

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.

PREC49 – Holiday Hut Precinct provides for the on-going use and maintenance of established holiday huts at Butlers, Milford, Waipopo, Rangitata, and Stratheona ~~and Blandswood~~¹ 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.

PREC510 – 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 activities, community activities, health care facilities and educational facilities ~~activities~~ are provided for in the Precinct precinct, along with complimentary commercial activities and residential activities.

Objectives

OSZ-O1 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-O2 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~~ PREC49 - Holiday Hut Precinct and ~~the~~ PREC510 - Te Aitarakihi Precinct.

OSZ-O3 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.

¹ Collins, D W and S M [141.1]

PREC49-O1 The character and qualities of the Holiday Hut Precinct

~~PREC49 - 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~~, and the Stratheona Huts and the Blandwood huts² that are characterised by:

1. their river and coastal locations, ~~and in the case of the Blandwood Huts, the forested backdrop~~³; 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 ~~Rural Zones~~; and
8. activities that generally generate low levels of vehicle movements.

PREC510-O1 The character and qualities of Te Aitarakihi Precinct

The character and qualities of ~~the~~ PREC510 - Te Aitarakihi Precinct comprise:

1. a moderate building coverage and 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.

² Collins, D W and S M [141.1]

³ Collins, D W and S M [141.1]

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 Zzone; 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 commemorations⁴ 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 facilities

Only allow new car parking facilities where it:

1. meets the needs of the activity; and
2. is compatible with the character and qualities of the Zzone 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 Zzone 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 effectsu on the use and amenity values of adjoining sites; and
3. contribute to the overall health and wellbeing of the community; and⁵
4. have a functional need or operational need to locate within the Open Space Zone⁶.

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.

PREC49-P1 Maintaining and enhancing the character and amenity values of the Holiday Hut Precinct

Only allow activities in ~~the~~ PREC49 - Holiday Hut Precinct where they will:

⁴ TDC [42.56]

⁵ Clause 16(2) of the RMA related to MoE [106.48]

⁶ MoE [106.48]

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.

PREC49-P2 Buildings and structures in the Holiday Hut Precinct

Avoid buildings and/or structures within high hazard areas in the ~~PREC49~~ - Holiday Hut Precinct where there is a risk of loss of life or significant damage to structures or property.

PREC510-P1 Activities in the Te Aitarakihi Precinct

Enable a range of cultural activities, community activities, health care facilities and educational facilities ~~activities~~ that support the Te Aitarakihi Multicultural Centre, along with limited complimentary commercial activities and residential activities.

PREC510-P2 Buildings and structures in the Te Aitarakihi Precinct

Enable buildings and structures in the ~~PREC510~~ - Te Aitarakihi Precinct, where these:

1. enable activities intended in the Precinct ~~precinct~~; and
2. are of a scale that is compatible with the Te Aitarakihi Precinct's character and qualities; and
3. minimise adverse effects on adjoining sites.

Rules

Note: For certain activities, consent may be required by rules in more than one chapter in the District 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.

OSZ-R1	<u>Recreation activities</u>, <u>community activities</u> and <u>cultural activities</u>⁷	
Open Space Zone	Activity status: Permitted Where: PER-1 The recreation activity, <u>community activity</u> and <u>cultural activity</u> ⁸ must comply <u>complies</u> with OSZ-S7. Note: Any associated building and structure must be constructed in accordance with OSZ-R10.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard
OSZ-R2	<u>Community activities</u>, <u>cultural activities</u> and <u>educational facilities</u>⁹	
1. Open Space Zone	Activity status: Permitted Where:	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to:

⁷ Panel Decision Report, Part 3, Section 6.4

⁸ Panel Decision Report, Part 3, Section 6.4

⁹ Panel Decision Report, Part 3, Section 6.4

outside except the PREC49 - Holiday Hut Precinct	<p>PER-1 The community activity must comply with and OSZ-S7¹⁰.</p> <p><i>Note: Any associated building and structure must be constructed in accordance with OSZ-R10.</i></p>	1. the matters of discretion of any infringed standard.
2. PREC49 - Holiday Hut Precinct	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
OSZ-R3	Commercial activities	
1. Open Space Zone outside PREC49 - Holiday Hut Precinct and PREC510 = Te Aitarakihi Precinct any precincts	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The commercial activity must comply with standards OSZ-S7; and</p> <p>PER-2 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>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. the matters of discretion of any infringed standard.</p>
2. PREC510 = Te Aitarakihi Precinct	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The commercial activity must comply with all the standards of this chapter.</p> <p>PER-2 The activity does not include any industrial activity, large format retail activity, or visitor accommodation activity.</p> <p><i>Note:</i></p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. the matters of discretion of any infringed standard.</p> <p>Activity status when compliance not achieved with PER-2: Non-complying</p>

¹⁰ Panel Decision Report, Part 3, Section 6.4

	4. Any associated building and structure must be constructed in accordance with OSZ-R10.	
3. <u>PREC49</u> - Holiday Hut Precinct	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
OSZ-R4	Park management activities	
Open Space Zone	Activity status: Permitted Where: PER-1 All the standards of this chapter are complied with. Note: Any associated building and structure must be constructed in accordance with OSZ-R10.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard
OSZ-R5	Non-intensive primary production	
Open Space Zone	Activity status: Permitted Where: PER-1 The activity is limited to grazing (except cattle or deer) and the growing and harvesting of grass. Note: Any associated building and structure must be constructed in accordance with OSZ-R10.	Activity status when compliance not achieved: Discretionary
OSZ-R6	Burials and cremations associated with existing cemeteries	
Open Space Zone	Activity status: Permitted Where: PER-1 The activity must comply with standard <u>complies with</u> OSZ-S7. Note: 4. Any associated building and structure must be constructed in accordance with OSZ-R10.	Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard

OSZ-R7	Residential activities	
<u>PREC510 -</u> Te Aitarakihi Precinct	Activity status: Permitted Where: PER-1 The site cannot be used for residential activities for more than 7 <u>seven</u> continuous days in a row and no more than 14 days in any month; and PER-2 Any building or structure complies with OSZ-S6.	Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard Activity status when compliance not achieved with PER-1: Non-complying
Open Space Zone <u>outside</u> except for <u>PREC510 -</u> Te Aitarakihi Precinct	Activity status: Discretionary	Activity status when compliance not achieved: not applicable
OSZ-R8	Public artwork	
Open Space Zone	Activity status: Permitted Where: PER-1 All the standards of this chapter are complied with. <i>Note: Any associated building and structure must be constructed in accordance with OSZ-R10.</i>	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the relevant matters of discretion of any infringed standard
OSZ-R9	Playground equipment	
Open Space Zone	Activity status: Permitted Where: PER-1 All the standards of this chapter are complied with. <i>Note: Any associated building and structure must be constructed in accordance with OSZ-R10.</i>	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the relevant matters of discretion of any infringed standard
OSZ-R10	Buildings and structures	

1. Open Space Zone outside excluding the PREC49 - Holiday Hut Precinct	Activity status: Permitted Where: PER-1 The building or structure is associated with or ancillary to a permitted activity in this chapter; <u>and</u> PER-2 The building or structure must comply with all the S standards of this chapter	Activity status when compliance not achieved with PER-1: The same status as the activity the building or structure is associated with. Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
2. PREC49- Holiday Hut Precinct	Activity status: Restricted Discretionary Where: RDIS-1 They building or structure is <u>are</u> located outside a High Hazard area overlay ¹¹ , Coastal Erosion Overlay , or Sea Water Inundation Overlay. Matters of discretion are restricted to: 1. the extent to which the new or extended building or structure will maintain and/or enhance the character and qualities of the PREC49 - Holiday Hut Precinct; <u>and</u> 2. the extent to which the proposal will avoid adverse effects on the natural environment and reverse sensitivity effects on adjoining primary production activities; <u>and</u> 3. whether the new or extended building or structure can be connected to a reliable and safe potable water supply; <u>and</u> 4. whether wastewater from the new or extended building or structure can be appropriately captured and treated.	Activity status when compliance not achieved: Non-complying
OSZ- R40A11	<u>Full or partial demolition of buildings or structures</u> ¹²	
Open Space Zone	<u>Activity status: Permitted</u>	<u>Activity status when compliance not achieved: Not applicable</u>

¹¹ Clause 10(2)(b) – relating to Kāinga Ora [229.39]

¹² NZHHA [184.2]

OSZ- R412	Car parking facilities	
Open Space Zone	Activity status: Discretionary Where: DIS-1 The car parking facility is ancillary to a permitted activity; and DIS-2 The car parking facility is limited to that required for staff and patrons using the facilities.	Activity status when compliance not achieved: Non-complying
OSZ- R4213	Camping grounds or caravan parks	
Open Space Zone outside except in the PREC49 - Holiday Hut Precinct	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable
PREC49- Holiday Hut Precinct	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
OSZ- R4314	Any activities not otherwise listed in this chapter	
Open Space Zone	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable
OSZ- R4315	Motorsport events and motorsport facilities	
Open Space Zone	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable

Standards

OSZ-S1	Height of fences
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Open Space Zone	<p>The maximum height of a fence <u>above ground level</u>¹³ must not exceed:</p> <ol style="list-style-type: none"> 1. 3m if it is constructed of wire mesh on a steel or wooden frame and is for the purpose of stopping balls; <u>and</u> 2. 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. 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. any impact on the character and qualities of the <u>Zzone</u>; <u>and</u> 2. any impact on the character and qualities of the surrounding area; <u>and</u> 3. any impact on the streetscape; <u>and</u> 4. consistency with APP3 - National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPED); <u>and</u> 5. any impact on the safety of persons and adjoining public space or private property; <u>and</u> 6. mitigation measures.
OSZ-S2	Scale of buildings and structures (excluding fences and playground equipment and public artwork)	
<p>1. Open Space Zone outside of <u>PREC510</u></p> <p>Te Aitarakihi Precinct</p>	<p>The maximum gross floor area of all buildings and/or structures on a site must not exceed 10m², this limit does not apply where:</p> <ol style="list-style-type: none"> 1. the buildings and/or structures are associated with a temporary event; <u>and</u> 2. the buildings and structures will be erected no greater than two calendar weeks prior to the <u>temporary</u> event commencing, and are removed within two calendar days following the completion of the <u>temporary</u> event. 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. any impacts on the purpose, character and qualities of the <u>Zzone</u>; <u>and</u> 2. any impacts on the character of, and qualities the surrounding area; <u>and</u> 3. the extent of any reduction in the area available for informal recreation activities; <u>and</u> 4. the impact of any loss of existing planting and mature trees; <u>and</u> 5. the extent to which the building or structure will meet a recreational need of the community; <u>and</u> 6. mitigation measures.
<p>2. <u>PREC510</u></p> <p>Te Aitarakihi Precinct</p>	<p>There is no maximum in this <u>Precinct</u> precinct.</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <p>Not applicable</p>
OSZ-S3	Height of buildings and structures (excluding fences)	
Open Space Zone	<p>The maximum height of a building or structure <u>excluding fences</u> <u>above ground level</u>¹⁴ must not exceed:</p> <ol style="list-style-type: none"> 1. 8m in the Open Space <u>Zzone</u>; <u>or</u> 2. 4m in the <u>PREC49</u> - Holiday Hut <u>Precinct</u>; <u>or</u> 3. 9m in the <u>PREC510</u> - Te Aitarakihi <u>Precinct</u>. 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. any impact on the character and qualities of the <u>Zzone</u>; <u>and</u> 2. any impact on the character and qualities of the surrounding area; <u>and</u> 3. the location of the building or structure; <u>and</u>

¹³ ECan [183.4].¹⁴ ECan [183.4]

		<ol style="list-style-type: none"> any benefits, such as the ability to retain an open space, significant trees or meet specialised recreational needs; <u>and</u>¹⁵ <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>¹⁶ mitigation measures.
OSZ-S4	Setbacks of buildings and structures (excluding fences)	
Open Space Zone	<p>Buildings or structures <u>excluding fences</u> must not be located within:</p> <ol style="list-style-type: none"> 5m of a road boundary; <u>and</u> 5m from all other site boundaries that adjoin any Residential Zones; <u>and</u> 10m from all other site boundaries that adjoin any Rural Zones; <u>and</u> 1.5m from all other site boundaries. 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> any impacts on the character and qualities of the Zone; <u>and</u>; any adverse effects on the character and qualities of the surrounding area; and compatibility with the appearance, layout and scale of other buildings and structures in the surrounding area; and consistency with APP3 - National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPED); and any benefits, such as a more efficient, practical and better use of the balance of the site; and mitigation measures.
OSZ-S5	Height in relation to boundary (with residential zones Residential Zones boundary only)	
Open Space Zone	<p>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.</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> any impact on privacy and the ability to use outdoor living space; and any impact on solar access to living rooms; and any adverse effects resulting from the bulk and dominance of built form; and any benefits, such as the use of architectural features or steps in the building façade; <u>and</u> <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>¹⁷ mitigation measures.
OSZ-S6	Site coverage	

¹⁵ Clause 16(2) of the RMA¹⁶ SRR Inc [206.5]¹⁷ Clause 10(2)(b) relying on SRR Inc [206.5]

Open Space Zone	<p>The maximum <u>site coverage combined building and impermeable surface coverage</u> of any site must not exceed:</p> <ol style="list-style-type: none"> 1. 35% outside of the <u>PREC510</u> - Te Aitarakihi Precinct; and 2. 60% within the <u>PREC510</u> - Te Aitarakihi Precinct. 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. any impact on the purpose, character and qualities of the <u>Zzone</u>; and; 2. any impact on the character and qualities of the surrounding area; and 3. any impact on public enjoyment of the site; and 4. any reduction in the area available for informal recreation activities; and 5. any benefits such as meeting a recreational need of the community; <u>and</u> 6. mitigation measures.
OSZ-S7	Hours of operation	
Open Space Zone	<p>The hours of operation of any commercial activity must not extend beyond:</p> <ol style="list-style-type: none"> 1. Monday to Thursday and Sunday — <u>7.00am</u> to <u>8.00pm</u>; <u>and</u> 2. Friday and Saturday and Public Holidays — <u>7.00am</u> to <u>10.00am</u> the following day. 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. any impact on the character and qualities of the <u>Zzone</u>; and; 2. any impact on the character and qualities of the surrounding area; and 3. any benefits such as the continued of operation of existing facilities, and financial or social benefits; and 4. mitigation measures.