

Appendix 1.1 – Officers 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 underline used for new text and ~~strikethrough~~ for deleted text).

Overview

The Natural Open Space zone generally applies to public land that is administered by government agencies and includes a variety of parks and historic reserves. In most cases these areas have a high degree of biodiversity requiring active management.

These are spaces the community values and some are open to the public for limited use where people can relax and enjoy passive recreation and customary activities. Some of these areas are used for cultural activities and are rich in historic heritage and cultural values. Some Natural Open Space land may be subject to treaty settlement claims and may be returned to tangata whenua. If this occurs Council will initiate a plan change to amend the zoning.

The zone anticipates a low level of development to retain the natural values within these areas and where development occurs, it is limited to such things as Department of Conservation huts, kauri dieback cleaning stations and walking tracks.

Council has responsibilities under the RMA and the Northland Regional Policy Statement to protect areas of significant indigenous biodiversity, historic heritage, cultural values, outstanding natural landscapes, outstanding natural features and the natural character of the coastal environment where these are present in the Natural Open Space zone. These significant natural, historic and cultural values are managed through other district wide chapters.

Objectives	
NOSZ-O1	The ecological , <u>natural</u> historic heritage, cultural and natural character values of the Natural Open Space zone are protected and enhanced for the benefit of current and future generations ¹ .
NOSZ-O2	Land use is of a scale and type that complements and is consistent with the conservation values of the Natural Open Space Zone.
NOSZ-O3	Natural open spaces are accessible to the public where appropriate for the use of leisure and customary activities.
Policies	
NOSZ-P1	Enable land use that conserves, protects and enhances the natural, ecological , historic heritage, cultural and natural character values of the zone ² .
NOSZ-P2	Provide for land use that supports leisure and customary activities that are complementary to, consistent with and protect the values of the zone.

¹ S182.034 Various

² S182.034 Various

NOSZ-P3	Avoid land use and subdivision that is incompatible with the ecological, historic heritage, cultural and natural character values of the zone, where the effects of the land use or subdivision cannot be adequately mitigated or remedied. ³
NOSZ-P4	<p>Manage the effects of land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the Natural Open Space zone to the application:</p> <ul style="list-style-type: none"> a. consistency with the scale, density, design and character of the environment and purpose of the zone; b. the location, scale and design of buildings or structures; c. the public benefit provided by the proposed activity; d. at zone interfaces: <ul style="list-style-type: none"> i. any setbacks, fencing, screening or landscaping required to address potential conflicts. ii. adverse effects on the character and amenity of adjacent zones; e. the extent to which the activity is consistent with any relevant adopted reserve management plan for the area; f. effects on public access and use; g. managing natural hazards; h. any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and i. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6⁴.

Rules

Notes:

1. There may be other rules in Part 2- District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. This zone chapter does not contain rules relating to setback to waterbodies for building and structures or setbacks to waterbodies for earthworks and indigenous vegetation clearance. The Natural Character contains rules for activities within wetland, lake and river margins. The Natural Character chapter should be referred to in addition to this zone chapter.

NOSZ-R1	New building or structure, <u>relocated buildings</u> and extension or alteration to an existing building or structure ⁵	
Natural Open Space zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p>	<p>Activity status where compliance not achieved with PER-2: Restricted discretionary</p> <ul style="list-style-type: none"> a. the matters of discretion of any infringed standard. <p>Activity status where compliance not achieved with PER-1: Discretionary</p>

³ S554.044

⁴ Clause 16 update

⁵ S482.009

The new building or structure, relocated⁶ buildings or extension to an existing building or structure, will accommodate a permitted, or controlled, or restricted discretionary activity⁷.

PER-2

The new building or structure, relocated buildings⁸ or extension or alteration to an existing building or structure complies with standards:

- NOSZ-S1 Maximum height;
- NOSZ-S2 Height in relation to boundary;
- NOSZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);
- ~~NOSZ-S4 Setback from MHWS; and~~⁹
- NOSPZ-S5 Building or structure coverage.

This standard does not apply to:

- i. Park furniture¹⁰

NOSZ-R2 Impermeable surface coverage		
<p>Natural Open Space zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The impermeable surface coverage of any site is no more than 10% or 1,000m², whichever is the lesser.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the extent to which landscaping or vegetation may reduce adverse effects of run off; b. the effectiveness of the proposed method for controlling stormwater on site; c. the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites; d. whether low impact design methods and use of green spaces can be used; e. any cumulative effects on total catchment impermeability; f. natural hazard mitigation and site constraints; and

⁶ S482.009

⁷ S368.073

⁸ S482.009

⁹ Consequential amendment

¹⁰ S485.036 various

		<p>g. extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies;</p> <p>a. <u>The extent to which adverse effects of stormwater runoff form new impermeable surface on adjacent or downstream properties are avoided, remedied, or mitigated¹¹.</u></p>
NOSZ-R3	Farming	
Natural Open Space zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The activity does not include offensive trade.</p>	<p>Activity status where compliance not achieved:</p> <p>Non-complying</p>
NOSZ-R4	Conservation activity	
Natural Open Space zone	<p>Activity status: Permitted</p>	<p>Activity status when compliance not achieved: Not applicable</p>
NOSZ-R5	Maintenance of existing tracks	
Natural Open Space zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The activity is directly for, or ancillary to, the conservation activities of the site.</p>	<p>Activity status where compliance not achieved with PER-1: Discretionary</p>
NOSZ-R6	Leisure activity or leisure facility¹²—	
Natural Open Space zone	<p>Activity status: Permitted</p>	<p>Activity status where compliance not achieved: Not applicable</p>
NOSZ-R7	Vegetation planting	
Natural Open Space zone	<p>Activity status: Permitted</p> <p>NOTE: Planting of indigenous species is preferred.</p>	<p>Activity status where compliance not achieved: Not applicable</p>
NOSZ-R8	Park management activity	
Natural Open	<p>Activity status: Permitted</p> <p>Where:</p>	<p>Activity status where compliance not achieved with PER-1: Discretionary</p>

¹¹ S481.008

¹² S511.124 Various

Space zone	PER-1 The activity is directly for, or ancillary to, the conservation activities of the site.	
NOSZ-R9	Customary activity	
Natural Open Space zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
NOSZ-R10	Visitor accommodation	
Natural Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
NOSZ-R11	Educational facility	
Natural Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
NOSZ-R12	Camping ground	
Natural Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
NOSZ-R13	Community facility	
Natural Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
NOSZ-R14	Activities not otherwise listed in this chapter	
Natural Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
NOSZ-R15	Commercial activity	
Natural Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

NOSZ-R16	Residential activity	
Natural Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
NOSZ-R17	Industrial activity	
Natural Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
NOSZ-R18	Motorsport activity	
Natural Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
NOSZ-R19	Mineral extraction activity	
Natural Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
NOSZ-R20	Offensive Trade	
Natural Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
NOSZ-R21	Commercial composting	
Natural Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
NOSZ-R22	Community correction facility	
Natural Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
NOSZ-R23	Landfill	

<p>Natural Open Space zone</p>	<p>Activity status: Non-complying</p>	<p>Activity status where compliance not achieved: Not applicable</p>
<p>Standards</p>		
<p>NOSZ-S1 Maximum height</p>		
<p>Natural Open Space zone</p>	<p>The maximum height of a building or structure, or extensions or alteration to an existing building or structure is 8m above ground level.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. Solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; ii. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; iii. Satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or iv. Architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation. 	<p>Where the standard is not met, matters of discretion are limited to:</p> <ul style="list-style-type: none"> a. the character and amenity of the surrounding environment; b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites; e. landscaping; and f. natural hazard mitigation and site constraints.
<p>NOSZ-S2 Height in relation to boundary</p>		
<p>Natural Open Space zone</p>	<p>The building or structure, or extensions or alterations to an existing building or structure must be contained within a building envelope defined by recession planes measured inwards from the respective boundary:</p> <ul style="list-style-type: none"> 1. 55 degrees at 2m above ground level at the northern boundary of the site; 2. 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and 3. 35 degrees at 2m above ground level at the southern boundary of the site. <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. Solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; ii. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; iii. Satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or iv. Architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and c. natural hazard mitigation and site constraints.
<p>NOSZ-S3 Setbacks (excluding from MHWS or wetland, lake and river margins)</p>		

<p>Natural Open Space zone</p>	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 10m from all site boundaries.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. Fences or walls no more than 2m in height above ground level; or ii. Uncovered decks less than 0.5m in height above ground level. 	<p>Where the standard is not met, matters of discretion are restricted to:</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; d. natural hazard mitigation and site constraints; e. the effectiveness of the proposed method for controlling stormwater; f. the safety and efficiency of the current or future roading network; and g. the impacts on existing and planned public walkways, reserves and esplanades; h. <u>The location and design of the buildings as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor; and the safe and efficient operation of the rail network¹³.</u>
<p>NOSZ-S4 Setbacks from MHWS¹⁴</p>		
<p>Natural Open Space zone</p>	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 26m from MHWS.</p>	<p>Where the standard is not met, matters of discretion are restricted to:-</p> <ul style="list-style-type: none"> - a. the safety and efficiency of the current or future roading network; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to dominance on adjoining public space; d. natural hazard mitigation and site constraints; e. the effectiveness of the proposed method for controlling stormwater; and f. the impacts on existing and planned roads, public walkways, reserves and esplanades. -

¹³ S416.053

¹⁴ Consequential amendments

NOSZ-S5	Building or structure coverage	
<p>Natural Open Space zone</p>	<p>The building or structure coverage of the site area is no more than 8% or 800m², whichever is the lesser.</p>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the character and amenity of the surrounding area; b. any landscaping, planting and screening to mitigate any adverse effects; c. the extent to which private open space can be provided for future uses; d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment; and e. natural hazard mitigation and site constraints.