

This section has rules that have legal effect.

Appendix B: Officer’s Recommended Amendments to Natural Open Space Zone

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with red underline used for new text and ~~red strikethrough~~ for deleted text).

Overview

The Natural open space zone generally applies to areas where the natural environment is retained and activities, buildings and other structures are compatible with the characteristics of the zone.

The Natural open space zone anticipates a low level of development to retain the natural values within these areas. Development enabled within the Natural open space zone is generally limited to open space facilities such as shelter, public toilets, kauri dieback cleaning stations and walking tracks.

Council has responsibilities under the RMA and the Northland Regional Policy Statement 2016 to protect areas of significant indigenous biodiversity, historical heritage, cultural values, Outstanding Natural Landscapes, Outstanding Natural Features, and the natural character of the Coastal Environment. The Natural open space zone helps to protect a range of these areas, sites, and features along with the chapters in Part 2 - District-Wide Matters relating to these areas, sites and features.

Much of the land in this zone is subject to reserve or conservation management plans or strategies, prepared under the Reserves Act 1977 or the Conservation Act 1987. These areas are usually managed by either the Council or the Department of Conservation. Together, reserve management plans and the District Plan are complimentary in protecting and managing the use of land classified as reserves in the Kaipara District.

Objectives

NOSZ-O1	
The natural, ecological, historical heritage and cultural values of the Natural open space zone and their long-term sustainability are managed and protected for future generations.	

NOSZ-O2	
Ensure natural open spaces are accessible and safe for the public to use and enjoy for leisure, recreation, and cultural activities.	

Policies

NOSZ-P1	Values
Conserve, protect and enhance the natural, ecological, historical heritage and cultural values associated with the Natural open space zone.	

NOSZ-P2	Compatible activities
Enable recreation, leisure, education, and customary activities that are compatible with the natural, ecological, historical heritage and cultural values and associated amenity values of the Natural open space zone, including for walking and cycling linkages to other areas of the Kaipara District.	
NOSZ-P3	Implementation of plans and strategies
Enable activities that: <ol style="list-style-type: none"> 1. Are consistent with a conservation management strategy or plan, or a reserve management plan; and 2. Do not generate significant adverse effects on the surrounding area. 	
NOSZ-P4	Ecological corridors
Support the connectivity between ecological corridors.	
NOSZ-P5	Buildings and structures
Provide for small-scale buildings and structures that do not adversely affect the natural, ecological, historical heritage and cultural values of the site and are ancillary to site management and public access.	
NOSZ-P6	Incompatible activity
Minimise activities (including buildings and structures) that are incompatible with the natural, ecological, historic heritage, cultural values of the Natural open space zone.	

Rules


NOSZ-R1	Buildings and structures	
1. Activity status: Permitted Where: <ol style="list-style-type: none"> a. The construction, alteration or addition of any building or structure, including open space facilities, complies with: <ol style="list-style-type: none"> i. NOSZ-S1 Maximum height; ii. NOSZ-S2 Setbacks from boundaries; iii. NOSZ-S3 Setbacks from a coastal marine area; iv. NOSZ-S4 Building coverage and impervious surfaces; and v. NOSZ-S5 Fencing and boundary walls. 	2. Activity status when compliance not achieved: Refer to relevant Standard.	
NOSZ-R2	Activities authorised by strategies and plans	
1. Activity status: Permitted Where: <ol style="list-style-type: none"> a. The activity is undertaken in accordance with a conservation management strategy, conservation management plan or a reserve management plan 	2. Activity status when compliance not achieved: Discretionary	

NOSZ-R3	Conservation activities	
1. Activity status: Permitted		2. Activity status when compliance not achieved: Not Applicable
NOSZ-R4	Recreation activities	
1. Activity status: Permitted		2. Activity status when compliance not achieved: Not Applicable
<u>NOSZ-R5</u>	<u>Demolition of a building or structure</u>	
1. <u>Activity status:</u> <u>Permitted</u>		2. <u>Activity status when compliance not achieved:</u> <u>Not Applicable</u>
NOSZ-R5	Any activity not listed in this table as a permitted or non-complying activity	
1. Activity status: Discretionary		2. Activity status when compliance not achieved: Not Applicable
NOSZ-R6	Industrial activity	
1. Activity status: Non-Complying		2. Activity status when compliance not achieved: Not Applicable
NOSZ-R7	Quarrying or mining	
1. Activity status: Non-Complying		2. Activity status when compliance not achieved: Not Applicable
NOSZ-R8	Motorsport activity	
1. Activity status: Non-Complying		2. Activity status when compliance not achieved: Not Applicable

Standards

NOSZ-S1	Maximum height	
<p>1. The maximum height of buildings and structures above ground level must not exceed 5m.</p> <p>2. This standard does not apply to:</p> <ul style="list-style-type: none"> a. Solar and water heating components provided these do not exceed the maximum height of buildings and structures by more than 0.5m; and b. Flagpoles, antennas, satellite dishes, aerials, chimneys, flues and architectural features that do not exceed 1m in height or exceed 1m diameter. 		<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The character and amenity of the surrounding area; b. Screening, planting and landscaping on the site; c. The design and siting of the building or structure with respect to privacy and shading on adjoining or adjacent sites; d. The impacts on existing and future esplanade reserves, esplanade strips and public walkways and cycleways; and e. Consistency with Crime Prevention through Environmental Design.

NOSZ-S2	Setbacks from boundaries	
<p>1. Buildings and structures must be setback at least 10m from all site boundaries.</p> <p>2. This standard does not apply to:</p> <ul style="list-style-type: none"> a. Fences or walls no more than 2m in height; and b. Uncovered decks less than 1m in height above ground level. 	<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The character and amenity of the surrounding area; b. The effects on the surrounding landscape; c. Screening, planting and landscaping on the site; d. The design and siting of the building or structure with respect to privacy and shading on adjoining or adjacent sites; The impacts on existing and future esplanade reserves, esplanade strips and public walkways and cycleways; and e. f. Consistency with Crime Prevention through Environmental Design. 	

NOSZ-S3	Setbacks from a coastal marine area NOTE:  This standard has immediate legal effect	
<p>1. Buildings, accessory buildings and structures must be setback 25m from the edge of a coastal marine area.</p> <p>2. The setbacks in NOSZ-S3.1 do not apply to:</p> <ul style="list-style-type: none"> a. Buildings and structures that are permitted under the Natural Character chapter; b. Where there is a legally formed and maintained road; c. Fences; d. Infrastructure provided by a network utility operator; and e. Structures associated with vehicle or pedestrian access. 	<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The design and siting of the building or structure with respect to effects on the natural character, landscape, ecological, public access and cultural values of the waterbody; b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the coastal margins; c. screening, planting and landscaping on the site; and Natural hazard risks. 	

NOSZ-S4	Building coverage and impervious surfaces	
<p>1. The combined building coverage and impervious surfaces of any site must be no more than either 250m² or 10% of the net site area, whichever is the smaller.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The character and amenity of the surrounding area; b. The effects on the landscape; c. Any landscaping, planting and screening to mitigate any adverse effects; d. The effectiveness of the proposed method for controlling stormwater on site; and e. The bulk and location of the building. 	

NOSZ-S5	Fencing and boundary walls	
<p>1. All fences and boundary walls (including retaining walls) must not exceed a maximum height above ground level of</p> <ul style="list-style-type: none"> a. 2m on any site boundary that does not adjoin a road; or b. 1.2m on any site boundary that adjoins a road. 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The natural character, streetscape and amenity of the surrounding area; b. The amenity of adjoining properties, including that on the outdoor living space and any adverse shading effects; c. Topographical or other site constraints; and d. Consistency with Crime Prevention through Environmental Design. 	