



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Hearing Commissioners - Te Tai o Poutini Plan
Prepared by: Lois Easton, Principal Planner
Date: 15 August 2024
Subject: **s42A Author Right of Reply Open Space Zones**

Purpose of Report

1. The purpose of this report is to respond to the questions raised by the Hearings Commissioner during Hearing 13: Open Space Zones, and for the Officer to propose any further amendments to the notified version of the Proposed District Plan above those recommended in the Officers s42a evidence report.

Hearing Panel's Questions to the s42a Reporting Officer and their Response

2. The following questions were received from the Hearing Commissioners for the Open Space Zones topic which sat on 3-4 July 2024.

[1] Does the rail corridor traverse all three Open Space Zones? Can I confirm my recommendations for each zone in relation to setbacks in light of the Kiwirail evidence?

3. The rail corridor runs from Hokitika (Westland Milk Products) to Waimangaroa (Stockton Mine) and also inland from Greymouth through Moana over Arthur's Pass and from Westport to Reefton via the Buller Gorge. It intersects the following Open Space Zones:
 - Open Space Zone at Kumara Junction area, Taramakau River, Gladstone, Greymouth, Taylorville, Ikamatua, Arnold Valley, Moana, Te Kinga, Jacksons, Reefton, Inangahua, Buller Gorge, Westport, Waimangaroa
 - Natural Open Space Zone at Buller Gorge
 - Sports and Active Recreation Zone at Greymouth
4. I see no necessity for a setback for buildings against the Natural Open Space Zone in the Buller Gorge – this entire location is only accessible from the rail corridor as the railway line is on the opposite side of the gorge to the state highway. The entire area is vegetated with high value native vegetation. I consider the likelihood of any building in this location is negligible.
5. There is one location where the rail corridor is adjacent to the Sports and Active Recreation Zone at Greymouth. It appears that a building has been built hard against (or within) the designated rail corridor. I therefore support a 4.5m setback for buildings and structures in this zone through amendment to SARZ – R1 standard 4.i.
6. There are multiple locations where the rail corridor traverses the Open Space Zone. I also support a 4.5m setback for buildings and structures in this zone through amendment to OSZ – R1 standard 3.i.
7. I also support one additional matter of discretion in Rule OSZ – R13 and a similar matter of Control in Rule SARZ – R10 – “the safe and efficient operation of the rail corridor”.

[2] Regarding the reference to Open Space Management Plans in Open Space Objective 2. Can I provide commentary on the appropriateness of including this reference from a Plan Making perspective.

8. I consider this reference is appropriate – the objective has a reference to generic Open Space Management Plans, and is not referring to a specific incorporated document.
9. When reviewing how other Plans deal with this I note that references to reserve or other types of open space management plans are found within Objectives (eg Tauranga City Plan) Policies (eg Hamilton District Plan, Waikato District Plan, New Plymouth District Plan) and Rules (eg Auckland Unitary Plan, Porirua District Plan).

[3] Is it possible to include information for the Plan reader on the location of Open Space Management Plans and the statutes they are prepared under.

10. The definition of Open Space Management Plan is *means a Reserve Management Plan or Conservation Management Plan or National Park Management Plan or Iwi/Papatipu Rūnanga Management Plan or other Management Plan prepared in accordance with the Reserves Act 1977 or the Conservation Act 1987.*
11. I am aware of the following management plans that would meet the definition:
 - Lake Mahinapua Management Plan (Iwi/Papatipu Rūnanga Management Plan) – available on the WCRC website
 - Aoraki/Mount Cook National Park Management Plan – available on the DOC website
 - Paparoa National Park Management Plan – available on the DOC website
 - Westland/Tai Poutini National Park Management Plan – available on the DOC website
 - Arthurs Pass National Park Management Plan – available on the DOC website
 - Kahurangi National Park Management Plan– available on the DOC website
 - Waitaiki Historic Reserve Management Plan (Reserves Act) – available on the Māwhera Incorporation website
12. If Open Space Management Plans are developed for reserves on the West Coast, this is most likely to be undertaken by the three District Councils or the Department of Conservation. In light of the current small number of plans, and the fact that they are produced by the landowner of the open space, I consider there is limited utility in including a schedule identifying the plans and where they can be found.

[4] Could I expand the Overview to explain the degree of extent and dependance of the objectives, policies and rules on the open space management plans

13. Yes I consider such information could be usefully added as follows:

Overview

There are a range of open spaces in the West Coast/Te Tai o Poutini districts that are covered by the OSRZ - Open Space and Recreation Zones. The three Councils own reserves and open spaces generally for local community use. There are a number of community organisations that own and operate open spaces such as racecourses and golf clubs. The Department of Conservation administers 84% of the land on the West Coast under the Conservation Act which is also included in the Open Space and Recreation Zones.

These Objectives, Policies and Rules apply to all three types of open space, however, the Department of Conservation is exempt under the Resource Management Act from being required to meet these on land it administers. Concessionaires and other organisations undertaking activities on Department of Conservation administered land are required to work within the Te Tai o Poutini Plan framework.

The lands zoned Open Space and Recreation Zones are also governed by specific legislation such as the Reserves Act, the National Parks Act and the Conservation Act. Many matters that impact on resource management are governed through these Acts, and through the Management Plans that are required by these Act. As a consequence, the Objectives, Policies and Rules provide for a linkage to the Reserve, National Park and other types of Open Space Management Plans that are in place for these areas under their governing legislation. As these Open Space Management Plans must be prepared through a consultative process with affected communities, the aim of the approach of referring to them within Te Tai o Poutini Plan provisions is to reduce the duplication of provisions and regulation of activities within these areas. Where no Open Space Management Plan is in place, a full regulatory pathway is provided for within Te Tai o Poutini Plan.

[5] Re Stewardship Land – is the review of stewardship land something that needs to be addressed in the Plan. Is a policy or method more appropriate?

14. As I outline in the s42A report I consider this is an important issue to consider within the Plan. Notwithstanding the discussion at the hearing, about the likely process of identifying and reclassifying stewardship land and the future activities that might occur on it, I do not consider there is scope to consider these matters more widely. I have considered the evidence of Ms Pull and agree that a combination of a Policy (focussed on the functions, values and purpose of the reclassification) and a method (focussed on the mechanism of rezoning) is most appropriate. I support the amendment proposed in Ms Pull's evidence.

[6] What is the definition of campgrounds and how does this provide for nohoanga?

15. The s42A report Introduction and General Provisions proposes a definition for camping grounds as follows:

~~has the same meaning as the Camping Grounds Regulations 1985 (as set out below) means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more facilities or parties (whether consisting of one or more persons) living independently of each other, whether or not such facilities or parties enjoy the use in common of entrances, water supplies, cookhouse, sanitary fixtures or other premises and equipment, and includes the use of permanent buildings for sleeping in such as cabins and motel accommodation ancillary to the camping ground.~~

16. I consider that this definition does not capture nohoanga given my understanding that these are not used for rent, hire, donation or otherwise for reward. If however there is a fee paid (eg for maintenance) or some kind of koha for use of nohoanga, then they would be captured by this definition, and an exemption may be required. For the avoidance of doubt I consider that clarification is made in this definition as follows: For the avoidance of doubt nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds.

[7] Re the evidence of Rachael Pull re Ngāi Tahu's submission. Can I confirm scope on the changes sought re Poutini Ngāi Tahu values and landscape measures and whether I support these.

17. Submission point S620.015 (addressed in the Introduction and General Provisions s42A report) sought that effects on Poutini Ngāi Tahu Values be added as a matter of control or discretion in every Controlled and Restricted Discretionary Activity rule in the Plan. I therefore consider there is scope to make the changes in relation to the Open Space and Recreation Zone rules sought by Ms Pull. I support the amendments proposed by Ms Pull in relation to Poutini Ngāi Tahu values and agree with the rationale in the planning evidence provided.

18. In relation to the changes sought to "landscape measures" I do not consider that there is scope in the Ngāi Tahu submission for the changes sought. The evidence of Ms Pull refers to

the recommendations from the Energy Infrastructure and Transport s42A report, however there was no similar submission made in relation to the Open Space Zones.

[8] Re paragraph 63 in the s42A report in relation to the Overview and the recommended amendment – should this refer to gravel and rock only not “mineral extraction”?

19. I have considered the verbal submission by Ms Frida Inta and agree that “quarry or gravel extraction” is a more appropriate term to use within the Overview than “mineral extraction”. This reflects the types of lands (eg gravel reserve, quarry reserve) that could be included within the zone, as well as maintenance activity within the zone that may be supported by this activity – such as gravel removal to protect access, or quarrying for protection of accessways.

[9] Does the evidence of Stephanie Styles/Manawa Energy alter my views on Policy 2?

20. I have considered Ms Styles evidence in her paragraph 5.11 and agree with some aspects of her evidence. However when I refer back to the WCRPS I consider that the most appropriate reference is to “electricity transmission, distribution and renewable electricity generation”. I consider this is within the scope of the original submission which sought a reference to “regionally significant infrastructure”.
21. I retain my view as outlined in the s42A report that functional and operational need within the Open Space Zone is not appropriate to include within this policy.
22. I therefore recommend an amended Policy OSZ – P2 as follows:

Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions and ancillary activities to support these, including electricity transmission, distribution and renewable electricity generation” where this fits with the purpose of the open space and its classification under any relevant Act.

[10] There are some submission points referred to in the report not carried through into recommended amendments. Can I confirm what amendments are recommended in response to these.

1. Policy OSRZ – P9 has a range of recommended amendments outlined in the commentary. The amended policy was omitted in error from the s42A report, but is shown in Appendix 1. The recommended amended policy is as follows:

OSRZ - P9

Provide for the a range of purposes where compatible with the open space values including:

- a. The ongoing operation and appropriate management of cemeteries;
 - b. Camping and other visitor accommodation opportunities at rivers, lakes and coastal areas where this is compatible with the values of the open space;
 - c. Gravel and shingle extraction for roading networks and other local purposes;
 - d. Quarries for rock;
 - e. Pastoral farming including grazing as a management tool;
 - f. Mineral prospecting, exploration and extraction of resources where these resources are limited in their location; and
 - g. Water supply and drainage networks where this supports local community needs; and
 - h. Establishment and operation of renewable electricity generation.
2. Policy OSRZ – P19 has a recommended amendment in the commentary (paragraph 140 of the s42A report) which is not shown in the s42A report or Appendix 1. I recommend the following amendment in response to this submission point.

OSRZ - P19

Within the NOSZ - Natural Open Space Zone enable activities and facilities that:

- a. Are consistent with the intended purpose, character and qualities of the Natural open space zone; and

- b. Protect, maintain and, where possible, enhance and restore indigenous biodiversity including taonga species, natural values and ecological linkages; and
 - c. Contribute to the health and wellbeing of the community.
3. The Overview has a recommended amendment in the commentary (paragraph 184 of the s42A report) which is not shown in the s42A report or Appendix 1. I recommend the following addition to the Overview section is included in response to this submission point.

Land included within the Open Space and Recreation Zones adjoins a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. When considering activities close to territorial authority boundaries, plan users need to apply care with regard to managing any potential cross boundary resource management issue.

[11] Re Policy 3 and the evidence of Manawa Energy – would I change my view on the use of “where practicable”?

4. I have reviewed the approach I have taken in other s42A reports I have developed and noted that I have not supported the use of the term “where practicable” in relation to other, similar submissions on District Wide matters. The term “where practicable” is used in OSRZ P16 and is also used in other Zones policies. In light of this, and the further arguments presented by Ms Styles, I would support amending Policy 3 as follows:

OSRZ - P3

Buildings and structures should be designed and sited to be compatible with the function and predominant purpose of the open space and where practicable fit within the character and amenity of the surrounding area.

[12] Are there any other changes I would recommend to the Overview? Can I address the missing submissions points of Manawa Energy S438.128 and S438.134

5. Submission point S438.128 seeks the addition of the phrase to the Overview as follows: “A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.” I support this submission and consider this text is appropriate for inclusion in the overview.
6. Submission point S438.134 seeks that a similar phrase is repeated further down in the Overview in relation to the specific section about the Open Space Zone. I do not support this submission as do not consider this is necessary to repeat a similar phrase in multiple locations in the Overview.

[13] Re rezoning proposed in paragraph 260 – would this cause legal issues with any activity wanting to use the land for access.

7. Yes if someone sought to establish access across the legal road, then rezoning it Open Space Zone would create additional regulatory requirements. The activity would be Permitted under the Transport Chapter (provided the transport standards were adhered to) but would trigger a Restricted Discretionary Activity consent under OSZ – R17.

[14] Should Policy 4 refer to commercial activities or retail? Is there scope to amend this?

8. I agree that this policy should refer to retail activities not commercial activities as this links better to the rules within the zones. There may be some scope to address this matter from Forest and Bird’s submission point – S560.337 as they seek consideration that many of these activities are inappropriate in the zone.
9. Submission point S560.337 states: *“Delete: or where it has a link with the open space and recreation resource. Reasons: The addition of the last sentence clause is inappropriate, at least in respect of PCL.”*

[15] Could NOSZ -R15 and NOSZ -R17 be combined as a catch all rule?

10. I consider it would be possible to combine several of the non-complying activity rules as a Clause 16 amendment. However I do not consider that the creation of an “any activity not provided for in another rule” type catch all rule would meet the Clause 16 test as this could capture unspecified activities that would otherwise be Permitted in the zone. That is because if a land use activity is not listed in a District Plan, then it is considered Permitted.

[16] Can I confirm where the term “reserve” is used in the Plan and whether there is a need for a definition

11. I do not consider that there is the need for a definition of reserves in relation to the Open Space Zones topic. The references in this chapter relate to the Reserves Act 1977.
12. I do not see any utility in including such a definition which would be necessarily generic and I do not consider is useful to aid interpretation of other parts of the Plan. There are many types of reserves, not all of which are established under the Reserves Act – for example Native Reserves established under the Native Reserves Act, Māori Reserves established under the Māori Reserved Land Act.
13. The term reserve is used within the Plan in the following context:
- Reserve is used in the financial Contributions chapter in relation to Policy 1 and Rule 10
 - Esplanade reserve (defined term – used in the Subdivisions chapter and Energy Chapter)
 - Reserves Act – referred to in ECO R1, SASM – R2 as well as the OSRZ policies
 - Native Reserve – referred to the SASM Chapter associated with the name of specific SASM sites
 - Māori Reserve – referred to the SASM Chapter associated with the name of specific SASM sites
 - Road reserves – referred to in Noise, Signs and Infrastructure Rules

[17] Can I respond to the issue raised by Frida Inta re Policy 9 and the use of “purpose” versus “activities”.

14. I agree with the submitter that a more appropriate phraseology is provide for a range of “activities” rather than “purposes” within this policy.

[18] Do we have any scope to refer to the Conservation Management Strategy rather than the Open Space Management Plan in relation to the conservation estate?

15. I consider that scope is provided by submission point 602.001 of the Department of Conservation as follows:
Request that management plans and strategies prepared under other Acts be considered in the section 42A report prior to the hearing, to have appropriate regard to the aspirations and goals for public conservation land on the West Coast/Te Tai o Poutini as set out in the West Coast Te Tai o Poutini Conservation Management Strategy.

16. The Department of Conservation in their evidence to the hearing sought that the reference to Open Space Management Plan also include the West Coast Conservation Management Strategy. I support this if the commissioners agree there is scope and would recommend an amendment to the definition of Open Space Management Plan as follows:

means a Reserve Management Plan or Conservation Management Plan or Conservation Management Strategy or National Park Management Plan or Iwi/Papatipu Rūnanga Management Plan or other Management Plan prepared in accordance with the Reserves Act 1977 or the Conservation Act 1987.

[19] Can I provide a map of LINZ administered land [this is attached at Appendix 1]

Recommended Amendments to the Plan

(Recommendations from this Right of Reply highlighted in Yellow)

1. That the following amendments are made to the Definitions:

Camping ground ~~has the same meaning as the Camping Grounds Regulations 1985 (as set out below)~~ means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more facilities or parties (whether consisting of one or more persons) living independently of each other, whether or not such facilities or parties enjoy the use in common of entrances, water supplies, cookhouse, sanitary fixtures or other premises and equipment, and includes the use of permanent buildings for sleeping in such as cabins and motel accommodation ancillary to the camping ground. For the avoidance of doubt nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds.

Open Space Management Plan

means a Reserve Management Plan or Conservation Management Plan or Conservation Management Strategy or National Park Management Plan or Iwi/Papatipu Rūnanga Management Plan or other Management Plan prepared in accordance with the Reserves Act 1977 or the Conservation Act 1987.

2. That the following amendments are made to the Overview for the Open Space and Recreation Zones:

Overview

There are a range of open spaces in the West Coast/Te Tai o Poutini districts that are covered by the OSRZ - Open Space and Recreation Zones. The three Councils own reserves and open spaces generally for local community use. There are a number of community organisations that own and operate open spaces such as racecourses and golf clubs. The Department of Conservation administers 84% of the land on the West Coast under the Conservation Act which is also included in the Open Space and Recreation Zones. A number of renewable electricity generation activities are located within these zones and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.

These Objectives, Policies and Rules apply to all three types of open space, however, the Department of Conservation is exempt under the Resource Management Act from being required to meet these on land it administers. Concessionaires and other organisations undertaking activities on Department of Conservation administered land are required to work within the Te Tai o Poutini Plan framework.

The lands zoned Open Space and Recreation Zones are also governed by specific legislation such as the Reserves Act, the National Parks Act and the Conservation Act. Many matters that impact on resource management are governed through these Acts, and through the Management Plans that are required by these Act. As a consequence, the Objectives, Policies and Rules provide for a linkage to the Reserve, National Park and other types of Open Space Management Plans that are in place for these areas under their governing legislation. As these Open Space Management Plans must be prepared through a consultative process with affected communities, the aim of the approach of referring to them within Te Tai o Poutini Plan provisions is to reduce the duplication of provisions and regulation of activities within these areas. Where no Open Space Management Plan is in place, a full regulatory pathway is provided for within Te Tai o Poutini Plan.

Land included within the Open Space and Recreation Zones adjoins a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. When considering activities close to territorial authority boundaries, plan users need to apply care with regard to managing any potential cross boundary resource management issue

The **NOSZ - Natural Open Space Zone** is where the Plan recognises and provides for open spaces that contain high natural and ecological values. The Zone is made up of the most significant open space and reserves where natural values predominate such as National Parks, Nature Reserves, Scientific Reserves, Wilderness Areas and Specially Protected Areas as well as other areas of public conservation land identified with very high natural values.

A low level of development and built form is anticipated within this zone to retain the natural/biodiversity values within natural open space areas.

The **OSZ - Open Space Zone** is open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. A large area of the public conservation lands administered by the Department of Conservation falls within this zone. At a district level the open spaces vary in size from small neighbourhood parks to large parks where people can enjoy activities such as walking and cycling, skateboarding, swimming, surfing, camping and kicking a ball around. Some of these open spaces are located near waterbodies and the coast, others are in towns and settlements and others form an important part of the West Coast walkway and cycleway network. These open spaces include civic spaces, playgrounds, land with community facilities, cemeteries, campgrounds, esplanades, historic reserves and scenic reserves. They also include local purpose reserves that have specifically been set aside for activities such as quarry and gravel reserves, cemeteries, camping grounds and other local purposes such as water supply and drainage.

The nature of the West Coast, with its extensive mineral deposits, means that minerals are widespread within areas in the Open Space and Recreation Zones. combined with 84% of the land area being located in public conservation estate, There are a range of circumstances where ~~some mineral extraction quarrying or gravel extraction~~ may be appropriate, particularly where this supports ongoing access and management of the lands within the zones. There are also some Local Purpose Reserves within the Open Space Zone in particular, where quarrying or gravel extraction may be part of, or the primary local purpose. This means that provision is also made for mineral extraction within the Open Space Zone.

The **SARZ - Sport and Active Recreation Zone** is open space areas for a range of sport and recreation activities, including organised sport and recreation for local, district-wide and regional communities. This zone applies in parks, sports grounds and multi-sport facilities. Such areas will normally have associated buildings such as club rooms, changing sheds or toilet facilities.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also have regard to any relevant reserve management plans or National Park management plans and legislation (Reserves Act 1977 and the Conservation Act 1987).

3. That the following amendments are made to the Open Space and Recreation Zone Policies:

OSRZ – P2

Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions and ancillary activities to support these, including electricity transmission, distribution and renewable electricity generation” where this fits with the purpose of the open space and its classification under any relevant Act.

OSRZ - P3

Buildings and structures should be designed and sited to be compatible with the function and predominant purpose of the open space and where practicable fit within the character and amenity of the surrounding area.

OSRZ - P9

Provide for a range of purposes activities where compatible with the open space values including:

- a. The ongoing operation and appropriate management of cemeteries;
- b. Camping and other visitor accommodation opportunities at rivers, lakes and coastal areas ~~where this is compatible with the values of the open space~~;
- c. Gravel and shingle extraction for roading networks and other local purposes;
- d. Quarries for rock;
- e. Pastoral farming including grazing as a management tool;
- f. Mineral prospecting, exploration and extraction of resources where these resources are limited in their location; ~~and~~
- g. Water supply and drainage networks where this supports local community needs; and
- h. Establishment and operation of renewable electricity generation.

New Policy OSRZ – PXXX

When conservation stewardship land is reclassified, provide for the different functions, values and purpose of the reclassification in partnership with Poutini Ngāi Tahu and key stakeholders. ~~the Te Tai o Poutini Plan Committee, after working with Te Papa Atawhai/the Department of Conservation and Poutini Ngāi Tahu, will undertake a plan change to ensure that the plan zone identification is appropriate for the reclassified land parcel.~~

4. That the following amendments are made to the Open Space and Recreation Zone Rules.

OSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

1. The maximum building height above ground level is 7m;
2. The maximum gross floor area is 100m² per building;
3. Buildings or structures are setback:
 - i. 4.5m from the road and rail designation boundaries; and
 - ii. 3m from any RESZ - Residential Zone or SETZ - Settlement Zone boundary.
4. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary;
5. Fences, walls and retaining walls are a maximum 2m height above ground level;
6. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:
 - i. Road boundaries;
 - ii. Buildings on adjoining sites that have a common wall along the boundary;
 - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
 - v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically; and

7. No Parks Facilities or Parks Furniture are established in the Rifle Range Protection Area except that which is reasonably necessary for the operation of the Rifle Range

Activity status where compliance not achieved: ~~Controlled~~ ~~Restricted~~ ~~Discretionary~~

Advice Note: Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.

OSZ - R13 Park Facilities and Park Furniture not meeting Rule OSZ - R1

Activity Status ~~Controlled~~ ~~Restricted~~ ~~Discretionary~~

Matters of control are ~~Discretion is Restricted to:~~

- a. Design, position and location of any buildings;
- b. Landscape measures;
- c. Vehicle access and parking design and location; **and**
- d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, ecological and biodiversity values; **and**
- e. **The safe and efficient operation of the rail corridor**

Activity status where compliance not achieved: N/A

Notification

When making notification decisions in relation to this rule, the Council will be informed by Radio New Zealand in terms of the safety risks of electromagnetic coupling that could arise with the construction of structures greater than 18m in height within 1000m of the Cape Foulwind radio transmission site

SARZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

1. The maximum building height above ground level is 10m;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. The maximum gross floor area is 200m²;
4. Buildings **or structures** are setback:
 - i. 4.5m from the road **and rail designation** boundaries; **and**
 - ii. 3m from any Residential Zone or Settlement Zone boundary.
5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary;
6. Fences, walls and retaining walls are a maximum 2m height above ground level;
7. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing¹. This standard does not apply to:~~
 - i. Road boundaries;
 - ii. Buildings on adjoining sites that have a common wall along the boundary;
 - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; **and**
 - v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Activity status where compliance not achieved: Controlled

Advice Note: Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.²

¹ Buller District Council (S538.389)

² Buller District Council (S538.389)

SARZ - R10 Park Facilities and Park Furniture not meeting Permitted Activity Standards

Activity Status Controlled

Matters of control are:

- a. Design, position and location of any buildings;
- b. Landscape measures;
- c. Vehicle access and parking design and location; ~~and~~
- d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and biodiversity values; ~~and~~
- e. The safe and efficient operation of the rail corridor.

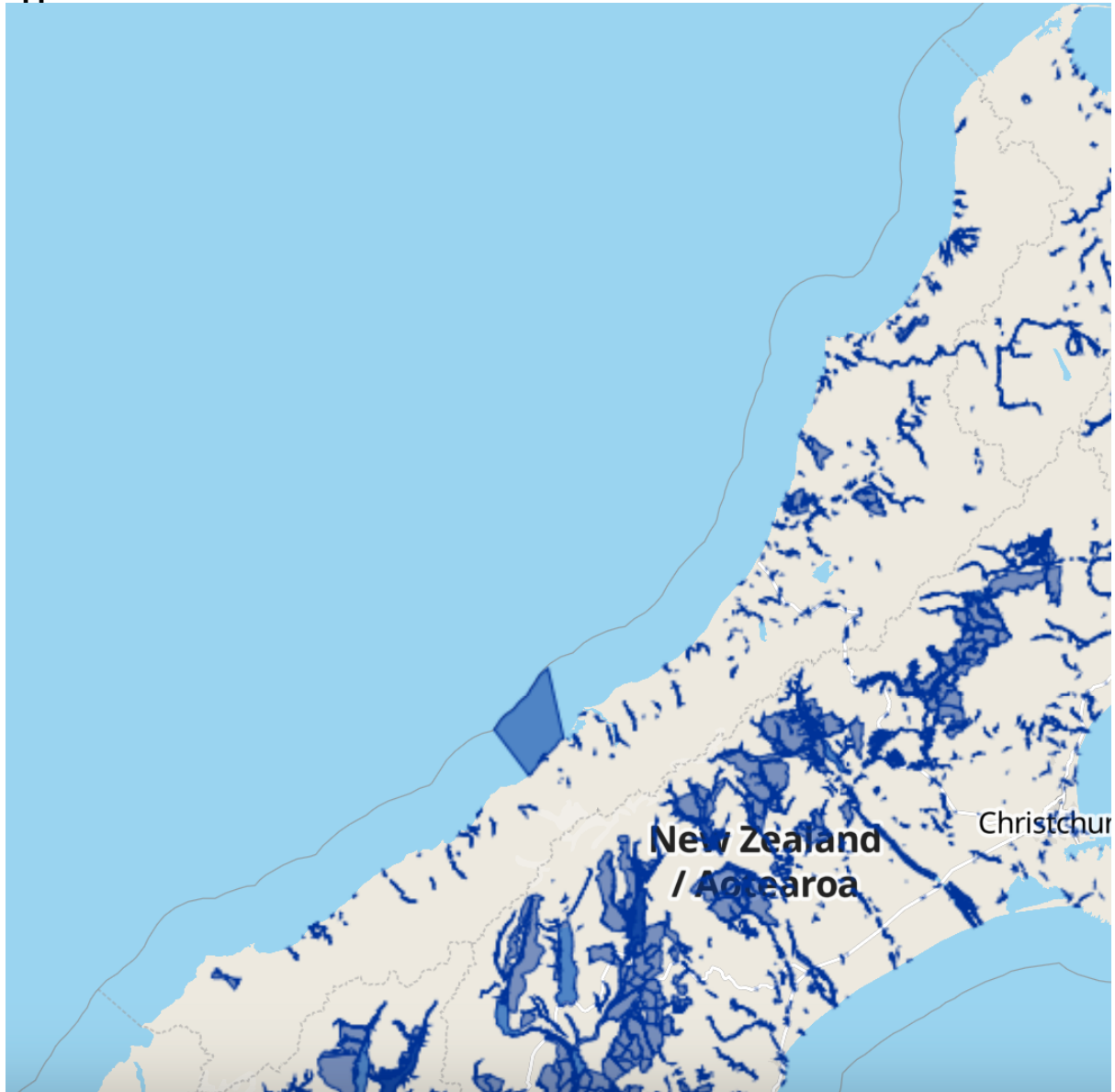
Activity status where compliance not achieved: N/A

5. That the following new method be added to the Plan:

OSRZ – M1

The Te Tai o Poutini Plan Committee will consider undertaking a plan change in relation to reclassification of stewardship land as part of their regular monitoring of Plan implementation. The TTPP Committee, will work with Te Papa Atawhai/the Department of Conservation and Poutini Ngāi Tahu, to assess whether there is sufficient benefit of re-zoning and if so, initiate a Plan Change.

Appendix 1 – LINZ Administered Land on the West Coast

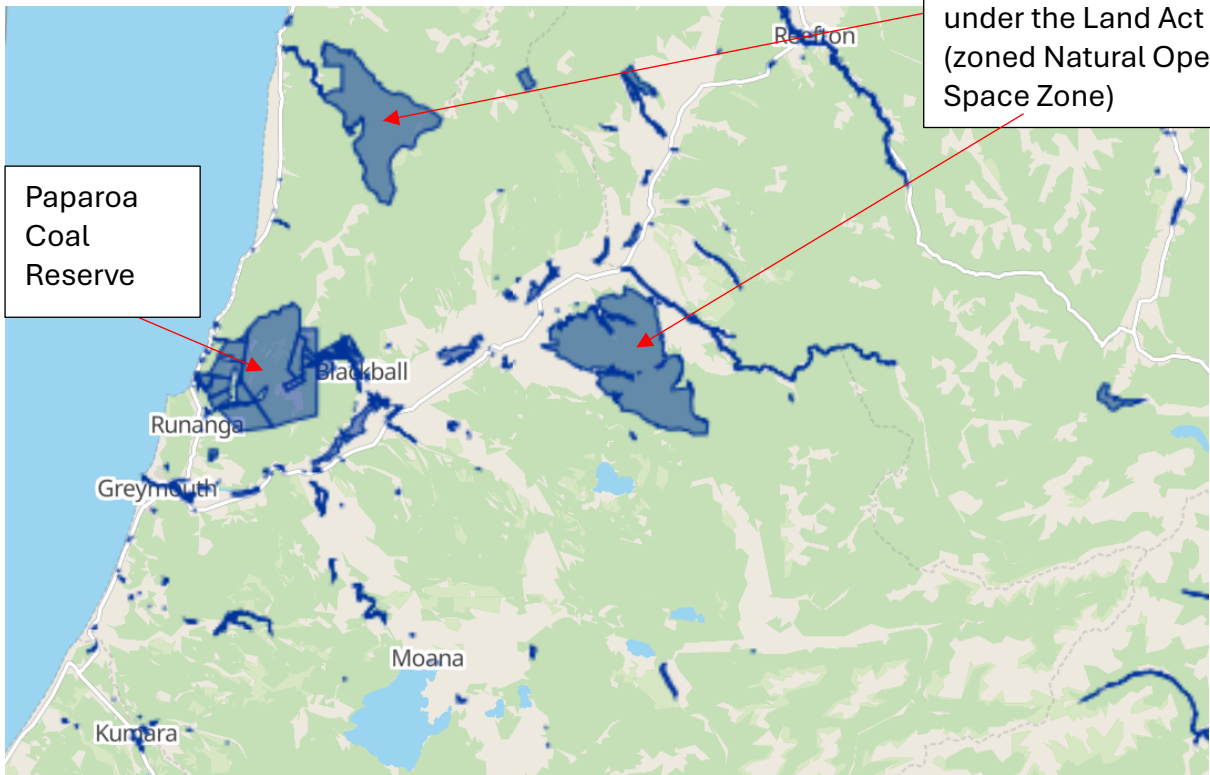


Overview of LINZ administered land on the West Coast. The majority of lands are riverbed, with other blocks highlighted in maps below



State Coal Reserve at Stockton

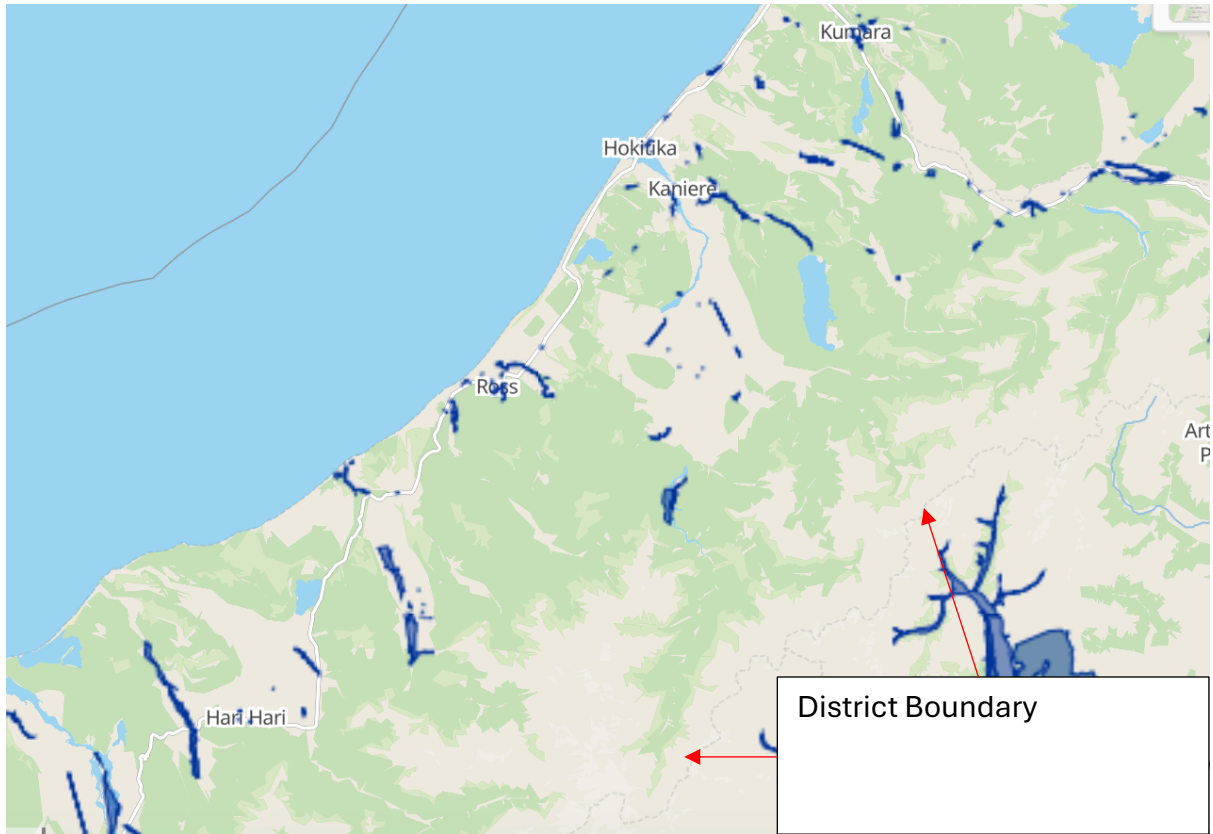
LINZ Administered Land in Buller



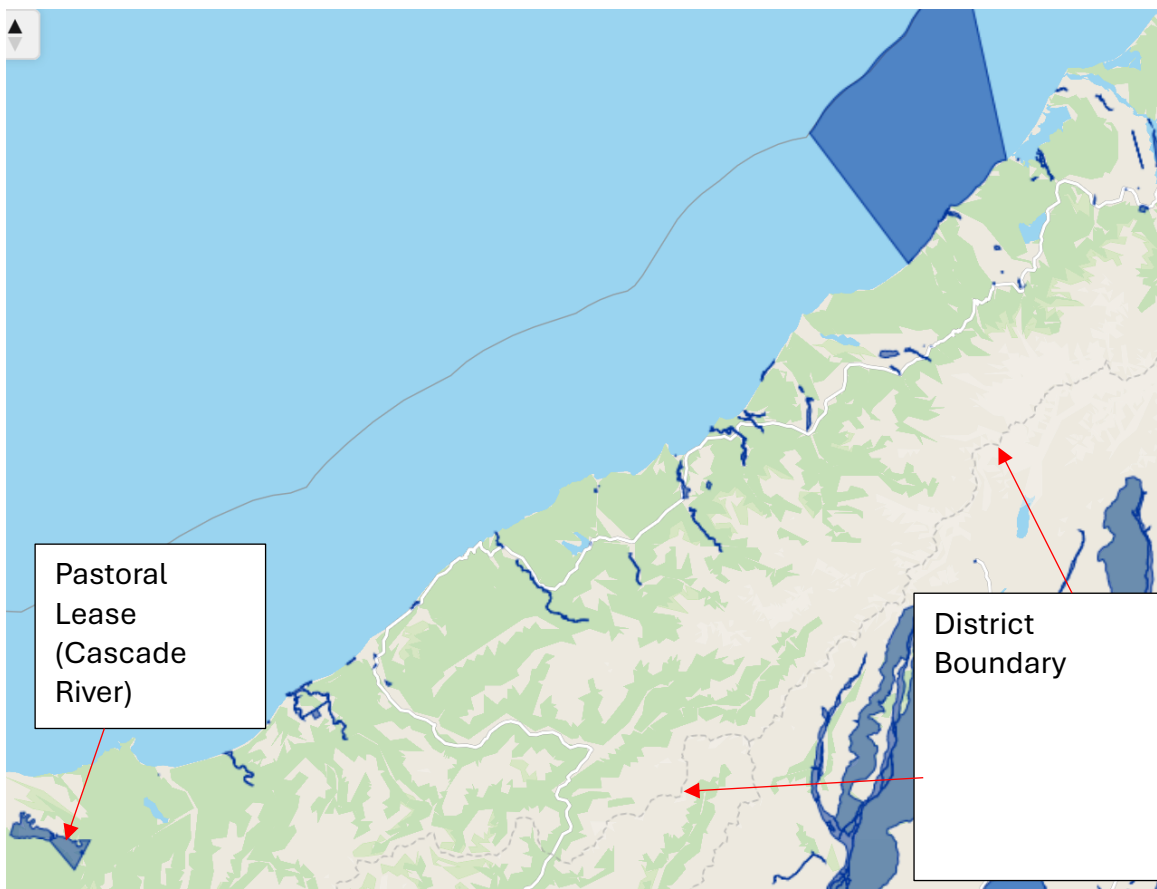
Paparoa Coal Reserve

Land administered under the Land Act (zoned Natural Open Space Zone)

LINZ Land Administered in Grey



LINZ Administered Land in North Westland



LINZ Administered Land in South Westland