

Appendix 30 – Review of unscheduled baches and impact on public access

Recreation access and amenity assessment – Taylors Mistake Baches TRIM 15/113115

Kelvin McMillan, Senior Policy Planner, Strategic Support 4 February 2015

Introduction

This brief review assesses the influence of baches 28 and 47, Taylors Mistake 'back dune' and cliff true right side and baches 48, 49, 51, 52, 55, 56, 57, 58 Taylors Mistake true left side on recreation access to and use of the beach and amenity.

Conclusion and recommendations

Baches 48, 49, 51: Recommend that the three baches be retained. Removal of these baches would not significantly increase beach access space without compromising the integrity of the vegetated sand areas between the baches and the beach. There may also be health and safety issues if the clearings occupied by the three baches are available for public use as they would be somewhat secluded. The baches do not inhibit public use of any main access routes or use of the beach. In my opinion the baches have no greater affect on the visual amenity of the public use area than the broader backdrop of Taylors Mistake dwellings.

Bach 52: Recommend that it be retained as this bach does not impede recreation use or affect the amenity of the public use area.

Bach 55: Recommend that it be retained as this bach does not impede recreation use. However in my opinion the building's lower retaining wall structure detracts from the visual amenity of the beach area and it may be desirable to visually mitigate it.

Baches 56, 57 and 58: Recommend that all three be retained. On balance I consider that whilst the three baches do intrude onto the coastal rocky promontory the intrusion is not abrupt and can be considered a seamless extension of the Taylors Mistake settlement. They do not appear to reduce the utility of the tidal rock platform for users. The recreation route under the building overhang of bach 56 can be considered undesirable or desirable depending on a recreation user's perspective. Use of the steps over the rock outcrop is possibly a deterrent, especially if there are residents occupying the baches, however the route is clearly sign posted. Possibly some people may be intimidated by the close proximity of these baches 'overhanging' the beach, however on busy days I understand that this does not act as a deterrent to beach use.

Baches 47 and 28: Recommend that both be retained as they do not impede public access and in the case of bach 28 is in a position that the Council would not normally encourage use of for health and safety reasons. Potentially the space occupied by bach 47 could be used by the public. However in my opinion the character of the bach and plantings contribute to the amenity quality of the area and should be retained.

1.0 Planning Context

1.1 New Zealand Coastal Policy Statement

A primary recreation focus of the Coastal Policy Statement is recognition of the coastal marine area as a place that the public can use and enjoy and that meets the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use, and to maintain and enhance public walking access to, along and adjacent to the coastal marine area. (See Appendix 1 page 7 for the coastal policy statement objectives and policies relating to public access and use)

1.2 District Plan review – Chapter 19 Coastal Environment policy

19.1.4 Ensure public access to and along coastal marine area:

- a. is maintained and enhanced including access to mahinga kai, waahi tapu and waahi taonga;
- b. does not adversely affect the relationship of manawhenua with their ancestral lands, water and sites;

- c. is concentrated where existing access is provided;
- d. does not give rise to the destruction of features of the coastal environment or detract from the amenity of the coastal environment; and
- e. does not compromise the safe and efficient operation of the Port of Lyttelton, the jetties at Diamond Harbour and Akaroa Harbour.

1.3 Environment Court Findings – recreation access

1.3.1 Baches 48 – 58

In clause 118 pp 40-41 the Court found that “currently access to Hobsons Bay is significantly restricted by the baches on the headland. Because Taylors Mistake is the first point of contact between members of the public and this area, the access across the headland is critical if the plan is to enhance public access of members of the public to Hobsons Bay.”

The Court concluded (clause 119 p41) in respect to the baches on the rocky outcrop between Taylors Mistake and Hobsons Bay that:

1. “any step that will lead to an increase in access to the headland by members of the public not only meets the objectives and policies of the plan but also meets the objectives of section 6(d) of the Act and the objectives of the NZCPS;
2. We accept that the occupation of the headland by the non scheduled baches does interfere with public access to the area...”

In respect to baches 48- 58 their overall conclusion was that the baches do derogate form overall recreation attributes partially because of restriction of access to Hobsons Bay and partially because many of the baches occupy flat space that could otherwise be used for recreational activities. (Clause 119 p44).

1.3.2 Baches 47 and 28

The unscheduled bach 47 was not part of the Courts consideration, though there was a comment that if the row (baches 34 – 45) did not exist, the area through to the area of bach 47 should be utilised for recreation purposes (clause 216 p69). There is no direct reference to bach 28.

2.0 Recreation Assessment of Unscheduled Baches 48 -58, 47 and 28.

2.1 Taylors Mistake recreation overview

Taylors Mistake is a popular recreation destination for Christchurch residents. It is used for a range of recreation activities including swimming and surfing. During high use days the formed car park and overflow car park are full with up to 4 – 500 cars. This occurs when the combination of favourable weather and holidays coincide, or there are special events. Generally the public use the beach area to the south of and near the surf club (Pers comm. Rodney Chambers, Area Head Ranger Coastal and Plains Rangers Team, 4 February 2015). Taylors Mistake is the only beach on the Christchurch side of the Port Hills with similar environmental qualities to headland enclosed outer Banks Peninsula beaches.

2.1.1 Baches 48 – 58 context



Photograph 1; Taylors Mistake Beach north of the surf club - looking toward baches 48-58.

Subsequent to the Environment Court decision earthquake damage and rock fall risk has reduced the desirability (from a risk management perspective) of encouraging access to areas near the Hobsons Bay cliffs. The Council has placed a warning sign on the high tide track connecting Taylors Mistake beach with Hobsons Bay to dissuade people from using sites near cliffs in the Hobsons Bay area because of potential rock fall danger. The sign is near the exit onto Hobsons Bay beach.

There are currently three main access routes to Hobsons Bay from Taylors Mistake;

1. a high tide track above all the baches (except 52).
2. a set of concrete steps beside baches 56, 57 and 58 above the tidal rock platform and lastly
3. over the lower rock platform when the tide is out.

In contrast to the Environment Court findings Council Rangers who administer the beach park areas do not consider public access between the two bays to be an issue. (pers comm. Rodney Chambers). However lack of a sign at the surf club entrance to the high tide route negates the use of this route for people unfamiliar with Taylors Mistake. Route two is clearly signposted.

2.1.1.1 Analysis - Baches 48, 49 and 51

These baches are situated between the beach and associated vegetated flat dunes and the base of the hill. All baches are linked to the beach by generally narrow pathways. From a management perspective these baches contribute to sand stability by dissuading public access over this area. The Council's aim is to actively discourage people from walking on dune areas and nearer the clubhouse a rope fence and keep off the dunes sign is installed. Opening up the areas occupied by the three baches is likely to make it more difficult to manage the dune area.

There are also potential health and safety issues in providing for public use of the clearings occupied by the baches. The baches do not appear to impede public access to any significant destinations. The affect of the baches on the visual amenity of the beach area is in my opinion negligible as they have a foreground of beach vegetation and merge into the wider built backdrop of Taylors Mistake settlement.



Photograph 2; planted dune area in front of baches 48, 49 and 51

2.1.1.2 Analysis - Bach 52

Bach 52 is situated on the hillside immediately above the high tide access route. It does not impede public access and is nestled into the heavily vegetated hillside in a way that is characteristic of Taylors Mistake settlement buildings. In my opinion it does not detract from the amenity of the area and is not an impediment to recreation.

2.1.1.3 Analysis - Bach 55, 56, 57, 58

These baches are situated on the rocky promontory between Taylors Mistake Beach and Hobsons Bay. Bach 55 (Shangri La) is sited higher on the promontory with concrete stairs connecting it to the beach. The location is not the sort of place that the Council would encourage recreation use on and does not impede recreation access. In my opinion the bulk of the building and especially the building's lower supporting structure detracts from the visual amenity of the beach area.

Bach 56 has a sign indicating that public access is permitted up steps from the beach and via the bach veranda to the track leading to Hobsons Bay. Whilst public access is clearly marked some recreational users may find an access route passing about one metre from the bach windows and within the building confines psychologically uncomfortable, or not, depending on the recreation users' personality and whether the bach is occupied. Others may find it interesting and quaint. Irrespective most users (not familiar with Taylors Mistake) would probably feel that the route traverses private space.

The recreation route also passes immediately past bach 57 and above bach 58. These baches do not impede public access.



Photograph 3: baches 55, 56, 57 and 58 and rock platform to the right.

In my opinion these four baches do have an affect on the naturalness of the rocky outcrop from a natural coastal character perspective, however visually they are a extension of the overall Taylors Mistake settlement including houses and plantings and form an interesting contrast to the natural coastal rock platform below. See photograph 1 page 3. I do not believe that they significantly detract from recreation use however. The main rock platform with its channels is easily accessible when the tide is lower.



Photograph 4 & 5: Left, bach 56 steps, and right recreation path passing under the bach 56 upper story overhang.

2.1.2 Baches 47 and 28

These baches are situated on the true right of Taylors Mistake Valley. Bach 47 is at the inland end of Rotten Row but separated from the main cluster of baches by about 20m distance. The main coastal path to Godley Head passes in front of bach 47. The route is clearly signposted and very obvious. Bach 28 is on the edge of the cliff above the beach at the seaward eastern most end of the Rotten Row baches. There is a distance of about 30m between the rock shelf edge bach 30 and bach 28.

Bach 47 does not impede public access and is partially screened by planting. The building and garden planting contributes to the area's seaside garden character and in my opinion contributes to the quality of the Taylors Mistake beach park experience. Unfortunately the old macrocarpa tree adjacent to the bach has been

removed as this also added to the amenity of the area as do the wild and planted flowers in the dunes and adjoining the baches.



Photograph 6: bach 47 (white, centre right) with the Godley Head coastal path in the foreground.

Bach 28 is also sited in a location that does not impede public access. Its cliff edge location is potentially hazardous for recreation users. The Godley Head recreation route above the bach has been fenced where it is near the cliff edge to protect users. The effect of the bach on the visual amenity of users is considered to be nominal. However it would be desirable if the bach roof was painted a recessive colour as it is very obvious and reflective when viewed from the Godley Head recreation route above.



Photograph 7: Bach 28 sited above the beach and below the Godley Head Coastal path.

Reference:

Environment Court Decision No. C50/ 2002
Appendix 1 New Zealand Coastal Policy Statement 2010

The coastal policy statement places very strong emphasis on provision of public open space qualities and recreational opportunities of the coastal environment. Key points in the coastal policy statement have been underlined. See my suggested changes to the draft on page 3.

Coastal Policy Statement "Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland."

Coastal Policy Statement "Policy 18: Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- a. ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
- b. taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
- c. maintaining and enhancing walking access linkages between public open space areas in the coastal environment;
- d. considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and
- e. recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs."

Coastal Policy Statement "Policy 19: Walking access

1. Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.
2. Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:
 - a. identifying how information on where the public have walking access will be made publicly available;
 - b. avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and
 - c. identifying opportunities to enhance or restore public walking access, for example where:
 - i. connections between existing public areas can be provided; or
 - ii. improving access would promote outdoor recreation; or
 - iii. physical access for people with disabilities is desirable; or
 - iv. the long-term availability of public access is threatened by erosion or sea level rise; or
 - v. access to areas or sites of historic or cultural significance is important; or
 - vi. subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.
3. Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
 - a. to protect threatened indigenous species; or
 - b. to protect dunes, estuaries and other sensitive natural areas or habitats; or
 - c. to protect sites and activities of cultural value to Māori; or
 - d. to protect historic heritage; or
 - e. to protect public health or safety; or

- f. to avoid or reduce conflict between public uses of the coastal marine area and its margins;
or
 - g. for temporary activities or special events; or
 - h. for defence purposes in accordance with the Defence Act 1990; or
 - i. to ensure a level of security consistent with the purpose of a resource consent; or
 - j. in other exceptional circumstances sufficient to justify the restriction.
4. Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times."