

5. OVERVIEW OF THE TAYLORS MISTAKE DECISION

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The purpose of this report is to provide a brief overview of the recent Taylors Mistake decision from the Environment Court. Attached is a summary of the relevant issues considered in the decision from Dean Chrystal, the consultant planner who presented planning evidence in support of the Council decision.

BACKGROUND

As a result of decisions on submissions provisions were placed in the Conservation 1A and Living zones to provide for some of the baches at Taylors Mistake. This decision resulted in references from Save the Bay, Otto Snoep and the Royal Forest and Bird Protection Society. The Taylors Mistake Association and the Canterbury Regional Council were involved in the reference proceedings as section 27A parties.

THE COURT DECISION

The Environment Court decision has in the main confirmed the Council decision, with a number of suggested amendments. The decision has confirmed the following, which are expanded on in the attached memo:

- The retention of the Conservation 1A zoning along the coastal strip from Boulder Bay to Hobsons Bay.
- The scheduling of the baches as in the Proposed Plan as amended by Council decisions. The Court determined it did not have the scope to consider if those baches that are not scheduled should be. As a result 10 baches are scheduled in Boulder Bay, 9 in Hobsons Bay and 13 in The Row. The Court has suggested that the current performance standards in the Plan be strengthened to ensure that the values associated with the baches are maintained.
- The retention of the Taylors Mistake Bach zone. It has been confirmed that
 - 18 baches will be located in the zone. New baches will only be built if an existing scheduled bach is removed.
 - There will only be a drop off, access area at the front of the baches, but no provision for parking.
 - The performance standards should be reviewed to control the size, building height, and colour of buildings.
 - Provisions restricting permanent occupation of the baches should be included.
 - A comprehensive development and planting plan will be produced.

The Court has directed that the parties work to develop the suggested performance standards discussed in the decision. These are likely to be lodged with the Court some time next month and a final decision will be released once the Court has confirmed the provisions.

FUTURE ISSUES

The decision raises a number of issues that are outside the influence of the Resource Management Act processes. The decision makes it clear that it was not the Court's role to determine if the baches should "stay or go" and that the Council as the "landowner" would need to deal with these issues separately.

A staff project team has been established to look at the long-term implications of the decision and to make recommendations to the Council on issues such as licensing the baches. It is anticipated this work should be completed in a few months. The Council will then be requested to make decisions as landowner.

Recommendation:
from the Chair: That the information be received.