



**Plan Change  
No. 19**

**Proposed District Plan Change No. 19:  
Gore Bay Design Standards**

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**1 Summary**

Proposed District Plan Change 19 provides for subdivision and design standards specific to the Gore Bay urban area with the intention to maintain the existing character of the settlement. The proposed changes include a new urban area policy, a new minimum lot size, and new land use rules for the Gore Bay urban area.

## **2 Background**

In response to Annual Plan submissions the Council allocated funding in the LTCCP 2006/07 to review zoning and growth in the Cheviot Ward towns and settlement options in the Coastal Management Area. In February 2007 the Cheviot Ward Committee adopted the Cheviot and Coastal Growth Strategy Project Brief for these reviews.

Public meetings were held in Cheviot in May and June 2007 to seek community input into a proposed strategy and a draft community vision was developed. Separate focus groups for Cheviot and inland towns, and Gore Bay and coastal settlements were formed to develop appropriate recommendations to progress the community's vision. The Gore Bay and coastal settlements Focus Group was comprised of representatives of: landowners from Gore Bay, Port Robinson, Manuka Bay and Hurunui Huts; the Gore Bay and Port Robinson Ratepayers' Association; Te Runanga o Te Kaikoura; and Cheviot Ward councillors and committee members.

The focus groups recommendations, to address specific issues that would require changes to the District Plan, or to undertake further investigation, were reported back to the Cheviot Ward Committee meeting of 13 February 2008, to the Cheviot community at a public meeting on 12 March 2008, and were adopted by Council at the meeting held 24 April 2008.

The recommendation of the Focus Group in respect of Gore Bay and coastal settlements that is the subject of this proposed plan change is detailed below.

### *Issue 3 Design standards*

*While site-related development should be the subject of private plan changes, the group felt that to maintain the existing coastal character the form of development within Gore Bay and along the coast should be restricted by applying a lower density standard and building design standards. The details of these are:*

- *Gore Bay urban area minimum lot size of 600m<sup>2</sup>*
- *Gore Bay urban design standards*
  - *beach house character*
  - *maximum 15 degree roof pitch*
  - *maximum 6m building height above natural ground level as defined by rolling height method*
  - *deep setbacks from ridgelines*

*Recommendation: Engage a landscape architect to peer review the proposed Gore Bay minimum lot size and coastal design standards for appropriateness for a District Plan change.*

A review was undertaken by Lucas Associates in February 2009 and their findings were reported as *Gore Bay Settlement – Design Standards Review*, which is appended to this report. The Lucas review supplements the Gore Bay and coastal settlements Focus Group's recommendations in the preparation of the proposed changes.

A draft of the proposed changes was reviewed by the Cheviot Ward Committee at its meeting of 29 April 2009. The Committee resolved to recommend that Council adopt Proposed Plan Change 19 for notification subject to amendments requested by the Committee.

## **3 The Changes**

### **3.1 Urban areas policies**

The following proposed change introduces a policy framework to support specific provisions for the Gore Bay urban area in the context of the community consultation process and the Lucas Associates (2009) report.

3.1.1 Add the following policy to Environments of Special Concern: Issue 16 – Urban areas:

#### **Policy 16.9**

To manage subdivision and land development in the Gore Bay urban area in a scale and form that maintains and enhances the coastal, openness and amenity values of the settlement.

#### **Methods**

Policy 16.9 shall be implemented through:

- District wide rules for subdivision;
- Land use rules for the Gore Bay urban area; and
- The promotion of guidelines for appropriate cladding materials, colours, and plantings in the Gore Bay urban area.

#### **Explanation**

Gore Bay is a small beach settlement of around 90 baches that has been a popular holiday destination for many years. The Gore Bay urban area is only 2 to 3 lots deep and elongated due to the physical constraints of the sea and the cliffs behind. The landform has given rise to two distinct forms of development: the front lots on the beach foredunes are less elevated and more regular in shape; the rear lots at the base of the coastal cliffs are higher, with many extending up the sea cliff, and are long and narrow in shape.

Traditional development has resulted in a settlement of small and diverse baches that relate well to the lot configuration and landform. Buildings on the front lots tend to be low in profile, single storied and centrally spaced allowing seaward views through and over from the rear. Those on the rear lots are closely spaced towards the road frontage with minimal side yards leaving the steeper balance of the lots in a natural and vegetated state.

Following submissions to the LTCCP, Council initiated a consultation process to review coastal development in Cheviot Ward. One outcome of this process was community support to contain and manage growth in the Gore Bay urban area through specific density and design provisions. A landscape assessment<sup>1</sup> was undertaken to review the community's recommendations. This assessment found that the key characteristics of the Gore Bay settlement include:

- low building elevation;
- small building footprint and overall height;
- diverse and unpretentious building character;

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<sup>1</sup> *Gore Bay Settlement - Design Standards Review.* Lucas Associates, February 2009.

- small, stand alone garages and sheds;
- openness of private sites to surrounds; and
- vegetated character of sites.

The landscape assessment recommended that the existing Gore Bay beach settlement character be maintained through subdivision and design standards, and the promotion of guidelines in respect of cladding materials, colours, and plantings.

### 3.2 Subdivision

The purpose of the following proposed change is to establish a minimum allotment area size that is consistent with existing development in the Gore Bay urban area and recognizes the constraints of the typical configuration and topography of lots landwards of Moody Street.

- 3.2.1 Amend the table in Rule A3.2.5 Minimum area allotment requirements by adding the Gore Bay urban area to the Environments of Special Concern section as follows:

<b>Zone or management area</b>	<b>Minimum lot area</b>	<b>Minimum average lot area</b>
...		
<u>Gore Bay urban area</u>	<u>600m<sup>2</sup></u>	=
...		

### 3.3 Land use

The proposed changes to the urban areas rules provide standards for: site coverage, building density, size, height, separation, roof pitch and fencing. These standards are generally in accordance with the community’s recommendations and the landscape architect’s review but may have been modified to achieve consistency with existing District Plan provisions. Any variations between the proposed Change and the community or landscape recommendation are discussed in Section 4.7.2 below.

- 3.3.1 Add the following conditions for permitted activities to Rule B1.2.1 Areas and yards:

(bx) Gore Bay urban area

**Note:** Refer to planning map F1 – Gore Bay Design Standards

- (i) The minimum area requirement for dwelling units within the Gore Bay urban area shall be one dwelling per 600m<sup>2</sup> of total site area; and
- (ii) The maximum number of buildings on any allotment within the Gore Bay urban area shall be:
  - One single storey dwelling in Area A; or
  - One double storey dwelling in Area B; and
  - One detached accessory building; and
  - One attached, open, lean-to style carport.

3.3.2 Add the following conditions for permitted activities to Rule B1.2.2 Coverage:

(dx) The maximum coverage of any site in the Gore Bay urban area shall be:

- (i) Dwelling and attached garage, 170m<sup>2</sup>; or
- (ii) Dwelling, 130m<sup>2</sup> and detached accessory building, 40m<sup>2</sup>; and
- (iii) Attached lean-to carport, 18m<sup>2</sup>.

**Note:** Rule B1.2.2(dx) does not apply to rainwater tanks.

3.3.3 Add the following conditions for permitted activities to Rule B1.2.3 Height:

(x) Gore Bay urban area:

**Note:** Refer to planning map F1 – Gore Bay Design Standards

Notwithstanding Rule B1.2.3(a) above, the following height rules apply within the Gore Bay urban area:

- (i) The maximum height of any building in Area A shall be 4.5m as measured by the rolling height method.
- (ii) The maximum height of any building in Area B shall be 7m as measured by the rolling height method, and 30m above sea level.

(c) The following structures are exempt from Rule B1.2.3(a) and (x):

- Utility Poles
- Flagpoles
- Wires
- Television and radio antennas
- Chimneys
- Antennas that are no more than 1 metre square in area on any side (not including brackets or attachments), and dish antenna that are not more than 1200mm in diameter
- Lightning rods
- Windmills and wind turbines (excluding the blade)

3.3.3 Add the following conditions for permitted activities to Rule B1.2.4 Access to sunlight:

(ax) In the Gore Bay urban area no new building shall project beyond a building envelope constructed by a 30° recession plane from points 2.3m above all boundaries except for boundaries adjoining roads.

### 3.4 Interpretation

To clarify the interpretation of the building height standards an additional definition is proposed.

3.4.1 Add the following definition to the table in Section D Interpretation:

**Unless otherwise defined in this Plan, the following definitions shall apply:**

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<u>Rolling height method</u>	<u>means the measurement of vertical distance at any point from the ground contour, before building, excavation or filling occurs, to the highest part of the building immediately above that point.</u>
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...

...

### 3.5 Maps

To clarify the interpretation of the permitted activity standards amend the planning map to show the location and extent of areas A and B.

3.4.1 Add planning map F1 – Gore Bay Design Standards as shown:

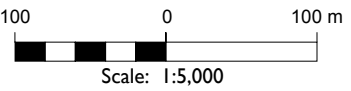
See Map 7

See Map 7

See Map 8

See Map 7

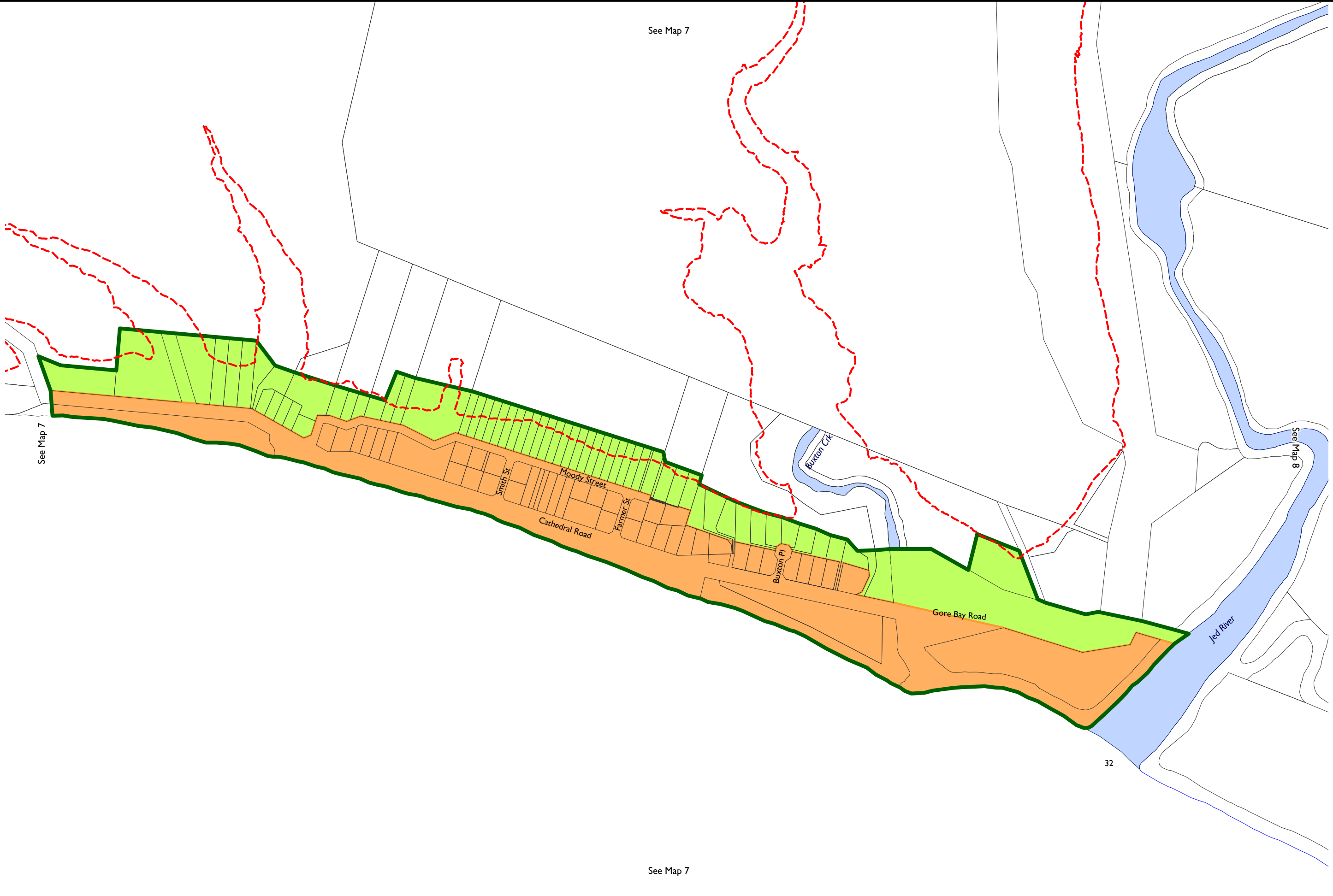
# Gore Bay Design Standards



- Area A
- Area B
- 30m Contour



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## **4 Section 32 Analysis**

### **4.1 Introduction**

This is an evaluation of Proposed Plan Change 19 that decides whether the Plan Change is the most appropriate option for the District Plan provisions. The evaluation is undertaken in accordance with Section 32 of the Resource Management Act 1991 (RMA) and should be read in conjunction with the preceding description and discussion of the changes.

### **4.2 Background**

Gore Bay is a small beach settlement of around 90 baches that has been a popular holiday destination for many years. The Gore Bay urban area is only 2 to 3 lots deep and elongated due to the physical constraints of the sea and the cliffs behind. The landform has given rise to two distinct forms of development: the front lots on the foredunes between Cathedral Road, Moody Street, Gore Bay Rd and the beach are less elevated and more regular in shape; the rear lots on the cliff base landwards of these roads are higher, with many extending up the sea cliff, and are long and narrow in shape.

Traditional development has given rise to small and diverse baches that relate well to the lot configuration and landform. Buildings on the front lots tend to be low in profile, single storied and centrally spaced allowing seaward views through and over from the rear. Those on the rear lots are closely spaced towards the road frontage with minimal side yards leaving the steeper balance of the lots in a natural and vegetated state.

Following submissions to the LTCCP, Council initiated a consultation process to review coastal development in Cheviot Ward. One outcome of this process was community support to contain and manage growth in the Gore Bay urban area through specific density and design provisions. A landscape assessment<sup>2</sup> was undertaken to review the community's recommendations. This assessment found that the key characteristics of the Gore Bay settlement include:

- low building elevation;
- small building footprint and overall height;
- diverse and unpretentious building character;
- small, stand alone garages and sheds;
- openness of private sites to surrounds; and
- vegetated character of sites.

The landscape assessment recommended that the existing Gore Bay beach settlement character be maintained through subdivision and design standards, and the promotion of guidelines in respect of cladding materials, colours, and plantings.

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<sup>2</sup> *Gore Bay Settlement - Design Standards Review*. Lucas Associates, February 2009.

The proposed plan changes provide for development controls, in accordance with the community's wishes and the recommendations of the landscape assessment that will maintain the special character of the Gore Bay beach settlement.

#### 4.3 Section 32 of the Resource Management Act 1991

Section 32 of the RMA requires Council, in achieving the purpose of the Act, to conduct and record a specified evaluation before notifying a proposed change to the District Plan. Council must:

- a. Carry out an evaluation that examines:
  - i. the extent to which each objective is the **most appropriate** way to achieve the purpose of the Act;
  - ii. whether, having regard to their **efficiency**, the policies, rules or other methods are the **most appropriate** for achieving the objectives; and
  - iii. whether, having regard to their **effectiveness**, the policies, rules or other methods are the **most appropriate** for achieving the objectives.
- b. For the purpose of that examination, take into account:
  - i. the benefits and costs of policies, rules or other methods;
  - ii. and 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.

#### 4.4 The Purpose of the Act

The purpose of the RMA is set out in Part 2 Section 5 which states:

- (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 any adverse effects of activities on the environment.*

#### 4.5 Comparison of Options<sup>3</sup>

The starting point is the current rules in the Plan. The options compared are:

- a. the status quo; and
- b. the changes proposed above.

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<sup>3</sup> s32 of the RMA does not expressly require a comparison of various options. However, that comparison is implicit in determining the "most appropriate" provisions. That determination necessitates an alternative against which the provisions are weighed.

The proposed Plan Change also needs comparison to the community's recommendations as identified by the public consultation process and the recommendations of the landscape assessment undertaken by Lucas Associates (2009) (the Lucas report). Therefore, a comparison of the status quo to the proposed Plan Change, the community's recommendations and the landscape assessment is shown in the table below and a discussion of points of departure from the recommendations follows.

#### 4.5.1 Comparison of status quo, proposed and recommended changes

	Status quo	Community recommendation	Lucas Associates recommendation	Proposed
<b>Zone</b>	Residential	No recommendation	Residential A (sea front) Residential B (cliff foot)	Residential A (sea front) Residential B (cliff foot)
<b>Lot size</b>	250m <sup>2</sup> min 350m <sup>2</sup> avge	600m <sup>2</sup> min	600m <sup>2</sup> min 700m <sup>2</sup> avge	600m <sup>2</sup> min
<b>Density</b>	1 dwelling per lot	No recommendation	1 dwelling per lot / no infill	No change
<b>Yards</b>	Front 4.5m Side 1m	Deep setbacks from ridgelines No recommendation	4.5m front for buildings below 30m amsl None	No change No change
<b>Recession plane</b>	30 to 55° @ 2.3m height	No recommendation	30° @ 2.3m height	30° @ 2.3m height
<b>Height building</b>	8m	6m ngl by rolling height	Area A: 4.5m ngl single storey Area B: 7m ngl double storey / 30m amsl	Area A: 4.5m ngl single storey Area B: 7m ngl double storey / 30m amsl
<b>Height utilities</b>	Basically exempt	No recommendation	5m ngl / 1200mm horizontal	No change
<b>Coverage</b>	35% buildings 40m <sup>2</sup> hardstand	No recommendation No recommendation	120m <sup>2</sup> bach 40m <sup>2</sup> garage equivalent to 26% on 600m <sup>2</sup> min 18m <sup>2</sup> hardstand	130m <sup>2</sup> bach 40m <sup>2</sup> garage equivalent to 28% on 600m <sup>2</sup> min No change
<b>Garages</b>	Not controlled	No recommendation	Free standing or carport	Free standing or carport
<b>Roof pitch</b>	Not controlled	15° max	25° max	Not controlled
<b>Cladding</b>	Not controlled	Did not wish to limit	No brick/brick-like/non-local stone/shiny metal	Non-regulatory Cladding guidelines
<b>Colour</b>	Not controlled	Did not wish to limit	'Holiday' palette guidelines	Non-regulatory Colour guidelines
<b>Fencing</b>	Not controlled <1.8m	No recommendation	Low wire or vegetation	No change
<b>Vegetation</b>	Not controlled	No recommendation	Maintain open frontage Re-vegetate cut slopes Plant recommendations	Non-regulatory Planting guidelines

#### 4.5.2 Zone

The Gore Bay urban area has two clearly defined forms of development: beach front; and cliff foot, arising from the different topography and lot configuration. The Lucas report recommends that the cliff base can absorb larger scale development that will look over and through the beach front. Therefore, the proposed Change defines two separate residential development areas on Map F1 – Gore Bay Design Standards: Area A (beach front); and B (cliff foot) to provide for different standards on each.

#### 4.5.3 Lot size

Lots in the Gore Bay urban area range from 404m<sup>2</sup> to 6004m<sup>2</sup> (excluding reserve, link and access lots), with the most common size being 809m<sup>2</sup>. The community recommendation of a minimum lot size of 600m<sup>2</sup> was confirmed by the Lucas report, which also recommended a 700m<sup>2</sup> minimum average. A minimum average lot size is not proposed in this Plan Change as it is considered that the low percentage difference between the two minimum values is insufficient to warrant the administration of additional rules; and would be inconsistent with other minimum lot and minimum average lot provisions in the Plan.

#### 4.5.4 Recession plane

The community process did not consider separate provisions for recession planes. However, the Lucas report identifies that the narrow lot configuration of Area B in particular, requires buildings to be setback from each other at a low angle to maintain the existing openness of private sites to their surrounds.

#### 4.5.5 Building height

As noted above, the two development areas have separate characteristics in regards to the height of existing dwellings, and their potential to absorb future development without comprising these characteristics. This separation was not recognized by the community who recommended a uniform 6m limit. However, it is considered that the proposed height limits of 4.5m in Area A, and 7m in Area B will be the most appropriate to maintain the existing amenity values at Gore Bay.

#### 4.5.6 Utility height

Utility structures generally have small 'bulk' and are often affixed to chimneys and gables on buildings for efficiency purposes. The Lucas report recommended that the height of utility masts, aerials etc be limited to 5m throughout Gore Bay. This would allow an additional 0.5m over maximum building height in Area A, but would be 2m less than maximum building height in Area B, which would be impractical. In addition, utility structures are generally exempt from height control in the District Plan. Therefore, for practical reasons and to maintain consistency, the height of utility structures is not provided for in the proposed Plan Change.

#### 4.5.7 Coverage

The Lucas report recommends a maximum coverage of 120m<sup>2</sup> dwelling, 40m<sup>2</sup> garage, and 18m<sup>2</sup> hardstand based on the averages of existing development to maintain the open character of Gore Bay. The dwelling size limit has been increased to 130m<sup>2</sup> (or 170m<sup>2</sup> if the garage is attached) to achieve consistency with other District Plan provisions i.e. Claverley Comprehensive Development Zone. This will provide for a maximum coverage of 28% for a minimum lot size of 600m<sup>2</sup>. The Cheviot Ward Committee did not wish to decrease the allowance for hardstand as parking is an issue in Gore Bay and it is preferable to provide for as many vehicles as possible to park off the public roads. Therefore, the status quo of 40m<sup>2</sup> for hardstand will prevail.

#### 4.5.8 Garages

The specific provisions for single free-standing garages, or lean-to carports, along with the limits on the size and number of stories per dwellings are intended to prevent the suburban form of wide basement, road-facing garaging which is incorporated into the dwelling. This will maintain the existing character for small, standalone and unpretentious accessory buildings as per the Lucas recommendation.

#### 4.5.9 Roof pitch

The community recommendation to limit roof pitch to 15° was based on examples from other districts. Further investigation by a Gore Bay resident supports the Lucas recommendation that 25° is more typical of existing development and would be an appropriate limit for new development. However, following the review by the Cheviot Ward Committee it was resolved that the roof pitch not be controlled i.e. maintain the status quo.

#### 4.5.10 Fencing

It was considered that the Lucas recommendation of limiting fencing to low wire or hedging only would be too onerous on property owners, would not be in keeping with existing fencing in Gore Bay, and would not be sufficient to contain larger dogs. Therefore, no fencing standard is provided.

#### 4.5.11 Cladding, colour and vegetation

The Lucas report recommends that some cladding materials and exterior colours are more in keeping with existing development in Gore Bay and should be encouraged. Likewise, some vegetation types are more appropriate for coastal development in respect of hardiness, non-invasiveness and height and should be promoted. However, cladding, colours and vegetation are matters that the community did not wish to limit or did not specifically consider. Therefore, these matters are to be addressed as non-regulatory guidelines.

#### 4.5.12 Conclusion of comparison

It is considered that the proposed changes are generally in accordance with the recommendations of the community, and are the most appropriate means to maintain the key characteristics of the Gore Bay urban area as identified by the Lucas report.

### 4.6 **Extent to which the relevant objective is the most appropriate way to achieve the purpose of the Act (s32(3)(a))**

The District Plan was made in accordance with the RMA. Therefore, there is an underlying assumption that the existing and unchanged objectives of the Plan are deemed to implement the purpose of the Act and are the most appropriate way to achieve that purpose.

Objective 16 of the District Plan is most relevant to the proposed Plan Change. Objective 16 requires:

*The sustainable management of urban areas which maintains and enhances both the character of each township and the environmental quality and attributes of neighbourhoods.*

The proposed Plan Change does not change Objective 16 or any other objective in the District Plan. The proposed Change introduces a new policy and rules in support of Objective 16 that will provide for the sustainable management of Gore Bay, and maintain and enhance the character and environmental quality of the settlement.

## **4.7 Whether the policies, rules or other methods are the most appropriate for achieving the objectives (s32(3)(b))**

### **4.7.1 Efficiency**

The most appropriate provisions having regard to *efficiency* will be those that achieve the objectives of the Plan with the greatest net benefit or the least net cost when compared to other provisions.<sup>4</sup>

There are currently seven vacant lots in the Gore Bay urban area that could potentially be affected by the proposed change to the density provisions: numbers 29, 30, 34, 36A, and 36C Moody Street; and 9 and 11 Buxton Place.

Number 29 Moody Street is the Moody Street Reserve which is owned by the Council and managed as part of the Gore Bay Camping Ground. The Reserve is unlikely to be subdivided as it is to be “developed as required for Camp purposes” (*District Reserve Management Plan 2008* p.269). The remaining four vacant Moody Street lots are each around 800m<sup>2</sup> and subdivision of these lots at the proposed density of 600m<sup>2</sup> would be a non-complying activity. However, given that these lots are long and narrow, and very steep at the rear, it is unlikely that practicable subdivision could be undertaken under either the existing or proposed density rules. Therefore, it is considered that the proposed change would be neutral in respect of all of the vacant lots in Moody Street.

Numbers 9 and 11 Buxton Place are 1246m<sup>2</sup> and 1067m<sup>2</sup> respectively and could be subdivided into four as a (restricted) discretionary activity under the current rules. Under the proposed rules these lots could be subdivided into two as a (restricted) discretionary activity (number 9) and as a discretionary activity (number 11). Therefore, the proposed lower density could have a cost to the owners of these two properties in reduced subdivision potential, but a benefit to other Gore Bay property owners by maintaining the existing density as expressed in the consultation process.

Due to the low proportion of vacant lots in Gore Bay the proposed design standards will mainly affect the redevelopment of existing baches. As the community desired to maintain the existing character and amenity of Gore Bay specifically through restricting development it is considered that the proposed standards will provide a benefit to the settlement. The community chose not to restrict cladding materials or colours, therefore these matters, and planting recommendations, are provided for through non-regulatory guidelines.

Overall it is considered that the proposed changes will provide a net benefit to the Gore Bay community. These will be more efficient than the existing provisions by providing for activities in the manner intended by the Plan while maintaining the existing character and amenity of the Gore Bay as expressed through the community consultation process.

### **4.7.2 Effectiveness**

Deciding effectiveness requires an evaluation of the provisions at a practical level, considering how successful they are in addressing the issue so as to achieve the desired environmental outcome. This requires an assessment of: the threat to the environment that is causing the issue; the extent of the risk to the environment; the

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<sup>4</sup> It is assumed for this report that for Plan Changes, s32 of the RMA requires an examination only of those policies, rules or other methods that are relevant to the change.

costs of the proposal, and who will bear them; and how the method will be implemented.

The environmental issue that the proposed Plan Change deals with is the potential loss of the existing Gore Bay character and amenity through unrestricted development. It is anticipated that maintenance of the existing values will be provided for through subdivision and design standards, and the promotion of guidelines in respect of cladding materials, colours, and plantings specific to the Gore Bay urban area.

There is a potential cost in time and applications to property owners who seek to undertake development that is outside the proposed standards, but potentially a greater cost to the whole Gore Bay community from unrestricted development if it undermines the character and amenity of Gore Bay – values that the community have chosen to protect. Therefore, it is considered that the change options will be more effective than the status quo and will provide greater certainty for the Gore Bay community.

#### **4.8 Taking into account the benefits and costs of the policy, rule or other method (s32(4)(a))**

##### **4.8.2 Economic Benefits and Costs**

The proposed changes may have economic benefits to existing and future landowners through supporting existing property values by maintaining the desirable character of Gore Bay.

##### **4.8.3 Social Benefits and Costs**

The proposed changes have social benefits through maintaining the values of importance to the Gore Bay community as expressed by the consultation process.

##### **4.8.4 Environmental Benefits and Costs**

The 'environment' includes amenity values and the social, economic aesthetic and cultural conditions that affect amenity values. Therefore, this assessment overlaps with that undertaken for social matters and only benefits or costs additional to those stated above are considered.

The proposed changes have environmental benefits in maintaining the existing amenity values of Gore Bay.

#### **4.9 Taking into account 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 (s32(4)(b))**

Consideration of the risk of not acting against the risks of acting if there is uncertain or insufficient information is an assessment of the proposed changes under the 'precautionary principle'. This principle requires that decision-makers should be cautious where uncertainty exists concerning the nature or scope of environmental harm that could arise from the decision.

In respect of the proposed plan changes, it is considered that there is no risk from uncertainty as the proposed Plan Change supports the existing policies, rules and other methods of the Plan which are provided to address known and anticipated environmental effects.

#### **4.10 Conclusion of s32 analysis**

It is considered that the proposed changes are the most appropriate in comparison to the current rules.

## **5 Consistency with other RMA Requirements**

### **5.1 Accordance with Hurunui District Council's functions under the Act (s74(1))**

It is considered that the proposed Plan Change is in accordance with the Council's functions under s31 of the Act. Specifically the proposed Change will:

- a. achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district; and
- b. assist the Council to control the actual or potential effects of the use, development, or protection of land.

### **5.2 Having regard to any proposed regional policy statement or plan (s74(2)(a))**

The provisions of the *Canterbury Regional Policy Statement (RPS)* that are currently under review are not relevant to Gore Bay.

### **5.3 Having regard to management plans and strategies prepared under other Acts (s74(2)(b))**

The *District Reserves Management Plan 2008* which was prepared under the Reserves Act 1977 is relevant to the proposed Plan Change in respect of seven reserves in the Gore Bay urban area: Buxton Camp and Playground; Buxton Creek Picnic; Gore Bay; Gore Bay Camping Ground; Jed-Buxton Foreshore; Moody Street; and Old School. The proposed Plan Change is not inconsistent with the provisions of the *District Reserves Management Plan 2008* for these reserves.

### **5.4 Having regard to the extent to which the Plan needs to be consistent with the Plans of adjacent territorial authorities (s74(2)(c))**

It is considered that the proposed Plan Change will not create any cross boundary issues in respect of the Plans of adjacent territorial authorities.

### **5.5 Taking into account relevant planning documents recognised by an iwi authority and lodged with the Hurunui District Council (s74(2A)(a))**

The proposed Plan Change will not create any issues in respect of planning documents recognised by an iwi authority and lodged with the Hurunui District Council.

### **5.6 Ensures that the Plan gives effect to National Policy Statements (s75(3)(a))**

There are no National Policy Statements that are relevant to the proposed Plan Change.

## **5.7 Ensures that the Plan gives effect to the New Zealand Coastal Policy Statement (s75(3)(b))**

The Gore Bay urban area is almost entirely within the Coastal Environment Management Area as shown on District Plan Map F – Gore Bay therefore the proposed Change needs to give effect to the *New Zealand Coastal Policy 1994* (NZCPS). The NZCPS has three policies of particular relevance to the proposed Plan Change.

Policy 1.1.1(a) of the NZCPS identifies that it is a national priority to preserve the natural character of the coastal environment by “encouraging appropriate subdivision, use or development in areas where the natural character of the coastal environment has already been compromised and avoiding sprawling or sporadic subdivision use, or development in the coastal environment”. The proposed Plan Change provides for subdivision, use and development in a defined and contained coastal area that is already urbanised.

Policy 3.2.1 states that policy statements and plans should define the form of appropriate subdivision, use and development in the coastal environment. The proposed Plan Change defines the form of future subdivision and development for the Gore Bay urban area through density and design standards. These have been identified through the consultation process and landscape assessment as being appropriate forms for the existing Gore Bay settlement.

Policy 3.2.2 is concerned with the avoidance and mitigation of the adverse effects of subdivision, use and development in the coastal environment. The proposed Plan Change seeks to avoid and mitigate adverse effects on the amenity values of the Gore Bay urban area through density and design standards.

Therefore, the proposed Plan Change is consistent with these provisions of the NZCPS.

The *Proposed New Zealand Coastal Policy Statement 2008* (PNZCPS) was notified in March 2008 and the Board of Inquiry’s report and recommendation to the Minister of Conservation on submissions to the PNZCPS is due to be released on 31 March 2009. For completeness, the proposed Plan Change is also assessed against the PNZCPS. The PNZCPS has three policies of particular relevance to the proposed Plan Change.

Policy 14(e) (Location of subdivision and development) aims to avoid urban sprawl by encouraging development within existing urban areas. Policy 15(e) (Form of subdivision and development) encourages development that maintains the character of the existing environment. Policy 19(e) (Amenity values) recognises that some areas derive their particular character and amenity value from a predominance of structure, modifications or activities. For the reasons given above, it is considered that the proposed Plan Change is consistent with the NZCPS as well.

## **5.8 Ensures that the Plan is not inconsistent with the Regional Policy Statement (s75(3)(c))**

The Regional Policy Statement for Canterbury (RPS) is a broad policy document which identifies resource management issues of the region and objectives, policies and methods to address those issues. As such, it does not deal with the development of specific townships or places, other than Christchurch City. The RPS

has general objectives and policies relating to the coast, landscape, ecology and cultural values.

Given that the District Plan must give effect to the RPS coupled with the assessment in Section 4.6 that the proposed Plan Change is consistent with the objectives and policies of the Hurunui District Plan, it logically follows that the proposed Plan Change must give effect to the RPS.

The provisions of the RPS that are most relevant to the proposed Change relate to settlements and transport patterns, and natural hazards. Given its location and lack of commercial or community facilities the Gore Bay settlement is reliant on private motor vehicle use. However, the proposed Plan Change will not affect the existing transport patterns. The proposed Change will limit development on lots in Area A that are partly within the Coastal Hazard Zone, therefore this will be an improvement on the status quo.

Therefore, it is considered that proposed Plan Change is not inconsistent with the Canterbury Regional Policy Statement (1998).

**5.9 Ensures that the Plan is not inconsistent with a Water Conservation Order (s75(4)(a))**

The proposed Plan Change is not inconsistent with any Water Conservation Orders.

**5.10 Ensures that the Plan is not inconsistent with the Regional Plan (s75(4)(b))**

The proposed Plan Change is not inconsistent with the Transitional Regional Plan for Canterbury (1991).

**5.11 Conclusion of RMA consistency analysis**

It is considered that the proposed Plan Change is in accordance with the provisions of the RMA and will therefore achieve the purpose of the Act.

## **Appendix I**

Lucas Associates, February 2009

*Gore Bay Settlement – Design Standards Review*  
*Gore Bay Settlement - Attachments*