

NOSZ - Natural Open Space Zone

Introduction

The purpose of the Natural Open Space Zone is to provide for areas where the natural environment is retained, and activities, buildings and other structures are compatible with the characteristics of the zone.

Large areas of the zone lie in the Puketeraki range in the west of the District, and in the coastal environment in the east of the District, with many smaller areas of the zone in-between.

The portion of the zone in the coastal environment of the District lies from near the mouth of the Waimakariri River in the south to near the Ashley River/Rakahuri Saltwater Creek Estuary in the north. The coastal portion of the zone is of varying width between MHWS and varying points inland of the beach and dunes. This coastal portion of the zone is largely based around Tuhaitara Coastal Park, and also includes: Tūtaepatu Lagoon and coastal wetlands; estuary margins; coastal reserve land at Waikuku Beach and Pines-Kairaki Beach; Woodend Beach Domain; existing lifesaving, coastguard, yacht and boating facilities; existing commercial **plantation**¹ forestry; and existing equestrian and ancillary activities and facilities at Pegasus Bay Coastal Reserve and beach, Waikuku Beach, Woodend Beach and Pines-Kairaki Beach.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

Objectives

NOSZ-01	<p>Predominant character, amenity values, role and function of the Natural Open Space Zone</p> <p>A Natural Open Space Zone where the predominant character, amenity values, role and function of the zone is characterised by:</p> <ol style="list-style-type: none"> 1. undeveloped natural open spaces; 2. undeveloped coastal open spaces that include beaches, dunes, water bodies, wetlands, estuary margins, forest and parks; 3. minimal buildings and other structures; 4. activities compatible with the natural environment and location; 5. natural character; 6. indigenous biodiversity; 7. recreation, lifesaving, coastguard, yacht and boating activities and structures; and 8. park management activities, park management facilities and conservation activities.
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¹ s44A of RMA. Wrap Up Reply Report.

Policies

NOSZ-P1	<p>Activities and structures in the Natural Open Space Zone</p> <p>The predominant character, amenity values, role and function of the zone is maintained and, where possible, enhanced, by enabling or managing activities and structures in the zone in a manner consistent with OSRZ-P1 and OSRZ-P2, with regard to achieving the outcomes sought in OSRZ-O1 and OSRZ-O2 and in particular NOSZ-O1.</p>
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Activity Rules

NOSZ-R1 Any activity on a site listed in Appendix APP1

That is permitted under the General Residential Zone in GRZ-R1 to GRZ-R6 and GRZ-R10.

<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> the activity complies with all applicable activity standards and built form standards in the General Residential Zone; and the activity complies with any relevant District wide provisions. 	<p>Activity status when compliance not achieved: as set out in the General Residential Zone and any relevant District wide provisions Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> As set out in the General Residential Zone and any relevant District wide provisions
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NOSZ-R2 Construction or alteration of or addition to any building or other structure

<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> the activity complies with all built form standards (as applicable). 	<p>Activity status when compliance not achieved: as set out in the relevant built form standards</p>
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NOSZ-R3 Customary harvesting

<p>Activity status: PER</p>	<p>Activity status when compliance not achieved: N/A</p>
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Advisory Note

- This rule does not override the requirements to obtain permission of the landowner or administrator for any customary harvesting of taonga species.

NOSZ-R4 Conservation activities	
Activity status: PER	Activity status when compliance not achieved: N/A
NOSZ-R5 Non motorised recreation activities	
Activity status: PER	Activity status when compliance not achieved: N/A
NOSZ-R6 Park management activities	
Activity status: PER	Activity status when compliance not achieved: N/A
NOSZ-R7 Park management facilities	
Activity status: PER	Activity status when compliance not achieved: N/A
NOSZ-R8 Surf lifesaving activities	
Activity status: PER	Activity status when compliance not achieved: N/A
NOSZ-R9 Use of motor vehicles on beach areas	
<i>This rule does not apply to the use of motor vehicles on beach areas in the circumstances provided for under NOSZ-R4, NOSZ-R6 to NOSZ-R8 and NOSZ-R20².</i>	
Activity status: PER Where: 1. the activity shall be limited to the use of road legal motor vehicles on beach areas, for the following: a. boat launching/retrieval; b. fishing; c. whitebaiting; d. mahinga kai gathering; e. transport of recreation equipment to/from the water edge; and f. holders of mobility cards;	Activity status when compliance not achieved: DIS

² Te Kohaka o Tūhaitara Trust [113.7]. Open Space and Recreation Zones s42A report.

<p>2. all motor vehicle access to beach areas shall be via formed vehicle access points; and</p> <p>3. all motor vehicle use on beach areas shall:</p> <p style="margin-left: 20px;">a. be outside of the dunes;</p> <p style="margin-left: 20px;">b. be driven below the last high tide mark unless unsafe to do so;</p> <p style="margin-left: 20px;">c. be outside of flagged lifesaving patrol areas; and</p> <p style="margin-left: 20px;">d. not involve two wheeled motorbikes.</p>	
<p>Advisory Note</p> <ul style="list-style-type: none"> The Northern Pegasus Bay Bylaw 2016 also regulates (among other things) access and use of motor vehicles on beach areas. Reference should be made to this Bylaw to ascertain whether there are any other requirements that may also apply. 	
<p>NOSZ-R10 Public amenities</p>	
<p>Activity status: PER</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>NOSZ-R11 Office ancillary to park management activities or conservation activities</p>	
<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> the activity shall be limited to sites with a minimum net area of 1ha; and the combined GFA of all ancillary offices on a site shall cumulatively occupy a maximum of 250m² or 10% of the GFA of all buildings on the same site, whichever is the lesser.³ 	<p>Activity status when compliance not achieved: DIS</p>
<p>NOSZ-R12 Residential activity ancillary to park management activities or conservation activities</p>	
<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> the activity shall be located either: <ol style="list-style-type: none"> within an existing residential unit; or within a new residential unit provided: 	<p>Activity status when compliance not achieved: DIS</p>

³ Te Kohaka o Tūhaitara Trust [113.8]. Open Space and Recreation Zones s42A report.

<ul style="list-style-type: none"> i. it is used for caretaker and site management purposes only; ii. it is located on a site with a minimum net area of 1ha; and iii. there is only one residential unit on any site. 	
<p>NOSZ-R13 Planting of vegetation</p>	
<p>Activity status: PER Where:</p> <ul style="list-style-type: none"> 1. planting of vegetation is not for plantation forestry;⁴ 1. planting shall be limited to indigenous species that are naturally occurring within the ecological district within which the planting is to take place, except as specified in (32⁵) below; 2. planting of indigenous vegetation of ecologically similar origin, or non-indigenous vegetation, in the following circumstances: <ul style="list-style-type: none"> a. re-introduction of indigenous species no longer occurring naturally in the District, procured from a naturally occurring and ecologically similar source; b. conservation activities (excluding non-indigenous vegetation); c. species conservation (excluding non-indigenous vegetation); d. soil conservation, <u>including erosion control</u>⁶; e. <u>natural hazard mitigation</u>;⁷ f. planting for the purposes of screening public amenities and parking areas, or for shelter purposes, or for maintaining the character of an existing cultural or historical site; and g. shall exclude: 	<p>Activity status when compliance not achieved: DIS</p>

⁴ Te Kohaka o Tūhaitara Trust [113.9]. Open Space and Recreation Zones s42A report.

⁵ Te Kohaka o Tūhaitara Trust [113.9]. Open Space and Recreation Zones s42A report.

⁶ Canterbury Regional Council [316.178]. Open Space and Recreation Zones s42A report.

⁷ Canterbury Regional Council [316.178]. Open Space and Recreation Zones s42A report.

<ul style="list-style-type: none"> i. all plants listed in the National Pest Plant Accord (reprinted with minor amendments February 2020); ii. all non-indigenous plants listed in the DoC Consolidated List of Environmental Weeds in NZ (May 2008); and iii. all organisms classified as pests and all Organisms of Interest listed in the Canterbury Regional Pest Management Plan 2018-2038. 	
<p>NOSZ-R14 Grazing</p>	
<p>Activity status: PER Where:</p> <ul style="list-style-type: none"> 1. grazing is carried out under a grazing licence issued by the District Council. 	<p>Activity status when compliance not achieved: DIS</p>
<p>NOSZ-R15 Community facility</p>	
<p>Activity status: PER Where:</p> <ul style="list-style-type: none"> 1. the activity shall be limited to Northbrook Studios buildings at Northbrook Wetlands Reserve; and 2. the activity shall not include a community garden or a new building. 	<p>Activity status when compliance not achieved: DIS</p>
<p>NOSZ-R16 Cultural facility</p>	
<p>Activity status: PER Where:</p> <ul style="list-style-type: none"> 1. the activity shall not include a new building. 	<p>Activity status when compliance not achieved: DIS</p>
<p>NOSZ-R17 Visitor accommodation</p>	
<p>Activity status: PER Where:</p> <ul style="list-style-type: none"> 1. the activity shall be limited to: <ul style="list-style-type: none"> a. existing tramping huts; 	<p>Activity status when compliance not achieved: DIS</p>

b. the use of existing buildings on a site; and c. the use of tents.	
NOSZ-R18 Recreation facilities	
Activity status: PER Where: 1. the activity shall not include a new building.	Activity status when compliance not achieved: DIS
NOSZ-R19 Equestrian and ancillary activities and facilities	
Activity status: PER Where: 1. the activity shall not include a new building.	Activity status when compliance not achieved: DIS
NOSZ-R20 Removal of a building or other structure ⁸	
Activity status: CON Matters of control are restricted to: OSRZ-MCD12 – Removal of buildings or other structures	Activity status when compliance not achieved: N/A
NOSZ-R21 Emergency service facility	
Activity status: DIS	Activity status when compliance not achieved: N/A
NOSZ-R22 Any activity not provided for in the Natural Open Space Zone as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity, except where expressly specified by a district wide provision	
Activity status: DIS	Activity status when compliance not achieved: N/A
NOSZ-R23 Motorised recreation activities	

⁸ Te Kohaka o Tūhaitara Trust [113.7]. Open Space and Recreation Zones s42A report.

Activity status: NC	Activity status when compliance not achieved: N/A
NOSZ-R24 Motorised sports facility	
Activity status: NC	Activity status when compliance not achieved: N/A
NOSZ-R25 Major sports facility	
Activity status: NC	Activity status when compliance not achieved: N/A

Built Form Standards

NOSZ-BFS1 Coverage	
1. Unless otherwise specified in the activity standards, t The maximum GFA of any building shall be 75150 ⁹ m ² .	Activity status when compliance not achieved: DIS
NOSZ-BFS2 Height	
1. The maximum building height above ground level shall be 5m.	Activity status when compliance not achieved: DIS
NOSZ-BFS3 Height in relation to boundary	
1. Where an internal boundary adjoins Residential Zones, Special Purpose Zone (Kāinga Nohoanga) or Special Purpose Zone (Pines Beach and Kairaki Regeneration), the height in relation to boundary in the adjoining zone shall apply,	Activity status when compliance not achieved: DIS

⁹ Te Kohaka o Tūhaitara Trust [113.10]. Open Space and Recreation Zones s42A.

<p>and where specified structures shall not project beyond a building envelope defined by recession planes measuring 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3, except for the following:</p> <ul style="list-style-type: none"> a. flagpoles; b. lightning rods, chimneys, ventilation shafts, solar heating devices, roof water tanks, lift and stair shafts; c. decorative features such as steeples, towers and finials; d. for buildings on adjoining sites which share a common wall, the height in relation to boundary requirement shall not apply along that part of the internal boundary covered by such a wall; and e. where the land immediately beyond the site boundary forms part of any rail corridor, drainage reserve, or accessway (whether serving the site or not), the boundary of the rail corridor, drainage reserve, or accessway furthest from the site boundary may be deemed to be the site boundary for the purpose of defining the origin of the recession plane, provided this deemed site boundary is no further than 6m from the site boundary; <p>2. Provided that none of the structures listed in (c) to (e) has a horizontal dimension of over 3m along the line formed where the structure meets the recession plane as measured parallel to the relevant boundary.</p>	
<p>NOSZ-BFS4 Internal boundary setback</p>	
<p>1. The minimum setback for buildings from an internal boundary with Residential Zones, Special Purpose Zone (Kāinga Nohoanga) or Special Purpose Zone (Pines Beach and Kairaki Regeneration) shall be as follows:</p> <ul style="list-style-type: none"> a. all sites, except as specified in (b) below: 6m; and b. any stand-alone building containing toilets or changing rooms: 10m. 	<p>Activity status when compliance not achieved: DIS</p>

NOSZ-BFS5 Road boundary setback	
<p>1. The minimum building setback from a road boundary shall be as follows:</p> <p style="margin-left: 40px;">a. all sites, except as specified in (b) below:</p> <p style="margin-left: 80px;">i. a State Highway: 20m; and</p> <p style="margin-left: 80px;">ii. all other roads: 5m;</p> <p style="margin-left: 40px;">b. any stand-alone building containing toilets or changing rooms:</p> <p style="margin-left: 80px;">i. a State Highway: 20m; and</p> <p style="margin-left: 80px;">ii. all other roads: 3m.</p>	<p>Activity status when compliance not achieved: DIS</p>
NOSZ-BFS6 Outdoor storage	
<p>1. Outdoor storage areas shall not be located within the setbacks specified in NOSZ-BFS4 and NOSZ-BFS5; and</p> <p>2. Outdoor storage areas shall be screened from adjoining sites and roads by either planting, walls or fences, or any combination of these, for a minimum of 1.8m in height above ground level along the length of the storage area (except for access points). Where screening is by landscaping this shall be to a minimum depth of 1.5m and any trees shall have a minimum height above ground level at the time of planting of 1m and be capable of achieving a height above ground level at maturity of at least 1.8m.</p>	<p>Activity status when compliance not achieved: DIS</p>
<u>NOSZ-XXXX Rail boundary setback</u> ¹⁰	
<p><u>1. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.</u></p>	<p><u>Activity status when compliance not achieved: DIS</u></p>

¹⁰ KiwiRail Holdings Ltd [373.93]. Open Space and Recreation Zones s42A. Amended from 5m to 4m as part of integration (Minute 43 Reply Report).