

## Chapter: OSZ – Open Space Zone

Feed-back No.	Section	Sub-section	Plan Provision	Feedback	Relief sought
<a href="#">120.3</a>	OSZ – Open space zone			<p> <i>My submission(s) commence with a copy of my earlier submission (13-02-2017). While all aspects raised in that document are still relevant, there is definately scope for both updating and additional detail to be considered and I thank the Planning Staff for the opportunity to have my views aired. This submission will have four sections -</i> </p> <ol style="list-style-type: none"> <li>1.. <i>The original document of nearly four years ago</i></li> <li>2.. <i>Updating details of that document and further pertinent details</i></li> <li>3.. <i>Lookout Road issues</i></li> <li>4.. <i>Dog Control issues</i></li> </ol> <p> <i>1.. (copy original submission)</i> </p> <p>           [Redacted text block containing multiple lines of blacked-out content]         </p>	





			<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Finally, thanks for the opportunity to make the above submissions. It certainly was a long winded effort but needed to be backed up by current evidence. I would welcome the opportunity to address the Planning Board.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
<a href="#">81.1</a>	OSZ – Open space zone	General	<p>[REDACTED] – Submission on District Plan Consultation</p> <p>1. We act for [REDACTED] and make this submission in response to the Draft District Plan Consultation due 31 December 2020.</p> <p>2. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>3. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED] therefore seeks that the draft zoning and associated planning framework applying to the Land be amended to address those issues. As discussed with Timaru District Council staff at a consultation meeting on 15 October 2020, [REDACTED] is strongly of the view that:</p> <p>(a) the Land should be zoned “Maori Purpose”; and</p>

			<ul style="list-style-type: none"><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li><li>■ [redacted]</li></ul>	<p>(b) various adjustments to the associated planning framework are required to:</p> <p>(i) widen the scope of the “Maori Purpose” Zone to include [redacted]</p> <p>(ii) the existing range of activities undertaken on the Land and enable all anticipated future activities (as described above).</p> <p>In the alternative, [redacted] considers a special purpose zoning, or substantial amendments to the current draft Open Space zone provisions to address (b)(ii) above, will be necessary.</p> <p>[redacted] would welcome further dialogue with Council staff with a view to jointly developing a future planning framework for the Land that is fit for purpose and consequently would enable [redacted]</p>
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			<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p><i>Feedback</i></p> <p>1. The Draft Timaru District Plan proposes that the Land be zoned "Open Space". [REDACTED] is genuinely concerned that the draft zoning does not appropriately recognise the existing use of the Land and would preclude [REDACTED] from realising its future vision and aspirations for the Land and the Centre.</p>	
<a href="#">94.1</a>	OSZ – Open space zone	General	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>General relief</p> <p>Amend the DTDP to enable [REDACTED] vision for the [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Specific relief</p> <p>Amend the DTDP so that the [REDACTED] and its historical and current significance to tangata</p>

			<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>The [REDACTED] provides the [REDACTED] of the [REDACTED] with specified powers, including at Clause 2:<a href="#">[1]</a></p> <p>[REDACTED] shall have power to use, exploit and manage the land vested in [REDACTED] and to that end to do all or any of the things which they would be entitled to do if they were the beneficial owners of the land.</p> <p>And at Clause 3(m):</p> <p>To institute or take part in such proceedings under the Town and Country Planning legislation in respect of the land or any other land in the vicinity as [REDACTED] may consider necessary or desirable in the interests of the equitable owners of the land vested in [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>The [REDACTED] located between the [REDACTED] and [REDACTED] approximately 120 m south of [REDACTED]. Access is via the sealed [REDACTED]</p>	<p>whenua, is explicitly recognised.</p> <p>Amend the DTDP to rezone the [REDACTED] to either rural, rural-open space or another appropriate zoning, as identified in consultation with [REDACTED]</p> <p>Amend the objective and policies of the DTDP to recognise and provide for the residential use and development within [REDACTED]</p> <p>Amend the rules of the DTDP to enable new dwellings and dwelling upgrades to be undertaken on [REDACTED] as a permitted activity subject to performance standards a required to mitigate the risk to environment or human health.</p> <p>Make any alternative amendments, additional amendments, or consequential amendments, deletions, or additions that are necessary or appropriate to give effect to the intent of this submission.</p>
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[Redacted text block]

*Historical context*

[Redacted text block]

Respond to the need to provide the [redacted] [redacted] with adequate drinking water, wastewater and stormwater infrastructure.

Lastly, the submitter seeks that the Council consults fully with [redacted] during the next stages in the formulation of the Proposed District Plan.

Further application of relief

The matters we are advancing here may be equally applicable to [redacted] [redacted] within this area, including but not limited to the land [redacted] [redacted]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] is subject to several environment constraints (discussed below), which need to be understood and appropriately addressed in order for [REDACTED] vision for the land to be fully realised.

Environmental constraints affecting [REDACTED]

Flood hazard risk

[REDACTED]

*Drinking water, wastewater and stormwater services*

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

*None of [REDACTED] have adequate stormwater infrastructure (e.g. soakage or retention) and consequentially stormwater flows are discharged directly to ground.*

*Operative District Plan provisions relevant to residential use of [REDACTED]*

*Under the Operative District Plan (ODP), the [REDACTED] is zoned Recreation 1. The [REDACTED] is not subject to any additional hazard planning layers.*

*Even so, the ODP rules provide, in relation to the Recreation 1 zone, that:*

- the modification of a household unit or holiday hut for the purpose of reducing likely flood damage is discretionary (Rule 5.3.3.1); and*
- new household units (including holiday huts) are prohibited (Rule 5.3.1.5.1).*

*Overview of the changes in the Draft Timaru District Plan*

*See Appendix 3 for a table containing the provisions of the Draft Timaru District Plan (DTDP) of relevance to this submission.*

*The DTDP provisions relating to [REDACTED]*

*The DTDP rezones the entire [REDACTED] including [REDACTED] to Open Space Zone, and also includes a number of overlays over [REDACTED]. The DTDP restricts*

new residential activity on [REDACTED] as a non-complying activity. The DTDP does not formally recognise [REDACTED] and does not zone [REDACTED]

Although in some respects the DTDP is less restrictive, [REDACTED] considers that carrying out their vision within the framework of the DTDP would still be very difficult. For the reasons discussed below, [REDACTED] considers that the provisions of the DTDP do not sufficiently provide for their intended use of [REDACTED]

#### *Submission*

*The submitter opposes the following parts of the Draft Timaru District Plan:*

- *the zoning of the properties of [REDACTED] owned by the [REDACTED] [REDACTED] being Open Space Zone, and the related rules regulating certain activities within the zone;*
- *the following mapping overlays which have the effect of inhibiting residential development and activity on the Trust Land:*
  - *the Coastal High Hazard (Inundation) Area;*
  - *the High Hazard Area; and the*
  - *Precinct: PREC6 – Holiday Huts Precinct; and*
- *[REDACTED] opposes in principle the Maori Purpose Zoning, and the specific provisions of the Maori Purpose zoning, such as MPZ-R1 PER-1.*

#### *Reasons for submission*

##### *General reasons for opposition*

*In addition to the specific reasons discussed below, the general reasons for the submitter's opposition to the Draft Timaru District Plan are that the DTDP:*

- *does not promote the sustainable management of natural and physical resource in accordance with section 5 and the relevant matters at section 6 and 7 of the Resource Management Act 1991 (RMA); and*

- does not provide for integrated use and development of natural and physical resources within [REDACTED] and
- does not give effect to the Timaru District Council's (TDC) obligation to take into account Te Tiriti o Waitangi principles, at section 8 of the RMA;
- [REDACTED]
- is not based on an adequate and/or accurate section 32 evaluation and as consequence the Council has failed to properly consider the costs and benefits of providing for residential use and development of [REDACTED]

*Specific Reasons for submission*

[REDACTED]

[REDACTED]

[REDACTED]

*It is frustrating for [REDACTED] to realise that this land is now considered by the TDC to be unfit for residential purposes, as demonstrated by the non-complying activity status attached to building extensions or new buildings under various rules [\[4\]](#).*

[REDACTED]

[Redacted text]

[Redacted text]

- [Redacted text]

- [Redacted text]

- [Redacted text]

- [Redacted text]

*Flooding hazards in the area*

To the best of [Redacted] knowledge the [Redacted] has not been seriously flooded at least for some 80 years.

The most up-to-date flood information available for the [Redacted] seems to be contained in a work-in-progress report authored by ECan. This report firstly seeks to collate all of the current information ECan has regarding flooding in the [Redacted] area. The

report also outlines the results of flood modelling that was undertaken for the [REDACTED] in particular.

The flood information review and modelling undertaken by ECan has shown that while the [REDACTED] may be inundated by flooding in a 1 in 500 year flood, it is not inevitable that the [REDACTED] will be flooded in this kind of event.

What would need to occur is for a specific part of the [REDACTED] (which we refer to as Breakout Area C) to be breached, and it is notable that Breakout Area C has not been breached in historic floods, while other areas of the [REDACTED] have been breached.

The report also shows that areas in the wider [REDACTED] area (e.g. the land to the immediate south west of the [REDACTED] are, based on the available information, just as likely to be affected by a storm event of 1 in 500 year magnitude. However, it is only the [REDACTED] that has been covered by a High Hazard overlay in the DTDP.

Therefore, [REDACTED] considers that, based on the findings in the ECan report, and their historic knowledge of flooding in the area, the flood risk to the [REDACTED] not as significant as indicated by the High Hazard Overlay.

The effect of the High Hazard overlay is that both the replacement or modification of dwellings, and new buildings and structures, are a non-complying activity. This activity status creates a real hurdle for [REDACTED] in achieving its vision for the [REDACTED]

Inhibiting effect of other mapping overlays in the Draft Timaru District Plan is not appropriate

In addition to the High Hazard overlay, mapping overlays regarding:

- the Coastal High Hazard (Inundation) Area; and
- Precinct: PREC6 – Holiday Huts Precinct.

Cause the replacement or modification of dwellings, and new buildings and structures to be a non-complying activity on [REDACTED]

			<p>██████████ considers that a more permissive planning regime is appropriate for these kinds of activities, because:</p> <ul style="list-style-type: none"> <li>• The Crown has made a historical commitment to enabling Maori to carry out their needs and wants on ██████████ (as discussed above);</li> <li>• The common use of the ██████████ is now ██████████ use, not ██████████ This is contrary to what the DTDP seeks to provide for; and</li> <li>• The flood hazard risk in the area has been overstated (as discussed above).</li> </ul> <p><a href="#">[1]</a> Note that the above power has some qualifications, e.g. ██████████ is not able to mortgage or sell the land or any part thereof.</p> <p>██████████</p> <p>██████████</p> <p><a href="#">[4]</a> See Appendix 3 for the specific rules that create a non-complying activity status.</p>	
<a href="#">143.73</a>	OSZ – Open space zone	General	<ul style="list-style-type: none"> <li>• The Draft Plan splits open spaces into three different zones:</li> <li>• Open Space Zone This zone provides for a range of passive and active recreation activities within the city, towns and neighbourhoods. The zone primarily consists of neighbourhood parks, used for informal recreation or outdoor activity.</li> <li>• Natural Open Space Zone This zone consists of the district's areas containing significant natural values, which are worthy of protection and managed typically for conservation purposes.</li> </ul>	Consider submission points

			<ul style="list-style-type: none"> <li>· <i>Sport and Active Recreation Zone</i></li> </ul> <p><i>This zone relates to large areas which are specifically dedicated towards planned sport and recreation activities. This includes golf courses, sports clubs and sports fields throughout the district.</i></p> <ul style="list-style-type: none"> <li>· [REDACTED] <i>support in principle the Draft Plan’s intentions for Open Space and Recreational Zones in Timaru. These are important amenities for all communities and they should be protected against inappropriate subdivision, use and development.</i></li> <li>· [REDACTED] <i>would however recommend to the Council the following:</i></li> </ul> <p><i>a) Land adjacent to the district’s rivers are typically zoned as the Open Space Zone or General Rural. The Plan should zone any land dedicated as an esplanade reserve is zoned as the Natural Open Space Zone or a Natural Environment Values Overlay is introduced to all waterbodies in the district, to manage activities on private property where they are located within 20m of a waterbody.</i></p> <p><i>Some of the open spaces within the district appear to be zoned incorrectly. For example, the Caroline Bay park is zoned as Sport and Active Recreation, which appears to be more consistent with the objectives and policies for the Open Space Zone. In conjunction, Aorangi Park is zoned as the Open Space Zone, though it appears to be more consistent with the policy framework for the Sport and Active Recreation Zone.</i></p>	
<a href="#">159.5</a>	OSZ – Open space zone	General	<p><i>Open Space Zone - South Beach, Timaru The proposed long thin strip of open space zone is a remnant of the previous planning regime. The unique and ongoing accretion along South beach has meant that this zoning requires revisiting so that it either has the same zoning as the other port land (such as a special purpose port zone as sought by this feedback) or moved eastward. It is noted that the current walkway traversing this zone is on [REDACTED] land. Future development of this land would see [REDACTED] relocate the walkway eastwards, but the current and proposed zoning unnecessarily limits development. Due to the coast geomorphology, this issue becomes more pronounced at the northern end of South Beach.</i></p>	Requested outcome: that Open Space Zone be removed in recognition of the accreting beach and operational nature of the adjoining land use.
<a href="#">25.1</a>	OSZ – Open	General	General	<p><i>As relatively recent owners of a property within the [REDACTED] my wife and I have a vested interest in the various proposed 'Objectives, Policies, Rules and Standards' under the Draft Timaru District Plan. I have read through various relevant</i></p>



space zone			<p><i>sections of the draft plan and also discussed several aspects of it over the phone with the planning department at TDC.</i></p> <p><i>I would like to commend the work undertaken by planning (and other department) staff and elected representatives in preparing this document for consultation. As a layperson, it is a comprehensive plan for the Timaru District, and it was relatively straightforward to read through with helpful overlay mapping which made it easy to understand the implications and impacts for our property which sits within the 'Open Space Zone' (High Hazard) at [REDACTED]</i></p> <p><i>As we are already undertaking consented renovations on our cottage in [REDACTED] I am cogniscent that the proposed tightening of the rules for development will not necessarily impact on us immediately, but will apply to any future developments we may consider once the new plan becomes effective.</i></p> <p><i>We are also mindful that whilst these provisions may restrict our own future activities, they also protect us from neighbouring landowners' development plans, as well as from the impacts of a serious event that 'Mother Nature' may deliver, as has happened previously at [REDACTED] and may potentially happen again with the effects of climate change.</i></p> <p><i>It is our intention to move into our [REDACTED] property to live permanently in future (from our home of [REDACTED] as we recognise the unique character and aspects of this very special place, in spite of the natural hazard inherent in the 'flood zone' at [REDACTED]</i></p> <p><i>Whilst we do not have further comment on particular aspects of the draft plan, which we accept in general and in principle, we do wish to express support for the sealing of the upper section of [REDACTED] and the improvement of telecommunications coverage in the [REDACTED] area, not only for the convenience of local residents but from a safety aspect in the event of an emergency.</i></p> <p><i>I would be happy to appear at a future consultation hearing to discuss these comments further.</i></p> <p><i>Ends.</i></p>	
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<a href="#">4.1</a>	OSZ – Open space zone	Objectives	OSZ- PREC6- O1 The character and qualities of the	<i>The area known as [REDACTED] is covered in your draft as an Open Space Zone. This area as I understand it is currently Recreational 1 zoning. I have observed that on your zone map half the [REDACTED] are Open Space Zone, the others now listed as [REDACTED]. As they are used for the same purpose should they not have the same zoning?? I have attached a snip of the area. The address is [REDACTED] which when entered as a search term does not come up with a match.</i>	
<a href="#">68.34</a>	OSZ – Open space zone	Objectives	OSZ- PREC6- O1 The character and qualities of the	<i>It would be better if the Holiday Huts Precinct were part of the Settlement Zone, keeping like residential activities together.</i>	
<a href="#">43.133</a>	OSZ – Open space zone	Policies	OSZ- PREC1-P1 Maintaining and enhancing the char	<i>Retain as proposed or preserve the original intent. [REDACTED] particularly supports clause (2) which is consistent with the CRPS in terms of not putting people at risk from high hazard events.</i>	
<a href="#">68.35</a>	OSZ – Open space zone	Policies	OSZ- PREC1-P1 Maintaining and enhancing the char	<i>It would be better if the Holiday Huts Precinct were part of the Settlement Zone, keeping like residential activities together.</i>	
<a href="#">43.129</a>	OSZ – Open	Policies	OSZ- PREC1-P2 Buildings	<i>Retain as proposed or preserve the original intent.</i>	

	space zone		and structures in the Ho	<p>█ support the avoidance of buildings within the high hazard areas where there is a risk of loss of life or significant damage to structures or property. This is consistent with the natural hazards provisions of the CRPS.</p>	
<a href="#">68.36</a>	OSZ – Open space zone	Policies	OSZ-PREC1-P2 Buildings and structures in the Ho	<p>It would be better if the Holiday Huts Precinct were part of the Settlement Zone, keeping like residential activities together.</p>	
<a href="#">43.132</a>	OSZ – Open space zone	Rules	OSZ-R10 New buildings and structures including	<p>Retain as proposed or preserve the original intent.</p> <p>The proposed rule gives effect to the CRPS by providing for development in hazard prone areas where mitigation can be undertaken but setting a higher bar for development in high hazard areas.</p>	
<a href="#">60.1</a>	OSZ – Open space zone	Rules	General	<p>█</p> <p>Thank you for the opportunity to comment on the Draft District Plan. In general terms we think the plan provides clearer guidance on matters relevant to indigenous vegetation and natural landscapes.</p> <p>Our property in the Draft Plan is in an area re-zoned from Rural 4B █ to Open Space Zone (OSZ) with a █ overlay. In the existing District Plan, there is specific provision for 'maintenance or upgrading of existing roads and tracks' (Part D1 Rural Zones, page 89). According to the information provided in the Draft Plan, our property, as well as being in an OSZ, is also part of a Visual Amenity Landscape (VAL), specifically VAL-2. In NFL-S6 Earthworks within VAL, point 1e states that 'there shall be no change from unsealed surfacing of roads and tracks to sealed surfaces'.</p> <p>Our property is on █</p> <p>█</p> <p>█ There is a short (approximately 300 m) steep, windy, unsealed section of █</p>	

