

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: Topic 15

Open Space Zone - Te Takiwā Pōaha

Hearing Dates: 3 and 4 July 2024

HEARING PANEL

Dean Chrystal

Anton Becker

Paul Rogers

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Open Space Zone - Te Takiwā Pōaha

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on the Proposed Te Tai o Poutini Plan (**‘pTTPP’** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the Open Space and Recreational Zones (**‘OSRZ’**), Natural Open Space Zone (**‘NOSZ’**), Open Space Zone (**‘OSZ’**), and Sport and Active Recreation Zone (**‘SARZ’**) chapters of the Zones section in Part 3 – Area-Specific Matters of pTTPP.
3. This Recommendation Report contains our evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the OSRZ, NOSZ, OSZ, and SARZ chapters.
4. The Section 32 Report¹ on OSRZ (**‘s32 Report’**) provided an evaluation of the options relating to managing the three Open Space and Recreational Zones through the pTTPP, including the regulatory framework, key resource management issues, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options. The evaluation concluded that, compared to a modified status quo zoning approach or status quo designation approach, the OSRZ, NOSZ, OSZ, and SARZ provisions represents the most appropriate means of achieving the OSRZ objectives of the pTTPP.
5. Some 338 submission points and 65 further submission points were received in total on the OSRZ, NOSZ, OSZ, and SARZ chapters and relevant definitions.
6. The Section 42A Officer’s Report² (**‘s42A Report’**), authored by Ms. Lois Easton, a principal planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report summarised the submissions and further submissions received, and relief sought. It analysed the submissions on the OSRZ, NOSZ, OSZ, and SARZ provisions, and detailed recommendations (summarised in **Appendix 1** of the s42A Report). It also indicated whether individual submission points and further submission points were recommended to be accepted/accepted in part/rejected (see **Appendix 2** of the s42A Report).
7. The matters raised by submitters and further submitters were grouped in the s42A Report in relation to each of the following key issues:
 - (a) Definitions.
 - (b) Open Space and Recreation Zones topic as a whole.
 - (c) Open Space and Recreation Zones overview section and chapter.
 - (d) Objectives.

¹ Section 32 Evaluation Report Ten Open Space and Recreation Zones Ngā Mokowā Pōaha me ngā Takiwā Hākinakina and Public Access Te Āheinga Tūmatanui

² Section 42A Officer’s Report Open Space and Recreation Zones - Ngā Mokowā Pōaha me ngā Takiwā Hākinakina

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- (e) Policies.
 - (f) NOSZ chapter.
 - (g) OSZ chapter.
 - (h) SARZ chapter; and
 - (i) Zoning maps.
8. A s32AA evaluation for all recommended amendments was provided at the end of the s42A Report.
 9. After the hearing, Ms. Easton provided a Right of Reply (**'Right of Reply'**) dated 15 August 2024.
 10. This Recommendation Report follows the same structure of the s42A Report and provides a summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter statement or evidence and the Right of Reply, before providing my evaluation and recommendation.
 11. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified pTTPP provisions (attached as **Appendix 1** to this Report). The tracked change version of the pTTPP provisions forms an integral part of the decision and records all my recommended amendments (additions and deletions) to the notified pTTPP provisions. The tracked change version of the pTTPP shows my recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~striketrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the pTTPP, the tracked change version of the pTTPP shown in **Appendix 1** of this Report must prevail.
 12. This Recommendation Report contains the reasons for our recommendations. These comprise either adoption of the reasoning and recommendations of the original s42A Reports or the Right of Reply, or a specific reasoning.
 13. Where we recommend the pTTPP provisions should remain as notified, it is because:
 - (a) We have adopted the reasoning and recommendation of the s42A Report or the Right of Reply to retain the provision as notified; or
 - (b) We have recommended to retain the provision as notified for reasons set out in this Recommendation Report.
 14. Where there is a recommended change to a notified provision of the pTTPP, it is because:
 - (a) We have recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or
 - (b) We have adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or

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- (c) We have adopted the reasoning and recommendation to that recommended in the Right of Reply; or
 - (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).
15. Where there may be a different recommendation between the s42A Report and the Right of Reply (i.e., the Reporting Officer’s recommendation has changed as a result of hearing the statement or evidence of submitters), unless the recommendation specifically adopts the original s42A Report’s reasoning and recommendations, the reasoning and recommendations in the (later) reply has been adopted and it must be taken to prevail.
16. If there are circumstances where we consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, NPS and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
17. If any changes are recommended to the provisions (since the s32A Report was completed) a further evaluation, if required, has been undertaken pursuant to s32AA of the RMA. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.
18. Clause 16(2) of Schedule 1 of the RMA enables us to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. Any such minor amendments are recorded in the recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (**Appendix 1** of this Report).

1.2. Terminology in this Report

19. Throughout this Report, the following abbreviations will be used:

Bathurst Group	Bathurst Resources Limited and BT Mining Limited
Birchfield Group	Birchfield Ross Mining Limited and Birchfield Coal Mines Ltd
BCG	Buller Conservation Group
BDC	Buller District Council
BDL	Ball Developments Ltd
BCML	Birchfield Coal Mines Ltd
BRML	Birchfield Ross Mining Limited
CMS	Conservation Management Strategy
Councils	Buller District Council, Grey District Council, and Westland District Council
DOC	Department of Conservation
Director General	Director General of Conservation

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Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MOE	Te Tāhuhu o ta Mātauranga Ministry of Education
NTCSA	Ngāi Tahu Claims Settlement Act 1998
NZMCA	New Zealand Motor Caravan Association
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-IB	National Policy Statement for Indigenous Biodiversity
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZAAA	New Zealand Agricultural Aviation Association
NZCPS	New Zealand Coastal Policy Statement 2010
NZCCL	New Zealand Coal & Carbon Limited
OSMP	Open Space Management Plan
Planning Standards	National Planning Standards
PML	Phoenix Minerals Limited
REG	Renewable Electricity Generation
RMA or the Act	Resource Management Act 1991
RMP	Reserve Management Plan
RNZ	Radio New Zealand Limited
RSI	Regionally Significant Infrastructure
SASM	Site or Area of Significance to Māori
SEL	Skyline Enterprises Limited
Te Mana Ora	Te Mana Ora (Community and Public Health) of Te Whatu Ora (Health New Zealand)
Terra Firma	Terra Firma Mining Ltd
The Dunn, Boon, Preston, and Rogers group	Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, and Jane & Mike Rogers
The Findlays	Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd

TiGa	TiGa Minerals and Metals Limited
Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WCRPS	West Coast Regional Policy Statement
WDC	Westland District Council
Westpower	Westpower Limited
WMS	WMS Group (HQ) Limited and WMS Land Co. Limited
WRCI	Westport Rifle Club Incorporated

1.3. Hearing Arrangements

20. The hearing was held via Audio Visual over 3 and 4 July 2024. Some submitters appeared by internet connection while others joined in person.

1.4. Appearances

21. The following submitters appeared at the hearing:
- (a) Ms Rachael Pull, planner on behalf of Ngāi Tahu (S620 and FS41);
 - (b) Ms Christina Sheard and Mr Joshua Leckie legal counsel, Claire Hunter planner and Mr Campbell Robertson on behalf of Bathurst Group (S491 and FS89);
 - (c) Ms Nicky Snoyink on behalf of Forest & Bird (S560 and FS34);
 - (d) Ms Frida Inta (S553) for herself and on behalf of BCG (S552);
 - (e) Mr Andrew Beaumont for himself (S225);
 - (f) Messrs Matt Pemberton and Geoff Deavoll on behalf of the Director General (S602 and FS122);
 - (g) Mr Martin Kennedy planner on behalf of Westpower (FS222);
 - (h) Ms Lucy Smith on behalf of Terra Firma (S537 and FS108); and

1.5. Submitter correspondence

22. In lieu of presenting at the hearing, the TTPP Panel received a letter from:
- (a) KiwiRail on 5 June 2024.
 - (b) Chapman Tripp, counsel for RNZ, on 19 June 2024; and
 - (c) Ms Daly Williams on behalf of the MoE on 4 July 2024.

1.6. Overview of submitter evidence received

23. Evidence was circulated prior to and tabled at the hearing from:
 - (a) Ms Stephanie Styles, on behalf of Manawa (S438) dated 29 May 2024.
24. For those appearing at the hearing the following evidence and/or statements were received:
 - (a) Ms Smith, on behalf of Terra Firma (S537 and FS108) dated 5 June 2024;
 - (b) Ms Sheard and Mr Leckie, counsel for Bathurst Group (S491 and FS89) dated 19 June 2024;
 - (c) Ms Hunter, on behalf of Bathurst Group (S491 and FS89) dated 5 June 2024;
 - (d) Mr Pemberton, counsel for the Director General (S602 and FS122);
 - (e) Mr Deavoll, on behalf of Director General (S602 and FS122) dated 5 June 2024;
 - (f) Mr Kennedy, on behalf of Westpower (FS222) dated 5 June 2024;
 - (g) Ms Pull, on behalf of Ngāi Tahu (S620 and FS41) dated 14 June 2024; and

1.7. Right of Reply

25. Ms. Easton provided a Right of Reply responding to questions raised at the hearing and proposing further amendments beyond those recommended in the s42A Report.

1.8. Procedural Steps and Issues

26. No procedural matters were raised at the hearing.

1.9. Site Visits

27. No site visits relating to these chapters were undertaken.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

28. Part 3 - Area-Specific Matters - Te Wāhanga 3 - Ngā Take a Ia Rohe of the pTTPP contains a Zones - Ngā Takiwā section. The Zones section contains the subsection Open Space and Recreation Zones - Ngā Mokowā Pōaha me ngā Takiwā Hākinakina. That subsection contains four chapters, being the OSRZ, NOSZ, OSZ, and SARZ chapters. The OSRZ chapter contains objectives and policies for the three open space zones, i.e., NOSZ, OSZ, and SARZ. Whereas the NOSZ, OSZ, and SARZ chapters each contain rules to manage activities within their respective zone, and activity specific standards with the Permitted Activity rules.
29. The s32 Report outlined the relevant statutory considerations for open space and recreation land. That included matters from sections 6, 7 and 8 of the RMA, NPS-FM, Planning Standards, WCRPS, iwi management plans, Reserves Act 1977, Walking Access Act 2008, and Conservation Act 1987, relevant to the OSRZ chapters, and broadly discussed these considerations too³.
30. The s32 Report⁴ indicated that there are three iwi management plans, i.e., Te Rūnanga o Makaawhio Pounamu Management Plan, Ngāti Waewae Pounamu Management Plan, and Lake Māhinapua Management Plan. It⁵ noted that while these documents focus on specific issues, they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources, and Poutini Ngāi Tahu values.
31. Clause 10 of Schedule 1 of the RMA states that it is not necessary to provide decisions on individual submissions. Recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation. References to relevant submissions are made in the footers.
32. The Planning Standards mandatory direction 5.23 states the NOSZ should either be placed in the Rural Zone or OSRZ chapter of the pTTPP. Mandatory direction 5.20 indicates that the NOSZ, OSZ, and SARZ should sit under the OSRZ chapter of the pTTPP. I am satisfied the pTTPP structure is consistent with these national directions.
33. As background in her summary statement Ms Easton clarified that:
 - (a) The Councils do not have any strategic documents or plans for parks and open space to provide context for policy development for the pTTPP. Buller and Grey District Councils owned or managed reserves were subject to Designations, whereas there was no specific management approach for Westland District Council owned or managed reserves;
 - (b) Parks or open spaces in the region were generally zoned the same as the surrounding area. In the first instance, it was considered whether the OSZ was appropriate, being the most generic of the three zones. Sportsfields and other active recreation sites were generally zoned SARZ. Outside of the DoC lands, very few sites were zoned NOSZ; and
 - (c) The Councils held limited information to make zoning decisions on DoC lands, so DoC lands were largely zoned OSZ, except for National Parks which are zoned NOSZ. It was recognised this approach would mainly impact on concessionaires and third parties rather than DoC activities.

³ Above n 1, sections 1.2.2 to 1.2.6

⁴ Above n 1, section 1.2.5

⁵ Above n 4

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. DEFINITIONS

Submissions and Further Submissions

34. Four submission points and one further submission points⁶ relating to **Definitions** were summarised in a Table on pages 11 and 12 of the s42A Report. All submission points sought an amendment to the definition of a term, and the further submission point opposed Forest & Birds submission.
35. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

36. Ms Easton recommended rejecting BCG's request (S552.223) to insert the term 'Reserve' and associated definition in the chapter. She reasoned it unnecessary because this term is not used in the OSRZ topic and would require the pTTPP to distinguish reserves for public purpose from road reserves or other types of reserves.
37. Ms Easton recommended rejecting the request from BCG and Ms Inta (S552.225 and S553.212 respectively) to amend the term 'Parks Facilities' to include several elements listed in the 'Parks Furniture' term and subsequently remove those same elements from 'Parks Furniture'. She reasoned that these terms relate to differing scale of facilities, i.e., low impact facilities are 'Parks Furniture' whereas more significant facilities are 'Parks Facilities'.
38. Regarding Forest & Bird's request (S560.072) to amend the Open Space Management Plan (OSMP) definition to limit its considerations to areas and activities outside the NOSZ and overlays and outside areas of significant indigenous biodiversity, Ms Easton recommended accepting in part both the submission. She reasoned that the term should be retained, but not be excluded from specific zones, overlays, or areas because an OSMP is likely to be more specific to the reserve than region-wide provisions.

Hearing and Submitter Evidence

Ms Frida Inta and Buller Conservation Group

39. In the statement for herself and on behalf of BCG, in response to Ms Easton's conclusion detailed in [36], Ms Inta indicated the term "Reserve" is widely used in the pTTPP, she cited various examples. She suggested the Reserves Act covers most reserves, including road reserve, so a further definition for road reserve would not be needed. She mentioned a definition for "Reserve" would be applicable to the zone, Natural Environment Values, and General District-Wide Matters chapters. Consequently, Ms Inta suggested the following "Reserve" term and definition be included in the pTTPP, with this being the same definition included in the Buller District Plan.

Reserve

⁶ BCG (S552.223 and S552.225), Ms Frida Inta (S553.212), Forest & Bird (S560.072) and BDC (FS149.067)

Any land set apart for any public purpose, as defined in the Reserves Act 1977. There are different types of reserves administered by the Department of Conservation and the word ‘reserves’ in this Plan can refer to these reserves.

Reporting Officer Reply Evidence

- 40. Ms Easton indicated “Reserve” references in the OSRZ chapter relate to the “Reserves Act 1977”, she listed other “Reserve” references throughout the pTTPP (i.e., esplanade reserve, Reserves Act, native reserve, Māori reserve, and road reserve). She considered defining “Reserve” unnecessary for the OSRZ topic, reasoning that a generic definition would not aid plan interpretation given there are many reserve types, some of which are established under different Acts.
- 41. Ms Easton indicated there is scope within the Director General’s submission (S602.001) to amend the OSMP definition to insert a reference to the Conservation Management Strategy as illustrated below. She highlighted her support for such an amendment:

*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.*

Hearing Panel’s Evaluation

- 42. The Panel agree with Ms Easton’s recommendation that no changes to be made to the definitions of “Park facilities” and “Parks Furniture” as there are different scales of facilities included in the definition and Parks Furniture is a low impact facility compared to other Park Facilities which are more significant.
- 43. The Panel accept Ms Easton’s recommendation to amend the definition of OSMP based on the Director General’s submission and include Conservation Management Strategy. We consider this is an appropriate amendment.

Hearing Panel Recommendation

- 44. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted in part, and recommends the following changes to the definition of Open Space Management Plan:

Definitions - Ngā Tautuhinga	
Term	Definition
OPEN SPACE MANAGEMENT PLAN	means a Reserve Management Plan or Conservation Management Plan or Conservation Management Strategy ⁷ 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.

⁷ Director General of Conservation (S602.001), Forest & Bird (S560.072)

3. OPEN SPACE AND RECREATION ZONES TOPIC AS A WHOLE

Submissions and Further Submissions

45. Seven submission points and five further submission points⁸ relating to the **OSRZ** topic as a whole were summarised in a Table on pages 12 and 13 of the s42A Report. One submission point supported the provisions as notified, two submission points were neutral, and the other four submission points sought an amendment. Of the further submissions, three supported or supported in part WCRC's amendment submission point, and one opposed the amendment submission point from GDC and Ms Perkins.
46. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

47. Ms Easton noted the supportive or neutral submissions received on the OSRZ topic and, consequently, recommended their acceptance.
48. She recommended rejecting the submission from GDC (S608.094) to remove all references to SASM from the entire chapter, reasoning their inclusion is appropriate and gives effect to s6 of the RMA. As a result, Ms Easton recommended the further submission from Ngāi Tahu be accepted.
49. Ms Easton recommended rejecting the submission from Ms Inta (S553.227) to rewrite the entire OSRZ chapter, reasoning that the chapter manages activities undertaken on public conservation land by both DoC and other entities. She emphasised that DoC remain landowner and administer of public conservation land, but the Councils also have responsibilities under the RMA.
50. Ms Easton recommended accepting WCRC's requested amendment (S488.029) to insert a Permitted Activity rule in the chapter for aerial helicopter operations associated with biodiversity and biosecurity works. She reasoned that this is already provided for through the permitted 'Conservation Activities' in all three zones. Consequently, Ms Easton recommended that the 'Conservation Activities' term specifically include biosecurity work undertaken by helicopters.
51. Ms Easton recommended accepting in part Ms Perkins requested amendment (S462.037) to provisions relating to cemeteries, reasoning that the term 'Cemeteries' allows for natural burials. However, she emphasised that the Councils will separately manage whether natural burials are appropriate or allowed in specific cemeteries through their individual Cemeteries Bylaw.

Hearing and Submitter Evidence

52. In his legal submission, Mr Pemberton highlighted that most of the Director General's submission points relating to the OSRZ topic have been accepted.

⁸ Avery Brothers (S609.098), Director General (S602.191, S602.205, and FS122.034), GDC (S608.094), Ngāi Tahu (FS41.025 and FS41.245), Ms Frida Inta (S553.227), WCRC (S488.029), Mr Tony Michelle (FS30.16), NZHA (FS83.18), and Ms Inger Perkins (S462.037)

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53. In her summary of planning evidence on behalf of Ngāi Tahu, Ms Pull generally supported Ms Easton's recommendations on Ngāi Tahu submissions and further submissions.

Hearing Panel's Evaluation

54. The Panel agrees with Ms Easton's recommendations in regard to submissions received on the Chapter as a Whole. We accept that specifically including 'biosecurity work undertaken with helicopters' in the term "Conservation Activities" is appropriate. We note that this has been addressed in the Introduction and General recommendation. We also accept the conclusion that the current definition of cemeteries allows for natural burials and agree that Council's will manage this process through their individual bylaws.

Hearing Panel Recommendation

55. The Panel recommends no amendments to the Plan are made as a result of these submissions but noting that an amendment the definition of "Conservation Activities" has been made in the Introduction and General recommendation.

4. OPEN SPACE AND RECREATION ZONES OVERVIEW SECTION AND CHAPTERS

Submissions and Further Submissions

56. Eight submission points and two further submission points⁹ relating to the **OSRZ overview section** were summarised in a Table on pages 14 to 16 of the s42A Report. Four submission points supported the overview section with most requesting retention, and one further submission point supported PML's submission of support. Four submission points requested amending the overview section, noting that Forest & Bird did not specifically state their position, with one further submission point opposing the Director General's amendment.
57. Eight submission points and three further submission points¹⁰ relating to the **OSRZ chapters** were summarised in a Table on pages 15 to 17 of the s42A Report. Seven submission points requested amendments to the chapter, although Forest & Bird's position of support on submission point S560.0553 should have been recorded as 'Amend' instead of 'Support' since they requested an amendment. Lastly, one submission point opposed the chapter, with this submission supported or supported in part by three further submissions.
58. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

59. Ms Easton noted the support on the OSRZ overview section. Consequently, she recommended acceptance in part of their submissions.
60. Ms Easton did not support the Director General's submission (S602.181) to amend the OSRZ overview section, reasoning that there are areas in the OSZ where mineral extraction activities

⁹ BRML (S604.068), PML (S606.054), Terra Firma (FS108.001), Whyte Gold Limited (S607.052), WMS (S599.099), Director General (S602.181 and S602.001), Bathurst Group (FS89.028), Forest & Bird (S560.0554, S560.0555, S560.334 and FS34.003), Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris and Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), Ms Laura Coll McLaughlin (S574.342), WCRC (FS136.027), BDC (FS149.0134)

¹⁰ Mr William McLaughlin (S567.742 and S567.401), Ms Laura Coll McLaughlin (S574.342), Mr Chris and Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), WRCI (S457.018), Director General (S602.001), WCRC (FS136.027), BDC (FS149.0134), and Forest & Bird (S560.0553 and FS34.003)

could fit within the OSZ purpose, citing quarrying or gravel pits for local purposes or pounamu or aotea recovery occurring in the OSZ. She recommended accepting the Director General's submission in part as far as amending the overview section as detailed below:

Overview

...

The nature of the West Coast, with its extensive mineral deposits, means that minerals are widespread within areas within the Open Space and Recreation Zones. ~~combined with 84% of the land area being located in public conservation estate⁴,~~ There are a range of circumstances where some mineral 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 ...

61. Ms Easton recommended accepting Forest & Bird's amendment (S560.0553) to the OSRZ overview, considering it appropriate for the district wide provisions to be referred to in this overview. However, Ms Easton did not actually make any recommendations on the OSRZ overview, instead incorporated this submission in the NOSZ, OSZ, and SARZ overviews which are discussed in those respective sections.
62. Ms Easton supported the insertion of "ecological" into the NOSZ section of the OSRZ overview as requested by Forest & Bird's (S560.0554). However, this appears to have been omitted in error from her recommendations in the s42A Report.
63. Regarding Forest & Birds other amendment (S560.0554), Ms Easton indicated that if they considered the NOSZ provisions should apply to land they own and manage for conservation purposes, then that may be appropriate. She invited Forest & Bird to advise the Panel of the location of that land. However, Ms Easton was unsupportive of applying any of the open space zones to privately owned land as the zone provisions are focused on development and activities occurring on public owned land, many of which are highly unlikely to occur on privately owned land.
64. Ms Easton recommended accepting in part Forest & Bird's amendments (S560.0555) to the OSZ section of the OSRZ overview, supporting improved clarity of reasoning for mineral extraction provisions. However, she recommended alternative wording to appropriately clarify the rationale of those provisions as detailed below:

The nature of the West Coast, with its extensive mineral deposits, means that minerals are widespread within areas within 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 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."

65. Regarding Forest & Bird's submission point (S560.0555), Ms Easton was unsupportive of removing a large area of public conservation land from the OSZ for the same reasons as discussed in below.

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66. Ms Easton recommended rejecting Forest & Bird's submission (S560.334) as she was unsupportive of amending DoC's stated obligation in the overview sections, reasoning that the OSRZ provisions do not apply to Energy, Infrastructure, and Transport matters. However, Ms Easton emphasised that DoC's role in administering land under the Conservation Act remains.
67. Ms Easton recommended accepting the submission from Mr McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr and Ms Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Coll McLaughlin (S574.342), supporting inserting the rifle range protection area provisions (GRUZ-R2 to GRUZ-R6, GRUZ-R23, and GRUZ-33) in OSZ as they were omitted in error. Consequently, Ms Easton recommended the following.
68. Rule OSZ – R1 and OSZ – R11 be amended to reflect the Rifle Range Protection Area by adding the following clause (The Panel notes the recommendation appears to have been omitted in Appendix 1 of the s42A Report):

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

69. Rule OSZ – R2 be amended by adding the following clause:

Within the Rifle Range Protection Area, Recreation Activities are restricted to Recreational Firearms Target Shooting.

70. Rule OSZ – R3 be amended by adding the following clause:

No community facilities are established in the Rifle Range Protection Area except that which are reasonably necessary for the operation of the Rifle Range.

71. Rule OSZ – R4 be amended by adding the following clause:

No clubrooms are located within the Rifle Range Protection Area except that which are reasonably necessary for the operation of the Rifle Range;

72. Rule OSZ – R5 be amended by adding the following clause:

No education or research facilities are located within the Rifle Range Protection Area;

73. Rule OSZ – R6 be amended by adding the following clause:

No camping grounds or accessory buildings are located within the Rifle Range Protection Area;

74. Rule OSZ – R7 be amended by adding the following clause:

No retail activities are located within the Rifle Range Protection Area;

75. Rule OSZ – R8 be amended by adding the following clause.

No residential activities or residential units are located within the Rifle Range Protection Area;

76. Rule OSZ – R12 be amended by adding the following clause.

Within the Rifle Range Protection Area only buildings that are reasonably necessary to carry out Agricultural, Pastoral or Horticultural Activities are established;

77. Ms Easton recommended accepting the Director General's submission (S602.001) and further submitters in support, reasoning that the s42A Report was prepared having considered the national park management plans and conservation management strategy for the West Coast.

Hearing and Submitter Evidence

78. In her planning evidence, Ms Styles advised that Manawa made two submission points to amend the **OSRZ overview**, as illustrated below, which were not addressed in the s42A Report. She suggested these amendments, which recognise existing assets, is necessary to set the context of what the OSRZ contain:

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 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.**

...

These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Te Tai o Poutini. They can also have important natural, cultural and historic heritage values. **Additionally, 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.**

79. In her statement, Ms Smith for Terra Firma indicated acceptance of Ms Easton's recommended amendment to the first sentence of the OSRZ overview. However, she raised concern with Ms Easton's other amendments to the overview, reasoning they disregard mineral extraction other than that undertaken on Council land or for wider community benefit. She said the recommended wording could be interpreted as disregarding new mineral extraction activities unless there is a public benefit, whereas she highlighted the OSZ mineral extraction rules do not differentiate between private or public benefit (i.e., both purposes are subject to the same performance standards). Therefore, she suggested that the overview should clarify that mineral extraction other than for 'public service' might occur in the OSZ.
80. Ms Smith mentioned the reference to 84% of the West Coast land being in conservation estate should be retained, suggesting this underpins the need for a clear policy framework that anticipates mineral extraction activities in the mineral-rich OSZ.
81. She suggested the following amendments to the OSRZ overview, specifically to put less emphasis on the 'public service' types of mineral extraction, which would then be logically supported by OSRZ-O2 (with changes), OSRZ-P9 (with changes) and OSRZ-P14, and OSZ-R11 and OSZ-R19.

Overview

...

The nature of the West Coast, with its extensive mineral deposits, means that minerals are widespread within areas within the Open Space and Recreation Zones. ~~combined w~~With 84% of the land area being located in public conservation estate, there are a range of circumstances where mineral extraction may be appropriate. Examples include but are not limited to activities that support ongoing access and management of the lands within the zones and Local Purpose Reserves 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.

...

82. In their legal submission, Ms Sheard and Mr Leckie indicated Bathurst Group supported Ms Easton's recommendation on the Director General's submission (S602.181) by retaining reference to "mineral extraction activities" in the OSRZ overview. Ms Hunter concurred with Ms Easton's recommendation.
83. Mr Pemberton raised concern with Ms Easton's response to Forest & Bird's submission (S560.336), particularly that the West Coast CMS (2010-2020) for DoC land had expired. Mr Pemberton indicated the expired CMS has legal effect until its reviewed under Section 17N(1) of the Conservation Act, noting that a new West Coast CMS is being developed. Therefore, he submitted the Panel is required to have regard to this CMS, noting that the WCRPS requires an integrated approach between the RMA and conservation legislation. With respect to how much weight to give to the expired CMS, Mr Pemberton suggested the Panel consider its age.
84. Mr Deavoll agreed with Ms Easton's recommended rejection of the Director General's suggested deletion of the statement relating to mineral extraction within the OSZ from the OSRZ overview section. He considered it appropriate retaining this statement in the overview given OSZ provisions provide for mining activities in the zone. He noted authorised mining activities occur on OSZ lands and indicated it likely, further mining activities will be developed on land within the zone.
85. Ms Inta commented on the OSRZ overview, querying the intent of the statement "*there are a range of circumstances where some mineral extraction may be appropriate, particularly where this supports ongoing access and management of the lands within the zones.*" For example, how mineral extraction actually supports the access and management of lands. Ms Inta did not suggest any further amendments to the OSRZ overview. The Panel notes that neither Ms Inta nor BCG specifically submitted on the OSRZ overview.

Reporting Officer Reply Evidence

86. In her right of reply, Ms Easton suggested further amendments to the OSRZ overview as illustrated below to explain the degree of extent and dependence of the objectives, policies and rules on the OSMP:

Overview

...

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.

...

87. Responding to the Panel's questions, Ms Easton agreed with Ms Inta that "quarry or gravel extraction" is more appropriate than "mineral extraction" in the OSRZ overview, as it reflects the types of lands (e.g., gravel reserve or quarry reserve) within OSRZ and maintenance activities like gravel removal or quarrying for access protection.
88. In response to the Panel's query about any other recommendations to the OSRZ overview and Manawa's missing submissions (S438.128 and S438.134), Ms Easton advised the following.
 - (a) She supported inserting the phrase "*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.*" into the Overview as sought by Manawa (S438.128). She reasoned this amendment was appropriate.
 - (b) She was unsupportive of inserting a similar phrase in the OSZ section of the overview, reasoning the repetition as being unnecessary.

Hearing Panel's Evaluation

89. The Panel agrees with Ms Easton's recommendation to add additional wording as sought by Manawa to the Overview in OSRZ. We consider this additional wording recognises existing renewable energy assets in the zone. We agree with Ms Easton that it is not necessary to repeat this wording under the specific OSZ Overview.
90. The Panel agrees with the Ms Easton's recommended addition of paragraph outlining specific legislation that may apply to the OSRZ such as Reserve Acts, National Parks and Conservation Acts as these govern some resource management matters in these areas. We acknowledge that any areas that are not governed through these Acts or Management Plans have a regulatory pathway through the TTPP. We consider these amendments effectively address the submission of the Director General.
91. Having considered the issue further, the Panel do not agree with the deletion of the term '*mineral extraction*' from the Overview and its replacement this with '*quarrying and gravel extraction*'. We note that there are provisions specifically associated with mineral extraction within the Open Space chapter and making this change to the Overview would be sending the

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wrong signal. We also note that the Director General was the only submitter initially seeking the removal of 'Mineral Extraction' from the Overview and that Mr Deavoll on behalf of the Director General now agrees that it should be retained. In this context we note that neither Ms Inta nor BCG submitted on this issue. Finally, the Panel records that 'quarrying and gravel extraction' are not specifically defined in the Plan. For the above reasons we recommend Mineral Extraction be retained in the Overview.

92. Notwithstanding the above, the Panel accepts the recommended rewording of the paragraph dealing the minerals, albeit with the wording 'mineral extraction'. With the amendment proposed we do not consider it is necessary to refer to "84% of the land area being located in public conservation estate".
93. In terms of the changes proposed in relation to the Rifle Range Protection Area, the Panel accept the amendments proposed, noting that Ms Easton considered them an omission. We have made these amendments in the relevant rules below. We note that as a result of other submissions we have recommended that OSZ – R4 be deleted.

Hearing Panel Recommendation

94. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the OSRZ Overview:

OSRZ	Open Space and Recreation Zones - Objectives and Policies - Ngā Mokowā Pōaha me ngā Takiwā Hākinakina - Ngā Whāinga me ngā Kaupapa Here
<p>Overview</p> <p>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. <u>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.</u>¹¹</p> <p>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.</p> <p><u>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 Acts. 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</u></p>	

¹¹ Manawa Energy (S438.128)

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.¹²

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.¹³

There are three Open Space and Recreation Zones.

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 **ecologically**¹⁴ 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 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.¹⁵

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, districtwide 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.

¹² Director General of Conservation (S602.001)

¹³ Consequential change from QLDC (S523.002 and S523.003)

¹⁴ Forest & Bird (S560.0554)

¹⁵ Forest & Bird (S560.0555) Director General of Conservation (S602.181)

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).

5. OBJECTIVES

Submissions and Further Submissions

95. Six submission points¹⁶ relating to the **Objectives** as a whole were summarised in a Table on pages 19 to 20 of the s42A Report. Five submission points supported the objective as a whole as notified, while the seventh was neutral.
96. Seven submission points and six further submission points¹⁷ relating **OSRZ – O1** were summarised in a Table on pages 20 to 21. Three submission points supported the objective as notified, although one¹⁸ sought an amendment. The ‘support’ submission from Straterra (S536.053) was supported by three further submission points. Two submission points supported in part the objective, both seeking an amendment. One submission point opposed in part the objective, seeking an amendment. One submission point sought an amendment to the objective, which was supported by two further submission points, but opposed by one further submission point.
97. Five submission points and two further submission points¹⁹ relating to **OSRZ – O2** were summarised in a Table on page 21. Four submission points supported the objective as notified. One submission point sought an amendment to the objective, which was supported by one further submission and opposed by the second further submission.
98. The Panel adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

99. Ms Easton noted the support on the objectives as a whole. Consequently, she recommended acceptance of their submissions, except only accepting in part MoE’s submission.
100. She noted the support from BDC (S538.382) and RNZ (S476.027) on OSRZ – O1.
101. Ms Easton recommended accepting in part the Director General’s submission (S602.182) on OSRZ – O1. She supported including a reference to the OSMP, considering it useful and may address some of the issues raised by Manawa, with minor modification. However, she was unresponsive of the additional amendment, considering it both a duplication and contradiction.

¹⁶ Mr William McLaughlin (S567.396), Mr Chris & Mr Jan Coll (S558.336), Chris J Coll Surveying Limited (S566.336), Mr Laura Coll McLaughlin (S574.336), MoE (S456.022), and Director General (S602.231)

¹⁷ BDC (S538.382), RNZ (S476.027), Manawa Energy (S438.129), Te Mana Ora (S190.595), NZCCL (S472.024), Straterra (S536.053), TiGa (FS104.064), BRML (FS150.037), PML (FS215.039), Director General (S602.182), WMS (FS231.061), BCML (FS232.057), and Bathurst Group (FS89.029)

¹⁸ Straterra (S536.053)

¹⁹ Te Mana Ora (S190.596), BDL (S453.005), BDC (S538.383), RNZ (S476.028), Bathurst Group (S491.035), Terra Firma (FS108.002), and Director General (FS122.035)

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102. She recommended accepting in part Manawa’s submission (S438.129). She supported OSRZ – O2 to be listed before OSRZ – O1, supporting the types and uses of open space areas being set out first (OSRZ – O2) before OSRZ – O1 (which manages development and activities). However, she did not support amending OSRZ – O1 as sought by Manawa, indicating that Manawa were concerned about values in relation to their land allegedly zoned Open Space, however such land is not zoned Open Space.
103. Consequently, Ms Easton recommended the following changes to OSRZ – O1 and OSRZ – O2, along with addressing a grammatical error (i.e., deletion of a second ‘and’ in OSRZ-O1 b.):

OSRZ – O~~1~~² Development and activities should complement and not conflict with the functions and values of the particular open space and the surrounding environment **including those identified in any relevant Open Space Management Plan**. Where appropriate open space accommodates a range of functions.

OSRZ – O~~2~~¹ To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones:

...

104. Ms Easton recommended rejecting the submission from Te Mana Ora (S190.595) as she was unsupportive of amending OSRZ – O1, reasoning the objective was specifically written to support some unanticipated activities.
105. She recommended rejecting the submission from NZCCL (S472.024) and Straterra (S536.053), reasoning amending OSRZ – O1 as sought inappropriate because it creates significant uncertainty about what unanticipated activities are supported by the objective.
106. She noted the support from Te Mana Ora (S190.596), BDL (S453.005), BDC (S538.383), and RNZ (S476.028) on OSRZ – O2.
107. Ms Easton recommended rejecting the Bathurst Group submission (S491.035) on OSRZ – O2, as she did not support including “mineral extraction” as a value and considered it inappropriate to manage at the objective level, specifically because “mineral extraction” is not a purpose of the OSRZ.

Submitter Correspondence

108. In her correspondence on behalf of the MoE, Ms Williams advised MoE’s submissions on OSRZ - O1²⁰ (S456.022 and S456.023) were not mentioned in Ms Easton’s s42A Report. She indicated MoE does not oppose Ms Easton’s recommended amendments to OSRZ – O1. Contrary to the s42A Report, Ms Williams clarified the MoE support is for OSRZ – O1 only, and they neither support nor oppose the other OSRZ provisions. The Panel note the MoE’s submissions S456.022 and S456.023 have been incorrectly assigned to all OSRZ objectives and policies.

Hearing and Submitter Evidence

109. In her planning evidence, Ms Styles acknowledged the recommendation to accept Manawa’s submission point to reorder OSRZ – O1 and OSRZ – O2. However, regarding Ms Easton’s rejection of the amendment to OSRZ – O1, Ms Styles advised Manawa were concerned about the zoning which applies to its schemes not to its freehold land. She suggested objectives

²⁰ The MoE’s correspondence incorrectly refers to OSRZ-R1 (instead of OSRZ-O1) in their explanation about supporting OSRZ-O1 opposed to all OSRZ objectives and policies.

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should clearly sets out the direction for the use of OSRZ land so that all parties are clear on what is intended. She argued the phrase “*not conflict with the functions and values of the particular open space*” was not sufficiently directive when the pTTPP does not articulate these functions and values. Consequently, Ms Styles indicated there is no certainty in what is intended to be achieved or how existing infrastructure fits into such a context.

110. Ms Styles expressed concern about Ms Easton’s recommendation to refer to a third-party document (i.e., an OSMP) in OSRZ – O1. She argued this is inappropriate since the pTTPP does not define an OSMP, providing no clarity on an OSMP’s content or purpose. Additionally, she indicated OSMP’s may be based on other legislation with priorities differing from the RMA, potentially leading to amendments without considering district plan matters or allowing inappropriate activities. She highlighted referencing undefined external documents is unsuitable and contrary to good plan drafting principles. Consequently, Ms Styles suggested revising OSRZ – O1 to clearly state the intended outcome for OSRZ and remove references to unknown external, non-RMA documents.
111. Ms Smith for Terra Firma agreed with Ms Easton that mineral extraction is not the purpose of the OSRZ, however disagreed with her reasoning for rejecting their submission. She highlighted that OSRZ – P9 suggests limited mineral extraction is possible in OSRZ where compatible with the open space values.
112. Ms Smith indicated the Mineral Extraction Zones and Buller Coalfield Zones are the preferred location for mineral extraction. However, these zones only manage mineral extraction activities once they have been authorised and established (following a Plan Change), rather than yet to be lawfully established. She suggested new mineral extraction opportunities may arise in the OSZ and, if so, would be subject to the relevant OSZ rules. She indicated the conservation status of most OSZ land does not preclude these activities.
113. In light of the above, Ms Smith argued mineral extraction activities are provided for as a legitimate activity in the OSZ and, in turn, one of the “very wide range of values”, albeit the activity is not a purpose of the OSZ. Therefore, she suggested mineral extraction activities should be included in OSRZ-O2 (c) and considered the activity compatible with the other listed functions for the OSZ.
114. In their legal submissions, Ms Sheard and Mr Leckie suggested Ms Easton’s reasoning for rejecting Bathurst Group’s amendment to OSRZ – O2, does not align with the intent of OSRZ – O2. They indicated the objective lists values of the OSZ but does not pick and choose which of those values are to be encouraged over others. They highlighted the fact that pastoral farming was included in OSRZ-O2, it was not the purpose of the zone. They submitted that mineral extraction activities have historically occurred in this zone, and there is significant resource remaining, the minerals resources contribute to the underlying values and it is appropriate for OSRZ-O2 to reference to them, which would be in line with the recognition in the Overview.
115. They highlighted areas of the Buller Plateau, in which historic mineral extraction activities have occurred, and significant mineral resources are present, have been included in the OSZ. Consequently, they indicated OSRZ – O2 should recognise the complete range of historic and future uses of the Buller Plateau, noting Ms Hunter’s evidence summarised below. Therefore, they submitted it is appropriate for OSRZ – O2 to include reference to “mineral extraction” as this would align with the OSRZ overview and the WCRPS and the policy and rules framework.

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116. In her planning evidence, Ms Hunter considered inserting “mineral extraction” in OSRZ-O2 (c) was necessary because mining and mineral resources are already present in OSZ with functional and operational needs to continue. She emphasised that the objective references pastoral farming, which was not a primary use of OSZ, so the same logic should be applied to mineral extraction.
117. Ms Hunter noted that subsequent policies OSRZ-P9 and OSRZ-P14 specifically acknowledge that mineral extraction activities are occurring within the Open Space Zone and that rules provide for mineral exploration and prospecting as permitted activities, and extraction in certain circumstances as restricted discretionary activity. She said it was therefore appropriate to have an objective and policy framework to support this. She proposed the following amendment:

OSRZ – O2

To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones:

...

- c. The OSZ – Open Space with a very wide range of values including passive and active recreation, **mineral extraction**, local purposes and pastoral farming.

Reporting Officer Reply Evidence

118. In her right of reply, Ms Easton considered her proposed reference to Open Space Management Plans in existing Objective 1 was appropriate and that it was not referring to a specifically incorporated document.

Hearing Panel’s Evaluation

119. The Panel agree with Ms Easton’s recommendation to add the reference to Open Space Management Plans in OSRZ-O1. We are satisfied that this is not referring to a specific document that has been incorporated into the Plan.
120. The Panel agree with the reordering of the Objectives based on the reasoning provided by Manawa in their submission. We have also considered Ms Styles concerns with the wording of OSRZ-O1 and we agree that the words “*in particular*” should be removed and the word ‘*areas*’ as this is more directive and clearer. We note however the Manawa did not seek to delete the reference to ‘*functions and values*’ in their submission. We also consider the final sentence of the objective to be appropriate.
121. The Panel accepts the evidence provided by Bathurst Group and recommends the inclusion the words ‘*mineral extraction*’ in OSRZ-O21. We agree there is no difference in identifying pastoral farming as a value to identifying mineral extraction as a value given both are already present the zone. We also accept that the policy and rule framework already includes mineral extraction at various levels and it would therefore seem incongruous if it were not included at the objective level.
122. In relation to the remainder of the submissions on the objectives seeking amendments, the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

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123. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the OSRZ Objectives:

OSRZ - Open Space and Recreation Zones Objectives	
OSRZ – O12²¹	Development and activities should complement and not conflict with the functions and values of the particular open space <u>areas</u> ²² and the surrounding environment <u>including those identified in any relevant Open Space Management Plan</u> ²³ . Where appropriate open space accommodates a range of functions.
OSRZ – O21²⁴	To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones: a. The NOSZ - Natural Open Space Zone with high natural values and a low level of development and built form; b. The SARZ - Sport and Active Recreation Zone with sport and active recreation values and and ²⁵ associated buildings and facilities; and c. The OSZ - Open Space Zone with a very wide range of values including passive and active recreation, <u>mineral extraction</u> ²⁶ local purposes and pastoral farming.

6. POLICIES

Submissions and Further Submissions

124. 11 submission points²⁷ relating to the **Policies as a whole** were summarised in a Table on pages 23 to 24 of the s42A Report. Seven submission points supported the policy as a whole as notified, with one²⁸ seeking an amendment. Three submission points sought amendments to the policies. One submission point opposed in part the policies, seeking an amendment to a policy.
125. Four submission points²⁹ relating to **OSRZ – P1** were summarised in a Table on page 24 of the s42A Report. One submission point supported the policy as notified. Three submission points opposed the policy.
126. Four submission points and one further submission point³⁰ relating to **OSRZ – P2** were summarised in a Table on pages 24 to 25. Two submission points supported the policy as notified, while another submission point opposed in part the policy, seeking an amendment

²¹ Manawa Energy (S438.129)

²² Manawa Energy (S438.129)

²³ Director General (S602.182)

²⁴ Manawa Energy (S438.129)

²⁵ Clause 16(2) of Schedule 1 RMA

²⁶ Bathurst Group (S491.035)

²⁷ Mr William McLaughlin (S567.397), Mr Chris & Ms Jan Coll (S558.337), Chris J Coll Surveying Limited (S566.337), Ms Laura Coll McLaughlin (S574.337), BDC (S538.384), MoE (S456.023), Ngāi Tahu (S620.007), NZCCL (S472.027), Straterra (S536.055), and Forest & Bird (S560.335 and S560.0556)

²⁸ Straterra (S536.055)

²⁹ Te Mana Ora (S190.597), BDC (S552.162), Ms Frida Inta (S553.162), and the Findlays (S605.013)

³⁰ Te Mana Ora (S190.598), RNZ (S476.029), Forest & Bird (S560.336), Manawa Energy (S438.130), and Director General (FS122.036)

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Lastly, a submission point supported in part the policy, seeking an amendment, which was opposed by the further submission point.

127. Three submission points³¹ relating to **OSRZ – P3** were summarised in a Table on pages 25 to 26. One submission point supported the policy as notified, whereas the other two submission points supported in part the policy, both seeking amendments.
128. Two submissions points³² relating to **OSRZ – P4** were summarised in a Table on page 26. One submission point supported the policy as notified, whereas the other submission point sought amendment.
129. Two submission points³³ relating to **OSRZ – P5** were summarised in a Table on page 26. One submission point supported the policy as notified, whereas the other submission point opposed in part the policy, seeking an amendment.
130. Three submission points and one further submission point³⁴ relating to **OSRZ – P6** were summarised in a Table on page 26. All submission points supported the policy as notified, with the submission from Ngāi Tahu supported by the further submission.
131. Three submission points and one further submission point³⁵ relating to **OSRZ – P7** were summarised in a Table on pages 26 to 27. Two submission points supported the policy as notified. The third submission point opposed in part the policy, with that submission being opposed by Bathurst Group.
132. One submission point³⁶ relating to **OSRZ – P8** was summarised in a Table on page 27. That submission point supported the policy as notified.
133. 15 submission points and eight further submission points³⁷ relating to **OSRZ – P9** were summarised in a Table on pages 27 to 30. Two submission points supported the policy as notified. Five submission points supported in part the policy, with the submission from Te Mana Ora and Manawa each opposed by a further submission. Eight submission points sought amendment of the policy, with the submission from WMS, BCML, BRML, PML, and Whyte Gold Limited each opposed by a further submission and the submission from Minerals West Coast supported by a further submission.
134. Five submission points³⁸ relating to **OSRZ – P10** were summarised in a Table on pages 30 to 31. One submission point supported the policy as notified, while one submission point supported in part the policy, seeking an amendment. Three submission points sought an amendment to the policy.
135. Six submission points and one further submission point³⁹ relating to **OSRZ – P11** were summarised in a Table on pages 31 to 32. Two submission points supported the policy as

³¹ RNZ (S476.030), Te Mana Ora (S190.599), and Manawa Energy (S438.131)

³² Te Mana Ora (S190.600) and Forest & Bird (S560.337)

³³ Te Mana Ora (S190.601) and Forest & Bird (S560.338)

³⁴ Mr Craig Schwitzer (S96.004), Ngāi Tahu (S620.213), Bathurst Group (FS89.093), and Te Mana Ora (S190.602)

³⁵ NZAAA (S166.025), Te Mana Ora (S190.603), Forest & Bird (S560.339), and Bathurst Group (FS89.080)

³⁶ Te Mana Ora (S190.604)

³⁷ Waka Kotahi (S450.194), GDC (S608.686), NZCCL (S472.025), WMS (S599.100 and FS231.062), Director General (FS122.037 to FS122.042), BCML (S601.078), BRML (S604.069), PML (S606.055), Whyte Gold Limited (S607.053), Minerals West Coast (S569.040), Bathurst Group (FS89.040), Straterra (S536.018), Terra Firma (S537.020), Te Mana Ora (S190.605), the Findlays (S605.014), Forest & Bird (S560.340), and Manawa Energy (S438.132)

³⁸ Mr Craig Schwitzer (S96.003), Te Mana Ora (S190.606), Director General (S602.183), and Forest & Bird (S560.341 and S560.0547)

³⁹ Te Mana Ora (S190.607), RNZ (S476.031), the Findlays (S605.015), Director General (S602.184), Forest & Bird (S560.342), and GDC (S608.687)

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notified, while two other submission points supported in part the policy. Two submission points sought an amendment to the policy, with the Director General's submission opposed by the further submission.

136. Four submission points⁴⁰ relating to **OSRZ – P12** were summarised in a Table on pages 32 to 33. Two submission points supported the policy as notified, while the other two submission points sought an amendment to the policy.
137. Five submission points and one further submission point⁴¹ relating to **OSRZ – P13** were summarised in a Table on pages 33 to 34. One submission point supported the policy as notified, while another submission point supported in part the policy with that being opposed by the further submission. Three submission points sought an amendment to the policy.
138. One submission point⁴² relating to **OSRZ – P15** was summarised in a Table on page 34, which supported the policy as notified.
139. One submission point⁴³ relating to **OSRZ – P16** was summarised in a Table on page 34, which supported the policy as notified.
140. One submission point⁴⁴ relating to **OSRZ – P17** was summarised in a Table on page 34, which supported the policy as notified.
141. Three submission points⁴⁵ relating to **OSRZ – P18** were summarised in a Table on page 34. Two submission points supported the policy as notified, while the third submission point sought an amendment.
142. Five submission points⁴⁶ relating to **OSRZ – P19** were summarised in a Table on page 35. Two submission points supported the policy as notified, while another two submission points both sought an amendment to the policy. The fifth submission point opposed in part the policy.
143. Four submission points and one further submission point⁴⁷ relating to **OSRZ – P20** were summarised in a Table on pages 35 to 36. One submission point supported the policy as notified, while another submission point opposed the policy. Two submission points sought an amendment to the policy, with the Director General's submission supported by the further submission.
144. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

Policies (General)

⁴⁰ Te Mana Ora (S190.608), RNZ (S476.032), Director General (S602.185), and Forest & Bird (S560.343)

⁴¹ NZAAA (S166.026), Te Mana Ora (S190.609), Director General (S602.200 and FS122.043), Forest & Bird (S560.344), and Manawa Energy (S438.133)

⁴² Te Mana Ora (S190.611)

⁴³ Te Mana Ora (S190.612)

⁴⁴ Te Mana Ora (S190.613)

⁴⁵ Te Mana Ora (S190.614), Forest & Bird (S560.347), and Director General (S602.188 and S602.202)

⁴⁶ NZAAA (S166.027), Te Mana Ora (S190.615), Director General (S602.189 and S602.203), Forest & Bird (S560.348 S560.0545)

⁴⁷ Te Mana Ora (S190.616), Forest & Bird (S560.349 and S560.0546), and Director General (S602.190 and S602.204)

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145. Ms Easton acknowledged submissions supporting the various OSRZ policies as notified. Consequently, she recommended accepting these submissions.

Policies as a whole

146. Ms Easton recommended accepting the new policy proposed by Ngāi Tahu (S620.007) with modification to the wording. She supported a Plan Change process to ensure that the pTTPP zoning of any reclassified land is appropriate and indicated this process may also identify additional land to be include within National Parks, or other high conservation value areas. However, she recommended wording modifications. One modification is to enable the TTPP Committee (subject to the Councils agreement) to drive the Plan Change process, otherwise it would be a Private Plan Change if pursued by the individual Councils. The other modification links the policy wording to 'zoning' rather than the wider term 'plan provisions'.
147. Therefore, Ms Easton recommended the following new policy be included in pTTPP as follows:

OSRZ – PXX When conservation stewardship land is reclassified the 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.

148. Ms Easton recommended rejecting the submissions from NZCCL (S472.027) and Straterra (S536.055), reasoning it inappropriate to provide for mineral extraction activities in the NOSZ, and inconsistent with the CMS and National Park Management Plans in place for these areas. Additionally, she indicated that mineral extraction cannot occur in the seven national parks within the NOSZ under the Crown Minerals Act.
149. Ms Easton recommended rejecting Forest & Bird's submissions (S560.335 and S560.0556). She did not support relabelling policies and relocating policies relating to specific zones in the relevant zone chapter as it would create confusion and risk the district wide policies being overlooked.

OSRZ – P1

150. Ms Easton recommended rejecting the submissions from BCG, Ms Inta, the Findlays (S552.162, S553.162, and S605.013 respectively) as she was unsupportive of deleting this policy. She reasoned it is important to recognise that areas zoned OSRZ are not just public conservation land administered by DoC but include Council reserves. Ms Easton noted that the rule framework provides a permissive pathway where activities are in accordance with a relevant operative Act or Management Plan to reduce regulatory burden, while also providing confidence that effects will be appropriately managed through the robust processes required to develop the Management Plans.

OSRZ – P2

151. Ms Easton recommended rejecting Forest & Bird's submission (S560.336), policies to set out the characteristics where possible and/or describe how these are determined for each OSRZ. While supportive of this Ms Easton indicated that there was insufficient information to undertake this level of specificity in policy development.
152. Ms Easton also recommended rejecting Manawa's submission (S438.130), reasoning that RSI and activities are not the purpose of open space or the OSRZ, albeit that such development may obtain resource consent within an OSRZ.

OSRZ – P3

153. Ms Easton recommended rejecting Manawa’s submission (S438.131), reasoning that buildings and structures should align with the open space purpose, and the zone’s character and amenity. She emphasised that the term “should” provides for circumstances where effects may be minor or less than minor to still be accommodated for within the policy.
154. She also recommended rejecting Te Mana Ora’s submission (S190.599), reasoning the amendment sought to be unnecessary as the policy and the relevant rule applies to both new buildings and additions to existing buildings.

OSRZ – P4

155. Ms Easton recommended rejecting Forest & Bird’s submission (S560.337), reasoning the policy applies to land outside of the public conservation estate – including all parks and reserves owned and managed by the Councils – with few having RMPs in place. Therefore, Ms Easton indicated the phrase “where it has a link with the open space and recreation resource” remains helpful to the management of these spaces, particularly in the absence of an RMP, as a useful directive to inappropriate activities.

OSRZ – P5

156. Ms Easton recommended supporting Forest & Bird’s submission (S560.338) to amend the policy to protect natural values, reasoning it would assist with weighting any assessment on the appropriateness of commercial activities in open space. Additionally, she considered it was appropriate as both the Reserves Act and the Conservation Act place a high weighting on natural values.
157. Consequently, Ms Easton recommended the following amendment to the policy:

Provide for commercial recreation activities that maintain the quality of the open space and recreation experience of people using the open space, **while also protecting natural values.** **Have** ~~having~~ particular regard to the scale, intensity and cumulative effects of commercial recreation activities.

OSRZ – P7

158. Ms Easton recommended accepting in part Forest & Bird’s submission (S560.339) to amend the policy, reasoning that the term “promote” is weak in the context of protecting natural values. However, she has recommended alternative wording to improve clarity and consistent with the Reserves Act and Conservation Act.
159. Ms Easton recommended the following amendment to the policy:

~~Promote the p~~**Protection and enhancement of the** existing natural environment values having regard to the relevant OSRZ - Open Space and Recreation Zone and the opportunities for enhancement of these on the site.

OSRZ – P9

160. Ms Easton recommended accepting in part submissions from WMS, BCML, BRML, PML, and Whyte Gold Limited (S599.100, S601.078, S604.069, S606.055, and S607.053 respectively) to

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amend the policy. She reasoned inserting a reference to mineral exploration and prospecting is appropriate as these activities are a necessary pre-cursor to mineral extraction.

161. Ms Easton did not however support changing “where these are limited in their location” to “*functional or operational need to locate there*”. She reasoned the various Acts governing open space land do not place a high weight on the value of mineral extraction, instead they are very clear on the primary purposes of these lands, and “functional and operational needs” are not part of the considerations. She emphasises the intent of the policy (as notified) was to manage instances where necessary resources can only be sourced from land in the OSRZ, or where mineral extraction could be appropriate in special circumstances. However, she noted the pTTPP was not intended to promote the widespread use of OSRZ land for mineral extraction, as that would be inconsistent with the Reserves Act and Conservation Act.
162. Ms Easton recommended rejecting the submissions from:
 - (a) Minerals West Coast, Straterra, and Terra Firma (S569.040, S536.018, and S537.020 respectively) for the same reasons detailed above; and
 - (b) Te Mana Ora (S190.605), reasoning inserting the phrase “effects management hierarchy” in the policy would not be consistent with how it is applied within national instruments.
163. In terms of Forest & Bird’s submission (S560.340) that seeks this policy be amended to refer to these activities only occurring outside of the NOSZ and “*provided that natural values can be protected*” that the policy “*consider providing*” for a range of purposes, Ms Easton supported inserting the phrase “*provided the natural values can be protected*” into the beginning of the policy, reasoning this being consistent with the Reserves Act and Conservation Act under which these lands are administered. She did not support limiting the stipulated activities to only “*outside of the NOSZ*” as some of these activities already occur and are appropriate in locations in the NOSZ. Further, she was unsupportive of including the wording “*consider providing for*” in the policy. This is because she considered “*provide for*” means these activities may still require a resource consent and recognises that there are locations where these activities are more or less appropriate. The Panel notes that the above amendment did not flow through in Appendix 1.
164. Ms Easton recommended accepting the Findlays submission (S605.014), reasoning hut type accommodation, which would be captured by “and other visitor accommodation”, is located and appropriate across many areas of OSRZ.
165. Ms Easton recommended accepting in part Manawa’s submission (S438.132), reasoning that REG is appropriate in the OSRZ, and this would be supported by national and regional direction. She indicated that the establishment of such infrastructure would require a Discretionary Activity resource consent under the Energy Chapter, with their being no OSRZ rules, so this amendment is to signal support for REG in the OSRZ. However, Ms Easton emphasised that other RSI, which has a wide definition, in the OSRZ does not appear to achieve similar support through national or regional direction.
166. Consequently, Ms Easton recommended the following amendments to the policy:

Provide for ~~the a~~ 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;~~

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- (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.**

OSRZ – P10

167. Ms Easton recommended rejecting submission from:
- (a) The Director General (S602.183), reasoning that providing “Significant Natural Areas” does not support the open space needs of communities, nor a Council priority for using subdivision and development contributions; and
 - (b) Forest & Bird (S560.341 and S560.0547), reasoning that subdivision of OSRZ is not the subject of the policy and, instead, is managed by the Subdivision provisions.
168. She recommended accepting the submission from Te Mana Ora (S190.606), reasoning playgrounds are an important part of neighbourhood reserves and, therefore, adding “*accessible, quality playgrounds*” to OSRZ – P10 (a) addresses a notable omission.
169. Consequently, Ms Easton recommended the following amendment to subclause (a) of the policy.

Subdivision and new development should provide for the open space needs generated by the development either through direct provision of land and works, or through a financial contribution. This includes:

- (a) Additional neighbourhood parks including waterfront areas, walkways, ~~and~~ cycleways **and accessible quality playgrounds** needed as a result of additional household and visitor accommodation growth;

...

OSRZ – P11

170. To address drafting errors of the policy, Ms Easton recommended accepting the submission from:
- (a) The Findlays (S605.015), reasoning replacing the undefined term “*campgrounds*” with the defined term “*camping grounds*”; and
 - (b) The Director General (S602.184), reasoning many of the OSZ land will have “*natural, cultural and biodiversity values*”.
171. She recommended accepting in part the submission from:
- (a) Forest & Bird (S560.342) as protecting natural values of OSZ land is partly addressed by the Director General’s submission discussed in above; and

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- (b) GDC (S608.687), reasoning that the term “*limited*” in this policy is defined by common language and, therefore, does not require further clarification.

172. Consequently, Ms Easton recommended the following amendment to the policy:

The OSZ - Open Space Zone primarily provides for passive and active recreation activities, **natural, cultural and biodiversity values** community facilities, ~~campgrounds~~ **camping grounds** and cemeteries and limited associated facilities and structures.

OSRZ – P12

173. Ms Easton recommended accepting the Director General’s submission (S602.185)⁴⁸ on OSRZ – P12 (c), reasoning many of the OSZ land will have natural values.
174. Ms Easton also recommended accepting in part Forest & Bird’s submission (S560.343), reasoning Director General’s submission discussed above partly addresses protecting natural values of OSZ land.
175. Ms Easton recommended the following amendment to subclause (c) of the policy:

Enable activities and facilities within the OSZ - Open Space Zone that:

...

- (c) Minimise adverse effects on the character, **natural environment** and amenity values of the surrounding area.

OSRZ – P13

176. Ms Easton recommended rejecting Manawa’s submission (S438.133), reasoning RSI is not the purpose of the OSZ and would not generally meet the “*ancillary to the functions of the zone*” test. Additionally, she indicated the policy supports various Permitted and Restricted Discretionary Activities within OSZ, but the OSZ provisions do not provide for RSI as these activities are generally managed through the Energy, Infrastructure, and Transport chapters.
177. Ms Easton recommended accepting in part the submissions from:
- (a) Director General (S602.186 and S602.200) as she generally supported the amendment sought subject to modifications to focus the policy on adverse effects on open space values. Ms Easton was unresponsive of “*allow*” replacing “*provide for*” as these terms should be used to distinguish between supporting Permitted Activities (allow) and where consent may be required (provide for);
- (b) Te Mana Ora (S190.609), reasoning the amendment inappropriate for use in zone provisions, but considered the Director General’s wording discussed in [(a)] above addressed Te Mana Ora’s concern; and
- (c) Forest & Bird (S560.344), reasoning the recommended amendments to OSRZ – P13 will articulate the OSZ provides for natural and biodiversity values and where adverse effects on these values can be appropriately managed.

178. Consequently, she recommended the following amendment to the policy:

⁴⁸ The s42a report incorrectly refers to S602.184 instead of S602.185 in [129]

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Provide for activities that are ancillary to the functions of the OSZ - Open Space Zone **where the effects on open space values can be appropriately managed** including:

...

OSRZ – P18

179. Ms Easton recommended accepting the submissions from the Director General (S602.188, S602.202), supporting low level development and built form in the NOSZ which is mostly in highly natural locations. She also supported minor typographic amendments.
180. Consequently, Ms Easton recommended the following amendments to the policy:

Require A a low level of development and built form is anticipated within this **the** NOSZ – Natural Open Space Zone to retain the natural, cultural and biodiversity values within ~~the~~ the natural open space areas.

OSRZ – P19

181. Ms Easton recommended accepting the Director General’s submission (S602.189), reasoning inserting “*and restore*” to the policy is consistent with the Conservation Act and Reserves Act. The Panel note this recommendation was picked up in the Right of Reply.
182. Ms Easton recommended rejecting the submissions from Forest & Bird (S560.348 and S560.0545). Firstly, she did not support replacing “*enable*” with “*consider providing for*” as it did not align with the policy’s intent to support Permitted Activities within NOSZ (*enable*) as “*consider providing for*” implies resource consents are required. Secondly, she emphasised OSRZ - O2 (now OSRZ – O1) sets out the purposes of the Natural Open Space Zone.

OSRZ – P20

183. Ms Easton recommended rejecting Forest & Bird’s submissions (S560.349, S560.0546) to delete this policy, reasoning that the provision for ancillary buildings and structures (i.e., toilet blocks, bird hides or shelters) appropriate for the few Permitted Activities in the NOSZ.
184. She recommended:
- (a) accepting the submission from the Director General (S602.190 and S602.204), considering that amending this policy by specifically referring to not adversely affecting indigenous biodiversity values of the site better reflects the intention of the NOSZ.
 - (b) accepting in part the submission from Forest & Bird (S560.0546), although she preferred the wording proposed by the Director General detailed above.
185. Consequently, Ms Easton recommended the following amendment to subclause (b) of the policy:

Within the NOSZ - Natural Open Space Zone provide for small-scale buildings and structures that:

...

- (b) Do not adversely affect the conservation **and indigenous biodiversity** values of the site; and

...

Hearing and Submitter Evidence

186. In her planning evidence, Ms Styles acknowledged Ms Easton’s recommendation to accept in part Manawa’s amendment to OSRZ – P9 as it addresses their concerns. She also acknowledged Ms Easton’s reasoning for recommending rejection of Manawa’s amendment to OSRZ – P13. She highlighted it not being necessary to recognise RSI in this policy because it is already included in OSRZ – P9
187. Regarding Ms Easton’s recommendation to reject Manawa’s amendment to OSRZ – P2, Ms Styles indicated that while Manawa’s submission point on OSRZ – P2 was framed to recognise RSI, their concern related to existing REG activities in the OSRZ opposed to all types of RSI. Consequently, she recommended inserting REG activities in the policy as this would be within the scope of Manawa’s submission, would address the general concerns outlined in her evidence, and would also be consistent with Ms Easton’s acceptance and acknowledgement of REG in OSRZ.
188. Ms Styles indicated that Ms Easton did not address inserting the phrase ‘*functional and operational need for such a location*’ into the policy. She considered this amendment was consistent with the NPS-REG (policies C1 and E2), the NPS-IB (relevant provisions), and the WCRPS (particularly section 6). Consequently, she suggested recognising the existing REG activities and their functional and operational need to locate within the OSRZ appropriate to be included in the policy.
189. Ms Styles suggested the following amendments to OSRZ – P2:

OSRZ - P2

Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions, **renewable electricity generation activities**, and ancillary activities to support these, where this fits with the purpose of the open space and its classification under any relevant Act **or where an activity has a functional or operational need for such a location**.

190. Regarding Ms Easton’s recommendation to reject Manawa’s amendment to OSRZ – P3, Ms Styles indicated that the policy wording did not recognise the existing uses and activities within OSRZ. Additionally, she did not consider the term ‘*should*’ provided the level of assurance required by Manawa to undertake their activities, and she anticipated that this could be used to direct unreasonable expectations of outcomes for Manawa in the future. Consequently, Ms Styles suggested inserting the phrase ‘*where practicable*’ into the policy recognising: (1) there are other matters which require consideration in the siting and design of buildings within OSRZ; and (2) not all activities in the zone are open space in nature nor is it necessary or appropriate to require the same character for all such buildings.
191. In her statement, Ms Smith for Terra Firma agreed with Ms Easton’s recommendation to include mineral exploration and prospecting in OSRZ - P9, although suggested this was disingenuous if the importance of generic mineral extraction is not clearly articulated at the overview and objective level. Consequently, Ms Smith suggested OSRZ – P9 (f) should not include the qualifier “*limited in their location*” because it is not effects-based and fails to account for compliance with OSZ rules. She argued the removal of the qualifier would not equate to promoting mineral extraction as a widespread use of OSZ lands given the high

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percentage of land held in the conservation estate, and the time, financial, consenting, and access challenges associated with mineral exploration, prospecting and mining. Consequently, Ms Smith held contrary views to Ms Easton's reasoning for rejecting submissions on the policy.

192. Ms Smith emphasised companies mining conservation lands typically contribute significant funds for pest management and environmental initiatives to offset mining effects, helping meet biodiversity goals and extending DoC programme effectiveness.
193. Ms Hunter for Bathurst Group disagreed with Ms Easton's reasoning to reject Minerals West Coast's submission (S569.040) on OSRZ – P9 (f). Instead, she supported the submission because acknowledging mineral resources' locational limitations and operational requirements is important and consistent with the WCRPS. She argued the RMA's sustainable management purpose is not replaced by the Reserves or Conservation Acts. She emphasised mining activities face unique planning challenges compared to other activities with functional needs - while farmers can fence off sensitive areas without making operations uneconomical, similar protective measures could prevent mineral extraction entirely, causing significant economic losses.
194. Mr Deavoll indicated the Director General sought amendment to OSRZ – P14, not deletion. He indicated recommended amendments to the policy as covered by the MINZ chapter aligns with the Director General's submission.
195. Mr Deavoll supported Ms Easton's recommendation to accept the Director General's amendments to several OSRZ policies, which broadly aimed to retain open space values and manage effects on indigenous biodiversity often associated with these areas.
196. In her evidence on behalf of Ngāi Tahu, Ms Pull raised concern with Ms Easton's recommended new OSZR policy (relating to conservation stewardship land) because the tenet "*will undertake a plan change to ensure that the plan zone identification is appropriate for the reclassified land parcel*" reads like a method. However, she suggested there were no OSRZ objectives and policies to consider this method. She noted the Historic Heritage s42A Report recommended a method for the TTPP Panel to consider additional heritage items through a plan change. Consequently, Ms Pull suggested amending the recommended new OSZR policy as illustrated below to provide for appropriate zoning and use of conservation stewardship land that has been re-classified:

Policy OSRZ – PXX 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.*~~

197. Additionally, Ms Pull recommended amending the OSRZ overview by outlining the method for the stewardship land plan change process by inserting the following text:

Method: 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.

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198. Ms Pull considered OSRZ-P2 and OSRZ-P6 recognise the NTCSA and its RMA interaction by referencing cultural values and functions, and site classification under relevant Acts including SASMs.
199. In her summary of planning evidence on behalf of Ngāi Tahu, Ms Pull generally supported Ms Easton's recommendations on their submissions and further submissions.
200. In the statement for herself and on behalf of BCG, Ms Inta commented on OSRZ – P9 and OSRZ – P14. (The Panel note that neither Ms Inta nor BCG submitted or further submitted on OSRZ – P9.) She queried the purpose of OSRZ – P9, suggesting the policy should refer to "*activities*" instead, and noting it is not focused on special-purpose reserves. Consequently, she suggested the policy was flawed and could be misinterpreted.
201. Ms Inta indicated her and BCG's submission on OSRZ – P14 (S553.163 and S552.163 respectively) relating to inserting reference to the adverse effects hierarchy were not addressed in the s42A Report, which the Panel acknowledges. She suggested that clause a and b of the policy addressed the same issue, albeit expressed differently. Consequently, she considered OSRZ – P14 (a) could be amended as illustrated below:

OSRZ - P14

Provide for mineral extraction activities within the OSZ - Open Space Zone where:

- (a) Impacts on open space and recreation values of the site are minimised, **with any residual adverse effects following the adverse effects hierarchy;**

...

Reporting Officer Reply Evidence

202. Ms Easton supported the suggested amendments to the recommended new OSZR policy (relating to conservation stewardship land), as well as outlining the plan change method in the OSRZ overview, put forward by Ms Pull and Poutini Ngāi Tahu. She noted the method amendment would be a useful inclusion in the pTTPP.
203. Ms Easton clarified submissions on OSZ – P14 were addressed in the MINZ s42A Report, not the OSRZ s42A Report. Consequently, she did not recommend any amendments to that policy, instead referring submitters and the TTPP Panel to the MINZ topic.
204. Ms Easton supported including reference to generic OSMPs in OSRZ objectives, particularly because it does not reference a specific incorporated document. She cited similar approaches in Tauranga, Hamilton, Waikato, New Plymouth, Auckland, and Porirua Plans.
205. Ms Easton clarified OSMP is defined as 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. She listed seven management plans that met this definition, with these plans developed by the Councils, the DoC, or the open space landowner. Consequently, she suggested including a OSMP schedule (including links to those OSMP) would have limited utility for pTTPP readers.
206. Ms Easton emphasised the stewardship land is important to consider within the pTTPP but indicated there is no scope to consider the likely process of identifying and reclassifying

stewardship land and the future activities that might occur on it more widely. Consequently, she supported Ms Pull's suggested policy and method amendments. Consequently, she recommended amending the new OSRZ Policy and inserting a new OSRZ Method, as illustrated below:

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.

New Method 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 TPP 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.

207. Ms Easton partially agreed with Ms. Styles' evidence on OSRZ - P2 but preferred referencing "*electricity transmission, distribution and renewable electricity generation*" based on the WCRPS. She considered this within the scope of Manawa's submission seeking "*regionally significant infrastructure*" reference. She recommended amending the policy accordingly. However, Ms Easton maintained that functional and operational need should not be included in OSRZ - P2.

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.

208. Regarding Manawa's evidence for inserting "*where practicable*" into OSRZ – P3, Ms Easton now supported this amendment given the term is used in OSRZ - P16 and other Zones policies, as well as Ms Styles evidence. Consequently, Ms Easton recommended amending the policy as illustrated below:

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.

209. Regarding whether OSRZ – P4 should refer to commercial or retail activities, Ms Easton agreed retail activities should be included in this policy, linking with the three zones rules, but not commercial activities. She indicated in Forest & Bird's submission point (S560.337) there may be some scope to address this matter.
210. Regarding submission points on various OSRZ policies referred to in the s42A Report, but not carried through into recommended amendments, Ms Easton advised the following.

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- (a) The recommended amendments to OSRZ – P9 were omitted in error from the s42A report, albeit shown in her Appendix 1. She clarified the following amendments are recommended to the policy:

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.**
- (b) Paragraph 140 of the s42A Report refers to the Director General’s submitted amendment to OSRZ – P19 (S602.189). However, Ms Easton’s recommendations on this submission were omitted from the s42A Report and her Appendix 1 in error. She recommends the following amendment to the policy in response to the Director General’s submission:

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.
211. Ms Easton agreed with Ms Inta on OSRZ – P9, considering that to provide for a range of “activities” was more appropriate phraseology than a range of “purposes”.

Hearing Panel’s Evaluation

212. The Panel has considered the submissions, and the various amendments proposed to the Open Space policies.
213. The Panel agrees with the recommended new OSRZ policy (relating to conservation stewardship land), as well as the plan change method in the OSRZ overview, which was put

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forward by Ms Pull is appropriate and we recommended it be accepted. We noted that the new policy results in a renumbering from OSRZ-P11 onwards.

214. The Panel agrees with Ms Easton that no amendments are required to policies OSRZ-P1 and OSRZ-P4. We support the reasoning set out in her s24A Report in rejecting the submissions seeking amendment to these provisions. The Panel also notes that there were no submissions on OSRZ-P6, OSRZ-P8, OSRZ-P14, OSRZ-P15, OSRZ-P16 and OSRZ-P17 seeking amendments or deletion and we therefore recommend these also be retained as notified.
215. In terms of OSRZ-P2, the Panel have considered Ms Styles concerns regarding renewable electricity generation and we agree that it should be included within the policy to recognise existing situations within the OSRZ. We also accept Ms Easton's addition of '*electricity transmission, distribution*' (also within the zone) alongside renewable electricity generation and we consider all three of these activities are within the scope of the original Manawa submission which sought RSI be included in the policy. For clarity we agree that RSI itself would have been inappropriate.
216. Turning to the issue of '*functional or operational need*' which Ms Styles also sought to be included in OSRZ-P2, the Panel have given this some consideration, however we agree with Ms Easton that electricity transmission, distribution and renewal electricity generation, while they maybe in the zone, are not the purpose of the zone, and we consider including such wording would be sending the wrong signal in that regard.
217. The Panel agree with Ms Styles that the addition of the words '*where practicable*' into OSRZ-P3 would provide recognition that there are other matters which require consideration in the siting and design of buildings within Open Space zones, and we note Ms Easton supported this in her right of reply.
218. The Panel agrees with Ms Easton's reasoning to amend OSRZ-P5 and OSRZ-P7 based on Forest and Bird submissions and OSRZ-P10 based on a Te Mana Ora submission and we recommend these be included.
219. In terms of OSRZ-P9, the Panel have considered each of the respective amendments sought. We agree with the inclusion of "*and other visitor accommodation*", alongside '*camping*' as this would cover huts which are located across many areas of OSRZ. We also accept the inclusion of a clause associated with the establishment and operation of renewable electricity generation is appropriate, rather than RSI, as a signal to support for renewable energy in the OSRZ, noting that consent would still be required under the Energy Chapter.
220. The Panel agrees with the insertion of '*mineral exploration and prospecting*' into OSRZ noting that these activities are a necessary pre-cursor to mineral extraction which is already in the policy. We accept Ms Easton reasoning that the inclusion of '*functional or operational need to locate there*' to replace '*where these are limited in their location*' is not appropriate noting that there are other Acts governing open space land and they do not place a high weight on the value of mineral extraction, and instead they are very clear on the primary purposes of these lands as open space.
221. The Panel has considered the Forest and Bird submission to amend the beginning of the policy to refer to protecting natural values. We acknowledge Ms Easton's comment that this would be consistent with the Reserves and Conservation Acts under which open space land is administered, and we recommend this part of the amendment be included. We agree that

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'outside of the NOSZ' and *'consider providing for'*, which were part of the package of amendments Forest and Bird sought are not appropriate.

222. The Panel do not agree with the amendment to delete the word *'purposes'* and replace it with *'Activities'*. This appears to stem from a statement from Ms Inta who was not a submitter on this provision, and we do not consider there is scope available for this.
223. The Panel agrees with Ms Easton's reasoning to amend OSRZ-P11 and OSRZ-P12 (as notified) based on submissions by the Director General and The Findlays and we recommend these be included.
224. The Panel agrees with the amendment to OSRZ-P13 sought by the Director General to refer to adverse effects on open space values being appropriately managed and we note that this would go some way to addressing the submissions of Te Mana Ora and Forest and Bird. We note that *'adverse'* was left out of Ms Easton's amendment, however we consider it is important that it be included as a qualifier. We agree with Ms Easton's reasoning not to replace *'provide for'* with *'allow'* as sought by the Director General. We also agree with her reasoning in relation to rejecting the Manawa submission on including renewable energy and note that Ms Styles considers such relief is not necessary if it is included in OSRZ-P9, which it has been.
225. The Panel agrees with Ms Easton's reasoning to amend OSRZ-P18, OSRZ-P19 and OSRZ-P20 (as notified) based on submissions by the Director General and we recommend these be included. We note that the amendment to OSRZ-P20 addresses Forest and Birds concerns to some extent, however we agree that the remainder of their submission on OSRZ-P19 and OSRZ-P20 should be rejected.
226. The Panel agree with the recommended amendments numbering the policies from OSRZ -P11 to OSRZ-P21 as a consequence of the new Policy OSRZ-P11.
227. In relation to the remainder of the submissions on the OSRZ policies the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

228. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **OSRZ policies**:

OSRZ - Open Space and Recreation Zones Policies	
OSRZ - P1	Open space should be developed and used in accordance with any relevant operative Reserves Act or Conservation Act Management Plan.
OSRZ - P2	Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions and ancillary activities to support these, <u>including electricity transmission, distribution and renewable electricity generation</u> , ⁴⁹ where this fits with the purpose of the open space and its classification under any relevant Act.

⁴⁹ Manawa Energy (S438.130)

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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 , ⁵⁰ fit within the character and amenity of the surrounding area.
OSRZ - P4	Commercial and Residential activities may be appropriate on some open spaces where this is either identified in a Reserves Act or Conservation Act Management Plan, or where it has a link with the open space and recreation resource.
OSRZ - P5	Provide for commercial recreation activities that maintain the quality of the open space and recreation experience of people using the open space, while also protecting natural values. Have having ⁵¹ particular regard to the scale, intensity and cumulative effects of commercial recreation activities.
OSRZ - P6	Recognise that many open spaces have sites and areas of significance to Poutini Ngāi Tahu, and ensure that these are managed in collaboration with iwi and hapū.
OSRZ - P7	Promote the p Protection and enhancement of the ⁵² existing natural environment values having regard to the relevant OSRZ - Open Space and Recreation Zone and the opportunities for enhancement of these on the site.
OSRZ - P8	Provide for indoor and outdoor organised sports, active recreation, recreation facilities, community activities, educational facilities, accessory activities and associated buildings and structures having regard to the relevant OSRZ - Open Space and Recreation Zone.
OSRZ - P9	Provided that natural values can be protected , ⁵³ Provide for the a ⁵⁴ range of purposes where compatible with the open space values including: <ol style="list-style-type: none"> a. The ongoing operation and appropriate management of cemeteries; b. Camping and other visitor accommodation⁵⁵ opportunities at rivers, lakes and coastal areas where this is compatible with the values of the open space,⁵⁶ 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 resources⁵⁷ are limited in their location and⁵⁸

⁵⁰ Manawa Energy (S438.131)

⁵¹ Forest & Bird (S560.338)

⁵² Forest & Bird (S560.339)

⁵³ Forest & Bird (S560.340)

⁵⁴ Clause 16(2) of Schedule 1 RMA

⁵⁵ Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd (S605.014)

⁵⁶ Consequential amendment from Forest & Bird (S560.340)

⁵⁷ WMS (S599.100), BCML (S601.078), BRML (S604.069), PML (S606.055), and Whyte Gold Limited (S607.053)

⁵⁸ Consequential change from Manawa Energy (S438.132)

	<p>g. Water supply and drainage networks where this supports local community needs; <u>and</u>⁵⁹</p> <p>h. Establishment and operation of renewable electricity generation.⁶⁰</p>
OSRZ - P10	<p>Subdivision and new development should provide for the open space needs generated by the development either through direct provision of land and works, or through a financial contribution. This includes:</p> <p>a. Additional neighbourhood parks including waterfront areas, walkways, and cycleways and accessible quality playgrounds⁶¹ needed as a result of additional household and visitor accommodation growth;</p> <p>b. Additional recreation areas to enhance recreational opportunities and the visual amenity of the built environment; and</p> <p>c. Development of existing land set aside for neighbourhood parks and recreation areas.</p>
OSRZ - P11	<p><u>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.</u>⁶²</p>
Open Space Zone	
OSRZ - P112	<p>The OSZ - Open Space Zone primarily provides for passive and active recreation activities, natural, cultural and biodiversity values,⁶³ community facilities, campgrounds camping grounds⁶⁴ and cemeteries,⁶⁵ and limited associated facilities and structures.</p>
OSRZ - P123	<p>Enable activities and facilities within the OSZ - Open Space Zone that:</p> <p>a. Are consistent with the intended purpose, character and qualities of the OSZ – Open Space Zone; and,⁶⁶</p> <p>b. Contribute to the overall health and wellbeing of the community; and</p> <p>c. Minimise adverse effects on the character, natural environment,⁶⁷ and amenity values of the surrounding area.</p>
OSRZ - P134	<p>Provide for activities that are ancillary to the functions of the OSZ - Open Space Zone where the adverse effects on open space values can be appropriately managed⁶⁸ including:</p> <p>(a) Retail activities;</p>

⁵⁹ Consequential change from Manawa Energy (S438.132)

⁶⁰ Manawa Energy (S438.132)

⁶¹ Te Mana Ora (S190.606)

⁶² Ngāi Tahu (S620.007)

⁶³ Director General (S602.184)

⁶⁴ Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd (S605.015)

⁶⁵ Clause 16(2) of Schedule 1 RMA

⁶⁶ Clause 16(2) of Schedule 1 RMA

⁶⁷ Director General (S602.184)

⁶⁸ Director General (S602.186 and S602.200)

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	<p>(b) Residential activities, including for for⁶⁹ caretaker purposes; and</p> <p>(c) Agricultural, horticultural or pastoral activities.</p>
OSRZ - P145	<p>Provide for mineral extraction activities within the OSZ - Open Space Zone where:</p> <ol style="list-style-type: none"> Impacts on open space and recreation values of the site are minimised; This is provided for within any Open Space Management Plan for the area; Adverse effects on open space and recreation values and the environment are avoid, mitigated, remedied, offset or compensated; Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.
Sport and Active Recreation Zone	
OSRZ - P156	The SARZ - Sport and Active Recreation Zone primarily provides for active, organised and informal recreation, sports and community activities.
OSRZ - P167	<p>With the SARZ - Sport and Active Recreation Zone enable activities and facilities that:</p> <ol style="list-style-type: none"> May generate temporary adverse effects such as increased levels of noise and traffic; and Maintain a sense of openness within the zone; and Retain existing planting and mature trees, where practicable; and Contribute to the health and wellbeing of the community; and Do not adversely affect character and qualities of the surrounding area and adjoining sites.
OSRZ - P178	<p>Within the SARZ - Sport and Active Recreation Zone enable buildings and structures, where these:</p> <ol style="list-style-type: none"> Are for the use of a recreation activity or a conservation activity or ancillary activity to these; Are compatible with the purpose, character and qualities of the zone; and Avoid or mitigate adverse effects on character and qualities of the surrounding area.
Natural Open Space Zone	
OSRZ - P189	<p>Require A a low level of development and built form is anticipated within this the NOSZ – Natural Open Space Zone to retain the natural, cultural and biodiversity values within the⁷⁰ natural open space areas.</p>

⁶⁹ Director General (S602.186 and S602.200)

⁷⁰ Director General (S602.188 and S602.202)

OSRZ - P1920	<p>Within the NOSZ - Natural Open Space Zone enable activities and facilities that:</p> <ol style="list-style-type: none"> 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 restore⁷¹ indigenous biodiversity including taonga species, natural values and ecological linkages; and c. Contribute to the health and wellbeing of the community.
OSRZ - P201	<p>Within the NOSZ - Natural Open Space Zone provide for small-scale buildings and structures that:</p> <ol style="list-style-type: none"> (a) Are ancillary to a permitted activity; and⁷² (b) Do not adversely affect the conservation and indigenous biodiversity⁷³ values of the site; and⁷⁴ (c) Are of a scale, form, location and design that is compatible with the purpose, character and qualities of the zone; and (d) Do not adversely affect the character and qualities of the surrounding area.

OSRZ - Open Space and Recreation Zones Methods

OSRZ – M1	<p><u>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 TPPP 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.</u>⁷⁵</p>
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7. NATURAL OPEN SPACE ZONE CHAPTER

Submissions and Further Submissions

229. Four submission points⁷⁶ received on the **NOSZ Chapter** as a whole were summarised in a Table on page 44 of the s42A Report. Two submission points were neutral on the policy, one submission point opposed the policy, and the fourth submission point sought amendment to the policy.

⁷¹ Director General (S602.189)

⁷² Clause 16(2) of Schedule 1 RMA

⁷³ Forest and Bird (S560.0546)

⁷⁴ Clause 16(2) of Schedule 1 RMA

⁷⁵ Ngāi Tahu (S620.007)

⁷⁶ SEL (S250.002), Forest & Bird (S560.350), and Director General (S602.196 and S602.210).

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230. Seven submission points and seven further submission points⁷⁷ received on the **NOSZ overview** were summarised in a Table on pages 44 to 45 of the s42A Report. One submission point supported in part the overview, seeking amendments. The other six submission points sought amendment of the overview. All further submission points opposed Forest & Bird's submission.
231. Five submission points and one further submission point⁷⁸ on **NOSZ – R1** were summarised in a Table on page 46 of the s42A Report. One submission point supported the rule as notified, while another submission point supported in part the rule with that submission supported by the further submission. One submission point opposed the rule as notified, with another two submission points opposing in part the rule.
232. Three submission points⁷⁹ on **NOSZ – R2** were summarised in a Table on pages 46 to 47 of the s42A Report. Two submission points supported the rule as notified, with the third submission point seeking an amendment.
233. Three submission points and one further submission point⁸⁰ on **NOSZ – R3** were summarised in a Table on page 47 of the s42A Report. Two submission points supported the rule as notified. One submission point sought an amendment to the rule, with that opposed by the further submission.
234. Five submission points and one further submission point⁸¹ on **NOSZ – R4** were summarised in a Table on pages 47 to 48 of the s42A Report. One submission point supported the rule as notified. Two submission points opposed the rule as notified, one of which was opposed by the further submission. Two submission points sought an amendment to the rule.
235. Three submission points⁸² on **NOSZ – R5** were summarised in a Table on pages 48 to 49 of the s42A Report. One submission point supported the rule as notified, while another opposed the rule as notified. The third submission point sought an amendment to the rule.
236. Three submission points⁸³ on **NOSZ – R6** were summarised in a Table on page 49 of the s42A Report. One submission point supported the rule as notified, while another opposed the rule as notified. The third submission point sought an amendment to the rule.
237. One submission point⁸⁴ on **NOSZ – R7** was summarised in a Table on pages 49 to 50, which supported the rule as notified.
238. Three submission points⁸⁵ on **NOSZ – R8** were summarised in a Table on page 50, which supported the rule as notified.

⁷⁷ Forest & Bird (S560.351, S560.0548, and S560.0549), Ngāi Tahu (S620.214), BCG (S552.164), Ms Katherine Gilbert (S473.013), QLDC (S523.002), TiGa (FS104.061), Terra Firma (FS108.006), BRML (FS150.047), PML (FS215.036), Bathurst Group (FS89.057), WMS (FS231.058), and BCML (FS232.054)

⁷⁸ Te Mana Ora (S190.618), Waka Kotahi (S450.195), BDC (S538.385), GDC (S608.688 and FS1.433), and Forest & Bird (S560.352)

⁷⁹ Te Mana Ora (S190.619), MoE (S456.024), and Forest & Bird (S560.353)

⁸⁰ Ngāi Tahu (S620.215 and FS41.139), Te Mana Ora (S190.620), and Forest & Bird (S560.354)

⁸¹ Te Mana Ora (S190.621), BDC (S538.386), Director General (S602.193 and S602.207), Ngāi Tahu (FS41.140), Forest & Bird (S560.355), and NZMCA (S490.008)

⁸² Te Mana Ora (S190.622), Director General (S602.194 and S602.208), and Forest & Bird (S560.356)

⁸³ Te Mana Ora (S190.623), Director General (S602.195 and S602.209), and Forest & Bird (S560.357)

⁸⁴ Te Mana Ora (S190.624)

⁸⁵ Te Mana Ora (S190.625), Waka Kotahi (S450.196), and GDC (S608.689)

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239. Two submission points⁸⁶ on **NOSZ – R9** were summarised in a Table on page 50, one supported the rule as notified, while the other supported in part the rule.
240. Eight submission points and one further submission point⁸⁷ on **NOSZ – R10** to **NOSZ – R17** were summarised in a Table on pages 50 to 51. Seven submission points supported the rules as notified. One submission point sought an amendment to the rules, which was opposed by the further submission.
241. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

NOSZ Chapter as a whole

242. Ms Easton recommended rejecting submissions from:
- (a) SEL (S250.002), reasoning that if the proposed aerial cableway in the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley is to be accommodated in the pTTPP then that would be best achieved by rezoning the area Open Space Zone. In which case, most aspects of the aerial cableway would be a Permitted or Restricted Discretionary Activity under the OSZ provisions.
 - (b) Forest & Bird (S560.350), reasoning it inappropriate for the same reasons as detailed in [152] below.

NOSZ Overview

243. Ms Easton recommended rejecting Forest & Bird's submission (S560.0549), reasoning that mineral extraction is not an anticipated activity in NOSZ so it is not necessary to refer to it in the overview section, as you would not for other unanticipated activities. She emphasised that mineral extraction within NOSZ has been considered within the s42A Report for the MIN chapter.
244. Ms Easton recommended accepting BCG's submission (S552.164), reasoning the zoning of LINZ-owned land (e.g., rivers and estuaries) should not be driven by ownership.
245. Ms Easton recommended accepting submissions from:
- (a) Forest & Bird (S560.351) and Ngāi Tahu (S620.214), reasoning that referring to relevant District Wide chapters within the overview will correct a drafting error. She also supports the overview referring to the ECO and NFL chapters as they are likely particularly relevant to NOSZ. This also links to Forest & Bird's submission on the OSRZ overview (S560.0553) discussed in [62].
 - (b) Ms Gilbert (S473.013), reasoning that it is unclear which public conservation land are included within NOSZ and for what purpose. Consequently, Ms Easton recommended the following amendment to the NOSZ overview section.

“The purpose of the NOZ - Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also

⁸⁶ Te Mana Ora (S190.626) and MoE (S456.025)

⁸⁷ Te Mana Ora (S190.627 to S190.632 and S190.634), Forest & Bird (S560.018), and Terra Firma (FS108.007)

applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves. This zone also applies to large areas of public conservation land – **specifically gazetted** national parks **and** scientific reserves, **as well as areas classified within the Department of Conservation reserve classification system as** wilderness areas, specially protected areas and ~~important~~ ecological areas.”

- (c) QLDC (S523.002), supporting amending the overview section to clarify that NOSZ land often adjoins other territorial authority boundaries not managed by the pTTPP, so care needs to be applied regarding any potential cross boundary resource management issues.
- (d) Forest & Bird (S560.0548), reasoning the amendments are a requirement of the Reserves Act and Conservation Act.

246. Ms Easton recommended the following amendments to NOSZ overview:

Overview

...

This zone also applies to large areas of public conservation land – **specifically gazetted** national parks **and** scientific reserves, **as well as areas classified within the Department of Conservation reserve classification system as** wilderness areas, **Wildlife Management Areas and Specially Protected Areas and important ecological areas.**

...

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 **need to be consistent with** ~~have regard to~~ any relevant reserve management plans, national park management plans or national legislation (Reserves Act 1977 or Conservation Act 1987).

Other Relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within the Natural Open Space Zones.

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Natural Open Space Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Natural Open Space Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.**
- **Ecosystems and Biodiversity – As areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Natural Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**

- Natural Features and Landscape -many areas of outstanding natural features or outstanding natural landscape will be located within the Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.
- Natural Character and the Margins of Waterbodies -in some locations areas of Natural Open Space Zone may extend into the riparian margins of waterbodies. The Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.
- Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.
- General District Wide Matters - provisions in relation to noise, light and signs in particular may be relevant to activities in the Natural Open Space Zone.

Adjacent Local Authority Administration

Lands within the Natural Open Space Zone adjoin a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. Plan users need to apply care in regard to any potential cross boundary resource management issues and check the relevant District Plans of adjacent Territorial Authorities when considering activities on the edges of the Te Tai o Poutini Plan planning area.

NOSZ – R1 to NOSZ – R6

247. The support from Te Mana Ora (S190.618, S190.619, S190.620, S190.621, S190.622, S190.623), MoE (S456.024), and Ngāi Tahu (S620.215) was noted by Ms Easton.
248. Ms Easton recommended rejecting submissions from:
- (a) Waka Kotahi (S450.195), reasoning redrafting Part Three of the pTTPP to separate out Performance Standards would not improve usability, and is not a requirement of the Planning Standards, nor a necessity. The Councils advised Ms Easton their preference for the way the pTTPP is currently drafted due to consistency and user familiarity with the operative District Plans;
 - (b) GDC (S608.688) for the same reasons as noted in [(a)] above;
 - (c) NZMCA (S490.008), reasoning that camping activities could have significant adverse effects on the high natural values of NOSZ lands, so a resource consent process is required to ensure that these effects are effectively managed before a resource consent is granted; and
 - (d) Forest & Bird (S560.352 to S560.354), reasoning requiring resource consent for a Discretionary Activity to establish basic structures in parks, including structures which support activities necessary to support park function, would be a duplication of regulation when the National Parks Act and Reserves Act have their own processes.
249. Ms Easton recommended accepting submissions from:

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- (a) BDC's submission (S538.385), reasoning an Advice Note being appropriate for referring to the neighbour written approval process as the RMA Deemed Permitted process takes precedent over NOSZ – R1.
 - (b) The Director General (S602.193, S602.207, S602.194, S602.208, S602.195, S602.209), reasoning a Restricted Discretionary Activity status would provide an appropriate level of oversight for temporary camping grounds, residential activities, or retail activities in the NOSZ.
 - (c) Ngāi Tahu (FS41.140), reasoning nohoanga entitlements as part of Poutini Ngāi Tahu Activities should be provided for as a Permitted Activity in the NOSZ (i.e., not require resource consent) because these entitlements are guaranteed to Ngāi Tahu as part of Ngāi Tahu Claims Settlement Act. Consequently, Ms Easton recommended an Advice Note to that effect be included in NOSZ – R4.
250. Ms Easton recommended accepting in part submissions from:
- (a) BDC (S538.386), reasoning temporary camping grounds have effects different to other recreational activities, so these activities were intentionally separated through NOSZ – R3 and Rule NOSZ – R4. Ms Easton indicated that BDC's concern relating to notification of the permitted activity to the Council is addressed through her recommendations above.
 - (b) Forest & Bird (S560.355 to S560.357), reasoning a resource consent process for temporary camping grounds, residential activities, or retail activities in the NOSZ appropriate as these activities would not in all circumstances align with the functions and values of NOSZ lands. However, Ms Easton did not support a Discretionary Activity applying to these activities, reasoning this status was not necessary to protect the values of these natural open spaces. She emphasised preferring the approach detailed above.
251. Consequently, Ms Easton recommended the following amendments to the NOSZ rules:

NOSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

....

- 5. 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.

...

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.

NOSZ - R4 Temporary Camping Grounds

Activity Status ~~Permitted~~ Restricted Discretionary

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Where:

1. ~~Written notification to the Council of the activity is provided at least 10 working days prior to the activity commencing; and~~
2. **1.** Camping activity is restricted to 10 days per calendar year.

Discretion is Restricted to:

- a. **Design, position and location of any buildings or structures;**
- b. **Landscape treatment;**
- 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.**

Advice Note:

...

3. **This rule does not apply to nohoanga entitlements granted to Poutini Ngāi Tahu as part of the Ngāi Tahu Treaty Settlement Act. Nohoanga entitlements are regulated under Rule NOSZ – R3 as part of Poutini Ngāi Tahu Activities.**

Activity status where compliance not achieved: ~~N/A~~Discretionary

NOSZ - R5 Residential Activities

Activity Status ~~Permitted~~ **Restricted Discretionary**

Where:

1. This is ancillary to a conservation activity or recreation activity;
2. The activity has a functional or operational need to locate in a NOSZ - Natural Open Space Zone; and
3. All performance standards for Rule NOSZ - R1 are complied with.

Discretion is Restricted to:

- a. **Design, position and location of any buildings or structures;**
- b. **Landscape treatment;**
- 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.**

Activity status where compliance not achieved: Discretionary

NOSZ - R6 Retail Activities

Activity Status ~~Permitted~~ **Restricted Discretionary**

Where:

1. This is ancillary to a recreation activity or a conservation activity; and
2. Performance Standards for Rule NOSZ - R1 are complied with.

Discretion is Restricted to:

- a. **Design, position and location of any buildings or structures;**
- b. **Landscape treatment;**
- 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.**

Activity status where compliance not achieved: Discretionary

NOSZ – R7 to NOSZ – R17

6. The support from Te Mana Ora (S190.624, S190.625, S190.626, S190.627, S190.628, S190.629, S190.630, S190.631, S190.632), Waka Kotahi (S450.196) and GDC (S608.689) was noted by Ms Easton.
7. Ms Easton recommended rejecting Forest & Bird’s submission (S560.018) because it relates to the MINZ chapter and has been miscoded to the OSRZ chapter.
8. Ms Easton recommended accepting the submission from MoE (S456.025), reasoning replacing “Educational” with “Educational Facilities” in NOSZ – R9 will correct a drafting error. However, the Panel notes this was omitted in the amendment.
9. Ms Easton recommended amendments to NOSZ – R7 to NOSZ – R9 in Appendix 1 of the s42A Report is shown in italics below:

NOSZ - R7 Community Facilities

Activity Status Restricted Discretionary

Discretion is restricted to:

...

- d. Management of effects on natural character, landscape, historical ***values, Poutini Ngāi Tahu*** values and biodiversity values ...

NOSZ - R8

Vehicle Access and Carparking areas

Activity Status Restricted Discretionary

...

Discretion is restricted to:

...

- e. Management of effects on natural character, landscape, historical ***values, Poutini Ngāi Tahu*** values and biodiversity values ...

NOSZ - R9

Recreational Activities, Conservation Activities, Educational Facilities and Research Facilities, Poutini Ngāi Tahu Activities, Parks Facilities and Parks Furniture not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

...

- d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and biodiversity values ...

Submitter Correspondence

KiwiRail Holdings Limited

10. In her correspondence on behalf of KiwiRail, Ms Grinlinton-Hancock highlighted KiwiRail submitted on the Introduction and General Provisions of the pTTPP addressing the need for safety setbacks from the rail corridor. She indicated none of KiwiRail's submission points were allocated to the OSRZ chapter, nor is there specific discussion of KiwiRail's relief in Ms Easton's s42A Report. Nevertheless, she suggested the relief sought by KiwiRail is relevant to the OSRZ topic.
11. Consequently, Ms Grinlinton-Hancock indicated KiwiRail request amendments to Ms Easton's recommended NOSZ-R1, NOSZ-R7, and NOSZ-R9 as shown below in italics. The reason for these amendments is to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure. The KiwiRail amendments are shown below:

NOSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

...

4. Buildings or structures are setback a minimum 4.5m from road and rail designation boundaries; and

...

NOSZ-R7 Community Facilities

Activity Status Restricted Discretionary

Discretion is restricted to:

...

- e. The safe and efficient operation of the rail network.

...

NOSZ-R9 Recreational Activities, Conservation Activities, Educational Facilities and Research Facilities, Poutini Ngāi Tahu Activities, Parks Facilities and Parks Furniture not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

...

f. The safe and efficient operation of the rail network.

Hearing and Submitter Evidence

12. Ms Smith for Terra Firma concurred with Ms Easton’s rejection of Forest & Bird’s submission (S560.0549) to prohibit new mining on conservation land and not referring to mineral extraction in the NOSZ overview. However, she suggested that mineral extraction should be referred to in the OSZ overview because it is anticipated in this zone.
13. Ms Hunter for Bathurst Group supported Ms Easton’s recommendation on Forest & Bird’s submission (S560.0549).
14. Mr Deavoll supported Ms Easton’s recommendation to amend NOSZ-R4 to NOSZ-R6, reasoning that residential activities, temporary camping grounds, and retail activities in natural open space settings require resource consent scrutiny rather than relying on the scale limitations in NOSZ – R1. He also noted DoC’s development and operational activities are often exempt from these rules under RMA section 4(3). Consequently, this change would only generate resource consent applications from third parties proposing such activities in the NOSZ.
15. On behalf of Ngāi Tahu, Ms Pull suggested the NOSZ Overview be amended as shown below to improve consistency and clarity relating to the EIT chapter:

Overview

...

Other relevant Te Tai o Poutini Plan provisions

...

- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport chapters contains rules in relation to energy, infrastructure or transport activities. The objectives and policies of this zone will be considered for any energy, infrastructure or transport activity that trigger resource consent.**
16. Ms Pull supported Ms Easton’s recommended amendment to NOSZ-R4 inserting an advice note stipulating the rule does not apply to Nohoanga Entitlements. However, she highlighted this recommendation has not been applied to other zones. Consequently, she suggested amending the definition for the terms “camping ground”, “freedom camping”, and “seasonal camping” by clarifying Nohoanga Entitlements are excluded from these definitions per her evidence for Introduction/ General Provisions Chapter and Ms Philippa Lynch’s evidence on behalf of Ngāi Tahu for District Wide provisions and amending NOSZ-R12 to include camping ground activities not meeting restricted discretionary standards.
 17. The Panel note that Ngāi Tahu did not submit or further submit on NOSZ-R12, although they did further submit on NOSZ-R4. In her planning evidence, Ms Pull highlighted that Ms Easton’s recommended change to the activity status for NOSZ-R4 requires a consequential amendment to NOSZ-R12 so that it includes reference to “Camping Grounds and Temporary Camping

Grounds not meeting Permitted Activity Standards and Camping Grounds not meeting restricted discretionary standards.

18. Ms Pull supported the inclusion of Poutini Ngāi Tahu values in the matter of discretion for Restricted Discretionary Activities in the NOSZ to clarify that effects of a development or activity can be assessed from a cultural lens.
19. Lastly, Ms Pull indicated the terms “landscape measures” and “landscape treatment” in NOSZ-R4 to NOSZ-9 are unclear as found during the EIT hearing. Consequently, to improve clarity and consistency with the EIT she suggested amending the matter referencing “landscape measures” or “landscape treatment” in these rules with:

The effects of the proposal on the amenity, character and landscape values of the Zone.

20. Ms Inta suggested that paragraph 156 of Ms Easton’s s42A Report (which relates to QLDC’s submission on the NOSZ Overview) should be deleted. She did not understand this suggestion as Ms Easton’s recommendations to the NOSZ Overview do not appear to repeat “Adjacent Local Authority Administration” concerns.
21. In response to Ms Easton’s rejection of S552.164, Ms Inta suggested Ms Easton failed to recognise that LINZ lands are public lands, including many waterway and terrestrial environments much of which contains high natural, ecological, and landscape values. Consequently, Ms Inta indicated that these lands warrant at least a mention in the NOSZ Overview and would be easily mapped in GIS, similar to small DoC land parcels.

Reporting Officer Reply Evidence

22. Ms Easton indicated she did not support a 4.5m setback from the railway corridor for buildings in NOSZ as sought by KiwiRail and detailed by Ms Grinlinton-Hancock. She noted that a setback for buildings against the Natural Open Space Zone in the Buller Gorge was unnecessary as this entire location is only accessible from the rail corridor and the likelihood of any building is therefore negligible.
23. Ms Easton supported Ms Pull’s suggested amendments to the NOSZ Overview relating to the EIT chapter being added to the ‘*other relevant Te Tai o Poutini Plan provisions*’ section, considering this better represents the situation in relation to these activities.
24. Ms Easton clarified submissions on NOSZ – R16 were addressed in the MINZ s42A Report, not the OSRZ s42A Report. Consequently, she did not recommend any amendments to that rule, instead referring submitters and the TTPP Panel to the MINZ topic.
25. Further in her right of reply, Ms Easton:
 - (a) clarified the only rail corridor in the NOSZ was at Buller Gorge. She indicated this NOSZ area is only accessible from the rail corridor because the gorge separates it from the state highway. In their October 2024 right of reply, Ms Easton and Ms Belgrave agreed a 4.5m rail corridor setback is not necessary in the NOSZ because it is entirely vegetated and largely inaccessible in locations adjacent to the Reefton – Westport branch line. Therefore, they do not recommend amendments to NOSZ – R1 in relation to building setback.
 - (b) highlighted the s42A report Introduction and General Provisions proposed the term “camping grounds” be defined as:

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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.

- (c) considered nohoanga were not captured by the “camping grounds” definition as they are not used for rent, hire, or reward. However, if fees or koha are paid / gifted for use, then nohoanga would be captured by this definition. Consequently, she indicated an exemption may be required. Therefore, she suggested clarifying this in the “camping grounds” definition by inserting “*For the avoidance of doubt nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds*” to the definition.
- (d) did not consider there was scope in Ngāi Tahu’s submissions to change OSRZ rules as sought by Ms Pull relating to “landscape measures”.
- (e) implied there was no scope in Ngāi Tahu’s submissions to amend the NOSZ Overview by referring to the EIT chapter because they only made this submission on the EIT Chapter with no similar submission made on the OSRZ.
- (f) considered combining several NOSZ Non-Complying Activity rules as a Clause 16 amendment. However, she did not believe a catch-all “*any activity not provided for in another rule*” Non-Complying Activity rule would satisfy Clause 16, as activities not listed in the pTTPP are currently Permitted but would become non-complying under the catch-all rule.

Hearing Panel’s Evaluation

Definition of Camping Grounds

- 26. The Panel agree with Ms Easton addition to the end of the definition of camping grounds to clarify that nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds.

Overview

- 27. The Panel has considered the various submissions on the Natural Open Space Zone Overview, and we agree the reasoning and amendments proposed by Ms Easton and recommend they be included.

Whole of Chapter

- 28. The Panel agrees with Ms Easton’s conclusions in relation to the Skyline Enterprises Limited’s submission on providing for an Aerial Cableway in the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley and we note that this matter has been addressed in more detail in the Special Purpose Zone recommendation.
- 29. The Panel does not support Forest and Birds submission to amend to purpose of the zone be amended to state that it includes all public conservation land. We agree with Ms Easton that

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there is public conservation land where a Natural Open Space Zone identification is inappropriate.

Rules

30. In terms of NOSZ-R1, the Panel agree with the amendment proposed by Ms Easton and her reasoning to remove written approval from the rule and provide for it within an Advice Note.
31. The Panel agrees that rules NOSZ-R2 and NOSZ-R3 should remain unamended and not require the relevant activities to seek consent as discretionary activities as sought by Forest and Bird. The activities concerned are appropriate to the NOSZ and are limited by NOSZ-R1 and we accept Ms Easton's reasoning in that regard and note that our conclusion also relates to the same Forest and Bird submission on NOSZ-R1.
32. Conversely, the Panel agree with Forest and Bird and Ms Easton that temporary camping grounds, retail activities and residential activities are not activities that would in all circumstances align with the functions and values of the NOSZ, and that a resource consent process is appropriate for these activities. We accept Ms Easton's contention that discretionary activity status is not necessary to protect the values of these natural open spaces and that a restricted discretionary activity status with targeted matters of discretion, as sought by the Director General, is a more appropriate response. We therefore recommend that rules NOSZ-R4, NOSZ-R5 and NOSZ-R6 be deleted as permitted activities and replaced as restricted discretionary activities.
33. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*'.
34. Regarding rules NOSZ-R7, NOSZ-R8 and NOSZ-R9, the Panel accepts the consequential amendments resulting from Ngāi Tahu's submission (S620.015) on the Introduction and General Provisions. We also acknowledge the correction of the heading to Education Facilities in rule NOSZ-R9.
35. The Panel note that the remaining rules NOSZ-R10 to NOSZ-R17 are either supported or not submitted on apart from a Forest and Bird submission on NOSZ-R16 which is addressed in the Mineral Extraction recommendation. We note that we asked Ms Easton whether it would be possible to combine several of the non-complying activity rules as one catch all rule as a Clause 16 amendment. She did 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. We acknowledge that NOSZ-R17 is already a catch all rule, however we agree with submitters that such rules are better placed as discretionary, otherwise they are unnecessarily limiting in our view and could have unforeseen consequences. We note that such an amendment is proposed plan wide in relation to various submitters. In this case we rely on the submission of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.
36. In relation to the remainder of the submissions on the NOSZ rules the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

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37. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the definition of “Camping Grounds” and the **NOSZ Overview and Rules**:

Definitions - Ngā Tautuhinga	
Term	Definition
CAMPING GROUNDS	<p>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 families 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, <u>and includes the use of permanent buildings for sleeping in such as cabins and motel accommodation ancillary to the camping ground.</u></p> <p><u>For the avoidance of doubt nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds.</u>⁸⁸</p>

NOSZ	Natural Open Space Zone - Te Takiwā Pōaha Aotūroa
<p>Overview</p> <p>The purpose of the NOZ - Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves.</p> <p>This zone also applies to large areas of public conservation land – <u>specifically gazetted</u> national parks <u>and</u> scientific reserves, <u>as well as areas classified within the Department of Conservation reserve classification system as wilderness areas, Wildlife Management Areas and sSpecially Protected aAreas and important ecological areas</u>⁸⁹.</p> <p>Natural Open Space has a high degree of biodiversity requiring recognition, protection, maintenance and/or enhancement.</p> <p>These are spaces that the community value and areas where people can relax and enjoy recreation and leisure activities such as walking and cycling, fishing, picnicking, and boating. Some of these spaces are used for cultural and customary activities, such as gathering mahinga kai, and are rich in historic heritage and cultural heritage values.</p>	

⁸⁸ Ngai Tahu (FS41.140)

⁸⁹ Ms Katherine Gilbert (S473.013)

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

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 **need to be consistent with** ~~have regard to~~⁹⁰ any relevant reserve management plans, national park management plans or national legislation (Reserves Act 1977 or Conservation Act 1987).

Other Relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within the Natural Open Space Zones.

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Natural Open Space Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Natural Open Space Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.**
- **Ecosystems and Biodiversity – As areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Natural Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**
- **Natural Features and Landscape -many areas of outstanding natural features or outstanding natural landscape will be located within the Natural Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**
- **Natural Character and the Margins of Waterbodies -in some locations areas of Natural Open Space Zone may extend into the riparian margins of waterbodies. The Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.**
- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.**
- **General District Wide Matters - provisions in relation to noise, light and signs in particular may be relevant to activities in the Natural Open Space Zone.**⁹¹

Adjacent Local Authority Administration

⁹⁰ Forest & Bird (S560.0548)

⁹¹ Forest & Bird (S560.0553 and S560.351) and Ngāi Tahu (S620.214)

Lands within the Natural Open Space Zone adjoin a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. Plan users need to apply care in regard to any potential cross boundary resource management issues and check the relevant District Plans of adjacent Territorial Authorities when considering activities on the edges of the Te Tai o Poutini Plan planning area.⁹²

NOSZ - Natural Open Space Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

NOSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

1. The maximum building height above ground level is 5m;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. The maximum gross floor area is 100m²;
4. Buildings are setback a minimum 4.5m from road boundaries; and

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~~⁹³.

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

Activity status where compliance not achieved: Restricted Discretionary

⁹² QLDC (S523.002)

⁹³ BDC (S538.385)

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<p>exceed the recession plane by more than 3m vertically; and</p> <p>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.</p> <p>Advice Note:</p> <p>1. <u>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.</u>⁹⁴</p>		
NOSZ – R2	Educational Facilities and Research Facilities Ancillary to a Conservation Activity or a Recreation Activity	
<p>Activity Status Permitted</p> <p>Where:</p> <p>1. All performance standards for Rule NOSZ - R1 are complied with.</p>		<p>Activity status where compliance not achieved: Restricted Discretionary</p>
NOSZ – R3	Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities	
<p>Activity Status Permitted</p> <p>Where:</p> <p>1. All performance standards for Rule NOSZ - R1 are complied with.</p>		<p>Activity status where compliance not achieved: Restricted Discretionary</p>
NOSZ – R4	Temporary Camping Grounds	
<p>Activity Status Permitted</p> <p>Where:</p> <p>1. Written notification to the Council of the activity is provided at least 10 working days prior to the activity commencing; and</p> <p>2. Camping activity is restricted to 10 days per calendar year.</p> <p>Advice Note:</p> <p>1. Temporary Camping Grounds may also be required to comply with the Camping Ground Regulations 1985 administered by the relevant District Council.</p> <p>2. Where activities are located in Overlay Chapter Areas the relevant provisions also apply.</p>		<p>Activity status where compliance not achieved: N/A⁹⁵</p>

⁹⁴ BDC (S538.385)

⁹⁵ Forest & Bird (S560.355) and Director General (S602.193)

NOSZ – R5	Residential Activities	
Activity Status Permitted Where: 1. This is ancillary to a conservation activity or recreation activity; 2. The activity has a functional or operational need to locate in a NOSZ – Natural Open Space Zone; and 3. All performance standards for Rule NOSZ – R1 are complied with.	Activity status where compliance not achieved: Discretionary ⁹⁶	
NOSZ – R6	Retail Activities	
Activity Status Permitted Where: 1. This is ancillary to a recreation activity or a conservation activity; and 2. Performance Standards for Rule NOSZ – R1 are complied with.	Activity status where compliance not achieved: Discretionary ⁹⁷	
Restricted Discretionary Activities		
NOSZ – R4	Temporary Camping Grounds	
Activity Status Restricted Discretionary Where: 1. <u>Camping activity is restricted to 10 days per calendar year.</u> Discretion is Restricted to: a. <u>Design, position and location of any buildings or structures;</u> b. <u>Measures to mitigate landscape effects;</u> ⁹⁸ c. <u>Vehicle access and parking design and location; and</u> d. <u>Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values,⁹⁹ and biodiversity values.</u> Advice Note: 1. <u>Temporary Camping Grounds may also be required to comply with the Camping Ground Regulations 1985 administered by the relevant District Council.</u>		Activity status where compliance not achieved: Discretionary ¹⁰⁰

⁹⁶ Forest and Bird (S560.356) and Director General (S602.207)

⁹⁷ Forest and Bird (S560.357) and Director General (S602.208)

⁹⁸ Consequential Plan wide amendment to Manawa Energy Limited S438.100

⁹⁹ Ngāi Tahu (S620.015)

¹⁰⁰ Forest & Bird (S560.355) and Director General (S602.193)

<p><u>2. Where activities are located in Overlay Chapter Areas the relevant provisions also apply.</u></p> <p><u>3. This rule does not apply to nohoanga entitlements granted to Poutini Ngāi Tahu as part of the Ngāi Tahu Treaty Settlement Act. Nohoanga entitlements are regulated under Rule NOSZ – R3 as part of Poutini Ngāi Tahu Activities.</u></p>		
<u>NOSZ - R5</u>	<u>Residential Activities</u>	
<p><u>Activity Status Restricted Discretionary</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>1. This is ancillary to a conservation activity or recreation activity;</u> <u>2. The activity has a functional or operational need to locate in a NOSZ - Natural Open Space Zone; and</u> <u>3. All performance standards for Rule NOSZ - R1 are complied with.</u> <p><u>Discretion is Restricted to:</u></p> <ol style="list-style-type: none"> <u>a. Design, position and location of any buildings or structures;</u> <u>b. Measures to mitigate landscape effects,¹⁰¹</u> <u>c. Vehicle access and parking design and location; and</u> <u>d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values,¹⁰² and biodiversity values.</u> 		<p><u>Activity status where compliance not achieved:</u> <u>Discretionary¹⁰³</u></p>
<u>NOSZ - R6</u>	<u>Retail Activities</u>	
<p><u>Activity Status Restricted Discretionary</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>1. This is ancillary to a conservation activity or a recreation activity; and</u> <u>2. All performance Standards for Rule NOSZ - R1 are complied with.</u> <p><u>Discretion is Restricted to:</u></p> <ol style="list-style-type: none"> <u>a. Design, position and location of any buildings or structures;</u> <u>b. Measures to mitigate landscape effects,¹⁰⁴</u> <u>c. Vehicle access and parking design and location; and</u> 		<p><u>Activity status where compliance not achieved:</u> <u>Discretionary¹⁰⁶</u></p>

¹⁰¹ Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹⁰² Ngāi Tahu (S620.015)

¹⁰³ Forest and Bird (S560.356) and Director General (S602.207)

¹⁰⁴ Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹⁰⁶ Forest and Bird (S560.357) and Director General (S602.208)

<p>d. <u>Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values,¹⁰⁵ and biodiversity values.</u></p>		
NOSZ - R7	Community Facilities	
<p>Activity Status Restricted Discretionary Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of the building; b. Landscape treatment <u>Measures to mitigate landscape effects;</u>¹⁰⁷ c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical values, <u>Poutini Ngāi Tahu values</u> and cultural values¹⁰⁸ and biodiversity values. 		<p>Activity status where compliance not achieved: N/A</p>
NOSZ - R8	Vehicle Access and Carparking areas	
<p>Activity Status Restricted Discretionary Where:</p> <ul style="list-style-type: none"> 1. This is ancillary to a Permitted Activity within the NOSZ - Natural Open Space Zone. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Landscape measures <u>Measures to mitigate landscape effects;</u>¹⁰⁹ b. Compliance with transport standards; c. Vehicle access and parking design and location; d. Stormwater management and treatment; and e. Management of effects on natural character, landscape, historical values, <u>Poutini Ngāi Tahu values</u> and cultural values¹¹⁰ and biodiversity values. 		<p>Activity status where compliance not achieved: Non-complying</p>
NOSZ - R9	Recreational Activities, Conservation Activities, Educational <u>Facilities</u>¹¹¹ and Research Facilities, Poutini Ngāi Tahu Activities, Parks Facilities and Parks Furniture not meeting Permitted Activity Standards	
<p>Activity Status Restricted Discretionary Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; 		<p>Activity status where compliance not achieved: N/A</p>

¹⁰⁵ Ngāi Tahu (S620.015)

¹⁰⁷ Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹⁰⁸ Ngāi Tahu (S620.015)

¹⁰⁹ Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹¹⁰ Ngāi Tahu (S620.015)

¹¹¹ MoE (S456.025)

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<p>b. Landscape measures Measures to mitigate landscape effects;¹¹²</p> <p>c. Vehicle access and parking design and location; and</p> <p>d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and cultural values¹¹³ and biodiversity values.</p>		
Discretionary Activities		
NOSZ - R10	Retail and Residential Activities not meeting Permitted Activity Standards	
<p>Activity Status Discretionary</p> <p>Where:</p> <p>1. These are ancillary to a recreation activity, education activity or research activity or conservation activity.</p>		<p>Activity status where compliance not achieved: Non-complying</p>
NOSZ - R11	New Cemeteries and Urupā	
<p>Activity Status Discretionary</p>		<p>Activity status where compliance not achieved: N/A</p>
NOSZ - R12	Camping Grounds and Temporary Camping Grounds not meeting Permitted Activity Standards	
<p>Activity Status Discretionary</p>		<p>Activity status where compliance not achieved: N/A</p>
NOSZ - R13	Any Other Activity not provided for within another Rule in the Zone	
<p>Activity Status Discretionary</p>		<p>Activity status where compliance not achieved: N/A¹¹⁴</p>
Non-complying Activities		
NOSZ - R134	Retail Activities and Residential Activities not meeting Permitted or Discretionary Activity Standards	
<p>Activity Status Non-complying</p>		<p>Activity status where compliance not achieved: N/A</p>
NOSZ - R145	Vehicle Access and Carparking not meeting Restricted Discretionary Activity Standards	

¹¹² Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹¹³ Ngāi Tahu (S620.015)

¹¹⁴ William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

Activity Status Non-complying		Activity status where compliance not achieved: N/A
NOSZ - R156	Commercial Activities not provided for in another Rule in the Zone	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
NOSZ - R167	Mineral Extraction Activities	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
NOSZ - R178	Industrial Activities or any other Activity not provided for in another Rule ¹¹⁵	
Activity Status Non-complying		Activity status where compliance not achieved: N/A

8. OPEN SPACE ZONE CHAPTER

Submissions and Further Submissions

38. 10 submission points and one further submission point¹¹⁶ received on the **OSZ Chapter as a whole** were summarised in a Table on pages 57 to 58 of the s42A Report. Nine submission points sought to amend OSZ provisions, with GDC's submission opposed by Ngāi Tahu. The tenth submission point was neutral.
39. Seven submission points and one further submission point¹¹⁷ received on the **OSZ Overview** were summarised in a Table on pages 58 to 59 of the s42A Report. Six submission points sought an amendment to the overview section. One submission point supported in part the overview section, seeking an amendment, with this being opposed by the further submission.
40. Two submission points¹¹⁸ received on multiple **OSZ Rules** were summarised in a Table on page 59 of the s42A Report. One submission point opposed specific rules as notified, while the other submission supported the rules as notified.
41. Six submission points¹¹⁹ received on **OSZ – R1** were summarised in a Table on pages 59 to 61 of the s42A Report. One submission point supported the rule as notified, while three submission points supported in part the rule with amendments sought. One submission point

¹¹⁵ William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

¹¹⁶ Ms Laura Coll McLaughlin (S574.338, S574.339 and S574.341), Mr William McLaughlin (S567.398 to S567.400), Mr Chris & Ms Jan Coll (S558.339), Chris J Coll Surveying Limited (S566.339), GDC (S608.095), Ngāi Tahu (FS41.026), and Director General (S602.219)

¹¹⁷ Forest & Bird (S560.360, S560.0589, and S560.0590), WMS (S599.102), Director General (S602.00240), QLDC (S523.003), Manawa Energy (S438.135), and Ngāi Tahu (FS41.144)

¹¹⁸ Mr Murray Stewart (S217.001) and RNZ (S476.034)

¹¹⁹ Te Mana Ora (S190.636), the Findlays (S605.016), Waka Kotahi (S450.197), GDC (S608.690), BDC (S538.387), and RNZ (S476.033)

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- opposed the rule as notified, while one submission point opposed in part the rule with amendments sought.
42. Two submission points¹²⁰ received on **OSZ – R2** were summarised in a Table on page 61 of the s42A Report, both supported the rule as notified.
 43. Two submission points¹²¹ received on **OSZ – R3** were summarised in a Table on pages 61 and 62 of the s42A Report. The rule as notified was supported by one submission point but opposed by the other.
 44. Three submission points¹²² received on **OSZ – R4** were summarised in a Table on page 62 of the s42A Report. The rule as notified was supported by one submission point but opposed by the other two submission points.
 45. Three submission points¹²³ received on **OSZ – R5** were summarised in a Table on page 62 of the s42A Report. The rule as notified was supported by two submission points but opposed by the third submission point.
 46. Two submission points¹²⁴ received on **OSZ – R6** were summarised in a Table on page 62 of the s42A Report. One submission point supported the rule as notified, while the second sought an amendment to the rule.
 47. One submission point¹²⁵ received on **OSZ – R7** was summarised in a Table on pages 62 and 63 of the s42A Report, which supported the rule as notified.
 48. One submission point¹²⁶ received on **OSZ – R8** was summarised in a Table on page 63 of the s42A Report, which supported the rule as notified.
 49. Three submission points¹²⁷ received on **OSZ – R9** were summarised in a Table on page 63 of the s42A Report. Two submission points supported the rule as notified, while the third submission point opposed in part the rule.
 50. Two submission points¹²⁸ received on **OSZ – R10** were summarised in a Table on page 63 of the s42A Report. One submission point supported the rule as notified, while the other opposed in part the rule.
 51. One submission point¹²⁹ received on **OSZ – R11** was summarised in a Table on page 63 of the s42A Report, which supported the rule as notified.
 52. Four submission points and one further submission point¹³⁰ received on **OSZ – R12** were summarised in a Table on pages 63 and 64 of the s42A Report. Three submission points sought an amendment to the rule, with the Director General’s submission opposed by the further submission. The fourth submission point opposed the rule as notified.

¹²⁰ Ngāi Tahu (S620.216) and Te Mana Ora (S190.637)

¹²¹ Te Mana Ora (S190.638) and the Findlays (S605.017)

¹²² Te Mana Ora (S190.639), the Findlays (S605.018), and BDC (S538.388)

¹²³ Te Mana Ora (S190.640), MoE (S456.026), the Findlays (S605.019)

¹²⁴ Te Mana Ora (S190.641) and NZMCA (S490.009)

¹²⁵ Te Mana Ora (S190.642)

¹²⁶ Te Mana Ora (S190.643)

¹²⁷ Te Mana Ora (S190.644), the Findlays (S605.020), and Waka Kotahi (S450.198)

¹²⁸ Te Mana Ora (S190.645) and GDC (S608.691)

¹²⁹ Te Mana Ora (S190.646)

¹³⁰ Te Mana Ora (S190.647), Director General (S602.199 and S602.213), GDC (FS1.374), and Forest & Bird (S560.364 and S560.0601)

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53. Three submission points¹³¹ received on **OSZ – R13** were summarised in a Table on pages 64 and 65 of the s42A Report. Two submission points supported the rule as notified, while the third sought an amendment.
54. Two submission points¹³² received on **OSZ – R14** were summarised in a Table on page 65 of the s42A Report, both supported the rule as notified.
55. Two submission points¹³³ received on **OSZ – R15** were summarised in a Table on page 65 of the s42A Report. One submission point supported the rule as notified, while the other sought an amendment.
56. One submission point¹³⁴ received on **OSZ – R16** was summarised in a Table on page 65 of the s42A Report, which supported the rule as notified.
57. One submission point¹³⁵ received on **OSZ – R17** was summarised in a Table on page 65 of the s42A Report, which supported the rule as notified.
58. One submission point¹³⁶ received on **OSZ – R18** was summarised in a Table on pages 65 and 66 of the s42A Report, which supported the rule as notified.
59. One submission point¹³⁷ received on **OSZ – R20** was summarised in a Table on page 66 of the s42A Report, which supported the rule as notified.
60. Two submission points¹³⁸ received on **OSZ – R21** were summarised in a Table on page 66 of the s42A Report. The rule as notified was supported by one submission but opposed by the other.
61. One submission point¹³⁹ received on **OSZ – R23** was summarised in a Table on page 66 of the s42A Report, which supported the rule as notified.
62. One submission point¹⁴⁰ received on **OSZ – R24** was summarised in a Table on page 66 of the s42A Report, which supported the rule as notified.
63. Two submission points¹⁴¹ received on **OSZ – R25** were summarised in a Table on page 66 of the s42A Report. The rule as notified was supported by one submission but opposed by the other with an amendment sought.
64. One submission point and one further submission point were summarised in a Table on page 67 of the s42A Report for **OSZ – R26**. However, the further submission point is an error (i.e., template content) so the correct count is one submission point¹⁴² received on **OSZ – R26**. The submission point supported the rule as notified.

¹³¹ Te Mana Ora (S190.648), Waka Kotahi (S450.199), and Director General (S602.214)

¹³² Te Mana Ora (S190.649) and MoE (S456.027)

¹³³ Te Mana Ora (S190.650) and Director General (S602.215)

¹³⁴ Te Mana Ora (S190.651)

¹³⁵ Te Mana Ora (S190.652)

¹³⁶ Te Mana Ora (S190.653)

¹³⁷ Te Mana Ora (S190.655)

¹³⁸ Te Mana Ora (S190.656) and Director General (S602.217)

¹³⁹ Te Mana Ora (S190.658)

¹⁴⁰ Te Mana Ora (S190.659)

¹⁴¹ Te Mana Ora (S190.660) and the Findlays (S605.021)

¹⁴² Te Mana Ora (S190.661)

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65. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

OSZ Whole Chapter

66. Ms Easton recommended rejecting the submissions from:
- (a) Ms Coll McLaughlin (S574.338, S574.339, and S574.341), Mr McLaughlin (S567.398 to S567.400), Mr & Ms Coll (S558.339), and Chris J Coll Surveying Limited (S566.339), Reasoning a change of use or activity can mean that existing non-compliance actually aggravates adverse effects particularly in relation to amenity Issues
 - (b) GDC (S608.095) as she was unsupportive of removing all references to "Site or Area of Significance to Māori" in the OSZ Chapter. She emphasised that the substantive issues around the merits of Sites and Areas of Significance to Māori are addressed in the s42A report for that topic.

OSZ Overview

67. Ms Easton recommended accepting the submissions from:
- (a) Forest & Bird (S560.360) supporting the relevant chapters being listed in the overview section, and the addition of the ECO, NFL, and CE chapters as they were omitted in error. Consequently, she recommended the OSZ overview be amended similarly to the NOSZ overview. This also links to Forest & Bird's submission on the OSRZ overview (S560.0553).
 - (b) Forest and Bird (S560.0589) sought to amend the Overview to specify Historic Reserves land fall within the zone
 - (c) WMS (S599.102), regarding inserting a missing "are" which corrects a typographic error;
 - (d) Forest & Bird (S560.0590), reasoning that the amendments sought are a requirement of the National Parks Act;
 - (e) The Director General (S602.00240), reasoning that 'concession' is commonly used for managing activities on public conservation land;
 - (f) QLDC (S523.003) seeking to amend the overview section to clarify that OSZ land often adjoins other territorial authority boundaries not managed by the pTTPP, so care needs to be applied regarding any potential cross boundary resource management issues; and
 - (g) Manawa (S438.135), reasoning the amendment sought would be helpful to pTTPP users and it reflects how the pTTPP works, but she recommended widening the advice by explaining the relationship with the Energy, Infrastructure and Transport Chapters.
68. Consequently, Ms Easton recommended the following amendments to the OSZ overview:

Overview

...

The zone includes civic spaces, land with community facilities, cemeteries, campgrounds and nohoanga sites. Historic reserves and large areas of public conservation land fall within this zone. Grazing is sometimes undertaken within these areas for land management purposes. This zone includes areas that may also be used for a range of local purpose uses - for example municipal buildings, water supply, gravel reserves, quarries, campgrounds and cemeteries. In some cases they are also the locations for quarrying and mineral extraction before the land is remediated for other open space uses.

These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Te Tai o Poutini. They can also have important natural, cultural and historic heritage values.

Activities and uses on publicly owned land are required to obtain permission (such as a lease, ~~or a~~ licence **or concession**) 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 **need to be consistent with** ~~have regard to~~ any relevant reserve management plans and legislation (Reserves Act 1977 or Conservation Act 1987).

Relationship With Energy, Infrastructure and Transport provisions

The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.

Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.

The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities. There are rules in relation to the establishment of carparking and vehicle access within the Open Space Zone however, and this relates to these facilities being developed to support the activities associated with the use of the open space, on the lands within the zone.

Other relevant Te Tai o Poutini Plan provisions

- **Ecosystems and Biodiversity – As areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Natural Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**
- **Natural Features and Landscape -many areas of outstanding natural features or outstanding natural landscape will be located within the Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**
- **Natural Character and the Margins of Waterbodies** -in some locations areas of Sport and Recreation Zone may extend into the riparian margins of waterbodies. The

Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.

- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas...**

Multiple OSZ rules

69. Ms Easton noted the support from RNZ (S476.034) on the proposed rules.
70. Ms Easton recommended rejecting the submission from Murray Stewart (S217.001) to increase the permitted gross floor area to 110m² to enable a 9 x 12 three bay shed, reasoning that buildings and structures are to be kept to a minimum size in order to retain the amenity and natural values associated with the open space purpose.

Permitted Activities – Rules OSZ – R1 to OSZ – R12

71. Ms Easton noted the support from Te Mana Ora (S190.636 to S190.646), Ngāi Tahu (S620.216), MoE (S456.026), and NZMCA (S490.009) on specific rules.
72. She recommended rejecting the submissions from:
 - (a) GDC (S608.690 and S608.691) having discussed the matter further with the planning team at GDC and confirmed they are happy with the current drafting approach and structure of the rules in the Plan.
 - (b) Waka Kotahi (S450.197) on the basis that the zone chapters have all been developed using the same template and framework, without separate tables of performance standards and this is not a requirement of the national planning standards
 - (c) The Findlays (S605.019), where she considered that education and research facilities are not normally designated “local purposes” under the Reserves Act so they may not have OSMPs. Ms Easton emphasised that while education and research facilities may be appropriate in the OSZ, they are not generally expected to be a Permitted Activity as they can have significant amenity effects. Consequently, she considered neighbours would expect to have amenity effects assessed before such a facility is approved. Ms Easton’s indicated her reasoning is consistent with how education facilities are managed in other zones. She noted the rule framework is drafted to possibly apply a more permissive approach where an OSMP exists because the public consultation process of preparing such a plan would work through these issues;
 - (d) Te Mana Ora (S190.657), reasoning the effects management hierarchy is not suitable for a Permitted Activity, where no effects assessment is undertaken;
 - (e) The Findlays (S605.021), reasoning that commercial activities, except if ancillary to recreational and conservation activities, are not consistent with the OSZ purpose;
 - (f) Forest & Bird (S560.384 and 560.0601), reasoning that not all OSZ land is covered in indigenous vegetation, and agricultural activities can be appropriate in the OSZ. However, Ms Easton considered Forest & Bird’s underlying concerns are partly addressed through the recommendations on the Director General’s submission detailed below; and

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- (g) The Findlays (S605.020), reasoning that vehicle access and carparking should only be established where supporting the open space function, opposed to being for general carparking or access to private land for other purposes, hence the reference to an OSMP. Ms Easton highlighted that most OSZ land is unlikely to have an OSMP, and a resource consent process for all parking and vehicle access could be onerous. Consequently, she recommended an amendment to standard 1 of OSZ – R9 requiring the parking and vehicle access to be ancillary to conservation activity, a recreation activity, or a camping ground, similar to Rule OSZ – R7 and OSZ – R8.

73. She recommended accepting the submissions from:

- (a) BDC (S538.387) to delete the reference to neighbour's written approval in the wording of the recession plane standard in Rule NOSZ – R1 and that instead an Advice Note be inserted that refers to the Deemed Permitted process as set out in the RMA;
- (b) The Findlays (S605.016), reasoning that not linking the '*maximum gross floor area*' requirement to '*per building*' is a drafting error;
- (c) The Findlays (S605.017) as she considered it appropriate for local purpose (community facility) reserves and recreation reserves (which often have community facilities) in the OSZ being a Permitted Activity. Ms Easton considered that these activities will generally be located in the OSZ, and therefore community facilities to largely be anticipated in OSZ. Additionally, she emphasised most OSZ lands will not have an OSMP. Lastly, Ms Easton noted that this approach would be consistent with the pTTPP, noting that a community facility in the General Residential Zone is a Permitted Activity, as are community halls in the General Rural, both subject to specific standards;
- (d) The Findlays (S605.018) and BDC (S538.388), reasoning that 'clubrooms' permitted by NOSZ – R4 is just a type of community facility and can be covered by OSZ–R3;
- (e) The Director General (S602.215 and S602.217), reasoning residential activities would be inconsistent with the OSZ purpose in most circumstances; and
- (f) The Director General (S602.214), where she considered that a Controlled Activity may not be appropriate for managing all potential adverse effects of parks facilities and parks furniture not meeting Permitted Activity standards. She emphasised that there is no upper limit on the height or scale of such facilities.

74. She recommended accepting in part the submission from:

- (a) RNZ (S476.033), considering a notification clause being an appropriate response for activities listed in OSZ – R13 and OSZ – R14 with a height of 18m or more, as these activities are most likely to be flag poles, sculptures or pou whenua, or tall meteorological or other monitoring equipment. However, she considered it unnecessary to: change the 7m height limit in OSZ – R1; and add a notification clause to the rules managing buildings because it would be very unlikely for a six-storey building (18m) to be developed in the Cape Foulwind Recreation Reserve site or adjacent esplanade reserves; and
- (b) The Director General (S602.199 and 602.213), considering that the storage, treatment and disposal of solid and liquid animal waste is not an appropriate Permitted Activity in the OSZ. However, she did not support excluding rural research or farm quarries for two reasons. Firstly, some OSZ land may be local purpose reserves where a quarry purpose is provided for, instead she considered these activities should be allowed in OSZ – R12.

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Secondly, rural research could be an appropriate activity. Additionally, Ms Easton was unsupportive of the proposed “*All other rules and standards, including within Overlay Areas are met*” amendment, considering this fairly vague when greater specificity is needed. However, to address the Director General’s concerns, she recommended amending OSZ – R12 by inserting a new standard reading “*The activity does not involve indigenous vegetation clearance or new agriculture, horticultural or pastoral activities occurring within areas identified in Schedules 1 – 8*”.

75. As noted above Ms Easton recommended amendments to Rule OSZ – R1 to OSZ – R8 (noting OSZ- R4 is to be deleted) and Rules OSZ – R10 and OSZ – R11 (as notified) to refer to the Rifle Range Protection Area.
76. Ms Easton recommended amendments to OSZ – R16 to OSZ – R18 and OSZ – R20 to include Poutini Ngāi Tahu values. This stems from the generic submission by Ngāi Tahu (S620.015) to include as a matter of control or a discretion with all zones chapters effects on Poutini Ngāi Tahu values. Ngāi Tahu content that as currently structured many rules within the zone chapters would not enable the effects on Poutini Ngāi Tahu values to be considered as a matter of control or discretion which could have unintended consequences to Poutini Ngāi Tahu and their relationship with their land, traditions, wai etc.

OSZ - R16 Retail Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

...

Discretion is restricted to:

...

- f. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, ecological and biodiversity values ...

OSZ - R17 Vehicle Access and Carparking not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

...

- e. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, ecological and biodiversity values ...

OSZ - R18 Cemeteries and Urupā not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

...

- a. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and biodiversity values ...

OSZ - R20 Agricultural, Horticultural and Pastoral Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

...

Discretion is restricted to:

...

- e. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, ecological and biodiversity values ...

Submitter Correspondence

- 77. In her correspondence on behalf of the MoE, Ms Williams indicated the MoE does not oppose Ms Easton's recommended amendments to OSZ-R5 and OSZ-R14, nor the other OSRZ and OSZ provisions.
- 78. Ms Grinlinton-Hancock indicated KiwiRail requested amendments to Ms Easton's recommended OSZ-R1, OSZ-R13 to OSZ-R16, and OSZ-R20 as shown in italics below. The purpose for these amendments is to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure.

OSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

...

- 3. Buildings or structures are setback:
 - i. 4.5m from the road and rail designation boundaries; and

...

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:**

...

- e. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and
- f. The safe and efficient operation of the rail network.

...

OSZ - R14 Recreational Activities, Conservation Activities, Educational facilities and Research Activities, Community Facilities and Clubrooms, Poutini Ngāi Tahu Activities and Camping Grounds and Accessory Buildings not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

...

g. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

h. The safe and efficient operation of the rail network.

...

OSZ-R15 Residential Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

...

Discretion is restricted to:

...

g. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

h. The safe and efficient operation of the rail network.

...

OSZ - R16 Retail Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

...

Discretion is restricted to:

...

g. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

h. The safe and efficient operation of the rail network.

...

OSZ - R20 Agricultural, Horticultural and Pastoral Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

...

Discretion is restricted to:

- g. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and**
- h. The safe and efficient operation of the rail network.**

79. In their memorandum of counsel on behalf of RNZ, Messrs Williams and Pedler emphasised support for Ms Easton’s recommendations for OSZ-R13 and OSZ-R14 but indicated preference for a “broad requirement that applies to *all* structures within 1km of the [Cape Foulwind] transmitter”.

Hearing and Submitter Evidence

80. In her planning evidence, Ms Styles agreed with Ms Easton’s recommended amendments to the OSZ overview in response to Manawa’s submission (S438.135). She highlighted the term ‘*energy activities*’ was recommended to be removed from the pTTPP in other hearings and requested the Panel apply a consistent approach for the OSZ provisions.
81. Mr Pemberton raised concern regarding recommended amendments to OSZ-R19 and associated reasoning which the Director General had submitted on seeking discretionary status. He acknowledged that this rule was assessed in the Mineral Extraction hearing (which DoC had not attended) and noted that the reporting officer recommended OSZ-R19 to be discretionary, but no assessment matters were included or any reference to activities not occurring in certain places such as ONLs or SNAs as per the provision as notified. He suggested this rule does not reflect the ecological bottom lines for mining activities stipulated by the WCRPS, nor give effect to the WCRPS. Mr Pemberton highlighted this matter may be addressed in the ECO chapter, and, if so, the Director General will speak to those provisions. The Panel notes that OSZ-R19 and OSZ-R22 are addressed in the Mineral Extraction recommendation.
82. Ms Pull supported the inclusion of Poutini Ngāi Tahu values in the matters of discretion for OSZ-R18 and OSZ-R19 as the activities provided for in these rules could potentially impact Poutini Ngāi Tahu values. However, she suggested Poutini Ngāi Tahu values were an unnecessary consideration for the other OSZ provisions. She reasoned that this was because she was unable to conclude that a feasible activity creating a rule breach beyond the permitted baseline would have a more than minor effect on Poutini Ngāi Tahu values not already protected by the SASM overlay. Consequently, Ms Pull indicated removing ‘Poutini Ngāi Tahu values’ from rules:

OSZ-R13 Park Facilities and Furniture

OSZ-R14 Recreational activities et al...

OSZ-R15 Residential Activities

OSZ-R16 Retail Activities

OSZ-R17 Vehicle Access and Carparking

OSZ-R20 Agricultural, Horticultural and Pastoral Activities

83. Additionally, Ms Pull suggested amending OSZ-13 to OSZ-20 by replacing ‘*landscape measures*’ in these rules with:

The effects of the proposal on the amenity, character and landscape values of the Zone.

84. Ms Pull suggested SASM be deleted from OSZ-R19 to remove duplication as mineral extraction activities within the Pounamu and Aotea overlay are addressed by the SASM rules. She indicated retaining the advice note in OSZ-R19 but expand to refer the reader to both SASM-R7 and SASM-R11 for mineral extraction activities within the Pounamu and Aotea overlay.
85. Ms Pull highlighted below the amendment Ngāi Tahu sought to OSZ-R19 to include a reference to the accidental discovery protocol was not addressed in the s42A report. However, she indicated retaining the '*historical and cultural heritage requirements*' matter of discretion in the rule will provide additional clarity in how to consider potential effects on these matters. Again, the Panel notes this provision was addressed in the Mineral Extraction recommendation.

OSZ - R19 Mineral Extraction Activities and Mineral Prospecting and Exploration not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a ~~Site or Area of Significance to Māori~~, a Significant Natural Area or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas]

Discretion is restricted to:

...

- f. **Poutini Ngāi Tahu values and** ~~Historic and cultural~~ heritage requirements; **including any accidental discovery protocol requirements;**

...

Advice Note: Refer to Rules SASM - R7 **and SASM-R15** in the Sites of Significance to Māori Chapter where mineral extraction is proposed within the Aotea or Pounamu Management Area **or SASM** Overlays.

86. Ms Pull raised concerns with Ms Easton's recommended amendment to the OSZ Overview relating to energy, infrastructure, and transport activities being exempt from OSZ provisions. She highlighted this interpretation is not applied to NOSZ or SARZ, or elsewhere in the pTTPP. Additionally, Ms Pull emphasised the Planning Standards state zone chapters must include cross references to the relevant energy, infrastructure, and transport provisions, but considered this does not exempt energy, infrastructure, and transport activities from OSZ provisions. Consequently, Ms Pull suggested the OSZ Overview be amended as shown below, including removing Ms Easton's recommended amendment relating to the EIT provisions, to improve consistency and clarity.

Overview

...

Relationship With Energy, Infrastructure and Transport provisions

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~~The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.~~

~~Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.~~

~~The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities. There are rules in relation to the establishment of carparking and vehicle access within the Open Space Zone however, and this relates to these facilities being developed to support the activities associated with the use of the open space, on the lands within the zone.~~

Other relevant Te Tai o Poutini Plan provisions

...

- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport chapters contains rules in relation to energy, infrastructure or transport activities. The objectives and policies of this zone will be considered for any energy, infrastructure or transport activity that trigger resource consent.**

87. In her statement, Ms Inta commented on OSZ – R11. (The Panel note that neither Ms Inta nor BCG submitted or further submitted on this rule.) She suggested a drafting error with “Where” omitted from the start of clause 3. However, the Panel notes the list (i.e., clauses [1] to [5]) start from the term “Where”.
88. Ms Inta also suggested the advice note for OSZ – R11 should also refer to the MINZ provisions and she indicated that OSZ–R11 differs to the similar MINZ provisions.

Reporting Officer Reply Evidence

89. Ms Easton clarified submissions on OSZ–R11, OSZ–R19 and OSZ–R22 were addressed in the MINZ s42A Report, not the OSRZ s42A Report. Consequently, she did not recommend any amendments to those rules, instead referring submitters and the TTPP Panel to the MINZ topic.
90. In her right of reply, Ms Easton:
- (a) highlighted there are several locations where the rail corridor is in the OSZ i.e., Kumara Junction area, Taramakau River, Gladstone, Greymouth, Taylorville, Ikamatua, Arnold Valley, Moana, Te Kinga, Jacksons, Reefton, Inangahua, Buller Gorge, Westport, Waimangaroa. Consequently, she supported a 4.5m setback for buildings and structures in the OSZ through amendment to OSZ-R1(3)(i).
 - (b) supported adding ‘*the safe and efficient operation of the rail corridor*’ as an additional matter of discretion to OSZ-R13.

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- (c) clarified there is scope to change OSZ rules as sought by Ms Pull through Ngāi Tahu's submission (S620.015). Ms Easton supported Ms Pulls' amendments relating to Poutini Ngāi Tahu values, agreeing with her rationale.
- (d) did not consider there was scope in the Ngāi Tahu submissions to change OSZ rules as sought by Ms Pull relating to 'landscape measures'.
- (e) Agreed with QLDC's submission (S523.003) to include an amendment relating to territorial boundaries in the OSZ Overview which was not shown in the original s42A report or Appendix 1 as follows:

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.

91. In their October 2024 right of reply, Ms Easton and Ms Belgrave:

- (a) agreed the 4.5m rail corridor setback is generally appropriate in the OSZ, being consistent with roading setbacks and recognising the zone's low development expectation and open character.
- (b) recommended this setback apply to "buildings" only in the Open Space Zone and Recreation Zones, considering this would mean in a rural zone a stockwater trough could not be placed in the setback if this zone were included.
- (c) suggested amending OSZ-R1 and OSZ-R13 from that notified as detailed below:

OSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

...

- c. Buildings are setback:
 - i. 4.5m from the road **and railway corridor** boundary; and
 - ii. 3m from any RESZ - Residential Zone or SETZ - Settlement Zone boundary.

...

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

Activity Status Controlled

Matters of control are:

...

- c. Vehicle access and parking design and location; ~~and~~
- d. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; **and**
- e. **the safe and efficient operation of the rail corridor.**

...

Hearing Panel's Evaluation

92. The Panel acknowledge that rules OSZ–R11, OSZ–R19 and OSZ–R22 have been addressed in the MINZ recommendations. The amendments from that recommendation are shown below.
93. The Panel has considered the various changes proposed to the Overview and we agree with amendments now proposed and the reasoning provided by Ms Easton and that of Ms Pull and Ms Styles. While we acknowledge Ms Styles comments regarding Energy Activity, we note that we have recommended in the Energy Chapter retaining the definition of ‘*Energy Activity*’ unamended. We have also included some corrections to the Overview under Clause 16(2) of the RMA.
94. The Panel accept the inclusion of a setback for buildings only from the rail designation in OSZ-R1(3) and we acknowledge the need for associated matters of discretion in the following relevant restricted discretionary rules and consider ‘*the safe and efficient operation of the rail corridor*’ is both appropriate and sufficient as a matter of discretion to address the issue. We agree with the amendment proposed by Ms Easton and her reasoning to remove written approval from the rule and provide for it within an Advice Note. We also accept that not linking the ‘*maximum gross floor area*’ requirement to ‘*per building*’ is a drafting error. In response to the RNZ submission we consider the 7m height limit and notification clauses in OSZ-R13 and OSZ-R14 address their concerns (noting that OSZ-R13 becomes restricted discretionary in our recommendations).
95. The Panel agrees with Ms Easton and the Director General that OSZ-R13 should be amendment from controlled to restricted discretionary. We accept that if Park Facilities and Park Furniture, which includes vehicle, machinery and equipment depots, storage sheds and lighting structures amongst other things, were proposed at a scale and extent that was inappropriate for land and area concerned there should be an ability for that consent to be declined. As Ms Easton noted there is no upper limit on the height or scale of such facilities, and therefore we agree that a controlled activity is not appropriate for managing all potential adverse effects. We note this amendment has a consequential amendment to ORS-R1.
96. In terms of OSZ-R3, the Panel agrees that that community facilities are largely anticipated in this zone and that the majority of open space zoned areas will not have an Open Space Management Plan. We therefore accept that Standard 2 which requires community facilities to be provided for in an Open Space Management Plan or lawfully established in order to be permitted should be deleted.
97. The Panel agrees with Ms Easton that OSZ-R4 relating to Clubrooms can be deleted as they are deemed to be a Community Facility. The Panel notes that as a result of this deletion there is a change to numbering sequence of the notified Rules from OSZ-R4 onwards.
98. The Panel agrees with Ms Easton’s amendment to OSZ-R9. We acknowledge that vehicle access and carparking are expected activities associated with, however their purpose needs to be linked to functions and activities associated with the open space rather than providing general carparking, or access (for example) to private land for other purposes. It is for this reason that the reference is made to the Open Space Management Plan. We accept Ms Easton to amend rather than deleting standard 1, to require that access and carparking are ancillary to a conservation activity, a recreation activity, or a camping ground.

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99. The Panel has considered the submission in relation to OSZ-R12 by the Director General, to further exclude activities within the definition of Agricultural, Horticultural or Pastoral Activities and requiring standards with overlays to be met, and Forest and Bird seeking for the rule to be a discretionary activity. As we understand it the submitters are concerned about the potential of conversion of park land to farming and horticulture uses. While we consider such conversion of open space at any significant scale to be unlikely, we agree with Ms Easton that the storage, treatment and disposal of solid and liquid animal waste is not an appropriate permitted activity in the open space zone. We also accept that it's appropriate to carve out local purpose reserves where a quarry purpose is enabled and to add a clause that activity does not involve indigenous vegetation clearance or new agriculture, horticultural or pastoral activities occurring within areas identified in Schedules 1 – 8. We consider these amendments address a number of the concerns of the submitters without the need to make the activities discretionary, particularly given some levels of Agricultural, Horticultural or Pastoral Activities may well be appropriate.
100. The Panel accepts the evidence of Ms Pull that it is not necessary to include Poutini Ngāi Tahu values in OSZ-R13, OSZ-R14, OSZ-R15, OSZ-R16, OSZ-R17 and OSRZ-R20 and we note this was supported by Ms Easton. We agree that Poutini Ngāi Tahu values should be included in OSZ-R18 and OSZ-R19 (as notified) given these relate to:
- (i) cemeteries and urupā where the location of human remains is a tikanga issue and the sites are often wāhi tapu. Therefore, consideration of Poutini Ngāi Tahu values is expected, and
 - (ii) mineral extraction and mineral prospecting and exploration which are potential large and long-term scale activities, where consideration of Poutini Ngāi Tahu values is reasonable. Notwithstanding this, we note that OSZ-R19 is recommended in the Mineral Extraction recommendation to become fully discretionary.
101. The Panel acknowledge the correction of the heading to 'Education Facilities' in rule OSZ-R14.
102. The Panel agrees with Ms Easton and the Director General that residential activities not being ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground under rule ORS-R15 should default to non-complying rather than discretionary. We agree that residential activity, other than for the above purposes, is inappropriate in the OSZ, and would not be consistent with the purposes and functions of the zone.
103. We acknowledge that OSZ-R26 is a catch all rule, however we agree with submitters that such rules are better placed as discretionary, otherwise they are unnecessarily limiting in our view and could have unforeseen consequences. We note that such an amendment is proposed plan wide in relation to various submitters. In this case we rely on the submission of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.
104. The Panel notes that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*'. We consider this addresses the concerns expressed by Ms Pull in relation to '*landscape measures*'.
105. The Panel note that other than reference to the Rifle Range Protection Area in some rules no other amendments are recommended to rules OSZ-R2, OSZ-R5, OSZ-R6, OSZ-R7, OSZ-R8, OSZ-

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R10, OSZ-R16, OSZ-R17, OSZ-R18, OSZ-R20, OSZ-R22, OSZ-R23, OSZ-R24, OSZ-R25 and OSZ-R26 as notified.

106. In relation to the remainder of the submissions on the OSZ rules the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

107. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **OSZ Overview and Rules**:

OSZ	Open Space Zone - Te Takiwā Pōaha
<p>Overview</p> <p>The purpose of the OSZ - Open Space Zone is to provide open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. The West Coast/Te Tai Tai o Poutini open spaces vary in size from small neighbourhood parks to large sized 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 urban neighbourhoods and others form an important part of the district’s shared pathway network.</p> <p>The zone includes civic spaces, land with community facilities, cemeteries, campgrounds and nohoanga sites. Historic reserves and large areas of public conservation land fall within this zone. Grazing is sometimes undertaken within these areas for land management purposes. This zone includes areas that may also be used for a range of local purpose uses - for example municipal buildings, water supply, gravel reserves, quarries, campgrounds and cemeteries. In some cases,¹⁴³ they are¹⁴⁴ also the locations for quarrying and mineral extraction before the land is remediated for other open space uses.</p> <p>These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Te Tai o Poutini. They can also have important natural, cultural and historic heritage values.</p> <p>Activities and uses on publicly owned land are required to obtain permission (such as a lease, or a licence or concession¹⁴⁵) 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 need to be consistent with have regard to¹⁴⁶ any relevant reserve management plans and legislation (Reserves Act 1977 or Conservation Act 1987).</p> <p><u>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.</u>¹⁴⁷</p>	

¹⁴³ Clause 16(2) of Schedule 1 RMA

¹⁴⁴ WMS (S599.102)

¹⁴⁵ Director General (S602.00240)

¹⁴⁶ Forest & Bird (S560.0590)

¹⁴⁷ QLDC (S523.003)

Relationship With Energy, Infrastructure and Transport provisions

The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.

Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.

The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities. There are rules in relation to the establishment of carparking and vehicle access within the Open Space Zone however, and this relates to these facilities being developed to support the activities associated with the use of the open space, on the lands within the zone.¹⁴⁸

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the Sport and Recreation Zone including:

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - ¹⁴⁹there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Sport and Recreation Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Sport and Recreation Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.
- **Ecosystems and Biodiversity - as areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**¹⁵⁰
- **Natural Features and Landscape - many areas of outstanding natural features or outstanding natural landscape will be located within the Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**¹⁵¹
- **Natural Character and the Margins of Waterbodies** - ¹⁵²in some locations areas of Sport and Recreation **Open Space**¹⁵³ Zone may extend into the riparian margins of waterbodies. The

¹⁴⁸ Manawa Energy (S438.135)

¹⁴⁹ Clause 16(2) of Schedule 1 RMA

¹⁵⁰ Forest & Bird (S560.360)

¹⁵¹ Consequential change from Forest & Bird (S560.351)

¹⁵² Clause 16(2) of Schedule 1 RMA

¹⁵³ Clause 16(2) of Schedule 1 RMA

Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.

- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.**¹⁵⁴
- **General District Wide Matters** - provisions in relation to noise, light and signs, in particular may be relevant to activities in the ~~Sport and Recreation~~ **Open Space**¹⁵⁵ Zone.

OSZ - Open Space Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

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 100m **per building**¹⁵⁶;
3. Buildings and are setback:
 - i. 4.5m from the road **and rail designation**¹⁵⁷ 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~~

**Activity status where compliance not achieved: Controlled
 Restricted
 Discretionary**¹⁶¹

¹⁵⁴ Consequential change from Forest & Bird (S560.351)

¹⁵⁵ Clause 16(2) of Schedule 1 RMA

¹⁵⁶ The Findlays (S605.016)

¹⁵⁷ KiwiRail (S442.093)

¹⁶¹ Director General (S602.199 and S602.213)

<p>at least 10 working days prior to the works commencing¹⁵⁸This standard does not apply to:</p> <ol style="list-style-type: none"> 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 <p>7. <u>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.</u>¹⁵⁹</p> <p>Advice Note:</p> <p>1. <u>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.</u>¹⁶⁰</p>		
OSZ – R2	Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities	
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; and 2. <u>Within the Rifle Range Protection Area, Recreation Activities are restricted to Recreational Firearms Target Shooting.</u>¹⁶² 		<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ – R3	Community Facilities	
<p>Activity Status Permitted</p> <p>Where:</p>		<p>Activity status where compliance not</p>

¹⁵⁸ BDC (S538.387)

¹⁵⁹ Mr William McLaughlin (S567.742 and S567.401), WRCl (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

¹⁶⁰ BDC (S538.387)

¹⁶² Mr William McLaughlin (S567.742 and S567.401), WRCl (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

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<p>1. All performance standards for Rule OSZ - R1 are complied with;</p> <p>2. The community facility:</p> <p style="padding-left: 40px;">i. Is provided for within an Open Space Management Plan for the site; or</p> <p style="padding-left: 40px;">ii. Was lawfully established at the time of notification of the Plan; and¹⁶³</p> <p>2. Hours of operation are limited to:</p> <p style="padding-left: 40px;">i. 7am to 10pm Sunday - Thursday;</p> <p style="padding-left: 40px;">ii. 7am to 12pm midnight Friday and Saturday; except</p> <p style="padding-left: 40px;">iii. No restriction on hours is in place for up to 12 days per calendar year; and</p> <p style="padding-left: 40px;">iv. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes; and</p> <p><u>3. No community facilities are located within the Rifle Range Protection Area except that which are reasonably necessary for the operation of the Rifle Range.</u>¹⁶⁴</p>	<p>achieved: Restricted Discretionary</p>
OSZ – R4	Clubrooms
<p>Activity Status Permitted</p> <p>Where:</p> <p>1. All performance standards for Rule OSZ – R1 are complied with;</p> <p>2. The clubrooms:</p> <p style="padding-left: 40px;">i. Are provided for within an Open Space Management Plan for the site; or</p> <p style="padding-left: 40px;">ii. Were lawfully established at the time of notification of the Plan; and</p> <p>3. Hours of operation are limited to:</p> <p style="padding-left: 40px;">i. 7am to 10pm Sunday – Thursday;</p> <p style="padding-left: 40px;">ii. 7am to 12pm midnight Friday and Saturday; except</p> <p style="padding-left: 40px;">iii. No restriction on hours is in place for up to 12 days per calendar year</p> <p style="padding-left: 40px;">iv. No restriction on hours is in place where the clubrooms are in use for Civil Defence Emergency Management purposes.</p>	<p>Activity status where compliance not achieved: Restricted Discretionary¹⁶⁵</p>

¹⁶³ The Findlays (S605.017)

¹⁶⁴ Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

¹⁶⁵ The Findlays (S605.018) and BDC (S538.388)

OSZ – R54	Educational Facilities and Research Facilities Ancillary to a Recreation or Conservation Activity	
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> All performance standards for Rule OSZ - R1 are complied with; The education or research facility is provided for within an Open Space Management Plan for the site; and Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; <u>and</u> <u>No educational facilities or research facilities are located within the Rifle Range Protection Area.</u>¹⁶⁶ 		<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ – R65	Camping Grounds and Accessory Buildings Ancillary to the Camping Ground	
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> All performance standards for Rule OSZ - R1 are complied with; <u>and</u> <u>No camping grounds or accessory buildings are located within the Rifle Range Protection Area.</u>¹⁶⁷ 		<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ – R76	Retail Activities	
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> This is ancillary to a recreation activity, a conservation activity or a camping ground facility; No more than 25% of any building is allocated to the retail activity; Except where this is associated with a camping ground, hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; and All performance standards for Rule OSZ - R1 are complied with; <u>and</u> <u>No retail activities are located within the Rifle Range Protection Area.</u>¹⁶⁸ 		<p>Activity status where compliance not achieved: Restricted Discretionary</p>

¹⁶⁶ Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

¹⁶⁷ Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

¹⁶⁸ Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

OSZ – R87	Residential Activities	
Activity Status Permitted Where: 1. This is ancillary to a recreation activity, a conservation activity or a camping ground, or to provide a caretaker unit for a park facility; and 2. All performance standards for Rule OSZ - R1 are complied with; and 3. <u>No residential activities or residential units are located within the Rifle Range Protection Area.</u> ¹⁶⁹	Activity status where compliance not achieved: Restricted Discretionary	
OSZ - R98	Vehicle Access and Car Parking Areas	
Activity Status Permitted Where: 1. The vehicle access or carparking is <u>ancillary to a conservation activity, a recreation activity or a camping ground established at the time of notification of the Plan or provided for within an Open Space Management Plan for the site;</u> ¹⁷⁰ and 2. All relevant Transport Standards in Appendix One are complied with.	Activity status where compliance not achieved: Restricted Discretionary	
OSZ – R109	Cemeteries and Urupā	
Activity Status Permitted Where: 1. This is a cemetery or urupā lawfully established at the date of notification of the Plan; and 2. All performance standards for Rule OSZ - R1 are complied with.	Activity status where compliance not achieved: Restricted Discretionary	
OSZ – R101	Mineral Prospecting and Mineral Exploration	
Activity Status Permitted Where: 1. This is authorised under a prospecting or exploration permit from NZPAM; 2. Notice is provided to the relevant District Council Consent Authority 10 working days prior to the works commencing; 3. Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed	Activity status where compliance not achieved: Restricted Discretionary	

¹⁶⁹ Mr William McLaughlin (S567.742 and S567.401), WRCI (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

¹⁷⁰ The Findlays (S605.020)

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<p>as soon as possible and no later than 3 months after the disturbance has occurred;</p> <ol style="list-style-type: none"> 4. The site shall be rehabilitated as far as is practicable to its original condition;and 5. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat;; and 6. <u>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.</u>¹⁷¹ <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. 2. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM - R7. 3. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies. 	
OSZ - R112	Agricultural, Horticultural or Pastoral Activities
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; and 2. The activity does not include: <ol style="list-style-type: none"> a. Intensive indoor primary production;or b. Stock sale yards; c. <u>the storage, treatment and disposal of solid and liquid animal waste; or</u> d. <u>farm quarries outside of areas specifically identified as Local Purpose (Quarry) Reserves;</u>¹⁷² 3. <u>The activity does not involve indigenous vegetation clearance or new agriculture, horticultural or pastoral activities occurring within areas identified in Schedules 1 – 8;</u>¹⁷³ and 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

¹⁷¹ Mr William McLaughlin (S567.742 and S567.401), WRCl (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

¹⁷² Director General (S602.199 and S602.213)

¹⁷³ Director General (S602.199 and S602.213)

<p>4. <u>Within the Rifle Range Protection Area only buildings that are reasonably necessary to carry out Agricultural, Pastoral or Horticultural Activities are established.</u>¹⁷⁴</p> <p>Advice Note:</p> <p>1. Refer to Rule SASM - R7 in the Sites of Significance to Māori Chapter where a farm quarry is proposed within the Aotea or Pounamu Overlays.</p>		
<p>Controlled Activities <u>Restricted Discretionary Activities</u>¹⁷⁵</p>		
<p>OSZ - R123</p>	<p>Park Facilities and Park Furniture not meeting Rule OSZ - R1</p>	
<p>Activity Status Controlled <u>Restricted Discretionary</u></p> <p>Matters of control are <u>Discretion is Restricted to:</u>¹⁷⁶</p> <p>a. Design, position and location of any buildings;</p> <p>b. Landscape measures <u>Measures to mitigate landscape effects;</u>¹⁷⁷</p> <p>c. Vehicle access and parking design and location; and</p> <p>d. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; and</p> <p>e. <u>The safe and efficient operation of the rail corridor.</u>¹⁷⁸</p> <p><u>Notification</u></p> <p>1. <u>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.</u>¹⁷⁹</p>		<p>Activity status where compliance not achieved: N/A</p>
<p>Restricted Discretionary Activities¹⁸⁰</p>		
<p>OSZ - R134</p>	<p>Recreational Activities, Conservation Activities, Educational FFacilities¹⁸¹ and Research Activities, Community Facilities and Clubrooms¹⁸², Poutini Ngāi Tahu Activities and Camping Grounds and Accessory Buildings not meeting Permitted Activity Standards</p>	

¹⁷⁴ Mr William McLaughlin (S567.742 and S567.401), WRCl (S457.018), Mr Chris & Ms Jan Coll (S558.342), Chris J Coll Surveying Limited (S566.342), and Ms Laura Coll McLaughlin (S574.342)

¹⁷⁵ Director General (S602.214 and S602.217), KiwiRail (S442.093)

¹⁷⁶ Director General (S602.214 and S602.217)

¹⁷⁷ Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

¹⁷⁸ KiwiRail (S442.093)

¹⁷⁹ RNZ (S476.033)

¹⁸⁰ Consequential amendment from Director General (S602.214 and S602.217), KiwiRail (S442.093)

¹⁸¹ Clause 16(2) of Schedule 1 RMA

¹⁸² Consequential change from BDC (S538.388)

<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures <u>Measures to mitigate landscape effects</u>;¹⁸³ c. Hours of Operation; d. Vehicle access and parking design and location; e. Management of wastewater, stormwater and water supply; and f. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; and g. <u>The safe and efficient operation of the rail corridor</u>.¹⁸⁴ <p><u>Notification</u></p> <p>1. <u>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.</u>¹⁸⁵</p>	<p>Activity status where compliance not achieved: N/A</p>
<p>OSZ - R145</p>	<p>Residential Activities not meeting Permitted Activity Standards</p>
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> 1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures <u>Measures to mitigate landscape effects</u>;¹⁸⁶ c. Management of effects on conservation or recreation activities; d. Vehicle access and parking design and location; e. Management of wastewater, stormwater and water supply; 	<p>Activity status where compliance not achieved: Discretionary Non-complying¹⁸⁸</p>

¹⁸³ Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

¹⁸⁴ KiwiRail (S442.093)

¹⁸⁵ RNZ (S476.033)

¹⁸⁶ Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

¹⁸⁸ Director General (S602.215)

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	<p>f. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; and</p> <p>g. <u>The safe and efficient operation of the rail corridor.</u>¹⁸⁷</p>	
<p>OSZ - R156 Retail Activities not meeting Permitted Activity Standards</p>		
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>This is ancillary to a conservation or recreation activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures <u>Measures to mitigate landscape effects.</u>¹⁸⁹ c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; and f. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values. g. <u>The safe and efficient operation of the rail corridor.</u>¹⁹⁰ 		<p>Activity status where compliance not achieved: Non-complying</p>
<p>OSZ - R167 Vehicle Access and Carparking not meeting Permitted Activity Standards</p>		
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Landscape measures <u>Measures to mitigate landscape effects.</u>¹⁹¹ b. Management of effects on conservation or recreation activities; c. Vehicle access and parking design and location; d. Stormwater management and treatment; and e. Management of effects on natural character, landscape, historical values, ecological and biodiversity values. 		<p>Activity status where compliance not achieved: N/A</p>
<p>OSZ - R178 Cemeteries and Urupā not meeting Permitted Activity Standards</p>		

¹⁸⁷ KiwiRail (S442.093)

¹⁸⁹ Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

¹⁹⁰ KiwiRail (S442.093)

¹⁹¹ Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Landscape measures <u>Measures to mitigate landscape effects</u>;¹⁹² b. Management of effects on conservation or recreation activities; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical and cultural values, <u>Poutini Ngāi Tahu values</u>¹⁹³ and biodiversity values. 		<p>Activity status where compliance not achieved: N/A</p>
<p>OSZ - R1920</p>	<p>Agricultural, Horticultural and Pastoral Activities not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> 1. This is ancillary to a conservation, recreation, research or education activity. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; <u>Measures to mitigate landscape effects</u>¹⁹⁴ c. Management of effects on conservation or recreation activities; d. Vehicle access and parking design and location; and e. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; <u>and</u> f. <u>The safe and efficient operation of the rail corridor.</u>¹⁹⁵ 		<p>Activity status where compliance not achieved: Discretionary</p>
<p>Discretionary Activities</p>		
<p>OSZ - R21</p>	<p>Residential Activities not meeting Restricted Discretionary Activity Standards</p>	
<p>Activity Status Discretionary</p>		<p>Activity status where compliance not achieved: N/A¹⁹⁶</p>

¹⁹² Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

¹⁹³ Ngāi Tahu (S620.015)

¹⁹⁴ Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

¹⁹⁵ KiwiRail (S442.093)

¹⁹⁶ Director General (S602.215)

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OSZ - R202	Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
Advice Note: When assessing resource consent applications for mineral extraction activities assessment against Policies RURZ - P20, RURZ - P22, RURZ - P23, RURZ - P24 and RURZ - P26 should also be undertaken.		
OSZ - R213	Agricultural, Horticultural or Pastoral Activities not meeting the Permitted or Restricted Discretionary Rules	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
OSZ - R22	<u>Any Other Activity not provided for within another Rule in the Zone</u>	
Activity Status Discretionary		Activity status where compliance not achieved: N/A¹⁹⁷
Non-complying Activities		
OSZ - R23	<u>Residential Activities not meeting Restricted Discretionary Activity Standards</u>	
Activity Status Non-complying		Activity status where compliance not achieved: N/A¹⁹⁸
OSZ - R24	Retail Activities not meeting Permitted or Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
OSZ - R25	Industrial Activities, Commercial Activities other than Retail	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
OSZ - R26	<u>Any Other Activity not provided for within another Rule in the Zone</u>	

¹⁹⁷ William McLaughlin (\$567.395), Chris & Jan Coll (\$558.335), Chris J Coll Surveying Limited (\$566.335) and Vance and Carol Boyd (\$447.003)

¹⁹⁸ Director General (\$602.215)

Activity Status Non-complying	Activity status where compliance not achieved: N/A¹⁹⁹
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9. SPORT AND ACTIVE RECREATION ZONE CHAPTER

Submissions and Further Submissions

108. Three submission points and one further submission point²⁰⁰ received on the **SARZ Chapter as a whole** were summarised in a Table on pages 75 to 76 of the s42A Report. All submission points sought to amend the chapter, with the GDC submission opposed by Ngāi Tahu's further submission.
109. Four submission points²⁰¹ received on **SARZ – R1** were summarised in a Table on page 76 of the s42A Report. The rule as notified was supported by two submission points and opposed by one submission point. The fourth submission point supported in part the rule.
110. Two submission points²⁰² received on **SARZ – R2** were summarised in a Table on pages 76 and 77 of the s42A Report. Both submission points supported the rule as notified.
111. Two submission points²⁰³ received on **SARZ – R3** were summarised in a Table on page 77 of the s42A Report. One submission point supported the rule as notified, but the other opposed in part the rule.
112. Two submission points²⁰⁴ received on **SARZ – R4** were summarised in a Table on page 77 of the s42A Report. The rule as notified was supported by one submission point but opposed by the other submission point.
113. Two submission points²⁰⁵ received on **SARZ – R5** were summarised in a Table on page 77 of the s42A Report. Both submission points supported the rule as notified.
114. One submission point²⁰⁶ received on **SARZ – R6** was summarised in a Table on page 77 of the s42A Report, which supported the rule as notified.
115. One submission point²⁰⁷ received on **SARZ – R7** was summarised in a Table on page 77 of the s42A Report, which supported the rule as notified.
116. Two submission points²⁰⁸ received on **SARZ – R8** were summarised in a Table on pages 77 and 78 of the s42A Report. Both submission points supported the rule as notified.

¹⁹⁹ William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

²⁰⁰ GDC (S608.097), Ngāi Tahu (FS41.028), Forest & Bird (S560.365), and NZMCA (S490.010)

²⁰¹ Te Mana Ora (S190.663), Waka Kotahi (S450.200), BDC (S538.389), GDC (S608.692)

²⁰² Te Mana Ora (S190.664) and Ngāi Tahu (S620.417)

²⁰³ Te Mana Ora (S190.665) and GDC (S608.693)

²⁰⁴ Te Mana Ora (S190.666) and BDC (S538.390)

²⁰⁵ Te Mana Ora (S190.667) and MoE (S456.028)

²⁰⁶ Te Mana Ora (S190.668)

²⁰⁷ Te Mana Ora (S190.669)

²⁰⁸ Te Mana Ora (S190.670) and Waka Kotahi (S450.201)

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117. Two submission points²⁰⁹ received on **SARZ – R9** were summarised in a Table on page 78 of the s42A Report. The rule as notified was supported by one submission point but opposed by the other submission point.
118. Two submission points²¹⁰ received on **SARZ – R10** were summarised in a Table on page 78 of the s42A Report. Both submission points supported the rule as notified.
119. Three submission points²¹¹ received on **SARZ – R11** were summarised in a Table on page 78 of the s42A Report. All submission points supported the rule as notified.
120. Two submission points²¹² received on **SARZ – R12** were summarised in a Table on page 78 of the s42A Report. Both submission points supported the rule as notified.
121. Two submission points²¹³ received on **SARZ – R13** were summarised in a Table on pages 78 and 79 of the s42A Report. Both submission points supported the rule as notified.
122. Two submission points²¹⁴ received on **SARZ – R14** were summarised in a Table on page 79 of the s42A Report. Both submission points supported the rule as notified.
123. Four submission points²¹⁵ received on **SARZ – R15** to **SARZ - R18** were summarised in a Table on page 79 of the s42A Report. Each rule as notified was supported by one submission point.
124. We adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

SARZ chapter as a whole

125. Ms Easton recommended rejecting the submissions from:
 - (a) GDC (S608.097), reasoning that the substantive issues around the merits of Sites and Areas of Significance to Māori are addressed in the s42A report for that topic. Consequently, she recommended accepting the further submission from Ngāi Tahu; and
 - (b) NZMCA (S490.010), reasoning that the SARZ is for the location of major sporting facilities which are not appropriate locations for camping.
126. Ms Easton recommended accepting the submissions from Forest & Bird (560.365), supporting the relevant chapters being listed in the overview section, and the addition of the ECO, NFL, and CE chapters as they were omitted in error. Consequently, she recommended the SARZ Overview be amended similar to the NOSZ overview as detailed below, which links to Forest and Bird's submission on the OSRZ Overview (S560.0553).

Other relevant Te Tai o Poutini Plan provisions

...

²⁰⁹ Te Mana Ora (S190.671) and BDC (S538.391)

²¹⁰ Te Mana Ora (S190.672) and Waka Kotahi (S450.202)

²¹¹ Te Mana Ora (S190.673), Waka Kotahi (S450.203), and MoE (S456.029)

²¹² Te Mana Ora (S190.674) and Waka Kotahi (S450.204)

²¹³ Te Mana Ora (S190.675) and Waka Kotahi (S450.205)

²¹⁴ Te Mana Ora (S190.676) and Waka Kotahi (S450.206)

²¹⁵ Te Mana Ora (S190.677 to S190.680)

Ecosystems and Biodiversity –The provisions of the Ecosystems and Biodiversity chapter may be relevant to the Sports and Active Recreation Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.

Natural Features and Landscape - The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.

Natural Character and the Margins of Waterbodies -in some locations areas of Sport and Recreation Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies chapter contains provisions on how these areas must be managed.

Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.

...

SARZ – R1

127. Ms Easton recommended rejecting the submission from Waka Kotahi (S450.200) on the basis that the zone chapters have all been developed using the same template and framework, without separate tables of performance standards and this is not a requirement of the Planning Standards.
128. Ms Easton recommended rejecting the submission from GDC (S608.692) to provide clarity.
129. Ms Easton recommended accepting BDC’s submission (S538.389) to delete of the reference to neighbour’s written approval in the wording of the recession plane standard in Rule SARZ – R1 and that instead have an Advice Note that refers to the Deemed Permitted process as set out in the RMA. Consequently, she recommended the following amendments to SARZ – R1.

SARZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

...

- g. 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:

...

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.

SARZ – R3

130. Ms Easton recommended rejecting the submission from GDC (S608.693) to provide clarity.

SARZ – R4 and SARZ – R9

131. Ms Easton recommended accepting BDC’s submission (S538.390), considering that ‘Clubrooms’ and ‘Grandstands’ are both covered by SARZ–R3 (i.e., Community Facilities) so do not require specific rules SARZ–R4 and SARZ–R9 which she considered should be deleted.

SARZ – R11

132. Ms Easton recommended accepting MoE’s submission (S456.029), as she considered that referring to ‘*Educational Facilities*’ in the rule corrects a drafting error. She recommended the following amendment to this rule.

SARZ - R11 Recreational Activities, Conservation Activities, Community Facilities, Educational Facilities and Research Activities, Clubrooms, Grandstands and Poutini Ngāi Tahu Activities not meeting Permitted Activity rules

...

Submitter Correspondence

133. Ms Grinlinton-Hancock indicated KiwiRail requested amendments to Ms Easton’s recommended SARZ-R1 and SARZ-R10 to SARZ-13 as shown below in italics. The reason for changing the activity status for a non-compliance with SARZ-R1 (4) is to be consistent with the NOSZ and OSZ. The other amendments are to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure.

SARZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

...

4. Buildings ***or structures*** are setback:
i. 4.5m from the road ***and rail designation boundaries***; and

...

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

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

Activity Status ~~Controlled~~ *Restricted Discretionary*

~~Matters of control are~~ *Discretion is restricted to:*

...

- e. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and***

f. The safe and efficient operation of the rail network.

...

SARZ - R11 Recreational Activities, Conservation Activities, Community Facilities, Educational Facilities and Research Activities, ~~Clubrooms, Grandstands~~ and Poutini Ngāi Tahu Activities not meeting Permitted Activity rules

Activity Status Restricted Discretionary

Discretion is restricted to:

...

g. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

h. The safe and efficient operation of the rail network.

...

SARZ - R12 Residential Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

...

Discretion is restricted to:

...

i. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

j. The safe and efficient operation of the rail network.

...

SARZ - R13 Retail Activities not meeting Permitted Activity Standards Activity Status Restricted Discretionary

Where:

...

Discretion is restricted to:

...

k. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

l. The safe and efficient operation of the rail network.

...

Hearing and Submitter Evidence

134. In her evidence, Ms Pull suggested the SARZ Overview be amended as shown below to improve consistency and clarity relating to the EIT chapter:

Overview

...

Other relevant Te Tai o Poutini Plan provisions

...

- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport chapters contains rules in relation to energy, infrastructure or transport activities. The objectives and policies of this zone will be considered for any energy, infrastructure or transport activity that trigger resource consent.**

135. Additionally, Ms Pull suggested amending SARZ-R10 to SARZ-R14 by replacing 'landscape measures' in these rules with:

The effects of the proposal on the amenity, character and landscape values of the Zone.

136. Ms Pull suggested Poutini Ngāi Tahu values were an unnecessary consideration for the SARZ provisions. She reasoned this was because she was unable to conclude that a feasible activity creating a rule breach beyond the permitted baseline would have a more than minor effect on Poutini Ngāi Tahu values not already protected by the SASM overlay. Consequently, Ms Pull indicated removing 'Poutini Ngāi Tahu values' from rules:

SARZ-R10 Park Facilities and Furniture

SARZ -R11 Recreational activities et al...

SARZ -R12 Residential Activities

SARZ -R13 Retail Activities

SARZ -R14 Vehicle Access and Carparking

Reporting Officer Reply Evidence

137. Ms Easton indicated she supported the KiwiRail position to:
- (a) Provide a 4.5m setback from the railway corridor for buildings and structures in the SARZ; and
 - (b) Provide a Restricted Discretionary Activity for a non-compliance with this railway corridor setback in the SARZ, instead of a Controlled Activity, as this is a consistent approach with the OSZ.
138. In her right of reply, Ms Easton:
- (a) noted only one location where the rail corridor adjoins the SARZ at Greymouth, where a building appears built against or within the rail corridor. She supported a 4.5m setback for buildings and structures in the SARZ through amending SARZ-R1 (4)(i).

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- (b) supported adding *'the safe and efficient operation of the rail corridor'* as an additional matter of control to SARZ-R10.
- (c) supported Ms Pulls' amendments relating to Poutini Ngāi Tahu values, agreeing with her rationale. She clarified there is scope to change OSRZ rules as sought by Ms Pull under submission (S620.015).
- (d) did not consider there was scope in Ngāi Tahu's submissions to change OSRZ rules as sought by Ms Pull relating to *'landscape measures'*.

139. In their October 2024 right of reply, Ms Easton and Ms Belgrave:

- (a) agreed the 4.5m rail corridor setback is generally appropriate in the SARZ, being consistent with roading setbacks and recognising the zone's low development expectation and open character.
- (b) recommended this setback apply to "buildings" only, considering it unreasonable to apply to "structures" in certain circumstances. They highlighted there was no consistent approach across other District Plans nor an applicable national setback standard.
- (c) suggested amending SARZ-R1 and SARZ-R10 from that notified as detailed below:

SARZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

...

- d. Buildings are setback:
 - i. 4.5m from the road **and railway corridor** boundary; and
 - ii. 3m from any Residential Zone or Settlement Zone boundary.

...

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

Activity Status Controlled

Matters of control are:

...

- c. Vehicle access and parking design and location; ~~and~~
- d. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; **and**
- e. **the safe and efficient operation of the rail corridor.**

...

Hearing Panel's Evaluation

140. The Panel accept the inclusion of a setback for buildings only from the rail designation in SARZ-R1(4) and we acknowledge the need for associated matters of discretion in the following

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relevant restricted discretionary rules and consider *'the safe and efficient operation of the rail corridor'* is both appropriate and sufficient as a matter of discretion to address the issue. We agree with the amendment proposed by Ms Easton and her reasoning to remove written approval from the rule and provide for it within an Advice Note. We note here that there was no submission seeking to link the *'maximum gross floor area'* requirement to *'per building'* as there was for the OSZ, however as Ms Easton considered this was a drafting error in any event, we consider clause 16(2) of the RMA is available to us to correct this situation.

141. The Panel accepts the evidence of Ms Pull that it is not necessary to include Poutini Ngāi Tahu values in SARZ – R10 to SARZ – R14 and we note this was supported by Ms Easton.
142. The Panel agrees with Ms Easton that SARZ-R4 and SARZ-R9 relating to Clubrooms and Grandstands can be deleted as they are deemed to be a Community Facility. The Panel notes that as a result of this deletion there is a change to numbering sequence of the notified Rules from OSZ-R4 onwards.
143. The Panel acknowledge the correction of the heading to 'Education Facilities' in rule SARZ-R11.
144. We acknowledge that SARZ-R18 is a catch all rule, however we agree with submitters that such rules are better placed as discretionary, otherwise they are unnecessarily limiting in our view and could have unforeseen consequences. We note that such an amendment is proposed plan wide in relation to various submitters. In this case we rely on the submission of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.
145. The Panel notes that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with *'measures to mitigate landscape effects'*. We consider this addresses the concerns expressed by Ms Pull in relation to *'landscape measures'*.
146. The Panel note that no amendments are recommended to rules SARZ-R2, SARZ-R3, SARZ-R5, SARZ-R6, SARZ-R7, SARZ-R8, OSZ-R15, OSZ-R16 and OSZ-R17 as notified.
147. In relation to the remainder of the submissions on the SARZ rules the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

148. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the SARZ Overview and Rules:

SARZ	Sport and Active Recreation Zone - Te Takiwā Hākinakina
Overview	<p>The purpose of the SARZ - Sport and Active Recreation Zone is to provide 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</p>

sheds or toilet facilities. These spaces are areas where people can also enjoy informal exercise and leisure activities.

Sport and active recreation areas are predominantly characterised by large open space areas with associated buildings and facilities that vary in scale depending on the sport and recreation activities that take place there. It is generally accepted that the level of development in this zone is higher than other OSRZ - Open Space and Recreation Zones and that the sport and recreation activities that are anticipated to take place in this zone can generate noise, light and traffic effects in surrounding neighbourhoods.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the Council as the 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 plan and legislation (Reserves Act 1977).

Other Relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the Sport and Recreation Zone including:

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Sport and Recreation Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Sport and Recreation Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.
- **Ecosystems and Biodiversity –The provisions of the Ecosystems and Biodiversity chapter may be relevant to the Sports and Active Recreation Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**²¹⁶
- **Natural Features and Landscape - The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**²¹⁷
- **Natural Character and the Margins of Waterbodies** -in some locations areas of Sport and Recreation Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies chapter contains provisions on how these areas must be managed.
- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.**²¹⁸

²¹⁶ Forest & Bird (S560.365)

²¹⁷ Consequential change from Forest & Bird (S560.365)

²¹⁸ Consequential change from Forest & Bird (S560.365)

<ul style="list-style-type: none"> • General District Wide Matters - provisions in relation to Noise, Light and Signs, in particular may be relevant to activities in the Sport and Recreation Zone. 	
SARZ - Sport and Active Recreation Zone Rules	
<p>Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.</p>	
Permitted Activities	
SARZ - R1	Park Facilities and Park Furniture
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 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 <u>per building</u>,²¹⁹ 4. Buildings are setback: <ol style="list-style-type: none"> i. 4.5m from the road <u>and rail designation</u> boundaries;²²⁰ 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 commencing.²²¹ This standard does not apply to: <ol style="list-style-type: none"> i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; 	<p>Activity status where compliance not achieved: Controlled<u>Restricted</u> <u>Discretionary Activity</u>²²³</p>

²¹⁹ Clause 16(2) of the RMA

²²⁰ KiwiRail (S442.093)

²²¹ BDC (S538.389)

²²³ Consequential change from KiwiRail (S442.093)

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<p>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;</p> <p>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</p> <p>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.</p> <p><u>Advice Note:</u></p> <p>1. <u>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.</u> ²²²</p>	
<p>SARZ - R2 Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities</p>	
<p>Activity Status Permitted</p> <p>Where:</p> <p>1. All performance standards for Rule SARZ - R1 are complied with.</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>SARZ - R3 Community Facilities</p>	
<p>Activity Status Permitted</p> <p>Where:</p> <p>1. All performance standards for Rule SARZ - R1 are complied with;</p> <p>2. The community facility is:</p> <p> i. Provided for within an Open Space Management Plan for the site; or</p> <p> ii. Was lawfully established at the time of notification of the Plan; and</p> <p>3. Hours of operation are limited to:</p> <p> i. 7am to 10pm Sunday - Thursday;</p> <p> ii. 7am to 12pm midnight Friday and Saturday; except</p> <p> iii. No restriction on hours is in place for up to 12 days per calendar year.; and</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

²²² Buller District Council (S538.389)

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<p>iv. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes.</p>	
SARZ – R4	Clubrooms²²⁴
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule SARZ – R1 are complied with; and 2. The clubrooms: <ol style="list-style-type: none"> i. Are provided for within an Open Space Management Plan for the site; or ii. Were lawfully established at the time of notification of the Plan; and 3. Hours of operation are limited to: <ol style="list-style-type: none"> i. 7am to 10pm Sunday – Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R54	Educational Facilities and Research Facilities ancillary to Conservation or Recreation Activities
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule SARZ - R1 are complied with; and 2. The facility is identified in a relevant Open Space Management Plan for the site. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R65	Retail Activities
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity or a conservation activity; 2. No more than 25% of any building is allocated to the retail activity; 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; and 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

²²⁴ BDC (S538.390)

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4. All performance standards for Rule SARZ - R1 are complied with.		
SARZ - R76	Residential Activities	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity or a conservation activity; and 2. All performance standards for Rule SARZ - R1 are complied with. 		Activity status where compliance not achieved: Restricted Discretionary
SARZ - R87	Vehicle Access and Carparking Areas	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. The vehicle access or carparking is provided for within an Open Space Management Plan for the site; and 2. All relevant Transport Standards in Appendix One are complied with. 		Activity status where compliance not achieved: Restricted Discretionary
SARZ - R9	Grandstands²²⁵	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. The grandstand is provided for within an Open Space Management Plan for the site; and 2. The grandstand is setback: <ol style="list-style-type: none"> i. 4.5m from the road boundary; and ii. 3m from any Residential Zone or Settlement Zone boundary; 3. The grandstand shall not 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. 		Activity status where compliance not achieved: Restricted Discretionary
Controlled Activities Restricted Discretionary Activities²²⁶		
SARZ - R108	Park Facilities and Park Furniture not meeting Permitted Activity Standards	
Activity Status Controlled Matters of control are: <ol style="list-style-type: none"> a. Design, position and location of any buildings; 		Activity status where compliance not achieved: N/A

²²⁵ BDC (S538.391)

²²⁶ KiwiRail (S442.093)

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<p>b. Landscape measures Measures to mitigate landscape effects,²²⁷</p> <p>c. Vehicle access and parking design and location; and²²⁸</p> <p>d. Management of effects on natural character, landscape, historical and cultural²²⁹ values and biodiversity values; and</p> <p>e. The safe and efficient operation of the rail corridor.²³⁰</p>		
<p>Restricted Discretionary Activities²³¹</p>		
<p>SARZ - R119</p>	<p>Recreational Activities, Conservation Activities, Community Facilities, Educational Facilities²³² and Research Activities, Clubrooms, Grandstands²³³ and Poutini Ngāi Tahu Activities not meeting Permitted Activity rules</p>	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <p>a. Design, position and location of any buildings;</p> <p>b. Landscape measures; Measures to mitigate landscape effects²³⁴</p> <p>c. Hours of Operation;</p> <p>d. Vehicle access and parking design and location; and</p> <p>e. Management of effects on natural character, landscape, historical and cultural²³⁵ values, ecological and biodiversity values; and</p> <p>f. The safe and efficient operation of the rail corridor.²³⁶</p>		<p>Activity status where compliance not achieved: N/A</p>
<p>SARZ - R102</p>	<p>Residential Activities not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground.</p> <p>Discretion is restricted to:</p> <p>a. Design, position and location of any buildings;</p> <p>b. Landscape measures; Measures to mitigate landscape effects.²³⁷</p> <p>c. Hours of Operation;</p>		<p>Activity status where compliance not achieved: Non-complying</p>

²²⁷ Consequential Plan wide amendment to Manawa Energy Limited S438.100

²²⁸ Consequential change from KiwiRail (S442.093)

²²⁹ Consequential change from Ngāi Tahu (S620.015)

²³⁰ KiwiRail (S442.093)

²³¹ Consequential amendment from KiwiRail (S442.093)

²³² MoE (S456.029)

²³³ BDC (S538.390 and S538.391)

²³⁴ Consequential Plan wide amendment to Manawa Energy Limited S438.100

²³⁵ Consequential change from Ngāi Tahu (S620.015)

²³⁶ KiwiRail (S442.093)

²³⁷ Consequential Plan wide amendment to Manawa Energy Limited S438.100

<p>d. Management of effects on conservation or recreation activities;</p> <p>e. Vehicle access and parking design and location; and</p> <p>f. Management of effects on natural character, landscape, historical and cultural²³⁸ values, ecological and biodiversity values; and</p> <p>g. <u>The safe and efficient operation of the rail corridor.</u>²³⁹</p>	
<p>SARZ - R113 Retail Activities not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>1. This is ancillary to a conservation or recreation activity.</p> <p>Discretion is restricted to:</p> <p>a. Design, position and location of any buildings;</p> <p>b. Landscape measures <u>Measures to mitigate landscape effects;</u>²⁴⁰</p> <p>c. Hours of Operation;</p> <p>d. Management of effects on conservation or recreation activities;</p> <p>e. Vehicle access and parking design and location; and</p> <p>f. Management of effects on natural character, landscape, historical and cultural²⁴¹ values, ecological and biodiversity values; and</p> <p>g. <u>The safe and efficient operation of the rail corridor.</u>²⁴²</p>	<p>Activity status where compliance not achieved: Non-complying</p>
<p>SARZ - R124 Vehicle Access and Carparking not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>1. This is ancillary to an activity being undertaken in the Sport and Active Recreation Zone.</p> <p>Discretion is restricted to:</p> <p>a. Landscape measures <u>Measures to mitigate landscape effects;</u>²⁴³</p> <p>b. Management of effects on conservation or recreation activities;</p>	<p>Activity status where compliance not achieved: Non-complying</p>

²³⁸ Consequential change from Ngāi Tahu (S620.015)

²³⁹ KiwiRail (S442.093)

²⁴⁰ Consequential Plan wide amendment to Manawa Energy Limited S438.100

²⁴¹ Consequential change from Ngāi Tahu (S620.015)

²⁴² KiwiRail (S442.093)

²⁴³ Consequential Plan wide amendment to Manawa Energy Limited S438.100

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<p>c. Vehicle access and parking design and location;</p> <p>d. Stormwater management and treatment; and</p> <p>e. Management of effects on natural character, landscape, historical and cultural²⁴⁴ values, ecological and biodiversity values.</p>		
Discretionary Activities		
SARZ – R13	Any Other Activity not provided for within another Rule in the Zone	
Activity Status Discretionary		Activity status where compliance not achieved: N/A²⁴⁵
Non-complying Activities		
SARZ – R145	Residential Activities not meeting Permitted or Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SARZ – R156	Retail Activities not meeting Permitted or Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SARZ – R167	Vehicle Access and Carparking not meeting Permitted or Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SARZ – R18	Any Other Activity not provided for within another Rule in the Zone	
Activity Status Non-complying		Activity status where compliance not achieved: N/A²⁴⁶

10. ZONING MAPS

Submissions and Further Submissions

²⁴⁴ Consequential change from Ngāi Tahu (S620.015)

²⁴⁵ William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

²⁴⁶ William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

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149. 17 submission points and 15 further submission points²⁴⁷ received on the **Zoning of Public Conservation Land** were summarised in a Table on pages 82 to 85 of the s42A Report. The zoning of this land as notified was supported by two submission points, but opposed by four submission points, with the submissions from BCML and Whyte Gold Limited both supported in part by Ngāi Tahu's further submission. 11 submission points sought an amendment to the zoning of this land. The Director General's amendment was opposed, opposed in part, and supported in part by five, one, and one further submission respectively. Forest & Bird's amendment was opposed by five further submissions. WMS's amendment was supported in part by Ngāi Tahu's further submission.
150. 18 submission points and three further submissions²⁴⁸ received on **Other Zoning Matters and Rezoning Requests** were summarised in a Table on pages 85 to 87 of the s42A Report. 10 submission points sought an amendment to the zoning or rezoning of specific land, with Mr Marshall's amendment supported by GDC's further submission and the TTPP Committee's amendment supported in part by the Dunn, Boon, Preston, and Rogers group. The zoning or rezoning of land as notified was opposed by two submission points and supported by two submission points. The zoning or rezoning of land was opposed in part by one submission point and supported in part by another submission point. Lastly, one submission point on the zoning or rezoning of land was neutral, while another submission point did 'not stated' their position but sought to recognise the importance of Greymouth rural recreation complexes which was supported in part by GDC.
151. The Panel adopt the summary of these submissions detailed in the s42A Report, and we have considered all of the relevant submissions.

Section 42A Report

Zoning of Public Conservation Land

152. Ms Easton recommending rejecting submissions from:
- (a) The Director General (S602.206, S602.192, S602.197, S602.211), seeks that all public conservation lands with mapped areas of Outstanding Natural Landscapes, Outstanding Natural Features, Significant Natural Areas, High Coastal Natural Character and Outstanding Coastal Natural Character and are outside areas of urban zoned land be rezoned to be NOSZ, as she considered this would lead to a complex layer of zoning where most legal parcels would be split zoned and would not necessarily result in improved environment outcomes. Ms Easton recommend zoning should follow existing legal title boundaries whenever practicable.
- (b) Forest & Bird (S560.359, S560.013), Ms Backes (S444.013), Ms Neale (S262.004), Mr Caygill (S290.003), Mr Moore (S65.016), Ms Gilbert (S473.012), and Ms Hargreaves (S481.021) relating to rezoning all public conservation lands NOSZ, and Ms Inta (S553.2260) relating to the entire DoC estate being one zone. She did not support these

²⁴⁷ Director General (S602.206, S602.192, S602.197, and S602.211), BDC (FS149.0144, FS149.054, and FS149.073), Terra Firma (FS108.005), Ngāi Tahu (FS41.138, FS41.141 to FS41.143), Westpower (FS222.0108, FS222.0109, and FS222.0326), Bathurst Group (FS89.030, FS89.031, FS89.048, and FS89.081), Forest & Bird (S560.359 and S560.013), Ms Clare Backes (S444.013), Ms Jane Neale (S262.004), Mr John Caygill (S290.003), Mr David Moore (S65.016), Ms Katherine Gilbert (S473.012), Ms Lynley Hargreaves (S481.021), Ms Frida Inta (S553.226), Mr Andrew Beaumont (S225.002), Ms Suzanne Hills (S443.035), Ms Riarnne Klempel (S67.003), WMS (S599.098), BRML (S604.067), PML (S606.053), BCML (S601.076), and Whyte Gold Limited (S607.051)

²⁴⁸ Ms Frida Inta (S553.160), BCG (S552.160), Mr Grant Marshall (S311.003), GDC (FS1.298), Mr Michael Orchard (S583.006), Mr Caleb Freeman (S20.001), Mr Ronald Rodgers (S115.001), TTPP Committee (S171.021 and S171.025), Dunn, Boon, Preston, and Rodgers Group (S556.001 and FS234.001), Ms Lynda Watson (S47.001), BDC (S538.00655 and S538.494), BDL (S453.004), Ms Riarnne Klempel (S67.002), WRCI (S457.001), Mr Owen Gould (S29.001), Ms Kim Carol & Mr Robert Terry (S55.001), GDC (FS1.016)

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requests for the reasons detailed in paragraphs 232-238 of her s42A report and she emphasised that these lands are not homogenous, and there are public conservation lands in urban areas, and where they do not have high natural values.

- (c) WMS (S599.098), BRML (S604.067), PML (S606.053), BCML (S601.076) and Whyte Gold Limited (S607.051), reasoning it appropriate for parks and reserves to be zoned OSRZ as directed and expected by the Planning Standards, with the OSRZ having bespoke rules. Whereas she highlighted the General Rural Zone provisions are primarily used for primary production making them inappropriate for most public conservation lands.
- (d) Ms Hills (S443.035), reasoning that all land in a district to be zoned with the Planning Standards setting out the available zones.
- (e) Ms Klempel (S67.003), reasoning it too laborious for minimal effect, albeit she agrees more of the public conservation lands would be appropriately zoned NOSZ, rather than OSZ.
- (f) In addition to the above, Ms Easton emphasised that she does not support any rezoning of public conservation lands at this time, noting that some of these lands are proposed for non-conservation uses as part of the Stewardship Land Review.

Zoning of Hydro Parcels

153. Ms Easton recommended rejecting submissions from:

- (a) BCG (S552.160) and Ms Inta (S553.160) for two reasons. Firstly, she was unsupportive of rezoning hydro parcels as NOSZ for the same reasons as those discussed in the Natural Character of Waterbodies s42A report. Ms Easton highlighted that if any hydro parcels required split zone boundaries (i.e., General Rural Zone and OSZ), this would require a GIS exercise. Secondly, she considered the appropriate zoning for LINZ parcels was dependent on the purpose of the lands being administered, their location and quality, and not just their ownership.
- (b) Mr Marshall (S311.003), reasoning there is no practical benefit (in terms of pTTPP implementation) to rezone Lake Poerua as it would require GIS analysis to identify the lake area from Mt Te Kinga Scenic Reserve, and split zoning.

154. Ms Easton recommended accepting Mr Orchard's submission (S583.006), reasoning all West Coast Region formal reserves have already been identified within an OSRZ.

Re-zoning requests – Private land incorrectly identified as an OSRZ

155. Ms Easton recommended accepting in part the submissions from Mr Rodgers (S115.001) and the Dunn, Boon, Preston, and Rogers Group (S556.001). She supported the rezoning of 31 Hans Bay Road, Lake Kaniere as General Rural (not Settlement Zone) as sought by the TTPP Committee (S171.025) because this land is currently zoned Rural under the Westland District Plan. Ms Easton considered a Settlement Zone would represent very substantial upzoning, and the land is larger than the entire Settlement Zone area in Hans Bay.

156. Ms Easton recommended accepting submissions from:

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- (a) Mr Freeman (S20.001), reasoning his property and the adjacent properties should be rezoned General Rural in line with the surrounding properties as they are incorrectly zoned OSZ;
- (b) Ms Watson (S47.001), reasoning rezoning the rear of the main property to Settlement would correct an error; and
- (c) The TTPP Committee's submission (S171.021) and Ms Tewi's submission (S26.001), reasoning these lands should be rezoned Settlement Zone like the adjacent privately owned lands, and the size of the properties are consistent with the Settlement zone.

Other rezoning requests

- 157. Ms Easton noted the support from WRCI (S457.001) on the OSZ of the Westport Rifle Club.
- 158. Ms Easton recommended accepting the submissions from:
 - (a) BDC (S538.00655), reasoning rezoning the Ngakawau Domain from OSZ to SARZ is more consistent with the purpose of the zones;
 - (b) BDC (S538.494), reasoning rezoning the specified parks from General Residential Zone to OSZ aligns with the zone's intent. She agreed that a comprehensive review of zoning for designated recreational reserves was needed, and that this review falls under BDC's responsibility;
 - (c) BDL (S453.004), supporting the OSZ extending around the wastewater ponds at Kaiata Park because areas within 150m of the ponds will be setback from the surrounding residential development.
 - (d) Ms Klempel (S67.002), supporting the OSZ extending to the Pakiroa Beach frontage as it is public land, and unformed legal road connecting two marginal strips.
- 159. Consequently, Ms Easton recommended the following sites be rezoned to:
 - (a) OSZ:
 - i. Pakiroa Beach Legal Unformed Road;
 - ii. Orowaiti Esplanade Reserve;
 - iii. Mill Street Recreation Reserve;
 - iv. Kilkenny Park;
 - v. Derby Street Playground;
 - vi. Waimangaroa Domain; and
 - vii. Land at Kaiata Park.
 - (b) SARZ:
 - i. Ngakawau Domain.
 - (c) Settlement Zone:

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- i. 7 Upper Buller Gorge, 5 Inwoods Road Inangahua and adjacent properties; and
- ii. Section 1 SO 56009 – 66 Sunny Bight Road, Waiano, Lake Kaniere.

(d) General Rural Zone:

- i. LOT 3 DP 374296 BLK VIII WAIHO SD Potters Lane Franz Josef and adjacent properties; and
- ii. 31 Hans Bay Road, Lake Kaniere.

160. Ms Easton supported in part submissions from:

- (a) Mr Gould (S29.001), reasoning the Hokitika boat ramp sits partly in OSZ and is provided for as a Permitted Activity in that zone. However, she emphasised that maintenance funding is a matter for the WDC.
- (b) Ms Carol and Mr Terry (S55.001), reasoning the specified rural recreation complexes are in the SARZ under the pTTPP with a range of Permitted Activities (including the maintenance, upgrading and expansion of recreation facilities at these locations) provided for in this zone.

Hearing and Submitter Evidence

161. Ms Hunter for Bathurst Group agreed with Ms Easton's recommendations not to rezone additional significant public conservation land.
162. Mr Deavoll for the Director General acknowledged Ms Easton's reasoning for rejecting the Director General's submission due to the difficulty in rezoning all conservation.
163. Mr Kennedy generally supported Ms Easton's recommendations to accept Westpower's further submissions opposing Forest & Bird's and the Director General's rezoning requests.
164. Ms Pull for Ngāi Tahu highlighted the ASW and NC Panel queried whether an OSZ would be more appropriate for waterbody areas instead of General Rural Zone. She raised this in case it was discussed at the OSRZ Hearing.
165. Ms Pull supported OSZ applied to any NTCSA sites.
166. Ms Pull generally supported Ms Easton's recommendations on Ngāi Tahu submissions and further submissions.
167. In her statement, Ms Inta simply referred to submissions S553.226, 5536.160, 552.164, and 552.64, but did not comment on her position following Ms Easton's recommendations or associated reasoning.

Reporting Officer Reply Evidence

168. Responding to the Panel's queries about Ms Klempel's rezoning, Ms Easton advised establishing an access across the Pakiroa Beach legal road would trigger a Restricted Discretionary Activity under OSZ-R17 if the strip was rezoned OSZ, thereby creating additional regulatory requirements. However, she indicated this activity would be a Permitted Activity under the Transport Chapter subject to complying with transport standards.

Hearing Panel's Evaluation

169. The Panel do not agree with including the Pakiroa Beach Legal Unformed Road in the Open Space Zone as we consider this would create additional regulatory requirements if access had to be established as indicated by Ms Easton in response to the Panels queries.
170. The Panel agree with all other recommended rezoning amendment recommended by Ms Easton for the reasons detailed in her s42A report.
171. In relation to the remainder of the submissions on rezoning the Panel agree that these be rejected on the basis of the conclusions reached by Ms Easton.

Hearing Panel Recommendation

172. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes in zoning on the Planning Maps to the properties detailed in the Table below:

Property	New Zone
Orowaiti Esplanade Reserve	Open Space Zone ²⁴⁹
Mill Street Recreation Reserve	Open Space Zone ²⁵⁰
Kilkenny Park	Open Space Zone ²⁵¹
Derby Street Playground	Open Space Zone ²⁵²
Waimangaroa Domain	Open Space Zone ²⁵³
Land at Kaiata Park as shown in Appendix 2	Open Space Zone ²⁵⁴
Ngakawau Domain	Sport and Active Recreation Zone ²⁵⁵
7 Upper Buller Gorge, 5 Inwoods Road Inangahua and adjacent properties as shown in the maps in Appendix 2	Settlement Zone ²⁵⁶
Section 1 SO 56009 – 66 Sunny Bight Road, Waiano, Lake Kaniere	Settlement Zone ²⁵⁷

²⁴⁹ Buller District Council (S538.494)

²⁵⁰ Buller District Council (S538.494)

²⁵¹ Buller District Council (S538.494)

²⁵² Buller District Council (S538.494)

²⁵³ Buller District Council (S538.494)

²⁵⁴ Ball Developments Ltd (S453.004)

²⁵⁵ Buller District Council (S538.00655)

²⁵⁶ Te Tai o Poutini Plan Committee (S171.021), Lorraine Tewi (S26.001)

²⁵⁷ Lynda Watson (S47.001)

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LOT 3 DP 374296 BLK VIII WAIHO SD Potters Lane Franz Josef and adjacent properties as shown in the maps in Appendix 2	General Rural Zone ²⁵⁸
31 Hans Bay Road, Lake Kaniere	General Rural Zone ²⁵⁹



Dean Chrystal
Hearings Panel – Chair



Anton Becker
Hearings Panel Member



Paul Rogers
Hearings Panel Member

Date: 5 September 2025

²⁵⁸ Caleb Freeman (S20.001)

²⁵⁹ TTPP Committee (S171.025), Ronald Rodgers (S115.001) and Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, Jane & Mike Rogers (S556.001)

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions - Ngā Tautuhinga	
Term	Definition
CAMPING GROUNDS	<p>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 families 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, <u>and includes the use of permanent buildings for sleeping in such as cabins and motel accommodation ancillary to the camping ground.</u></p> <p><u>For the avoidance of doubt nohoanga established under the Ngāi Tahu Claims Settlement Act should not be considered as camping grounds.</u></p>
OPEN SPACE MANAGEMENT PLAN	<p>means a Reserve Management Plan or Conservation Management Plan <u>or Conservation Management Strategy</u> 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.</p>

OSRZ - Open Space and Recreation Zones Objectives	
OSRZ – O11	<p>Development and activities should complement and not conflict with the functions and values of the particular open space <u>areas</u> and the surrounding environment <u>including those identified in any relevant Open Space Management Plan.</u> Where appropriate open space accommodates a range of functions.</p>
OSRZ – O22	<p>To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones:</p> <ol style="list-style-type: none"> a. The NOSZ - Natural Open Space Zone with high natural values and a low level of development and built form; b. The SARZ - Sport and Active Recreation Zone with sport and active recreation values and and associated buildings and facilities; and c. The OSZ - Open Space Zone with a very wide range of values including passive and active recreation, <u>mineral extraction</u> local purposes and pastoral farming.

OSRZ - Open Space and Recreation Zones Policies	
OSRZ - P1	<p>Open space should be developed and used in accordance with any relevant operative Reserves Act or Conservation Act Management Plan.</p>

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OSRZ - P2	Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions and ancillary activities to support these, <u>including electricity transmission, distribution and renewable electricity generation</u> , 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, <u>where practicable</u> , fit within the character and amenity of the surrounding area.
OSRZ - P4	Commercial and Residential activities may be appropriate on some open spaces where this is either identified in a Reserves Act or Conservation Act Management Plan, or where it has a link with the open space and recreation resource.
OSRZ - P5	Provide for commercial recreation activities that maintain the quality of the open space and recreation experience of people using the open space, <u>while also protecting natural values</u> . Have <u>having</u> particular regard to the scale, intensity and cumulative effects of commercial recreation activities.
OSRZ - P6	Recognise that many open spaces have sites and areas of significance to Poutini Ngāi Tahu, and ensure that these are managed in collaboration with iwi and hapū.
OSRZ - P7	Promote the p <u>Protection and enhancement of the</u> existing natural environment values having regard to the relevant OSRZ - Open Space and Recreation Zone and the opportunities for enhancement of these on the site.
OSRZ - P8	Provide for indoor and outdoor organised sports, active recreation, recreation facilities, community activities, educational facilities, accessory activities and associated buildings and structures having regard to the relevant OZRZ - Open Space and Recreation Zone.
OSRZ - P9	<u>Provided that natural values can be protected</u> Provide for the a range of purposes where compatible with the open space values including: <ul style="list-style-type: none"> a. The ongoing operation and appropriate management of cemeteries; b. Camping <u>and other visitor accommodation</u> 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 <u>prospecting, exploration and</u> extraction of resources where these <u>resources</u> are limited in their location and g. Water supply and drainage networks where this supports local community needs; <u>and</u> <u>h. Establishment and operation of renewable electricity generation.</u>
OSRZ - P10	Subdivision and new development should provide for the open space needs generated by the development either through direct provision of land and works, or through a financial contribution. This includes:

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	<ul style="list-style-type: none"> a. Additional neighbourhood parks including waterfront areas, walkways, and cycleways and accessible quality playgrounds needed as a result of additional household and visitor accommodation growth; b. Additional recreation areas to enhance recreational opportunities and the visual amenity of the built environment; and c. Development of existing land set aside for neighbourhood parks and recreation areas.
<u>OSRZ - P11</u>	<u>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.</u>
Open Space Zone	
<u>OSRZ - P112</u>	The OSZ - Open Space Zone primarily provides for passive and active recreation activities, natural, cultural and biodiversity values , community facilities, campgrounds camping grounds and cemeteries, and limited associated facilities and structures.
<u>OSRZ - P123</u>	Enable activities and facilities within the OSZ - Open Space Zone that: <ul style="list-style-type: none"> a. Are consistent with the intended purpose, character and qualities of the OSZ – Open Space Zone; and; b. Contribute to the overall health and wellbeing of the community; and c. Minimise adverse effects on the character, natural environment, and amenity values of the surrounding area.
<u>OSRZ - P134</u>	Provide for activities that are ancillary to the functions of the OSZ - Open Space Zone where the adverse effects on open space values can be appropriately managed including: <ul style="list-style-type: none"> (a) Retail activities; (b) Residential activities, including for for caretaker purposes; and (c) Agricultural, horticultural or pastoral activities.
<u>OSRZ - P145</u>	Provide for mineral extraction activities within the OSZ - Open Space Zone where: <ul style="list-style-type: none"> a. Impacts on open space and recreation values of the site are minimised; b. This is provided for within any Open Space Management Plan for the area; c. Adverse effects on open space and recreation values and the environment are avoid, mitigated, remedied, offset or compensated; d. Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.
Sport and Active Recreation Zone	
<u>OSRZ - P156</u>	The SARZ - Sport and Active Recreation Zone primarily provides for active, organised and informal recreation, sports and community activities.

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<p>OSRZ - <u>P167</u></p>	<p>With the SARZ - Sport and Active Recreation Zone enable activities and facilities that:</p> <ul style="list-style-type: none"> a. May generate temporary adverse effects such as increased levels of noise and traffic; and b. Maintain a sense of openness within the zone; and c. Retain existing planting and mature trees, where practicable; and d. Contribute to the health and wellbeing of the community; and e. Do not adversely affect character and qualities of the surrounding area and adjoining sites.
<p>OSRZ - <u>P178</u></p>	<p>Within the SARZ - Sport and Active Recreation Zone enable buildings and structures, where these:</p> <ul style="list-style-type: none"> a. Are for the use of a recreation activity or a conservation activity or ancillary activity to these; b. Are compatible with the purpose, character and qualities of the zone; and c. Avoid or mitigate adverse effects on character and qualities of the surrounding area.
<p>Natural Open Space Zone</p>	
<p>OSRZ - <u>P189</u></p>	<p>Require A a low level of development and built form is anticipated within this the NOSZ – Natural Open Space Zone to retain the natural, cultural and biodiversity values within the natural open space areas.</p>
<p>OSRZ - <u>P1920</u></p>	<p>Within the NOSZ - Natural Open Space Zone enable activities and facilities that:</p> <ul style="list-style-type: none"> 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.
<p>OSRZ - <u>P201</u></p>	<p>Within the NOSZ - Natural Open Space Zone provide for small-scale buildings and structures that:</p> <ul style="list-style-type: none"> (a) Are ancillary to a permitted activity; and (b) Do not adversely affect the conservation and indigenous biodiversity values of the site; and (c) Are of a scale, form, location and design that is compatible with the purpose, character and qualities of the zone; and (d) Do not adversely affect the character and qualities of the surrounding area.

OSRZ - Open Space and Recreation Zones Methods	
<u>OSRZ – M1</u>	<u>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 TPPP 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.</u>

NOSZ	Natural Open Space Zone - Te Takiwā Pōaha Aotūroa
<p>Overview</p> <p>The purpose of the NOZ - Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves.</p> <p>This zone also applies to large areas of public conservation land – <u>specifically gazetted</u> national parks <u>and</u> scientific reserves, <u>as well as areas classified within the Department of Conservation reserve classification system as wilderness areas, Wildlife Management Areas and Specially Protected Areas and important ecological areas.</u></p> <p>Natural Open Space has a high degree of biodiversity requiring recognition, protection, maintenance and/or enhancement.</p> <p>These are spaces that the community value and areas where people can relax and enjoy recreation and leisure activities such as walking and cycling, fishing, picnicking, and boating. Some of these spaces are used for cultural and customary activities, such as gathering mahinga kai, and are rich in historic heritage and cultural heritage values.</p> <p>A low level of development and built form is anticipated within this zone to retain the natural/ biodiversity values within the natural open space areas.</p> <p>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 <u>need to be consistent with</u> have regard to any relevant reserve management plans, national park management plans or national legislation (Reserves Act 1977 or Conservation Act 1987).</p> <p><u>Other Relevant Te Tai o Poutini Plan provisions</u></p> <p><u>It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within the Natural Open Space Zones.</u></p> <ul style="list-style-type: none"> • <u>Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Natural Open Space Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.</u> • <u>Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Natural Open Space Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.</u> 	

- Ecosystems and Biodiversity – As areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Natural Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.
- Natural Features and Landscape -many areas of outstanding natural features or outstanding natural landscape will be located within the Natural Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.
- Natural Character and the Margins of Waterbodies -in some locations areas of Natural Open Space Zone may extend into the riparian margins of waterbodies. The Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.
- Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.
- General District Wide Matters - provisions in relation to noise, light and signs in particular may be relevant to activities in the Natural Open Space Zone.

Adjacent Local Authority Administration

Lands within the Natural Open Space Zone adjoin a number of other territorial authority boundaries not managed by Te Tai o Poutini Plan. Plan users need to apply care in regard to any potential cross boundary resource management issues and check the relevant District Plans of adjacent Territorial Authorities when considering activities on the edges of the Te Tai o Poutini Plan planning area.

NOSZ - Natural Open Space Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

NOSZ - R1 Park Facilities and Park Furniture

Activity Status Permitted

Where:

1. The maximum building height above ground level is 5m;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. The maximum gross floor area is 100m²;
4. Buildings are setback a minimum 4.5m from road boundaries; and

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

Activity status where compliance not achieved: Restricted Discretionary

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<p>- 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:</p> <ul style="list-style-type: none"> 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. <p>Advice Note:</p> <p><u>1. 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.</u></p>		
NOSZ – R2	Educational Facilities and Research Facilities Ancillary to a Conservation Activity or a Recreation Activity	
<p>Activity Status Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> 1. All performance standards for Rule NOSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>	
NOSZ – R3	Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities	
<p>Activity Status Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> 1. All performance standards for Rule NOSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>	
NOSZ – R4	Temporary Camping Grounds	
<p>Activity Status Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> 3. Written notification to the Council of the activity is provided at least 10 working days prior to the activity commencing; and 	<p>Activity status where compliance not achieved: N/A</p>	

<p>4. Camping activity is restricted to 10 days per calendar year.</p> <p>Advice Note:</p> <p>3. Temporary Camping Grounds may also be required to comply with the Camping Ground Regulations 1985 administered by the relevant District Council.</p> <p>4. Where activities are located in Overlay Chapter Areas the relevant provisions also apply.</p>		
NOSZ – R5	Residential Activities	
<p>Activity Status Permitted</p> <p>Where:</p> <p>4. This is ancillary to a conservation activity or recreation activity;</p> <p>5. The activity has a functional or operational need to locate in a NOSZ – Natural Open Space Zone; and</p> <p>6. All performance standards for Rule NOSZ – R1 are complied with.</p>		<p>Activity status where compliance not achieved: Discretionary</p>
NOSZ – R6	Retail Activities	
<p>Activity Status Permitted</p> <p>Where:</p> <p>3. This is ancillary to a recreation activity or a conservation activity; and</p> <p>4. Performance Standards for Rule NOSZ – R1 are complied with.</p>		<p>Activity status where compliance not achieved: Discretionary</p>
Restricted Discretionary Activities		
NOSZ – R4	Temporary Camping Grounds	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p><u>1. Camping activity is restricted to 10 days per calendar year.</u></p> <p>Discretion is Restricted to:</p> <p>a. <u>Design, position and location of any buildings or structures;</u></p> <p>b. <u>Measures to mitigate landscape effects;</u></p> <p>c. <u>Vehicle access and parking design and location; and</u></p> <p>d. <u>Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, and biodiversity values.</u></p> <p>Advice Note:</p> <p><u>1. Temporary Camping Grounds may also be required to comply with the Camping Ground Regulations 1985 administered by the relevant District Council.</u></p>		<p>Activity status where compliance not achieved: Discretionary</p>

	<p><u>2. Where activities are located in Overlay Chapter Areas the relevant provisions also apply.</u></p> <p><u>3. This rule does not apply to nohoanga entitlements granted to Poutini Ngāi Tahu as part of the Ngāi Tahu Treaty Settlement Act. Nohoanga entitlements are regulated under Rule NOSZ – R3 as part of Poutini Ngāi Tahu Activities.</u></p>	
NOSZ - R5	Residential Activities	
<p><u>Activity Status Restricted Discretionary</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>1. This is ancillary to a conservation activity or recreation activity;</u> <u>2. The activity has a functional or operational need to locate in a NOSZ - Natural Open Space Zone; and</u> <u>3. All performance standards for Rule NOSZ - R1 are complied with.</u> <p><u>Discretion is Restricted to:</u></p> <ol style="list-style-type: none"> <u>a. Design, position and location of any buildings or structures;</u> <u>b. Measures to mitigate landscape effects;</u> <u>c. Vehicle access and parking design and location; and</u> <u>d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, and biodiversity values.</u> 		<p><u>Activity status where compliance not achieved: Discretionary</u></p>
NOSZ - R6	Retail Activities	
<p><u>Activity Status Restricted Discretionary</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>1. This is ancillary to a conservation activity or a recreation activity; and</u> <u>2. All performance Standards for Rule NOSZ - R1 are complied with.</u> <p><u>Discretion is Restricted to:</u></p> <ol style="list-style-type: none"> <u>a. Design, position and location of any buildings or structures;</u> <u>b. Measures to mitigate landscape effects;</u> <u>c. Vehicle access and parking design and location; and</u> <u>d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values, and biodiversity values.</u> 		<p><u>Activity status where compliance not achieved: Discretionary</u></p>
NOSZ - R7	Community Facilities	

Activity Status Restricted Discretionary		Activity status where compliance not achieved: N/A
<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of the building; b. Landscape treatment Measures to mitigate landscape effects; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and cultural values and biodiversity values. 		
NOSZ - R8	Vehicle Access and Carparking areas	
Activity Status Restricted Discretionary		Activity status where compliance not achieved: Non-complying
<p>Where:</p> <ul style="list-style-type: none"> 1. This is ancillary to a Permitted Activity within the NOSZ - Natural Open Space Zone. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Landscape measures Measures to mitigate landscape effects; b. Compliance with transport standards; c. Vehicle access and parking design and location; d. Stormwater management and treatment; and e. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and cultural values and biodiversity values. 		
NOSZ - R9	Recreational Activities, Conservation Activities, Educational Facilities and Research Facilities, Poutini Ngāi Tahu Activities, Parks Facilities and Parks Furniture not meeting Permitted Activity Standards	
Activity Status Restricted Discretionary		Activity status where compliance not achieved: N/A
<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures Measures to mitigate landscape effects; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical values, Poutini Ngāi Tahu values and cultural values and biodiversity values. 		
Discretionary Activities		
NOSZ - R10	Retail and Residential Activities not meeting Permitted Activity Standards	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
Where:		

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1. These are ancillary to a recreation activity, education activity or research activity or conservation activity.		achieved: Non-complying
NOSZ - R11	New Cemeteries and Urupā	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
NOSZ - R12	Camping Grounds and Temporary Camping Grounds not meeting Permitted Activity Standards	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
NOSZ - R13	Any Other Activity not provided for within another Rule in the Zone	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
Non-complying Activities		
NOSZ - R135	Retail Activities and Residential Activities not meeting Permitted or Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
NOSZ - R146	Vehicle Access and Carparking not meeting Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
NOSZ - R157	Commercial Activities not provided for in another Rule in the Zone	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
NOSZ - R168	Mineral Extraction Activities	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
NOSZ - R179	Industrial Activities or any other Activity not provided for in another Rule	
Activity Status Non-complying		Activity status where compliance not achieved: N/A

OSZ	Open Space Zone - Te Takiwā Pōaha
Overview	

The purpose of the OSZ - Open Space Zone is to provide open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. The West Coast/Te Tai o Poutini open spaces vary in size from small neighbourhood parks to large sized 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 urban neighbourhoods and others form an important part of the district's shared pathway network.

The zone includes civic spaces, land with community facilities, cemeteries, campgrounds and nohoanga sites. Historic reserves and large areas of public conservation land fall within this zone. Grazing is sometimes undertaken within these areas for land management purposes. This zone includes areas that may also be used for a range of local purpose uses - for example municipal buildings, water supply, gravel reserves, quarries, campgrounds and cemeteries. In some cases, they **are** also the locations for quarrying and mineral extraction before the land is remediated for other open space uses.

These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Te Tai o Poutini. They can also have important natural, cultural and historic heritage values.

Activities and uses on publicly owned land are required to obtain permission (such as a lease, ~~or a~~ licence **or concession**) 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 **need to be consistent with** ~~have regard to~~ any relevant reserve management plans and legislation (Reserves Act 1977 or Conservation Act 1987).

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.

Relationship With Energy, Infrastructure and Transport provisions

The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities.

Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.

The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities. There are rules in relation to the establishment of carparking and vehicle access within the Open Space Zone however, and this relates to these facilities being developed to support the activities associated with the use of the open space, on the lands within the zone.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the Sport and Recreation Zone including:

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - ~~there~~ there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Sport and Recreation Zone. Specific information on

the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Sport and Recreation Zone. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.
- **Ecosystems and Biodiversity - as areas of high ecological value, the provisions of the Ecosystems and Biodiversity chapter are particularly relevant to the Open Space Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**
- **Natural Features and Landscape - many areas of outstanding natural features or outstanding natural landscape will be located within the Open Space Zone. The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**
- **Natural Character and the Margins of Waterbodies** - in some locations areas of Sport and Recreation **Open Space** Zone may extend into the riparian margins of waterbodies. The Natural Character and the Margins of Waterbodies chapter contains provisions on how these areas must be managed.
- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.**
- **General District Wide Matters** - provisions in relation to noise, light and signs, in particular may be relevant to activities in the Sport and Recreation **Open Space** Zone.

OSZ - Open Space Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

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 100m **per building**;
3. Buildings and are setback:
 - a. 4.5m from the road **and rail designation** boundaries; and
 - b. 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;

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

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<p>5. Fences, walls and retaining walls are a maximum 2m height above ground level;</p> <p>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:</p> <ul style="list-style-type: none"> 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 <p>7. <u>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.</u></p> <p><u>Advice Note:</u></p> <p>1. <u>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.</u></p>		
OSZ – R2	Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities	
<p>Activity Status Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; <u>and</u> 2. <u>Within the Rifle Range Protection Area, Recreation Activities are restricted to Recreational Firearms Target Shooting.</u> 		<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ – R3	Community Facilities	
<p>Activity Status Permitted</p> <p>Where:</p>		<p>Activity status where compliance not achieved: Restricted Discretionary</p>

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<p>1. All performance standards for Rule OSZ - R1 are complied with;</p> <p>2.—The community facility:</p> <p style="padding-left: 40px;">a. —Is provided for within an Open Space Management Plan for the site; or</p> <p style="padding-left: 40px;">b. Was lawfully established at the time of notification of the Plan; and</p> <p><u>2.</u> Hours of operation are limited to:</p> <p style="padding-left: 80px;">i. 7am to 10pm Sunday - Thursday;</p> <p style="padding-left: 80px;">ii. 7am to 12pm midnight Friday and Saturday; except</p> <p style="padding-left: 80px;">iii. No restriction on hours is in place for up to 12 days per calendar year; and</p> <p style="padding-left: 80px;">iv. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes.; <u>and</u></p> <p><u>3. No community facilities are located within the Rifle Range Protection Area except that which are reasonably necessary for the operation of the Rifle Range.</u></p>		
OSZ – R4	Clubrooms	
<p>Activity Status Permitted</p> <p>Where:</p> <p>4. All performance standards for Rule OSZ – R1 are complied with;</p> <p>5. The clubrooms:</p> <p style="padding-left: 40px;">iii. Are provided for within an Open Space Management Plan for the site; or</p> <p style="padding-left: 40px;">iv. Were lawfully established at the time of notification of the Plan; and</p> <p>6. Hours of operation are limited to:</p> <p style="padding-left: 40px;">v. 7am to 10pm Sunday – Thursday;</p> <p style="padding-left: 40px;">vi. 7am to 12pm midnight Friday and Saturday; except</p> <p style="padding-left: 40px;">vii. No restriction on hours is in place for up to 12 days per calendar year</p> <p style="padding-left: 40px;">viii. No restriction on hours is in place where the clubrooms are in use for Civil Defence Emergency Management purposes.</p>		<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ – R54	Educational Facilities and Research Facilities Ancillary to a Recreation or Conservation Activity	
<p>Activity Status Permitted</p> <p>Where:</p>		<p>Activity status where compliance not</p>

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<ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; 2. The education or research facility is provided for within an Open Space Management Plan for the site; and 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; <u>and</u> 4. <u>No educational facilities or research facilities are located within the Rifle Range Protection Area.</u> 	<p>achieved: Restricted Discretionary</p>
OSZ – R65	Camping Grounds and Accessory Buildings Ancillary to the Camping Ground
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; <u>and</u> 2. <u>No camping grounds or accessory buildings are located within the Rifle Range Protection Area.</u> 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ – R76	Retail Activities
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity, a conservation activity or a camping ground facility; 2. No more than 25% of any building is allocated to the retail activity; 3. Except where this is associated with a camping ground, hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; and 4. All performance standards for Rule OSZ - R1 are complied with; <u>and</u> 5. <u>No retail activities are located within the Rifle Range Protection Area.</u> 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ – R87	Residential Activities
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity, a conservation activity or a camping ground, or to provide a caretaker unit for a park facility; and 2. All performance standards for Rule OSZ - R1 are complied with; <u>and</u> 3. <u>No residential activities or residential units are located within the Rifle Range Protection Area.</u> 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ - R98	Vehicle Access and Car Parking Areas

<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The vehicle access or carparking is <u>ancillary to a conservation activity, a recreation activity or a camping ground</u> established at the time of notification of the Plan or provided for within an Open Space Management Plan for the site; and 2. All relevant Transport Standards in Appendix One are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>OSZ – R109</p>	<p>Cemeteries and Urupā</p>
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is a cemetery or urupā lawfully established at the date of notification of the Plan; and 2. All performance standards for Rule OSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>OSZ – R101</p>	<p>Mineral Prospecting and Mineral Exploration</p>
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a prospecting or exploration permit from NZPAM; 2. Notice is provided to the relevant District Council Consent Authority 10 working days prior to the works commencing; 3. Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; 4. The site shall be rehabilitated as far as is practicable to its original condition;and 5. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.; <u>and</u> 6. <u>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.</u> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. 2. Mineral Prospecting and Mineral Exploration within the 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

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<p>Pounamu and Aotea Overlays is subject to Rule SASM - R7.</p>	
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<p>1. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.</p>		
<p>OSZ - R112</p>	<p>Agricultural, Horticultural or Pastoral Activities</p>	
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; and 2. The activity does not include: <ol style="list-style-type: none"> a. Intensive indoor primary production; or b. Stock sale yards; _ c. <u>the storage, treatment and disposal of solid and liquid animal waste; or</u> d. <u>farm quarries outside of areas specifically identified as Local Purpose (Quarry) Reserves;</u> 3. <u>The activity does not involve indigenous vegetation clearance or new agriculture, horticultural or pastoral activities occurring within areas identified in Schedules 1 – 8; and</u> 4. <u>Within the Rifle Range Protection Area only buildings that are reasonably necessary to carry out Agricultural, Pastoral or Horticultural Activities are established.</u> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Refer to Rule SASM - R7 in the Sites of Significance to Māori Chapter where a farm quarry is proposed within the Aotea or Pounamu Overlays. 		<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>Controlled Activities Restricted Discretionary Activities</p>		
<p>OSZ - R123</p>	<p>Park Facilities and Park Furniture not meeting Rule OSZ - R1</p>	
<p>Activity Status Controlled Restricted Discretionary</p> <p>Matters of control are Discretion is Restricted to:</p> <ol style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures <u>Measures to mitigate landscape effects;</u> c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values.; <u>and</u> e. <u>The safe and efficient operation of the rail corridor.</u> <p><u>Notification</u></p>		<p>Activity status where compliance not achieved: N/A</p>

<p>1. <u>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.</u></p>		
<p>Restricted Discretionary Activities</p>		
<p>OSZ - R134</p>	<p>Recreational Activities, Conservation Activities, Educational Facilities and Research Activities, Community Facilities and Clubrooms, Poutini Ngāi Tahu Activities and Camping Grounds and Accessory Buildings not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures <u>Measures to mitigate landscape effects;</u> c. Hours of Operation; d. Vehicle access and parking design and location; e. Management of wastewater, stormwater and water supply; and f. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; <u>and</u> g. <u>The safe and efficient operation of the rail corridor.</u> <p style="text-align: center;"><u>Notification</u></p> <p>1. <u>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.</u></p>		<p>Activity status where compliance not achieved: N/A</p>
<p>OSZ - R145</p>	<p>Residential Activities not meeting Permitted Activity Standards</p>	

<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures <u>Measures to mitigate landscape effects</u>; c. Management of effects on conservation or recreation activities; d. Vehicle access and parking design and location; 	<p>Activity status where compliance not achieved:</p> <p>Discretionary <u>Non – complying</u></p>
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<p>e. Management of wastewater, stormwater and water supply;</p> <p>f. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; and</p> <p>g. <u>The safe and efficient operation of the rail corridor.</u></p>	
<p>OSZ - R156 Retail Activities not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary</p> <p>Where: This is ancillary to a conservation or recreation activity.</p> <p>Discretion is restricted to:</p> <p>a. Design, position and location of any buildings;</p> <p>b. Landscape measures <u>Measures to mitigate landscape effects;</u></p> <p>c. Hours of Operation;</p> <p>d. Management of effects on conservation or recreation activities;</p> <p>e. Vehicle access and parking design and location; and</p> <p>f. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values.</p> <p>g. <u>The safe and efficient operation of the rail corridor.</u></p>	<p>Activity status where compliance not achieved: Non-complying</p>
<p>OSZ - R167 Vehicle Access and Carparking not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <p>a. Landscape measures <u>Measures to mitigate landscape effects;</u></p> <p>b. Management of effects on conservation or recreation activities;</p> <p>c. Vehicle access and parking design and location;</p> <p>d. Stormwater management and treatment; and</p> <p>e. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values.</p>	<p>Activity status where compliance not achieved: N/A</p>
<p>OSZ - R178 Cemeteries and Urupā not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <p>a. Landscape measures <u>Measures to mitigate landscape effects;</u></p> <p>b. Management of effects on conservation or recreation activities;</p>	<p>Activity status where compliance not achieved: N/A</p>

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	<p>g. Vehicle access and parking design and location; and</p> <p>h. Management of effects on natural character, landscape, historical and cultural values, Poutini Ngāi Tahu values and biodiversity values.</p>	
OSZ - R1920	Agricultural, Horticultural and Pastoral Activities not meeting Permitted Activity Standards	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>2. This is ancillary to a conservation, recreation, research or education activity.</p> <p>Discretion is restricted to:</p> <p>m. Design, position and location of any buildings;</p> <p>n. Landscape measures; Measures to mitigate landscape effects</p> <p>o. Management of effects on conservation or recreation activities;</p> <p>p. Vehicle access and parking design and location; and</p> <p>q. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; and</p> <p>r. The safe and efficient operation of the rail corridor.</p>		<p>Activity status where compliance not achieved: Discretionary</p>
Discretionary Activities		
OSZ - R21	Residential Activities not meeting Restricted Discretionary Activity Standards	
Activity Status Discretionary		<p>Activity status where compliance not achieved: N/A</p>
OSZ - R202	Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards	
<p>Activity Status Discretionary</p> <p>Advice Note:</p> <p>When assessing resource consent applications for mineral extraction activities assessment against Policies RURZ - P20, RURZ - P22, RURZ - P23, RURZ - P24 and RURZ - P26 should also be undertaken.</p>		<p>Activity status where compliance not achieved: N/A</p>
OSZ - R213	Agricultural, Horticultural or Pastoral Activities not meeting the Permitted or Restricted Discretionary Rules	
Activity Status Discretionary		<p>Activity status where compliance not achieved: N/A</p>
OSZ - R22	Any Other Activity not provided for within another Rule in the Zone	

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Activity Status Discretionary		Activity status where compliance not achieved: N/A
Non-complying Activities		
OSZ - R23	Residential Activities not meeting Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
OSZ - R24	Retail Activities not meeting Permitted or Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
OSZ - R25	Industrial Activities, Commercial Activities other than Retail	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
OSZ - R26	Any Other Activity not provided for within another Rule in the Zone	
Activity Status Non-complying		Activity status where compliance not achieved: N/A

SARZ	Sport and Active Recreation Zone - Te Takiwā Hākinakina
Overview	
<p>The purpose of the SARZ - Sport and Active Recreation Zone is to provide 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. These spaces are areas where people can also enjoy informal exercise and leisure activities.</p> <p>Sport and active recreation areas are predominantly characterised by large open space areas with associated buildings and facilities that vary in scale depending on the sport and recreation activities that take place there. It is generally accepted that the level of development in this zone is higher than other OSRZ - Open Space and Recreation Zones and that the sport and recreation activities that are anticipated to take place in this zone can generate noise, light and traffic effects in surrounding neighbourhoods.</p> <p>Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the Council as the 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 plan and legislation (Reserves Act 1977).</p>	
Other Relevant Te Tai o Poutini Plan provisions	

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the Sport and Recreation Zone including:

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Sport and Recreation Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Sport and Recreation Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.
- **Ecosystems and Biodiversity –The provisions of the Ecosystems and Biodiversity chapter may be relevant to the Sports and Active Recreation Zone. The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation.**
- **Natural Features and Landscape - The Natural Features and Landscape chapter contains the provisions for building and earthworks within areas of outstanding natural features and outstanding natural landscapes.**
- **Natural Character and the Margins of Waterbodies** -in some locations areas of Sport and Recreation Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies chapter contains provisions on how these areas must be managed.
- **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas.**
- **General District Wide Matters** - provisions in relation to Noise, Light and Signs, in particular may be relevant to activities in the Sport and Recreation Zone.

SARZ - Sport and Active Recreation Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

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 **per building**;
4. Buildings are setback:

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

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<p>i. 4.5m from the road and rail designation boundaries; and</p> <p>ii. 3m from any Residential Zone or Settlement Zone boundary.</p> <p>5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary;</p> <p>6. Fences, walls and retaining walls are a maximum 2m height above ground level;</p> <p>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 commencing. This standard does not apply to:</p> <p style="padding-left: 40px;">i. Road boundaries;</p> <p>ii. Buildings on adjoining sites that have a common wall along the boundary;</p> <p>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;</p> <p>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</p> <p>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.</p> <p><u>Advice Note:</u></p> <p>1. <u>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.</u></p>	
SARZ - R2	Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities
<p>Activity Status Permitted</p> <p>Where:</p> <p>1. All performance standards for Rule SARZ - R1 are complied with.</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R3	Community Facilities
<p>Activity Status Permitted</p> <p>Where:</p>	<p>Activity status where compliance not</p>

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<ol style="list-style-type: none"> 1. All performance standards for Rule SARZ - R1 are complied with; 2. The community facility is: <ol style="list-style-type: none"> a. Provided for within an Open Space Management Plan for the site; or b. Was lawfully established at the time of notification of the Plan; and 3. Hours of operation are limited to: <ol style="list-style-type: none"> i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year.; and iv. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes. 	<p>achieved: Restricted Discretionary</p>
SARZ – R4	Clubrooms
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 4. All performance standards for Rule SARZ – R1 are complied with; and 5. The clubrooms: <ol style="list-style-type: none"> iii. Are provided for within an Open Space Management Plan for the site; or iv. Were lawfully established at the time of notification of the Plan; and 6. Hours of operation are limited to: <ol style="list-style-type: none"> iv. 7am to 10pm Sunday – Thursday; v. 7am to 12pm midnight Friday and Saturday; except vi. No restriction on hours is in place for up to 12 days per calendar year. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R54	Educational Facilities and Research Facilities ancillary to Conservation or Recreation Activities
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule SARZ - R1 are complied with; and 2. The facility is identified in a relevant Open Space Management Plan for the site. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R65	Retail Activities

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Activity Status Permitted		Activity status where compliance not achieved: Restricted Discretionary
Where: <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity or a conservation activity; 2. No more than 25% of any building is allocated to the retail activity; 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; and 4. All performance standards for Rule SARZ - R1 are complied with. 		
SARZ - R76	Residential Activities	
Activity Status Permitted		Activity status where compliance not achieved: Restricted Discretionary
Where: <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity or a conservation activity; and 2. All performance standards for Rule SARZ - R1 are complied with. 		
SARZ - R87	Vehicle Access and Carparking Areas	
Activity Status Permitted		Activity status where compliance not achieved: Restricted Discretionary
Where: <ol style="list-style-type: none"> 1. The vehicle access or carparking is provided for within an Open Space Management Plan for the site; and 2. All relevant Transport Standards in Appendix One are complied with. 		
SARZ - R9	Grandstands	
Activity Status Permitted		Activity status where compliance not achieved: Restricted Discretionary
Where: <ol style="list-style-type: none"> 4. The grandstand is provided for within an Open Space Management Plan for the site; and 5. The grandstand is setback: <ol style="list-style-type: none"> i. 4.5m from the road boundary; and ii. 3m from any Residential Zone or Settlement Zone boundary; 6. The grandstand shall not 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. 		
Controlled Activities Restricted Discretionary Activities		
SARZ - R108	Park Facilities and Park Furniture not meeting Permitted Activity Standards	

<p>Activity Status Controlled</p> <p>Matters of control are:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures Measures to mitigate landscape effects; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical and cultural values and biodiversity values.; and e. The safe and efficient operation of the rail corridor. 		<p>Activity status where compliance not achieved: N/A</p>
<p>Restricted Discretionary Activities</p>		
<p>SARZ - R119</p>	<p>Recreational Activities, Conservation Activities, Community Facilities, Educational Facilities and Research Activities, Clubrooms, Grandstands and Poutini Ngāi Tahu Activities not meeting Permitted Activity rules</p>	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; Measures to mitigate landscape effects c. Hours of Operation; d. Vehicle access and parking design and location; and e. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; and f. The safe and efficient operation of the rail corridor. 		<p>Activity status where compliance not achieved: N/A</p>
<p>SARZ - R102</p>	<p>Residential Activities not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> 1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a camping ground. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; Measures to mitigate landscape effects. c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; and f. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; and 		<p>Activity status where compliance not achieved: Non-complying</p>

g. <u>The safe and efficient operation of the rail corridor.</u>		
SARZ - R113	Retail Activities not meeting Permitted Activity Standards	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>1. This is ancillary to a conservation or recreation activity.</p> <p>Discretion is restricted to:</p> <p>a. Design, position and location of any buildings;</p> <p>b. Landscape measures <u>Measures to mitigate landscape effects;</u></p> <p>c. Hours of Operation;</p> <p>d. Management of effects on conservation or recreation activities;</p> <p>e. Vehicle access and parking design and location; and</p> <p>f. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values; <u>and</u></p> <p>g. <u>The safe and efficient operation of the rail corridor.</u></p>		<p>Activity status where compliance not achieved: Non-complying</p>
SARZ - R124	Vehicle Access and Carparking not meeting Permitted Activity Standards	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>1. This is ancillary to an activity being undertaken in the Sport and Active Recreation Zone.</p> <p>Discretion is restricted to:</p> <p>a. Landscape measures <u>Measures to mitigate landscape effects;</u></p> <p>b. Management of effects on conservation or recreation activities;</p> <p>c. Vehicle access and parking design and location;</p> <p>d. Stormwater management and treatment; and</p> <p>e. Management of effects on natural character, landscape, historical and cultural values, ecological and biodiversity values.</p>		<p>Activity status where compliance not achieved: Non-complying</p>
Discretionary Activities		
SARZ – R13	<u>Any Other Activity not provided for within another Rule in the Zone</u>	
<p>Activity Status Discretionary</p>		<p>Activity status where compliance not achieved: N/A</p>
Non-complying Activities		

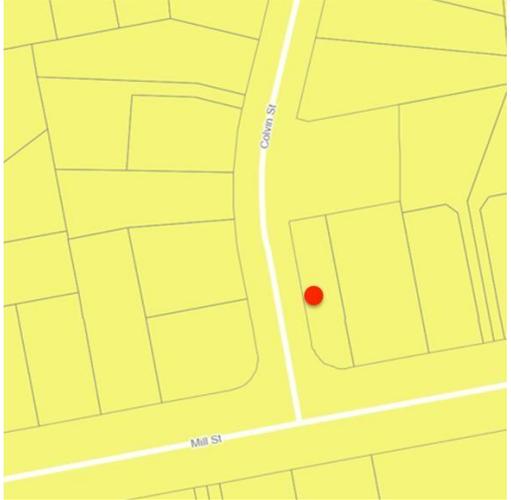
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SARZ – R145	Residential Activities not meeting Permitted or Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SARZ – R156	Retail Activities not meeting Permitted or Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SARZ – R167	Vehicle Access and Carparking not meeting Permitted or Restricted Discretionary Activity Standards	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SARZ – R18	Any Other Activity not provided for within another Rule in the Zone	
Activity Status Non-complying		Activity status where compliance not achieved: N/A

Changes to Planning Maps - Zones

Property	New Zone
Orowaiti Esplanade Reserve	Open Space Zone
Mill Street Recreation Reserve	Open Space Zone
Kilkenny Park	Open Space Zone
Derby Street Playground	Open Space Zone
Waimangaroa Domain	Open Space Zone
Land at Kaiata Park as shown in Appendix 2	Open Space Zone
Ngakawau Domain	Sport and Active Recreation Zone
7 Upper Buller Gorge, 5 Inwoods Road Inangahua and adjacent properties as shown in the maps in Appendix 2	Settlement Zone
Section 1 SO 56009 – 66 Sunny Bight Road, Waiano, Lake Kaniere	Settlement Zone
LOT 3 DP 374296 BLK VIII WAIHO SD Potters Lane Franz Josef and adjacent properties as shown in the maps in Appendix 2	General Rural Zone
31 Hans Bay Road, Lake Kaniere	General Rural Zone

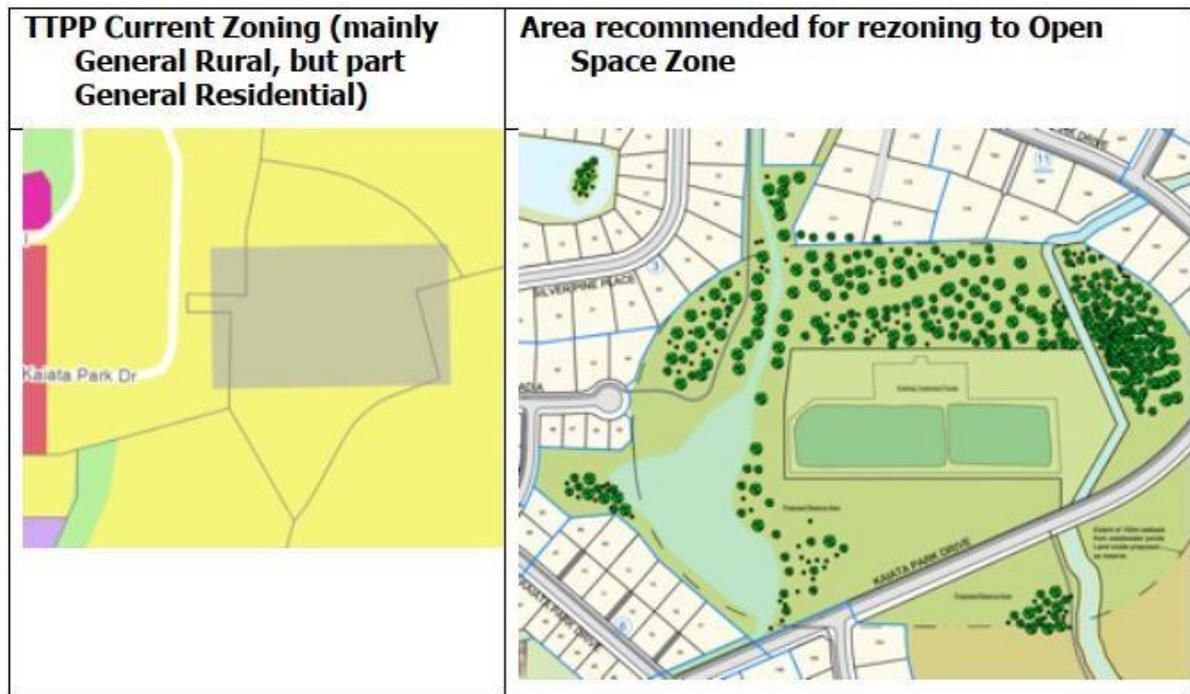
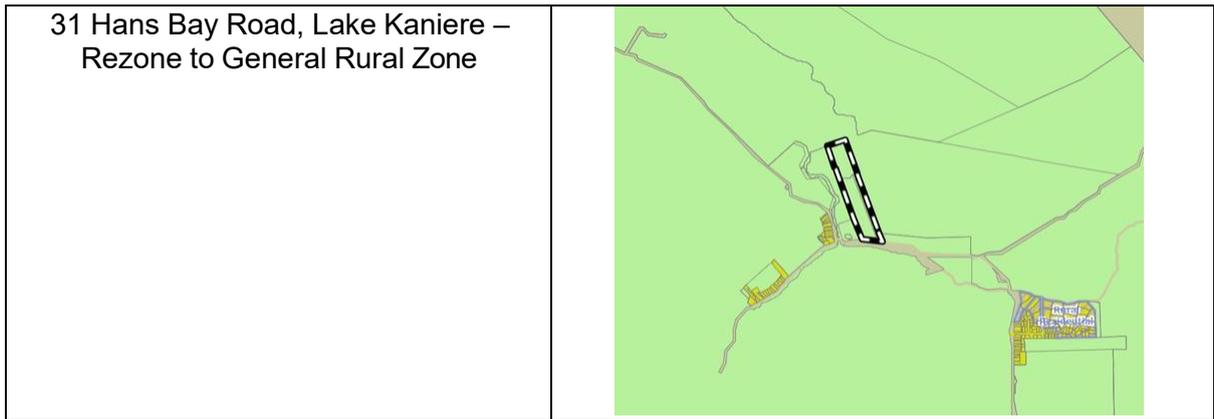
APPENDIX 2 – REZONINGS

<p>Orowaiti Esplande Reserve – Rezone to Open Space Zone</p>	
<p>Mill Street Recreation Reserve – Rezone to Open Space Zone</p>	
<p>Kilkenny Park – Rezone to Open Space Zone</p>	

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<p>Derby Street Playground - -- Rezone to Open Space Zone</p>	
<p>Waimangaroa Domain – Rezone to Open Space Zone</p>	
<p>Ngakawau Domain – Rezone to Sport and Active Recreation Zone</p>	
<p>Section 1 SO 56009 – 66 Sunny Bight Road, Waiano, Lake Kaniere – Rezone to Settlement Zone</p>	

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7 Upper Buller Gorge, 5 Inwoods Road Inangahua and adjacent properties – recommended to be rezoned Settlement Zone



LOT 3 DP 374296 BLK VIII WAIHO SD Potters Lane Franz Josef and adjacent properties

Recommended to be rezoned General Rural Zone

