

Ocean Beach Issues and Options Paper
Ocean Beach Plan Change Process

Prepared for
Hastings District Council

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1.0 PURPOSE OF THE ISSUES AND OPTIONS PAPER

- 1.1 The purpose of this Issues and Options Paper is to provide the community with an opportunity to provide feedback on four broad options that Council may consider in the development of a Plan Change for the wider Ocean Beach area.
- 1.2 This Issues and Options Paper presents four broad options that are discrete points along a continuum that individually, or in combination, can achieve a planned long term outcome for the wider Ocean Beach area. It is important to note that the four broad options also include a range of individual mechanisms that can achieve an outcome for Ocean Beach (e.g. there are a number of potential mechanisms available that could protect an area at Ocean Beach).
- 1.3 It is envisaged that feedback from the community will greatly assist Council with shaping and constructing a preferred option from one, or a combination of the broad options. This will form the basis and content of a Plan Change that will guide the future planning of the wider Ocean Beach area.
- 1.4 The preferred option will then be assessed against a range of alternative options through the Section 32 process outlined in the Resource Management Act 1991 (the Act). There will be an opportunity for further public consultation on the preferred plan.

2.0 HASTINGS DISTRICT COUNCIL RESOLUTIONS

- 2.1 It is important to put the Plan Change process for Ocean Beach into context through highlighting previous Hastings District Council (the Council) resolutions. The following section summarises the key resolutions that Council have passed in relation to developing a long term planning approach for the wider Ocean Beach area.

2.2 3rd of March 2001

- 2.2.1 Following the development of the Ocean Beach Strategy and Structure Plan 1999, conclusion of the District Plan hearings process and the lodgement of development proposals, the Council resolved on the 3rd of March 2001 to prepare and initiate a Variation to the Proposed District Plan for Ocean Beach.
- 2.2.2 The purpose of the Variation was to provide an integrated solution for the development of Ocean Beach and to determine an appropriate scale of development following open consultation and importantly the consideration of previous development options.

2.3 2nd of December 2004

- 2.3.1 At a meeting on the 2nd of December 2004, Council resolved to prepare, consult on, and notify a comprehensive District Plan Change to provide clear planning direction in terms of safeguarding the important environmental values of Ocean Beach, along with the extent and form of appropriate future residential development.
- 2.3.2 To assist with achieving this outcome, Council approved the participation of Council staff and consultants in a developer led “Charrette” process covering the future of the wider Ocean Beach area, subject to approval of appropriate Terms of Reference for this exercise by Council.

2.4 28th of February 2005

- 2.4.1 Council approved the Terms of Reference at its meeting on 3 February. This resolution was amended by Council on the 28th of February 2005 to the effect that Council would pay NZ\$200,000 of the cost of a Charrette to be jointly sponsored with Hill Country Corporation Limited, and that the Council would lead the process.
- 2.4.2 The Ocean Beach Charrette took place at the Haupouri Station woolshed from the 3rd of October 2005 to the 13th of October 2005. Council staff and consultants took a proactive and lead role in a number of the Charrette workshops.

2.5 8th of December 2005

- 2.5.1 Council were provided with an update of the process for developing a Plan Change for Ocean Beach.. At this meeting the content and anticipated outcomes of the working paper were discussed.

3.0 KEY ISSUES AT OCEAN BEACH

3.1 Defining the wider Ocean Beach Area

- 3.1.1 The Ocean Beach Strategy and Structure Plan 1999 was developed for Council to plan for the long term future direction of Ocean Beach. The Strategy and Structure Plan covered the coastal headland area south of the Waipuka Incorporation land to a point slightly north of Flat Rock (north of Rangaiika Beach), and stretched inland as far as the prominent coastal ridgeline and the inland boundary of Significant Landscape Character Areas SLC6 and SLC7.
- 3.1.2 The geographical area utilised for the Ocean Beach Charrette process is smaller than the Strategy and Structure Plan area. However, both cover what can be described as the wider Ocean Beach area. The options presented in this working paper, and the various mechanism within each option, are consistent with the geographical area used for the Charrette process. This is



helpful in terms of comparing the advantages and disadvantages of various options.

- 3.1.3 The actual extent of the Plan Change for the wider Ocean Beach area will be accurately defined on the District Plan planning maps, once the appropriate mechanisms or combination of mechanism have been selected by Council.

3.2 Operative District Plan

- 3.2.1 The Hastings Operative District Plan (the District Plan) provides the resource management framework for achieving the sustainable management of the natural and physical resources of the Hastings District.
- 3.2.2 The District Plan, at the time of public notification in 1997, was developed in accordance with specific sections of the Act. Through the process of making decisions on submissions and resolving any outstanding Environment Court matters, the District Plan is deemed to have taken into account, had regard to, and not been inconsistent with, other relevant legislation, national policy statements and regional plans and regional policy statements.
- 3.2.3 The wider Ocean Beach area is zoned as rural, and contains two significant landscape character units, (SLC6 and SLC7). It is important to note that there is no special zone or overlay that differentiates land at Ocean Beach from any other rural zoned land in the District.
- 3.2.4 There are also other ‘non-statutory’ documents commissioned by Council that play a role in assisting to set the strategic direction for the Hastings District.

3.3 Coastal environment

- 3.3.1 The New Zealand Coastal Policy Statement 1994 (the NZCPS) defines the concept of the coastal environment through a number of policies that are considered matters of national priority. Interestingly, a definition of the coastal environment was never provided in the NZCPS. This was subsequently determined through a number of Environment Court cases. A definition of the coastal environment was incorporated into the District Plan through the Hastings Coastal Environment Strategy.
- 3.3.2 The District Plan is reliant on the relevant regional coastal planning framework to provide policy guidance on coastal related matters. However, the Regional Coastal Plan never included a definition for the coastal environment or specifically mapped the coastal environment on the planning maps.
- 3.3.3 Over the last ten years there has been a significant increase in coastal property values and development pressure, not only in Hawke’s Bay, but all around the New Zealand Coast. From a Resource Management perspective,

it is considered the existing District Plan provides insufficient policy guidance on coastal environment related matters, or on how to appropriately manage increasing land use change within sensitive coastal environments.

3.4 Landscape

- 3.4.1 A number of landscape reports have been prepared for various parts of the wider Ocean Beach area. There is general agreement among landscape architects that the northern end of Ocean Beach is a unique wilderness landscape. The northern part of the Ocean Beach area ranks very highly in terms of its existing natural character.
- 3.4.2 There is much less consensus surrounding the southern end of Ocean Beach (i.e. the Waipuka bach settlement to the Haupouri flats areas). The natural character ranking for southern area ranges from modified to high. Some landscape architects consider that this area is compromised through a combination of historic development and extensive pastoral land use.
- 3.4.3 The independent commissioners who made the decision on the Donloben submission to the then Proposed District Plan, noted that the natural character of the area of the coastal flats between the mouth of the Waipuka Stream and the vicinity of the Haupouri Station woolsheds has been modified by the erection of buildings and the cultivation of the flats, such that a sympathetic development could be accommodated.
- 3.4.4 The District Plan identified key parts of the Ocean Beach area as being part of SLC6 and SLC7.

3.5 Archaeology and history

- 3.5.1 Ocean Beach has been identified by Tangata Whenua as an area of significant value to Maori, and contains a documented history of settlement by Maori dating back to pre-European settlement.
- 3.5.2 A number of archaeological assessments have been carried out on various parts of Ocean Beach. These assessments have identified a multitude of archaeological sites ranging from cultivation terraces, middens, pits and pa fortifications.
- 3.5.3 Archaeologists are in general agreement that the northern part of Ocean Beach contains a number of significant archaeological sites that are of particular importance. There is also a high probability that the northern part of Ocean Beach contains a number of undiscovered archaeological sites.
- 3.5.4 The southern part of Ocean Beach also contains a number of known archaeological sites. There appears to be a general consensus that a great deal of these sites are predominantly, but not exclusively limited to the existing dune area.

3.5.5 The Historic Places register also contains a number of known sites at Ocean Beach. These have been included within the various options where applicable.

3.6 Recreational use of Ocean Beach

3.6.1 Over the past 50 years the Ocean Beach area has developed as a popular recreation and holidaying destination. The community recognise Ocean Beach as an undeveloped and unspoilt wilderness area that is available for their use and enjoyment.

3.6.2 During the peak summer season there is high demand for access to the beach area, and for vehicle parking on or near the Hastings District Council surf club reserve (the surf club reserve).

3.6.3 The existing surf club reserve is used as an informal parking area that consists of a large open gravel surface where the existing access road terminates and a section of remnant dune area.

3.7 Land tenure

3.7.1 The land tenure at Ocean Beach is a complex mix of freehold land with a number of common landholding interests, and land managed through incorporation and estate trust structures.

- Ocean Beach Land Holdings Limited comprises the northern part of the Haupouri flats and includes the Haupouri Station woolshed and a number of ancillary buildings.
- Tennyson OB Limited comprises the southern part of the Haupouri flats.
- Ocean Beach Wilderness Property Limited comprises the remainder of Haupouri Station and forms the largest land holding within the Ocean Beach area.
- Hastings District Council reserve contains the existing surf lifesaving club and area for car parking.
- Estate Puke Puke Tangiora comprises the existing access road and coastal land north of the Waipuka Stream.
- Waipuka Incorporation comprises the existing bach settlement and coastal land south of the Waipuka Stream.
- 20 metre marginal strip owned by the Crown administered by the Department of Conservation running parallel to the existing dune system.

3.8 Roading and legal access

3.8.1 There is no continuous legal road access to Ocean Beach or to the surf club reserve. The road departs from its legal alignment in a number of places, and traverses an unstable and active landslide area.



- 3.8.2 Historically, access to Ocean Beach and the surf club reserve has only occurred through the generosity of the Estate Puke Puke Tangiora.
- 3.8.3 A key outcome of the Plan Change process for Council is to ensure that the community has guaranteed public access to Ocean Beach and to the surf club reserve. There are essentially three options that could provide this:
- Operation and maintenance easements on the existing road alignment across Estate Puke Puke Tangiora land.
 - New alignment across Tennyson OB land that feeds directly into the surf club reserve.
 - New alignment through the existing private access road across Ocean Beach Land Holdings land.

3.9 Reticulated infrastructure and servicing

- 3.9.1 There is no existing reticulated infrastructure at Ocean Beach for storm water, waste water or water supply.
- 3.9.2 There is a general consensus between engineers that servicing Ocean Beach is possible for all three reticulated systems. The type, size and cost of these systems (including the choice between on-site or package treatment of waste-water or connection to the reticulated system at Havelock North) is dependent on the size of any development at Ocean Beach.

4.0 OPTIONS

- 4.1 In undertaking the Section 32 assessment for the content of any Plan Change, the Council must consider and compare a range of non-fanciful and reasonable options. This section showcases four broad options that are considered to be non-fanciful and reasonable. Within the four options, there are a number of individual mechanisms that may achieve a similar outcome.
- 4.2 The four options that are showcased are:
- No Development (Protection option); and
 - Status Quo option; and
 - Intermediate Development option; and
 - Charrette option.
- 4.3 It is possible that one option or a combination of options could be applied to the Ocean Beach area to underpin the content of the Plan Change.
- 4.4 Each of the four options contain a brief introduction, number of principle assumptions and the anticipated outcomes of undertaking the option. The options also contain a summarising table that outlines the relative benefits and costs of each option. It is important to note that these benefits and costs are designed to foster debate and discussion within the community, and should not be considered to be an authoritative or complete and comprehensive list.

4.5 It is envisaged that the community will provide valuable feedback on the merits of undertaking each of the four options, and the various mechanisms that are available within each option.

4.6 It is also important to note that the variables within three of the four options, with the exception of the Status Quo option, are flexible and are not necessarily fixed. Consequently there is room to increase or decrease many of the variables to customise a preferred option.

4.7 No Development (Protection Option)

4.7.1 Introduction

4.7.2 The protection option (no development) requires a mechanism to provide for the protection of the wider Ocean beach area from inappropriate subdivision, land use and development. This can be achieved through a combination of different methods:

- Purchase of land through Local Government or Crown agency; and
- Use of a regulatory framework to protect exceptional landscape and natural character areas; and
- Private Management Plan (including covenants); and
- Act of Parliament.

Purchase of Land

4.7.3 Strategic parts of the wider Ocean Beach area could be purchased by a Local Government or Crown agency and protected for the long term benefit of the regional or national community.

4.7.4 The sale and purchase of any lands would be on a willing seller/willing buyer basis. It is not envisaged that any powers of compulsory acquirement would be used to secure any land that was not offered on a willing seller basis.

District Plan regulatory framework

4.7.5 Identify and mark out areas of exceptional natural character and high landscape value within the Ocean Beach setting. An accompanying regulatory framework would be developed to protect these areas for the long term benefit of the district community.

4.7.6 An identification of the existing natural character and landscape areas was undertaken as part of the Ocean Beach Strategy and Structure Plan 1999, and could form the basis of a Protection Area Overlay. This approach would require:

- The refinement of the criteria for identifying sites to ensure that they are appropriate; and
- The development of the accompanying regulatory framework to compliment the sites; and

- Considerable consultation with affected landowners and the wider district community.

Private Management Plan

- 4.7.7 Strategic parts of the wider Ocean Beach area that are archaeologically important, ecologically significant, contain exceptional natural character and high landscape value are identified and subdivided utilising the existing provisions of the District Plan to create conservation allotments, or covenanted.
- 4.7.8 Appropriate management frameworks are then developed for each of the subdivided allotments to protect these areas in the long term. In the situation of covenanting the identified sites, the management framework would be consistent with the type and nature of the covenant.

Act of Parliament

- 4.7.9 An Act of Parliament similar to the Waitakere Ranges Heritage Area Bill could be drafted to recognise the national, regional and local importance of the wider Ocean Beach area, and to promote the protection and enhancement of its heritage features for present and future generations.
- 4.7.10 Any Bill would establish an 'Ocean Beach Heritage Area', and include some or all of the beach and dune areas, the coastal plain and the SLC6 and SLC7 landscape areas. The Bill would likely state the national significance of the Heritage Area and define its heritage features, specify the objectives of establishing and maintaining the Heritage Area and provide suitable mechanisms for more certain and effective planning, resource management and decision making.

4.7.11 Principle assumptions

- 4.7.12 The principle assumptions for each of the mechanisms are outlined below in separate sub sections.

Land purchase

- 4.7.13 Any purchase of land by a Local Government or Crown Agency (an Agency) would rely solely on a willing seller/willing buyer concept. It is not anticipated that an Agency would utilise its powers of compulsory acquirement to secure land at Ocean Beach for the purpose of vesting to the community.

District Plan regulatory framework

- 4.7.14 Review of the process, identification criteria and outcomes of the natural character and landscape assessment that was undertaken in conjunction with the development of the Ocean Beach Strategy and Structure Plan 1999.
- 4.7.15 A Plan Change will be required to amend the existing District Plan to insert the Protection Area Overlay and associated regulatory framework into the wider Ocean Beach area.

Private Management Plan

- 4.7.16 Strategic parts of the wider Ocean Beach area are identified by a number of experts in consultation with key stakeholders (i.e. Department of Conservation, Historic Places Trust and Local Government authorities), and are subdivided as conservation allotments.
- 4.7.17 Management Plans are developed for the different areas in consultation with key stakeholders.

Act of Parliament

- 4.7.18 The Bill is drafted utilising standard Central Government procedure as a Cabinet Paper and is then introduced to Parliament. The Bill has its first reading in Parliament by the Portfolio Minister or a Member of Parliament.
- 4.7.19 The Bill is then referred to a Select Committee that comprises of the Members of Parliament from political parties for further consideration.
- 4.7.20 The Select Committee calls for submissions on the Bill, and then reports back to parliament at the conclusion of this process.

4.7.21 Anticipated outcomes

- 4.7.22 Provide for the long term protection of exceptional natural character areas, significant landscape character areas, important ecological areas and significant archaeological sites within the wider Ocean Beach area.
- 4.7.23 The wider Ocean Beach area is protected from inappropriate subdivision, land use and development in the long term.
- 4.7.24 The District, Regional and/or National community will benefit from the long term protection of the wider Ocean Beach area.

| BENEFITS AND COSTS OF THE PROTECTION (NO-DEVELOPMENT) OPTION | |
|--|--|
| BENEFITS – Land purchase | COSTS – Land purchase |
| Will provide indefinite protection for only those parts of Ocean Beach that are purchased. | Substantial cost to the agency for the purchase of any land at Ocean Beach. |
| Flexibility to enable lawfully established pastoral land uses to continue operating on a lease basis. | Likely disputes over the actual valuation of land versus its potential to be utilised for development purposes. |
| Flexibility to enable appropriate subdivision, land use and development to occur in areas that are either highly modified and/or have low ecological/landscape/archaeological or natural character values. | No requirement for first right of refusal on any land sale, therefore land may still be sold to private owners and not to the purchasing agency. |
| Landowners have the ability to become willing sellers. | High cost to the purchasing agency of administering, maintaining or enhancing any area that is to be protected. |
| Council does not have to prepare a Plan Change for those areas that are protected. | Requires the development of some form of management structure to ensure that ecological/landscape/archaeological or natural character values do not continue to degrade. |
| | Doesn't necessarily guarantee the long term public access to Ocean Beach and to the surf club reserve. |
| | Doesn't necessarily guarantee the long term access to the areas that are to be protected. |
| | Doesn't necessarily guarantee that the land to be protected will be enhanced. |
| | Maori land will not be protected and could be developed through the existing District Plan subdivision and land development provisions. |
| | Areas of Maori land that have high ecological/landscape/archaeological or natural character values are not protected. |
| | May require the decommissioning of existing pastoral infrastructure. |
| | There is the potential loss of intrinsic and recreation value to the community in the event that public access to Ocean Beach can not be secured through this mechanism. |
| | Long timeframe for commencement of protection, that effectively occurs when all land is purchased and has a management structure. |
| | The mechanism doesn't take into account or offer options to resolve issues with the illegal dwellings on the Waipuka Incorporation land |

| BENEFITS – District Plan regulatory framework | COSTS – District Plan regulatory framework |
|--|--|
| Will provide 10 years of protection for only those parts of Ocean Beach that are identified in the regulatory framework. | Doesn't necessarily guarantee the long term public access to Ocean Beach and to the surf club reserve. |
| Flexibility to enable appropriate subdivision, land use and development to occur in areas that are either highly modified and/or have low ecological/landscape/archaeological or natural character values. | Doesn't necessarily guarantee the long term access to the areas that are to be protected. |
| Flexibility to enable lawfully established pastoral land uses to continue operating, including the retention of existing pastoral infrastructure. | Doesn't necessarily guarantee that the land to be protected will be enhanced. |
| Low cost to Council of administering, maintaining or enhancing any areas that have been identified for protection. | High cost to Council of preparing Plan Change for the wider Ocean Beach area. |
| Does not require the development of a management structure to ensure that ecological/landscape/archaeological or natural character values are not degrading. | No certainty that these areas will be protected after 10 years, as the District Plan has an operative life of 10 years and is subject to review. |
| Requires no willing seller/willing buyer relationship to provide protection. | The Resource Management Act 1991 is subject to amendment and may not provide for the protection of these areas indefinitely. |
| Maori land may be included in any regulatory framework. | Decisions on the Plan Change framework can be appealed to the Environment Court. |
| | The ability of landowners to develop land as per the existing District Plan provisions is foregone. |
| | Although a Plan Change has immediate affect from the date of notification, the long term protection of Ocean Beach would only occur when all legal challenges to the Environment Court have been resolved. |
| | There is the potential loss of intrinsic and recreation value to the community in the event that public access to Ocean Beach can not be secured through this mechanism. |
| | Ecological/landscape/archaeological and natural character values continue to decline at present rates. |
| | The mechanism doesn't take into account or offer options to resolve issues with the illegal dwellings on the Waipuka Incorporation land |

| BENEFITS – Private Management Plan | COSTS – Private Management Plan |
|--|--|
| Will provide private protection for only those parts of Ocean Beach that are identified in the Private Management Plan. | Doesn't necessarily guarantee the long term public access to Ocean Beach and to the surf club reserve. |
| Flexibility to enable appropriate subdivision, land use and development to occur in areas that are either highly modified and/or have low ecological/landscape/archaeological or natural character values. | Doesn't necessarily guarantee the long term access to the areas that are to be protected. |
| Low cost to Council of administering, maintaining or enhancing any areas that have been identified for protection. | Doesn't necessarily guarantee that the land to be protected will be enhanced. |
| Requires no willing seller/willing buyer relationship to provide protection. | No certainty that strict reliance on Private Management Plan will result on protection of Ocean Beach. |
| Maori land may be included in any Private Management Plan. | Plan Change would still be required to the District Plan to ensure than areas to be protected had some form of enforceable regulatory protection. |
| Flexibility to enable lawfully established pastoral land uses to continue operating, including the retention of existing pastoral infrastructure. | High cost to Council of preparing Plan Change for the wider Ocean Beach area. |
| Short timeframe for commencement of protection that effectively occurs when all legal challenges to the Environment Court have been resolved (assumes that landowners are driving Private Management Plan, and will not appeal), and subdivided titles have been issued. | There is the potential loss of intrinsic and recreation value to the community in the event that public access to Ocean Beach can not be secured through this mechanism. |
| Selected areas that are subdivided as conservation allotments and have their own individual management plans. | Conservation subdivision is a restricted discretionary activity, and Council have the ability to decline restricted discretionary subdivision activities. |
| There are a number of agencies that can assist with the covenanting process. Covenants can provide flexibility and will protect land in perpetuity. | The mechanism doesn't take into or offer options to resolve issues with the illegal dwellings on the Waipuka Incorporation land |

| BENEFITS – Act of Parliament | COSTS – Act of Parliament |
|--|---|
| Will provide indefinite protection for only those parts of Ocean Beach that are identified within the Bill framework. | Doesn't necessarily guarantee the long term public access to Ocean Beach and to the surf club reserve. |
| Flexibility to enable appropriate subdivision, land use and development to occur in areas that are either highly modified and/or have low ecological/landscape/archaeological or natural character values. | Doesn't necessarily guarantee the long term access to the areas that are to be protected. |
| Flexibility to enable lawfully established pastoral land uses to continue operating, including the retention of existing pastoral infrastructure. | Doesn't necessarily guarantee that the land to be protected will be enhanced. |
| Requires no willing seller/willing buyer relationship to provide protection. | Decision making ability for future planning of Ocean Beach is transferred from the District level to the National level. |
| Low cost to Council of administering, maintaining or enhancing any areas that have been identified for protection. | Requires the development of some form of management structure to ensure that ecological/landscape/archaeological or natural character values do not continue to degrade. |
| Maori land may be included in the Act of Parliament. | High cost of administering, maintaining or enhancing any area that is to be protected. |
| The mechanism may offer options to resolve issues with the illegal dwellings on the Waipuka Incorporation land through identification of the heritage of the bach settlement. | Plan Change would still be required to the District Plan to ensure consistent approach with content of Bill. |
| | <p>Two staged process of Parliament process to consider, amend and confirm Bill, and Plan Change process.</p> <p>Long timeframe for commencement of protection, that effectively occurs when Bill is enacted, and all legal challenges to the Environment Court regarding Council Plan Change have been resolved.</p> <p>There is the potential loss of intrinsic and recreation value to the community in the event that public access to Ocean Beach can not be secured through this mechanism.</p> |

4.8 Status quo option

4.8.1 Introduction

- 4.8.1.1 The Status Quo option represents a non-fanciful and realistic pattern of staged subdivision that could occur throughout the wider Ocean Beach area over a 10 year timeframe, using the existing subdivision methods in the District Plan.
- 4.8.1.2 The provisions of the existing District Plan could enable the creation of complying allotments in the rural zone that are greater than 20 hectares in size within the Ocean Beach area.
- 4.8.1.3 It is important to consider the interpretation of the existing District Plan regulatory framework. Any subdivision of land that ‘fronts the coast’ is considered to be a Discretionary Activity.
- 4.8.1.4 The District Plan also enables the further subdivision of 1.5 hectare ‘lifestyle sites’ in the rural zone from allotments that have a residual balance area greater than 20 hectares and comply with all of the terms and standards, once every three years. If the lifestyle site is located within the SLC6 and SLC7 boundaries, Discretionary Activity resource consent is required.

4.8.2 Principle assumptions

- 4.8.2.1 The Status Quo option employs a 10 year timeframe for the completion of staged rural subdivision. This timeframe was selected as the statutory lifespan of an Operative District Plan prepared under the Act is 10 years.
- 4.8.2.2 The Status Quo option assumes that there are no amendments to the existing District Plan policy or regulatory framework during the 10 year timeframe. The existing District Plan explicitly provides for subdivision and land development within the Rural Zone. Subdivision of any other site ‘fronting the coast’ is interpreted to be a Discretionary Activity.
- 4.8.2.3 The Ocean Beach Land Holdings land and Tennyson OB land are separated from ‘fronting the coast’ by the existence of the Crown owned and administered marginal strip. Therefore, the subdivision of allotments that are greater than 20 hectares and comply with the general terms and standards of the existing District Plan is a Controlled Activity.
- 4.8.2.4 The Ocean Beach Wilderness Properties Land, Estate Puke Puke Tangiora Land and Waipuka Incorporation Land, are affectively ‘fronting the coast’. Therefore the subdivision of allotments that are greater than 20 hectares and still comply with the general terms and standards of the existing District Plan are a Discretionary Activity. This interpretation is open to challenge, and there could be a viable argument that such subdivisions are considered to be a Controlled Activity.

- 4.8.2.5 A number of complying allotments greater than 20 hectares are created in year one. Lifestyle sites of 1.5 hectares are then created once every three years where the parent allotment has a residual balance area of greater than 20 hectares.
- 4.8.2.6 The construction of residential dwellings on complying allotments that meet the general terms and standards of the existing District Plan is a permitted activity. The existing District Plan envisages that secondary residential dwellings can be constructed on complying allotments up to a maximum of 80m² as a controlled activity.
- 4.8.2.7 Although the District Plan enables the establishment of a number of different land uses within the rural zone that could be considered to form the permitted baseline, a reasonable approach would be that at least one complying residential dwelling will be constructed on each allotment that is created over the 10 year timeframe.
- 4.8.2.8 Landowners can still apply for the subdivision of 1.5 hectare lifestyle sites as a Discretionary Activity, even though the application may not meet the general terms and standards of the existing District Plan.
- 4.8.2.9 Legal roading access is provided through a combination of the existing road alignment and a new road access through the Ocean Beach Land Holdings land to service the wider Ocean beach area.
- 4.8.2.10 Reliance on the substantial remediation of the coastal dune system from Haupouri Station woolshed south, elevation of ground level on Estate Puke Puke Tangiora and Waipuka Incorporation lands and armouring the Waipuka Stream to mitigate long term erosion and inundation/flooding coastal hazard.

4.8.3 Anticipated outcomes

- 4.8.3.1 The wider Ocean Beach area will be subdivided into a number of allotments (ranging between 53 and 108 allotments), each with at least one complying residential dwelling over a 10 year timeframe.
- 4.8.3.2 Council relies on the assessment of resource consent applications for subdivision and land use within the wider Ocean Beach area.

| BENEFITS AND COSTS OF THE STATUS QUO OPTION | |
|--|---|
| BENEFITS | COSTS |
| Flexibility to enable lawfully established pastoral land uses to continue operating on a lease basis. | Cumulative effects of the wider Ocean Beach being subdivided into anywhere from 53 to 108 allotments with accompanying roading infrastructure. |
| Hastings District Council is not required to undertake a plan change to amend the existing District Plan. | Doesn't necessarily guarantee the long term public access to Ocean Beach and to the surf club reserve. |
| In certain parts of Ocean Beach, the change in land use from extensive pastoral to 20 hectare allotment with a complying residential dwelling may be a more sustainable land use in the long term. | No demarcated development footprint, resulting in ad-hoc location of allotments that are spread throughout the wider Ocean Beach area. |
| | Council has no ability to strategically manage development through complying controlled activity subdivision, and simply must consider and grant resource consent applications as they are lodged. |
| | There is only limited ability for Council to address the adverse cumulative impact of subdividing between 53 and 108 allotments within the wider Ocean Beach area through assessment of Discretionary Activity resource consents. |
| | Doesn't necessarily guarantee the long term protection for parts of Ocean Beach that have exceptional ecological landscape/archaeological or natural character values. |
| | Although there maybe a number of development covenants for through the subdivision process, the option does not enable Council to control the architectural design of the built environment. |
| | As the subdivision occurs incrementally there is no ability for Council to plan for the effective delivery of infrastructure to service new allotments. |
| | Cumulative effects of the multiple discharges from a potentially large number of onsite effluent treatment systems. |
| | Risk to Council of taking over, maintaining and planning for upgrades of potable water supply system after year one of subdivision. |
| | Cost to Council of upgrading Ocean Beach Road to cater for increase in traffic generation from ad-hoc subdivision. |

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| | Land tenure is fragmented, particularly north of the Haupouri Station woolshed. |
| | Loss of existence and intrinsic value to the community of Ocean Beach once being a wilderness environment. |
| | There is the potential loss of recreation value to the community in the event that public access to Ocean Beach can not be secured through this mechanism. |
| | The option doesn't take into account or offer options to resolve issues with the illegal dwellings on the Waipuka Incorporation land |
| | Inconsistent with the Ministry for the Environment Urban Design Protocol which Council is a signatory. |

4.9 Intermediate Development Option

4.9.1 Introduction

- 4.9.1.1 The intermediate development option is based on previous development proposals for various parts of the Ocean Beach area, coupled with a number of assessments undertaken to determine an appropriate siting and density of development.
- 4.9.1.2 The following documents, assessments and proposals were utilised in this assessment:
- Donloben initial application for plan change to re-zone the Transitional District Plan (1995)
 - Donloben submission to Proposed Plan (1997)
 - Ocean Beach Strategy and Structure Plan (1999)
 - Boffa Miskell Cluster Option Indicative Development Plan (1999)
 - Ocean Beach (Haupouri Flats) Development Layouts (Options 1-3 unpublished)
 - Ocean Beach Landscape and Open Space Technical Report (2001)
 - DJ Scott (Haupouri Flats) Draft Development Layout (2003)

4.9.2 Principle assumptions

- 4.9.2.1 The intermediate development option would form the basis of a Plan Change to the existing District Plan to enable development to occur only within the development footprint. As part of the Plan Change a number of controls will be included to address built form and infrastructure provision.
- 4.9.2.2 The active dune system, including foredune and remnant back dune areas, are remediated to provide a buffer to coastal erosion hazard and to prevent inundation as a result of coastal flooding events.
- 4.9.2.3 The margins of the Waipuka Stream on both the northern and southern banks require armouring (reinforcing and building up to protect the land behind from flooding).
- 4.9.2.4 The Estate Puke Puke Tangiora and Waipuka Incorporation lands will require the existing ground level to be raised to mitigate potential inundation from coastal flooding.
- 4.9.2.5 For the purposes of this option, all subdivision, land use and development for residential purposes, will be undertaken within the development footprint. The remainder of land within the wider Ocean Beach area will be retained in its existing pastoral or conservation land uses. The dune area to the north of the development footprint is managed as a Recommended Area for Protection as part of the Department of Conservation Protected Natural Areas Program and is listed in the District Plan.



- 4.9.2.6 The existing roading infrastructure located on Estate Puke Puke Tangiora land will be retained. The Waipuka Stream bridge crossing requires upgrading to cope with heavy traffic associated with construction of dwellings and infrastructure, as well as the anticipated increase in use by lessees. The access road will terminate at the boundary of the surf club reserve and at the southern extent of the Waipuka Incorporation lands.
- 4.9.2.7 Construction of new road access that connects to the existing private road owned by Ocean Beach Land Holdings Limited. This access road and the internal roading infrastructure across Tennyson OB and Ocean Beach Land Holdings Limited land will be vested to Council as a public road from the junction of Ocean Beach Road to termination at the surf club reserve.
- 4.9.2.8 The residential dwellings within the development footprint will be serviced by spring fed water supply. Water will be pumped to a reservoir above the development footprint and is sufficient to supply potable water requirements.
- 4.9.2.9 Waste water treatment is provided through a reticulated community system, with treated effluent discharged to a wetland disposal system located offsite.
- 4.9.2.10 The natural discharge point for the Haupouri Woolshed catchment area will be diverted northward from its existing course. This will require earthworks and re-contouring, coupled with the remediation of the foredune and secondary dune areas.
- 4.9.2.11 Storm water run off from impervious roading areas will be disposed of through the use of vegetated swales designed into the roading reserve.
- 4.9.2.12 The surf club reserve would be expanded by one hectare as per the existing agreement with Tennyson OB landowners.

4.9.3 Anticipated outcomes

- 4.9.3.1 Establishment of 158 allotments contained within a defined development footprint.
- 4.9.3.2 Installation of appropriate reticulated waste water and potable water supply infrastructure to service the development footprint.
- 4.9.3.3 Guaranteed public road access to Ocean Beach and the surf club reserve.
- 4.9.3.4 One hectare expansion of the existing surf club reserve land area.

| BENEFITS AND COSTS OF THE INTERMEDIATE DEVELOPMENT OPTION | |
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| BENEFITS | COSTS |
| Development footprint is constrained to areas that have been modified through existing development or through intensive land use. | Any existing landscape, ecological archaeological and natural character values of the development footprint, in its undeveloped state, will be irreversibly altered through the construction of infrastructure and dwellings. |
| Guaranteed long term public access to Ocean Beach and to the surf club reserve through creation of new public road. | Although there maybe a number of development covenants for through the subdivision process, the option does not enable Council to control the architectural design of the built environment. |
| Lawfully established pastoral land uses can continue to operate to the north of the development footprint. | The option does not resolve any issues with the illegal dwellings on the Waipuka Incorporation land |
| Disposal of treated waste water into an offsite wetland disposal system. | Plan Change would still be required to the District Plan to control any further subdivision and development to the north of the development footprint. |
| Ability for Council to plan for the effective delivery of infrastructure to service new allotments. | |
| | Need to build up the ground level of Estate Puke Puke Tangiora and Waipuka Incorporated land to mitigate coastal flooding and inundation hazard |
| | Need to modify and upgrade the dune system adjacent to the development footprint to mitigate coastal erosion, flooding and inundation hazard |
| | Establishment of residential style development and spatial layout of allotments in a coastal setting with no supporting commercial infrastructure (shops). |
| | No long term protection for parts of Ocean Beach that have exceptional ecological landscape/archaeological or natural character values. |
| | Risk to Council of taking over, maintaining and planning for upgrades of potable water supply system and offsite wetland disposal system. |
| | Inconsistent with the Ministry for the Environment Urban Design Protocol which Council is a signatory. |
| | Requires permits from the Historic Places Trust to modify, damage or destroy any archaeological sites within the development footprint. |

4.10 Charrette option

4.10.1 Introduction

- 4.10.1.1 The Charrette option utilises Traditional Neighbourhood Design principles to create a community design that is pedestrian based. The Charrette option is set out in a master plan document.
- 4.10.1.2 The master plan focuses on the detailed design of creating the human habitat for Ocean Beach. It specifies three settlements:
- The central beach village; and
 - The southern village; and
 - The upper hamlet.
- 4.10.1.3 Access to each of the settlements is provided by realigning the existing access road to avoid the active landslip which will ensure safe access over the long term. A second access road will join the existing private road on Ocean Beach Land Holdings Limited land, and will connect to the existing access road to form a loop road.
- 4.10.1.4 Public access to the beach is provided by 19 separate access points that are designed to co-exist with dune restoration.
- 4.10.1.5 The central beach village is the largest of the three settlements. The settlement contains a series of community gathering places, and provides a focus for activities ranging from small shops, grocery store and café meeting halls, community events, varied beachside accommodation and a primary school.
- 4.10.1.6 The built form is varied and includes apartment buildings, baches, live / work terraces through to traditional larger houses. Buildings will be predominately two storeys in height, with three - four storeys being contained in the village centre. It is envisaged that the mix of building types may provide for more affordable housing. Included in the village is a second and more central surf club.
- 4.10.1.7 Car parking is integrated within the village through on-street parking and mid-block parking courts. A total of 2500 public car parking spaces are provided for in this village.
- 4.10.1.8 The southern village and upper hamlet are designed to include similar attributes to the central village, but on a smaller scale. In addition, the design of the southern village provides a systematic framework for the removal of existing baches due to future coastal hazards and relocation inland.

4.10.2 Principle assumptions

- 4.10.2.1 The Master Plan document would form the basis of a Plan Change to the existing District Plan. The timeframe for the Master Plan is 50 years, in which the three settlements are developed in stages.
- 4.10.2.2 Provision for 782 sections within the three settlements based on a developable area of approximately 75 hectares of land at Ocean Beach. The three villages would accommodate around 980 individual units.
- 4.10.2.3 The active dune system, including foredune and remnant back dune areas, are to be remediated to provide a buffer to coastal erosion hazard and to prevent inundation as a result of coastal flooding events.
- 4.10.2.4 The Estate Puke Puke Tangiora and Waipuka Incorporated land will require the existing ground level to be raised to mitigate potential inundation from coastal flooding. The margins of the Waipuka Stream on both the northern and southern banks may require armouring.
- 4.10.2.5 Use of Private Management Plan mechanism to identify parts of the wider Ocean Beach area that may be archaeologically important, ecologically significant, contain exceptional natural character and high landscape value. Appropriate management frameworks are developed for each of the identified areas to protect in the long term.
- 4.10.2.6 Construction of new loop road access that connects to the existing private road owned by Ocean Beach Land Holdings Limited to the existing road access owned by Estate Puke Puke Tangiora. Parts of this road will be vested to Council as a public road.
- 4.10.2.7 Reticulated infrastructure for water supply connected via pipe from Ocean Beach to upgraded Havelock North reservoir. Reticulated waste water connected via pipe to Hastings District Council network. Storm water run off from impervious surfaces will be detained and disposed of onsite through substantial earthworks and re-contouring.
- 4.10.2.8 The Waipuka Stream bridge crossing requires upgrading to cope with heavy traffic associated with construction of dwellings and infrastructure, as well as the anticipated increase in use by lessees.

4.10.3 Anticipated outcomes

- 4.10.3.1 The establishment of a viable and sustainable community through a balance between the human habitat and the natural setting.
- 4.10.3.2 Private Management Plan protects northern end of Ocean Beach, and enables the lawfully established existing pastoral land use to continue operating where appropriate.

| BENEFITS AND COSTS OF THE CHARRETTE OPTION | |
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| BENEFITS | COSTS |
| The Charrette option employs a demarcated developable area for each of the three villages which may constrain the spread of residential development outside of this area. | The Regulatory Plan and Design Code are fundamentally different to the existing District Plan framework, and would require considerable amendment to the District Plan to align. |
| Proposes three interconnected villages with a combined area that is less than 9% of the wider geographical area used during the Charrette process. | The Thoroughfare Plan is different from the existing engineering provisions for internal roading infrastructure, and would need to be inserted as a stand alone schedule into the existing District Plan. |
| Establishment of a compact workable, mixed use residential development that may provide for more affordable housing options within a coastal setting. | Proposed building heights of up to four storeys in and around the main village centre may not be visually congruous with the wider Ocean Beach setting, and could dominant the wider landscape. |
| The design utilises a five minute walk/400 metre radius concept to ensure that people can walk or cycle to a village focal point. To enable this to occur, there is a network of streets, walkways and cycle ways that connect the three villages. | Large spatial development footprint of the three villages may not be congruous with the wider Ocean Beach setting. |
| Employs a transect approach to determine a range of permitted land uses and outline the relative density within each of the transects. | Uncertainties surrounding the extent of the visual impact of the three villages on the landward view taken from the beach area, that may impact on day tripper's ability to enjoy the Ocean Beach experience. |
| Creation of a large proportion of public open space, which would far exceed the amount of open space that Council could require through the existing development contributions in the District Plan. | It is unclear if the Charrette option enables development to occur outside of the Master Plan area, particularly in the northern parts of Ocean Beach. |
| The design concepts are consistent with the Ministry for the Environment Urban Design Protocol which Council is a signatory. | Although the spatial location of the development footprint will not alter, the density within certain transects has the potential to increase over time with the construction of buildings that are more than one storey and contain multiple (strata) titles. |
| The design could provide a viable model for future urban development within the District. | Will require permits from the Historic Places Trust to modify, damage or destroy any archaeological sites within the developable area. |
| The Charrette option will guarantee the long term public access to Ocean Beach through the creation of a new public road realigned away from active landslide area. | Need to build up the ground level of Estate Puke Puke Tangiora and Waipuka Incorporated land to mitigate coastal flooding and inundation hazard |
| The design accommodates the parking and beach access requirements of peak season day visitors through the provision of approximately 2500 car parks and 19 points of access to the beach area. | Need to modify and upgrade the dune system adjacent to the developable area to mitigate coastal erosion, flooding and inundation hazard. |
| The design ensures that there is a variety of different housing types within the | Requires significant earthworks and re-contouring to create the site for upper |

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| various transects which may assist with removing the uniform look of a standard urban development. | village area. |
| Council is not required to fund or administer any private infrastructure that may be established on Estate Puke Puke Tangiora or Waipuka Incorporated land. | There is a risk that the long term vision will not be fully realised for 50 years. |
| The Master Plan will allow Council the ability to plan for effective infrastructure to service the developable area. | |
| Provides a framework for the removal of the existing bach settlement on Waipuka Incorporated land to avoid coastal erosion hazard. | |

5.0 ASSESSMENT OF OPTIONS

5.1 Section 32 of the Resource Management Act 1991

5.1.1 Section 32 of the Resource Management Act 1991 contains a framework for the comparative assessment of any proposed Plan Change to amend a Regional or District Plan.

5.1.2 Principally the Section 32 assessment assesses the ‘appropriateness’ of any objective, policy or rule that is proposed to be inserted into the District Plan. Importantly this assessment requires council to consider a range of policies, objectives and methods, and to undertake a rigorous analysis of the benefits and costs to determine which provisions are the most efficient and effective for their intended purpose.

5.1.3 It is useful to note that in the context of a Section 32 assessment, the term ‘appropriateness’ means the suitability of any particular option in achieving the purpose of the Resource Management Act 1991. To assist in determining whether the adopted option (objective, policy, rule or other method) is appropriate, the effectiveness and efficiency of the option should also be considered:

- **Effectiveness** - means how successful a particular option is in addressing the issues in terms of achieving the desired environmental outcome.
- **Efficiency** - means the measuring by comparison of the benefits to costs (environmental benefits minus environmental costs compared to social and economic costs minus their benefits).

6.0 INDICATIVE TIMEFRAME MOVING FORWARD

6.1 As part of the process for developing the Plan Change for the wider Ocean Beach area, Council will provide a number of opportunities for the community to provide feedback.

- **Early April 2006**
The Draft Working Paper (this Issues and Options paper) will be taken to Council for adoption and release at the Council’s *Shaping Our District Together* Expo. Informal written comments to Council on Working Paper will be invited from the community. Commence the technical evaluation of the four broad options through the Section 32 framework.
- **21 – 22 April 2006**
Hastings District Council’s *‘Shaping Our District Together’* Expo held at Hastings Sports Centre. The Working Paper will be available to the community, coupled with submission forms.

- **Early June 2006**
Report to Council summarising the comments received on the Working Paper and recommending a direction for a draft district plan change. Council will then direct staff to prepare a Draft Plan Change for the Ocean Beach area and give guidance and direction as to what it should include.
- **June – August 2006**
Council staff commence work on Draft Plan Change for the Ocean Beach area (including preparation of a Section 32 analysis covering a range of options as agreed with Council).
- **Early September 2006**
Report to Council outlining a Draft Plan Change, and the outcomes to be achieved. Council will the direct staff to take the Draft Plan Change to the community for further consultation with any amendments they see fit.
- **September - October 2006**
Community consultation on Draft Plan Change for the Ocean Beach area. Informal written comments to Council will be invited. The necessity for and appropriateness of other consultation mechanisms will be considered at the time.
- **Early November 2006**
Report to Council summarising all of the comments received following consultation with the community. Council has the option to amend the Draft Plan Change and to direct staff to publicly notify the Proposed Plan Change for the Ocean Beach area or amend it in light of the comments received.
- **Mid November 2006**
Proposed Plan Change notified in all major and local newspapers. Formal Submissions under the RMA called for. Statutory process including appeals to the Environment Court follow.

7.0 MAKING COMMENTS ON WORKING PAPER

- 7.1 A feedback form is attached to the back this Issues and Options paper, and designed to assist you with structuring your thoughts and importantly to provide Council with any alternative solutions and ideas that you may have.
- 7.2 It is useful to note that you do not have to use this form to submit feedback to Council. Additional forms are also available to download on the Hastings District Council website [www.hastingsdc.govt.nz].

- 7.3 Feedback forms should be received by Council by 4.30pm on Wednesday the 31st of May 2006.

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