

15A Natural Open Space Zone - NOSZ

NOSZ – PREC1-P: Natural Open Space Zone – Peacocke Precinct

Plan Change 5 – Peacocke Structure Plan decisions where amendment to the notified plan change, shown with insertions underlined, and deletions have been removed.

The following provisions have legal Effect under Section 86B of the RMA

NOSZ – PREC1- P: ISSUES

Hamiltonians enjoy the benefit of open space spread throughout the City. Open space is an important part of providing for the social, economic and cultural wellbeing of a community. It is important that Hamilton has land to accommodate parks, sports fields, recreational facilities, amenity areas, buffers and areas with natural value. Frequently, particular open space areas will serve a number of these values. Many open spaces provide links between different parts of the City for pedestrians and cyclists. Open space may also continue to provide for existing Three Waters assets, solid waste infrastructure and ecological networks.

Reserves are a type of public open space, managed by Council. Management plans, developed subject to the Reserves Act 1977, provide for the day-to-day management of activities on reserves. The District Plan manages the environmental effects of activities.

The Natural Open Space Zone includes publicly and privately owned areas that possess natural or landscape values or that are locations where Significant Bat Habitat Areas are proposed to be created to mitigate potential effects of urban development within the Peacocke Structure Plan area and surrounding areas on the city-wide long-tailed bat population. The Natural Open Space zoned areas will be vested as public reserve. It is important to protect these areas from disturbance, modification, buildings and uses that would compromise these values. This zone includes esplanade reserves (e.g. river banks and lakes), reserves in gullies, and indigenous vegetation on private land and public reserves (e.g. Grove Park and Jubilee Park), Significant Natural Areas identified in Chapter 20: Natural Environments, and the surface of water.

The Natural Open Space Zone in the Peacocke Structure Plan includes areas that have been identified to protect the significant habitat of long-tailed bats. These include buffers to known habitats and the creation of connections to these known habitats that will ensure bats are able to continue to access these areas for roosting and foraging without having to navigate urbanized areas. Council's intention is that this land will be vested at the time of subdivision and that it is classified pursuant to the Reserves Act 1977 as Local Purpose (Ecological) Reserve for Significant Bat Habitat Areas or as Local Purpose (Esplanade) Reserve where sections 229 to 237 of the Resource Management Act 1991 apply. Landowners will be compensated for fair market value for the vesting of Local Purpose (Ecological) Reserve where being created for Significant Bat Habitat Areas (with esplanade reserves being vested at no cost to Council).

NOSZ – PREC1- P: OBJECTIVES

REFERENCE	OBJECTIVE	RELEVANT POLICIES
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NOSZ – PREC1- P: O1	Development and activities must complement the functions and values of the particular open space and the surrounding environment.	NOSZ – PREC1- P: P1 NOSZ – PREC1- P: P2 NOSZ – PREC1- P: P3 NOSZ – PREC1- P: P4
NOSZ – PREC1- P: O2	Open space accommodates a range of functions where appropriate.	NOSZ – PREC1- P: P5 NOSZ – PREC1- P: P6 NOSZ – PREC1- P: P7
NOSZ – PREC1- P: O3	Well designed and safe open space.	NOSZ – PREC1- P: P8 NOSZ – PREC1- P: P9 NOSZ – PREC1- P: P10 NOSZ – PREC1- P: P11 NOSZ – PREC1- P: P12
NOSZ – PREC1- P: O4	Open spaces are used and developed in a way that minimises adverse effects on the surrounding environment.	NOSZ – PREC1- P: P13 NOSZ – PREC1- P: P14
NOSZ – PREC1- P: O5	Activities within the Natural Open Space Zone are consistent with and contribute to the conservation and restoration of natural character.	NOSZ – PREC1- P: P15
NOSZ – PREC1- P: O6	Activities on the surface of water are consistent with the ecological, cultural and amenity values of the water body.	NOSZ – PREC1- P: P16 NOSZ – PREC1- P: P17
<u>NOSZ – PREC1- P: O7</u>	<u>The Natural Open Space Zone in the Peacocke Structure Plan Area are identified, protected and enhanced to provide and protect habitat for long-tailed bats and freshwater fish, riparian and gully habitats and aquatic biodiversity.</u>	<u>NOSZ – PREC1- P: P18</u>
<u>NOSZ – PREC1- P: O8</u>	<u>The open space network in the Peacocke Precinct supports the amenity and liveability of the medium density living opportunities found in the Precinct.</u>	<u>NOSZ – PREC1- P: P7</u> <u>NOSZ – PREC1- P: P10</u> <u>NOSZ – PREC1- P: P12</u> <u>NOSZ – PREC1- P: P14</u> <u>NOSZ – PREC1- P: P19</u>



NOSZ – PREC1- P: POLICIES

NOSZ – PREC1- P: P1	Open space shall be developed and used in accordance with any relevant operative Reserves Act Management Plan.
NOSZ – PREC1- P: P2	Buildings and structures shall be designed and sited to be compatible with the function and predominant purpose of the open space.
NOSZ – PREC1- P: P3	Development shall recognise and protect the function of current Three Waters and solid waste assets and infrastructure.
NOSZ – PREC1- P: P4	Development and use of open space shall be managed through specific zoning.
NOSZ – PREC1- P: P5	An appropriate mix of activities shall be accommodated.
NOSZ – PREC1- P: P6	Open space may accommodate stormwater management functions, natural, heritage, recreational and amenity values which should be considered as part of the design.
NOSZ – PREC1- P: P7	Public access, walkways and cycleways shall be maintained and enhanced within areas of open space, provided that adverse effects on the amenity, natural and heritage values of those areas are minimised.
NOSZ – PREC1- P: P8	Open space shall be designed and developed to ensure a safe physical environment by: <ul style="list-style-type: none"> i. Providing clear sightlines that maximise visibility of public areas, provided that natural values are not compromised. ii. Achieving passive surveillance by having open space that is overlooked by surrounding development.
NOSZ – PREC1- P: P9	Buildings shall be of a design, bulk and scale that is compatible with the open space and the surrounding environment.
NOSZ – PREC1- P: P10	Landscaping shall enhance the amenity of the open space and surrounding environment.
NOSZ – PREC1- P: P11	Any car parking shall be integrated into the site without compromising the open space values and functions.
NOSZ – PREC1- P: P12	Where possible, open space shall be accessible to all, including the disabled.
NOSZ – PREC1- P: P13	Buildings, structures and activities shall be designed, sited, operated and maintained to address the potential adverse effects of visual intrusion, loss of sunlight and daylight, noise, glare, lighting and traffic.
NOSZ – PREC1- P: P14	The amenity of the surrounding environment shall not be adversely affected by the scale of buildings or activities on open space.
NOSZ – PREC1- P: P15	Development and use of sites in the Natural Open Space Zone shall: <ul style="list-style-type: none"> i. Support and protect landscape features, ecosystems, biodiversity and ecological links throughout the City. ii. Minimise the number and scale of buildings. iii. Contribute to the restoration of the health of the Waikato River through the retention of existing and creation of new esplanade reserves.



	<ul style="list-style-type: none"> iv. Retain vegetation and large specimen trees. v. Maintain or enhance indigenous vegetation and habitats.
NOSZ – PREC1-P: P16	<p>Activities and structures on the surface of water shall not adversely affect:</p> <ul style="list-style-type: none"> i. Amenity values, particularly through noise. ii. Ecological values, particularly in relation to water quality, bank stability or riparian and aquatic habitat quality, or by transfer of aquatic weeds to and from water bodies. iii. Cultural values. iv. Water flows, particularly through the creation of natural hazards. v. Public access to water bodies.
NOSZ – PREC1-P: P17	Activities on the surface of water shall be managed to minimise conflicts between users.
<u>NOSZ – PREC1-P: P18</u>	<p><u>Identify and manage the Natural Open Space Zone in the Peacocke Structure Plan to:</u></p> <ul style="list-style-type: none"> 1) <u>Ensure the protection and enhancement of identified habitat of long-tailed bats.</u> 2) <u>Provide habitat and habitat connectivity between habitat areas for long-tailed bats.</u> 3) <u>Mitigate the effects of development on the habitat of long-tailed bats, threatened freshwater fish and riparian, wetland and gully habitats.</u>
<u>NOSZ – PREC1-P: P19</u>	<u>Manage the delivery of the open space network in the Peacocke Precinct to ensure that the multi-purpose use contributes to the medium density living opportunities found in the Precinct.</u>

NOSZ – PREC1- P: RULES - ACTIVITY STATUS

Refer to Chapter 1.1.9 for activities marked with an asterisk (*)

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Refer to Appendix 1.3 Assessment Criteria for matters of discretion.

NOSZ – PREC1- P: R1	Demolition of existing buildings and structures	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ul style="list-style-type: none"> 1. NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. A – General Criteria

NOSZ – PREC1- P: R2	Park maintenance buildings	
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DISTRICT PLAN

	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria
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NOSZ – PREC1- P: R3	Public toilet	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

NOSZ – PREC1- P: R4	Maintenance and repair of buildings	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

NOSZ – PREC1- P: R5	Customary activities	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

NOSZ – PREC1- P: R6	Informal recreation	
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	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria
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NOSZ – PREC1- P: R7	Maintenance of existing features, including buildings, structures and grounds	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

NOSZ – PREC1- P: R8	Organised recreation	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. Participants shall use existing walkways, cycleways, structures, buildings, facilities and landform in the manner intended. 	<p>Activity Status where compliance is not achieved with PER-1 and/or PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

NOSZ – PREC1- P: R9	Park furniture	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria



NOSZ – PREC1- P: R10	Pest control	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

NOSZ – PREC1- P: R11	Private recreation on the surface of water (excluding Lakes Waiwhakareke and Rotokaeo)	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

NOSZ – PREC1- P: R12	Public art	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

NOSZ – PREC1- P: R13	Planting, pruning, and maintenance of vegetation or trees	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. 	<p>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

NOSZ – PREC1- P: R14	Walkways and cycleways	
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	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. Walkways and cycleways within the Waikato Hydro System operating range will be designed to withstand the effects of inundation. 	<p>Activity Status where compliance is not achieved with PER-1 and/or PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria
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NOSZ – PREC1- P: R15	Removal of vegetation or trees	
	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> Where removal is part of restoration works being carried out by, or at the direction of; Hamilton City Council, Waikato Regional Council or the Department of Conservation. NOSZ R31-R36. 	<p>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A – General Criteria

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NOSZ – PREC1- P: R16	<u>Community gardens</u>	
	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <ol style="list-style-type: none"> <u>There shall be no lighting associated with the community gardens.</u> <u>There are no buildings associated with the community garden.</u> <u>The establishment of a community garden does not require clearance of vegetation.</u> <u>Where located on public land, the establishment of community gardens is approved by the HCC Parks and Open Spaces team.</u> <u>NOSZ R31-R36</u> 	<p><u>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>A – General Criteria</u>

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NOSZ – PREC1- P: R17	Commercial Activities on the Surface of Water	
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	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>D – Natural Character and Open Space</u> <u>F – Hazards and Safety</u> <u>P – Peacocke Structure Plan</u> 	<p>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <u>A – General Criteria</u>
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NOSZ – PREC1- P: R18	Pontoon/Jetty	
	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> NOSZ R31-R36. <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>B – Design and Layout</u> <u>F – Hazards and Safety</u> <u>P – Peacocke Structure Plan</u> 	<p>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <u>A – General Criteria</u>

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NOSZ – PREC1- P: R19	New buildings, alterations and additions to buildings (other than park maintenance buildings and public toilets) associated with a permitted activity*	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u> <u>DIS-1</u></p> <ol style="list-style-type: none"> <u>PREC1-P R31 – R36.</u> 	<p>Activity Status where compliance not achieved:</p> <p>Not applicable.</p>

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NOSZ – PREC1- P: R20	Ancillary office	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u> <u>DIS-1</u></p> <ol style="list-style-type: none"> <u>PREC1-P R31 – R36.</u> 	<p>Activity Status where compliance not achieved:</p> <p>Not applicable.</p>



NOSZ – PREC1- P: R21	Changing rooms	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <p>1. <u>PREC1-P R31 – R36.</u></p>	<p>Activity Status where compliance not achieved:</p> <p>Not applicable.</p>

NOSZ – PREC1- P: R22	Clubrooms	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <p>1. <u>PREC1-P R31 – R36.</u></p>	<p>Activity Status where compliance not achieved:</p> <p>Not applicable.</p>

NOSZ – PREC1- P: R23	Community centre	
	<p>Activity Status: Discretionary</p> <p>Where the following are complied with:</p> <p>DIS-1</p> <p>1. Hours of operation may be exceeded for any 24-hour period up to five days per calendar year.</p> <p>2. <u>PREC1-P R31 – R36.</u></p>	<p>Activity Status where compliance not achieved:</p> <p>Not applicable.</p>

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NOSZ – PREC1- P: R24	Conference facilities	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <p>1. <u>PREC1-P R31 – R36.</u></p>	<p>Activity Status where compliance not achieved:</p> <p>Not applicable.</p>

NOSZ – PREC1- P: R25	Floodlights	
	<p>Activity Status: Discretionary</p>	<p>Activity Status where compliance not achieved:</p>



	<p><u>Where the following are complied with:</u> <u>DIS-1</u></p> <ol style="list-style-type: none"> <u>PREC1-P R31 – R36.</u> 	Not applicable.
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NOSZ – PREC1- P: R26	Indoor recreation	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u> <u>DIS-1</u></p> <ol style="list-style-type: none"> <u>PREC1-P R31 – R36.</u> 	<p>Activity Status where compliance not achieved:</p> <p>Not applicable.</p>

NOSZ – PREC1- P: R27	Motorised commercial activities on land	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u> <u>DIS-1</u></p> <ol style="list-style-type: none"> <u>PREC1-P R31 – R36.</u> 	<p>Activity Status where compliance not achieved:</p> <p>Not applicable.</p>

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NOSZ – PREC1- P: R28	Retail	
	<p>Activity Status: Discretionary</p> <p>Where the following are complied with:</p> <p>DIS-1:</p> <ol style="list-style-type: none"> Retail activities in any Open Space Zone shall not exceed a total of 100m² gross floor area per park. <u>PREC1-P R31 – R36.</u> 	<p>Activity Status where compliance not achieved:</p> <p>Non-complying.</p>

NOSZ – PREC1- P: R29	Restaurant	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u> <u>DIS-1</u></p>	<p>Activity Status where compliance not achieved:</p> <p>Not applicable.</p>



	1. PREC1-P R31 – R36.	
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NOSZ – PREC1- P: R30	Spectator facility	
	Activity Status: Discretionary <u>Where the following are complied with:</u> DIS-1 1. PREC1-P R31 – R36.	Activity Status where compliance not achieved: Not applicable.

NOSZ – PREC1- P: RULES – DEVELOPMENT STANDARDS

NOSZ – PREC1- P: R31 Site Coverage

	Location	Maximum site coverage
1)	Natural Open Space Zone.	50m ²

NOSZ – PREC1- P: R32 Gross Floor Area

	Location	Maximum gross floor area for park maintenance buildings or public toilets (per building)
1)	Natural Open Space Zone.	50m ²

NOSZ – PREC1- P: R33 Number of buildings

	Location	Maximum number of buildings permitted on a park
1)	Natural Open Space Zone.	1

NOSZ – PREC1- P: R34 Building Height

	Maximum height of	Height
a)	Buildings.	5m
b)	Floodlights.	-
c)	Height control plane.	Starting point: 3m above the site boundary Angle: 28° between northeast (45°) and northwest (315°) 45° in all other directions

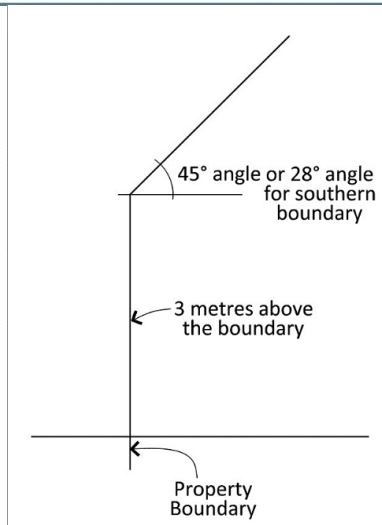


Figure 15A: R34 Height Control Plane

NOSZ – PREC1- P: R35 Setbacks

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Structure Plan

	Minimum building setback from	Setback
a)	any boundary adjoining a Residential, Special Character or Future Urban Zone	5m
b)	Waikato Riverbank and Gully Hazard Area	6m
c)	<u>Setback from Significant Bat Habitat Area</u>	<u>5m</u>

Note

1. Refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.

NOSZ – PREC1- P: R36 Fences and Walls

a)	Boundary fences and walls shall have a maximum height of 1.5m
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NOSZ – PREC1-P: OTHER RESOURCE CONSENT INFORMATION

Refer to Chapter 1: Plan Overview for guidance on the following:

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following:



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- Definitions and Terms Used in the District Plan
 - Information Requirements
 - Discretionary and Non-Complying Activities Assessment Criteria
 - Design Guides
 - Other Methods of Implementation