

17.9 OPEN SPACE ZONE RULES

Refer to Policy sets 6.7, 7.1, 7.2, 7.3, 7.4, 8.1, 8.2, 9.1, 9.2, 11.1, 11.2, 12.1, 14.1 - 14.4.

17.9.1 Scope of Section

This section deals with land uses in the Open Space Zone. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan.

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17.9.2 Land Use

17.9.2.1 Permitted Activities (Land Use)

Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

Activities

- (a) The activity is one of the following:
- (i) a playground, picnic facility, public shelter or neighbourhood open space;
 - (ii) a public garden and accessory buildings;
 - (iii) a walkway or cycleway.
 - (iv) public toilets;
 - (v) a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height;
 - (vi) an activity consistent with any reserve management plan approved for the land under the Reserves Act or any subsequent legislation.

C73
Op 6/23

Noise

- (b) Except in the Richmond West Development Area, noise generated by the activity, when measured at or within the notional boundary of any dwelling in an Open Space Zone, a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed:

C10 10/07
Op 3/14
C19 5/10
Op 8/12

	Day	Night
L _{eq}	55 dBA	40 dBA
L _{max}		70 dBA

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;
- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturdays (but excluding public holidays).
Night = All other times plus public holidays.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics - Environmental Noise*. C10 10/07
Op 3/14

- (c) In the Richmond West Development Area, noise generated by the activity when measured at or within the notional boundary of any dwelling in an Open Space (other than any dwelling on the site from which the noise is being generated), Rural 2, Recreation, Tourist Services or Mixed Business zone, does not exceed:

	Day	Night
L_{eq}	55 dBA	40 dBA
L_{max}		70 dBA

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from mobile horticultural and agricultural equipment:

- N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night = All other times plus public holidays.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics - Environmental Noise*.

Setback

- (d) Buildings are set back at least 3 metres from any boundary.
- (da) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following: C73
Op 6/23
- (i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.
 - (ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
 - (iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

Height

- (e) The maximum height of any building is 7.5 metres, subject to condition 16.6.2.1(k).

Building Envelope

- (f) No building projects beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries. The angle is calculated according to the elevation calculator in Schedule 17.1A.

Building Coverage

- (g) Maximum building coverage is 15 percent.

Stormwater

- (h) (i) EITHER C7 7/07
Op 10/10
All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.
OR
The discharge complies with section 36.4 of this Plan.
- AND
- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

Electricity Transmission Corridor

C10 10/07
Op 3/14

- (i) In the Richmond West Development Area, the building is set back at least 20 metres from the centreline of the electricity transmission line as shown on the planning maps.

Amenity Plantings

C10 10/07
Op 3/14

- (j) All amenity plantings located within 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure:
- (i) access to support structures is retained; and
 - (ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

17.9.2.2 Restricted Discretionary Activities (Land Use)

C10 10/07
Op 3/14

Any building that does not comply with condition (i) of rule 17.9.2.1 is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion:

Electricity Transmission Corridor

- (1) In the Richmond West Development Area:
- (a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
 - (b) the extent to which the buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

17.9.2.3 Restricted Discretionary Activities (Land Use)

C10 10/07
Op 3/14

Any land use that does not comply with condition (j) of rule 17.9.2.1 is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion:

Amenity Plantings

- (1) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

17.9.2.4 Restricted Discretionary Activities (Land Use)

C10 10/07
Op 3/14

The use of the land in Record of Title 56/140 (Pt Sec 215 Waimea East District; Lower Queen Street, Richmond; occupied by Grace Church) as an education facility is a restricted discretionary activity, if it complies with the following conditions:

- (a) For construction of or extension to any building, a report is prepared by an appropriately competent person in coastal and structural engineering, that states:
- (i) subject to measures specified in the report:

- (a) the building will not be likely to be subject to damage from erosion or inundation by the sea during the useful life of the building (of at least 50 years); and
 - (b) the use of the building as part of an educational facility will not be likely to be limited by erosion or inundation by the sea during the useful life of the building;
 - (c) the building will not be likely to result in or contribute to erosion, inundation or damage to any adjoining property during the useful life of the building;
 - (ii) specific measures in relation to site preparation and building location, design and construction that will be adequate to prevent the risks identified above during the useful life of the building.
- (b) Buildings are confined to that part of the site that is landward of the Transpower Stoke – Upper Takaka B 50/66 kV transmission line crossing the site. (Or, if the transmission line is relocated, landward of a straight line between coordinates 2524953, 5986995 and 2525181, 5986889, being the points where the line currently crosses the site boundaries.)
- (c) Maximum building coverage is 65 percent in that part of the site described in (b).
- (d) Building height does not exceed 7.5 metres above the building platform, or 12.1 metres above mean sea level (datum reference: NVD55), whichever is the lesser.
- (e) Building colour complies with the conditions of resource consents RM040756 and RM040757.
- (f) Site landscaping complies with the conditions of resource consents RM040756 and RM040757.
- (g) Buildings are set back 10 metres from any road boundary and 5 metres from any other boundary in that part of the site described in condition (b) of this rule.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

- (1) The effects of natural hazards on the use and development of the site.
- (2) The effectiveness of measures proposed to reduce risk from natural hazards.
- (3) The duration of the consent (Section 123 of the Act) and the timing and purpose of reviews of conditions (Section 128).
- (4) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

17.9.2.5 Discretionary Activities (Land Use)

Any land use that does not comply with the permitted conditions of rule 17.9.2.1, 17.9.2.2, 17.9.2.3 or 17.9.2.4 is a discretionary activity.

C10 10/07
Op 3/14

A resource consent is required and may include conditions.

17.9.20 Principal Reasons for Rules

As the zone is primarily for low key informal recreation, with an emphasis on the maintenance of open space, only a limited number of activities are permitted and maximum building coverage is low. Any buildings erected should be of a scale that is compatible with residential buildings. No parking spaces are required as these areas are primarily neighbourhood reserves accessed by pedestrians.

Richmond West Development Area – Open Space and Noise

C10 10/07
Op 3/14

The Open Space Zone adjacent to the Waimea Inlet in the Richmond West Development Area provides not only a buffer between land-based activities and the significant natural values associated with the estuary, but also to the adverse effects of coastal inundation and sea level rise. The width of this zone generally corresponds to the 3-metre contour above mean sea level (datum reference: NVD55) which has been identified as a reasonable response to manage these future effects and as a consequence acts to limit the amount of development and investment in infrastructure that may be undertaken within this area. In addition, this area is recognised as having significant conservation, education, amenity and recreation values for the wider community that would benefit from some form of protection and enhancement. Proposals for the area include walkway/cycleway networks linking residential areas with the coast and the Borck Creek reserve, interpretation panels about the natural (fauna, flora and natural processes) and cultural history of the landscape, and re-vegetation works that reflect the Waimea Inlet Coastal Flats Indigenous Ecosystems.

The Waimea Inlet is also recognised as contributing to the landscape character of Richmond equally as much as the Richmond Hills. Making connections from the hills to the sea is an important consideration in future development of the area to enable the community to experience the coastal landscape and ecology. Presently access to the Waimea Inlet is restricted and the environment is not inviting. Recent developments at the end of Sandeman Road provide an insight to the access networks that can be provided.

The extent of the Open Space Zone and distance from some parts of Richmond may mean that road access and parking areas also need to be provided at strategic locations along the zone to enable the less mobile in the community to access and enjoy the coast. The proposal also identifies two non-vehicle access points. Existing vehicle access to the coast is from Sandeman Road and would also be provided from Beach Road in the future.