NATURAL OPEN SPACE ZONE – NOSZ

Overview ~~and Purpose~~

The purpose of the Natural Open Space Zone is to ensure the natural *environment* is retained, and activities, *buildings* and other *structures* are compatible with the characteristics of the zone. It is applied to *land* that is managed by the Council or the Department of Conservation for a conservation purpose~~, which~~ and is characterised by areas of *indigenous vegetation*, ~~and~~ a high degree of naturalness, undeveloped open areas and expanses of *land* containing minimal *buildings*.[1] The Natural Open Space Zone ~~will~~ comprises both Dolamore Park and Croydon Bush.

Dolamore Park is a large Scenic Reserve of 95 hectares, administered by the Gore District Council and adjoins the greater Croydon Bush Scenic Reserve of 874 hectares which is administered on behalf of the Crown by the Department of Conservation. A specific Reserve Management Plan (RMP) has been prepared for Dolamore Park, and this will be subject to review over time. The RMP refers to ~~in excess of 10,000 visitors per year for~~ a range of outdoor recreational and leisure activities taking place at the Park, including walking, climbing, running, mountain biking, nature study, passive recreation, camping, photography, active recreation, bus tours, picnicking, and concerts.

The purpose of the Zone is to provide for the existing level of activity and protect the underlying relationship Ngāi Tahu have with the natural *environment*, as well as enabling further development, provided adverse *effects* can be appropriately mitigated.

Objectives

NOSZ-O1 Natural character, biodiversity and *amenity values*, and Ngāi Tahu cultural values listed in MW-1.2 ~~are retained. Undeveloped open areas and expanses of *land* containing minimal *buildings* are the predominant characteristic of the Natural Open Space Zone.~~[2]

NOSZ-O2 Natural open space areas are available to the public to use and enjoy for leisure and cultural activities.

NOSZ-O3 The purpose and predominant character and amenity of the Natural Open Space Zone is not compromised by incompatible activities and/or built form.

Policies

NOSZ-P1 Enable recreational, sporting and community activities, and limited *commercial activities* ~~and rural activities~~ that are compatible with the character and amenity of the *site* and surroundings.[3]

NOSZ-P2 Manage the establishment of *buildings* and *structures* within natural open space zone to minimise adverse *effects* by:

1. ensuring the scale, design and materials of the *building* and/or *structure* are appropriate in the location;

[1] Decision 7, paragraph 3.3.3
[2] Decision 7, paragraph 3.3.2
[3] Decision 7, paragraph 3.4.2

2. integrating new *buildings* and *structures* with existing built form, including walkways, cycleways and *pedestrian access* points;
3. protecting *rivers* and *streams* from inappropriate built form;
4. limiting the prominence or visibility of built form, including by integrating it into the landscape and through the use of naturally occurring *building* platforms;
5. minimising adverse visual amenity and natural space character *effects* through appropriate design, use of sympathetic materials and landscaping; and
6. reinstating *land* subject to *earthworks*.

NOSZ-P3 Manage *educational facilities* ~~activities~~[4] that are potentially compatible with the role, function and predominant character of the Natural Open Space Zone, and ensure it is appropriate for such activities to establish in the Natural Open Space Zone, having regard to whether:

1. the purpose of the activity is compatible with activities that are permitted in the Natural Open Space Zone and will enhance natural open space values and social connection;
2. the activity will limit or constrain the establishment and operation of permitted, consented or otherwise lawfully established activities in the Open Space Zone or restrict public *access* to and use of open space;
3. the scale, design and layout of the activity and any associated built form is compatible with the character, Ngāi Tahu cultural values listed in MW-1.2, and amenity of the natural open space area the activity is proposing to locate in. [5]
4. any ~~adverse effects~~ impacts on natural, indigenous biodiversity, ecological, landscape, cultural and/or historic heritage values, Ngāi Tahu cultural values listed in MW-1.2 can be appropriately avoided, remedied and/or mitigated; [6]
5. any conflict with and/or adverse *reverse sensitivity effects* on adjacent *sensitive activities* can be appropriately avoided, remedied and/or mitigated; and
6. there is adequate existing and/or planned *infrastructure* to service the activity.

NOSZ-P4 Enable the use of *reserve land* where the activity and/or development is consistent with the relevant Reserve Management Plan.

NOSZ-P5 Avoid activities that are incompatible with the character, qualities and purpose of the Natural Open Space Zone.

[4] Decision 7, paragraph 3.6.2
[5] Decision 7, paragraph 3.6.2
[6] Decision 7, paragraph 3.6.2

~~Notes~~[7]

~~Note 1~~	~~Provisions in Other Chapters~~
	~~The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole.~~ ~~This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.~~

Rules

NOSZ-R1	***Community Facility***	
All areas	**Activity status:** Permitted Where: 1. The hours of operation are between 7.00 am and 10.00 pm.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The compatibility with existing activities in the surrounding area. 2. Nuisance *effects* including *noise*, *light spill* and traffic generation.
NOSZ-R2	***Sport and Recreation Activity***	
All areas	**Activity status:** Permitted Where: 1. The hours of operation of organised sports, tournaments or sports education are between 7.00 am and 10.00 pm.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The compatibility with existing activities in the surrounding area. 2. Nuisance *effects* including *noise*, *light spill* and traffic generation.

[7] Decision 7, paragraph 3.7.3

NOSZ-R3	***Conservation Activity***	
NOSZ-R4	***Park Management Activity***	
~~NOSZ-R5~~	***~~Agricultural, horticultural and pastoral activities~~***[8]	
All areas	**NOSZ-R3 to NOSZ-R~~5~~4** **Activity status:** Permitted	
NOSZ-R~~6~~5	***Visitor Accommodation* Activity**	
All areas	**Activity status:** Permitted Where: 1. The activity ~~shall~~ must be located at least 25 metres from the Zone *boundary*; and 2. The *visitor accommodation* is undertaken in a temporary *structure*, e.g. tents, motorhomes, caravans.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The *effects* on natural character and amenity, ecological landscape, Ngāi Tahu cultural values listed in MW-1.2[9], *historic heritage*, or other cultural values of the surrounding *environment.* 2. The compatibility with existing activities in the surrounding area. 3. Whether the activity creates pressure on existing *infrastructure* or gives rise to any *infrastructure* requirements.
NOSZ-R~~7~~6	***Rural Commercial Recreation Activity***	
All areas	**Activity Status:** Permitted Where: 1. The activity is undertaken on *land*, outdoors; and 2. The hours of operation must be between 7.00 am and 10.00 pm; and	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The *effects* on natural character and amenity, ecological landscape, Ngāi Tahu cultural values listed in MW-1.2[10] *historic*

[8] Decision 7, paragraph 3.8.2
[9] Consequential to Decision 14
[10] Consequential to Decision 14

	3. The activity does not involve more than 12 persons in any one group.	*heritage*, or other cultural values of the surrounding *environment.* 2. The compatibility with existing activities in the surrounding area. 3. Nuisance *effects* including *noise*, *light spill* and traffic generation.
NOSZ-R~~8~~7	***Commercial Activity***	
All areas	**Activity status:** Permitted Where: 1. The activity is limited to a restaurant, café or mobile food offering; and 2. The activity is ancillary to a permitted activity; and 3. The hours of operation are between 7.00 am and 10.00 pm; and 4. The total *gross floor area* of any *building* does not exceed 250 m^2. *Note: New buildings require consent under NOSZ-R~~11~~10.*	**Activity status where compliance not achieved with:** **NOSZ-R8(1) and NOSZ-R8(2):** Non-Complying **NOSZ-R8(3) and NOSZ-R8(4):** Restricted Discretionary **Matters of discretion:** 1. The extent and *effect* of the activity on the *amenity values* of the *site* and surrounding properties. 2. The *effects* on natural, ecological, landscape, Ngāi Tahu cultural values listed in MW-1.2[11] *historic heritage*, or other cultural values of the surrounding *environment*. 3. The compatibility with existing activities in the surrounding area. 4. Whether the activity creates pressure on existing *roading* and *infrastructure* or gives rise to any additional *infrastructure* requirements. 5. The matters of discretion of any infringed standard.
NOSZ-R~~9~~8	***Residential Activity***	
All areas	**Activity status:** Permitted Where:	**Activity status where compliance is not achieved:** Non-complying

[11] Consequential to Decision 14

	1. The activity is limited to a single *residential unit* within the Zone, exclusively used by a caretaker or manager of activities on *site* or the grounds. *Note: New buildings require consent under NOSZ-R~~11~~10*	
NOSZ-R~~10~~9	**Use of *Reserve Land***	
All areas	**Activity status:** Permitted 1. All *land* use activities in areas administered under the Reserves Act 1977 are permitted where they comply with a Management Plan that has been approved by the Minister under that Act	**Activity status where compliance is not achieved:** Discretionary
NOSZ-R~~11~~10	***Building* Activity**	
All areas	**Activity status:** Restricted Discretionary Where: 1. Any new *building* or *structure* or alteration or addition is for the purposes of a permitted activity. 2. Any new *building* or *structure* or alteration or addition complies with Natural Open Space Zone Standards NOSZ-S1, NOSZ-S2, NOSZ-S3, NOSZ-S4 and NOSZ-S5 **Matters of discretion:** 1. External appearance, impervious surfaces and landscaping. 2. The extent to which the location, bulk and scale of *building*s impacts on the natural, ecological, landscape, cultural and/or *historic heritage* values of the Zone. 3. The ability to integrate *buildings* with existing *walkways*, cycleways and *pedestrian access* points within the Zone. 4. *Maintenance* of on-*site* and neighbouring *site* amenity.	**Activity status where compliance is not achieved:** Discretionary

	5. The cumulative *effects* of *buildings* within the Zone. 6. *Earthworks.* 7. *Access.* 8. Services, including the positive *effects* low impact design. 9. Integration of the unique Ngāi Tahu cultural identity of the area in design~~; and~~. 10. Impacts on Ngāi Tahu cultural values ~~including those~~ listed in ~~the~~ ~~MW2~~ MW-1.2[12].	
NOSZ-R~~12~~11	***Educational Facility***	
All areas	**Activity status:** Restricted Discretionary Where: 1. The hours of operation must be between 7.00 am and 10.00 pm; and 2. Any new *building* or *structure* or alteration or addition complies with Natural Open Space Zone Standards NOSZ-S1, NOSZ-S2, NOSZ-S3, NOSZ-S4 and NOSZ-S5. **Matters of discretion:** 1. External appearance, impervious surfaces and landscaping. 2. The extent to which the location, bulk, scale of *building*(s) impacts on the natural, ecological, landscape, cultural and/or *historic heritage* values of the zone.	**Activity status where compliance is not achieved:** Discretionary

[12] Consequential to Decision 14

	3. The ability to integrate *buildings* with existing walkways, cycleways and *pedestrian access* points within the zone. 4. *Maintenance* of on-*site* and neighbouring *site* amenity. 5. The cumulative *effects* of *buildings* within the zone. 6. *Earthworks.* 7. *Access.* 8. Services including the positive *effects* of low impact design. 9. Integration of the unique Ngāi Tahu cultural identity of the area in design. 10. Impacts on Ngāi Tahu cultural values, ~~including those~~ listed in ~~the~~ ~~MW2~~ MW-1.2[13].	
NOSZ-R~~13~~12	**All other activities**	
All areas	**Activity status:** Non-Complying 1. Any activities, including associated *buildings*, not otherwise provided for in the list of rules.	**Activity status where compliance not achieved:** N/A

Standards

NOSZ-S1	***Height***	
All activities	1. The maximum height of any *building* or *structure* is 6 metres above *ground level*.	**Activity status where compliance is not achieved:** Restricted Discretionary

[13] Consequential to Decision 14

	Excluding roof mounted *structures* such as: panels, architectural features, satellite dishes or antennas, aerials, flues, not more than 1 metre above *height* limit and not more than 1 metre in width or length.	**Matters of discretion:** 1. The adverse *effects* on the amenity and character of the locality, including open character of the Zone. 2. Impacts on Ngāi Tahu cultural values listed in Appendix 5 Landscape values NFL- APP and Appendix 6 - Mataura River Natural Character -NATC APP where relevant. [14] 3. The adverse *effects* on *sites* adjoining the Zone, including outlook, privacy, shading and sense of openness. 4. Whether the *structure* can be more appropriately located to minimise adverse visual amenity *effects.* 5. The reason for the increase in *height.*
NOSZ-S2	***Setbacks* from side and rear *boundaries***	
All activities	1. Any *building* or *structure*, excluding *fencing*, must be *setback* a minimum of 25 metres from any side or rear *boundary.*	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The adverse *effects* on the amenity and character of the locality, including *effect* on the open character of the Zone. 2. The adverse *effects* on *sites* adjoining the Zone, including outlook, privacy, shading and sense of openness. 3. Whether the *structure* can be more appropriately located to minimise adverse visual amenity *effects.* 4. The extent to which the reduction in the *setback* is necessary due to the shape or natural and physical features of the *site.*
NOSZ-S3	***Setbacks* from *road boundaries***	

[14] Consequential to Decision 46

All activities	1. Any *building* or *structure*, excluding *fencing*, must be setback a minimum of 10 metres from any road boundary.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The adverse *effects* on the amenity and character of the locality, including *effect* on the open character of the Zone. 2. Whether the *structure* can be more appropriately located to minimise adverse visual amenity *effects.* 3. The safety and efficiency of the *road* network.
NOSZ-S4	***Setbacks* from *rivers* and *streams***	
All activities	1. Any *building* or *structure* is *setback* from the top of the closest bank of any ~~*stream* or~~ *river* or *stream* the minimum distance as follows: (a) 20 metres for high order *rivers* or *streams* (order 5 and above) (b) 10 metres for middle order *rivers* or *streams* (order 3 and 4) (c) 5 metres for low order *rivers* or *streams* (order 1 and 2). [15]Except that *fences* of post and wire construction are permitted within the *setback* where these are: (i) not constructed with wire mesh if located within an area of Actual or Potential Inundation as identified within the *Natural Hazards* layer of the Planning Maps; (ii) not located within the ~~stream or~~ *river* or *stream bed*;	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. Whether there is a *functional need* for the *building* or *structure* to locate in a riparian margin, and the extent to which alternative practicable options have been considered and their feasibility. 2. The *effects* on *water* quality and the stability and health of the *river* or *stream bed* and banks, including erosion and *sedimentation control measures*. 3. The nature of existing riparian vegetation and the *effects* of proposed planting or modification on indigenous biodiversity and ~~/or habitats.~~ proposed mitigation measures, including: (a) opportunities for enhancement and restoration; (b) methods proposed to monitor or inspect the works undertaken;

[15] Consequential to Decision 16, paragraph 6.8.7

	(iii) not constructed across the ~~stream or~~ *river* or *stream* channel; or (iv) not constructed across or along a Flood Bank~~; and~~. Except that lawfully established crossings and bridges are permitted within the lower order *river* or *stream setback* (order 1 and 2). Refer to Appendix 3 for *river* and *stream* orders and guidance on *river bed* extents and the location of banks for measuring *setbacks*.	(c) the timing of works to minimise adverse *effects* on *threatened or at risk* indigenous species; and (d) management of potential adverse *effects*. [16] 4. The natural character of the riparian margin and the *effects* of the activity on landscape values and the ability to restore, rehabilitate or enhance riparian areas. Refer also to Appendix 5 Landscape values NFL- APP and Appendix 6 - Mataura River Natural Character -NATC APP where relevant. [17] 5. Impacts on Ngāi Tahu cultural values ~~including those~~ listed in ~~the MW2.3~~ MW-1.2.[18] 6. The *effects* on public and customary *access* to the ~~stream or~~ *river* or *stream*. 7. The potential for ~~flooding~~ *buildings* or *structures* and to create new or exacerbate existing *natural hazards*, impact natural drainage patterns, redirect overland flow paths or flood flows, including on to other *sites*.
NOSZ-S5	***Building coverage***	
All activities	1. The total *building* coverage across the *site* must not exceed 2.5 ~~percent~~%.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The *effects* on natural, ecological, landscape, cultural and/or *historic heritage* values , including Ngāi Tahu cultural values listed in MW-1.2[19] of the surrounding *environment*.

[16] Consequential to Decision 46
[17] Consequential to Decision 46
[18] Consequential to Decision 14
[19] Consequential to Decision 14

2. The adverse *effects* on nearby *sites*, including outlook and sense of openness.
3. The *effects* on *stormwater* management.