

This section has rules that have legal effect.

Appendix B: Officer’s Recommended Amendments to 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 Open space zone applies to areas used predominantly for a range of passive and active recreational activities, along with limited associated facilities and structures.

The Open space zone includes a range of large and small neighbourhood parks and esplanade areas, as well as cemeteries and elements of the District's walking and cycling network. Some of these areas are located near the coast, lakes, rivers, and streams, providing public access to and along these areas, as well providing natural hazards mitigation and ecological protection in some areas. The Open space zone also includes cultural and historic heritage values.

The Open space zone generally has less built features and is less developed than Sport and active recreation zone.

Buildings and structures enabled in the Open space zone are generally limited to those that support the enjoyment of the open space for informal recreation and community activities.

Much of the Open space zone is subject to reserve management plans prepared under the Reserves Act 1977. These are managed by the Kaipara District Council. While reserve management plans determine what types of land uses are appropriate for open spaces classified as reserves, the RMA is responsible for managing the effects on the environment of activities taking place within those reserves. 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.

Proposed objectives

OSZ-01	
The open and spacious character and amenity values and any natural, ecological, heritage and cultural values in the Open space zone are maintained.	
OSZ-02	
The Open space zone supports public access to use and enjoy a range of appropriate recreation activities and facilities.	

Policies

OSZ-P1	Range of recreation activities
<p>Enable a range of passive and active recreation activities in the Open space zone that:</p> <ol style="list-style-type: none"> 1. Are compatible with the values of the zone; the reserve classification and purpose, and any relevant conservation strategy or reserve management plan; 2. Provide for the social and cultural well-being of the community 3. <u>Manage effects on the natural, ecological, cultural and heritage values in the zone; and</u> 4. Manage effects on the character and amenity of any adjacent General residential zone and the surrounding area. 	
OSZ-P2	Ancillary activities and their associated buildings and structures
<p>Provide for ancillary activities and their associated buildings or structures where they:</p> <ol style="list-style-type: none"> 1. Complement and enhance the values and activities in the zone; 2. Provide for the social and cultural well-being of the community; and 3. Manage effects on the character and amenity of any adjacent General residential zone and the surrounding area. 	
OSZ-P3	Safety, accessibility, and connectivity
<p>Manage use and development within the Open space zone to:</p> <ol style="list-style-type: none"> 1. Enhance accessibility and connectivity; and 2. Support the safety of users and neighbouring communities by being consistent with Crime Prevention through Environmental Design. 	
OSZ-P4	Open space facilities, buildings and structures
<p>Enable open space facilities and other buildings and structures within the Open space zone where these complement the purpose of the zone and provide for the social and cultural wellbeing of the community.</p>	
OSZ-P5	Incompatible activities
<p>Minimise land uses and activities that would compromise <u>the natural, ecological, cultural and heritage values of the zone, and</u> public use, and enjoyment and access to the Open space zone.</p>	

Rules

Note: For certain activities, consent may be required by rules in more than one chapters in the District Plan. See Part 1 - General Approach chapter.

OSZ-R1	Open space facilities, buildings and structures	
<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The construction, alteration or addition of any open space facilities, buildings or structures complies with:</p> <ul style="list-style-type: none"> i. OSZ-S1 Maximum height; ii. OSZ-S2 Height in relation to boundary; iii. OSZ-S3 Setbacks from boundaries; iv. OSZ-S4 Setbacks from a coastal marine area; v. OSZ-S5 Building coverage and impervious surfaces; and vi. OSZ-S6 Fencing and boundary walls 	<p>2. Activity status when compliance not achieved: Refer to relevant Standard</p>	
OSZ-R2	Open space management activity	
<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity is undertaken in accordance with a conservation management strategy, conservation management plan or a reserve management plan.</p>	<p>2. Activity status when compliance not achieved: Discretionary</p>	
OSZ-R3	Walking and cycling paths and connections	
<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity complies with:</p> <ul style="list-style-type: none"> i. OSZ-S3 Setbacks from boundaries; and ii. OSZ-S4 Setbacks from waterbodies and coastal waters. 	<p>2. Activity status when compliance not achieved: Refer to relevant Standard</p>	
OSZ-R4	Recreation activity	
<p>1. Activity status: Permitted</p>	<p>2. Activity status when compliance not achieved: Not Applicable</p>	

OSZ-R5	Commercial activity	
<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The commercial activity is limited to: <ul style="list-style-type: none"> i. The sale of food and drink; ii. The sale of products that support the activities, for example sporting equipment; iii. The sale of tickets for a recreation activity; or iv. The hire of recreational equipment. b. The gross floor area used for any commercial activity on any site does not exceed 200m²; c. The activity complies with OSZ-S7 Hours of operation. 		<p>2. Activity status when compliance not achieved with OSZ-R5.1.a or OSZ-R5.1.b: Non-Complying</p> <p>3. Activity status when compliance with OSZ-R5.1.c not achieved: Refer to OSZ-S7</p>

OSZ-R6	Burial and ancillary activities in cemeteries	
<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The activity complies with OSZ-S7 Hours of Operation 		<p>2. Activity status when compliance not achieved: Refer to the Standard OSZ-S7</p>

OSZ-R7	Community facilities	
<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The activity complies with OSZ-S7 Hours of Operation. 		<p>2. Activity status when compliance not achieved: Refer to the Standard OSZ-S7</p>

<u>OSZ-R8</u>	<u>Conservation activity</u>	
<p>1. <u>Activity status:</u> <u>Permitted</u></p>		<p>2. <u>Activity status when compliance not achieved:</u> <u>Not Applicable</u></p>

<u>OSZ-R9</u>	<u>Demolition of a building or structure</u>	
<p>1. <u>Activity status:</u> <u>Permitted</u></p>		<p>2. <u>Activity status when compliance not achieved:</u> <u>Not Applicable</u></p>

OSZ-R8	Any activity not listed as a permitted, discretionary or non-complying activity	
<p>1. Activity status: Discretionary</p>		<p>2. Activity status when compliance not achieved: Not Applicable</p>


OSZ-R9	Industrial activity	
1. Activity status: Non-Complying		2. Activity status when compliance not achieved: Not Applicable
OSZ-R10	Quarrying or mining	
1. Activity status: Non-Complying		2. Activity status when compliance not achieved: Not Applicable
OSZ-R11	Motorsport	
1. Activity status: Non-Complying		2. Activity status when compliance not achieved: Not Applicable

Standards

OSZ-S1	Maximum height
<p>1. The maximum height of buildings and structures above ground level must not exceed 7.5m.</p> <p>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>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. 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.

OSZ-S2	Height in relation to boundary
<p>1. Buildings and structures must be contained within a building envelope defined by a 45-degree recession plane measured from 3m above ground level at the boundaries of the site adjoining a General residential zone.</p> <p>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 the maximum height of buildings and structures by 1m in height or exceed 1m diameter. 	<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. Shading and loss of sunlight to adjoining sites, including buildings and outdoor areas.

OSZ-S3	Setbacks from boundaries
<p>1. Buildings and structures must be set back at least 3m from all site boundaries.</p> <p>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>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. 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.

OSZ-S4	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 OSZ-S4.1 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; <u>and</u> 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 d. Natural hazard risks.

OSZ-S5	Building coverage
<p>1. The combined building coverage and impervious surface of the net site area must be no more than 15%.</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 buildings.

OSZ-S6	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 streetscape and amenity of the surrounding area; b. The amenity of adjoining properties, including the outdoor living space and any adverse shading effects; c. Topographical or other site constraints; and d. Consistency with Crime Prevention through Environmental Design. 	

SZ-S7	Hours of operation	
<p>1. The hours of operation must not extend beyond 0700-2200 Monday to Sunday; or</p> <p>2. The hours of operation must comply with any relevant council bylaw, or reserve management plan, where these are different to those in OSZ-S1.1 above.</p>	<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. Effects on the character and amenity of the surrounding area. 	