15 Open Space Zones

15.1 Purpose

- a. 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.
- b. 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.
- c. Five Open Space Zones are provided in this District Plan.
 - i. Natural.
 - ii. Neighbourhood.
 - iii. Ruakura
 - iv. Sport and Recreation.
 - v. Destination.
- d. 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.
- e. The Neighbourhood Open Space Zone includes amenity areas and neighbourhood parks. Amenity areas provide visual relief, links between neighbourhoods and buffers between potentially incompatible activities.
 - Neighbourhood parks provide for passive recreation and serve as a focal point for the local community. These areas give opportunities for relaxation, walking, children's play, jogging and picnics. Buildings are limited to public toilets and park maintenance buildings.
- f. The Ruakura Open Space Zone is intended to accommodate and provide for multifunctional uses, including stormwater and ecological management, a wellconnected pedestrian and cycleway network linking open space land, space for

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passive and informal recreation, and amenity areas/spaces between different activity zones.

- g. The Sport and Recreation Open Space Zone includes sports fields (grassed and artificial), courts, greens, athletic tracks, their surrounds and other facilities used predominantly for organised, competitive sports or active recreation. Spectator stands, clubrooms, toilets, changing rooms, car parks and lighting are often associated with this type of open space.
- h. The Destination Open Space Zone includes open spaces that cater for a City-wide or regional catchment and are often large areas with a combination of functions and values. A higher level of use and development of these areas is anticipated. These areas include Hamilton Gardens, Hamilton Lake Domain, Claudelands Park, Civic Square and Garden Place.
- i. Any open space may have additional functions or features such as stormwater management and walkway or cycleway networks, significant natural areas, cultural sites, archaeological sites and historic buildings. This is appropriate provided the predominant function and values of the open space are not compromised.

15.2 Objectives and Policies: Open Space Zones

All Open Space Zones

Objective	Policies
15.2.1 Development and activities must complement the functions and values of the particular open	15.2.1a Open space shall be developed and used in accordance with any relevant operative Reserves Act Management Plan.
space and the surrounding environment.	15.2.1b Buildings and structures shall be designed and sited to be compatible with the function and predominant purpose of the open space.
	15.2.1c Development shall recognise and protect the function of current Three Waters and solid waste assets and infrastructure.
	15.2.1d Development and use of open space shall be managed through specific zoning.
	15.2.1e Development and use of open space shall recognise and support the objectives and policies for adjacent Central City precincts.
Explanation	

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There are five Open Space Zones which reflect the values and functions relevant to each category of open space. The provisions of these zones ensure the level of activity and development is appropriate to the type of open space. In addition to

District Plan controls, Reserves Act Management Plans give further certainty through providing information on the day-to-day management of open space. Where an activity does not fit with the provisions of a particular Open Space Zone, it may be relevant to look at the applicable Reserves Act Management Plan for guidance on what is anticipated in that particular open space.

Objective	Policies
15.2.2 Open space accommodates a range of functions where	15.2.2a An appropriate mix of activities shall be accommodated.
appropriate.	15.2.2b Open space may accommodate stormwater management functions, natural, heritage, recreational and amenity values which should be considered as part of the design.
	15.2.2c 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.
	15.2.2d The design and management of structures and activities in Garden Place shall protect vehicle access to properties that have no alternative means of access.

Explanation

Some open spaces serve additional functions, such as stormwater, walkways and cycleways. While it is important to take advantage of such opportunities, care needs to be taken to ensure that the primary function of the open space is not compromised and all values can coexist in a compatible manner.

While the primary function of Garden Place is as open space, vehicle access for specific properties needs to be protected.

Objective	Policies
15.2.3 Well designed and safe open space.	 15.2.3a Open space shall be designed and developed to ensure a safe physical environment by: 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.
	15.2.3b Buildings shall be of a design, bulk and scale that

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is compatible with the open space and the
surrounding environment.

15.2.3c

Landscaping shall enhance the amenity of the open space and surrounding environment.

15.2.3d

Any car parking shall be integrated into the site without compromising the open space values and functions.

15.2.3e

Where possible, open space shall be accessible to all, including the disabled.

Explanation

It is important that open space is well designed with regard to site layout and built form. This is to ensure that development is sympathetic to the function and values of a particular open space and it is pleasant and safe to use.

Objective	Policies
15.2.4 Open spaces are used and developed in a way that minimises adverse effects on the surrounding environment.	15.2.4a 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.
	15.2.4b The amenity of the surrounding environment shall not be adversely affected by the scale of buildings or activities on open space.

Explanation

It is important to manage the adverse effects of open space activities on the surrounding environment. Adverse effects include visual intrusion, loss of sunlight and daylight, noise, glare, lighting and traffic.

Natural Open Space Zone

Objective	Policies				
15.2.5 Activities within the Natural Open Space Zone are consistent with and contribute to the	15.2.5a Development and use of sites in the Natural Open Space Zone shall:				
conservation and restoration of natural character.	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				

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Neighbourhood Open Space Zone

Objective	Policies					
15.2.7	15.2.7a					
Activities and development within	Development and use of sites in the					
the Neighbourhood Open Space Zone provide for informal	Neighbourhood Open Space Zone shall:					
recreation, links between neighbourhoods, visual amenity, and buffers between potentially	i. Retain the majority of the site free from buildings.					
incompatible activities.	ii. Ensure that location, design, bulk and scale of buildings are compatible with the size and purpose of the open space and with neighbouring properties.					

managed to minimise conflicts between users.

Sport and Recreation Open Space Zone

Objective	Policies
15.2.8 Provide for organised sport for the local, City-wide and regional	15.2.8a Development and use of sites in the Sport and Recreation Open Space Zone shall:

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communities.

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Destination Open Space Zone

Objective	Policies
15.2.9 Provide high-quality open spaces that cater for a City-wide and regional catchment and accommodate a variety of uses and values.	 15.2.9a Development and use of sites in the Destination Open Space Zone shall: i. Enable a range of high-quality recreational and community facilities and activities serving the City and region. ii. Ensure that buildings, structures and activities are designed, located and operated so adverse effects on the amenity of the open space and the surrounding environment are minimised.

minimised.

Explanation

The five Open Space Zones accommodate community needs for both active and passive open space, including protection of natural areas, and cater for City-wide functions and values. The effects of activities will be controlled in relation to the intensity of use, and the sensitivity and amenity of the surrounding environment, having regard to the overall purpose of the particular open space. Note that this is supplemented by the scheduling of archaeological and cultural sites and significant natural areas.

Ruakura Open Space Zone

Objective	Policies
15.2.10 The Open Space Zone at Ruakura provides a connected network to achieve multiple	15.2.10a The location, size and connectivity of the Open Space Zone shall be established in general accordance with Figure 2-14 in Appendix 2.
functions including recreational activities, connectivity, enhancement of amenity, stormwater management and	15.2.10b A range of activities shall be provided for within the Open Space Zone.

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enhancement of ecological values.

15.2.10c

The Open Space Zone shall be developed in a staged and comprehensive manner in accordance with a Land Development Consent.

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15.2.10d

A network of public access, walkways and cycleways shall be established within the Open Space Zone providing connections to the road network and the Kirikiriroa Stream and Mangaonua Stream gully systems.

15.2.10e

The Open Space Zone shall be utilised to assist stormwater management, and function as a corridor for National Grid Electricity Transmission lines.

15.2.10f

The Open Space Zone shall provide habitats for indigenous flora and fauna including black mudfish, eels, bats and lizards to enhance long-term ecological resilience.

15.2.10g

Planting undertaken in the Open Space *Zone* shall include indigenous plant species which are ecosourced from within the Waikato region, reflect natural plant assemblages and include trees that have capacity to develop cavities to provide habitats for bats.

15.2.10h

The Open Space Zone shall provide a greenway with a suitable form to enhance long term ecological function, including:

- i. All of the natural stormwater treatment infrastructure.
- ii. Stepping stone patches of indigenous trees and shrubs.
- iii. Bio-physical and natural features that maximise habitat opportunities for indigenous flora and fauna.
- iv. Indigenous plants characteristic of natural plant assemblages eco-sourced from the Waikato region.
- v. Linear wetlands to support viable populations of black mudfish and eels.

Explanation

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The addition of a specific Ruakura Open Space Zone recognises the unique and multifunctional role of the open space area. This is evident through the inclusion of special provisions for habitats for indigenous flora and fauna, including black mudfish, eels, bats and lizards are provided to enhance long term ecological resilience at Ruakura.

The open space also provides for active and passive recreation along with public access throughout.

The provision for a key linkage between the Kirikiriroa and Mangaonua Gully Systems and for the management of stormwater is provided.

The open space also acts as a buffer between any incompatible activities within the Ruakura area. The Land Development Plan process identifies the relationship of the open space and multi-functional use of this zone within the particular area. The approach to open space at Ruakura is comprehensive and integrated.

15.3 Rules – Activity Status Table

Activity		Open Space Zones					
	Natur	aNeigh	Spott and Recre		n Rtii akı		
Land Development							
a. Land Development Activities (refer Rule 3.7.4.2)	-	-	-	-	RD*		
Buildings							
b. New buildings, alterations and additions to buildings (except (other than park maintenanceheritage buildings and public toilets) associated withstructures in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a permitted activity*Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas) (see note 5)	D	D	RD*	RD*	RD*		
c. Demolition or removal of existing buildings and structures (except heritage buildings and structures in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas) (see note 5)	Р	Р	Р	Р	Р		
d. Demolition or removal of, or alterations or additions to, any building or structure on Lot 228 DP S929	_	D	-	-	-		
e. Park maintenance buildings	Р	Р	Р	Р	Р		

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f.	Public toilet	Р	Р	Р	Р	Р
g.	Maintenance and repair of buildings and structures (except heritage buildings and structures in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas) (see note 5)	Р	Р	Р	Р	Р
Act	tivities					
h.	Ancillary office	D	D	Р	Р	-
i.	Changing rooms	D	D	Р	Р	D
j.	Clubrooms	D	D	Р	Р	D
k.	Commercial activities on the surface of water	RD	-	-	-	-
l.	Community garden	D	Р	Р	Р	Р
m.	Community centre	D	D	Р	Р	D
n.	Conference facilities	D	D	Р	Р	-
0.	Customary activities	Р	Р	Р	Р	Р
p.	Floodlights	D	D	Р	Р	D
q.	Indoor recreation	D	D	Р	Р	D
r.	Informal recreation	Р	Р	Р	Р	Р
S.	Maintenance of existing features, including buildings, structures and grounds (except heritage buildings and structures in Volume 2. Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas) (see note 5)	P	P	P	P	P
t.	Motorised commercial activities on land	D	D	D	D	-
u.	Organised recreation	Р	Р	Р	Р	Р
V.	Park furniture	Р	Р	Р	Р	Р
w.	Pest control	Р	Р	Р	Р	Р
X.	Pontoon/jetty	RD	RD	RD	RD	D
y.	Private recreation on the surface of water (excluding Lakes Waiwhakareke and Rotokaeo)	Р	-	-	-	-
Z.	Private recreation on the surface of Lakes Waiwhakareke and Rotokaeo	D	-	-	-	-
aa.	Public art	Р	Р	Р	Р	Р
bb.	Retail	D	D	Р	Р	-

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CC.	Restaurant	D	D	D	Р	
dd.	Spectator facility	D	D	Р	Р	D
ee.	Removal of vegetation or trees* (excluding Notable Trees in Volume 2, Appendix 9, Schedule 9D: Notable Trees, and Significant Natural Area scheduled in Volume 2, Appendix 9, Schedule 9C: Significant Natural Areas)	RD*	Р	Р	Р	Р
ff.	Planting, pruning, and maintenance of vegetation or trees (excluding Notable Trees in Volume 2, Appendix 9, Schedule 9D: Notable Trees, and Significant Natural Area scheduled in Volume 2, Appendix 9, Schedule 9C: Significant Natural Areas)	P	Р	Р	P	Ф
gg.	Walkways and cycleways	Р	Р	Р	Р	Р
and Ch			to Char hapter : butions		Subdiv ancial	vision
ii.	Stormwater treatment devices (including ponds and swales)	-	ı	ı	-	Р
jj.	Stormwater treatment ponds and wetlands (excluding swales) in the Ruakura Open Space Zone adjoining existing residential properties (as of 11 November 2015), except where approved as part of a Land Development Consent	-	-	-	-	RD
kk.	Parking lot (Lot 3 DPS 66853)	-	-	-	-	RD

Note

- 1. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: Citywide Network Utilities and the Electricity National Grid Corridor.
- 2. Refer to Waikato Regional Council Navigation Safety Bylaw for activities on the surface of the water.
- 3. For any activity not identified above, see Section 1.1.8.1.
- 4. Refer to Chapter 1.1.9 for activities marked with an (*).
- 5. For the activity status and provisions applying to the demolition or removal, maintenance and repair, and alterations and additions to buildings and structures scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas see Chapter 19: Historic Heritage.
- 6. The rules in Chapter 20 apply instead of the Chapter 15 rules when the removal, planting, pruning and maintenance of vegetation or trees is located in a Significant Natural Area or relates to a Notable Tree.

15.4 Rules – General Standards

15.4.1 Site Coverage

Open Space	Natural	Neighbour-	Sport and	Destination	Ruakura
Open Opace	Maturai	ricigiiboui-	Oport and	Destination	Makula

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Zone		hood	Recreation		
Maximum site coverage	50m ²	50m ²	2% or 250m ² gross floor area whichever is the greater	2% or 250m ² gross floor area whichever is the greater	50m ² (Applicable in respect of buildings only, not pathways or cycleways)

15.4.2 Gross Floor Area

Open Space Zone	Natural	Neighbour- hood	Sport and Recreation	Destination	Ruakura
Maximum gross floor area for park maintenance buildings or public toilets (per building)	50m ²	50m ²	100m ²	100m ²	50m ² (Excluding park maintenance buildings)

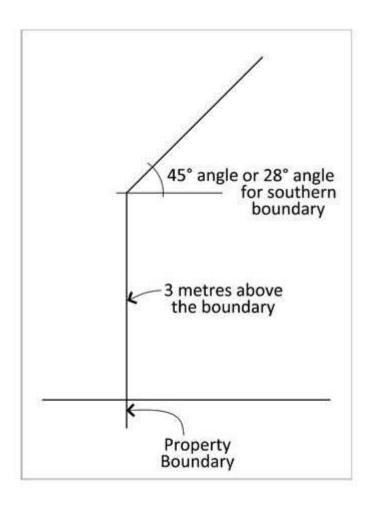
15.4.3 Number of Buildings

a. The maximum number of buildings permitted on a park in the Neighbourhood or Natural Open Space Zone shall be one.

15.4.4 Building Height

Open Space Zone Maximum height of	Natural	Neighbour- hood	Sport and Recreation	Destination	Ruakura
a. Buildings	5m	5m	8m	12m	5m
b. Floodlights	-	-	15m	15m	-
c. Height control plane	Starting point: 3m above the site boundary Angle: 28° between northeast (45°) and northwest (315°) 45° in all other directions (see Figure 15.5.4d)				

Figure 15.5.4d: Height control plane



15.4.5 Building Setbacks

Open Space Zone	Natural	Neighbourh	8p ort and Recreation	Destination	Ruakura
a. Minimum building setback from any boundary adjoining a Residentia Special Character or Future Urban Zone	,	5m	8m	8m	5m

	Building setback from	Minimum distance
ſ	b. Waikato Riverbank and Gully Hazard	6m (applies to buildings and swimming

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Note

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

15.4.6 Fences and Walls

Boundary fences and walls shall have a maximum height of 1.8m, except as provided below.

a. The following design and dimensions shall apply to fences on boundaries adjoining a Transport Corridor, Residential or Special Character Zone.

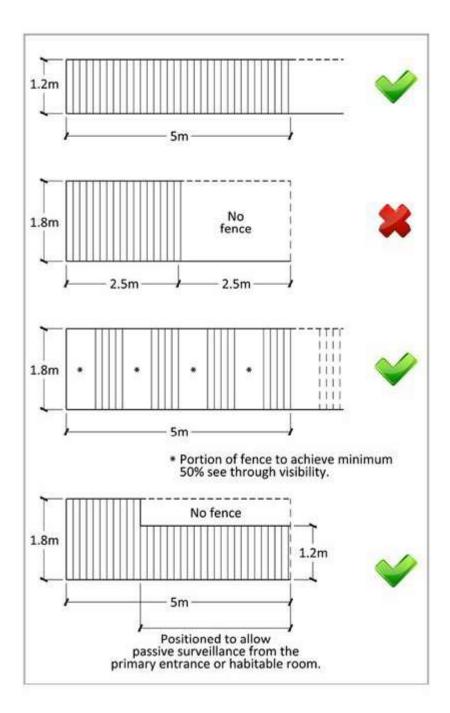
i. Designed and constructed for less than 50% seethrough visibility (e.g. close paling, masonry, or other opaque material)	1.2m maximum height
ii. Materials with 50% or more see-through visibility	1.8m maximum height

Note

- 1. Refer to Figure 15.5.6b for examples of acceptable solutions.
- 2. Glass, metal bars or louvres are acceptable fence designs to achieve minimum 50% seethrough visibility.

Figure 15.5.6b: Examples of acceptable solutions

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15.4.7 Hours of Operation

Open Space Zone	Sport and Recreation	Destination				
Day	Operating hours	Operating hours				
Organised recreation, clubrooms, community centre, conference facilities, indoor recreation, retail, restaurant						
a. Sunday to Thursday	0700-2230 hours	0700-2400 hours				
b. Friday and Saturday	0700-2400 hours	-				

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15.4.8 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant.

- Chapter 2: Strategic Framework
- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gully Systems
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contribution
- Chapter 25: City-wide

15.5 Rules – Specific Standards

15.5.1 Retail Activity

a. Retail activities in any Open Space Zone shall not exceed a total of 100m² gross floor area per park.

15.5.2 Community Centre

a. Hours of operation may be exceeded for any 24-hour period up to five days per calendar year.

15.5.3 Organised Recreation in the Natural, Neighbourhood and Ruakura Open Space Zones

a. Participants shall use existing walkways, cycleways, structures, buildings, facilities and landform in the manner intended.

15.5.4 Garden Place

 a. No structures or activities shall prevent private vehicle access from Lot 3 DP29657 to Alexandra Street.

Note

1. Movable bollards are an acceptable means of complying with this standard.

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15.5.5 Walkways and Cycleways

a. Walkways and cycleways within the Waikato Hydro System operating range will be designed to withstand the effects of inundation.

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15.5.6 Ruakura Open Space Minimum Width

a. A 40 metre width of open space shall be provided between the carriageway of the Spine Road and the eastern boundary of the AgResearch site at 113B Ruakura Lane, legally described as Lot 3 DPS 78549.

15.5.7 Parking Lot in Ruakura Open Space Zone (Lot 3 DPS 66853)

- a. A minimum 30 metre setback from Ruakura Road
- b. No parking lot is to be used for commercial purposes (excluding staff parking).

15.5.8 Interpretation of Ruakura Open Space Zone

- a. From the date that any land within Land Development Plan Areas M, I, L and K, identified on Figure 2-16, is vested as reserve, the land shall be subject to the rules of the Ruakura Open Space Zone and the land shall be treated as Ruakura Open Space Zone for determining whether any other rule in the district plan is relevant.
- b. The Ruakura Medium-Density Residential Zone within Land Development Plan Areas M, I, L, and K is retained, until such time as the zone maps are updated to show land which is vested as reserve as Open Space Zone.

15.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

a. In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located with the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. New buildings and alterations to buildings*	 B – Design and Layout D – Natural Character and Open Space
ii. Removal of vegetation or trees*	 D – Natural Character and Open Space F – Hazards and Safety

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Planning provisions amended by Plan Change 9 that relate to Archaeology, Built Heritage, Historic Heritage Areas and Significant Natural Areas have immediate legal effect upon public notification.

iii.	Commercial activities on the surface of water	D – Natural Character and Open Space F – Hazards and Safety
iv.	Pontoon/jetty	 D – Natural Character and Open Space F – Hazards and Safety
V.	Stormwater treatment ponds and wetlands (excluding swales) in the Ruakura Open Space Zone adjoining existing residential properties (as of 11 November 2015), except where approved as part of a Land Development Consent	N – Ruakura
vi.	Land Development Activities (refer Rule 3.7.4.2)*	N – Ruakura
vii.	Parking Lot (Lot 3 DPS 66853)	C – Character and AmenityG – Transportation

Note

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

15.7 Notification Rule Ruakura Open Space Zone

- a. Except as provided for by Section 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in the table above and the activity status table 15.3 will be considered without notification or the need to obtain approval from affected persons except that applications for:
 - i. Land Development Activities
 - ii. Activities Generating 1500 or More Vehicle Movements Per Day

shall be limited notified to the following unless they have given their affected party approval:

- Waka Kotahi New Zealand Transport Agency
- b. Notwithstanding clause (a), where an activity identified in Rule 15.3 requires resource consent for a Restricted Discretionary Activity under two or more activity descriptions, and only one of the Restricted Discretionary Activities is identified with an asterisk (*), notification of the activity shall be at the Council's discretion in accordance with Section 95A, 95B and 95C of the Act.

15.8 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

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Planning provisions amended by Plan Change 9 that relate to Archaeology, Built Heritage, Historic Heritage Areas and Significant Natural Areas have immediate legal effect upon public notification.

- 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
- Controlled Activities Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation

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