

Appendix 1.3 – Officers 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 underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made through the Reporting Officer's right of reply are shown in red underline for new text and red ~~strikethrough~~ for deleted text.

Overview

The Far North District has a range of open spaces including large parks areas and smaller neighbourhood parks. These spaces are primarily used for recreation and provide opportunities for relaxation and socialising. Some of these open spaces are located near the coast, lakes, rivers and streams and play a key role in both providing ecological protection as well as access to and along these areas. These public open spaces generally have limited built features and are less developed than areas zoned for active sport and recreation. They may have natural, ecological, cultural and historic heritage values and form an important part of the district's walking and cycling network.

Buildings or structures are limited to those that support the enjoyment of the open space for informal recreation and modest community activities.

Council has responsibilities under the RMA and the Northland Regional Policy Statement to provide for the cultural and social well-being and the health and safety of the community which is achieved through the Open Space zone.

Objectives	
OSZ - O1	The Open Space zone is predominately used for a range of passive and active recreational activities.
OSZ - O2	Land use complements and is consistent with the natural, ecological, historic heritage and cultural values of the zone and provides for social and cultural wellbeing.
Policies	
OSZ-P1	Avoid land uses that would compromise public access to, and use and enjoyment of the Open Space zone.
OSZ-P2	Enable a variety of passive and active recreation activities and customary activities that are compatible with the values of the zone.
OSZ-P3	Provide for activities and their associated buildings or structures where they: <ul style="list-style-type: none"> a. are compatible with the values of the zone; b. provide for the social well-being and benefit of the community; c. provide for the cultural well-being of tangata whenua; and d. manage effects on the character and amenity of adjacent residential zones.
OSZ-P4	Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of <u>Consider</u> the following matters where relevant when <u>assessing and managing the effects of land use and subdivision on the Open Space zone: to the application:</u> ¹ <ul style="list-style-type: none"> a. consistency with the scale, density, design and character of the environment and purpose of the zone;

¹ Clause 16 update

	<ul style="list-style-type: none"> 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. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity; h. managing natural hazards; i. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and j. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.
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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 the 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.

OSZ-R1	New building or structure, <u>relocated buildings</u>, and extension or alteration to an existing building or structure²	
Open Space zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The new building or structure, <u>relocated buildings</u>³ or extension or alteration to an existing building or structure, will accommodate a permitted activity, <u>controlled or restricted discretionary activity</u>⁴.</p> <p>PER-2</p>	<p>Activity status where compliance not achieved with PER- 2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</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>

² S482.010

³ S482.010

⁴ S368.074

	<p>The new building or structure, <u>relocated building</u>⁵ or extension or alteration to an existing building or structure complies with standards: OSZ-S1 Maximum height; OSZ-S2 Height in relation to boundary; OSZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); <u>and</u> OPZ-S4 setback from MHWS; <u>and</u> OSZ-S5 Building or structure coverage⁶.</p> <p><u>... This standard does not apply to:</u></p> <p>i. <u>Park furniture</u>⁷</p>	
OSZ-R2 Impermeable surface coverage		
<p>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 1000m², 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 g. extent of potential adverse effects on cultural, spiritual, heritage and /or amenity values of any affected waterbodies;<u>and</u> h. <u>The extent to which adverse effects of stormwater runoff from new impermeable surfaces on adjacent or downstream properties are avoided, remedied, or mitigated</u>⁸.

⁵ S482.010

⁶ Consequential amendment

⁷ S485.036 various

⁸ S283.019

OSZ-R3	Conservation activity	
Open space zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
OSZ-R4	Maintenance of tracks	
Open Space zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
OSZ-R5	Vegetation planting	
Open Space zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
OSZ-R6	<u>Sport and Active</u> Recreation activity⁹	
Open Space zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
OSZ-R7	Park management activity	
Open Space zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
OSZ-R8	Community facility	
Open Space zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
OSZ-R9	<u>Sport and recreation facility</u>¹⁰	
Open Space zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
OPZ-R10	Customary activity	
Open Space zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable

OPZ-R11	Commercial activity	
Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
OSZ-R12	Visitor accommodation	

⁹ S271.029 Various

¹⁰ S271.029

Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
OSZ-R13	Camping ground	
Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
OSZ-R14	Educational facility	
Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
OSZ-R15	Residential activity	
Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
OSZ-R16	Activities not otherwise listed in Open space zone	
Open Space zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
OSZ-R17	Industrial activity	
Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OSZ-R18	Motorsport activity	
Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OSZ-R19	Mineral extraction activity	
Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OSZ-R20	Offensive trade	
Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OSZ-R21	Commercial composting	
Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OSZ-R22	Community corrections activity	

Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OSZ-R23	Landfill	
Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Standards		
OSZ-S1	Maximum height	
Open Space zone	<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> <ol style="list-style-type: none"> Solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; Satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or 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> <ol style="list-style-type: none"> the character and amenity of the surrounding environment; dominance in relation to the road and adjoining sites; loss of privacy to adjoining sites, including potential loss in relation to vacant sites; shading and loss of access to sunlight to adjoining sites; landscaping; and natural hazard mitigation and site constraints.
OSZ-S2	Height in relation to boundary	
Open Space zone	<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> <ol style="list-style-type: none"> 55 degrees at 2m above ground level at the northern boundary of the site; 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and 35 degrees at 2m above ground level at the southern boundary of the site. <p>This standard does not apply to:</p> <ol style="list-style-type: none"> Solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; Satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> loss of privacy to adjoining sites, including potential loss in relation to vacant sites; shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and natural hazard mitigation and site constraints.

	iv. Architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation.	
OSZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
Open Space zone	<p>The building or structure, or extensions or alterations to an existing building or structure must be set back at least 1.2m from all site boundaries, except that the setback must be at least 3m measured from a road boundary--<u>And 5m from the rail corridor.</u> ¹¹</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 no more than 0.5m 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.; and 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 network</u> ¹².
OSZ-S4	Setback from MHWS¹³	
Open Space zone	<p>The building or structure, or extensions or alterations to an existing building or structure must be setback at least 26m from MHWS.</p> <p>-</p>	<p>Where the standard is not met, matters of discretion are restricted to:-</p> <p>-</p> <ul style="list-style-type: none"> a. the natural character of the coastal environment; 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;

¹¹¹² S416.054¹³ Consequential amendment

		<p>e. the effectiveness of the proposed method for controlling stormwater; and</p> <p>f. the impacts on existing and planned roads, public walkways, reserves and esplanades.</p>
OSZ-S5	Building or structure coverage	
Open Space zone	<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.