Zone.***

The policy directly translates the intention of the objective and on this basis will be efficient and effective. By way of explanation, the Ocean Beach Village Centre will provide for a range of commercial and community activities at higher densities, thereby creating potential conflicts with nearby residential properties. The policy recognises this, and states the need to maintain amenity for residents.

#### 8.3.10 Objective 10

***OB10 To create convenience and amenity for residents within the Ocean Beach Village Centre Sub-Zone and adjoining areas.***

***OBP19 Create a vibrant mixed-use format for Ocean Beach within the Ocean Beach Village Centre Sub-Zone. Residential activity shall be the primary land use, supported by retail and office activities, visitor accommodation, community and recreation facilities to allow this area to function as a service centre for the growing residential population.***

The proposed village centre and associated activities will play a central role in maximising convenience to residents, and in terms of providing amenity to the settlement as a whole. It will accommodate a range of local services around a central village green. The policy focuses the objective and provides a detailed foundation for rules to follow in terms of the types of activities and services to be located there. On this basis it is considered the policy will be effective and efficient in terms of achieving the objective. Overall, the policies give greater focus to the objectives introduced in Section 8.2, and provide a foundation for the rules which follow in Section 8.4 below. On this basis the policies are considered to be both efficient and effective in terms of achieving those objectives, and therefore Section 32(3)(d) is satisfied.

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## 8.4 Rules

Section 32(3)(d) also requires the rules to be “effective and efficient” in terms of achieving the purpose of the Act. A corresponding assessment is made in the following sub-sections.

### 8.4.1 Zone Wide

The zone wide rules relate to the “pre-approval” resource consents introduced in Section 8.1 above. There is also a zone wide, Non-Complying rule for activities located between the mean high water spring and coastal hazard/ ecology lines.

#### Controlled Activities

- *A CONSERVATION MANAGEMENT PLAN FOR DEVELOPMENT IN THE OCEAN BEACH RURAL CONSERVATION SUB-ZONE*

#### Restricted Discretionary Activities

- *COMPREHENSIVE DEVELOPMENT PLANS*
- *VILLAGE CENTRE OUTLINE CONCEPT PLAN*

#### Non-Complying Activities

- *COMPREHENSIVE DEVELOPMENT PLANS WHICH DO NOT MEET ONE OR MORE OF THE STANDARDS SET OUT IN SECTION 11.4.17.*
- *A VILLAGE CENTRE OUTLINE CONCEPT PLAN WHICH DOES NOT MEET ONE OR MORE OF THE STANDARDS SET OUT IN SECTION 11.4.17.*
- *CONSERVATION MANAGEMENT PLANS WHICH DO NOT MEET ONE OR MORE OF THE STANDARDS SET OUT IN SECTION 11.4.17*
- *ALL ACTIVITIES (EXCLUDING PROHIBITED ACTIVITIES, ACTIVITIES IN THE RURAL SUB-ZONE AND NETWORK UTILITIES PROVIDED FOR BY RULE 13.3.7.3) PRECEDING APPROVED COMPREHENSIVE DEVELOPMENT PLANS, A VILLAGE CENTRE OUTLINE CONCEPT PLAN AND A CONSERVATION MANAGEMENT PLAN*
- *NOTWITHSTANDING ANY OTHER RULE WITHIN THE OCEAN BEACH SPECIAL CHARACTER ZONE, ANY ACTIVITY PROPOSED BETWEEN THE LINE OF MEAN HIGH WATER SPRINGS AND THE INLAND BOUNDARY OF THE COASTAL HAZARD LINE AND/OR THE SENSITIVE ECOLOGY LINE SHOWN ON APPENDIX 11.4-1 OR THE COASTAL HAZARD LINE AS SUBSEQUENTLY MODIFIED BY AN APPROVED MITIGATION MEASURE IS A NON-COMPLYING ACTIVITY. FOR THE AVOIDANCE OF DOUBT THIS RULE APPLIES TO ACTIVITIES IN THE OCEAN BEACH RURAL AND RURAL CONSERVATION SUB-ZONES (TO WHICH COMPREHENSIVE DEVELOPMENT AREAS DO NOT APPLY).*

These zone wide rules represent the “pre-approval” resource consent process referred to earlier in this report. These are included to ensure an extra layer of control and that development proceeds in accordance with the Ocean Beach objectives, policies, development plan and indicative concept plan.

Although development and activity (aside from conservation activities) is strongly restricted in the Rural Conservation Sub-Zone the Controlled Activity rule requiring a conservation management plan to precede any development in the Rural Conservation Sub-Zone is an extra layer of protection. Council will have the opportunity to influence the shape of activities within the sub-zone and for an overall, integrated approach to the sub-zone which is considered appropriate given the fragility of the area.

The Restricted Discretionary Activity rules requiring comprehensive development plans and a village centre outline concept plan will influence development to proceed in accordance with the Ocean Beach development plan and indicative concept plan. These establish an anticipated pattern of development which is critical to the success of the plan change as a whole. In particular allowing development outside the sub-zones specified for development (village centre, residential etc) will simultaneously undermine the values in the northern area and the success of the community development concept.

Comprehensive Development Plans and Village Centre Outline Concept Plans that do not meet the standards set out in Section 11.3.7 (these essentially require consistency with the intent of the overall zone and the development plan and indicative concept plan) are Non-Complying Activities. This restrictive activity class is considered appropriate given the importance of maintaining the integrity of the development pattern - which as described above is essential to the success of the plan change as a whole.

Further any activity between the mean high water spring and ecology line/ coastal hazard line is also a Non-Complying Activity. This area is both sensitive in terms of ecology and in terms of its susceptibility to coastal hazards and for these reasons development and/or activities are discouraged, and henceforth Non-Complying Activity status is considered most appropriate. Prohibited status was not considered because there may be activities, particularly conservation/ ecotourism activities which are appropriate in this area.

## 8.4.2 Ocean Beach Rural Sub-Zone

### Permitted Activities

- *LAND BASED PRIMARY PRODUCTION (EXCLUDING FORESTRY AND FARM FORESTRY)*
- *RESIDENTIAL ACTIVITIES ON LOTS EXISTING AT THE DATE THE OCEAN BEACH SPECIAL CHARACTER ZONE IS MADE OPERATIVE*
- *TEMPORARY EVENT DAYS*
- *ECOTOURISM*
- *CAMPING GROUNDS*
- *HORSE TREKKING*

### Controlled Activities

- *INTENSIVE RURAL PRODUCTION*
- *FEEDLOTS*

### Restricted Discretionary Activities

- *HELICOPTER DEPOTS.*
- *ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 11.4.16 OR RELEVANT SPECIFIC PERFORMANCE STANDARDS AND TERMS 11.4.17, EXCLUDING ACTIVITIES WHICH DO NOT MEET STANDARDS 11.4.17.4 (b) AND 11.4.17.4 (c).*

### Discretionary Activities

- *ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING SPECIFIC PERFORMANCE STANDARDS 11.4.17.4 (b) AND 11.4.17.4 (c)*
- *ANY NEW RESIDENTIAL BUILDING OR BUILDING BEING PART OF A MARAE, PLACE OF ASSEMBLY, COMMERCIAL ACTIVITY OR INDUSTRIAL ACTIVITY ERECTED ON ANOTHER SITE WITHIN 400 METRES OF A BUILDING KNOWN TO BE USED FOR INTENSIVE RURAL PRODUCTION.*

### Non-Complying Activities

- *ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, OR DISCRETIONARY ACTIVITY*
- *RESIDENTIAL ACTIVITY ON BALANCE LOTS CREATED AFTER THE OCEAN BEACH SPECIAL CHARACTER ZONE IS MADE OPERATIVE.*

The Ocean Beach Rural Sub-Zone is a critical element in the success of the plan change as a whole. It has been applied where the existing rural zone is considered generally appropriate. In this regard the rules above reflect the existing rural zone rules in the District Plan, but with variations which respond to the specific Ocean Beach context. The variations are as follows:

- Commercial, industrial and winery activities which are permitted under the existing rural zone are not permitted in the proposed Ocean Beach Rural Sub-Zone. This is because the plan change proposes an integrated planning framework where commercial activities will be concentrated in the commercial sub-zones at the southern end of the beach.
- Ecotourism, camping grounds, and horse trekking activities are specifically permitted in the Ocean Beach Rural Sub-Zone as activities appropriate in terms of providing recreational opportunities and compatible with the existing rural character.
- Under the current rural zone rules “residential activity” is permitted, however, under the proposed Ocean Beach Rural Sub-Zone rules residential activity will only be permitted on lots existing when the plan change is made operative, residential activity on balance lots created after that time will not be permitted. This provision is to restrict residential development and preserve the low intensity rural character. Couple with the proposed subdivision regime there will significant restrictions on development in this sub-zone (also see subsection 8.5.4 below). These measures will also help to push development into the residential zones around the village centre and aid the success of the community development concept.

The rules are supported by appropriate standards to ensure that the scale of built development is inkeeping with the rural character, as well as a range of other amenity standards. These are generally consistent with the existing standards, as these are considered appropriate in terms of controlling effects in the rural zone. Overall, the proposed rules are considered appropriate in terms of achieving the specified outcomes for the Rural Sub-Zone.

#### **8.4.3 Ocean Beach Rural Conservation Sub-Zone**

##### Permitted Activities

- *LAND BASED PRIMARY PRODUCTION (EXCLUDING FORESTRY AND FARM FORESTRY) WHERE THIS IS AN EXISTING ACTIVITY*
- *WORKERS' ACCOMMODATION*
- *ECOTOURISM*
- *VISITOR ACCOMMODATION*
- *EDUCATIONAL FACILITIES*
- *RESEARCH ACTIVITY ASSOCIATED WITH CONSERVATION RELATED ACTIVITIES*



- *HORSE TREKKING*

#### Restricted Discretionary Activities

- *ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 11.4.16 OR RELEVANT SPECIFIC PERFORMANCE STANDARDS AND TERMS 11.4.17.*
- *HELICOPTER DEPOTS.*

#### Discretionary Activities

- *PERMITTED ACTIVITIES THAT WERE NOT PERMITTED ACTIVITIES UNDER THE RURAL ZONE RULES WHICH APPLIED BEFORE THE OCEAN BEACH SPECIAL CHARACTER ZONE WAS MADE OPERATIVE, UNTIL SUCH TIME AS A CONSERVATION MANAGEMENT PLAN IS APPROVED UNDER RULE 11.4.7.1.*
- *RESIDENTIAL ACTIVITY ANCILLARY TO AN AUTHORISED VISITOR ACCOMMODATION OR EDUCATIONAL FACILITY.*

#### Non-Complying Activities

- *ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, DISCRETIONARY OR RESTRICTED DISCRETIONARY ACTIVITY.*

#### Prohibited Activities

- *RESIDENTIAL ACTIVITY (EXCEPT WHERE ANCILLARY TO AN AUTHORISED VISITOR ACCOMMODATION OR EDUCATIONAL FACILITY)*

The above suite of rules establish a regime that precludes conventional development and encourages activities that will assist in protecting this area of high natural/ cultural value. The activities provided for are low impact, conservation/ research activities that will aid the understanding of the high natural/ cultural values of the area and assist in ongoing conservation efforts. Other activities provided for (specifically helicopter depots and horse trekking) are also considered appropriate subject to effects being avoided, remedied or mitigated, and this is allowed for by way of the pre-approval process (in the case of horse trekking) and a Restricted Discretionary Activity consent (in the case of helicopter depots).

Existing farming activities are specifically provided for to clarify any issues around existing use rights, however, expansion of farming activities is not desirable and indeed a stock exclusion area (by way of fencing) is proposed in the plan change to prevent damage to sensitive ecological areas – particularly within the dune systems.

#### 8.4.4 Ocean Beach Rural Equestrian Sub-Zone

##### Permitted Activities

- *EQUESTRIAN ACTIVITIES*
- *TEMPORARY EQUESTRIAN EVENT DAYS*
- *RESIDENTIAL ACTIVITY ON CLUSTER HOUSING LOTS SUBDIVIDED UNDER RULE 15.1.7.2*
- *LAND BASED PRIMARY PRODUCTION (EXCLUDING FORESTRY AND FARM FORESTRY)*
- *PRODUCE STALLS*
- *CAMPING GROUNDS*
- *HORSE TREKKING*

##### Restricted Discretionary Activities

- *HELICOPTER DEPOTS.*
- *ANY PERMITTED ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 11.4.16 OR RELEVANT SPECIFIC PERFORMANCE STANDARDS AND TERMS 11.4.17.*

##### Discretionary Activities

- *ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING THE SPECIFIC PERFORMANCE STANDARDS 11.4.17.4 (b) AND 11.4.17.4 (c)*
- *ANY NEW RESIDENTIAL BUILDING OR BUILDING BEING PART OF A MARAE, PLACE OF ASSEMBLY, COMMERCIAL ACTIVITY OR INDUSTRIAL ACTIVITY ERECTED ON ANOTHER SITE WITHIN 400 METRES OF A BUILDING KNOWN TO BE USED FOR INTENSIVE RURAL PRODUCTION.*

##### Non-Complying Activities

- *ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED, RESTRICTED DISCRETIONARY OR DISCRETIONARY ACTIVITY.*

The rules for the Ocean Beach Rural-Equestrian Sub-Zone are directed to facilitate the development of equestrian facilities and to maintain existing farming activities. Equestrian activities have the potential to offer recreational benefits to Ocean Beach, and the rule structure recognises this. The Permitted Activities provide specifically for equestrian and related activities. The remaining rules have been adopted from the existing Rural Zone provisions and are considered appropriate in terms of controlling specific activities (helicopter depots and activities within 400m of intensive rural production sites) as well as unanticipated activities within a rural context. On this basis the rules are considered to be efficient and effective in terms of achieving the objectives and policies.

#### 8.4.5 Ocean Beach Residential 1 Sub-Zone

##### Permitted Activities

- *RESIDENTIAL ACTIVITIES*
- *HOME OCCUPATION*
- *DAY CARE CENTRES*
- *HOMES FOR THE AGED*
- *TEMPORARY EVENT DAYS*
- *VISITOR ACCOMMODATION*
- *ECO-TOURISM*

##### Controlled Activities

- *RELOCATED BUILDINGS*
- *EDUCATION FACILITIES*
- *CAMPING GROUNDS*

##### Restricted Discretionary Activities

- *ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 11.4.16 OR RELEVANT SPECIFIC PERFORMANCE STANDARDS AND TERMS 11.4.17.*

##### Discretionary Activities

- *HEALTH CARE SERVICES*
- *PROFESSIONAL OFFICES*
- *LOCAL SERVICE RETAIL FACILITIES*

##### Non-Complying Activities

- *ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY OR DISCRETIONARY ACTIVITY.*

In general terms the above rules reflect the existing rules for the General Residential Zone that applies widely across the District. Overall, the Ocean Beach Residential 1 Sub-Zone rules are not dissimilar, as would be expected except that it provides for higher density (through standards rather than rules) and has a specific role to play in terms of assisting the implementation of the Ocean Beach Development Plan and Indicative Concept Plan. It is this role which has driven the specific deviations from

the General Residential Zone rules. The deviations and associated explanations are provided below:

- Ecotourism is provided for as a Permitted Activity: Whilst ecotourism is not necessarily a natural fit with a higher density residential zone it is generally a low impact activity that is encouraged across the Special Character Zone as a whole. This is because it draws on local natural values and could assist in developing a community role/ identity for Ocean Beach. There may be the opportunity for small scale ecotourism activities to be located in the Residential 1 Sub-Zone particularly on lots adjacent the dune system.
- Produce stalls and professional offices are not provided for as a Controlled Activity: In order to protect the integrity of the Ocean Beach Village Centre Sub-Zone it was decided to discourage commercial type activities in the immediately adjoining areas. The success of the Village Centre Sub-Zone and of the development as a whole depends on the conglomeration of services in that location. Commercial activity in outlying areas could detract from the convenience and vibrancy that this development pattern could provide.
- Professional offices and local service retail facilities are provided for as Discretionary Activities : Further to the above the activity class of these activities has been elevated to Discretionary in order to focus such activity into the Village Centre Sub-Zone. Local service retail facilities have specific assessment criteria which allow them to be established so long as no adverse impacts will be had on the Village Centre Sub-Zone.

Overall it can be stated that the provisions of the Residential 1 Sub-Zone are typical of a residential zone with specific deviations designed to assist in the implementation of the development concept, which relies partly on the conglomeration of commercial and service activities at a convenient central point (the Village Centre Sub-Zone). On this basis the rules are considered the most effective and efficient means of achieving the objectives and policies of the Ocean Beach Special Character Zone.

#### **8.4.6 Ocean Beach Residential 2 Sub-Zone**

##### Permitted Activities

- *RESIDENTIAL ACTIVITIES*
- *HOME OCCUPATIONS*
- *DAY CARE CENTRES*
- *HOMES FOR THE AGED*
- *TEMPORARY EVENT DAYS*
- *VISITOR ACCOMMODATION*
- *ECO-TOURISM*

### Controlled Activities

- *RELOCATED BUILDINGS*
- *EDUCATION FACILITIES*
- *CAMPING GROUNDS*

### Restricted Discretionary Activities

- *ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 11.4.16 OR RELEVANT SPECIFIC PERFORMANCE STANDARDS AND TERMS 11.4.17.*

### Discretionary Activities

- *HEALTH CARE SERVICES*
- *PROFESSIONAL OFFICES*

### Non-Complying Activities

- *ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY OR DISCRETIONARY ACTIVITY.*

The rule structure for the Ocean Beach Residential 2 Sub-Zone is identical to that of the Ocean Beach Residential 1 Sub-Zone except that “local service retail facilities” are not specifically provided for as a Discretionary Activity and would fall into the default (Non-Complying Activity rule).

The other primary difference is that the Residential 2 Sub-Zone provides for a lower density, closer to standard suburban density than the Residential 1 Sub-Zone, however this is ensured via standards rather than rules. Providing for different densities, and hence diversifying housing choice, is the only major difference between these two sub-zones (i.e. the range of activities sought is the same).

Overall, the rule structure for the Residential 2 Sub-Zone has been developed for the same reasons outlined above for the Residential 1 Sub-Zone. Firstly, that they are appropriate to the residential context sought (the existing General Residential Zone rules provides the reasoning for this). Secondly, the few deviations from the General Residential Zone rules are sought because they will aid the role of the sub-zone in realising the overall Ocean Beach development concept. On this basis it is considered that the Residential 2 Sub-Zone rules as proposed would be efficient and effective in terms of achieving the Ocean Beach Special Character Zone objectives and policies.

#### 8.4.7 Ocean Beach Residential 3 Sub-Zone

##### Permitted Activities

- *RESIDENTIAL ACTIVITIES*
- *HOME OCCUPATIONS*
- *DAY CARE CENTRES*
- *HOMES FOR THE AGED*
- *EDUCATIONAL FACILITIES*
- *TEMPORARY EVENT DAYS*
- *LAND BASED PRIMARY PRODUCTION (EXCLUDING FORESTRY AND FARM FORESTRY)*
- *VISITOR ACCOMMODATION*
- *RECREATIONAL EQUIPMENT STORAGE*
- *ECO-TOURISM*
- *CONFERENCE FACILITIES*

##### Controlled Activities

- *RELOCATED BUILDINGS*
- *EDUCATION FACILITIES*
- *CAMPING GROUNDS*

##### Restricted Discretionary Activities

- *ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 11.4.16 OR RELEVANT SPECIFIC PERFORMANCE STANDARDS AND TERMS 11.4.17.*

##### Discretionary Activities

- *HEALTH CARE SERVICES*
- *PROFESSIONAL OFFICES*

##### Non-Complying Activities

- *ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY OR DISCRETIONARY ACTIVITY.*

The rule structure for the Residential 3 Sub-Zone is developed around the same rationale as for the Residential 1 and 2 Sub-Zones above. Overall, the activity mix sought is again similar but the density sought is not (low residential density – again

to diversify the living environment and housing choice). However, the following specific deviations are provided for (explanations included):

- Educational facilities and Conference Facilities are provided for as Permitted Activities: With the lower densities/ larger lots sought in the Residential 3 Sub-Zone and its location around the periphery of the settlement these activities can be more easily established with suitable separation/ buffering of activities from neighbouring dwellings. Educational facilities can also help to develop the community that is sought, whilst conference facilities offer benefits in terms of bringing visitors to the area.
- Land Based Primary Production is provided for as a Permitted Activity: This allows existing farming activities within this zone certainty over their ongoing operation. Ultimately, however, it is anticipated that as the settlement develops over time land based primary production will be slowly squeezed out of the area.

#### 8.4.8 Summary Commentary Ocean Beach Residential Sub-Zones

The rule structure of the Ocean Beach Residential Sub-Zones is driven by two key factors:

- What is an appropriate activity mix for a residential area; and
- What further specific provisions are required so that each sub-zone assists in the implementation of the Ocean Beach Special Character Zone as envisaged by the higher level provisions.

The activity mix has drawn upon the existing General Residential Zone rules which is fairly typical for a residential zone. The specific deviations have been introduced in turn for each of the residential sub-zones above, and justified particularly in terms of maintaining the integrity of the Village Centre Sub-Zone. Overall, it is considered that the rule structure for each sub-zone carefully balances these matters, and therefore will be the most effective and efficient means of achieving the objectives and policies.

#### 8.4.9 Ocean Beach Commercial Service Sub-Zone

##### Permitted Activities

- *COMMERCIAL SERVICE ACTIVITIES*
- *WASTE TRANSFER STATIONS*

##### Restricted Discretionary Activities

- *ANY ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTIONS 11.4.16 AND 11.4.17.*

### Non-Complying Activities

- *ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED OR RESTRICTED DISCRETIONARY ACTIVITY*

The Ocean Beach Commercial Service Sub-Zone is a specific zone for a waste transfer station, emergency services and “commercial service activities” (activities such as building and garden supplies etc). The rules outlined above will facilitate these activities (emergency services are already provided for in the District Wide rules).

Unanticipated activities will be required to gain either Restricted Discretionary or Discretionary Activity consent enabling Council to exercise control over adverse effects. The pre-approval consent process will further ensure that all activities (including Permitted Activities) are appropriately considered to avoid, remedy and mitigate adverse effects.

The sub-zone is also strategically located at the entrance to the settlement where the impacts of these low amenity activities will be contained, and thereby allow the remainder of the settlement to maintain a high level of amenity whilst being effectively serviced.

In summary the role of the sub-zone is to accommodate important lower amenity activities, particularly emergency services and a waste transfer station, in such a way that amenity in the remainder of the settlement is maintained. The rule structure above will be both effective and efficient in ensuring this outcome, thereby achieving the objectives and policies.

#### **8.4.10 Ocean Beach Village Centre Sub-Zone**

##### Permitted Activities

- *COMMERCIAL ACTIVITIES*
- *PREMISES USED FOR THE SALE OF LIQUOR*
- *RESIDENTIAL ACTIVITIES*
- *TEMPORARY EVENT DAYS*
- *PUBLIC PARKING SPACES*

##### Restricted Discretionary Activities

- *ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 11.4.16 OR RELEVANT SPECIFIC PERFORMANCE STANDARDS AND TERMS 11.4.17.*
- *NEW BUILDINGS AND STRUCTURES WHICH MEET THE RELEVANT GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 11.4.16 AND THE*



*RELEVANT SPECIFIC PERFORMANCE STANDARDS AND TERMS IN SECTION 11.4.17.*

Discretionary Activities

- *NEW BUILDINGS THAT DO NOT COMPLY WITH STANDARD 11.4.16.1(g) FOR CONTROL OF SCALE*

Non-Complying Activities

- *ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED OR RESTRICTED DISCRETIONARY ACTIVITY.*

The rules above reflect the primary role that the Ocean Beach Village Centre Sub-Zone will have at the heart of the settlement. The elements of the rule structure to note are:

- Commercial activities, which are widely defined, and temporary activities are a Permitted Activity. This reflects the proposed role of the sub-zone to accommodate the vast majority of retail, commercial and service activities and community events, thereby promoting the convenience, walkability and vibrancy objectives of the overall Ocean Beach Special Character Zone.
- Premises for the sale of liquor are also Permitted Activities. This reflects the role that licensed cafés and bars can play in terms of adding vibrancy and identity to the settlement.
- Public parking spaces are also Permitted Activities, as there will be need to provide public parking in some locations to facilitate the important community role of the sub-zone.
- All new buildings and structures are Restricted Discretionary Activities (even if the activities associated with them are Permitted Activities). This rule has been included because good urban design can add significantly to the success of the sub-zone, particularly in terms of creating a high quality, attractive public realm and enhancing connectivity. This rule gives Council the opportunity to assess new buildings and structures against specific assessment criteria and the objectives and policies and ensure these outcomes.
- New buildings and structures failing to meet the standards for control of scale (site coverage considerations) will be assessed as Discretionary Activities, further reflecting the importance of these meeting expectations in terms of urban design.

In summary, the rule structure, particularly the listing of “commercial activities” as a Permitted Activity, makes the Village Centre Sub-Zone relatively permissive in terms

of allowing a range of activities to establish. When taken hand in hand with the restrictive provisions in other sub-zones this represents a “carrot and stick” approach designed to direct the vast majority of commercial, retail, service and community activities into the Village Centre Sub-Zone. This result is critical to ensuring the community objectives of centralising services to achieve community objectives whilst maintaining the low intensity, rural character in residual areas. On this basis the it is considered the rules above will be effective and efficient in terms of achieving the objectives and policies.

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## 8.5 Other Objectives, Policies and Rules

### 8.5.1 Section 2.7 - Coastal Environment Strategy

#### ***CE02 To ensure development in the Ocean Beach Special Character Zone proceeds in accordance with the Ocean Beach Development Plan, the Ocean Beach Indicative Concept Plan and other provisions associated with the Ocean Beach Special Character Zone***

This is a new objective designed to link back to the more specific objectives and policies contained in proposed Section 11.4 of the District Plan. Accordingly, it will direct readers of this section back to the central provisions and thereby assist in the implementation of the plan change (and accordingly the purpose of the Act).

~~*CEP3 Review the legal and practical future of the existing bach community at Ocean Beach as part of the Hastings District Coastal Environment Strategy*~~

#### Explanation

~~This bach community has limited legal status. This has restricted its development rights, but has also resulted in a form, style and density that has contributed to its unique ‘bach’ appeal. As part of the implementation of the Hastings Coastal Environment Strategy Council is examining how its style, form and contribution to the character of the coast and District can be maintained and enhanced.~~

*CEP3 Ensure future development at Ocean Beach proceeds in an integrated and co-ordinated manner via the Ocean Beach Development Plan, the Ocean Beach Indicative Concept Plan and provisions associated with the Ocean Beach Special Character Zone,*

#### Explanation

*The Ocean Beach Structure Plan and Special Character Zone provisions establish a comprehensive planning framework which balances community and environmental values, and includes special mechanisms for co-ordinated development. Rigorous implementation of the relevant provisions is required to ensure that desirable community and environmental outcomes are achieved.*

This policy updates the previous policy (strikethrough) to reflect the Ocean Beach Special Character Zone. It is another linking provision designed to streamline the

District Plan and assist in the implementation of the plan change (and accordingly the purpose of the Act).

#### 8.5.2 Section 13.2 – Network Utilities District Wide Activity

##### Restricted Discretionary Activity

*NETWORK UTILITIES FOR WHICH THE LAYOUT WAS FIRST APPROVED UNDER RULE 11.4.7.2 AS PART OF THE FIRST COMPREHENSIVE DEVELOPMENT PLAN OR VILLAGE CENTRE OUTLINE PLAN IN THE OCEAN BEACH SPECIAL CHARACTER ZONE, AND WHICH MEETS THE GENERAL PERFORMANCE STANDARDS AND TERMS 13.3.8.1 TO 13.3.8.7 AND SPECIFIC PERFORMANCE STANDARDS AND TERMS 13.3.9.1 TO 13.3.9.2.*

The rule has the effect of requiring the first Comprehensive Development Plan/Village Centre Outline Plan to show the layout of primary infrastructure (roads and reticulated services) and then allows individual resource consents to be sought for this infrastructure ahead of approvals for subsequent Comprehensive Development Areas. This will determine the layout of infrastructure early in the development process and allow critical infrastructure rollout ahead of specific residential, commercial and community development. Alternatively, subjecting major infrastructure to the pre approval process required of general activities would stymie development progress and potentially result in a poorly co-ordinated infrastructure network. On this basis the rule is considered necessary for the implementation of the Ocean Beach Special Character Zone in an orderly and practical manner, and it is also considered the most effective and efficient means of achieving the objectives and policies.

#### 8.5.3 Section 13.10 - Indigenous Vegetation and Habitats of Indigenous Fauna

##### ***IN05 To maintain the integrity of the dune ecosystem within the Ocean Beach Special Character Zone***

*INP6 Create formal access points through the coastal dunes within the Ocean Beach Special Character Zone in order to protect valuable indigenous dune vegetation and the wider dune ecosystem.*

##### *Explanation:*

*The Ocean Beach Special Character Zone provides for the development of the Ocean Beach area within a balanced development and conservation framework. This will result in increased beach usage and pressure on the dune ecosystems. Creating formal access points will prevent informal pathways developing throughout the dune system and minimise dune damage.*

The coastal dune system has been identified by Hill Country's ecological consultant as nationally significant. This is recognised in the objective above. The policy balances the danger that unrestricted access can cause in terms of "dune blowout"

with the importance of providing access through the dunes to the beach itself. The plan change, as shown in the Development Plan and Indicative Concept Plan provides for formal access points that will direct movement through the dunes along specified routes. Other measures such as stock exclusion and dune fencing will reinforce the objective and policy.

#### Permitted Activity

- *PEDESTRIAN AND MAINTENANCE VEHICLE ACCESS THROUGH THE COASTAL DUNES WITHIN THE OCEAN BEACH SPECIAL CHARACTER ZONE IN ACCORDANCE WITH THE OCEAN BEACH DEVELOPMENT PLAN AND OCEAN BEACH INDICATIVE CONCEPT PLAN*

This rule will allow implementation of the formal access points/ routes which must be consistent with the accesses shown in the Development Plan and Indicative Concept Plan (and further implemented through the Comprehensive Development Plan approval process). This is a direct translation of the objective and policy shown above – and accordingly the most effective and efficient means of implementing them.

#### 8.5.4 Section 14.1 - Traffic Sightlines, Parking, Access and Loading

**TSP13** *Visitor parking to all forms of activity within the Ocean Beach Village Centre Sub-Zone is to be provided at the street edge, in shared parking areas at the centre of street blocks, and in designated areas within adjacent open spaces. Extensive on-site parking is not required because it has the potential to compromise urban design outcomes sought for this Sub-Zone.*

#### Explanation

*This is to ensure that while adequate convenient parking is provided by various means within the Ocean Beach Village Centre Sub-zone, on-site parking does not compromise the spatial definition of streets and other public spaces, and the quality of the street edge.*

This policy introduces the matter of balancing car parking and urban design in the Ocean Beach Village Centre Sub-Zone. Whilst car parking will be required in order to facilitate the efficient operation of the area, extensive on-site car parking has the potential to detract from building design and the quality of the public realm as a whole. Good quality urban design outcomes are critical to the success of the Village Centre Sub-Zone which in turn is important as the specified heart of the settlement. This policy provides the foundation for the reduced on-site car parking requirements for the Ocean Beach Village Centre Sub-Zone (in the car parking standards).

## 8.5.5 Section 15.1 – Subdivision and Land Development

### Policies

***SDP17*** Require subdivision within the Ocean Beach Special Character Zone to be generally in accordance with the Ocean Beach Development Plan (Appendix 11.4-1) and the Ocean Beach Indicative Concept Plan (Appendix 11.4-2)

### Explanation

*The Ocean Beach Structure Plan provides a comprehensive land use framework for an approximate 920 hectare area along the coastal fringe south of Cape Kidnappers. The structure plan has been formulated to achieve a balance between development and protection of the special rural and coastal character, and in particular to avoid ad hoc development.*

It is critical that subdivision is in accordance with the Development Plan and Indicative Concept Plan because these establish a development pattern that is critical to the success of the plan change– namely that development will be contained within a discrete footprint area at the southern end of the study area to achieve the dual purpose of an integrated, connected community and protecting the areas of higher value to the north. The resource management rationale for this approach has already been explained in detail, and is considered necessary to achieve the purpose of the Act. Accordingly the above policy is therefore considered appropriate to achieve the purpose of the Act.

### Restricted Discretionary Activities (Rule)

- *SUBDIVISION TO PROVIDE FOR CLUSTER HOUSING IN THE OCEAN BEACH RURAL EQUESTRIAN SUB-ZONE WHICH COMPLY WITH ALL RELEVANT STANDARDS AND TERMS IN 15.1.8, AND ALL RELEVANT GENERAL SITE PERFORMANCE STANDARDS AND TERMS SPECIFIED IN 15.1.9.*

### Non-Complying Activities (Rule)

- *SUBDIVISION WITHIN THE OCEAN BEACH RURAL SUB-ZONE.*

### Prohibited Activity (Rule)

- *SUBDIVISION WITHIN THE OCEAN BEACH RURAL CONSERVATION SUB-ZONE.*

### Minimum Lot Sizes (Subdivision Standards)

- Ocean Beach Residential 1 Sub-Zone – 250m<sup>2</sup>
- Ocean Beach Residential 2 Sub-Zone – 500m<sup>2</sup>

- Ocean Beach Residential 3 Sub-Zone – 1500m<sup>2</sup>
- Ocean Beach Village Centre Sub-Zone – no minimum
- Ocean Beach Rural Equestrian Sub-Zone – 400m<sup>2</sup> for cluster housing lots

Above are the specific deviations sought by the plan change for subdivision for rules and standards (minimum lot sizes). The minimum lot sizes are included because they are a critical determinant in subdivision. Aside from the specific rules above, subdivision in the Ocean Beach Special Character Zone will rely on the existing rule provisions allied to the minimum lot sizes above and other subdivision standards for building platforms, servicing and the like. The following explanations are provided in terms of these deviations and the minimum lot sizes:

- Cluster housing subdivision in the Rural-Equestrian Sub-Zone is provided for as a Restricted Discretionary Activity. The role of this housing will be to augment the equestrian activities. It is important that this type of subdivision does not adversely impact the predominantly rural character in this area.
- Subdivision in the Rural Sub-Zone is a Non-Complying Activity. The plan change framework identifies a preferred development pattern based on thorough analysis of the study area. The “carrot and stick” approach referred to earlier is important in terms of directing development into specific development sub-zones and avoiding significant development beyond – in this way a vibrant, integrated community development. For this reason this rule is considered appropriate
- Subdivision in the Rural Conservation Sub-Zone is a Prohibited Activity. This area has high cultural and natural values and is not appropriate for development. Prohibiting subdivision in this area sends out a strong signal that subdivision is not anticipated or entertained.
- The minimum lots sizes are directly linked to the role of each of the sub-zones, and in particular the type of development envisaged. The varying densities in the residential sub-zones reflects their differing roles, in particular their relationship to the Village Centre, and also the housing choice that is proposed for the area.

All of the above statements reflect key issues that have been explained in detail in Section 7 and are important to the success of the plan change as a whole. Subdivision is a critical mechanism to “get right” because it sets the platform for subsequent development, and sets an expectation about what can and cannot be achieved. Overall, it is considered that the above rules and the associated minimum lot sizes will be efficient and effective in terms of achieving the relevant policies and objectives of the plan change.

## 9 Evaluation of Proposed Methods

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### 9.1 Evaluation of Methods and Identification of Preferred Option

This section evaluates the options available for the development of the Ocean Beach area. To maximise the value of this assessment the options evaluated are non-fanciful, and are as follows:

- No development
- Status quo (existing District Plan controls)
- Plan Change 38
- Hastings District Council Structure Plan
- The currently proposed plan change

Each is evaluated in turn in sections 9.1.1 – 9.1.5 below.

#### 9.1.1 Option 1: No Development

Whilst there are clearly areas of high natural value within the study area, particularly at the northern end of the beach, it is considered that the no development option is not viable and fails to recognise the strong development pressures at Ocean Beach, and the availability of land that is clearly capable of accommodating development. Furthermore all land is held in private (including multiple Maori) ownership, and it is neither desirable nor pragmatic to prevent future development altogether. Furthermore there is clear ecological evidence that those values will continue to deteriorate without active and substantial management.

These concerns are echoed in Council's Ocean Beach Draft Structure Plan' document dated January 2007, which further states that the only mechanism for achieving the no development option would be for a government (national or local) agency to purchase the land – and no serious prospect for this has been raised (notwithstanding that general landowners have clearly and publicly signalled their commitment to – and therefore their unwillingness to relinquish - the land in question).

### 9.1.2 Option 2: Status Quo

The status quo option – which includes non-fanciful implementation of existing District Plan development rights - is not seen as a viable option by proponents both for and against development at Ocean Beach. This is reflected in the intense public interest in the future of the area and the various planning proposals which have been put forward for the area, by both Council and private parties. All of these proposals recognise that existing planning mechanisms (represented by a blanket rural zone over undeveloped areas) are not adequately managing the resource management issues at Ocean Beach. In particular this establishes a regime which does not effectively recognise specific local issues or differential values within the study area, in particular:

- It does not recognise market demand by failing to provide for development of any kind even in highly modified areas with low natural values; and
- It does not recognise the high natural values present at various locations within the study area, particularly at the northern end of the beach.

This regime has the following direct implications for the development of the area:

- Future planning being determined by case-by-case determination of subdivision and land use consent applications, resulting in a lack of transparency and considerable cost to Council and applicants;
- An uncoordinated settlement pattern resulting from the lack of a guiding planning framework; and

On this basis it is generally regarded by both proponents and opponents of development that a more targeted resource management approach is required (i.e. one that takes account of the varying values across the study area).

The assessment made in Council's 'Ocean Beach Draft Structure Plan' document dated January 2007 also states (no page number):

*"The status quo option is not a desirable outcome as it would fragment ownership right along the beach with potential for:*

- a. "Unco-ordinated and complex management issues of the valuable dune ecosystems.*
- b. "Compromising the natural values, in particular those associated with the northern end of the beach.*
- c. "Pressure over time for further subdivisions and development along the length of the beach depending on the aspirations of the new owners".*

This is an educated assessment based on factual analysis. On the basis of the information outlined above it is considered that the status quo option is not a viable option for the ongoing management of the Ocean Beach area.



### 9.1.3 Option 3: Plan Change 38

Council is not proposing to utilise proposed Plan Change 38 as the primary method of resource management in the Ocean Beach area. However, as it is currently being proposed it is prudent to consider this as a possible option. As the majority of the study area is located within the 'coastal environment' as defined by the District Plan, proposed Plan Change 38 would also apply to the majority of the study area. The plan change seeks for all subdivision in the rural zone/ coastal environment to be a Discretionary Activity (currently it is a Controlled Activity subject to meeting standards).

This approach has merit in terms of providing Council an extra layer of control over subdivision, and in particular in protecting sensitive areas from inappropriate subdivision. However, like the current planning regime it will apply blanket provisions over an area with a wide range of natural values and propensity for development. Although the plan change would give Council greater power to refuse subdivision it is likely similar outcomes would result, namely:

- Future planning being determined by case-by-case determination of subdivision applications, resulting in a lack of transparency and considerable cost to Council and applicants;
- An uncoordinated settlement pattern resulting from the lack of a guiding planning framework; and
- Adverse social and environmental effects resulting from an uncoordinated settlement pattern.

For these reasons Plan Change 38 in its own right is not considered as a viable option for managing future development at Ocean Beach. Council itself has recognised that Plan Change 38 in itself will not effectively provide for the various pressures at Ocean Beach. In response they have developed their own structure plan, which is investigated as Option 4 below.

### 9.1.4 Option 4: Hastings District Council Structure Plan

Council's Ocean Beach Structure Plan has just undergone a process of non-statutory consultation and been formally adopted by Councillors. Implementation of Council's structure plan has been deferred whilst the current private plan change application is being considered. Prior to this consultation Council investigated various development scenarios and identified a preliminary preferred option which, among other things, has the following key elements:

- A six zone composition comprising residential, lifestyle, rural and 'camping' zones;
- The majority of the study area will have a 'Special Character' zoning and no further subdivision is provided for in this area;

- An approximate dwelling yield of 286, with the majority of these being accommodated in the residential zones with minimum lot sizes of 400 or 600m<sup>2</sup>;
- Maximum permitted height throughout the study area of 7.5m.

This option will provide a comprehensive approach for guiding development and protect the areas of highest natural value. However, it is not seen as the optimal resource management outcome for the following reasons:

- The approximate yield of 286 dwellings will not generate sufficient demand to support a comprehensive range of local services ;
- The proposed yield is insufficient and will likely be realised in a short timeframe, at which point it may be necessary to revisit the structure plan;
- Overall low density of development is proposed and this will minimise potential for walkability and a vibrant community centre;
- The low yield allied to the low density will mean that environmental impacts will not be offset by the social and economic benefits of a comprehensive community development;
- Areas with significant propensity for development have been excluded from the significant development areas, especially some highly modified areas at the southern end of the study area;
- A smaller community will have difficulty providing either the actual or human capital required to secure management of the natural physical resources identified for protection / conservation.

(Please see Section 7 for justification of the above statements, particularly Section 7.3.2 and 7.6 – economic assessments). Because of the shortfalls outlined above this option will fail on a range of social, economic and environmental objectives. Although the intent of this option is to protect natural values by minimising residential yield, the actual environmental effects will be disproportionate to the level of development proposed – this is in large part due to the low density that will result and high dependence on outside urban areas for local goods and services.

#### **9.1.5 Option 5: Currently Proposed Plan change**

The rationale behind this option and its associated benefits has been explored in Section 7. These are based around balancing a critical threshold of dwellings to support community services with the high natural values of the area, particularly at the northern end of the beach. Around this critical balance a comprehensive planning framework represented by the ‘Ocean Beach Special Character Zone’ and associated structure plan has been formulated with the additional aim of creating a community development with attendant benefits associated with provision of services, employment and sense of identity. The various elements of this framework including details provisions have been introduced and evaluated in the preceding

sections. The following desired outcomes which are actively sought represent the critical underpinning and strategic justification for this option as a whole:

- Containing development within a defined footprint at the southern end of the beach where the landscape is most highly modified, whilst protecting the areas of highest value at the northern end of the beach;
- Minimising visual impacts through a combination of siting and development controls whilst providing for a scale of development sufficient to support local services and deliver multiple social and economic benefits;
- Avoiding a lower development yield which runs the risk of imposing significant environmental impacts without compensating with social and economic benefits;
- A walkable neighbourhood development pattern with residential densities which increase towards a central village centre – thereby providing housing choice and a compact community that maximises sense of identity convenience for residents;
- A high quality public realm which maximises recreational opportunity and makes the settlement attractive to residents and visitors alike.

It is considered that these outcomes achieve the purpose of the Act through successful balancing of the environmental, social and economic factors at work,. On this basis the 'Ocean Beach Special Character Zone' option represented in this Section 32 report and the associated plan change document is considered to be the most appropriate resource management option available for Ocean Beach.

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## 9.2 Efficiency and Effectiveness of the Method Proposed

The efficiency and effectiveness of the individual objectives, policies and rules has been undertaken in Section 8, and found to be appropriate, efficient and effective in terms of achieving the purpose of the Act. With that established it is now necessary to address Section 32(3)(f), and specifically whether the methods proposed will be effective and efficient in terms of achieving the objectives of the plan change. For the purposes of clarity Section 32(3)(f) reads as follows:

*32(3) An evaluation must examine –*

- (f) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives*

Section 32(3)(f) is considered satisfied on the basis that the preferred method is a statutory method which is considered the most effective and efficient in terms of outlining a consistent and transparent process for Council, developers, submitters and the community as a whole;

The proposed planning framework is directed to create an integrated, sustainable community development. This approach will be effective in terms of establishing a clear expectation about the scale and form of development at Ocean Beach, and on this basis the method chosen will be both efficient and effective in achieving the objectives of the plan change.

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### 9.3 Costs, Benefits and Risks

Considering the costs, benefits and risks of policies, rules and other methods is a requirement under Section 32(4)(a) of the Act as follows:

*32(4) For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account –*

*(a) the benefits and costs of policies, rules or other methods...*

Further Section 32(4)(b) requires plan change proponents to consider the following:

*(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

The costs, benefits and risks associated with the plan change are represented in detail in Table 3 (below). These are drawn together as follows:

- The proponents have undertaken a significant constraints analysis comprising technical assessments by various qualified professionals. Taken together these assessments confirm that there is no significant impediments to the development concept.
- The greatest risk is to maintain the status quo. The background to this is well established and has been addressed in Section 9.1. There is general recognition that a more focused planning regime is needed, although there has been significant debate about what form it should take.
- A further risk will be failure to implement the plan change rigorously. In particular it is critical that urban type development not occur within the Ocean Beach Rural Sub-Zones, as this will have the dual effect of undermining rural character and the role of the Ocean Beach Commercial and Residential Sub-Zones. However,

it is considered that there is sufficient policy guidance to ensure this does not occur.

- The benefits of the plan change are significant and based on a balance of environmental, economic and social issues as outlined in detail in Section 7. The plan change will also provide a clearer expectation to developers and the community about the type of development that can occur at Ocean Beach, and where.
- The main cost will be the loss of visual and landscape character at the southern end of the beach where development will be concentrated. However, it is considered that these effects will be minimised by the pattern and density of development proposed, and offset by considerable social and economic benefits.
- Further costs will be imposed as a result of the more focused planning framework, these include:
  - Less flexibility in the planning framework – this is due to the recognition of different character and values across the study area, rather than treating it as a homogeneous block of land. This enhanced focus results in greater restrictions apply in some areas, and less in others
  - Fragmentation of land ownership – this is clearly unavoidable if any sort of development is to occur and is not an issue so long as an effective planning framework is in place

Overall, it is considered that the benefits of the proposed plan change outweigh the costs, and the primary risks can be avoided or managed. On this basis it is considered that Section 32(4)(b) is satisfied.

## Costs, Benefits and Risks Associated with the Proposed Plan Change

Costs	Benefits	Risks
<p>Increased intensity and scale of development at the southern end of Ocean Beach with associated visual and character effects</p>	<p>Better protection of areas of high archaeological, ecological and landscape value at the northern end of Ocean Beach</p>	<p>Incorrect implementation of the plan change, particularly approval of urban activities in the rural sub-zones which poses a risk in terms of:</p> <ul style="list-style-type: none"> <li>- Undermining the landscape, ecological, archaeological and character values at the northern end of the beach</li> <li>- Undermining the central role of the Village Centre and Residential Sub-Zones</li> </ul> <p>Other risks which could prevent proper implementation of the plan change include:</p> <ul style="list-style-type: none"> <li>- Failure to properly implement the pre approvals process (comprehensive development plans, village centre outline concept plan and conservation management plan)</li> <li>- Failure to realise required densities</li> <li>- Market demand sluggish leading to expedient development</li> </ul>
<p>Loss of development rights on the remaining rural land, particularly the Ocean Beach Rural Conservation Sub-Zone at the northern end of Ocean Beach</p>	<p>A more deliberate planning framework which recognises the varying values across Ocean Beach, and establishes an appropriate mix and pattern of activities by:</p> <ul style="list-style-type: none"> <li>- Enabling a wide range of activities in the highly modified areas at the southern end of the beach</li> <li>- Restricting development in the areas of highest value at the northern end of the beach</li> <li>- Co-locating compatible activities within tailor made sub-zones</li> </ul>	<p>The plan change commits Ocean Beach to a pre-determined pattern of development for the foreseeable future. Some flexibility is provided for, however, this approach is inherently less flexible than the current controls for example, where Council can consider individual resource consent applications on a case by case basis.</p>

<b>Costs</b>	<b>Benefits</b>	<b>Risks</b>
Loss of archaeological and cultural sites	Nationally significant archaeological and conservation research activities which contribute to the knowledge base about Ocean Beach, Hawkes Bay and the wider North Island East Coast	Archaeological site discoveries are more widespread than currently assessed
Significant fragmentation of land ownership resulting from the higher level of development sought, complicating future resource management initiatives commencing beyond the lifespan of the plan change	A significant level of development, sufficient to support local services, foster a sense of community and minimise dependence on outlying urban areas	
Potential for development costs not to be recovered ahead of development	Higher level of development can support more sophisticated and comprehensive infrastructure	Engineering/ infrastructure works more extensive and costly than assessed
Greater presence of people at Ocean Beach throughout the year, detracting from the "wilderness experience"	Creation of a high amenity coastal village with associated recreational and tourism benefits for Hastings District	Urban design provisions not effective in controlling outcomes
	Encouragement of formal conservation activities and initiatives, including re-establishment of the coastal dunes system through active management and mitigation measures	Hazard analysis incorrect, erosion and sea level rise greater than currently assessed
Loss of some pastoral farmland with the establishment of an equestrian farm park within the Rural Equestrian Sub-Zone	Increased participation and enjoyment at Ocean Beach with provision for: <ul style="list-style-type: none"> <li>- An equestrian farm park</li> <li>- A comprehensive set of community facilities (as above)</li> <li>- A camping ground and other forms of visitor accommodation</li> <li>- A network of reserves and walkways</li> <li>- Various housing types via different zone and density provisions and secondary dwellings</li> </ul>	
	Rationalisation of existing facilities through relocation of Ocean Beach road and legal establishment of the Waipuka Settlement	

# 10 Consultation

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## 10.1 Introduction

There is no specific requirement to undertake consultation under Section 32 of the Act as part of formulating a plan change proposal. The reasoning behind this is that a comprehensive process of public submissions, both written and oral, is provided for as part of the public notification process that this proposal is about to progress through. Notwithstanding, Hill Country Corporation has undertaken consultation exercises, and utilised the findings of Council led consultation in developing the plan change.

Mr Andy Lowe of Hill Country Corporation, jointly with Hastings District Council set up the process for the public charette workshops undertaken in October 2005 (as described in Section 2.3). Although the structure of the plan change is different to the options explored during the charette process a lot of useful information and feedback was gleaned at the time.

Also, through Council's own Ocean Beach Structure Plan project a non-statutory process of public input was run via a public workshop at the Hawke's Bay Opera House in March 2007 and an associated submission process. The input received was made publicly available and has given Hill Country Corporation a clear understanding of the various expectations and positions held within the community.

Review of the feedback received through the charette and Council structure plan consultation process makes it clear that there is a diverging range of opinions about what is the best option for the future of Ocean Beach. This ranges from no development through to significant development proposals. It is also clear that the participants are passionate about Ocean Beach.

In addition to the consultation referred to above, Hill Country Corporation have undertaken specific consultation with Ocean Beach landowners, Iwi, and the Kiwi Surf Club. The outcomes of that consultation are addressed in Sections 10.2 – 10.4 below.



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## 10.2 Landowner Consultation

There has been of many years of consultation and discussion with Ocean Beach land owners and other interest groups regarding what they would like to see at Ocean Beach. This process began at least as early as 2002 when Ocean Beach Property Trust Limited proposed a subdivision of Haupouri Station land at Ocean Beach which resulted in the issue of new Titles and the transfer of land at Ocean Beach to Tennyson OB Limited, Ocean Beach Land Holdings Limited and Ocean Beach Wilderness Property Limited respectively.

The process included initial discussions with Ocean beach landowners and iwi groups to identify what Ocean Beach meant to them and what issues they considered important. This was followed by discussions in the context of preparation for and then the implementation of the public charrette process (see Section 2.3) which led in turn to public debate and consultation with regard to a possible Council plan change process and, finally, discussions around the Hill Country private plan change application. Summaries of consultation with key landowner groups follows.

### 10.2.1 Hansen/ West Family Interests

(Includes Haupouri Station and interests in Ocean Beach Wilderness Property Limited, Tennyson OB Limited, Ocean Beach Land Holdings Limited and Ocean Beach Wilderness Property Limited)

Consultation with the Hansen family has occurred on a regular basis for over five years and has included the West family who have an interest in Ocean Beach Wilderness Property Limited and, after they acquired their respective land interests, with the other land owners above.

Key issues identified in relation to these land owners included, but were not limited to:

- A unanimous desire to see a plan developed for the whole of Ocean Beach that did not detract from existing development rights but protects and enhances the natural environment.
- A desire to continue farming the land productively and to build on and enhance their existing equestrian business.
- A desire to enable more people to live at and enjoy Ocean Beach, whilst respecting the special environment there.
- Pressure on the beach and marine ecology and on the privately-owned dune systems from uncontrolled public activities, particularly vehicular use.
- A desire to ensure that public access to the beach is guaranteed.

- The ongoing and natural degradation of ecological, archaeological and dune features over time.
- The risk to human life from vehicles on the beach and the permanent slip feature on Ocean Beach Road, particularly with recent significant rises in visitors to the beach both in summer and in winter.
- The effects of *ad hoc* development over time resulting in “urban sprawl” along the whole beach.
- The lack of respect shown by many for Maori land owners’ interests at Ocean Beach, especially the issue of public access to the surf club over Maori land which had not been acknowledged.
- The complexity of the issues at Ocean Beach and, therefore, a willingness to engage with Council and with the public generally to find out what people thought about potential solutions.

#### 10.2.2 Estate Pukepuke Tangiora and The Proprietors of Waipuka 3B1C1 Incorporated

Hill Country understands that there are over 800 adult beneficiaries of the Puke Puke Tangiora Estate and/or the Waipuka Incorporation. Consultation with these land owners began at least as early as March 2004 with over fifty recorded meetings since then. Meetings involved the trustees of Estate Pukepuke Tangiora both individually and together as well as, on occasions, with their legal and accounting advisers and/or with representatives of the Waipuka Incorporation management committee and/or beneficiaries of the Estate and shareholders in the Incorporation. Specifically with respect to the current plan change proposal several meetings were held from January – August 2007.

Issues identified by the Estate and Incorporation over the course of the consultation included, but was not limited to, the following:

- A unanimous desire to retain ownership of their lands.
- A desire to preserve and maximise the potential for development on their lands but without being forced to develop.
- Provide for their members to live on the land and an income stream to enable them to stay there.
- A desire to see a total plan change proposal for Ocean Beach rather than piecemeal changes.
- A desire to be able to access infrastructure at a reasonable cost.
- A desire to ensure that public access to the beach is guaranteed.
- The need to resolve outstanding issues regarding public access over Maori land (support for proposed new road access).

- Control of vehicles on the dunes and the beach to protect archaeology and kaimoana.
- Support for their management of kaimoana stocks.
- Support for other owners and the concept of protecting dunes and pa and archaeology to the north.
- Use of land to best advantage and design to best practice to deal with any concerns over housing heights.
- Exclusion of stock from waahi tapu and pa sites.
- Protocols to deal with koiwi.
- Impact of plan change on existing baches.
- Potential rates increase if land rezoned.
- Wastewater treatment and disposal.
- Access to cultural sites.
- Increase in traffic and activity at the beach.

### 10.2.3 Other Land Owners

Other landowners included the owners of five existing lifestyle blocks adjacent to the Tennyson Ocean Beach land and of properties on the Ocean Beach Road and the following Maori land owners (who Council specifically requested consultation with):

- Hariata te Ruru Akonga Baker
- Hariata Dawn Bennett
- Kerani Nan Akonga Bennett
- Miriama Wright
- Rose Mohi

The owners of the five existing lifestyle blocks were all invited to attend a special session for adjoining owners at the Ocean Beach charrette in 2005 in addition to the general invitation to the public to attend the charrette. Some of these attended and also participated in the public submissions processes associated with the Council's Issues & Options paper on Ocean Beach and Council's proposed Ocean Beach Structure Plan. The views expressed by them there are a matter of public record.

With respect to the Maori land owners Dawn Bennett and Rose Mohi have each been participants in at least five meetings with Hill Country since March 2007 of which at least three have also included the other Maori landowners named. Those three meetings were also attended by Hill Country's Maori cultural consultant Buddy Mikaere. Issues raised by them have been incorporated in the Cultural Impact Assessment provided by Buddy Mikaere.

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### 10.3 Iwi Consultation

Hill Country has met extensively with the Waimarama hapu/ representatives of the Waimarama hapu over a period of five years or more leading up to the current plan change proposal.

More recently a meeting was held in August 2007, when Hill Country, also represented by Buddy Mikaere, met with representatives of the hapu – Matt McGoverin, Adele McGoverin-Mohi and Robert Macdonald. At that meeting the representatives were given a copy of the draft Hill Country cultural impact assessment, and Phil Hocquard of Hill Country gave a detailed explanation of the plan change. Issues raised by the hapu representatives at that meeting were:

- The layout of services – it was explained that the exact layout would not be determined at plan change stage, but at subsequent resource consent stages;
- The group was concerned that Hill Country was meeting with other Maori groups, and that Waimarama hapu may not be listened to;
- That the Waimarama hapu felt their mana whenua had been “snubbed” during the 2005 charette process;
- That they would consider Buddy Mikaere’s draft cultural impact assessment, and the explanations given by Phil Hocquard, and that they would like to meet again with feedback having had the chance to discuss with the wider hapu group.

However, further meetings were not held, as Waimarama advised Hastings District Council later in August that they did not wish to continue meeting with Hill Country. Subsequently Council appointed Waimarama as consultants to peer review the Maori issues/ cultural impact assessment components of the plan change proposal. Given this situation it is not considered appropriate to pursue further consultation with Waimarama, and so none has been sought/ undertaken.

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### 10.4 Ocean Beach Kiwi Surf Club Consultation

Hill Country has met on various occasions with Brian Faulkner, Chairman of the Ocean Beach Kiwi Surf Club currently operating at the southern end of the beach, for the purposes of explaining their vision for Ocean Beach and to explain the plan change process. In addition Surf Club members have been involved in the various public consultation processes that have been run in recent years.

In order to gain more formal feedback from the club itself Hill Country met with Brian Faulkner and Greg Larson (Club Co-ordinator) in July 2007. In that meeting the following points were made by Mr Faulkner and Mr Larson:

- The club itself does not have a view and will not take a united position on the merits of the plan change (despite a range of views held by club members).
- The club views itself as a service provider, will provide a service to the best of its ability regardless of the planning outcomes for Ocean Beach (can see no reason why an effective service can't continue to be provided regardless of planning outcomes)
- The only issue of major concern was car parking. On hot, sunny weekends they estimated up to 3,000 people visit the beach, bringing with them up to 800 cars. They raised concerns about cars driving through the dunes, causing the majority of the surf club's problems – in response they saw the need for significant car parking increases if the plan change was to be implemented. They also wanted to generally keep vehicles off the beach, with concessions for boat launching and perhaps a controlled transport service to the northern end of the beach.
- They noted that the pattern of development would encourage recreation activities along a long stretch of the beach but didn't think this would raise major issues in terms of the surf patrol – they noted that other surf clubs effectively patrolled long stretches of beach with roving patrols.
- They liked the idea of the dunes being protected and pedestrians guided by walkways.
- They believed the club would be supportive of a new surf club building, with the possible advantage of the surf club being a focal point for the community.
- The point was made that clubs such as Ocean Beach Kiwi are finding it harder to survive financially, and in this context the concept of having a larger population base to feed off, coupled with current discussions with the Waimarama club about sharing resources is seen as potentially attractive.

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## 10.5 Summary

Hill Country takes seriously the consultation undertaken by themselves and separately by Council, the outcomes of which have informed the development of the plan change. In particular discussions with key landowners has been essential, as without their buy in Hill Country could hardly promote the plan change as a viable proposal. Notwithstanding it is recognised that there are diverging and passionate views about the future of Ocean Beach, and with Council having formally accepted the plan change the next phase of public input will be as part of the statutory plan change process. This process enables all interested parties to submit their views, and for the debate around Ocean Beach to be focused on relevant resource

management issues. The process will commence following notification of the plan change, and consist of two rounds of written submissions and a public hearing.

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# 11 Conclusions

It is recognised that there are passionate and diverging opinions about the future of Ocean Beach. Hill Country has undertaken its own consultation and considered feedback from other public processes in order to gain an appreciation for community and stakeholder sentiment.

In addition Hill Country (and other landowners) have commissioned a wide variety of technical assessments which have helped guide the formulation of the plan change. This has included development and infrastructure feasibility studies, archaeological, landscape, cultural, and ecological assessments among others. Each assessment concludes that from its own specific point of view, the proposed development is practical/ feasible and can be managed to ensure good resource management outcomes.

Taking that a step further, the plan change has been considered against the purpose of the Act, and alongside other resource management options for Ocean Beach. In particular, Section 7 of this report provides a detailed analysis and underpinning for the plan change, concluding that the approach represents a careful balancing of environmental, social and economic factors to derive the greatest community benefit. On this basis the plan change proposal is considered to be the most appropriate planning response to meet the purpose of the Act.

Section 9.1 emphasises the findings of Section 7 by considering four other resource management options, each of which is demonstrated to be less desirable than the current plan change proposal. These range from the “no development” option which is considered to be unrealistic given the strong demand for land, to retaining the existing District Plan controls, which is regarded as a blunt instrument that does not recognise the varying values across the study area.

Further, Section 9.3 assesses the costs, benefits and risks of the plan change and concludes that the benefits outweigh the costs, and that the identified risks have either been avoided through statutory provisions, or can be adequately managed.

To summarise, the main strengths of the plan change proposal are:

- Development will be contained within a defined footprint at the southern end of the beach where the landscape is most highly modified (whilst protecting the areas of highest value at the northern end of the beach);
- Accepting that some landscape/ visual impacts will occur but seeking to minimise those whilst providing for a scale of development sufficient to support local services and deliver social and economic benefits;

- Avoiding a lower development yield which runs the risk of imposing significant environmental impacts without compensating with social and economic benefits;
- A walkable neighbourhood development pattern with residential densities which increase towards a central village centre – thereby providing housing choice and a compact community that maximises convenience for residents;
- A high quality public realm which maximises recreational opportunity and makes the settlement attractive to residents and visitors alike;
- It provides a comprehensive resource management framework, recognising that a continuation of the status quo will result in ongoing decline of the high ecological, landscape and cultural values found within the study area – particularly at the northern end of the beach.



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Bramley, A. and Drury, C (May 2007). "Ocean Beach Infrastructure Report: Hastings District Council", Professional Pursuits Consulting Engineers Ltd.

Dellow, G.D. (October 2006). "Preliminary assessment of Engineering Geological Hazards at Ocean Beach, Hawke's Bay", GNS Science.

The Hastings District Council also made publicly available the following reports on CD around mid December 2006. These reports had been commissioned by Council as part of the preparation of a Draft Structure Plan. These reports were grouped in the five directories as follow (the italic references are the file names used on the CD).

### ***Overview***

#### **Ocean Beach Planning Assessment, Overview and Executive Summary**

Environmental Management Services Limited - November 2006. *SGD186 – OB Overview Document (final) 04-12-06.pdf*

## **Stage I**

Ocean Beach, Landscape Reports Peer Review Terra Forme Landscape Architecture - November 2006. SDG186 – Report 1 (Landscape Peer Review report) 01-12-06.pdf

Ocean Beach, Landscape Spatial Assessment - Ocean Beach Plan Change: Hastings District Council Terra Forme Landscape Architecture - November 2006. SGD186 – Report 2 (Ocean Beach Landscape Assessment report) .pdf

Ocean Beach, Ecological Reports Peer Review – Ocean Beach Plan Change: Hastings District Council Terra Forme Landscape Architecture – September 2006. SGD – Report 3 Ecological Reports Peer Review.pdf

Ocean Beach Engineering Issues Report, Hastings District Council Professional Pursuits Consulting Engineers Ltd – December 2006. SGD186 – Report 4 (Geotechnical Engineering) 04-12-06.pdf

Preliminary assessment of Engineering Geological Hazards at Ocean Beach, Hawkes Bay GNS Science Consultancy Report 2006/206 October 2006. SGD186 – Report 5 (Geological and Nuclear Sciences report) 0.pdf

Peer Review of Coastal Management Consultancy Ltd Report dated June 2005 Tonkin and Taylor report No 23825 November 2006. SGD186 – Report 6 (Coastal Hazard peer review) 04-12-06.pdf

Ocean Beach Planning Assessment, Stage I – Spatial Assessment (and Appendices) Environmental Management Services Limited November 2006. SGD186 – Spatial Assessment report (Final) 04-12-06.pdf

### **Appendices to Stage I Reports:**

Appendix A: Plan of Ocean Beach Plan change Study Area SGD186 – Stage I (Appendix A – Ocean Beach Plan change study).pdf

Appendix B: Plan of Spatial Assessment Units SDG186 – Stage I (Appendix B – Spatial Assessment templates).pdf

Appendix C: Plan of Landscape and Natural Character SGD186 – Stage I (Appendix C – Landscape and Natural Character).pdf

Appendix D: Plan of Ocean Beach Ecology Areas SGD186 – Stage I (Appendix D – Ecology map).pdf

Appendix E: Plan of Ocean Beach Geotechnical / Engineering SGD186 – Stage I (Appendix E – Geotechnical Engineering map).pdf

Appendix F: Plan of Ocean Beach Coastal Hazards SGD186 – Stage I (Appendix F – Coastal Hazard map).pdf

Appendix G: Ocean Beach Spatial Assessment Map SGD186 – Stage I (Appendix G – OB Spatial Assessment map).pdf

## **Stage II**

Ocean Beach Planning Assessment, Stage II – Objective and Policy Assessment  
Environmental Management Services Limited November 2006.

*SGD186 – Objective and Policy Assessment (Final) 03-12-06.pdf*

*SGD186 – Objective and Policy Assessment (table) 03-12-06.pdf*

Ocean Beach Planning Assessment, Stage IIa – Protection Mechanism Report  
Environmental Management Services Limited November 2006. *SGD186 – Report IIa (final) 03-12-06.pdf*

## **Stage III**

An Analysis of the Potential Economic Impacts of Residential Development of Ocean Beach  
APR Consultants Ltd October 2006. *061128-Ocean Beach Development Analysis\_final.pdf*

Ocean Beach Development Scenarios: Economic Feasibility, Regional Economic Impact Assessment  
Hastings District Council (John van Bohemen, Economic Development Manager) 2006. *061201-Economic Feasibility and Regional Economic Impact Cov.pdf*

Ocean Beach Economic Feasibility Study The Property Group Limited October 2006.  
*Formtext – Ocean Beach Economic Feasibility Study – October.pdf*

Ocean Beach Regional Recreational Context Study Environmental Management Services  
Ltd September 2006. *ROS Assessment\_Final Report\_.pdf*

Ocean Beach Planning Assessment, Stage II – Benefits, Costs and Other Matters Assessment  
Environmental Management Services Limited November 2006. *SGD186 – Benefits Costs and Other Matters report (Final) 03-.pdf*

Ocean Beach Options Assessment, Summary of Submissions on the Issues and Options Report  
Environmental Management Services Limited September 2006. *SGD186 – Summary of submissions – Merged (Final).pdf*

## **Structure Plan**

Ocean Beach Draft Structure Plan, Hastings District Council Environmental Management  
Services Limited December 2006. *SGD186 – Ocean Beach Structure Plan (final) 06-12-06.pdf*

### **Appendices to the Structure Plan Report:**

Appendix A: Plan of Ocean Beach Plan changeStudy Area *SGD186 – OBSC (Appendix A) OB Plan changeStudy Area.pdf*

Appendix B: Plan of Ocean Beach Development Footprint Area and Plan changeStudy Area  
*SGD186 – OBSP (Appendix B) Development Footprint Area.pdf*

[Appendix B: Plan of Ocean Beach Development Footprint Area SGD186 – OBSP \(Appendix B II\) Development Footprint Area.pdf](#)

[Appendix C: Ocean Beach Comprehensive Design Areas Plan SGD186 – OBSP \(Appendix C\) Comprehensive Design Areas.pdf](#)

[Appendix D: Ocean Beach Infrastructure Plan SGD186 – OBSP \(Appendix D\) Infrastructure.pdf](#)

[Appendix E: Ocean Beach Density Control Area Plan SGD186 – OBSP \(Appendix E\) Density Control Areas.pdf](#)

[Appendix F: Ocean Beach Structure Plan SGD186 – OBSP \(Appendix F\) OB Structure Plan.pdf](#)

[Appendix G: Concept Plan, Surf Club Reserve SGD186 – OBSP \(Appendix G\) Surf Club reserve.pdf](#)

[Appendix H: Submission Form, Ocean Beach Draft Structure Plan SGD186 - OBSP \(Appendix H\) HDC sub form.pdf](#)

[Appendix I: Ocean Beach Structure plan Calculation Sheet SGD186 – OBSP \(Appendix I\) Calculations.pdf](#)

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