

Coastline Controversy: Subdivision at Purau Bay, Banks Peninsula

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Introduction

As beachside developments continue to sprawl along New Zealand's shores, the fate of our coastlines has become a constant subject of debate (Peart, 2009; Rennie, 2010). Stunning headlands and ridgelines may be the perfect place for panoramic views but should it be someone's private property or a public lookout? Million dollar mansions have become a common sight in the former Banks Peninsula District and while they can bring various benefits through growth, others are beginning to question whether subdivisions of these visually sensitive areas should be allowed to continue. The latest Canterbury community to enter the debate on coastal development is that of Purau Bay in Banks Peninsula. While they are no strangers to this widespread issue, an application for a new residential subdivision in the area brought this topic to a new personal level. This proposal once again sparked the debate over progress versus preservation, and the future of this peaceful bay is now at a crossroads.

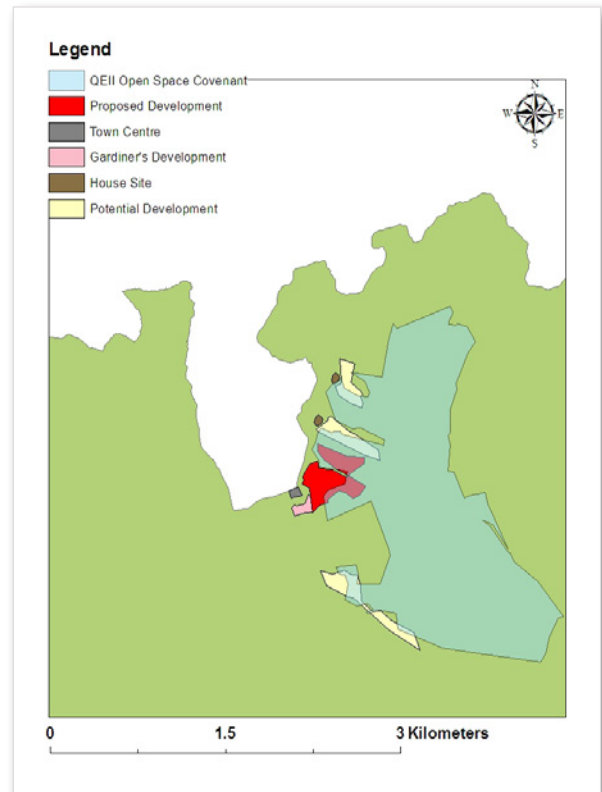
Actions

In April 2006, Purau Properties Ltd submitted a resource consent proposal to the Christchurch City Council (CCC) in order to develop a subdivision at 16 Camp Bay Road, Purau, Banks Peninsula (Fiona Ashton Consultancy Ltd, 2008). This proposal concerned the subdivision of 286 ha of land, located on the eastern slopes of Purau Bay, into 80 lots; 67 residential lots ranging from 1500 m² to 7000 m², a 225 ha rural lot and a 40 ha lot. The property is located in the Rural Zone of the Banks Peninsula Proposed District Plan (BPPDP) and extends from Camp Bay road up to a maximum height in the order of 600m above sea level on the western slopes of Mount Evans (Christchurch City Council (CCC), 2009). Due to the sensitive nature of the subdivision's location, the CCC held several public and private meetings on the matter, which ended in a rejection of Purau Properties's proposal (K.Wilson, personal communication, July 21, 2010). It was deemed that the proposal did not comply with the minimum lot size of the area (Rural Zone) which was set at 40ha. It was not amenable to resource consent and instead would require a plan change (K.Wilson, personal communication, July 21, 2010).

Undiscouraged by the initial setback, Purau Properties Ltd amended their proposal and submitted a resource consent application to CCC on 8th January 2007 (CCC, 2009). This application saw the replacement of the initial 80 lots proposal with seven 40 hectare allotments. Despite this change, CCC were unhappy with the awkward allotment shapes that resulted and issues over residential access and building locations were yet to be addressed (CCC, 2009). The proposal was subsequently amended so that both Lot 6 & 7 were to be 40ha, with Lots 1 – 5 (ranging in area from 6.74ha to 11.36ha), being subject to an amalgamation condition with two larger additional lots, Lots 8 and 9 (CCC, 2009). As Lot 8 made up the balance of the smaller residential Lots, it allowed the overall dwelling density

to remain at 1 per 40ha, as required by the BPPDP. Condition 12 of the consent prevents any dwelling from being erected on Lot 8 or Lot 9 (CCC, 2009).

Location Map for the Purau Development 2007



Produced by Mark Burgess, LPR cartographer

The proposal was assessed against the Banks Peninsula Proposed District Plan, which is not yet operative, in addition to its predecessor the Transitional District Plan (Mt Herbert Section) and classed as a Discretionary Activity. CCC deemed the proposal to be in accordance with rules pertaining to these types of activities and thus Purau Properties Ltd was granted resource consent on the 16th March 2009.

Issues

The proposed subdivision in Purau Bay, though economically significant for its landowners, also has important historic and cultural values. Purau Bay is considered to be one of the oldest Maori sites of settlement on Banks Peninsula (Horomaka) and was once said to be the home of a taniwha called Tuna Tuoro (Oglivie, 1970). Ngai Tahu, the most recent Maori tribe to settle the area, sold Purau to several early English settlers before it was acquired by H.D. Gardiner in 1874 (Christchurch Property, 2005). One important feature of this area is the historical Purau Station Homestead which is listed under Section IV (Schedule of protected buildings, objects and sites) of the Banks Peninsula Proposed District Plan (BPPDP). Purau Station continued under the ownership of the Gardiner family until 2005 when

286 ha were subdivided off the original 323 ha title and sold to Purau Properties Ltd (Christchurch Property, 2005). Though the iconic homestead was not included in the sale, it sits adjacent to the new subdivision which may affect the scenic value of the Homestead and its surrounding 36 ha block.

A new subdivision in Purau Bay is also contentious for environmental reasons and could potentially compromise the ecological and scenic integrity of the landscape. Part of the site owned by Purau Properties has also received official recognition for its unique ecological and amenity values; the first by the Department of Conservation's Protected Natural Areas Programme (PNAP) in 1997, the second by the Banks Peninsula Landscape Study, undertaken by Boffa Miskell in 2007. As such, the site has been named as both a 'Recommended Area of Protection' (for ecological values) (DOC) and 'Outstanding Natural Landscape' (Boffa Miskell) (Fiona Ashton Consultancy Ltd, 2008). However these classifications have been contentious in themselves and at the centre of several Council Hearings and an Environment Court Case (Decision No. C 113/2008 regarding Variation 2 to the BPPDP (K.Wilson, personal communication, July 21, 2010)).

The applicant, in seeking to obtain resource consent, could not overlook the significant ecological and scenic value of the area and in 2008 declared that they would dedicate 225 ha of the total 286 ha to create a QEII open space covenant (Fiona Ashton Consultancy, 2008). A QEII open space covenant is a legally binding agreement which is registered on the title of the land and thus binds all subsequent landowners to this protection. It allows landowners to retain ownership over that land while binding them to a protective agreement of that land. Private property rights are not affected in any other way; Purau Properties and subsequent landowners are responsible for its ongoing management. A particular feature of a QEII open space covenant is that a QEII regional representative visits each covenant every two years to monitor its condition and identify any issues which do not meet the covenant objectives. This could include reporting on aspects such as pest control, species management, and restoration methods (QEII National Trust). Nationwide there are 3,189 registered covenants, with 211 (totalling 13,390ha) located in the Canterbury region (as at 30 June 2009). The size of the proposed Purau covenant at 225 ha would be well above the regional average of 54.7 ha (QEII National Trust). However, no condition on the consent requires such a covenant with the prevention of dwellings on lots 8 and 9 being the only required restriction. Whether the owners will proceed with a covenant is not certain and may well be for a smaller area.

In considering this consent, it is important to note that it would have been extremely difficult for Purau Properties to develop this 225 ha land. The steep terrain towards Mount Evans would not only be difficult and expensive to build on, but impinge on the scenic value of the volcanic ridgelines. Part of the applicant's site retains its 'Outstanding Natural Landscape' and this adds to the degree of protection it receives. Therefore it is questionable whether this proposal to covenant the land would actually provide compensating benefit.

The Planning Context

Creating a subdivision in Purau Bay requires compliance with

the Banks Peninsula Proposed District Plan (BPPDP). Two sections of particular significance to this proposal are Chapter 19, relating to the Rural Zone, and Chapter 31, relating to Subdivisions. Both chapters recognise that residential developments in the Rural Zone have the potential to lead to adverse effects on the character and rural amenity values of these areas, therefore such proposals must be assessed against the relevant provisions and objectives in order to gain resource consent. This particular proposal is extremely complex in that the Transitional District Plan, predecessor to the BPPDP, is also relevant. This is because the Banks Peninsula District Plan is still proposed and not yet operative. There are also some discrepancies between these two planning documents. For example, the status of this subdivision under the BPPDP is that of a non-complying activity, whilst under the Transitional Plan, by virtue of Section 77C(1)(b) of the Act, it is a discretionary activity (CCC, 2009). This is further explained by an excerpt from the resource consent decision for the Purau Bay Subdivision:

Ordinarily the proposal would be required to be processed under the more stringent category as a non-complying activity. However, in this case, the application was lodged prior to the decision of the Environment Court... regarding Variation 2 (in 2008). That being the case, Section 88A is relevant i.e. the status that the application had under the Plan, prior to the decision of the Court, remain the same irrespective of the subsequent changes to the plan (CCC, 2009; p. 9).

Therefore this proposal did comply with standards set out in Rule 3.1 in the unamended BPPDP (p.266) which state:

- 3.1 *The creation of a new site with a minimum net site area greater between 20ha and 40ha (sic) and not located within an Interim Coastal Protection Area or Interim Outstanding Natural Features and Landscape Protection Area as shown on the Planning maps, provided the following standards are met;*
 - 3.1.1 *Any identified building platform on the site is below 160 amsl (above mean sea level)*
 - 3.1.2 *80% of the site is below 160 amsl*

CCC deemed that Lots 1 – 5, which were the only allotments that met the definition of site, satisfied the above standards given the sites are all located close to the valley floor or coastline.

The main implication of the compliance with these standards is that CCC concluded that there was no formal affected party status hence the Purau proposal was not publically notified, although the CCC did undertake public consultation, hold community meetings and circulate email updates to residents (K.Wilson, personal communication, July 21, 2010). Many Purau residents still feel unhappy at being isolated from the Council's decision-making processes.

Local Action

As subdivisions continue to pop up along the coastline, Purau residents have taken several approaches to try to protect the natural and intrinsic values of the area. Such efforts have included the formation of the Uniquely Purau Society Incorporated (UPSI) made up of local residents.

UPSI have made several submissions to CCC including that on the Proposed Change to the Canterbury Regional Policy Statement (RPS) in 2007. In this instance, UPSI advocated for Banks Peninsula to be included in the Urban Development Strategy (UDS) Boundary so that the new RPS provisions would be also extended to the area. They hoped this action would provide Purau and the rest of the Peninsula with extra protection from development as well as improved transport and wastewater facilities. However, this appeal was rejected by the hearing's Commissioners due to the Banks Peninsula area being "beyond the scope" of the RPS.

In light of subdivision proposals in Purau, UPSI held a Community Planning Weekend which aimed to gauge local opinion on the current issues in the area. A report of this two day event was then provided to the Christchurch City Council in a submission on the Long Term Council Community Plan (LTCCP). This report raised issues of accessibility, sustainability, and addressed the new development. The position taken by UPSI was that if subdivision was necessary, it should be gradual, sensitive to community aspirations, strategic and be matched with required infrastructure improvement. Despite the recognisable effort that was put into this report, it seems CCC has yet to act on it.

Community Outcomes

Public opinion on new subdivision in Purau Bay and the Banks Peninsula district remains relatively polarised. While some are more active in resisting development of sensitive coastal areas, others argue that change is necessary if the Peninsula is to maintain and grow its social and economic base.

Purau residents, whether they agree with this growth or not, are hopeful that certain positive outcomes will arise from this proposal. One of the main benefits that these residents hope for is the improved provision of public services including water reticulation and waste water disposal. The latter service is in particular demand as issues of potentially failing septic tanks and the resulting discharge into waterways become more prevalent. Unfortunately for Purau residents, these improvements are unlikely to happen in concert with the development for several reasons. The first is because the rules for rural zones specifically address and go against proposals that would increase the demand on services. The second is that there is no requirement for the developer to provide them and if they do, these systems will not require connection to networked infrastructure. Currently the BPPDP allows residents to dispose of effluent and wastewater on sites with a minimum net size of 1000m² (K.Wilson, personal communication, July 21, 2010). As the sites within the Purau subdivision meet this requirement, each site will have to provide its own system for treating waste (e.g. by a multi-chamber system). This also means that costs of the systems will fall on the residents rather than the community and that each lot will have to apply to Environment Canterbury (Canterbury Regional Council) for resource consent to discharge stormwater onto land. In the meantime the Purau residents are forced to wait until the CCC delivers effective wastewater treatment services, but unfortunately the timetable for such services has been deferred until 2019.

The Future for Banks Peninsula

Other residential developers, encouraged by Purau Properties Ltd's success, have also put forward applications to subdivide land in the Purau Bay area. A resource consent that has been recently granted is that of the old Purau Bay Holiday Park into three Lots. The Holiday Park, established in the 1960s, has been a prominent feature in Purau until rising costs and lower visitor numbers forced its closure in April 2009. The owners say this development was planned regardless of the closure of the holiday park (Greenhill, 2009). Moepuku Peninsula in Lyttelton Harbour, looks to be the next coastal area under the threat of subdivision, though CCC has not yet received an application (K.Wilson, personal communication, July 21, 2010).

Conclusion

Though further development in Purau Bay may be a contentious issue among local residents, it is very likely to go ahead. It is hard to predict how a new subdivision will impact on the character of this small beachside community but a larger population may have the potential to increase the economic base and bring much desired services to the area. However, in doing so, it could also compromise the unique landscape values that Purau Bay locals and non-locals love and admire. The responsibility for protecting sensitive and outstanding landscapes in Banks Peninsula lies with Christchurch City Council, within the BPPDP and other relevant planning documents. These must be robust enough to decide whether subdivisions of sensitive, high amenity areas are allowed to proceed.

Though there are several provisions that address these areas, it is not the document but how they are interpreted and applied that will determine their fate. More importantly, in the absence of formal identification and strong protection, there will be increased potential for progressive urban creep.

In many respects, the Purau Bay subdivision proposal typifies the issues facing residents of rural Banks Peninsula and other coastal areas in New Zealand. Our picturesque locations continue to be encroached on, highlighting the need to lay stronger legislation and conduct more thorough assessments. Councils need to consider the balance between the character of settlements and urbanised suburbs and be far more cognisant of the wishes of the entire community, not just the developers. We need to take a more precautionary approach towards coastal development and one that is more inclusive of the communities that reside there.

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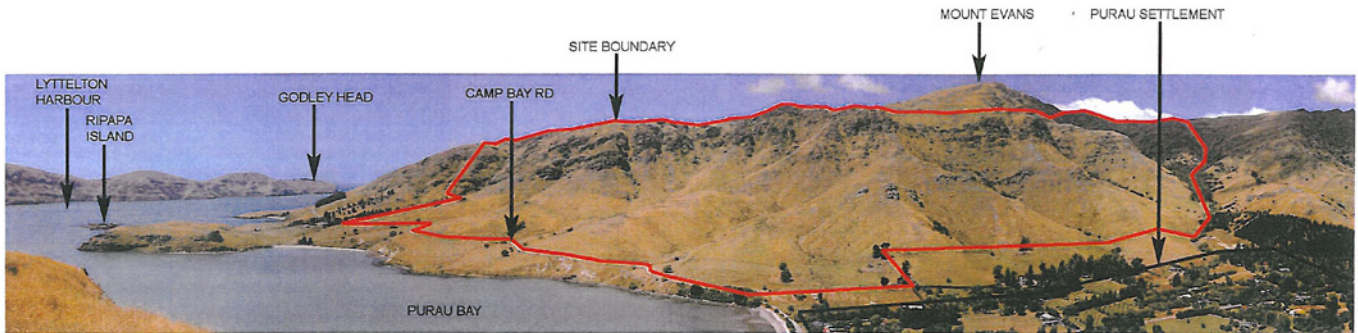
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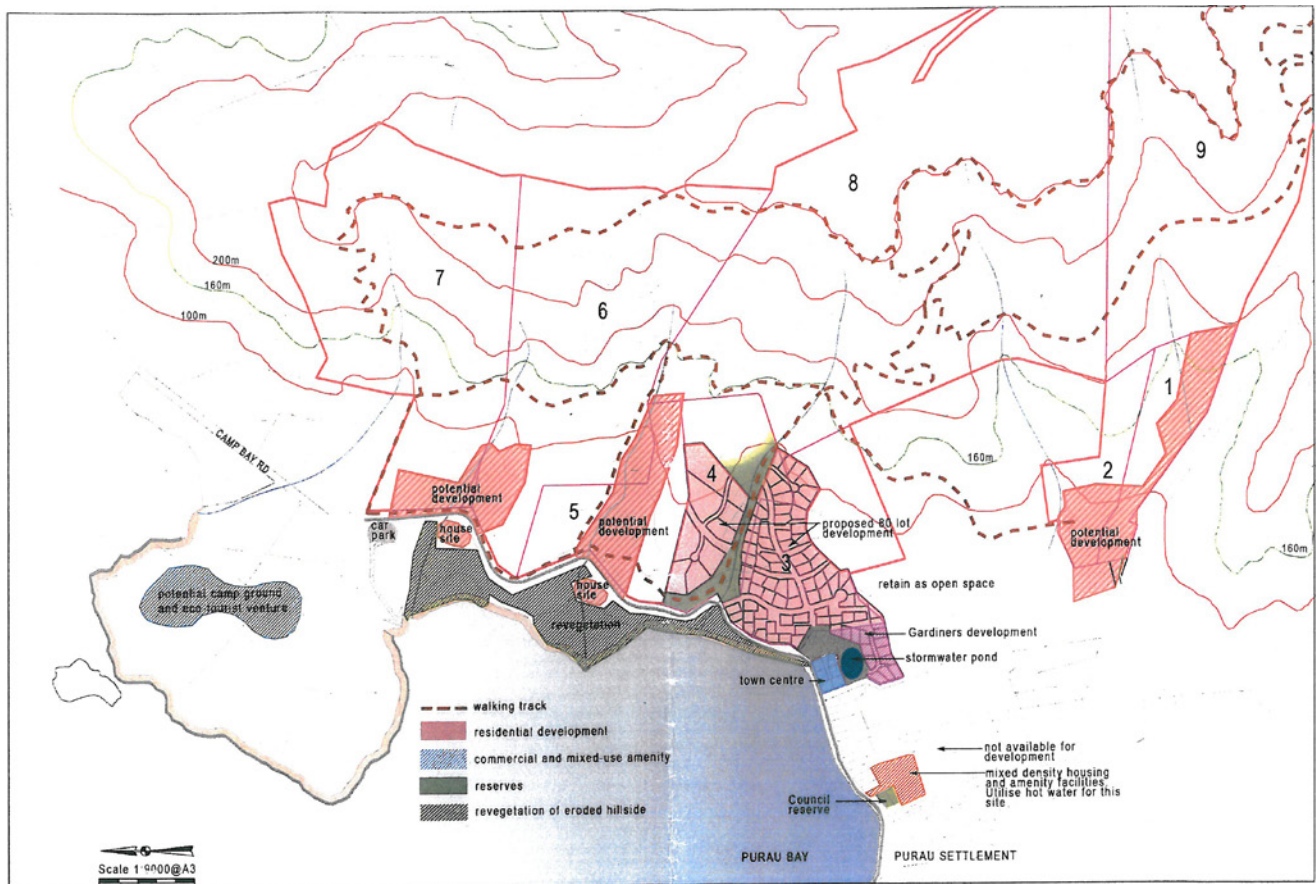
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VIEW OF THE SITE AND PURAU SETTLEMENT

Cartographer unknown; Reproduced with permission of Henry Santipongchai of Harcourts, Land agent for Purau Properties.

Purau Development Concept Plan 2007



Purau Development Concept Plan
Land Use Concept
01/April/09



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