

# **rules open space and recreation zone**

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## **OSr Rules**

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### **OSr.1 Rule table - rules**

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This section, the Schedules, and the Rule Tables that follow contain rules applicable in this zone. Different types of land in the Zone (eg. horticultural parks, sports fields) are listed in schedules and each group is subject to special rules, as well as common rules in the Rule Table.

Note also that there may be relevant District-wide rules that appear in the Appendices. These rules will be linked to the Zone rules either by direct reference from within the Zone rules, through definitions, or through overlays or other notations on the maps. These rules must also be complied with.

### **OSr.2 Prohibited activities**

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The following activities are prohibited activities for which no resource consent shall be granted:

- a) Use, storage, or disposal of radioactive material with activity exceeding 1000 terabecquerels.

### **OSr.3 Permitted activities**

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A permitted activity is one that is allowed without a resource consent if it is mentioned in the Schedules, and complies with the conditions specified in the “permitted” column of the Rule Table. In this Zone, land uses that are not specifically mentioned in the appropriate Schedule are non-complying activities.

Certain permitted activities are subject to a condition for the payment of financial contributions of the amounts, and for the purposes, set out in Chapter 6. This condition is additional to any conditions mentioned in the rules, and may be the only condition in the case of activities not otherwise mentioned in the rules. The permitted activities subject to a condition for financial contributions are:

- a) Building work
- b) Connection to Council’s water supply system
- c) Connection to Council’s sewerage system for the purpose of disposing of trade waste
- d) As provided in rules

### **OSr.4 Controlled activities**

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A resource consent is required for a controlled activity. (See Chapter 3 for a fuller description of controlled activities.) Controlled activities must comply with the standards and terms set out in the “controlled” column of the Rule Table. Consent will usually be granted for a controlled activity. Conditions may be imposed on the matters stated in the column as matters that control is reserved over. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule OSr.7 below regarding further matters of control.)

### **OSr.5 Discretionary activities/restricted discretionary activities**

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A resource consent is required for a discretionary activity. (See Chapter 3 for a fuller description of discretionary activities.) Discretionary activities must comply with the standards and terms set out in the “discretionary” column of the Rule Table. The Council has discretion to grant or refuse consent. The matters stated in the “assessment criteria” column of the Rule Table will guide assessment of effects and conditions, but do not restrict the Council’s discretion. Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on discretionary activities.

Some discretionary activity rules state that discretion is restricted. In these cases, the Council may refuse consent, or impose conditions only in respect of the matters stated in the discretionary column as matters that discretion control is restricted to. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule OSr.7 below regarding further matters of restricted discretion.)

Note that some non-complying activities may also be listed within the “Discretionary” column. Where this occurs the column has been headed “Discretionary/Non-complying”.

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## **OSr.6 Non-complying activities**

A resource consent is required for a non-complying activity. (See Chapter 3 for a full description of non-complying activities.) Non-complying activities mostly arise where activities do not comply with the standards and terms set out in the “discretionary” column of the Rule Table. A direct statement of non-complying activities may also appear in the rules. The Council has discretion to grant or refuse consent and is required to refuse in certain circumstances (see Chapter 3). Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on non-complying activities.

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## **OSr.7 Controlled activities and restricted discretionary activities**

In the Rule Tables every controlled activity, and every discretionary activity where discretion is restricted, contains a list of matters over which control is reserved, or discretion is restricted. The matters listed below are additional matters applicable to every controlled activity and restricted discretionary activity. They are stated here, rather than repeated in Rule Tables, in order to save space.

Matters over which control is reserved or discretion restricted:

- OSr.7.a** Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- OSr.7.b** bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- OSr.7.c** administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council’s functions under section 35 of the Act, and
- OSr.7.d** the duration of a resource consent, under section 123 of the Act, and
- OSr.7.e** lapsing of a resource consent, under section 125 of the Act, and
- OSr.7.f** change and cancellation of a consent, under sections 126 and 127 of the Act, and
- OSr.7.g** notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- OSr.7.h** whether any land use or subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under section 134 of the Act.

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## **OSr.8 Regional rules, and regional and district rules**

In the Rule Tables a number of rules are indicated as being Regional rules, or Regional and District rules. These are rules that derive in total or in part from the regional functions of the Council. Regional rules have a different impact on matters such as designations (which must comply with regional rules) and existing use rights, which are much more limited in respect of regional matters. See sections 176 (Effect of a designation), 10 (Certain existing uses in relation to land protected), 10A, 10B, and 20 (Certain existing lawful activities allowed) of the Resource Management Act 1991.

**OSr.9**

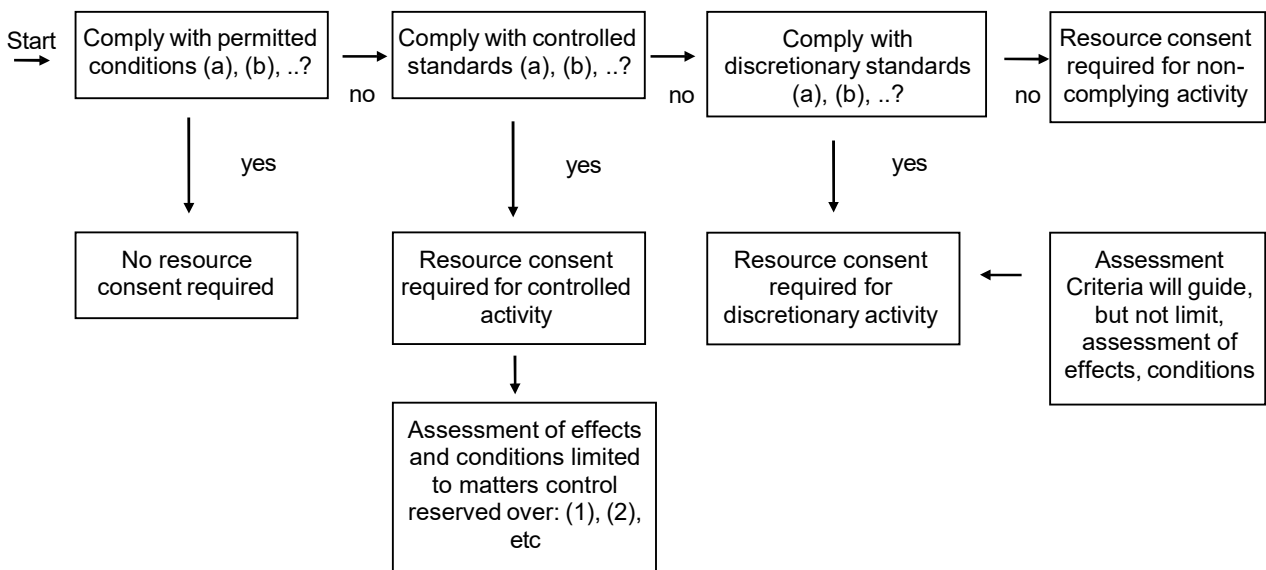
**Reading the rule table**

Each row of the Rule Table presents rules that regulate or allow one activity, or type of activity, or effect. Read along the row from left to right to determine whether a proposed activity is permitted, controlled, discretionary or non-complying. This progression across the Rule Table is called a “cascade.” (See flow chart below.)

If an activity satisfies the conditions stated in the permitted activity column, then it is permitted. If not, look to the next column (controlled). If it satisfies the standards and terms in the controlled column, it is a controlled activity. If not, then look at the next column (discretionary) to see if it fits the standards and terms stated there. If the activity satisfies the standards and terms in the discretionary column it is discretionary. Otherwise it is a non-complying activity.

Further explanation of the rule table and cascade is contained in Chapter 3.

The following flow chart illustrates the cascade across the Rule Table



**OSr.9.1** Note that there are some rules, generally relating to post-development conditions, which do not trigger the activity into requiring a discretionary resource consent. Where relevant, this is indicated in the explanation to those rules.

## Contents of open space and recreation zone rule table

OSr.20	Permitted Activities
OSr.21	Construction of clubrooms, halls, places of assembly
OSr.22	Change of use of clubrooms, halls, places of assembly
OSr.23	Caretaker accommodation
OSr.24	Closing time - services to the public
OSr.25	Building on low lying sites
OSr.26	Height of buildings
OSr.27	Service buildings
OSr.28	Building over or alongside drains and water mains
OSr.29	Fences
OSr.30	Playgrounds
OSr.31	Sports equipment
OSr.32	Daylight admission
OSr.33	Activities near the coast
OSr.34	Parking and loading
OSr.35	Access
OSr.36	Signs
OSr.37	Noise
OSr.38	Light spill
OSr.39	Hazardous substances - use and storage
OSr.40	Aerials
OSr.41	Radiofrequency exposure levels
OSr.42	Network utility - buildings
OSr.43	Network utility - above ground and underground utilities
OSr.44	Minor upgrade of transmission lines and support structures
OSr.45	Structures on the road reserve
OSr.46	Network utility - roads
OSr.47	Vegetation clearance
OSr.48	Soil disturbance
OSr.49	Earthworks
OSr.49A	Landfill
<b>Rules Relating to Overlays on the Planning Maps</b>	
OSr.50	Landscape Overlay - Earthworks
OSr.51	Service Overlay - Building
OSr.52	View Shaft Overlay
OSr.53	Airport Effects Control Overlay - <b>Activities Sensitive to Airport Noise</b> and <del>Port Effects Control Overlay</del>
<b>OSr.53A</b>	<b>Airnoise Boundary - Activities Sensitive to Airport Noise</b>
OSr.54	<del>Airport Effects Advisory Overlay</del> <b>Port Effects Control Overlay</b>
OSr.55	Coastal Environment Overlay
OSr.56	Riparian Overlay - Activities on land identified with riparian values
OSr.57	Flood Path Overlays
OSr.58	Inundation Overlays - Low lying ground susceptible to localised stormwater ponding or tidal inundation
OSr.59	Land Management Overlay
OSr.60	Leisure Area - Buildings on seaward side of Wakefield Quay
OSr.61	Heritage Buildings, Places and Objects - Alterations to Group A and B items
OSr.62	Heritage Buildings, Places and Objects - New Buildings on the site of a heritage item
OSr.63	Heritage Buildings, Places and Objects - Demolition or Removal of Group A and B items
OSr.64	Heritage Buildings, Places and Objects - Demolition or removal of Group C items
OSr.65	Heritage Precincts - Alterations to any building (including listed Heritage Buildings and Objects)
OSr.66	Heritage Precincts - Erection of new buildings
OSr.67	Heritage Precincts - Removal or demolition of Listed Heritage Items
OSr.68	Heritage Trees - Trimming of a Heritage Tree identified in Appendix 2
OSr.69	Landscape Trees - Trimming of a Landscape Tree identified in Appendix 2
OSr.70	Heritage and Landscape Trees - Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
OSr.71	Heritage and Landscape Trees - Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
OSr.72	Local Trees - Removing a Local Tree identified in Appendix 2
OSr.73	Archaeological Sites
OSr.74	Subdivision

	<b>Freshwater rules</b>
	(Refer Appendix AP28.9 for freshwater rules)

## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.20 Permitted Activities</b>	OSr.20.1 Any activity that is permitted by the Open Space and Recreation schedules, and complies with all other permitted conditions of this rule table is a permitted activity.	OSr.20.2 not applicable	OSr.20.3 <b>Discretionary</b> Activities that are permitted by a schedule but contravene any permitted condition in this rule table are discretionary.  <b>Non-complying</b> Activities that are not permitted in an Open Space and Recreation schedule are non-complying.

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.23 Caretaker accommodation</b>	OSr.23.1 Any residential unit for the purposes of the security or management of the site is permitted if:  <b>a)</b> The unit meets the permitted activities in performance standards for the Residential Zone; <b>and</b>  <b>b) <u>Is not located within the Airport Effects Control Overlay; and</u></b>  <b>c) <u>Is not located within the Airnoise Boundary.</u></b>	OSr.23.2 not applicable	OSr.23.3 Activities that contravene a permitted condition <b><u>OSr.23(a)</u></b> are discretionary.  <b><u>Activities that contravene OSr.23(b) are non-complying.</u></b>  <b><u>Activities that contravene OSr.23(c) are prohibited.</u></b>

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## Rules Relating to Overlays on the Planning Maps

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<b>OSr.53 Airport Effects Control Overlay and Port Effects Control Overlay</b>  <b><u>Activities Sensitive to Airport Noise</u></b>	OSr.53.1 Note: no special rules apply to these overlays in the Open Space and Recreation Zone. The overlays are to advise that the area will be subject to the effects of airport or port noise. For an example of their application in other zones see Rules REr.65 (Airport Effects Control Overlay – acoustic insulation of buildings) and REr.65A (Port Effects Control Overlay – acoustic insulation of buildings).  <b><u>Within the Airport Effects Control Overlay only Replacement, or substantial alteration of an existing Building containing an Activity Sensitive to Airport Noise lawfully established as of [date Plan Change is confirmed] is permitted if:</u></b>  <b><u>a) any Habitable space which is new or substantially altered, incorporates acoustic insulation in accordance with Appendix 19.1; or</u></b>  <b><u>b) the building consent application is accompanied by an Acoustic Certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the Building</u></b>	OSr.53.2 not applicable	OSr.53.3 not applicable  Activities that contravene a permitted condition are non-complying.  <b><u>New Activities Sensitive to Airport Noise or the construction of any new Building to accommodate an Activity Sensitive to Airport Noise are non-complying.</u></b>
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	<u>design will reduce noise levels to at least 40dB L<sub>dn</sub> inside the new or altered Habitable spaces based on the Future Aircraft Noise Contours in Appendix 19.1 and incorporates the ventilation measures in Appendix 19.1.</u>		
<u>OSr.53A</u>  <u>Airnoise Boundary</u>  <u>Activities Sensitive to Airport Noise</u>	<u>REr.53A.1</u> <u>Within the Airnoise Boundary, only:</u> <u>a) Replacement of an existing Building containing an Activity Sensitive to Airport Noise lawfully established as of [date Plan Change is confirmed]; or</u> <u>b) substantial alteration of an existing Building containing an Activity Sensitive to Airport Noise lawfully established as of [date Plan Change is confirmed]</u> <u>is permitted where the building consent application is accompanied by an Acoustic Certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the Building design will reduce noise levels to at least 40dB L<sub>dn</sub> inside the new Habitable spaces based on the Future Aircraft Noise Contours in Appendix 19.1 and incorporates the ventilation measures in Appendix 19.1.</u>	<u>REr.53A.2</u> <u>not applicable</u>	<u>REr.53A.3</u>  <u>Activities that contravene a permitted condition are prohibited.</u>  <u>New Activities Sensitive to Airport Noise or the construction of any new Building to accommodate an Activity Sensitive to Airport Noise are prohibited.</u>
<u>OSr.543</u> <u>Port Effects Control Overlay</u>	<u>OSr.543.1</u> Note: no special rules apply to these overlays in the Open Space and Recreation Zone. The overlays are to advise that the area will be subject to the effects of airport or port noise. For an example of their application in other zones see Rules REr.65 (Airport Effects Control Overlay – acoustic insulation of buildings) and REr.65A (Port Effects Control Overlay – acoustic insulation of buildings).	<u>OSr.543.2</u> not applicable	<u>OSr.543.3</u> not applicable
<u>OSr.54</u> <u>Airport Effects Advisory Overlay</u>	<u>OSr.54.1</u> Note: no special rules apply to this overlay which defines the area between L <sub>dn</sub> 55 and 60 (10.9 to 34.6 Pasques) noise contours. The overlay is to advise that the area will be subject to the effects of airport noise.	<u>OSr.54.2</u> not applicable	<u>OSr.54.3</u> not applicable