

# **Chapter 15 - Open Space Zones**

## **Chapter 15A - Peacocke Natural Open Space Zone**

## 15A Natural Open Space Zone -NOSZ

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

*Provisions that are not tracked changed (insertions underlined, deletions ~~struck out~~), have been transferred from the Hamilton Operative District Plan 2017 under s58I of the RMA for the purposes of complying with the format requirement of the National Planning Standards.*

*The following provisions have immediate legal effect under Section 86B (3) 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. 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.

## NOSZ – PREC1- P: OBJECTIVES

REFERENCE	OBJECTIVE	RELEVANT POLICIES
<b>NOSZ – PREC1- P: 01</b>	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
<b>NOSZ – PREC1- P: 02</b>	Open space accommodates a range of functions where appropriate.	NOSZ – PREC1- P: P5 NOSZ – PREC1- P: P6 NOSZ – PREC1- P: P7
<b>NOSZ – PREC1- P: 03</b>	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
<b>NOSZ – PREC1- P: 04</b>	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
<b>NOSZ – PREC1- P: 05</b>	Activities within the Natural Open Space Zone are consistent with and contribute to the conservation and restoration of natural character.	NOSZ – PREC1- P: P15
<b>NOSZ – PREC1- P: 06</b>	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
<b><u>NOSZ – PREC1- P: 07</u></b>	<i><u>Natural Open Space areas in the Peacocke Structure Plan Area are identified, protected and enhanced to provide and protect habitat for long tailed bats.</u></i>	<i><u>NOSZ – PREC1- P: P18</u></i>

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## 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.
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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"> <li>i. Providing clear sightlines that maximise visibility of public areas, provided that natural values are not compromised.</li> <li>ii. Achieving passive surveillance by having open space that is overlooked by surrounding development.</li> </ul>
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"> <li>i. Support and protect landscape features, ecosystems, biodiversity and ecological links throughout the City.</li> <li>ii. Minimise the number and scale of buildings.</li> <li>iii. Contribute to the restoration of the health of the Waikato River through the retention of existing and creation of new esplanade reserves.</li> <li>iv. Retain vegetation and large specimen trees.</li> <li>v. Maintain or enhance indigenous vegetation and habitats.</li> </ul>

NOSZ – PREC1-P: P16	Activities and structures on the surface of water shall not adversely affect: <ul style="list-style-type: none"> <li>i. Amenity values, particularly through noise.</li> <li>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.</li> <li>iii. Cultural values.</li> <li>iv. Water flows, particularly through the creation of natural hazards.</li> <li>v. Public access to water bodies.</li> </ul>
NOSZ – PREC1-P: P17	Activities on the surface of water shall be managed to minimise conflicts between users.
<b><u>NOSZ – PREC1- P: P18</u></b>	<p><i>Identify and manage areas of Natural Open Space in the Peacocke Structure Plan to:</i></p> <ol style="list-style-type: none"> <li>1) <i>Ensure the protection of, and access to, identified habitat of long-tailed bats.</i></li> <li>2) <i>Provide habitat and connections for long tailed bats.</i></li> <li>3) <i>Mitigate the effects of development on the habitat of long-tailed bats.</i></li> </ol>

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## NOSZ – PREC1- P: RULES - ACTIVITY STATUS

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

[Refer to Appendix 1.3 Assessment Criteria for matters of discretion.](#)

NOSZ – PREC1- P: R1	Demolition of existing buildings and structures	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

NOSZ – PREC1- P: R2	Park maintenance buildings	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R3</b>	<b>Public toilet</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R4</b>	<b>Maintenance and repair <u>of buildings</u></b>		<b>Plan Change 5 Peacocke Structure Plan</b>
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria	

<b>NOSZ – PREC1- P:R5</b>	<b>Customary activities</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R6</b>	<b>Informal recreation</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to:

	1. A – General Criteria
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<b>NOSZ – PREC1- P: R7</b>	<b>Maintenance of existing features, including buildings, structures and grounds</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R8</b>	<b>Organised recreation</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37. 2. Participants shall use existing walkways, cycleways, structures, buildings, facilities and landform in the manner intended.	Activity Status where compliance is not achieved with PER-1 and/or PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R9</b>	<b>Park furniture</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R10</b>	<b>Pest control</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R11</b>	<b>Private recreation on the surface of water (excluding Lakes Waiwhakareke and Rotokaeo)</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R12</b>	<b>Public art</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R13</b>	<b>Planting, pruning, and maintenance of vegetation or trees</b>	
	Activity Status: Permitted Where the following are complied with: PER-1 1. NOSZ R32-R37.	Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General Criteria

<b>NOSZ – PREC1- P: R14</b>	<b>Walkways and cycleways</b>		
	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> <li>1. NOSZ R32-R37.</li> <li>2. Walkways and cycleways within the Waikato Hydro System operating range will be designed to withstand the effects of inundation.</li> </ol>	<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"> <li>1. A – General Criteria</li> </ol>	
<b>NOSZ – PREC1- P: R15</b>	<b>Removal of vegetation or trees</b>		
	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. NOSZ R32-R37.</li> </ol>	<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"> <li>1. A – General Criteria</li> </ol>	
<b>NOSZ – PREC1- P:R16</b>	<b><u>Community gardens</u></b>		
	<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"> <li>1. <u>There shall be no lighting associated with the community gardens.</u></li> <li>2. <u>There are no buildings associated with the community garden.</u></li> <li>3. <u>The establishment of a community garden does not require clearance of vegetation.</u></li> <li>4. <u>Where located on public land, the establishment of community gardens</u></li> </ol>	<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"> <li>1. <u>A – General Criteria</u></li> </ol>	<p>Plan Change 5 Peacocke Structure Plan</p>

	<u>is approved by the HCC Parks and Open Spaces team</u> <u>5. NOSZ R32-R37</u>	
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<b>NOSZ – PREC1- P: R17</b>	<b>Commercial Activities on the Surface of Water</b>	
	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> <li>1. NOSZ R32-R37.</li> </ol> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <li>1. <u>D – Natural Character and Open Space</u></li> <li>2. <u>F – Hazards and Safety</u></li> <li>3. <u>P – Peacocke Structure Plan</u></li> </ol>	<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"> <li>1. <u>A – General Criteria</u></li> </ol>

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<b>NOSZ – PREC1- P: R18</b>	<b>Pontoon/Jetty</b>	
	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> <li>1. NOSZ R32-R37.</li> </ol> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <li>4. <u>B – Design and Layout</u></li> <li>5. <u>F – Hazards and Safety</u></li> <li>6. <u>P – Peacocke Structure Plan</u></li> </ol>	<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"> <li>1. <u>A – General Criteria</u></li> </ol>

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<b>NOSZ – PREC1- P: R19</b>	<b>New buildings, alterations and additions to buildings (other than park maintenance buildings and public toilets) associated with a permitted activity*</b>	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <ol style="list-style-type: none"> <li>1. <u>PREC1-P R32 – R37.</u></li> </ol>	<p>Activity Status where compliance not achieved: Not applicable.</p>

<b>NOSZ – PREC1- P: R20</b>	<b>Ancillary office</b>	
	Activity Status: Discretionary <u>Where the following are complied with:</u> <u>DIS-1</u> 1. <u>PREC1-P R32 – R37.</u>	Activity Status where compliance not achieved: Not applicable.

<b>NOSZ – PREC1- P: R21</b>	<b>Changing rooms</b>	
	Activity Status: Discretionary <u>Where the following are complied with:</u> <u>DIS-1</u> 1. <u>PREC1-P R32 – R37.</u>	Activity Status where compliance not achieved: Not applicable.

<b>NOSZ – PREC1- P: R22</b>	<b>Clubrooms</b>	
	Activity Status: Discretionary <u>Where the following are complied with:</u> <u>DIS-1</u> 1. <u>PREC1-P R32 – R37.</u>	Activity Status where compliance not achieved: Not applicable.

<b>NOSZ – PREC1- P: R23</b>	<b>Community centre</b>	
	Activity Status: Discretionary Where the following are complied with: DIS-1 1. Hours of operation may be exceeded for any 24-hour period up to five days per calendar year. 2. <u>PREC1-P R32 – R37.</u>	Activity Status where compliance not achieved: Discretionary.

<b>NOSZ – PREC1- P: R24</b>	<b>Conference facilities</b>	
	Activity Status: Discretionary <i>Where the following are complied with:</i> <u>DIS-1</u> 1. <u>PREC1-P R32 – R37.</u>	Activity Status where compliance not achieved: Not applicable.

<b>NOSZ – PREC1- P: R25</b>	<b>Floodlights</b>	
	Activity Status: Discretionary <i>Where the following are complied with:</i> <u>DIS-1</u> 1. <u>PREC1-P R32 – R37.</u>	Activity Status where compliance not achieved: Not applicable.

<b>NOSZ – PREC1- P: R26</b>	<b>Indoor recreation</b>	
	Activity Status: Discretionary <i>Where the following are complied with:</i> <u>DIS-1</u> 1. <u>PREC1-P R32 – R37.</u>	Activity Status where compliance not achieved: Not applicable.

<b>NOSZ – PREC1- P: R27</b>	<b>Motorised commercial activities on land</b>	
	Activity Status: Discretionary <i>Where the following are complied with:</i> <u>DIS-1</u> 1. <u>PREC1-P R32 – R37.</u>	Activity Status where compliance not achieved: Not applicable.



NOSZ – PREC1- P: R28	Retail	
	<p>Activity Status: Discretionary</p> <p>Where the following are complied with:</p> <p><u>DIS-1:</u></p> <ol style="list-style-type: none"> <li>1. Retail activities in any Open Space Zone shall not exceed a total of 100m<sup>2</sup> gross floor area per park.</li> <li>2. <u><a href="#">PREC1-P R32 – R37.</a></u></li> </ol>	<p>Activity Status where compliance not achieved: Non-complying.</p>

NOSZ – PREC1- P: R29	Restaurant	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <ol style="list-style-type: none"> <li>1. <u><a href="#">PREC1-P R32 – R37.</a></u></li> </ol>	<p>Activity Status where compliance not achieved: Not applicable.</p>

NOSZ – PREC1- P: R30	Spectator facility	
	<p>Activity Status: Discretionary</p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <ol style="list-style-type: none"> <li>1. <u><a href="#">PREC1-P R32 – R37.</a></u></li> </ol>	<p>Activity Status where compliance not achieved: Not applicable.</p>

**NOSZ – PREC1- P: RULES – DEVELOPMENT STANDARDS**
**NOSZ – PREC1- P: R32 Site Coverage**

	<b>Location</b>	<b>Maximum site coverage</b>
1)	Natural Open Space Zone	50m <sup>2</sup>

**NOSZ – PREC1- P: R33 Gross Floor Area**

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

**NOSZ – PREC1- P: R34 Number of buildings**

	<b>Location</b>	<b>Maximum number of buildings permitted on a park</b>
1)	Natural Open Space Zone	1

**NOSZ – PREC1- P: R35 Building Height**

	<b>Maximum height of</b>	<b>Height</b>
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

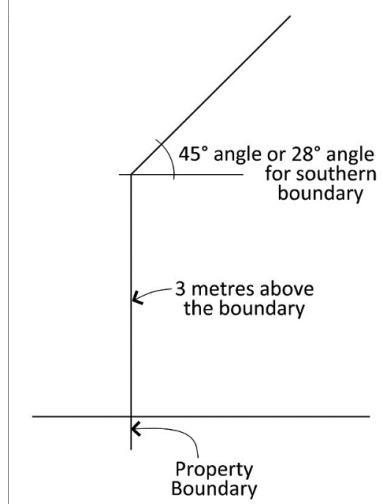


Figure 15A: R35 Height Control Plane

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### NOSZ – PREC1- P: R36 Setbacks

	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)	<i>Setback from Significant Natural Area boundary</i>	<b>5m</b>

#### 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: R37 Fences and Walls

a) Boundary fences and walls shall have a maximum height of 1.25m,

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## NOSZ – PREC1-P: OTHER RESOURCE CONSENT INFORMATION

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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:

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