

Before the Independent Hearing Panel  
Appointed by the Timaru District Council

Under Schedule 1 of the Resource Management Act 1991 (**RMA**)

In the matter of Submissions on the Proposed Timaru District Plan

Between **Various**

Submitters

And **Timaru District Council**

Respondent

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**Nick Boyes – Hearing D – Interim Reply in Response to Minute 19**

**Open Space and Recreation Zone Chapters**

18 December 2024

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lloyd.**

## Introduction

- 1 My name is Nick Boyes. I am a self-employed Consultant Planner (Core Planning and Property Ltd). I prepared the s42A report relating to submissions lodged on the Open Space and Recreation Zone Chapters. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this Interim Reply Report is to respond to the matters set out in Minute 19 of the Hearing Panel. In summary this report addresses the following matters:
  - (a) Consideration of consequential amendments to **OSZ-S4** (setback) and **OSZ-S5** (height in relation to boundary) as a result of the recommendation to include an additional matter of discretion within **OSZ-S3** to address building height in response to natural hazard risk from flooding/climate change;
  - (b) Whether consequential amendments are required to add the phrase *“including habitat for indigenous fauna”* in the other matters of discretion as a result of the recommendation to add this phrase to **NOSZ-S2 MD4**;
  - (c) Preparation of a comparative table setting out the operative and proposed rule provisions applying to the South Rangitata Reserve; and
  - (d) Reconsideration of the analysis and recommendation in response to the rezoning request from Rangitata South Reserve Inc. now that Mr Hall has confirmed the location of the site proposed to be re-zoned.
- 3 The table attached at **Appendix A** contains my updated recommendations, including reasons, having regard to the evidence given by South Rangitata Reserve Inc. presented at Hearing D; as well as the directions set out in Minute 19 of the Hearing Panel.
- 4 Recommended amendments to the provisions are attached as **Appendix B** and shown in blue text.

## Consequential Amendments arising from OSZ-S3

- 5 In my s42A report, I acknowledged that likely future increases in minimum finished floor level requirements arising from climate change would potentially make it more difficult to reconstruct Holiday Huts at the South Rangitata Reserve under existing use rights (i.e., make it more difficult for building height to remain within the upper limit of that which existed previously). However, I did not consider that an increase in the height limit

to be appropriate, as that would potentially lead to the ability to construct two-storey holiday huts, which in my view would adversely affect the character of the Holiday Hut Precinct.

- 6 On that basis I recommended an additional 'matter of discretion' related to **OSZ-S3** (Height), the wording being as follows:

*the extent to which any increase in height is required in order to address an increase in finished floor level in response to flood risk; ...*

- 7 I do not consider that this additional matter of discretion is required to be added to **OSZ-S4** 'Setback of buildings and structures (excluding fences)' as that matter is not directly impacted by the need to increase the minimum floor level (and therefore the potential overall height) of buildings or structures as a result of climate change.

- 8 In terms of **OSZ-S5** 'Height in relation to boundary (with Residential Zones boundary only)', the application of this rule (being limited to boundaries with residential zones only) means that it does not apply to areas within the Holiday Hut Precinct (PREC4) applying to the South Rangitata Huts. Furthermore, the land containing the huts is within a single land parcel, i.e., it is a single 'site' in terms of the PDP definition. As a result, many of the bulk and location standards, including setbacks and height in relation to boundary, only apply at the outer boundary of the area.

- 9 Notwithstanding, there may be situations where the circumstance described above do apply, and the change to include an additional matter of discretion for height in relation to boundary provides consistency with the change already recommended in relation to **OSZ-S3**. On that basis I recommend that the additional matter of discretion above is also added to **OSZ-S5** as a consequential amendment pursuant to Clause 10(2)(b) of the RMA relying on the submission from South Rangitata Huts Incorporated (SRR Inc) [206.5]. This change is included in the provisions attached as **Appendix B**.

### **Habitat for Indigenous Fauna**

- 10 Arising from the submissions from Forest & Bird (F&B) [156.174], the original section 42A report recommended changes throughout the NOSZ Chapter to include specific reference to "*habitat for indigenous fauna*" when referring to "*areas of indigenous vegetation*". Namely these changes related to the 'Introduction' and the 'matters of discretion' relating to **NOSZ-O2**, **NOSZ-S1**, **NOSZ-S2** and **NOSZ-S3**. This meant that **NOSZ-S4** is the only standard where the matters of discretion do not make specific reference to "*habitats for indigenous fauna*".

- 11 As set out in the section 42A report, that was as a result of **NOSZ-S4** making reference to “*ecological values*” more generally, which would include *habitat for indigenous fauna*, as opposed to the more restrictive reference to “*areas of indigenous vegetation*” included in the matters of discretion relating to the remaining standards.
- 12 Unfortunately the matters of discretion are not consistent, some refer to indigenous vegetation only (**NOSZ-S1** and **NOSZ-S3**), some to indigenous vegetation and ecological values (**NOSZ-S2**) and others to the broader term ecological values (**NOSZ-S4**).
- 13 On reflection I see no issue with similarly adding reference to “*including habitat for indigenous fauna*” as part of **NOSZ-S4** and recommend this change is also made relying on the relief sought in the submission by F&B [156]. This change is included in the provisions attached as **Appendix B**.

#### **Provisions applying to the South Rangitata Reserve**

- 14 The holiday huts located on the south side of the Rangitata River are zoned REC 1 in the Operative Timaru District Plan.
- 15 Permitted activities within the zone are limited to the following:
  - (a) Utility services;
  - (b) Road and bridge construction and maintenance within road reserves;
  - (c) Grazing by animals;
  - (d) Open Space; and
  - (e) Those activities provided for in the General Rules as permitted activities.
- 16 In terms of activities related to the establishment or replacement of holiday huts, the Operative District Plan includes the following:
  - (a) Accessory buildings to household units or holiday huts of a total area of up to 50 square metres per residence (Discretionary Activity);
  - (b) The modification of a household unit or holiday hut for the purpose of reducing likely flood damage (Discretionary Activity);
  - (c) Replacement household units (includes holiday huts) at South Rangitata Huts, Reserve 5266 on sites 1-7, 10-16, 19-23, 25-31, 34-39, 42-47, 51-56, 60-65 and 68-73 and on any part of sites 8, 17, 24, 32, 40, 48, 50, 57 and 66 which is entirely above the 100 year coastal

erosion line, where the loss of all or part of the household unit is incurred by other than flood or coastal hazard (see scale map accompanying Map No 20 in Volume II) (Discretionary Activity);

(d) Household units (includes holiday huts) except where provided for as a discretionary activity (Prohibited Activity).

17 Within the PDP, residential activities throughout the OSZ generally are a discretionary activity (**OSZ-R7**); and all buildings and structures are a restricted discretionary activity within the Holiday Hut Precinct (**OSZ-R10**).

18 A comparative assessment of the various bulk and location provisions applying to the South Rangitata Reserve Huts is set out in the Table below.

Provision	Operative Plan	Proposed Plan
Scale of Buildings	N/A	maximum gross floor area of all buildings and/or structures on a site must not exceed 10m <sup>2</sup>
Height	6m maximum	4m maximum
Road frontage setback	5m minimum	5m minimum
Internal boundary setback	1.5m minimum	1.5m minimum from sites not zoned residential or rural
Rear boundary setback	1.5m minimum Where any building faces another across a common boundary, open space, front or rear yard, the distance between them shall not be less than 12 metres	As above
Height in relation to boundary	N/A	Buildings and structures must be contained within a building envelope defined by recession planes from points 2.5m above ground level at the boundaries of the site when the site boundary adjoins a Residential Zone. The method for determining recession planes and any permitted projection is described in APP8 - Recession Planes.
Site Coverage	N/A	35% maximum

## **Rezoning request from Rangitata South Reserve Inc**

- 19 My original section 42A report included some discussion regarding the re-zoning sought by SRR Inc for land adjoining the existing Rangitata South Reserve. Given there was no map of the area provided with the submission, this assessment made some assumptions as to the land in question.
- 20 At the hearing Mr Hall was able to clarify that the land sought to be re-zoned is that located between the existing holiday hut settlement and the Rangitata River, which is further north than the area that was assessed within the section 42A report (as identified in Figure 4 therein).
- 21 The land sought to be re-zoned includes (PT RES 100), which was assessed within the original section 42A report; as well as additional Crown Land Adjacent to RES 100 & LOT 8 DP 1204 BLK IV KAPUNATIKI SD. This is a 21.45ha parcel of land which adjoins the Rangitata River and is also administered by Environment Canterbury.
- 22 As set out in the original Section 42A Report (paragraph 8.6.18), this land is in public ownership there appears to be little threat to the continued use of this land for recreation purposes by the occupiers of the South Rangitata Huts, or the general public.
- 23 On that basis I do not consider that the re-zoning as sought is required and that this land remain within the GRUZ.

***Nick Boyes***

***18 December 2024***

## APPENDIX A

### Status of issues raised in evidence – Open Space and Recreation Zones – Hearing D

*Notes:*

1. *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing D. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing D.*
2. *Status: An asterisk (\*) against the status denotes where **I have made an assumption** based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
3. *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing D. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*
4. *Orange shading identifies matters still outstanding. Light orange shading identifies matters partially resolved only.*

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
<p>Increase in floor levels required as a result of climate change may make re-construction of holiday huts relying on existing use rights more difficult. Changes recommended in s42A Report to add a matter of discretion to the height standard.</p> <p>Hearing Panel questioned whether similar change required in relation to OSZ-S4 (setback) and OSZ-S5 (height in relation to boundary).</p>	OSZ-S3, OSZ-S4, OSZ-S5	Resolved	South Rangitata Huts Incorporated (SRR Inc [206.5]).
Re-zoning of additional land adjoining South Rangitata Reserve for Open Space (Holiday Hut Precinct) PREC4.	Planning Maps		SRR Inc [206.14].

## Appendix B – Recommended Changes to Provisions

### Open Space Zone

#### Introduction

The District has a diverse range of open and recreational spaces in its rural and urban areas that are used for indoor and outdoor, active and passive recreation activities, and which serve as a venue for other community activities and temporary activities such as fetes and fairs. The Open Space Zone encompasses neighbourhood parks, natural areas and amenity parks where there is often landscaping and a low density of built development. Cemeteries, which are quiet and contemplative spaces, are also located in this zone.

PREC4 - Holiday Hut Precinct provides for the on-going use and maintenance of established holiday huts at Butlers, Milford, Waipopo, Rangitata, Stratheona and Blandswood that were originally established to provide short term residential accommodation for anglers during the fishing season, as well as being places traditionally used by mana whenua for mahika kai and other cultural practices.

PREC5 - Te Aitarakihi Precinct is located at 50 Bridge Street, Oceanview, Timaru. The site is owned by the Te Aitarakihi Trust, which operates the Te Aitarakihi Multicultural Centre on the site. The Multicultural Centre was established as a place for all cultures, people and communities “Te Wāhi Karanga Mo Nga Iwi Katoa”. It provides a place for multiple ethnic groups to meet and share their cultural experiences. A range of cultural, community, health and education activities are provided for in the precinct, along with complimentary commercial and residential activities.

#### Objectives

##### OSZ-01 The purpose of the Open Space Zone

The Open Space Zone primarily provides for a range of passive and active recreation activities, as well as community activities, cemeteries and limited associated facilities and structures.

##### OSZ-02 Character and qualities of the Open Space Zone

The character and qualities of the Open Space Zone are maintained and improved and include areas that:

1. are safe and accessible for all users; and
2. contribute to the community’s health and wellbeing; and
3. are open and spacious with a low density of built development; and
4. have established plantings; and
5. are attractive and pleasant places where people can spend time relaxing and socialising.

**Note:** This objective does not apply to cemeteries, the Holiday Hut Precinct and the Te Aitarakihi Precinct.

##### OSZ-03 Character and qualities of cemeteries

Cemeteries are maintained as quiet places, that are characterised by an overall low density of built form, commemorative structures, plantings, trees and car-parking.



**PREC4-O1 The character and qualities of the Holiday Hut Precinct**

The Holiday Hut Precinct is in areas with well-established clusters of buildings and structures located at Butlers Huts, Milford Huts, Waipopo huts, Rangitata huts, Stratheona huts and the Blandswood huts that are characterised by:

1. their river and coastal locations, and in the case of the Blandswood Huts, the forested backdrop; and
2. being exposed to natural hazards; and
3. an informal and ad hoc layout, with buildings in some cases being located closer than within a residential area; and
4. generally small-scale development that is diverse in character, and uses a range of construction materials; and
5. land used for informal recreational activities; and
6. a lack of infrastructure, including formed roads, reticulated water supply, reticulated wastewater and stormwater systems; and
7. activities that generally generate low levels of noise, except for occasional increases in noise levels arising from recreational activities including the use of watercraft and primary production in the adjoining Rural Zones; and
8. activities that generally generate low levels of vehicle movements.

**PREC5-O1 The character and qualities of Te Aitarakihi Precinct**

The character and qualities of the Te Aitarakihi Precinct comprise:

1. a moderate building site coverage; and
2. a built form of single or two-storey buildings; and
3. ample space around buildings; and
4. regular cultural, educational and community events.

**Policies****OSZ-P1 Health and safety**

Encourage open space facilities to be designed, built and managed to:

1. maintain public health and safety and the protection of property; and
2. be consistent with the APP3 - National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPED).

**OSZ-P2 Appropriate activities in the Open Space Zone**

Enable activities that:

1. are consistent with the intended purpose, character and qualities of the Open Space Zone; and
2. contribute to the overall health and wellbeing of the community; and
3. minimise adverse effects on the character and amenity values of the surrounding area.

**OSZ-P3 Primary production activities**

Enable non-intensive primary production activities where these are compatible with the character and qualities of the Open Space Zone.

**OSZ-P4 Commercial activities**

Enable commercial activities where they are ancillary to a recreation activity and/or community activity.

**OSZ-P5 Public artwork**

Provide for public artwork that contributes to the character and qualities of the site and the character and qualities of the surrounding area.

**OSZ-P6 Buildings and structures in the Open space zone**

Provide for buildings and structures that are of a scale, form and design that is:

1. compatible with the purpose, character and qualities of the zone; and
2. integrated with, and contribute to, the character of and qualities of the surrounding area.

**OSZ-P7 Cemeteries**

Provide for existing and new cemeteries, where they:

1. ~~contain~~ limit buildings and structures to those required for cremations, burials, and commemorations<sup>1</sup> as well as ancillary buildings and facilities; and
2. retain established plantings and trees; and
3. do not involve activities that would undermine the character and qualities of the site; and
4. recognise, maintain and/or enhance cultural heritage, spiritual and religious values; and
5. are located to avoid or mitigate potential adverse effects on Ngāi Tahu cultural values.

**OSZ-P8 Car parking**

Only allow new car parking where it:

1. meets the needs of the activity; and
2. is compatible with the character and qualities of the zone and surrounding area; and
3. is safe for the public, and provides good lighting for maximum visibility, safe pedestrian access points and pathways and passive security; and
4. does not result in an oversupply of car-parking, taking into consideration the availability of car parking in the surrounding area.

**OSZ-P9 Camping grounds or caravan parks**

Only allow camping grounds or caravan parks where these are compatible with the character and qualities of the zone and avoid significant adverse effects on amenity values in the surrounding area.

**OSZ-P10 Other activities**

Only allow other activities where they:

1. are compatible with the purpose, character and qualities of the Open Space Zone; and
2. avoid any significant adverse effects and avoid, remedy or mitigate any other adverse effect on the use and amenity values of adjoining sites; and
3. contribute to the overall health and wellbeing of the community; and<sup>2</sup>
4. have a functional need or operational need to locate within the Open Space Zone<sup>3</sup>.

**OSZ-P11 Motorsport events and motorsport facilities**

Avoid any new motorsport events and motorsport facilities unless they will not undermine the purpose, character and qualities of the Open Space Zone.

**PREC4-P1 Maintaining and enhancing the character and amenity values of the Holiday Hut Precinct**

Only allow activities in the Holiday Hut Precinct where they will:

1. maintain and/or enhance the existing character and qualities of the Holiday Hut Precinct; and
2. generate low volumes of noise and traffic that reflect the existing environment; and
3. avoid adverse effects on the natural environment and reverse sensitivity effects on adjoining primary production activities.

<sup>1</sup> TDC [42.56].

<sup>2</sup> Clause16(2) of the RMA related to MoE [106.48].

<sup>3</sup> MoE [106.48].

<b>PREC4-P2</b>	<b>Buildings and structures in the Holiday Hut Precinct</b>
Avoid buildings and/or structures within high hazard areas in the Holiday Hut Precinct where there is a risk of loss of life or significant damage to structures or property.	
<b>PREC5-P1</b>	<b>Activities in the Te Aitarakihi Precinct</b>
Enable a range of cultural, community, health and education activities that support the Te Aitarakihi Multicultural Centre, along with limited complimentary commercial and residential activities.	
<b>PREC5-P2</b>	<b>Buildings and structures in the Te Aitarakihi Precinct</b>
Enable buildings and structures in the Te Aitarakihi Precinct, where these: <ul style="list-style-type: none"> <li>1. enable activities intended in the precinct; and</li> <li>2. are of a scale that is compatible with the Te Aitarakihi Precinct's character and qualities; and</li> <li>3. minimise adverse effects on adjoining sites.</li> </ul>	

## Rules

**Note:** For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

<b>OSZ-R1</b>	<b>Recreation activity</b>	
<b>Open Space Zone</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The recreation activity must comply with OSZ-S7.  <i>Note: Any associated building and structure must be constructed in accordance with OSZ-R10.</i>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ul style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard</li> </ul>
<b>OSZ-R2</b>	<b>Community activity, cultural activity and educational facility</b>	
<b>1. Open Space Zone, except the Holiday Hut Precinct</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The community activity must comply with and OSZ-S7.  <i>Note: Any associated building and structure must be constructed in accordance with OSZ-R10.</i>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ul style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard</li> </ul>
<b>2.</b>	<b>Activity status: Non-complying</b>	<b>Activity status when compliance not achieved: not applicable</b>

<b>Holiday Hut Precinct</b>		
<b>OSZ-R3</b>	<b>Commercial activity</b>	
<b>1. Open Space Zone outside any precincts</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The commercial activity must comply with standards OSZ-S7; and</p> <p><b>PER-2</b> Any retail activities are limited to the sale of food and drink in temporary structures or mobile vehicles, and the sale of admission tickets for a recreation activity.</p> <p><i>Note: Any associated building and structure must be constructed in accordance with OSZ-R10.</i></p>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. the matters of discretion of any infringed standard.</p>
<b>2. Te Aitaraiki Precinct</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The commercial activity must comply with all the Standards of this chapter.</p> <p><b>PER-2</b> The activity does not include any industrial activity, large format retail activity, or visitor accommodation activity.</p> <p><i>Note:</i></p> <p>1. Any associated building and structure must be constructed in accordance with OSZ-R10.</p>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. the matters of discretion of any infringed standard.</p>
<b>3. Holiday Hut Precinct</b>	<b>Activity status: Non-Complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>OSZ-R4</b>	<b>Park management activity</b>	
<b>Open Space Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. the matters of discretion of any infringed standard</p>

	<p>All the standards of this chapter are complied with.</p> <p><b>Note:</b> Any associated building and structure must be constructed in accordance with OSZ-R10.</p>	
<b>OSZ-R5</b>	<b>Non-intensive primary production</b>	
<b>Open Space Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The activity is limited to grazing (except cattle or deer) and the growing and harvesting of grass.</p> <p><b>Note:</b> Any associated building and structure must be constructed in accordance with OSZ-R10.</p>	<p><b>Activity status when compliance not achieved: Discretionary</b></p>
<b>OSZ-R6</b>	<b>Burials and cremations associated with existing cemeteries</b>	
<b>Open Space Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The activity must comply with standard OSZ-S7.</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>Any associated building and structure must be constructed in accordance with OSZ-R10.</li> </ol>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the matters of discretion of any infringed standard</li> </ol>
<b>OSZ-R7</b>	<b>Residential activities</b>	
<b>Te Aitaraikihi Precinct</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The site cannot be used for residential activities for more than 7 continuous days in a row and no more than 14 days in any month; and</p> <p><b>PER-2</b> Any building or structure complies with OSZ-S6.</p>	<p><b>Activity status when compliance not achieved with PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the matters of discretion of any infringed standard</li> </ol> <p><b>Activity status when compliance not achieved with PER-1: Non-complying</b></p>
<b>Open Space</b>	<b>Activity status: Discretionary</b>	<b>Activity status when compliance not achieved: not applicable</b>

<b>Zone except for Te Aitara kihi Precinct</b>		
<b>OSZ-R8</b>	<b>Public artwork</b>	
<b>Open Space Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> All the standards of this chapter are complied with.</p> <p><i><b>Note:</b> Any associated building and structure must be constructed in accordance with OSZ-R10.</i></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. the relevant matters of discretion of any infringed standard</p>
<b>OSZ-R9</b>	<b>Playground equipment</b>	
<b>Open Space Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> All the standards of this chapter are complied with.</p> <p><i><b>Note:</b> Any associated building and structure must be constructed in accordance with OSZ-R10.</i></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. the relevant matters of discretion of any infringed standard</p>
<b>OSZ-R10</b>	<b>Buildings and structures</b>	
<b>1. Open Space Zone excluding the Holiday Hut Precinct</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The building or structure is associated with or ancillary to a permitted activity in this chapter.</p> <p><b>PER-2</b> The building or structure must comply with all the Standards of this chapter</p>	<p><b>Activity status when compliance not achieved with PER-1:</b> The same status as the activity the building or structure is associated with.</p> <p><b>Activity status when compliance not achieved with PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. the matters of discretion of any infringed standard.</p>
<b>2. Holiday Hut Precinct</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b></p>	<p><b>Activity status when compliance not achieved: Non-complying</b></p>

	<p>They are located outside a High Hazard Area overlay, Coastal Erosion overlay, or Sea Water Inundation Overlay.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent to which the new or extended building or structure will maintain and/or enhance the character and qualities of the Holiday Hut Precinct; and</li> <li>2. the extent to which the proposal will avoid adverse effects on the natural environment and reverse sensitivity effects on adjoining primary production activities.</li> <li>3. whether the new or extended building or structure can be connected to a reliable and safe potable water supply.</li> <li>4. whether wastewater from the new or extended building or structure can be appropriately captured and treated.</li> </ol>	
<b>OSZ-R11</b>	<b>Car parking facility</b>	
<b>Open Space Zone</b>	<p><b>Activity status: Discretionary</b></p> <p><b>Where:</b></p> <p><b>DIS-1</b> The car parking facility is ancillary to a permitted activity; and</p> <p><b>DIS-2</b> The car parking facility is limited to that required for staff and patrons using the facilities.</p>	<b>Activity status when compliance not achieved: Non-complying</b>
<b>OSZ-R12</b>	<b>Camping grounds or caravan parks</b>	
<b>Open Space Zone except in the Holiday Hut Precinct</b>	<b>Activity status: Discretionary</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>Holiday Hut Precinct</b>	<b>Activity status: Non-complying</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>OSZ-R13</b>	<b>Any activities not otherwise listed in this chapter</b>	
<b>Open Space Zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status when compliance not achieved: Not applicable</b>



<b>OSZ-R13</b>	<b>Motorsport events and motorsport facilities</b>	
<b>Open Space Zone</b>	<b>Activity status: Non-complying</b>	<b>Activity status when compliance not achieved: Not applicable</b>

**Standards**

<b>OSZ-S1</b>	<b>Height of fences</b>	
<b>Open Space Zone</b>	<p>The maximum height of a fence <u>above ground level</u><sup>4</sup> must not exceed:</p> <ol style="list-style-type: none"> <li>3m if it is constructed of wire mesh on a steel or wooden frame and is for the purpose of stopping balls.</li> <li>2m for all other fences, except that within 6m of a road intersection, a fence cannot exceed 0.9m in height above the average ground level.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>any impact on the character and qualities of the zone and;</li> <li>any impact on the character and qualities of the surrounding area; and</li> <li>any impact on the streetscape; and</li> <li>consistency with APP3 - National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPED); and</li> <li>any impact on the safety of persons and adjoining public space or private property; and</li> <li>mitigation measures.</li> </ol>

<b>OSZ-S2</b>	<b>Scale of buildings and structures (excluding fences and playground equipment and public artwork )</b>	
<b>1. Open Space Zone outside of Te Aitarakihi Precinct.</b>	<p>The maximum gross floor area of all buildings and/or structures on a site must not exceed 10m<sup>2</sup>, this limit does not apply where:</p> <ol style="list-style-type: none"> <li>the buildings and/or structures area associated with a temporary event; and</li> <li>the buildings and structures will be erected no greater than two calendar weeks prior to the event commencing, and are removed within two calendar days following the completion of the event.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>any impacts on the purpose, character and qualities of the zone; and</li> <li>any impacts on the character of, and qualities the surrounding area; and</li> <li>the extent of any reduction in the area available for informal recreation activities; and</li> <li>the impact of any loss of existing planting and mature trees; and</li> <li>the extent to which the building or structure will meet a recreational need of the community;</li> <li>mitigation measures.</li> </ol>
<b>2. Te Aitarakihi precinct</b>	<p>There is no maximum in this precinct.</p>	<p><b>Matters of discretion restricted to: Not applicable</b></p>
<b>OSZ-S3</b>	<b>Height of buildings and structures (excluding fences)</b>	

<sup>4</sup> ECan [183.4].



<b>Open Space Zone</b>	The maximum height of a building or structure <u>above ground level</u> <sup>5</sup> must not exceed: <ol style="list-style-type: none"> <li>1. 8m in the Open space zone.</li> <li>2. 4m in the Holiday hut precinct.</li> <li>3. 9m in the Te Aitarakihi precinct.</li> </ol>	<b>Matters of discretion restricted to:</b> <ol style="list-style-type: none"> <li>1. any impact on the character and qualities of the zone and;</li> <li>2. any impact on the character and qualities of the surrounding area; and</li> <li>3. the location of the building or structure; and</li> <li>4. any benefits, such as the ability to retain an open space, significant trees or meet specialised recreational needs; <u>and</u><sup>6</sup></li> <li>5. <u>the extent to which any increase in height is required in order to address an increase in finished floor level in response to flood risk; and</u><sup>7</sup></li> <li>6. mitigation measures.</li> </ol>
<b>OSZ-S4 Setback of buildings and structures (excluding fences)</b>		
<b>Open Space Zone</b>	Building or structure must not be located within: <ol style="list-style-type: none"> <li>1. 5m of a road boundary.</li> <li>2. 5m from all other site boundaries that adjoin any Residential Zones.</li> <li>3. 10m from all other site boundaries that adjoin any Rural Zones.</li> <li>4. 1.5m from all other site boundaries.</li> </ol>	<b>Matters of discretion restricted to:</b> <ol style="list-style-type: none"> <li>1. any impacts on the character and qualities of the zone and;</li> <li>2. any adverse effects on the character and qualities of the surrounding area; and</li> <li>3. compatibility with the appearance, layout and scale of other buildings and structures in the surrounding area; and</li> <li>4. consistency with APP3 - National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPED); and</li> <li>5. any benefits, such as a more efficient, practical and better use of the balance of the site; and</li> <li>6. mitigation measures.</li> </ol>
<b>OSZ-S5 Height in relation to boundary (with Residential Zones boundary only)</b>		
<b>Open Space Zone</b>	Buildings and structures must be contained within a building envelope defined by recession planes from points 2.5m above ground level at the boundaries of the site when the site boundary adjoins a Residential Zone. The method for determining recession planes and any permitted projection is described in APP8 - Recession Planes.	<b>Matters of discretion restricted to:</b> <ol style="list-style-type: none"> <li>1. any impact on privacy and the ability to use outdoor living space; and</li> <li>2. any impact on solar access to living rooms; and</li> <li>3. any adverse effects resulting from the bulk and dominance of built form; and</li> <li>4. any benefits, such as the use of architectural features or steps in the building façade; <u>and</u></li> <li>5. <u>the extent to which any increase in height is required in order to address</u></li> </ol>

<sup>5</sup> ECan [183.4].<sup>6</sup> Clause 16(2) of the RMA.<sup>7</sup> SRR Inc [206.5].

		<p><a href="#">an increase in finished floor level in response to flood risk; and</a><sup>8</sup></p> <p>6. mitigation measures.</p>
<b>OSZ-S6</b>	<b>Site coverage</b>	
<b>Open Space Zone</b>	<p>The maximum combined building and impermeable surface coverage of any site must not exceed:</p> <ol style="list-style-type: none"> <li>35% outside of the Te Aitaraikihi Precinct; and</li> <li>60% within the Te Aitaraikihi Precinct.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>any impact on the purpose, character and qualities of the zone and;</li> <li>any impact on the character and qualities of the surrounding area; and</li> <li>any impact on public enjoyment of the site; and</li> <li>any reduction in the area available for informal recreation activities; and</li> <li>any benefits such as meeting a recreational need of the community;</li> <li>mitigation measures.</li> </ol>
<b>OSZ-S7</b>	<b>Hours of operation</b>	
<b>Open Space Zone</b>	<p>The hours of operation of any commercial activity must not extend beyond:</p> <ol style="list-style-type: none"> <li>Monday to Thursday and Sunday — 7 am to 8 pm.</li> <li>Friday and Saturday and Public Holidays — 7 am to 10 am the following day.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>any impact on the character and qualities of the zone and;</li> <li>any impact on the character and qualities of the surrounding area; and</li> <li>any benefits such as the continued of operation of existing facilities, and financial or social benefits; and</li> <li>mitigation measures.</li> </ol>

<sup>8</sup> Clause 10(2)(b) relying on SRR Inc [206.5].

## Natural Open Space Zone

### Introduction

The Natural Open Space Zone is applied to land that is managed by the Council or Department of Conservation for conservation purposes. It is characterised by areas of indigenous vegetation, habitat for indigenous fauna,<sup>1</sup> and a high degree of naturalness.

Section 4 (3) RMA allows certain Crown activity to contravene a District Plan in relation to any work or activity on land held under the Conservation Act 1987 that is consistent with a conservation management strategy, conservation management plan, or management plan and does not have a significant adverse effect beyond the boundary of the land. Accordingly, this chapter does not apply to the Department of Conservation activities that meet section 4(3) RMA, but does apply to their activities that do not meet section 4(3) RMA. Appendix 1 contains a list of activities of the Department of Conservation considers meets the requirements of Section 4(3) RMA.

### Objectives

#### NOSZ-O1 The purpose of the Natural Open Space Zone

The Natural Open Space Zone primarily provides for the ongoing management of land that has a conservation focus.

#### NOSZ-O2 Character and qualities of the Natural Open Space Zone

The character and qualities of the Natural Open Space Zone are maintained and improved and include areas:

1. with high visual, natural and cultural values; and
2. of indigenous vegetation, habitats for indigenous fauna,<sup>2</sup> wetlands, riparian areas and natural landscapes; and
3. with limited opportunities for walking and cycling; and
4. with very limit built form that is complimentary and consistent with the conservation purpose.

### Policies

#### NOSZ-P1 Appropriate activities and facilities

Enable activities and facilities that:

1. are consistent with the intended purpose, character and qualities of the Natural Open Space Zone; and
2. protect, maintain, and where possible, enhance indigenous vegetation including taoka species, natural values and ecological linkages; and
3. contribute to the health and wellbeing of the community.

#### NOSZ-P2 Planting

Enable the planting of indigenous vegetation and only allow the planting of exotic species where this is consistent with the character and qualities of the specific area.

#### NOSZ-P3 Department of Conservation activities

Enable conservation activities that are consistent with a Department of Conservation plan or strategy for the area and do not generate significant adverse effects on the surrounding area or adjacent sites.

<sup>1</sup> F&B [156.174].

<sup>2</sup> F&B [156.174].

<b>NOSZ-P4</b>	<b>Buildings and structures</b>
<p>Provide for small-scale buildings and structures that:</p> <ol style="list-style-type: none"> <li>1. are required for park management activities; and</li> <li>2. do not adversely affect the conservation values of the site; and</li> <li>3. are of a scale, form, location and design that is compatible with the purpose, character and qualities of the zone; and</li> <li>4. do not adversely affect the character and qualities of the surrounding area.</li> </ol>	
<b>NOSZ-P5</b>	<b>Car parking</b>
<p>Only allow new car parking where it:</p> <ol style="list-style-type: none"> <li>1. has permeable surfacing; and</li> <li>2. has no marked spaces; and</li> <li>3. does not adversely impact on the conservation values of the site.</li> </ol>	
<b>NOSZ-P6</b>	<b>Other activities</b>
<p>Only allow other activities where they:</p> <ol style="list-style-type: none"> <li>1. contribute to the overall health and wellbeing of the community; and</li> <li>2. do not adversely affect or, are compatible with, the conservation values of the site; and</li> <li>3. do not adversely affect the character and qualities of the surrounding area; and</li> <li>4. are compatible with the purpose, character and qualities of the zone.</li> </ol>	
<b>NOSZ-P7</b>	<b>Motorsport facilities</b>
<p>Avoid establishing motorsport facilities.</p>	

## Rules

**Note:** For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

<b>NOSZ-R1</b>	<b>Recreation activity</b>	
<b>Natural Open Space Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The recreation activity is limited to walking or cycling within existing tracks.</p> <p><b>Note:</b> Any associated building and structure must be constructed in accordance with NOSZ-R5.</p>	<b>Activity status when compliance not achieved: Discretionary</b>
<b>NOSZ-R2</b>	<b>Park management activity</b>	
<b>Natural Open Space Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p>

	Any building or structure complies with all the standards of this chapter.  <b>Note:</b> Any associated building and structure must be constructed in accordance with NOSZ-R5.	1. the matters of discretion of any infringed standard.
<b>NOSZ-R3</b>	<b>Planting of vegetation</b>	
<b>Natural Open Space Zone</b>	<b>Activity status: Permitted</b> <b>Where:</b>  <b>PER-1</b> The planting is of indigenous species.	<b>Activity status when compliance not achieved: Discretionary</b>
<b>NOSZ-R4</b>	<b>Tracks</b>	
<b>Natural Open Space Zone</b>	<b>Activity status: Permitted</b> <b>Where:</b>  <b>PER-1</b> The activity is limited to the maintenance of existing tracks.  <b>Note:</b> Any associated building and structure must be constructed in accordance with NOSZ-R5.	<b>Activity status when compliance not achieved: Controlled activity</b>  <b>Matters of control are restricted to:</b> 1. track location, alignment and entry points; and 2. impact on conservation values, natural character values and cultural values; and 3. track design and formation; and 4. track signage; and 5. earthworks; and 6. associated structures; and 7. landscaping; and 8. restrictions on use of the track; and 9. mitigation measures.
<b>NOSZ-R5</b>	<b>Buildings and structures including fences</b>	
<b>Natural Open Space Zone</b>	<b>Activity status: Permitted</b> <b>Where:</b>  <b>PER-1</b> The building or structure is associated with or ancillary to a permitted activity ; and  <b>PER-2</b> The building or structure complies with all the standards of this chapter.	<b>Activity status when compliance not achieved with PER-2: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> 1. the matters of discretion of any infringed standard.  <b>Activity status when compliance not achieved with PER-1:</b> The same status as the activity the building or structure is associated with or ancillary to.
<b>NOSZ-R6</b>	<b>Car parking facility</b>	
<b>Natural Open Space Zone</b>	<b>Activity status: Discretionary</b> <b>Where:</b>  <b>DIS-1</b>	<b>Activity status when compliance not achieved: Non-complying</b>

	<p>The activity is ancillary to a permitted activity in this chapter and</p> <p><b>DIS-2</b> The activity is limited to that required for patrons using the Natural Open Space Zone; and</p> <p><b>DIS-3</b> The car park has a permeable surface; and</p> <p><b>DIS-4</b> The spaces are unmarked.</p>	
<b>NOSZ-RX</b>	<b>Any activities not otherwise listed<sup>3</sup></b>	
<b>Natural Open Space Zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>NOSZ-R7</b>	<b>Motorsport facilities</b>	
<b>Natural Open Space Zone</b>	<b>Activity status: Prohibited</b>	<b>Activity status when compliance not achieved: Not applicable</b>

**Standards**

<b>NOSZ-S1</b>	<b>Height of buildings and structures including fences</b>	
<b>Natural Open Space Zone</b>	<p>The maximum height of any building or structure must not exceed 4m above existing ground level.</p>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>any impacts on the character and qualities of the zone; and</li> <li>any impacts on the character and qualities of the surrounding area; and</li> <li>the ability to retain indigenous vegetation and habitats for indigenous fauna<sup>4</sup>; and<sup>5</sup></li> <li>mitigation measures.</li> </ol>
<b>NOSZ-S2</b>	<b>Scale of buildings and structures excluding fences</b>	
<b>Natural Open Space Zone</b>	<p>The maximum gross floor area of any building or structure does not exceed:</p> <ol style="list-style-type: none"> <li>10m<sup>2</sup> on sites less than 2 hectares in area;</li> <li>50m<sup>2</sup> on sites of 2 hectares or more.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>any impacts on the purpose, character and qualities of the zone; and</li> <li>any impacts on the character and qualities of the surrounding area; and</li> <li>any impacts on the public use and enjoyment of the site and surrounding area; and</li> </ol>

<sup>3</sup> TDC [42.58].

<sup>4</sup> F&B [156.174].

<sup>5</sup> Clause 16(2) of the RMA.

		<ol style="list-style-type: none"> <li>4. any adverse effects of removing indigenous vegetation on ecological values, <u>including habitat for indigenous fauna</u><sup>6</sup>; and</li> <li>5. the consistency of design, materials, and external appearance with the character and qualities of the surrounding area;</li> <li>6. mitigation measures.</li> </ol>
<b>NOSZ-S3</b>	<b>Setback of buildings and structures excluding fences</b>	
<b>Natural Open Space Zone</b>	Buildings or structures must be setback a minimum of 5m from any site boundary.	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any impacts on the purpose, character and qualities of the zone; and</li> <li>2. any impacts on the character and qualities of the surrounding area; and</li> <li>3. the extent to which a reduced setback will minimise the loss of indigenous vegetation <u>and habitats for indigenous fauna</u><sup>7</sup>; and</li> <li>4. any benefits such as a more efficient, practical and better use of the balance of the site; and</li> <li>5. mitigation measures.</li> </ol>
<b>NOSZ-S4</b>	<b>Site coverage</b>	
<b>Natural Open Space Zone</b>	The maximum combined building and impermeable surface coverage of any site must not exceed 2.5%.	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any impacts on the purpose, character and qualities of the zone; and</li> <li>2. any impacts on the character and qualities of the surrounding area; and</li> <li>3. any impact on the site's ecological values, <u>including habitat for indigenous fauna</u><sup>8</sup>; and</li> <li>4. mitigation measures.</li> </ol>

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<sup>6</sup> F&B [156.174].

<sup>7</sup> F&B [156.174].

<sup>8</sup> F&B [156.174].