

# Chapter 15 — Public Open Space

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## 15.1 INTRODUCTION

### 15.1.1 Defining Public Open Space

Open Space is land, airspace or a body of water or a combination of these elements which are relatively free of buildings and/or surface infrastructure. It comprises **public open space** (eg. parks, reserves, beaches) and **private open space** (eg. vacant residential sites in urban areas, rural farm land and schools).

For the purposes of the District Plan **public open space** refers to land *above* Mean High Water Springs which is relatively free of buildings and/or surface infrastructure and is administered and owned by either a central, regional or local government agency for the purpose of providing:

- public access to open land, foreshore, rivers and streams, and areas of heritage significance and/or;
- a stock of land including coastal land for the purposes of heritage protection, the protection of biodiversity, landscape enhancement, recreation opportunity, education, and environmental protection.

Traditionally people have used different terms (eg. parks, reserves) to describe the public open space network. This chapter uses the one term, **public open space** (P.O.S.) to represent land commonly known as park, reserve, esplanade reserve, beach, or civic area, and includes those land areas acquired by the Council for flood protection/water quality purposes which have recreation potential.

### 15.1.2 Purpose of Public Open Space

The public open space network generally contributes to:

- Community purposes (the City's social infrastructure);
- Environmental protection;
- Enhancing the City's form and identity.

Public open space has always been used for community purposes such as recreation, socialising, and community development services. Public open space recreation uses include active and passive recreation.

Active recreation takes place on those areas that contain sports fields, courts, athletic tracks, or any other facilities which indicate that they are used predominantly for organised, competitive sports or otherwise organised 'active' pursuits. Passive recreation takes place on both active public open space and all the rest of the public open space network.

Passive public open space areas can be of varying sizes depending on the community they serve. Neighbourhood reserves serve the local or neighbourhood community while other larger passive public open space areas (such as Mangere Mountain or Puhinui Reserve) serve the city-wide community because they protect Manukau City's heritage for current and future generations.

Passive public open space may be used for informal games, but this is not its predominant purpose. People go to 'passive' public open space areas for relaxation, walking, jogging, picnics, barbecues, feeding the ducks, and observing features of scientific/heritage interest.

Public open space is also commonly used for the location of community facilities eg. recreation centres, halls, swimming pools, libraries, arts and cultural centres, community houses, clubrooms, kindergartens, marae and kohanga reo. Colin Dale Park is intended to be used as a site for motor sport activities.

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Public open space helps to protect the quality of the environment. The open and permeable nature of the spaces affords opportunity for flood protection/water quality areas, where stormwater including the contaminants and sediments it contains may be absorbed before it enters the City's harbours and waterways. Some public open space areas have ponds located on them which treat stormwater and protect against the effects of flooding at times of storm events.

Walkways and cycleways inter-connecting the public open space network with business and residential areas provide an alternative transport system which helps to offset the effects caused by motorised transport. The trees and vegetation found on public open space absorb noise and dust pollution, while also creating space of natural beauty and visual relief within the urban areas.

Other public open spaces protect areas of significant ecological value and help to conserve a representative spectrum of indigenous vegetation and wildlife. They may also have been selected in order to protect landscape features of significance such as the volcanic cones and beaches of Manukau City. Other cultural and natural heritage resources such as waahi tapu, significant geological and archaeological sites, and historic buildings can also be found on public open space.

Public open space helps define Manukau City's form and identity. Strategically placed public open space ensures public access to different parts of Manukau City's environment eg, the coast, rivers and indigenous bush areas. The public open space network also contributes to the attractiveness and liveability of the City. This can encourage business and residents to locate in the City and enhances tourism.

### **Role of Private Open Space**

It is recognised that the private sector may also contribute to achieving the above purposes, for example where private open space is seen to contribute to amenity values and the absorption of stormwater, and golf courses offer recreation opportunities. Private open space can therefore be seen as complementary, and in some cases may be used as a substitute for public open space where partnership arrangements and financial incentives can be negotiated to ensure public access to the use of privately owned land.

Regulatory provisions for private open space areas are contained in other chapters e.g. golf courses may be found in areas zoned residential.

### 15.1.3 Inventory of the Public Open Space Resource (Sept 1994)

WARD	Est. pop. 94	PASSIVE ACTIVITIES (ACCESS, NEIGHBOURHOOD, AMENITY, HERITAGE) P.O.S ZONES 1 & 2		ACTIVE OUTDOOR RECREATION AND ORGANISED SPORTS P.O.S ZONE 3		COMMUNITY PURPOSE BUILDINGS AND INDOOR RECREATION FACILITIES P.O.S ZONE 4		ESPLANADE RESERVES, DRAINAGE, WATER QUALITY P.O.S ZONE 5		TOTAL P.O.S. ADMINISTERED BY MCC	
		Ha	Ha/1000	Ha	Ha/1000	Ha	Ha/1000	Ha	Ha/1000	Ha	Ha/1000
Manurewa	53,334	466.44	8.75	108.11	2.0	9.72	0.18	69.36	1.3	653.63	12.26
Howick	35,395	85.45	2.4	22.72	0.6	3.37	0.10	24.49	0.7	136.03	3.84
Otara	30,350	59.8	1.7	65.17	2.1	5.16	0.17	49.64	1.6	179.77	5.92
Clevedon	8,983	192.99	21.5	23.13	2.6	3.2	0.36	79.21	8.8	298.53	33.23
Mangere	40,235	72.3	1.8	78.62	1.95	8.47	0.2	21.6	0.5	180.99	4.5
Papatoetoe	34,818	22.29	.64	45.36	1.3	3.69	0.1	3.38	0.1	74.72	2.15
Pakuranga	34,059	142.60	4.2	82.66	2.4	7.21	0.2	42.2	1.2	274.67	8.06
TOTALS	237,174	1,041.87	4.39	425.77	1.8	40.82	0.17	289.88	1.23	1,798.34	7.58

At September 1994 Manukau City Council administered 1055 public open space areas which are diverse in their form, size, function, and geographic location. Their area totalled 1,798.34 ha. This amount is constantly changing as more public open space is acquired.

The Auckland Regional Council and the Department of Conservation are two other major public open space providers within Manukau City. At September 1995 the Auckland Regional Council owned and administered 7 major public open space areas in Manukau City, as follows:

- Ambury Regional Park (Mangere)
- Auckland Regional Botanic Gardens (Manurewa)
- Tawhitokino Regional Park (Clevedon)
- Tapapakanga Regional Park (Clevedon)
- Omana Regional Park (Clevedon)
- Hunua Ranges Regional Parkland (Clevedon)
- Duder Regional Park (Clevedon)
- Total: 3294.28 ha.

Kiripaka Wildlife Scenic Reserve (547 ha) located in Clevedon is jointly owned by the Auckland Regional Council, Manukau City Council, and the Department of Conservation. The reserve is vested in the Department of Conservation and is managed by the Auckland Regional Council.

At September 1994, the Department of Conservation owned and administered approximately 27 public open space areas of greatly varying sizes in the City as part of its Conservation Management Strategy. Their area totalled 559.33 ha.

Together all of these public open space areas including public walkways and cycleways and bridle trails make up Manukau City's public open space network.

At September 1994, approximately 11% of the total land area of Manukau City was dedicated to public open space (Crown, regional and local), for the benefit and use of all residents and visitors to Manukau City.

However, only a small proportion (3%) of the City's land resources was dedicated to public open space administered by Manukau City Council for the needs of Manukau City residents and workers specifically. The focus of this chapter is public open space administered by Manukau City Council. However, the contribution of other public open space providers is also recognised.

### 15.1.4 The Statutory Context

Key statutes relating to the provision and management of public open space include the following:

#### The Resource Management Act 1991 and Amendments

(a) **Pertaining to Financial Contributions for the purpose of acquisition and development of public open space**

Section 5 of the Resource Management Act requires resources to be managed in a way or at a rate that enables people and communities to provide for their social, economic and cultural well being, health and safety, while sustaining the potential of resources to meet the reasonably foreseeable needs of future generations, safeguarding the life supporting capacity of natural resources and avoiding, remedying or mitigating any adverse effects on the environment.

Financial Contributions known as Reserve Contributions in this Chapter are the regulatory method used for funding land acquisition and development of public open space to achieve the purposes of the Act as set out in Section 5.

The financial contribution provisions are established under Sections 108 and 220 of the Act.

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(b) **Pertaining to Esplanade Areas**

The Resource Management Act enables the Council to secure esplanade reserves or esplanade strips along the coast and the banks of rivers and streams. Section 229 of the Act sets out the purposes of esplanade reserves and esplanade strips which are:

"(a) To contribute to the protection of conservation values by, in particular:

- (i) Maintaining or enhancing the natural functioning of the adjacent sea, river or lake; or
- (ii) Maintaining or enhancing water quality; or
- (iii) Maintaining or enhancing aquatic habitats; or
- (iv) Protecting the natural values associated with the esplanade reserve or strip; or
- (v) Mitigating natural hazards; or

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(b) To enable public access to or along the sea, river or lake; and

- (c) To enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river or lake, where the use is compatible with conservation values."

Esplanade reserves along the mark of mean high water springs of the sea and the banks of rivers and streams are subdivided and vested in the Council's ownership generally at the time of land subdivision.

Esplanade strips remain in private ownership but restrictions are recorded on the title of the land. The restrictions are determined by the Council as a condition of subdivision consent. The Tenth Schedule of the Act sets out requirements relating to esplanade strips.

An esplanade reserve is generally required to be a minimum of 20 metres in width. However, section 77 of the Act sets out that rules may be included in the District Plan to waive the requirement for esplanade reserve, or for the width to be increased or decreased.

Section 237E requires that where an esplanade reserve or strip wider than 20 metres is taken where an allotment less than 4 hectares in area is created, compensation is payable to the landowner for the additional land taken. Similarly under section 237F, where esplanade reserve or strip is acquired where an allotment greater than 4 hectares is created, compensation is payable for all of the land involved.

Section 237B provides for the creation of access strips. These are narrow public pedestrian access ways negotiated with the landowner to provide access to or alongside a water body. Such an easement may include conditions and be in accordance with the Tenth Schedule of the Act. Access strips are a type of easement in favour of the Council with ownership remaining with the landowner. Restrictions on public use can be built into the agreement.

### **The Reserves Act 1977**

This Act stipulates what constitutes a reserve, requires the classification of reserves (as recreation, scenic, nature, historic, scientific, Government purpose, or local) and governs the uses that are allowed to take place on each type of reserve. It also specifies how land can be acquired for a reserve, what can not take place in reserves, and the procedures that must be adhered to concerning any business regarding reserves. These provisions should then be articulated in Reserve Management Plan/s (as is required under Section 41 of the Act) which are open for public submission before being adopted.

The relationship of the Reserves Act to the Resource Management Act is a complementary one. Together the Acts operate a dual mechanism for the protection and management of land classified as reserve land under the Reserves Act. The Resource Management Act sets the legal basis for the District Plan in managing the effects on the environment of activities taking place on public open space zones.

While the Reserves Act ultimately determines the types of uses appropriate for those public open space areas that are classified under the Reserves Act, the purpose and principles of the Resource Management Act must guide all environmental policy and management. However in doing so consideration must be given to any management plans and strategies prepared under other Acts (Resource Management Act, Section 74(2)(b)).

### **The Public Works Act 1981**

The Public Works Act affords the Council opportunity to acquire land for public open space purposes by agreement with the owner (Section 17). This procedure is not often used but it is useful in certain situations where a subdivisional process would otherwise be required. If the owner refuses to negotiate, Council can resort to compulsory acquisition under Section 18.

Section 40 of the Act makes provision for the disposal of land no longer required for a public work. As a public open space is a public work, technically speaking the Act may then be used to dispose of land no longer needed for public open space.



### **The Historic Places Act 1993**

This Act protects all archaeological sites (which are the result of human activity prior to 1900) from unauthorised damage. There is also provision in the Act to declare post-1900 sites “archaeological sites” if they are able to provide significant evidence relating to the historical and cultural heritage of New Zealand.

Under the Historic Places Act an application must be made to the NZ Historic Places Trust for an authority to destroy, damage or modify an archaeological site. This includes sites that are not recorded, but which are subsequently discovered as a result of development or other activity, as these are also protected by the Historic Places Act 1993.

### **The Conservation Act 1987**

This Act covers Crown land owned by the Crown which is administered by the Department of Conservation (examples include former State Forests and Wildlife Management Reserves). The Department can acquire land under the Reserves Act or the National Parks Act.

The Conservation Act requires that the Department of Conservation (DOC) prepare a Conservation Management Strategy which covers all of the lands, marine areas and historic resources it administers including conservation areas, reserves, wildlife refuges, marine reserves, walkways and historic sites and features.

The requirements of the Conservation Management Strategy for lands administered by DOC are seen to be a complementary means for management along with the provisions of this District Plan. Section 4 of the Resource Management Act 1991 states that (except for land held for administration purposes) no land use consent is required for any work or activity of the Crown within the boundary of any land (ie. within reserves and conservation areas) that is:

- (a) consistent with a Conservation Management Strategy or management plan and;
- (b) which does not have a significant adverse effect beyond the boundary of the area.

This means that the objectives, policies and rules of this chapter will apply only where works of the Crown do not comply with the Section 4 criteria or where the work or activity is being undertaken by a lessee or licensee.

### **The Local Government Act 1974**

The Local Government Act 1974 provides for the management of regional parks by the Auckland Regional Council, in accordance with approved park management plans. The purpose of each plan is to provide for the use, enjoyment, maintenance, protection and sensitive development of the park in keeping with its natural character and within the limits of the Regional Council's resources. The plan once adopted by the Auckland Regional Council, operates for a period of five years, or until a review is necessary.

## **15.2 RESOURCE MANAGEMENT ISSUES**

Four resource management issues have been identified relating to public open space in Manukau City. A summary of each issue is stated in bold before discussion of the issue.



### 15.2.1 Development causes effects on the environment which generates needs for Public Open Space

It is critical that the Public Open Space needs of people and communities are identified and provided for at the time of subdivision and development. While the provision of Public Open Space is an integral part of any subdivision or development design, in some situations the subdivision or development is in respect of a site which is subject to such constraints or of such a size that the adequate provision on-site of public open space is precluded. In these circumstances, such development causes environmental effects which generate the need for public open space. These environmental effects include:

- (a) additional stress and demand on the City's natural resources;
- (b) changing amenity values such as the amount of space around buildings, streetscape appearance, the "attractiveness" and liveability of areas which includes social, economic, and cultural conditions in the City;
- (c) the effects of development on people's health and well being;
- (d) adverse effects on heritage resources.

These environmental effects, and the corresponding needs for public open space, are discussed below.

- (a) Development can adversely affect the quality of the City's natural resources. The burning of fossil fuels, the release of chemicals into the air from industrial practises, vegetation removal and resulting dust as part of the process of subdivision, all contribute to the pollution of the City's air resource.

Stormwater runoff and the contaminants/sediments it contains affects the life-supporting capacities of Manukau City's waterways and harbours. Development often results in much of the land under development being covered by impermeable surfaces which can increase the amount and rate of stormwater flow which in turn cause flooding and erosion. An amount of land is needed to be kept free of buildings and surface infrastructure to offset these effects on the City's natural resources and to allow for planting, water quality ponds or other appropriate mitigation techniques.

- (b) Social, economic, aesthetic and cultural conditions and levels of amenity in the City can be influenced by the nature and form of development and growth. Traditionally New Zealanders have enjoyed low density living i.e. residential development with a high degree of open space around housing.

However this pattern of residential development is becoming increasingly more difficult to justify in terms of the efficient and effective use of the City's natural resources and infrastructure. This means that traditional patterns of residential development are less likely to be encouraged and that there will be a reduction in private open space around housing resulting in less space for gardening, kicking a ball, taking time out in a natural environment or any other recreation which frequently took place in the backyard. The environmental effects of these changes are uncertain and yet to be monitored in Manukau City.

Cultural traditions in New Zealand include the tradition of having public access to the coast, lakes, rivers, and streams. The subdivision of land provides the opportunity for coastal and marginal land to be acquired to ensure the long-term protection of public access. When development occurs in the absence of subdivision, it can impede the opportunity for public access to the coastal environment and inland lakes, rivers and streams unless some of the land adjoining these areas is withdrawn from private ownership and maintained for public use and enjoyment.

Maintaining access to these areas is a matter of national importance to be recognised and provided for in the management of the City's resources. Maintaining the character of the coastal environment (which in part includes public access), as well as natural features is also a matter of national importance to be provided for under the Resource Management Act 1991 Section 6(a).

Public open space is able to enhance social, economic, aesthetic and cultural conditions within the City, and also contributes to offsetting the adverse effects of development on amenity values.

- (c) People have physical, psychological, intellectual, emotional and spiritual needs for open space that have been documented by medical and social/recreational professionals for some time<sup>1</sup>.

Development that does not accommodate appropriate public open space to meet these needs can cause adverse effects on people's health and well being.

It is difficult to accurately define a minimum level of public open space below which residents would suffer detriment, due to many cultural, inter-generational, and population variables. Neither health professionals nor scientists are willing to quantify the amount of public open space needed to enable healthy communities.

Changing and unknown factors pertaining to the amount of public open space needed to offset the effects of development include: lack of knowledge regarding the full effects of intensive housing on the needs for public open space; unknown future recreation trends; differences in cultural needs for public open space; lack of knowledge regarding levels and types of pollution that may be mitigated by the use of public open space; and continuously changing population demographics.

The potential for development to have adverse effect on people's health and well being means there is a need for a guaranteed minimum level of public open space appropriate to the recreational, social, and cultural needs of residents and workers of Manukau City.

- (d) Development can also adversely impact on natural and cultural heritage resources which give Manukau City its unique identity.

Natural heritage (eg. indigenous ecosystems such as: forests, wetlands, streams, rivers and estuaries; views; indigenous wildlife; and geological sites), and cultural heritage (eg. archaeological sites, waahi tapu, historic buildings and structures) resources can be lost, damaged or desecrated if they are not identified and protected before subdivision and development occurs.

Historic legal and subdivision practices have resulted in much of tangata whenua heritage either passing out of their ownership or being damaged or destroyed. The Council has a statutory responsibility by virtue of Sections 6(e), 7 and 8 of the Resource Management Act to promote processes and mechanisms that will provide better protection of tangata whenua taonga which include both natural and cultural aspects of heritage.

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- 1. (a) Health and Leisure: Inextricably Linked. Wankel, L.M (Prof.), Journal of Physical Education, Recreation and Dance. April 1994. Canada.
  - (b) Public Health Focus: Physical Activity and the Prevention of Coronary Heart Disease. Morbidity and Mortality Weekly Report, 42(35). 1993. Canada.
  - (c) Life in New Zealand Survey. Hillary Commission. University of Otago. 1992. Dunedin, New Zealand.

The acquisition of land that contains natural and cultural heritage features as public open space guarantees the protection of, and public access to these resources for future generations.

### **15.2.2 The effects of development have not always been recognised in the provision of public open space causing an uneven distribution of public open space across the City and affecting people's opportunity to experience the benefits of public open space**

Public open space is not spread evenly across the City. In the Papatoetoe Ward and parts of the Howick Ward public open space is currently a scarce resource. In these areas the standard falls below the traditional standard of 4 ha per 1000 population. There are also distribution problems where there is sub-standard provision of particular types of public open space.

Analysis at the Census Area Unit level highlights other deficiencies. Currently 13% of residences within the City are not within walking distance of a neighbourhood reserve while all wards are deficient in public open space for the siting of community purpose buildings and facilities.

Where land for public open space is not being increased in response to population growth and/or more intensive residential settlement patterns there is potential to adversely affect the quality of existing public open space through overuse, crowding, and conflicts of interests.

If the carrying capacity of the public open space network is exceeded then the quality of existing public open space is reduced e.g. surfaces are deteriorated, vegetation can be damaged or lost, space for solitude and quietness is lost, the sense of space is eroded and requests for the use of the public open space areas must often be declined. All of this results in exclusion and a lack of space for active and passive sports or recreational activities, educational and social opportunities, amenity, landscape enhancement, and environmental protection.

The distribution of public open space across the City affects the level of environmental quality, community development and amenity that residents, workers, and visitors to the City will experience. In the planning of public open space the Council in its role as protector of "the public good" must ensure equal opportunity for all to have relief from the effects of development.

### **15.2.3 Public open space is a scarce resource that has to be managed in a way that meets diverse and changing needs**

Manukau City has a large distinctly diverse population encompassing a range of ethnic and age groups that each have their own specific needs for public open space. For example, the youthful and predominantly Pacific Island population of Otara (where 80% of the population is under the age of 25 years) requires more 'active' areas for sports and informal games like kilikiti (Island Cricket).

In comparison, residents in other wards are generally satisfied with the level of provision of active public open space and would like to see an increase in the amount of passive and heritage public open space around the City.<sup>2</sup>

Traditionally public open space has been used to site buildings and structures associated with sports, recreation or community development such as: recreation centres, halls, swimming pools, arts and cultural centres, pre-school education facilities, clubrooms, marae, plunket rooms, community houses and scout dens.

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2. Manukau Parks and Civic Areas Survey, National Research Bureau Ltd, Auckland, New Zealand. 1993.

Surveys undertaken by this Council confirm the need for a diversity of public open space types in order to satisfy the many different recreational, heritage, educational and community needs that people in this City have. However, the demand for buildings associated with community purposes, education and recreation is increasing. These demands conflict with the ability of public open space to serve other functions which are dependent on the spaces retaining their open space character.

Section 7 of the Act requires the Council to have regard to a number of matters in the development, use and protection of natural and physical resources. One of these is the efficient use of resources. Buildings and structures on public open space are a physical resource. However, many buildings on public open space are under-utilised and poorly maintained and are developed for a single purpose. Public open space taken up for building purposes decreases the ability of that land to meet other functions, and decreases the overall ratio of public open space available for outdoor recreation, amenity (visual relief and beautification), heritage and environmental protection.

#### **15.2.4 Activities taking place on public open space can cause adverse environmental effects on surrounding areas and on the quality of the public open space network itself**

At present a range of public open space types are provided throughout the city for different purposes. It is assumed that this variety will continue, based on the multi-purpose role public open space has and the many needs residents and workers in Manukau City have for public open space.

However, effects of activities taking place on public open space can be detrimental to properties adjoining the public open space and can include traffic generation, noise from crowds and public address systems, glare from floodlighting, and overshadowing or visual intrusion by buildings/structures located on public open space.

Motor sport activities have unique environmental effects which need to be managed appropriately and may require those activities to be restricted to specific locations.

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The effects of activities taking place on the public open space to the public open space network itself can include damage to environmentally sensitive areas such as wetland, bush, harbour and freshwater ecosystems, geological and archaeological features, or other natural or cultural heritage resources if they are not well managed and protected from human interference. Over use of the public open space can cause general deterioration of the quality of the space and conflict amongst users.

Conflicting activities on public open space can undermine the predominant purpose of a particular public open space type (eg. playing sport in a passive recreation area can undermine the sense of peace a person expects to experience in a passive area). Poorly designed and poor external appearances of buildings and structures located on public open space can adversely affect the visual amenity of the public open space. Buildings may also detract from the character of the coast if they are not designed and located so as to be compatible with coastal landforms and features.

Issues common to all public open space types include the need for the public to feel a sense of personal safety and be able to enjoy their visit to a public open space.

### 15.3 OBJECTIVES

#### Objective

- 15.3.1 To ensure that the provision, development, and distribution of public open space enables current and future residents, workers, and visitors to Manukau City to provide for their social, cultural, spiritual, physical and psychological health and well being.**

(This objective relates to Issues 15.2.1, 15.2.2 and 15.2.3)

#### Objective

- 15.3.2 To ensure that the provision and development of public open space occurs in a way that maintains and enhances the quality of the City's environment.**

(This objective relates to Issues 15.2.1, 15.2.2, 15.2.3 and 15.2.4)

#### Objective

- 15.3.3 To ensure tangata whenua are involved in the management of the provision and development of public open space.**

(This objective relates to Issues 15.2.1, 15.2.3 and 15.2.4)

#### Objective

- 15.3.4 To ensure the effective, efficient and safe use of public open space.**

(This objective relates to Issue 15.2.3 and 15.2.4)

#### Objective

- 15.3.5 To protect the amenity values of neighbouring residential areas.**

(This objective relates to Issue 15.2.4)

#### Objective

- 15.3.6 To maintain and enhance the amenity values of public open space areas.**

(relates to Issues 15.2.2, 15.2.3 and 15.2.4)

#### **Explanation/Reasons**

*These objectives recognise that Manukau City's public open space network performs a variety of functions that are essential for enabling people and communities to provide for their health and well being and creating and maintaining a quality environment for current and future generations. Activities that take place on public open space have the potential to cause adverse effects on the natural and cultural heritage resources they protect, or the sustained use of the spaces over time. Activities taking place on public open space may also cause deterioration of the qualities associated with residential areas where public open space adjoins residential areas.*

*Objective 15.3.3 recognises the Council's obligation under Sections 6(e), 7(a) and 8 of the Resource Management Act to take the principles of the Treaty of Waitangi into account, and recognises the role tangata whenua have as kaitiaki of cultural and natural heritage of interest to tangata whenua.*

*Public open space is distributed across the City and represents a high level of investment in land and development for the benefit of residents, workers and visitors to Manukau City. Best use of public funds and sustainable benefits of the public open space network entails the efficient and effective provision and management of public open space.*

## 15.4 POLICIES

### Policy

#### 15.4.1

**The provision and development of public open space should be managed so that it:**

- (a) meets the recreational, social, cultural and educational needs and preferences of the local community and makes reasonable provision for increasing populations without foreclosing future options for the use of public open space for future generations;
- (b) enables tangata whenua to assume their kaitiaki responsibilities;
- (c) preserves or protects heritage resources of cultural or natural value;
- (d) enhances access to the coastal environment and inland lakes, rivers and streams;
- (e) enhances the character of the coastal environment;
- (f) enhances the quality of the City's harbours and inland waterways;
- (g) enhances the quality of the City's air;
- (h) assists in mitigating the adverse effects of natural hazards such as flooding and subsidence;
- (i) is suitable for its intended purpose;
- (j) enhances the aesthetics of the public open space, the neighbouring streetscape and the City's landscape;
- (k) can function as a network of interconnected areas;
- (l) enhances personal and vehicular safety.
- (m) protects the integrity of existing significant infrastructure.

[AM73]

### **Explanation/Reasons**

*This policy seeks to achieve Objectives 15.3.1, 15.3.2, 15.3.3, 15.3.4, 15.3.5, and 15.3.6.*

*Land for public open space is a scarce resource. If public open space is not put into place before development occurs it is generally expensive to remedy later. Sites of natural and cultural heritage value can also be lost at the time of development if not identified earlier for protection. Acquisition of public open space before development occurs helps to ensure an equitable distribution of public open space, and therefore equity in accessibility to a range of recreational/educational opportunities and environmental enhancement.*

*A network of linked public open spaces means that walkways and cycleways which provide an alternative transport system can be installed. Many activities that take place on public open space have significant traffic generating characteristics. It is expected that the development and use of walk/cycleways as alternative transport routes may reduce effects of vehicular transport, create more equity for participation in the activities taking place on public open spaces and reduce parking requirements. Small neighbourhood reserves are more likely to be accessed by foot, and therefore it is important that they are linked into the footpath/cycleway network.*

*Linked remnants of indigenous ecosystems as part of the public open space network helps to establish wildlife corridors through the City and increases opportunity for wildlife movement and habitats.*



*This policy seeks to ensure the availability of a range of public open space types that will enable different recreational experiences, visual amenity, environmental mitigation and heritage protection functions to occur. The policy recognises that a number of factors must be assessed so that the most efficient and effective match can be gained between provision and need.*

## Methods

- Acquiring land/cash for public open space through Reserve Contribution rules
- Rules for the Acceptance of Land for Reserve Contribution
- Rules for the use of Reserve Contributions
- Acquiring public open space using Rates and Loan Monies through the Annual Plan process
- Designating land for proposed public open space
- Public Open Space Land Acquisition Strategy
- Reserve Management Plans
- Relationships with Tangata Whenua
- Advocacy of sites of heritage/recreational value for joint or outright purchase to Auckland Regional Council and the Department of Conservation
- Operational Activities (maintenance, booking system for the regulation of use and allocation of sports grounds, partnerships with school, Manukau City Council Tree Policy, harvesting permits for plant material, pest control, eco-sourcing of plant material).
- Community Facilities Planning Process
- Financial Incentives
- Structure Planning maps and processes (see Future Development Areas Chapter — Chapter 16)
- Council Bylaws eg Bylaws relating to Dog Control affecting the safety of public open space users
- By indicating proposed walkways on planning maps
- By the use of Reserve Contribution monies for the enhancement of heritage resources on public open space
- Council Bylaws to enforce protection of scheduled heritage resources
- By producing information/education pamphlets to raise public awareness to the importance of protecting heritage resources
- Advocacy to the Auckland Regional Council and the Department of Conservation on heritage policies in their management documents for reserves
- Standards for the provision of public open space as set out in Section 15.15.1
- By the Council requiring where appropriate the preparation of a Conservation Plan to ensure the proper management of heritage buildings and archaeological sites.



**Policy****15.4.2**

**Buildings and Structures on Public Open Space should be designed and/or sited in such a way as to:**

- (a) enhance personal, pedestrian, and vehicular safety;
- (b) avoid, remedy or mitigate the effects of glare, noise, visual intrusion or loss of sunlight/daylight to neighbouring residential properties;
- (c) enhance the use of buildings for a variety of purposes;
- (d) be compatible with the function and predominant purpose of the public open space;
- (e) ensure access for people with disabilities;
- (f) enhance the visual amenity of the public open space;
- (g) avoid blocking overland flowpaths or natural drainage systems;
- (h) avoid the loss, damage, desecration or deterioration of natural and cultural heritage resources (including the coastal environment and the margins of rivers and streams).

**Explanation/Reasons**

*This policy seeks to achieve objectives 15.3.1, 15.3.2, 15.3.3, 15.3.4, 15.3.5 and 15.3.6.*

*Buildings and structures on public open space create effects. These effects need to be recognised in a way that will contribute to the ongoing sustainable management and use of the public open space and maintain the character and qualities of neighbouring residential areas.*

*The policy also recognises the special needs of certain groups in the community such as people with disabilities, and that these needs must be planned for in the design and location of buildings and structures in public open space.*

*Natural and cultural heritage resources are the connection between the past, present and future. They are what make Manukau City unique and give residents of Manukau their identity. These features can be easily damaged, desecrated or deteriorated by inappropriate development or activities taking place on public open space that contains them. Many public open space areas in P.O.S zones 1 and 5 contain natural and cultural heritage resources of local, regional or national significance. Council recognises it's responsibility to care for and pass on these heritage resources so that future generations may also benefit from them.*

*Special circumstances apply in respect of motor sports activities provided for on Colin Dale Park. That Park has been recognised as being suitable for a range of motor sports activities. In order to meet the terms of this policy a targeted management approach is required to:-*

- (a) *Have regard to the capacity and design of the local roading network, and in particular the Prices Road/ State Highway 20B intersection, as it existed in October 2008.*
- (b) *Have regard to the effects of noise, with particular regard to neighbouring residential properties at 50 Prices Road (Lot 1 DP 52648) and 55 Prices Road (Lot 2 DP 173452).*

[AM73]

## Methods

- By the use of zoning
- Performance Standards for noise and floodlighting, and Development Standards for yards, coverage, height in relation to boundary, accessways, relocatable structures, building line restriction alongside natural stream systems, limiting kiosk size and occurrences
- Matters for Control and Discretion including assessment criteria such as the design and external appearance of buildings, site layout and the protection of natural and cultural resources on public open space
- Reserve Management Plans that control design, colour and layout of buildings and structures in public open space zones and which indicate where heritage resources are located and how they are to be managed
- Scheduling of heritage resources (see Heritage rules, Chapter 6)
- Specifications for buildings under the Manukau City Council Shared Responsibilities Programme
- Manukau Parks Allocation of Reserve Sites for Community and Club Buildings Policy which limits what kind of buildings can be sited on public open space according to criteria
- The Asset Development Programme for community facilities determined as part of the Community Facilities Planning Process will prioritise which buildings/facilities are to be built on public open space and which buildings can be better utilised.
- Operational Activities (Maintenance Contracts specifications)
- Regulation of Signs — see General Procedures and Rules, Chapter 5
- Provisions in the Conservation Management Strategy (CMS) and Conservation Management Plans for the protection of heritage resources on Department of Conservation administered public open space areas.
- Adopt special rules managing traffic and noise associated with motor sports activities at Colin Dale Park.  
[AM73]

## Policy

- 15.4.3 Activities to be located on public open space that require buildings or structures should make efficient and effective use of existing buildings and structures.**

## Explanation/Reasons

*This policy seeks to achieve Objective 15.3.4. Buildings once they are sited on public open space, are often costly and difficult to remove. Public open space used for the siting of buildings and structures, is land that is no longer able to serve the functions which are dependent on the land retaining its open space character (eg. a sense of space and visual break in the urban environment, open space for recreation, drainage, and water quality/stormwater mitigation opportunities). While buildings and structures associated with sport, social, educational, and other community development activities are a legitimate use of public open space, this policy is a conscious decision to focus on the use of public open space land for buildings and structures. To ensure that this scarce land resource is used in the most effective and efficient way this policy requires that existing buildings/structures should be considered for use before new buildings/structures are erected. If existing buildings/structures are not suitable then new buildings/structures may be required.*

## Methods

- Matters for Restricted Discretionary and Discretion Activities including assessment criteria such as alternative siting and more efficient use of existing buildings, and whether there is a demonstrated need for the proposed building
- Reserve Management Plans.
- Operational Activities

## Policy

### 15.4.4

**Landscape design and planting of public open space should occur in such a way that:**

- enhances personal safety;
- enhances visual amenity of the public open space, neighbouring streetscape and landscape;
- does not impede the predominant function of the public open space;
- assists in improving water quality in streams located on public open space and adjacent water bodies where possible;
- assists in preserving the genetic purity of indigenous vegetation according to ecological districts identified by the Department of Conservation;
- does not cause damage to archaeological sites.

## Explanations/Reasons

*This policy seeks to achieve Objectives 15.3.1 and 15.3.2, and 15.3.6.*

*Landscape development and planting of public open space adds to the quality of public open space by increasing the aesthetics of the public open space, the streetscape and the landscape, acting as a visual buffer to buildings on public open space, and assisting in improving air quality by settling dust and through the uptake of CO<sup>2</sup>. Plants also assist in stabilising areas prone to erosion and absorbing stormwater.*

*The retention of existing riparian vegetation and planting of new vegetation along natural streams assists in filtering out sediments and protects the immediate stream environment from erosion. Replanting of public open space with plant material sourced from within the same ecological district assists with maintaining the genetic purity of indigenous plant species.*

## Methods

- Coverage control limiting building/structures on public open space thereby allowing more space for landscape development and planting
- Assessment criteria for controlled, restricted discretionary, and discretionary activities including site layout and landscape design requirements
- Manukau Parks Tree Planting Policy
- Reserve Management Plans which contain details on landscape design and planting for individual public open spaces.
- Reserve Contributions for funding of the development of public open space

- Manukau Parks — maintenance contract specifications
- Eco-sourcing of indigenous plant material for public open space plantings.

## 15.5 PUBLIC OPEN SPACE STRATEGY

The strategy for the provision and management of Manukau City's public open space network is based on recognising the critical contribution that public open space makes to :

### 1 Community Purposes — the City's social infrastructure:

- providing diverse sizes and types of public open space for recreation and community development in all its forms enabling people and communities to provide for their well being and health;
- maintaining options for future generations to meet their physical, spiritual, and intellectual needs — making public open space usable over time;
- providing for the relationships of Tangata Whenua with their taonga;
- creating educational and scientific opportunity.

### 2 Environmental Protection:

- the preservation or protection of Manukau City's natural and cultural heritage;
- mitigating the effects of some natural hazards (flooding and erosion) and pollution caused by development (visual, acoustic, water and air pollution).

### 3 Enhancing the character and quality of City form and function:

- enhancing visual amenity and city form;
- enabling access to different parts of the environment eg. the coast, along rivers and indigenous bush areas;
- enhancing the economy by attracting visitors, residents and businesses to locate in the City, and creating employment;
- protecting the character of the coastal environment.

The strategy recognises the need to ensure a certain amount of land for public open space purposes to offset the effects of development on the physical and natural environment and on the city's people when that development has not integrated public open space within its design. It also recognises the need for forward planning to ensure that a minimum amount of land (as prescribed in the standards for provision of public open space) is set aside for each type of public open space. Forward planning also identifies heritage resources prior to development and therefore contributes to their protection.

Public open space will continue to be funded primarily by Reserve Contributions with the costs of public open space acquired for city-wide benefits being offset by some use of rates revenue.

The public open space land acquisition strategy will continue to identify land for acquisition based on research including public needs, sport/recreation trends, how effectively the existing public open space network (and associated buildings and structures) is being managed for

use, environmental protection needs and demographic changes. The strategy also recognises that there are other public and private open space providers in Manukau City who contribute to offsetting the effects of development.

Designations for proposed public open space will be used to indicate the Council's intention to acquire particular sites and new designations may be included into the Plan through Plan changes (see 15.6.1.5 and 15.6.3.3).

## 15.6 IMPLEMENTATION

A combination of regulatory and non-regulatory methods are used to manage the acquisition of land for public open space purposes and the effects of activities on public open space. The following chart indicates which type of method is used for each of the above concerns:

		PROVISION OF LAND FOR PUBLIC OPEN SPACE	MANAGING EFFECTS
REGULATORY	DISTRICT PLAN	Reserve Contributions, Public Open Space Designations, Rules for Esplanade Areas.	Public Open Space Zones, Activity Rules, Development and Performance Standards, Matters for Control and Discretion.
	NON-DISTRICT PLAN		Reserve Management Plans, Bylaws.
NON-REGULATORY		Acquisition funded by rating revenue and loan monies (Annual Works Programme and Annual Plan), Advocacy, Partnerships.	Information and Education, Annual Works Programme and Annual Plan, Public Open Space Land Acquisition Strategy, Community Facilities Planning Process, Recreational Walkways, Levying of Charges, Operational Activities, Advocacy, Financial incentives, Community Facilities Planning Process, Conservation Management Plans and the Conservation Management Strategy (Department of Conservation)

### 15.6.1 Regulatory Methods — District Plan

#### 15.6.1.1 Public Open Space Zones

The Public Open Space zones include areas of limited active recreation opportunity such as land of high heritage value and areas of maximum recreational opportunity, including entertainment, such as land that is zoned for community development purposes, and indoor recreation facilities and the active outdoor recreation and organised sport zone.

Public open space is recognised as being multifunctional (e.g. contributes to recreational opportunity and visual amenity) and non-exclusive, where a person can walk and enjoy the open character of most public open space areas.

Public Open Space zones have been determined and applied having regard to:

- 1 Whether the public open space contains significant cultural or natural heritage resources;
- 2 The importance of separating incompatible recreational activities;
- 3 The need to protect a certain amount of land for a diverse range of recreational, community development, amenity and environmental protection functions.

The zones are used to cover:

- 1 Those Council-owned or administered lands which are classified “reserve” under the Reserves Act 1977 and which are used and developed as public open space;

- 2 Council-owned land which, under other statutory authority or a specific trust is used and developed for public open space purposes;
- 3 Those areas of Council-owned freehold land which are used and developed for public open space purposes;
- 4 Crown-owned and administered public open space.
- 5 Crown-owned and Manukau City Council administered public open space.

Some public open space, after vesting, will not be given a public open space zone immediately because it is impractical and costly to continually process changes to the District Plan. These areas will instead be managed under the open space provisions set out in the Residential Areas chapter, and the Business Areas chapter until such time as they can be rezoned.

### **15.6.1.2 Rules — Activities in Public Open Space Zones**

#### **15.6.1.2.1 Permitted Activities**

Permitted activities are those activities unlikely to generate adverse effects on either the public open spaces themselves or on surrounding areas. The imposition of development and performance standards are seen to be able to control the effects of permitted activities without any further need for the Council to control these matters by way of resource consent procedures and further development conditions. For example, informal recreation activities, leisure activities and park furniture are permitted in all zones.

#### **15.6.1.2.2 Controlled Activities**

Controlled activities are those activities where the Council wishes to retain control over matters such as the design and external appearance of buildings, landscape work and site layout, and nuisance factors e.g. the relocation of buildings or structures on public open space and the location of bridle trails. These matters are difficult to control by set development and performance standards only.

#### **15.6.1.2.3 Restricted Discretionary Activities**

There are some activities (eg. plant nurseries and greenhouses on active outdoor recreation/organised sports areas) which may detract from the predominant purpose of the public open space. When this occurs these activities are deemed to be restricted discretionary, so that the Council can have discretion over those matters specified and can use its discretion to decide whether those activities are appropriate in any particular location.

#### **15.6.1.2.4 Discretionary Activities**

Those activities and buildings which may generally be appropriate within any particular zone but may not be appropriate on every site within the zone, or may require special conditions to control their operation, have been listed as discretionary activities.

A resource consent and assessment of effects is required for activities which have the potential to adversely effect the environment both within the public open space and neighbouring residential zones.

Generally activities have been made discretionary because they are likely to have the following adverse effects. These effects are not able to be managed by specific development and performance standards:

- they generate levels of traffic that may not make it suitable for all locations in the zone;



- they may be located adjacent to sensitive environments such as residential areas or heritage sites;
- they may adversely impact on the visual amenity or acoustic environment of the public open space;
- they may create effects that detract from the predominant function of the public open space.

### 15.6.1.3 Development and Performance Standards

All permitted, controlled and restricted discretionary activities and buildings/structures located on public open space shall comply with the Development and Performance Standards.

Development standards are the rules which apply to the establishment of all buildings and structures on public open space, for example height limits, public open space coverage, yard requirements and requirements for accessways onto public open space. Performance Standards are conditions that apply to all activities taking place on public open space to ensure that surrounding areas in particular residential areas and the roading network are protected from undue noise or glare from floodlights.

### 15.6.1.4 Rules: Standards for the provision of Public Open Space, Reserve Contributions, and Esplanade Areas

Reserve contributions shall be required in the form of land, cash, or works on subdivision and development in the Residential, Business, Rural and Future Development Zones. The contributions shall be utilised for both land acquisition for public open space and development of public open space in accordance with the standards and rules set out in this section.

### 15.6.1.5 Designations

The Council will designate land to be acquired or vested as public open space at the time of subdivision. Designation is the method Council uses to show its intention to acquire particular areas of land as future public open space. Designations for proposed public open space will be shown on the District Plan maps, and have been derived through the Public Open Space Land Acquisition Strategy process.

Auckland Regional Council Parks are managed by the Auckland Regional Council through the designation process. The underlying zones for these designations, are, in some areas, public open space zones which identify these parks as part of the public open space network of Manukau City.

[AM24]

## 15.6.2 Regulatory Methods — Non District Plan

### 15.6.2.1 Reserve Management Plans

Reserve Management Plans are required for public open space areas classified as “reserve” under the Reserves Act 1977. The Manukau Parks Activity of Manukau City Council is responsible for developing and producing Reserve Management Plans for public open space areas administered by this Council. The Activity actively consults tangata whenua authorities in the development of Reserve Management Plans. It is envisaged that all major Manukau City administered public open space areas will have a Reserve Management Plan which will provide a comprehensive planning approach to the development of each particular public open space. In some cases a group of public open space areas (eg. neighbourhood reserves) may be covered by one Reserve Management Plan.

Issues relating to the detailed allocation of space, landscape design, layout, planting and specific uses of each public open space will be handled through the Reserve Management Plan process. The allocation of space within the Passive Outdoor Informal Recreation Zone P.O.S 2 zone, for active recreation (eg. kilikiti and touch rugby training) is also managed by the Reserve Management Plan process. This is because costs outweigh the benefits of using District Plan rules, and it is considered that the Reserve Management Plan process is a more appropriate way of resolving more detailed issues of conflicts between different users of public open space.

#### **15.6.2.2 Council Bylaws**

The Manukau City Consolidated Bylaws 2008 address issues which relate to environmental matters such as litter, pollution by dogs, and conduct issues that constitute a danger or an offence to the public (eg. the consumption of liquor). Chapter 1 of the Bylaws sets out the penalties for offending against any chapter of the Bylaws, with a fine for an offence and for each day the offence continues. Enforcement of these Bylaws is carried out by Park Rangers and Environmental Technical Officers.

Chapter 6 of the Bylaws relates to the control of dogs in certain public open space areas. Dog Rangers enforce any prohibition.

[AM89]

#### **15.6.2.3 Motor Sport Activities**

The management of safety at motor sport events for both the public and for participants is controlled by a number of authorities in New Zealand, including Speedway NZ Inc and Karting NZ. Health and safety is a critical issue with motor sport activities. The specific safety regulations and the licences issued by the relevant motor sport agencies are the appropriate means of providing for motor sport safety. Accordingly, district plan rules do not control public or participant safety at motor sport events.

[AM73]

### **15.6.3 Non Regulatory Methods**

#### **15.6.3.1 Information and Education**

Safety and health issues for public open space users often relates to the management of dogs in public open spaces. There are pamphlets which are offered by the Council (in several languages) to assist owners in knowing their responsibilities under the Bylaws, and which suggest Dog Exercise Areas as part of a 'Responsible Dog Owners Pack'— available from the Council's Animal Management Unit.

Pamphlets and brochures are available from Manukau Parks describing certain parks and walkways and contain information relating to significant features found within the park.

Plaques and signs containing information relating to resources of heritage or scientific interest can be found on public open spaces.

#### **15.6.3.2 Annual Works Programme and the Annual Plan**

The following activities must all be budgeted for in the Capital Works Programme and Annual Plan:

- (i) Council funded buildings and structures which may or may not be located on public open space including: halls, swimming pools, recreation centres, childrens play equipment, libraries, community houses etc;

- (ii) Maintenance of public open space and facilities and heritage resources therein;
- (iii) The acquisition of land for public open space to supplement land vested or acquired through Reserve Contributions;
- (iv) Street tree planting;
- (v) Pest eradication programmes on public open space.

#### **15.6.3.3 Public Open Space Land Acquisition Strategy**

The Public Open Space Land Acquisition Strategy is an ongoing process which investigates the need for different types of public open space; areas deficient in the provision of public open space; where future public open space should be located based on demographics and rates of development; and whether the acquisition of cultural or heritage resources is the best means of protection for particular sites. Designations for proposed public open space as indicated on the planning maps are the outcome of the Public Open Space Land Acquisition Strategy.

#### **15.6.3.4 Community Facilities Planning Process**

A comprehensive planning process undertaken by the Community Activities Group of the Council to meet the needs of local residents for community facilities and services through research and analysis of existing facilities, community activity patterns, and demographics. The community facilities planning process assists in determining the Asset Development Programme and through feasibility studies will identify land needed for the siting of facilities which may be on public open space.

#### **15.6.3.5 Recreational Walkways, Cycleways, and Bridle trails**

Proposed walkways are indicated on the planning maps. These routes pass through existing and proposed public open space where possible, and elsewhere cross privately-owned undeveloped land. The walkways will be developed in stages. Future sections will utilise public open space, accessways and widened berms as land is subdivided and developed. Where practicable crossings of major roads will be avoided.

The notation of these routes on Planning Maps are a guide to developers and an indication of the Council's intentions. They do not give rights of public access over private land or rights to enter areas closed to the public.

Bridle trails and cycleways may be provided as part of the public open space network but the location of these trails and routes are not indicated on planning maps. Details of the development of recreational walkways and cycleways and bridle trails are contained in Chapter 9 — Land Modification, Development and Subdivision, see 9.9.2.11.

#### **15.6.3.6 Levying of Charges**

The Council may levy charges (as a means of providing further maintenance of public open space areas and associated buildings and structures) for the following:

- (i) the use of sportsfields
- (ii) as rent for occupation of public open space (eg. for grazing purposes)
- (iii) as rent for occupation of space within a building located on public open space

### 15.6.3.7 Operational Activities — Implemented by the Manukau Parks Activity of Manukau City Council

- (i) A booking system for the allocation of space for activities on public open spaces areas.
- (ii) Partnerships with Schools — Manukau Parks has entered formal partnership arrangements with several schools to date to increase the availability of sports fields in areas which are either deficient in public open space for organised sports or which simply have an intense demand for sports. At 1995 the Manukau City public open space network was enhanced by the use of 14 sportsfields, 6 netball/tennis courts and 1 athletics oval.
- (iii) Specifications for maintenance standards within maintenance contracts shall ensure that no spray application of inorganic herbicides or pesticides will occur without the public being given prior notification of its timing and location.
- (iv) The Manukau City Council Tree Policy includes the Planting Policy 1992, and the Tree Removal Policy 1992. Together these policies set long term guidelines for the planting, management, and removal of trees together with a clear direction as to the processes the Council will action and the opportunities the community will have for input when determining any issues relating to trees and vegetation on public open space and street trees.
- (v) Harvesting of plant material and trees — Manukau Parks operate a permit system for the harvesting of plant material (which may include trees) from Manukau City administered public open space for cultural, recreational and educational purposes.
- (vi) Eco-sourcing of seed for revegetation — seeds are collected from indigenous plants for the revegetation of public open space from appropriate Ecological Districts as defined by the Department of Conservation. Indigenous plant material may even be sourced or propagated from within the public open space itself in order to protect the genetic integrity of species.

### 15.6.3.8 Advocacy

The Council will advocate the acquisition of sites of national and regional, cultural or natural heritage significance to the Department of Conservation and the Auckland Regional Council.

The Council also regularly comments on Auckland Regional Council Regional Reserve Management Plans, and has participated as part of the consultation process in the development of the Auckland Conservancy's Conservation Management Strategy (1994).

### 15.6.3.9 Relationships with Tangata Whenua

Tangata whenua authorities are actively consulted prior to the writing of any draft Reserve Management Plan. Appropriate tangata whenua authorities are also involved in the development of any major public open space area that is known to have heritage value to tangata whenua or where the area is under claim to the Waitangi Tribunal. In some cases tangata whenua are involved in the ongoing management of public open space areas (eg Hampton Park and Mangere Mountain).

Tangata whenua authorities are also advised when any land zoned public open space is to be disposed of or swapped as part of a land swap.

The Council is continually developing relationships and partnerships with tangata whenua authorities. For example, it has a Memorandum of Understanding with the Huakina Development Trust. It is also

establishing processes for the involvement of tangata whenua in resource consent vetting and land acquisition strategies for public open space.

#### 15.6.3.10 Financial Incentives

The Council operates a Shared Responsibility Scheme which allows it to develop facilities on public open space in partnership with community groups or organisations. The individual merit of applications are assessed according to criteria. Some of these criteria include:

- (i) The applicant must have Council approval to lease Council land;
- (ii) Where appropriate the project must be in alignment with the Council's Community Facilities Plan;
- (iii) The project must not unreasonably duplicate an existing facility in the same area of the City;
- (iv) The applicant must present proposals outlining intended usage of the project including access to the wider community.

Highest priority points are also given to projects that accommodate more than one group in the same building.

In approving an application for a Shared Responsibility Scheme project the Council will give preference to building designs which demonstrate multi-functional features.

#### 15.6.3.11 Conservation Management Plans and Conservation Management Strategy

See 15.1.4 — The Statutory Context — The Conservation Act 1987

### 15.7 ANTICIPATED ENVIRONMENTAL RESULTS

The anticipated environmental results for public open space areas of the City are:

- A diverse range of public open space types and sizes including recreation walkways, cycleways, and bridle trails that together form the Manukau City public open space network.
- Enhanced human well being.
- Well maintained and designed public open space areas.
- Buildings and structures to meet recreational, educational, community development, and sporting needs located on a proportion of the public open space network.
- Public access to and along the coastal environment, lakes, rivers and streams.
- Mature indigenous and exotic trees on public open space areas.
- Strategically located public open space that functions as part of a comprehensive catchment drainage system reducing the effects of erosion and flooding.
- Improved water quality in streams located within public open space areas.
- Water quality/flood detention ponds located on public open space.

- A representative stock of significant natural (e.g. geological features, indigenous flora and fauna) and cultural heritage resources (e.g. archaeological sites, historic buildings) located on public open space.
- Protected heritage resources that are located on public open space.
- A safe environment within public open space areas.
- Protected amenity values for neighbouring residential properties.
- Co-management of public open space with tangata whenua authorities in the Reserve Management Plan process.
- Increased public awareness of the value, functions and distribution of public open space in Manukau City.

## 15.8 PROCEDURES FOR MONITORING

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results contained in this chapter, the Council will develop a monitoring programme (see Chapter 1, Section 1.7.3) which may include the following monitoring procedures:

- Maintaining a register of all public open space within the City, and an inventory of all recreational and community buildings and facilities located on public open space zones.
- Regular auditing of all public open space areas and associated heritage resources, buildings, structures and facilities.
- Undertaking surveys of residents, recreation user groups, conservation groups, and other relevant groups to determine how well existing public open space, associated buildings and facilities are meeting community needs.
- Establishing relevant monitoring systems with Tangata Whenua.
- Monitoring complaints and enforcement actions regarding the nuisance aspects of activities in public open space zones.
- Monitoring resource consents, including the compliance with consent conditions and the effectiveness of those conditions.
- Undertaking safety audits of public open space areas to assess the impact of design and planning on the sense of personal safety people might experience in the public open space network.

## 15.9 DESCRIPTION AND EXPLANATION OF PUBLIC OPEN SPACE ZONES

### 15.9.1 Public Open Space Zone 1 — Heritage

This zone will protect inland natural and cultural heritage resources that are a part of the public open space network eg. Mangere Mountain, Puhinui Reserve, Murphy's Bush and parts of Totara Park. Many Department of Conservation public open space areas and some Auckland Regional Council reserves (eg the Mataitai State Forest and parts of the Hunua Ranges Regional Parkland) are included in this zone or have this zone as an underlying zone because they contain heritage resources.



[AM24]

Most of the public open space in this zone is held as either scenic, scientific or historic reserve under the Reserves Act 1977. Activities on these public open space areas will be managed to protect and enhance the landscape, archaeological, geological or other scientific features including indigenous flora and fauna and ecosystems through a combination of District Plan rules and the Reserve Management Plan process.

The P.O.S zone 1 — Heritage will protect those cultural and natural heritage resources that are vulnerable to human activity and ensure that any buildings, structures or activities do not damage, desecrate or destroy these features.

### **15.9.2 Public Open Space Zone 2 — Passive Outdoor Informal Recreation**

This zone will protect some public open space for passive outdoor informal recreation such as walking, resting, picnicking, enjoying nature or jogging. Areas zoned Public Open Space 2 also contribute to the greening and beautifying of the urban environment, and to the City's walkway and cycleway network. Neighbourhood reserves are also included in this zone.

Facilities on land zoned P.O.S 2 are generally limited to accessory buildings or structures such as playground equipment and toilet blocks with some opportunity for small community buildings.

### **15.9.3 Public Open Space Zone 3 — Active Outdoor Recreation/Organised Sports**

This zone will protect some public open space for active outdoor recreation and organised sports. It applies to mainly larger public open space areas in which sports fields, equestrian activities, hard court areas or greens tend to predominate and where stands and grandstands and clubrooms associated with and necessary for the use of the public open space for outdoor recreation and sports are located.

Opportunity is made for a public address system and floodlighting to operate on areas zoned P.O.S 3. Although it is designed to cater primarily for outdoor recreation and sports the zone also allows for informal recreation and leisure activities such as jogging, informal games, and the flying of kites and model aircraft; and for sports facilities for example track cycling and dog racing at the Manukau Sports Bowl. This zone also accommodates boating facilities which are fixed structures regularly used for active recreation and organised sports.

### **15.9.4 Public Open Space Zone 4 — Community Purpose Buildings and Indoor Recreation Facilities**

This zone will protect some public open space for the siting of community purpose buildings and indoor recreation facilities. These spaces will provide opportunity for recreational, community, and cultural buildings and facilities to be established on public land. These buildings and facilities may accommodate local, regional or, at times, nationally focused events. The majority of buildings and facilities to be sited on public open space should be consolidated in areas zoned P.O.S 4 leaving the other public open space zones relatively free of buildings.

Criteria for acquiring land to be zoned P.O.S 4 include close proximity to public transport routes, road frontage, proximity to business areas and other community purpose buildings to enhance public opportunity for use. The P.O.S zone 4 areas can accommodate a variety of community buildings and facilities such as: pre-school education facilities, marae, community houses, halls, scout dens and guide halls, swimming pools, recreation centres, arts and cultural centres.



### 15.9.5 Public Open Space Zone 5 — Esplanade Reserves, Drainage and Water Quality Areas

This zone protects public access to the coastal environment and lakes, rivers and streams and the natural and cultural resources contained within these areas. Land in this zone always lies adjacent to the coast or lakes, rivers and streams and is therefore generally linear in shape.

The P.O.S 5 Zone includes land vested in the Council as esplanade reserve, land that is potentially affected by flooding and/or required for stormwater management purposes, and land that surrounds water quality/flood control ponds. The provisions of the zone include cross references to the provisions of the Stormwater Management Areas to ensure that activities within these areas do not affect the the treatment or detention of stormwater runoff.

This zone recognises that the coastal environment is a sensitive area with the foreshore forming the interface between land and sea. By allowing only limited building and structures on land zoned P.O.S 5, natural and cultural heritage resources and visual amenity associated with the coastal environment and freshwater ecosystems will be protected.

## 15.10 RULES — ACTIVITIES

### Rule

#### 15.10.1 Activities in all Public Open Space Zones

- (a) All Permitted Activities in 15.10.2 Activity Table shall comply with 15.11.1 General Development and Performance Standards and any relevant Additional Development and Performance Standards for Specified Activities in Rule 15.11.2.
- (b) All Controlled Activities in 15.10.2 Activity Table shall comply with 15.11.1 General Development and Performance Standards including any relevant Additional Development and Performance Standards for Specified Activities in Rule 15.11.2 and Council shall exercise control over those matters specified in Rule 15.12.1.
- (c) All Restricted Discretionary Activities in 15.10.2 Activity Table — shall comply with 15.11.1 General Development and Performance Standards including any relevant Additional Development and Performance Standards for Specified Activities in Rule 15.11.2 and Council shall exercise its discretion over those matters for discretion specified in Rule 15.13.1
- (d) All Discretionary Activities in 15.10.2 Activity Table below will be assessed against 15.14.1 General Assessment Criteria — Discretionary Activities together with the relevant matters set out in S104 of the Act.
- (e) Any activity not listed in 15.10.2 Activity Table shall be deemed to be a non-complying activity.
- (f) Unless special circumstances exist a resource consent for a controlled activity need not be notified and the written approval of affected persons need not be obtained.
- (g) In all cases where a resource consent is required in public open space zones 1 and 5 an assessment of effects by tangata whenua will be sought.
- (h) For notification procedures under the Resource Management Act 1991 see Rules 5.2.2, 5.2.3, 5.2.4 and 5.3.3.1 of Chapter 5 — General Procedures and Rules.

**Note: Activities Sensitive to Aircraft Noise in the Public Open Space Zones**

Any Activity Sensitive to Aircraft Noise (“ASAN”) and certain additions to an ASAN for which provision is made in this zone as a permitted, controlled, restricted discretionary or discretionary activity:

- are subject to Rule 5.21, and
- may also become a controlled, restricted discretionary, discretionary or non-complying activity by reason of Rule 5.21

if the subject site is located within the High Aircraft Noise Area or the Moderate Aircraft Noise Area. Therefore, in the case of an ASAN and certain additions to an ASAN in this zone, reference should be made to Rule 5.21.

(Refer to Chapter 18 for the definition of “Activity Sensitive to Aircraft Noise”)

**Rule****15.10.2 Activity Table**

In the table below the terms used have the following meanings:

P= Permitted Activity;

C= Controlled Activity;

(R)D= Restricted Discretionary Activity

D= Discretionary Activity;

N/C= Non Complying Activity

ACTIVITY	PUBLIC OPEN SPACE ZONES				
	1 HERITAGE	2 PASSIVE OUTDOOR INFORMAL RECREATION	3 ACTIVE OUTDOOR RECREATION /ORGANISED SPORTS	4 COMMUNITY PURPOSE BUILDINGS AND INDOOR RECREATION FACILITIES	5 ESPLANADE RESERVE, DRAINAGE, AND WATER QUALITY AREAS
Any building or structure that does not comply with development and performance standards in Rule 15.11	D	D	D	D	D
Any activity, building or structure within the 100 year flood return level.	R(D)	R(D)	R(D)	R(D)	R(D)
Bridle Trails	C	C	N/C	N/C	C
Childrens playgrounds and related structures	R(D)	P	P	P	R(D)
Activity deleted by [AM99]					
Clean fill activities involving the depositing of less than 200 cubic metres of material per site	D	P	P	P	D
Clean fill activities involving the depositing of more than 200 cubic metres but less than 500 cubic metres of material per site	D	C	C	C	D
Clean fill activities involving the depositing of more than 500 cubic metres of material per site	D	D	D	D	D
Community buildings (not exceeding 150m <sup>2</sup> ) subject to additional rule 15.11.2.2	N/C	R(D)	D	C	N/C
Community buildings and facilities (exceeding 150m <sup>2</sup> ) which are within 50 metres of a residential boundary and Papakainga Zoned areas	N/C	N/C	N/C	D	N/C

ACTIVITY	PUBLIC OPEN SPACE ZONES				
	1 HERITAGE	2 PASSIVE OUTDOOR INFORMAL RECREATION	3 ACTIVE OUTDOOR RECREATION /ORGANISED SPORTS	4 COMMUNITY PURPOSE BUILDINGS AND INDOOR RECREATION FACILITIES	5 ESPLANADE RESERVE, DRAINAGE, AND WATER QUALITY AREAS
Community buildings and facilities (exceeding 150m <sup>2</sup> ) which are not within 50 metres of a residential boundary and Papakainga Zoned areas	N/C	N/C	N/C	C	N/C
Dog racing including ancillary kennel facilities	N/C	N/C	(R)D	N/C	N/C
Demolition of buildings and structures	C	C	C	C	C
Environmental Centre on Allotments 74 and 78 Pakuranga Psh (known as Mangemangeroa Reserve) on a net area site not exceeding 4000m <sup>2</sup> (this rule shall expire on 12 July 1999)	(R)D	N/C	N/C	N/C	N/C
Equestrian Activities and Pony Clubs	N/C	N/C	P	N/C	N/C
Farming (except factory farming, pig farming and horticulture) and grazing as part of a management programme for the public open space and associated buildings	P	P	P	P	P
Floodlights including additions or alterations to existing installations subject to additional rule 15.11.2.1	N/C	N/C	P	N/C	N/C
Formed recreational walkways, trails and cycleways excluding motorised vehicles [AM99]	C	P	P	P	C [AM15]
Gardens (including botanic gardens)	C	P	P	P	C
Informal recreation and leisure	P	P	P	P	P
Information Centre and interpretation facilities including viewing platforms in conjunction with the public open space or adjacent water area	D	N/C	N/C	N/C	D
Kiosks subject to additional rules 15.11.2.2 and 15.11.2.3	R(D)	R(D)	C	R(D)	R(D)
Maintenance of buildings and grounds on public open space	P	P	P	P	P
Motor Sport Activities on Lot 6 DP 24346 (Colin Dale Park) which meet the development and performance standards in Rule 15.11 [AM73]	NC	NC	C	NC	NC
Motor Sport Activities on Lot 6 DP 24346 (Colin Dale Park) that do not comply with development and performance standards in Rule 15.11. [AM73]	NC <sup>1</sup>	NC	D	NC	NC
Park depot including implement and storage sheds	N/C	P	P	N/C	N/C
Park furniture	P	P	P	P	P
Plant nurseries and accessory buildings, including greenhouses	N/C	R(D)	R(D)	N/C	N/C
Public address system	N/C	N/C	P	N/C	N/C
Public and club operated boating facilities including boat launching ramps, facilities for storage, repair and maintenance and the supply of fuel to pleasure craft	N/C	(R)D	(R)D	N/C	R(D)

ACTIVITY	PUBLIC OPEN SPACE ZONES				
	1 HERITAGE	2 PASSIVE OUTDOOR INFORMAL RECREATION	3 ACTIVE OUTDOOR RECREATION /ORGANISED SPORTS	4 COMMUNITY PURPOSE BUILDINGS AND INDOOR RECREATION FACILITIES	5 ESPLANADE RESERVE, DRAINAGE, AND WATER QUALITY AREAS
Public toilets, shelters, restrooms, changing rooms, and first aid rooms	C	P	P	P	C
Residential accommodation for a caretaker, grounds staff, or manager <b>Note:</b> ASAN's in the HANA and the MANA are subject to Rule 5.21	C	C	P	P	N/C
Skateboard bowls, outdoor skating rinks, confidence courses	N/C	C	P	P	N/C
Sports Clubrooms within 50m of a residential boundary and Papakainga Zoned areas	N/C	N/C	D	N/C	N/C
Sports Clubrooms not within 50m of a residential boundary and Papakainga Zoned areas	N/C	N/C	C	N/C	N/C
Sports fields and associated grounds, courts and greens	N/C	N/C	P	N/C	N/C
Stands and grandstands	N/C	N/C	P	N/C	N/C
The relocation of any building or structure and/or external alterations or additions to any building or structure (except those listed in Chapter 6 – Schedule 6A)	R(D)	C	C	C	R(D)
Signs	Refer Chapter 5 — General Procedures and Rules				
Temporary Activities (e.g. Horse Trials)	Refer Chapter 5 — General Procedures and Rules				
Activities which have an effect on any scheduled heritage resource	Refer Chapter 6 — Heritage				
Utility Services	Refer Chapter 7 — Network Utility Services				
Parking and Access	Refer Chapter 8 — Transportation				
Subdivision, Earthworks and Coastal Protection Works	Refer Chapter 9 — Land Modification, Development and Subdivision				
Hazardous Facilities and Substances	Refer Chapter 10.1 — Hazardous Facilities and Substances				

**Rule****15.10.3 Zoning of Vested Reserves**

- (a) At such time land is vested as Reserve, as part of a subdivision, it shall automatically be rezoned as Public Open Space 1, 2, 3 or 4 as specified in the conditions of the subdivision consent.
- (b) At such time land is vested as an Esplanade Reserve or Drainage and Water Quality Area or Stormwater Management Area as part of a subdivision, it shall automatically be rezoned as Public Open Space 5 or 6 as specified in the conditions of the subdivision consent.

**Explanation/Reason**

The above Rule will apply where land is vested as reserve in Council as a result of subdivision. This will enable the District Plan Maps to be updated regularly to show land vested as reserve with the appropriate Public Open Space Zone.

[AM98]

## 15.11 RULES – DEVELOPMENT AND PERFORMANCE STANDARDS

### Rule

#### 15.11.1 General Development and Performance Standards

##### 15.11.1.1 Yards

save for the qualifications in (a) and (b).

ZONE	FRONT YARD	SIDE YARD	REAR YARD
Public Open Space zone 1	Nil except that no building shall be located closer than 3 m to any residential zone boundary		
Public Open Space zone 2	6m	6m	6m
Public Open Space zone 3	10m	10m	10m
Public Open Space zone 4	10m	10m	10m
Public Open Space zone 5	Nil except that no building shall be located closer than 3m to any residential zone boundary		

#### Qualifications Relating to Yards

- (a) Side or rear yard requirements shall apply only to those site boundaries which adjoin or abut a residential zone.
- (b) Side or rear yard requirements for site boundaries which adjoin or abut a business zone shall in all cases be 3m.

#### Explanation/Reasons

*Yard set backs, in combination with other controls have been tested in the past and found to be effective in mitigating the adverse effects of noise, glare from floodlights and security lighting emanating from activities taking place on public open spaces. The yards also allow space between the public open space and adjoining properties for the planting of trees and vegetation to aid in visual screening.*

*The different sized yards for different public open space zones is related to the types and sizes of buildings allowed in the zones eg. largest yards are required on P.O.S zones 3 and 4 because these zones allow for clubrooms and community purpose buildings and facilities that can potentially generate effects of noise, traffic and visual domination.*

**Rule****15.11.1.2 Height**

The maximum permitted height for structures applicable in any public open space zone shall be as follows:

ZONE	MAX. PERMITTED HEIGHT
Public Open Space zone 1	8m
Public Open Space zone 2	8m
Public Open Space zone 3	15m
Public Open Space zone 4	15m
Public Open Space zone 5	8m

**Exceptions and Modifications**

## (a) Play Towers

The maximum height for play towers in any public open space zone shall be 6m

## (b) Floodlights for recreational use in Public Open Space zone 3

Floodlights shall not exceed 18 metres in height.

**Explanation/Reasons**

*The height rule is responsible for ensuring that the scale of buildings and structures on P.O.S zones are able to harmonise with the surroundings of the P.O.S itself and neighbouring residential properties. The height limit for P.O.S zones 1, 2 and 5 is the same as the height limit for residential areas zoned main residential and enables two storied buildings to be built.*

*The height limit in P.O.S 3 and 4 will enable multi-storied buildings where appropriate for the predominant purpose of these zones as Active Outdoor Recreation/Organised Sports and Community Purpose Buildings and Indoor Recreation Facilities. The height of playtowers is limited by the New Zealand Standard NZ 5828, Specification for Playgrounds and Play Equipment Part 1 for safety reasons. An exception to the maximum height limit for floodlights helps mitigate the effects of glare and light spill from floodlights because added height enables the light to be angled more directly downwards.*

**Rule****15.11.1.3 Height in Relation to Boundary**

Rules 5.18.1 and 5.18.1.7 apply — Chapter 5, General Procedures and Rules.

**Explanation/Reasons**

*This plan uses yards, height and building in relation to boundary rules and coverage to manage the intensity of buildings and structures on public open spaces. This package of controls will also control the effects of buildings and structures on adjoining sensitive areas such as residential areas.*

*Development on public open space has the potential to affect adjoining residential sites in terms of privacy, access to daylight and sunlight and the possibility of visual dominance. The extent of the effect will vary according to the location of the building in relation to its bulk and the orientation of the boundary being assessed. This rule is a means of ensuring adequate sunlight and daylight access to residential properties*

adjoining public open space. It also reduces the effect of dominance from these buildings on neighbouring residential properties.

The use of a recession plane takes into account orientation to maximise light admission to sites. On a southern boundary the recession plane used is 2m 35° to limit the bulk of the building to ensure light penetrates the neighbours site's northern boundary. On the site's northern boundary the building may have greater bulk in relation to the boundary (2m55°) as this will have limited effect on the adjoining property's southern boundary due to orientation. The building in relation to boundary rule is not applicable to street boundaries because the yard requirements for public open space are set at a width that automatically mitigates any effect of a building dominating the streetscape.

## Rule

### 15.11.1.4 Public Open Space Coverage

The following shall be the maximum ground coverage by buildings, tennis courts, bowling and croquet greens on land zoned public open space

ZONE	% OF P.O.S COVERAGE PERMITTED
Public Open Space zone 1	100m <sup>2</sup> or 1 % of the net area of the P.O.S zone whichever is the greater
Public Open Space zone 2	5% of the net area of the P.O.S zone
Public Open Space zone 3	10% of the net area of the P.O.S zone
Public Open Space zone 4	no site coverage requirements subject to Reserve Management Plan public notification process
Public Open Space zone 5	100m <sup>2</sup>

Provided that for the purposes of this provision the 'net area' of a public open space zone shall be defined as the whole of any continuous area of land which is zoned as a particular public open space zone regardless of any existing legal boundaries.

## Explanation/Reasons

Public open space coverage controls ensure that land set aside for public open space maintains its open space character and the functions that are dependent on keeping the spaces as free from buildings as possible. Coverage is limited on P.O.S zones 1 and 5 because of the presence of natural and cultural heritage resources that need to be protected. However some coverage is allowed to cater for amenity buildings such as toilet blocks, changing sheds and Information Centres.

Coverage percentages are increased in P.O.S 2 to enable the use of these spaces for amenity buildings and to allow for some use of these spaces for local community buildings in areas where a need can be shown. Coverage on P.O.S 3 is increased to 10% to allow for hard courts, and sports clubrooms.

There is no coverage limit on P.O.S zone 4 because this is the zone that is allocated for the siting of community buildings and indoor recreation facilities.

All the zones are subject to yard requirements that can be used for landscaping development purposes and to mitigate noise and visual dominance of buildings. Most public open space areas administered by Manukau City Council will also be subject to a Reserves Management Plan that will assist in the design and layout of buildings on each public open space.

## Rule

### 15.11.1.5 Accessways

The following shall be the general requirement for accessways on to public open space areas:

- (a) width — not less than 4m



- (b) gradient — not more than 1:10
- (c) have a permanent, all-weather surface
- (d) be as straight and as short as is practicable

In addition, public access through public open spaces should generally be located on the periphery so as not to infringe on heritage resources or play areas.

### Explanation/Reasons

*The requirements for accessways are based on the need to maximise safety and access to public open spaces. The width allows for a path with open space on either side to improve visibility of the area and hence security. The gradient is based on the gradient allowed for secondary roads according to Council Quality Engineering Standards as is the need for an all-weather surface.*

### Rule

#### 15.11.1.6 Natural Hazards — Building Line Restriction alongside natural stream systems

All buildings shall be sited clear of the 1% annual exceedence probability flood path of any natural stream system.

### Explanation/Reasons

*A building separation distance from the natural stream system helps to protect buildings from flood damage, and promotes the efficient functioning of natural drainage systems.*

### Rule

#### 15.11.1.7 Noise

The following noise performance standards shall not be exceeded at or within the boundary of any site zoned Residential, Papakainga, or Maori Purpose Zone:

ZONE	AVERAGE MAXIMUM NOISE LEVEL			MAXIMUM
	L <sub>10</sub> dBA MONDAY TO SUNDAY			L <sub>MAX</sub> dBA
	7.00AM– 6.00PM (0700–1800)	6.00PM– 10.00PM (1800–2200)	10.00PM– 7.00AM (2200–0700)	10.00PM– 7.00AM (2200–0700)
Public Open Space 1, 2 and 5	45	40	40	65
Public Open Space 3 and 4	55	45	40	70 (or background plus 30, whichever is the lower)

### Rule

15.11.1.7.1 The noise limits specified for Public Open Space zone 3 may be exceeded by a maximum of 10 dBA during the day time period only, provided that such activity does not occur more than 6 times in any 12 month period and for a period of not more than 3 hours on any single occasion. (The day time period is defined as 7.00 am to 10.00 pm).

*Provided that* all Community Buildings, Indoor Recreation Facilities and Sports Clubrooms located within 50m of any site zoned residential shall submit a noise management plan detailing the control measures which will be put into practice and shall include the following details:

- hours of operation
- types of activity to be carried out
- access routes and parking provisions, and the location of carparking
- numbers of persons permitted on the site
- ventilation of buildings and control of building
- power and type of sound amplification systems
- the hours within which service vehicles should operate
- an acoustic design certificate from a professional Acoustic Engineer demonstrating that the standards of noise under 15.11.1.7 and 15.11.1.7.1 will not be exceeded.

Common rules applying to all zones pertaining to noise are included in the General Procedures Chapter — Chapter 5, see Rule 5.18.3.

### **Explanation/Reasons**

*Maximum allowable levels of noise which are compatible with sleep, speech, communication and learning have been defined and included in the Plan to ensure the protection of a good acoustic environment for residential properties adjoining public open space zones.*

*A lower level is set for passive public open space which recognises the use of these spaces for activities that do not generate as much noise as the P.O.S zones 3 and 4 where community buildings, clubrooms, and sports are allowed and are expected to generate noise. Curfew hours for noise have been limited to 10.00pm in recognition of the need for undisturbed sleeping time.*

*L10 is that sound level which is equalled or exceeded for 10% of the measurement period. Effectively it is the average maximum noise level. The L10 is a measurement used to assess the degree of nuisance which can be caused by noise of varying loudness and applies in most situations where there is intrusive noise. L10 is used for this purpose in relevant NZ Standards and has international acceptance.*

*LMAX is the maximum sound level occurring during a measurement period. It is useful in defining an upper limit for acceptable noise particularly at night when brief sounds of high level can disturb sleep. An LMAX control can be useful in situations where nuisance noise is of short duration and does not constitute 10% or more of the measurement period and is, therefore, not controlled by the L10 limit.*

*LMAX is utilised and fully defined in relevant NZ Standards.*

### **Rule**

#### **15.11.1.8 Other General Development and Performance Standards**

##### **(a) Heritage**

Rules, Chapter 6 — Heritage apply

##### **(b) Land Modification, Development and Subdivision, Natural Hazards**

Rules, Chapter 9 — Land Modification, Development and Subdivision apply

##### **(c) Traffic Generation, Parking, Access and Circulation**

Rules, Chapter 8 — Transportation apply

**(d) Signs, Temporary Uses, Artificial Lighting**

Rules, Chapter 5 — General Procedures and Rules apply

**(e) Hazardous Facilities and Substances**

Rules, Chapter 10.1 — Hazardous Facilities and Substances apply

**(f) Effluent Disposal and Water Supply**

Rules, Chapter 9 — Land Modification, Development and Subdivision.

**(g) Effluent Disposal and Water Supply**

Rules, Chapter 9 — Land Modification, Development and Subdivision.

The General Development and Performance Standards in Chapter 9 relating to earthworks and Chapter 8 in relation to traffic generation, parking, access and circulation do not apply to Lot 6 DP 24346 (Colin Dale Park).

[AM73]

**Rule****15.11.2 Additional Development and Performance Standards — Specified Activities****Rule****15.11.2.1 Floodlights for Recreational Use****Rule**

15.11.2.1.1 All floodlighting must be designed, located and at all times directed, screened, adjusted and maintained to ensure that:

- (a) the direct illuminance from the lighting installation shall not exceed 20 lux at or within the boundary to all affected residential sites;
- (b) the indirect illuminance from the lighting installation shall be minimised;
- (c) glare to adjacent residential properties and the roading network is minimised.

**Rule**

15.11.2.1.2 Floodlights shall be aimed so that the point of maximum intensity is within the boundary of the site.

**Rule**

15.11.2.1.3 Hours of operation for floodlights shall be limited to not later than 10.00 pm daily, except that this requirement may be relaxed by Council for special national or international events for a maximum of six days per year. Except that on Colin Dale Park (Lot 6 DP 24346) lighting meeting Rule 15.11.2.4.7 will be permitted for the hours of operation provided in Rule 15.11.2.4.1. [AM73]

**Rule**

15.11.2.1.4 In the case of new installations, or additions or alterations to existing installations, the applicant shall supply a report from a professional illumination engineer at the time of applying for a building consent for new installations, and before additions or alterations to existing floodlights occur to confirm that the floodlighting installation, additions or alterations have been designed and will be installed and aimed in a manner that will ensure compliance with performance standard 15.11.2.1.

**Rule**

15.11.2.1.5 All reticulation to the poles shall be underground or otherwise completely enclosed in either a rigid or flexible conduit.

**Explanation/Reasons**

*In urban areas there is growing conflict over spill lighting between residential and recreational areas. The above technical constraints for floodlighting have been included to control light which, because of quantitative, directional or spectral attributes, can cause annoyance, discomfort, distraction, loss of sleep, loss of amenity, or a reduction in the ability to see essential information (eg. road signals or signs).*

*The lux at the boundary measurement for pre-curfew hours is in alignment with the proposed new Australian Standard, "The Obtrusive Effects of Outdoor Lighting" (DR 93121). As part of the C.E.R Agreement new standards in Australia are to be combined with New Zealand standards wherever possible. Lux is the unit of light (lumens per square metre) which is measured with an illuminance meter.*

*The benefit of assessment of illuminance by calculation prior to the installation of floodlights is that it allows any required alterations to be made at the design stage. This is preferable to assessment by measurement after installation where alternatives for mitigation of the effects may be limited and less successful.*

*The provisions to minimise indirect light and glare are intended to require consideration of specific site factors which may influence the environmental impacts of the installation.*

*The hours of operation for floodlights has been limited to 10.00pm to align with the noise standard and in recognition of the need for undisturbed sleeping.*

**Application of Lux Measurement**

Measurements or calculations are to be taken at any height along the boundary with an illuminance (lux) meter in the horizontal and vertical position.

**Rule****15.11.2.2 Community Buildings not exceeding 150m<sup>2</sup> and Kiosks**

All Community Buildings not exceeding 150m<sup>2</sup> and outdoor independently standing Kiosks shall be constructed in such a manner that they will be able to be relocated if necessary. In particular they shall be built on foundation blocks and not on concrete slabs.

**Explanation/Reasons**

*The purpose of this standard is to ensure that the use of public open space for buildings does not preclude alternative uses for the space in the future.*

**Rule****15.11.2.3 Kiosks**

There shall be no more than one outdoor kiosk per 10 ha of a continuous public open space area and the hours of the kiosk shall be limited to the hours of use of the public open space that it is located on.

**Explanation/Reasons**

*Kiosks either within or outside of buildings located on public open space can add to the enjoyment and length of stay of a visitor to a public open space. They may enhance opportunities for the public to use a facility such as a pool or court by hiring equipment or selling incidental items such as balls and goggles or*

*they may increase enjoyment by selling food and drink. Kiosks are also seen to have positive effects of increasing vigilance and thereby the safety of persons on public open space. Too many outdoor kiosks on one public open space however, may detract from the predominant purpose and the visual amenity of the space therefore the size and number of kiosks is limited.*

#### **Rule**

##### **15.11.2.4 Events On Colin Dale Park (Lot 6 DP 24346)**

[AM73]

#### **Rule**

##### **15.11.2.4.1 Hours of Operation — Motor Sports Activities**

Motor Sport Activities shall be restricted to the following hours:

- (a) between 9.00am and 10.00pm on normal working days (Monday to Friday), and Public Holidays that precede a Saturday or Sunday.
- (b) between 9.00am and 10.30pm on Saturdays, and
- (c) between 9.00am and 6.00pm on Sundays, and Public Holidays that precede a normal working day.

Provided that there shall be no Motor Sports Activities held on Good Friday, Anzac Day or Christmas Day.

There shall be no differentiation of evening periods from day time periods.

#### **Rule**

##### **15.11.2.4.2 Traffic Generation — Motor Sports Activities**

- (a) Traffic generated to the site shall be limited to 1,000 vehicles inward vehicle movements per day provided that, in respect of Motor Sport Activities involving over 300 inward vehicle movements per day, the New Zealand Transport Agency shall be deemed an adversely affected person and its written approval to the activity will be required. In the event that the New Zealand Transport Agency's written approval is not obtained, it shall be served with notice of the application.
- (b) Traffic generated to the site exceeding 1,000 inward vehicle movements per day shall be subject to an application for resource consent as a Restricted Discretionary Activity. Applications made under this rule need not be notified and the written approval of affected persons need not be obtained, provided that the New Zealand Transport Agency shall be deemed an adversely affected person and its written approval to the activity will be required. In the event that the New Zealand Transport Agency's written approval is not obtained, it shall be served with notice of the application. Council reserves control over the matter of traffic management to and from the site when assessing an application under this rule and shall have regard to the following assessment criteria:
  - (i) The impact of traffic on the road (including State Highway) network. A traffic impact assessment will be required and shall address:
    - how the potential adverse effects of the proposed activity can be managed with appropriate temporary traffic management procedures, which shall be commensurate with the nature and scale of the proposed activity and its potential adverse effects.

- whether an Event Management Plan is required to address arrival and departure times and the provision of public transport to minimise reliance on private motorcar trips.
- monitoring of compliance with traffic generation standards, including all one-off activities and at least the first two events within a season of events expected to exceed this traffic level. The monitoring results shall be provided to the Council within 14 days from the date of each meeting.  
[AM73]
- provision for priority access to residential properties that have their access from Prices Road.
- the means by which notice and contact details will be given of the intended event at least two weeks prior to the event to owners of residential properties that have their access from Prices Road, and Auckland International Airport Ltd.

(ii) The assessment criteria under Rule 8.12.2.3.

Note: Any consents required pursuant to Rule 15.10.2 and Rule 15.11.2.4.3(b) are additional to this Rule

### **Explanation/Reasons**

*In respect of events over 1000 vehicles a day Council has reserved discretion for an application to be declined consent. It is noted that approval from the NZ Transport Agency is required under the Government Roadway Powers Act 1989 for any temporary traffic management on the state highway, in addition to any resource consent sought under this rule.*

### **Rule**

#### **15.11.2.4.3 Noise — Motor Sports Activities**

[AM73]

- (a) Motor Sports Activities shall be subject to an  $L_{max}$  of 80dBA. Backfiring vehicles shall be excluded from this control, provided that should any vehicle backfire more than twice in any one race, the vehicle must be withdrawn from the race immediately.
- (b) Motor Sports Activities that generate noise levels exceeding  $L_{eq}$  55dBA (9.00am–6.00pm) or  $L_{eq}$  50dBA (6.00pm–10.00pm) shall be limited to no more than 50 days in any calendar year, provided that:
  - (i) for 25 of those days the maximum noise level for those events shall be  $L_{eq}$  60dBA; and
  - (ii) for the other 25 of those days the maximum noise level for those events shall be  $L_{eq}$  65dBA; and
  - (iii) the maximum noise level may not exceed  $L_{eq}$  60dBA for at least one weekend in each calendar month.

Notice of any day(s) on which Motor Sports Activities are to occur that will exceed  $L_{eq}$  55dBA (9am–6pm) or  $L_{eq}$  50dBA (6pm–10pm) shall be provided to Council no less than 5 working days prior to the event.

Notice of the weekend that is to be subject to Rule 15.11.2.4.3(b)(iii) shall be provided to Council no less than 5 working days prior to the event or prior to the end of the preceding month, whichever is the earlier.

- (c) Motor Sports Activities that generate noise levels exceeding the standards in Rule 15.11.2.4.3(b) shall be subject to an application for resource consent as a Restricted Discretionary Activity, provided that the maximum noise level for all events shall be  $L_{eq}$  65dBA. Applications made under this rule need not be notified and the written approval of affected persons need not be obtained, provided that the registered owners of neighbouring residential properties at 50 Prices Road (Lot 1 DP 52648) and 55 Prices Road (Lot 2 DP 173452) shall be deemed adversely affected persons and their written approval to the activity will be required. In the event that the written approvals are not obtained, the relevant party shall be served with notice of the application. Council reserves control over the matter of noise when assessing an application under this rule and shall have regard to the following assessment criterion:
- Whether noise arising from the motor sport activities is likely to create a significant adverse effect (including cumulative effect) on the health and wellbeing of nearby residents.

#### Notes:

- 1 Any consents required pursuant to Rule 15.10.2 and Rule 15.11.2.4.2(b) are additional to this Rule.
- 2 For the purposes of Rule 15.11.2.4.3(b) "days" shall include any events of any duration within the permitted hours in any one day, but shall not include scheduled event days that are cancelled for any reason.

#### Rule

##### 15.11.2.4.4 Noise — Public Address Systems

- (a) No more than two public address systems may operate simultaneously on the site, unless compliance with the noise limit below can be demonstrated on a cumulative basis. Any Public Address System or other sound system shall not exceed a measured level of:

$L_{eq}$  45dBA

- (b) Public Address Systems may only be used during the hours specified in Rule 15.11.2.4.1.

#### Rule

##### 15.11.2.4.5 Procedures — Noise

- (a) The noise levels in Rules 15.11.2.4.2 and 15.11.2.4.3 above shall be measured at or within the notional boundary of any site zoned rural, where the notional boundary is a line 20 metres from the façade of any residential building, or the legal boundary where this is closer. The measurements shall only be taken from notional boundaries associated with residential buildings existing on 19 December 2006 or replacement buildings at the same location, or other such location from which representative levels can be calculated in the event that access to these properties is not available.
- (b) There shall be no imposition of any penalty or correction for "special audible characteristics" for any Motor Sport Activity or Public Address System noise emitted from the site in accordance with *NZS6802:2008 Acoustics — Environmental Noise*
- (c) Crowd noise shall not be considered when measuring for compliance purposes.



- (d) The sampling period for noise measurements shall be 15 minutes. The  $L_{eq}$  levels recorded shall be logarithmically averaged over the duration of the event(s) of interest, whereby the averaged level must not exceed the relevant limit, and any one 15 minute sample must not exceed the relevant  $L_{eq}$  limit by more than 5dBA.

For the avoidance of doubt, the averaging period shall begin at the beginning of the first race or practice of the day, and shall conclude at the end of the last race, practice or show of the day. Where there is any break, interruption or pause of the racing or noisy activity that is longer than 90 minutes, the averaging period shall cease at the beginning of that break, and shall resume at the recommencement of activities.

- (e) All noise measurement and assessment shall be carried out in accordance with NZS6801:2008 *Acoustics — Measurement of Sound* and NZS6802:2008 *Acoustics — Environmental Noise*. The noise shall be measured with a sound level meter complying at least with the International Standard IEC 61672: Sound Level Meters, Parts 1–3.

### Explanation/Reasons

*Specific noise levels apply to motor sport activities on Colin Dale Park, which allow for these activities to take place in a manner that avoids unreasonable noise effects on existing rural properties in the area. Curfew hours for noise have been limited in recognition of the need for undisturbed sleeping time.*

*The rules recognise that there are residential properties in the area at 50 Prices Road (Lot 1 DP 52648) and 55 Prices Road (Lot 2 DP 173452).*

*$L_{eq}$  and  $L_{max}$  are the noise standards used for this rule.  $L_{eq}$  is the equivalent continuous sound pressure level over a measured time period that would have the same total amount of acoustic energy as a noise that fluctuates in level of the same time period.  $L_{eq}$  is commonly referred to as an "averaged" level.  $L_{max}$  is the maximum level.*

### Rule

#### 15.11.2.4.6 Dust

No Motor Sports Activity shall create a dust nuisance. A dust nuisance will occur if:

- there is visible evidence of suspended solids or particulate matter in the air beyond the site boundary and/or
- there is visible evidence of deposited particulate matter traceable from a dust source settling on the ground, building or structure, on a neighbouring site or water.

### Rule

#### 15.11.2.4.7 Lighting

All lighting must be installed and maintained to ensure that no light source is directed upwards or outside the site. No lasers or fireworks are to be used on the site.

### Explanation/Reasons

*Specific standards are needed to manage the effects of Motor Sport Activities on Colin Dale Park. Large events generate traffic effects, which need to be managed so a standard has been included to ensure that these effects are considered in the context of the wider transportation network, under Chapter 8 of this Plan. Standards relating to dust and lighting are included to avoid adverse effects arising, particularly effects which may adversely impact on the operations of Auckland International Airport.*

## 15.12 RULES — MATTERS FOR CONTROL: CONTROLLED ACTIVITIES

### Rule

**15.12.1 All Controlled Activities shall comply with the General Development and Performance Standards as set out in Rule 15.11.1 including any relevant Additional Development and Performance Standards for Specified Activities in Rule 15.11.2. In addition the Council reserves control over the following matters in Table 15.12.1A for each specified controlled activity and may impose conditions in respect of each of these.**

In the table following the terms of (a) – (g) have the following meaning:

- (a) Design & External Appearance of Buildings & Structures
- (b) Landscape Design and Site Layout
- (c) Location and design of walk/cycleways, recreational trails and bridle trails [AM99]
- (d) Noise and Hours of Operation
- (e) Personal Safety and Damage to Neighbouring residential properties
- (f) Heritage
- (g) Nuisance factors

Table 15.12.1A

SPECIFIED CONTROLLED ACTIVITIES	MATTERS FOR CONTROL						
	A)	B)	C)	D)	E)	F)	G)
The relocation of any building, or structure and/or external alterations or additions to any buildings or structures (except those listed in Chapter 6 — Schedule 6A)	*	*		*	*	*	*
Skateboard bowls, outdoor skating rinks, confidence courses	*	*		*		*	
Public toilets, shelters, restrooms, changing rooms, and first aid rooms	*	*				*	*
Gardens (including botanic gardens)		*		*		*	*
Kiosks subject to additional rules 15.11.2.2 and 15.11.2.3	*	*		*		*	*
Demolition of buildings and structures				*	*	*	*
Residential accommodation for a caretaker, grounds staff, or manager	*	*				*	
Community buildings and facilities (exceeding 150 m <sup>2</sup> ) which are <i>not within 50m of a residential boundary</i>	*	*		*		*	
Community buildings (not exceeding 150 m <sup>2</sup> ) subject to additional rule 15.11.2.2	*	*		*		*	
Formed recreational walkways, trails and cycleways excluding motorised vehicles [AM15] [AM99]	*	*	*		*	*	
Bridle Trails		*	*		*	*	*
Sports Clubrooms <i>not within 50m of a residential boundary</i>	*	*		*		*	
Motor Sport Activities on Lot 6 DP 24346 (Colin Dale Park) involving up to 1000 inward vehicle movements per day and which meet the development and performance standards in Rule 15.11	Refer to rule 15.12.1B below.						

**Rule****15.12.1B Motor Sport Activities and ancillary activities, including car parking and earthworks on Lot 6 DP 24346 (Colin Dale Park)**

[AM73]

**Rule****15.12.1B.1** Council reserves control over the following matters when assessing an application for a controlled activity and may impose conditions in respect of each:

- (a) Noise and noise monitoring
- (b) design and appearance of buildings and structures
- (c) site layout and landscaping
- (d) impact of earthworks
- (e) dust
- (f) site management
- (g) parking provision and access within the site
- (h) for activities involving over 300 inward vehicle movements per day traffic management to and from the site, including traffic monitoring

- (i) effects arising from past landfill activities
- (j) the timing of events, and the number of events in total in a given calendar year
- (k) whether more restrictive hours of operation or permitted attendance numbers are appropriate in any specific case
- (l) potential impacts on adjoining properties.

**Rule**

**15.12.1B.2** When assessing an application for a resource consent for a controlled activity the Council shall have regard to the following assessment criteria:

- (i) Whether noise arising from the motor sport activities and the congregation of people is likely to create a significant adverse effect (including cumulative effect) on the health and wellbeing of nearby residents and other public space users. A noise management plan may be required detailing the control measures which would be put into practice and should include the following details:
  - hours/days of operation
  - the extent, necessity and appropriateness of activities on Public Holidays
  - an acoustic design certificate from a professional Acoustic Engineer demonstrating that the standards for noise under rule 15.11.2.4.3 will not be exceeded.
  - The monitoring of compliance with noise standards including provision for the monitoring of a minimum of two race meetings where the design level is up to 65dBA and two race meetings where the design level is up to 60dBA within the first six meetings (or as soon as the weather permits) in each season. The monitoring results shall be provided to the Council within 14 days from the date of each meeting.
- (ii) Whether the design and external appearance of the building or any other structure is compatible in terms of scale, its relationship to other buildings in the public open space, form, materials, and colour with the dominant function of the public open space zone.
- (iii) Whether the location and design of motor sport facilities and car park areas:
  - fits well with the natural qualities of Colin Dale Park and the adjacent Puhinui Reserve.
  - fits well with the natural heritage qualities and characteristics of adjoining coastal areas.
  - provides for the retention of existing trees where possible.
  - incorporates appropriate landscaping which enhances the amenity of the site.
  - protects and maintains access to essential services located on the site (including but not limited to the Marsden Point to Wiri Oil Pipeline, the Wiri to Airport Aviation Fuel Pipeline and the south western interceptor).

A landscape plan may be required to address these matters.

- (iv) In considering the impact of any earthworks, reference should be made to the criteria under Rule 9.12.6, Chapter 9 of the plan. In addition, Council should consider whether the earthworks proposed are necessary for the development of the Colin Dale Park site, particularly any earthworks needed to meet the permitted noise levels under Rule 15.11.2.4.3.
- (v) Whether sufficient measures have been incorporated into the design of the motor sport facilities to comply with Rule 15.11.2.4.6 and the need for specific ongoing site management to mitigate potential dust effects.
- (vi) Whether site management and refuse facilities are suitable to avoid food waste attracting birds, potentially impacting on airport operations.
- (vii) The extent to which the site layout and level of on-site parking provision represents the optimum for managing the effects of traffic within the site and on the adjacent road network. A maximum number of car parks may be appropriate to ensure the traffic generated by the activity does not significantly impact on the safe and efficient functioning of the road network.
- (viii) The impact of traffic on the road (including State Highway) network. A traffic management plan may be required for proposals for between 300–1000 inward vehicle movements. The traffic management plan:
  - shall address how the potential adverse effects of the proposed activity can be managed with appropriate temporary traffic management procedures, which shall be commensurate with the nature and scale of the proposed activity and its potential adverse effects; and
  - shall make provision for priority access to residential properties that have their access from Prices Road.; and
  - may be required to address arrival and departure times and the provision of public transport to minimise reliance on private motorcar trips; and
  - may require monitoring of compliance with traffic generation standards. Where monitoring is required the monitoring results shall be provided to the Council within 14 days from the date of each meeting.
- (ix) The need for conditions relating to site management, including security measures; the maintenance of 24 hour access and signage for the fuel pipelines and any contingencies required to be put in place should access be required.
- (x) The extent to which multiple activities occurring within Puhinui Reserve and Colin Dale Park could result in cumulative effects and measures in place to avoid simultaneous events being staged where this would have significant adverse cumulative effects and potential impacts on adjoining properties.
- (xi) The extent to which any unsuitable soil is present on the site and whether appropriate remediation works are proposed that ensure the site is suitable for its intended public space use.
- (xii) The number and extent of events that have been held or are proposed to be held in any one calendar year and whether, given the timing and number of past or proposed events, restrictions on hours of operation or permitted attendees are appropriate.

Explanatory note: not all public holidays will be regarded as appropriate for conducting events. While events not less than 1000 inward vehicle movements per day have controlled

activity status, conditions may be imposed which limit numbers below that, place more restrictive controls on hours of operation, prevent events taking place on particular days, or place a limit on the number of events that can take place during the course of the year. This will ensure that the conduct of events over time remains consistent with reasonable community expectations.

**15.12.2 When assessing an application for a controlled resource consent for controlled activities the Council will have regard to the following assessment criteria.**

**(a) Design and External Appearance of buildings and structures**

Whether the design and external appearance of the building or any other structure is compatible in terms of scale, its relationship to other buildings in the public open space, form, materials, and colour with the dominant function of the public open space zone. In areas of high visual amenity new buildings or structures may be required to complement the design and external appearance of existing buildings and the surrounding neighbourhood.

**(b) Landscape design and site layout**

- (i) Whether the site for a proposed building or structure fits well with other site elements of the particular public open space such as the natural heritage qualities and characteristics of coastal areas or the natural beauty of indigenous bush areas, the landscape within the public open space or the streetscape, accessways, parking, and any other recreational features/ structures on the public open space. In coastal cliff face areas the construction of walkways should be designed so that they do not impact on the stability of the cliff and should retain as much vegetation as possible. In beach and esplanade reserve areas buildings and structures shall be sited so that they do not detract from the natural character of the landscape, or impede access to the coast.
- (ii) Whether the location and design of carpark areas provides for convenience, a safe and efficient internal circulation pattern and the avoidance of large areas of sealed parking unrelieved by landscape work or planting. (See also assessment criteria in Chapter 8 — 8.25).
- (iii) Landscape development shall be compatible with the rest of the public open space and be sympathetic with the broader landscape character of the area. Existing trees shall be retained wherever possible in compliance with the Manukau Parks Tree Policy.
- (iv) Whether the proposed facility/ development is likely to attract large numbers of people that will necessitate an access road and the effects of that access road on neighbouring residential properties and the roading network.

**(c) Location and design of recreational walkways, recreational trails, cycleways, and bridle trails [AM99]**

- (i) Whether cycle access or bridle trails to or through a public open space provides for safe and convenient access including the effect on the safe and efficient operation of the adjoining road network. Whether the access has a minimal adverse effect on pedestrian access and safety and/or the recreational or environmental functions of the public open space.

**(d) Noise and Hours of Operation**

- (i) Whether noise arising from the congregation of people and their vehicles is likely to create a disturbance to neighbouring residential properties and other public open space users.
- (ii) Whether Community Buildings, Indoor Recreation Facilities and sports clubrooms are suitably designed and laid out so as to contain noise created by live or recorded music, by recreation, or from patrons so that noise limits will not be exceeded. A noise management plan may be required detailing the control measures which would be put into practise and should include the following details:
  - hours of operation
  - types of activity to be carried out
  - access routes and parking provisions — the location of the carpark shall be assessed for effects of noise created by patrons leaving the area
  - numbers of persons permitted on site
  - ventilation of buildings and control of building openings
  - power and type of sound amplification systems
  - an acoustic design certificate from a professional Acoustic Engineer demonstrating that the standards for noise under rules 15.11.1.7 and 15.11.1.7.1 will not be exceeded.
- (iii) Whether the hours of operation have the potential to create a noise nuisance for surrounding residential sites.

**(e) Personal Safety and Damage to neighbouring residential properties**

Whether the activity may present a dangerous situation to other public open space users or otherwise detracts from other users enjoyment of the public open space. Whether the activity may cause damage to neighbouring residential or business properties.

**(f) Heritage**

Whether the activity will impact in any way on either freshwater or saltwater ecosystems including the quality of the water and riparian vegetation, or any other natural or cultural heritage resource found within the public open space (if the activity is in close proximity to an archaeological site an authority to modify the site must be obtained from the Historic Places Trust prior to work commencing). Landscape work and/or fencing may be used to reduce any significant adverse effects of the proposed activity/building/ or structure on natural or cultural heritage resources. Whether the plants to be used in a garden are botanically compatible with natural heritage areas.

**(g) Nuisance factors**

Whether the activity may create a dust, fumes, smoke, or odour nuisance which can be detected either at the boundary of a residential property or by users of the public open space. Whether the activity may create any other nuisance from the use of chemicals such as herbicides, pesticides or fertilisers.



**Explanation/Reasons**

*Assessment criteria for controlled activities control matters that are difficult to control through Development and Performance Standards alone. The criteria are based on the need to avoid, remedy or mitigate the effects of activities on neighbouring residential properties on the quality and predominant function of the particular public open space, and on users of the public open space. The criteria ensure that potential effects are considered and any necessary conditions imposed to the consent to avoid, remedy or mitigate potential effects before the activity proceeds.*

*Some activities e.g. public toilets, gardens, walkways and cycleways are controlled activities in the P.O.S 1 and 5 zones because of potential effects to the sensitive heritage nature of these public open space areas.*

**15.13 Rules: Matters for Discretion: Restricted Discretionary Activities****Rule**

**15.13.1 All Restricted Discretionary Activities shall comply with the General Development and Performance Standards as set out in Rule 15.11.1 including any relevant Additional Development and Performance Standards for Specified Activities in Rule 15.11.2. In addition the Council retains discretion over the matters in Table 15.13.1A Specified Restricted Discretionary Activities and may impose conditions in respect of each of these.**

In the table that follows the terms (a) – (k) have the following meaning:

- (a) Design & External Appearance of Buildings & Structures
- (b) Landscape Design and Site Layout
- (c) Location and design of recreational walkways, cycleways and bridle trails
- (d) Noise and Hours of Operation
- (e) Personal Safety and Damage to Neighbouring residential properties
- (f) Heritage
- (g) Nuisance factors
- (h) Flooding
- (i) Alternative siting and/or more efficient use of existing buildings and structures
- (j) Coastal Public Open Space
- (k) Carparking

TABLE 15.13.1A

SPECIFIED RESTRICTED DISCRETIONARY ACTIVITIES	MATTERS FOR DISCRETION												
	a	b	c	d	e	f	g	h	i	j i)	j ii)	j iii)	j iv)
The relocation of any building or structure and/or external alterations or additions to any building or structure (except those listed in Chapter 6 — Schedule 6A)	*	*		*	*	*	*		*	*			*
Childrens playgrounds and related structures	*	*		*		*				*			
Plant nurseries and accessory buildings including greenhouses	*	*		*		*	*						
Kiosks subject to additional rules 15.11.2.2 and 15.11.2.3	*	*		*		*	*			*	*		*
Community buildings (not exceeding 150 m <sup>2</sup> ) subject to additional rule 15.11.2.2	*	*		*		*			*				
Public and Club operated boating facilities including boat launching ramps, facilities for storage, repair and maintenance and the supply of fuel to pleasure craft	*	*	*			*				*	*	*	*
Dog Racing including ancillary kennel facilities	*	*		*		*	*						
Any activity, building or structure that lies within the 100 year flood return level	*	*				*		*	*				

**15.13.2 When assessing an application for a restricted discretionary resource consent for restricted discretionary activities the Council will have regard to the following assessment criteria.**

(a) **Design and External Appearance of buildings and structures**

See Assessment Criteria — 15.12.2 (a)

(b) **Landscape Design and Site Layout**

See Assessment Criteria — 15.12.2(b)

(c) **Location and Design of Recreational Walkways and Cycleways, and Bridle Trails**

See Assessment Criteria — 15.12.2(c)

(d) **Noise and Hours of Operation**

See Assessment Criteria — 15.12.2(d)

(e) **Personal Safety and Damage to neighbouring residential properties**

See Assessment Criteria — 15.12.2(e)

(f) **Heritage**

See Assessment Criteria — 15.12.2(f)

(g) **Nuisance factors**

See Assessment Criteria — 15.12.2(g)

(h) **Flooding and Stormwater Management**

The assessment criteria stated at 9.12.10 for Stormwater Management Areas shall apply.

(i) **Alternative siting and/or more efficient use of existing buildings and structures**

Whether there is a demonstrated need for the proposed type of building or structure and whether alternative sites have been considered. Whether there is a more appropriate site elsewhere which would create less disturbance on heritage features and have least adverse ecological effects on natural freshwater habitats or water quality or any other natural resource such as flora and fauna. Whether the location for any building is sited so that it has least effect on the visual amenity of the area in particular on the coastal environment. Whether the site of the building is able to be serviced with least impact on the environment. Whether the building will impact on the land stability of the area.

Whether existing buildings and structures could be used more efficiently to maintain the open space character of public open space where possible. Whether the proposed building may exceed the coverage limits for the zone. Whether the benefits gained by the proposed building exceed the disadvantages of increased coverage of the zone.

(j) **Coastal public open space**

In the case of public open space located adjacent to the coast including public open space that is separated from the coast by a road the following matters shall also be assessed:

(i) **Public Access**

Whether public access to the beach or esplanade areas will be affected;

(ii) **Public Views**

Whether public views from the public open space will be affected;

(iii) **Water Safety**

Whether the launching of boats and other water craft will be situated away from areas set aside for swimming and bathing to ensure the safety of public open space users;

(iv) **Character of the Coast**

Whether the size or extent of the proposed use or work adversely impacts on the character of the coast.

(k) **Carparking**

Whether adequate carparking is provided to meet anticipated levels of parking generated.

Whether the design of the carpark meets Design of Parking and Circulation Area requirements as set out in Rule 8.24.5, Chapter 8 Transportation.

Whether an acceptable aesthetic quality is maintained as viewed from public places.

## 15.14 ASSESSMENT CRITERIA: DISCRETIONARY ACTIVITIES

### 15.14.1 General Assessment Criteria

In deciding whether to grant or refuse consent to a discretionary activity application and in imposing conditions if consent is granted, the Council shall have regard to the following assessment criteria and any relevant matters set out in S104 of the Act.

(a) **Traffic Generation/Safety/Parking**

The traffic management implications of the proposed activity. Factors for consideration include: volume of traffic likely to be generated, times of peak traffic generation, potential traffic conflicts or hazards. (See also assessment criteria in Chapter 8 — 8.25).

Whether adequate parking areas and vehicle service areas are provided and designed in a manner satisfactory to Council and complies with parking provisions specified in Chapter 8 — Transportation.

(b) **Intensity of use**

Whether the intensity of use will be compatible with the amenities of surrounding existing and foreseeable future development. This will include consideration of the maximum number of people to be provided for on the site, the amount of traffic generated, the hours of use, signs, and other generated effects.

(c) **Protection of predominant purpose of public open space and heritage resources**

Whether the design of the proposal will be sensitive to and protect the qualities and predominant purpose of the zone (eg. heritage resources, visual amenity, open space character, acoustic environment, recreation opportunities, landscape design). Whether the nature and extent of the proposed work/activity may disturb vegetation or lead to adverse ecological effects on natural freshwater habitats or water quality or any other natural resource including any heritage resources.

Whether the nature and extent of the proposed work/activity will have an adverse effect on any cultural heritage resource (e.g. archaeological sites or waahi tapu sites) located on the public open space.

All activities in the vicinity of the coast should protect the natural and visual qualities of the coastal environment.

(d) **Site layout, buildings and built form, and external appearance of the building/structure, landscape design**

Whether the scale, location, design and external appearance of proposed structures/buildings and the activities they generate will complement the public open space and contribute to enhancing the landscape and will avoid or mitigate unsafe situations or situations of conflict with other users of the public open space.

In general buildings should be of a similar or complimentary scale to residential buildings within the surrounding area where the public open space adjoins or abuts a residential zone. Buildings should not overshadow or become overly dominant on sites adjoining or abutting residential zones. Buildings should be sited so as to maintain an appropriate level of visual and aural privacy on surrounding residential sites.

Provision should be made for landscape development of the site particularly where the public open space adjoins a residential boundary and of any carparking areas. Particular regard will be paid to the siting and screening of storage and service areas.

Whether the siting of the building allows for the servicing of the building with least impact on the environment and whether the building impacts on the stability of the area.

(e) **Efficient use of public open space**

Whether there is a demonstrated need for the proposed type and size of building/structure and whether alternative sites for the building/structure or the services/activities the building/structure is to accommodate have been considered.

(f) **Multi-purpose design**

Whether the proposed building for the public open space site demonstrates the ability to be used for a variety of purposes.

(g) **Cumulative Effect**

In assessing the appropriateness of allowing an activity/building or structure to be located on a public open space consideration will be given to the presence of activities/buildings and structures already located on the public open space and any adjoining residential properties. Of particular concern is the cumulative effect of locating a new activity/building/structure on a site which currently generates traffic and noise. The ability to internalise effects on the site if more than one activity/building/structure is seeking to operate from it will be considered. Any positive environmental effects will also be considered, for example where activities combine to form a community focal point.

(h) **Development and Performance Standards**

The degree to which the activity meets development and performance standards.

Activities should be conducted so that the noise generated will not exceed the maximum levels specified in rules 15.11.1.7 and 15.11.1.7.1 — General Development and Performance Standards for noise on public open space zones.

## 15.14.2 Additional Assessment Criteria: Specified Discretionary Activities

**15.14.2.1** In addition to the General Assessment Criteria in 15.14.1 the Council will have regard to the following assessment criteria for the specified discretionary activities.

(a) **The effects on residential areas and roads including glare and indirect light spill**

Whether the effects of indirect light spill and glare are causing adverse effects on neighbouring residential properties or roads. Whether the cause of the light spill or glare is related to site factors or topography eg. light coloured concrete reflecting light, or the lights being situated on a slope which could be mitigated through design specifications as specified by a Professional Illumination Engineer or alterations to the site. Whether the effects of light spill or glare can be reduced by the addition of glare guards or an alternative lighting arrangement.

(b) **Hours of operation**

Whether adverse effects on residential areas or roads can be mitigated by reducing the hours of operation of the floodlights.

## **15.15 RULES: STANDARDS FOR PUBLIC OPEN SPACE, RESERVE CONTRIBUTIONS AND ESPLANADE AREAS**

### **15.15.1 Standards for the provision of public open space**

#### **Rule**

#### **15.15.1.1 A minimum of 4 hectares per 1000 population to be divided as follows;**

A minimum of 1.8 hectares per 1000 population for passive activities (P.O.S zones 1 and 2);

A minimum of 1.8 hectares per 1000 population for active outdoor recreation and organised sports (P.O.S zone 3);

A minimum of 0.4 hectares per population for community purpose buildings and facilities (P.O.S zone 4).

It should be noted however, that although the above standards would generally be applied on a Ward basis, the provision of public open space needs to be determined having the city-wide context as the overriding consideration.

#### **Rule**

#### **15.15.1.2 Neighbourhood reserves shall be a minimum size of 0.2 hectares per 1000 population and shall be within 500m of residential dwellings and shall be integrated with walkways and accessways where possible.**

#### **Rule**

#### **15.15.1.3 Public open space which serves a city-wide function such as large public open space heritage areas (eg. Puhinui Reserve, Murphy's Bush, and Clevedon Scenic Reserve), esplanade reserve and large metropolitan recreation/sports facilities (eg. the Manukau Sports Bowl) will be acquired and shall be funded by a combination of reserve contribution and other revenue sources.**

### **Explanation/Reasons**

*The Council's powers to regulate subdivision are contained in the Resource Management Act 1991 which sets out the procedures and requirements for obtaining a 'subdivision consent' under that Act.*

*It empowers the Council to set out in its District Plan the circumstances when a reserve contribution may be required as a condition of a subdivision consent, the general purposes for which such a contribution may be used and the maximum amount of that contribution. The reserve contribution may be in the form of land to be vested as public open space, a financial contribution, or works to take place on a public open space.*

*Extensive public consultation (1993) carried out by this council indicates that the residents of Manukau value the provision of public open space. "In most cases the majority opinion was that there is about the right amount at present of various kinds of parks in Manukau City... Very few people felt there was too much of any particular type", NRB Survey 1993.*

*There are many unknown factors relating to the amount of public open space needed to offset the different effects of development and sustain a healthy community and quality environment. It is therefore acceptable that a precautionary approach is taken that continues with the level of reserve contributions being linked to the traditional 4 hectares per 1000 population standard. Public consultation supports the 4*

*ha per 1000 standard in conjunction with extra land acquisition for heritage protection, esplanade reserves, and large metropolitan recreation/sports facilities.*

*A minimum of 1.8 ha for active outdoor recreation and organised sports is based on information showing that needs for this type of public open space were not being met by the old standard of 1.5 ha per 1000 population. Field use records show that the carrying capacity of existing fields is being exceeded resulting in a decline of surface standards. Requests for bookings are also being declined.*

*The new standard allows for continually emerging new sports such as touch rugby, summer soccer, kilikiti (Island Cricket), kiwi tag and mini tap which require space in addition to fields required for traditional sports and training. The 1.8 ha per 1000 standard for active sports areas is less than the proposed standard indicated in the draft Open Space Strategy for the Auckland Region, Auckland City Council, 1992.*

*A minimum of 1.8 ha for passive recreation is set to balance the amount of land set aside for active recreation. The NRB survey, indicated that 69% of residents go to parks to rest and relax, 57% go to have picnics or barbecues and 65 % to go walking or jogging with a dog. Other uses were also mentioned for passive public open space. Passive areas also contribute to visual amenity and beautification of the City.*

*The minimum size for a neighbourhood reserve has been derived through public consultation and meets the standard specified in the draft Open Space Strategy for the Auckland Region, Auckland Regional Council, 1992. The NRB survey indicated that 44% of residents consulted felt that 0.2 ha was the preferred size for a neighbourhood reserve.*

*A minimum of 0.4 ha per 1000 population is set for community purpose buildings and indoor recreation facilities. An inventory of public open space available for this purpose at September 1994 showed that the average amount of land allocated to this use across the wards is currently 0.19 ha per 1000 population. This land is already accommodating all existing community buildings and indoor recreation facilities. Another 0.2 ha per 1000 population will be available for more community buildings and indoor recreation facilities once standards are being met through reserve contribution rules.*

## **15.15.2 Rules — Reserve Contributions**

### **15.15.2.1 Acceptance of Land as Reserve Contribution**

#### **Rule**

15.15.2.1.1 Reserve contributions as land will be obtained at the time of subdivision.

#### **Rule**

15.15.2.1.2 Public open space provided within subdivisions will be designed as an integral part of the total area subject to a subdivisional consent application and in particular the following principles will be observed:

- (a) All public open space will be designed with adequate public access and will be situated in a convenient location.
- (b) Where appropriate, public open space (particularly larger areas), will be provided with sufficient road frontage to enhance visual amenity and increase personal safety of public open space users.
- (c) Public open space will be designed in a manner that retains and utilises natural features to form a public open space network that is integrated with pedestrian routes, cycleways, and community facilities and increases personal safety.
- (d) Land to vest as public open space will only be accepted by the Council if it is suitable for the proposed activities as intended by the Council with all necessary work undertaken to ensure adequate stability and drainage, particularly in the case of public



open space for Public Open Space zones 2,3 and 4 and for the Flat Bush Area (as shown on the Flat Bush Structure Plan) the Public Open Space 6 zone.

**[AM50]**

Any development as described under the definition of Development (Public Open Space) would be taken into account when assessing the valuation of the land to be taken for P.O.S as reserve contribution, providing that development has been agreed to by the Council.

- (e) Where the land to vest as public open space is for the purpose of retaining natural/cultural heritage (vegetation, habitats, archaeological or geological features of significance) or landscape features, all adverse effects on the heritage feature or features to be acquired from reserve contributions shall be avoided, remedied or mitigated.
- (f) Public open space will be of a size, shape, slope, and aspect that maximises public benefit and safety and the use of the land for its proposed purpose as intended by the Council, and will complement and enhance surrounding land uses.
- (g) Where appropriate, public open spaces will be linked to accessways to form continuous walkways providing safe pedestrian access to schools.
- (h) The location of P.O.S zones 1, 2, 3, 4 and 5 under high voltage transmission lines will be considered on a case by case basis having regard to the appropriate use of the land.
- (i) Where appropriate land may be taken for public open space to enable the provision of recreational trails or bridle trails.

**[AM99]**

**Rule**

15.15.2.1.3 No land set aside for road, service lane or accessway or equivalent reserves for these purposes will be taken into account when assessing reserve contribution. Provided that accessways which connect physically to a public open space may be taken into account when assessing reserve contribution.

**Rule**

15.15.2.1.4 Where land is set aside at the request of Council for flood protection purposes, walkways, cycleways, recreational or bridle trails, and other like public purposes, it will either qualify as part of the reserve contribution or be otherwise compensated for from the appropriate Council fund. Within the Flat Bush Area (as shown on the Flat Bush Structure Plan) land set aside for Stormwater Management purposes will not be taken into account when assessing the reserve contribution.

**[AM50] [AM99]**

**Explanation/Reasons**

*The Council has elected to impose payment of reserve contribution in most situations at the time of subdivision to correspond to the time when the properties are being sold, rather than at the time of building consent. In the majority of instances the timing of the subdivision normally corresponds relatively closely with the application for building consent (or completion of the buildings). In specified situations where no subdivision is involved reserve contribution is required to be paid at the time of building consent, eg Household units for Countryside Living, Business Development.*

*The purpose of reserve contributions and set standards for types of public open space is to ensure provision and development of an effective network of public open space. This includes esplanade areas*

*which contribute to improving public access to the coast, natural and cultural heritage protection and enhances the quality of the City's natural resources, as well as land available for recreation purposes. Because public open space performs a variety of different functions, a list of criteria has been developed to ensure that a high standard of useable public open space is maintained city-wide to meet the objectives and policies of this chapter.*

### 15.15.2.2 Use of Reserve Contributions

#### Rule

- 15.15.2.2.1 Monetary Reserve Contributions will be used for the purchase and development of land for public open space to offset the effects created by development. In special cases it may also be used for the preservation of trees, heritage buildings or other features of visual or heritage interest.

#### Rule

- 15.15.2.2.2 The application of reserve contributions will be determined according to the designations for proposed public open space identified in this Proposed District Plan and any priorities for public open space acquisition and development identified in the Annual Plan. Within the Flat Bush Area (as shown on the Flat Bush Structure Plan) the application of reserve contributions will be determined according to the Public Open Space 6 Overlying Area.

[AM50]

#### Rule

- 15.15.2.2.3 Where proposed public open space is designated on the planning maps, these areas will be obtained wherever possible either by way of reserve contribution when the land is subdivided, or by the use of monetary reserve contributions. Within the Flat Bush Area proposed public open space as shown by the Public Open Space 6 Overlying Area will be obtained wherever possible either by way of reserve contribution when the land is subdivided, or by the use of monetary reserve contributions.

The valuation of land which is to be acquired for reserve purposes (Public Open Space 6) and/or stormwater management purposes (refer paragraph 1 of clause 17.10.9.6.3) as shown indicatively on the Flat Bush Structure Plan (Figure 16.11A) shall be based on undeveloped i.e. raw land value. The value shall be the block or raw land value that would apply to the overall parcel of land of which the Public Open Space land to be acquired forms a part. The value should take into account all the features of the land including topography and bush cover.

For the avoidance of doubt it shall be assumed when making such assessment that the form of roading and section development that could have taken place on such land (had it not been required for Public Open Space 6 and/or stormwater management purposes) would be similar in concept to that shown on the Flat Bush Structure Plan (Figure 16.11A) but with the park edge roads located as close as practically possible to the 100 year flood limit. In other words it should be assumed that the basic principles of the park edge roading (with allotments being created on one side only) would still have been required by the Council in those areas, where such roading is shown on Figure 16.11A.

The valuations of areas proposed to be acquired for Public Open Space 6 purposes and/or stormwater management purposes that are not shown indicatively on the Flat Bush Structure Plan (Figure 16.11A) e.g. the widening or extending of the Public Open Space 6 area to incorporate a local or neighbourhood type reserve, may be determined by other methods.

Where the initial valuations outlined above include land acquired for both reserve purposes and stormwater management purposes, the individual values of the reserve land (Public Open Space 6) and stormwater management areas shall be subsequently obtained by apportioning the overall value between the two land acquisition categories.

[AM50]

**Rule**

15.15.2.2.4 In the event that Council considers land of a value in excess of the 6 percent reserve contribution as suitable for public open space, a condition may be imposed requiring the subdivider to vest that land and Council will compensate the landowner for any land vested in excess of the 6 percent required for reserve contribution.

**Rule**

15.15.2.2.5 In addition to the public open space designations as shown on the planning maps, further land within blocks of land being subdivided may be required to be vested according to the standards for provision of public open space as stated under 15.15.1.

**Rule**

15.15.2.2.6 The Council will determine on a case by case basis at the time of the subdivision whether the reserve contribution will be made in land or cash or works or any combination thereof, according to the particular circumstances of the locality having regard to objectives (15.3), policies (15.4), standards for public open space (15.15.1) and the following matters:

- (a) The size, shape, nature, and topography of the land being subdivided.
- (b) The ability of the proposed public open space within the subdivision to be used for the purpose intended.
- (c) The distance and accessibility of the proposed public open space within the subdivision to anticipated users.
- (d) The cost of maintaining the proposed public open space within the subdivision.
- (e) The ability to link the proposed public open space to an existing or future network of public open space or community facilities.
- (f) The magnitude of the contribution from the subdivision.
- (g) The proximity of the proposed public open space within the subdivision to high voltage transmission lines.
- (h) Whether the land being subdivided contains any significant natural or cultural heritage resources.
- (i) In the case of the Flat Bush Area (as shown on the Flat Bush Structure Plan), whether any land is within the Public Open Space 6 Overlying Area that is required to be vested in Council as public open space.

[AM50]

**Rule**

15.15.2.2.7 Reserve contributions may be used for any refund to the owner of land who has paid money as reserve contribution to satisfy a condition of a subdivision or resource consent which has been revoked or lapses. Council may retain any portion of that reserve contribution to cover costs incurred by it in relation to the activity and its discontinuance as provided in S110 of the Resource Management Act.

**Explanation/Reasons**

*The effects of development are not confined to the immediate vicinity of subdivision, but are considered to be cumulative, eg. people have recreational, social, cultural and educational needs that are not always able to be satisfied by neighbourhood public open space.*

*Residents have indicated in a survey undertaken by the Council that they value all types of public open space including natural and cultural heritage areas that are located some distance away from their homes. It is also clear that the effects of development on the City's natural resources are not always contained within the immediate vicinity of the development. Reserve contributions will be used to achieve the required standards of public open space as stated in Rule 15.15.1.*

*These standards seek to guarantee a minimum level of public open space needed to mitigate the effects of development on people's health and well being, on social, economic, aesthetic and cultural conditions within the City, on the City's natural resources, and on amenity values.*

**Rule****15.15.2.3 Assessment of Reserve Contribution**

Reserve contributions will be used to acquire or provide public open space to offset any adverse effects generated by the process of subdivision and development, and will be required as part of a resource consent for the activities of residential and business subdivision and development. Where subdivision and development has made specific provision for public open space as part of an integrated design, the opportunity exists for such land to also be assessed as part of the reserve contribution.

**Rule**

15.15.2.3.1 The reserve contribution shall be assessed by the Council and its registered valuer according to the assessed market value (which is inclusive of any Goods and Services Tax) of the allotments in the subdivision at the date of subdivision consent and according to the rules pertaining to the principal purpose of the subdivision as if the allotments are available for sale at that date;

Where areas of abutting land are intended to be separately vested in the Council for reserve purposes and stormwater management purposes within the area covered by the Flat Bush Structure Plan (refer to Figure 16.11.A for the extent of the Flat Bush Structure Plan area) then they shall be treated as one single (i.e. combined) area for the purpose of preparing any notional development scheme for valuation purposes.

**[AM50]**

GST will be payable in addition to the assessed reserve contribution in terms of the Goods and Services Act 1985.

**Rule**

15.15.2.3.2 Applicants may wish to supply a market valuation of the proposed allotments for the purposes of guiding the Council in assessing the amount of Reserve Contribution payable. Such valuations shall not be used by the Council for any other purpose.

**Rule****15.15.2.3.3 Residential Subdivisions****Rule**

15.15.2.3.3.1A reserve contribution may be required as a condition of a subdivision consent for residential purposes, the total value of which shall not exceed 6 percent of the assessed market value of the additional sites created by the subdivision.

*Provided that* in the case of sites capable of accommodating more than one household unit, the land value shall be determined as if it was a site for a single household unit.

A condition may be imposed requiring land for public open space purposes in excess of the 6 percent (as referred to above). In this event the Council will compensate the landowner for any land vested for public open space in excess of the 6 percent reserve contribution required.

**Rule**

**15.15.2.3.3.2** Where a subdivision consent for residential purposes is to be effected by means of cross lease, unit title or company lease, a reserve contribution may be required as a condition of consent, the total value of which shall not exceed 6 percent of the “notional site value” for each additional household unit, subject to the following exemptions:

- (i) Where all household units existed on land held in one fee simple title on 19 July 1993 and where applicable, a development contribution has been levied under Section 294 of the Local Government Act 1974.
- (ii) Where all household units existed or were the subject of an application for building consent lodged prior to 19 July 1993 on land held in one fee simple title, and where applicable, a development contribution was levied under Section 294 of the Local Government Act 1974.
- (iii) New subdivision consents resulting from additions to existing household units and alterations to covenant boundaries.
- (iv) There is an unconditional contract for the purchase of an undivided share of a property for the erection of the second household unit thereon, which is proposed to be divided under cross lease, unit title or company lease, which has been executed prior to 19 July 1993. *Provided further that* in the case of the third or subsequent household units, the development contribution assessed under Section 294 of the Local Government Act 1974, shall only be payable. And *provided that* this exemption shall only apply for a period not exceeding five years from 19 July 1993.
- (v) Where within the previous ten years of a subdivision consent, which is to be effected by means of cross-lease, unit title or company lease, a reserve contribution has been paid based on a land value which included the development potential of the site, the reserve contribution assessed under these rules may be reduced by an amount equal to the difference in contribution calculated on the value of the site with its development potential, and the value of the site as if it was a site for a single household unit.
- (vi) It is noted that (i)–(v) do not apply to the Flat Bush Area (as shown on the Flat Bush Structure Plan).

[AM50]

**Rule**

**15.15.2.3.3.3** Where it is proposed to undertake a subdivision in accordance with the rules in the relevant section of the District Plan so that fee simple titles will issue, instead of cross-lease, company lease or unit titles, the exemptions under 15.15.2.3.3.2 above shall apply.

*Provided that* where it is proposed to convert a completed cross-lease, company lease, or unit title subdivision so as to enable fee simple titles to issue for separate lots containing the existing flats or units, and if no additional allotments are created, then no reserves contribution shall be payable.

**Rule****15.15.2.3.4 Business Subdivisions****Rule**

**15.15.2.3.4.1** A reserve contribution may be required for subdivision consents for business purposes, the total value of which shall not exceed the lesser of:

- (a) 6 percent of the assessed market value of each additional site created by the subdivision or

- (b) 6 percent of the assessed market values of all sites created by the subdivision *less* any previous reserve contribution and/or development reserve contribution paid or bonded for within the preceding ten years in respect of the land subject to the application for subdivision consent.
- (c) A condition may be imposed requiring land for public open space purposes in excess of the 6 percent (see (a) and (b) above). In this event Council will compensate the landowner for any land vested for public open space in excess of the 6 percent reserve contribution required.
- (d) *Provided that* reserve contribution will not be taken where the subdivision is required to vest in a public road which effectively creates allotments on either side if those allotments can not be disposed of separately without a further Council consent.

**Rule**

**15.15.2.3.4.2** Where a subdivision consent for business purposes is to be effected by means of cross-lease unit title or company lease, a reserve contribution may be required as a condition of consent, the total value of which shall not exceed the lesser of:

- (a) 6 percent of the assessed notional site value of each additional allotment created by the subdivision *or*
- (b) 6 percent of the assessed notional site values of all allotments created by the subdivision *less* any previous reserve contribution and/or development reserve contribution paid or bonded for within the preceding ten years in respect of the land subject to the application for subdivision consent.

*Provided further that* reserve contributions will not be required when the following exemptions apply:

- (i) Where the allotments proposed comprise separate fire compartments built under NZS 1900 Chapter 5, or a building consent issued under the Building Act 1991, and which on 19 July 1993 would have allowed separate ownership on the basis of unit title, cross-lease or company lease subdivision.
- (ii) Where the allotments proposed were the subject of an application for a building consent under the Building Act 1991 on or prior to 19 July 1993 which, if granted, would have allowed separate ownership on the basis of unit title, cross-lease or company lease subdivision.
- (iii) New subdivision consents resulting from additions and alterations to existing units or allotments, and alterations to covenant boundaries.

**Rule**

**15.15.2.3.4.3** Where it is proposed to undertake a subdivision in accordance with the rules in the relevant section of the District Plan so that fee simple titles will issue, instead of cross-lease, company lease or unit titles, the exemption under 15.15.2.3.4.2 above shall apply.

*Provided that* where it is proposed to convert a cross-lease, company lease or unit title subdivision so as to enable fee simple titles to issue for separate lots containing the existing cross-leased buildings or units and if no additional allotments are created then no reserves contribution shall be payable.



**Rule****15.15.2.3.5 Business Development****Rule**

**15.15.2.3.5.1** Where a development is to occur and the proposed use of the development is solely or principally for administrative, commercial or industrial purposes, or any two or more such purposes, and the assessed value of the development is in excess of \$250,000 a reserve contribution shall be payable at the rate of 0.5 percent of the assessed value of the development prior to the issue of the building consent.

*Provided that* where a reserve contribution has been paid or bonded for within the preceding ten years in respect of the land on which the development is to take place, the amount payable under this rule shall be reduced by the amount previously paid.

**Rule****15.15.2.3.6 Rural (including the Whitford Rural Area) and Future Development Zones**

[AM99]

**Rule****15.15.2.3.6.1 Rural Residential and Countryside Living Sites including Flat Bush Countryside Transition Zone**

[AM50] [AM99]

A reserve contribution may be required as a condition of a subdivision consent for rural residential or countryside living purposes pursuant to the relevant rules in this plan, the total value of which shall not exceed 6 percent of the assessed market value of each additional site created in the subdivision for those additional sites not exceeding 2000 square metres in area.

*Provided that* for additional sites in the subdivision exceeding 2000 square metres in area, the reserve contribution shall not exceed 6 percent of the assessed market value of a nominal site of 2000 square metres including an identified household unit building site and surrounds, for each additional site created in the subdivision.

**Rule****15.15.2.3.6.2 Small Holdings, Bush Lots and Horticultural Lots**

*This Rule does not apply to the Flat Bush Area (as shown on the Flat Bush Structure Plan)*

[AM50]

A reserve contribution may be required as a condition of a subdivision consent for rural small holding purposes and for native bush lots and for horticultural lots pursuant to the relevant rules in the plan, the total value of which shall not exceed 6 percent of the assessed market value of a nominal site of 2000 square metres including an identified household unit building site and surrounds, for each additional site created in the subdivision.

**Rule****15.15.2.3.6.3 Farming Purposes**

*This Rule does not apply to the Flat Bush Area (as shown on the Flat Bush Structure Plan)*

[AM50]

A reserve contribution may be required as a condition of a subdivision consent for farming purposes pursuant to the relevant rules in the plan, the total value of which shall not exceed 6 percent of the assessed market value of a nominal site of 2000 square metres including an identified household unit building site and surrounds, for each additional site created in the subdivision.



**Rule**

**15.15.2.3.6.4** A reserve contribution may be required as a condition of consent to Countryside Housing as provided for in rules 12.11.2.6 and 12.11.3.1 of the Plan or Comprehensive Countryside Living (see 12.14.2.6), the total value of which shall not exceed 6 percent of the assessed market value of a nominal site at 2000m<sup>2</sup> including an identified household unit building site and surrounds for each proposed household unit which is subject to the application.

*This Rule does not apply to the Flat Bush Area (as shown on the Flat Bush Structure Plan)*

[AM50]

**Rule**

**15.15.2.3.6.5 Non Complying Subdivisions in Rural Zones (including the Whitford Rural Area)**

[AM99]

A reserve contribution may be required as a condition of a subdivision consent for any discretionary or non-complying activity for non farming (Business) use, the total value of which shall not exceed 6 percent of the assessed market value of the site or sites being created.

**15.15.2.3.6.6** A condition may be imposed requiring land for public open space purposes in excess of the 6 percent (as referred to above). In this event the Council will compensate the landowner for any land taken for public open space in excess of the 6 percent reserve contribution required.

**Rule**

**15.15.2.3.6.7 Discretionary and Non Complying Subdivision within Flat Bush**

A reserve contribution may be required as a condition of subdivision consent for any discretionary or non complying activity, the total value of which shall not exceed 6 percent of the assessed market value of the site or sites being created within the Flat Bush Residential 1, Flat Bush Residential 2, Flat Bush Town Centre, Flat Bush Neighbourhood Centre and the Flat Bush Countryside Transition zones

[AM50]

**Rule**

**15.15.2.3.7 Payment of Reserve Contribution**

**Rule**

**15.15.2.3.7.1** Payments of Reserve Contribution for all subdividers are to be made prior to the issue by the Council of the certificate under Section 224 of the Act. Where reserve contribution is made in the form of land, this shall be shown on the survey plan as land to vest concurrently with the deposit of the plan or plans.

**Rule**

**15.15.2.3.7.2** Payments of Reserve Contributions on Business Development (see 15.15.2.3.5) and Countryside Housing (see 15.15.2.3.6.4) are to be made prior to the issue of the relevant Building Consent.

**Explanation/Reasons**

*The level of reserve contribution funds obtained during the major development phase of the city over the last three decades has substantially provided for the existing public open space network. To maintain the same standards of public open space (i.e. 4 hectares per thousand population) the Council has calculated the level of reserve contributions required.*

*The figure of 6% has been set as the basis for reserve contributions as follows. The value of reserve contributions collected through consents in 1991 under the Local Government Act provisions were added together. Then a percentage value was derived to yield the same dollars but spread over a wider group of*

applications to ensure equity. For example, multiple household units, or “infill” housing, within the residential sector occurs in the existing residential areas of the city where the lot sizes are of sufficient size. However, these subdivisions were not previously required to pay reserve contribution. Averaged across residential, business and the residential component of rural subdivisions the amount came to 5.3%.

Adjustments were then made to cover exemptions for the introductory period for residential cross-lease and unit title subdivisions. The final percentage value of 6% was derived to give the same total (in monetary value) as under the Local Government Act which allows for the provision of public open space according to the standards set out under 15.15.1. The margin of 0.7% was introduced to cover exemptions over the introductory period for the new rules introduced in Plan Change 4 in 1993. As these exemptions abate this margin becomes available for compensation and survey costs associated with esplanade reserve. These standards for public open space have been endorsed by the community through extensive public consultation.

The NRB survey which was a part of the Parks and Civic Areas Public Consultation programme and the Manukau Parks Booking system both indicate that the business sector makes good use of public open space for work-related functions (both sports and leisure) and lunch-time use. Public open space is also needed in business areas to provide amenity, and in some instances to provide a buffer for neighbouring residential areas. Business development can also affect the quality of natural resources.

Land taken for public open space in business zones often contains environmental protection mechanisms such as water quality detention ponds and protects heritage features, for example, the crater and archaeological features in Waiohuru Peninsula.

Therefore, for business subdivisions for fee-simple sites and those undertaken by cross-lease, company lease and unit titles a reserve contribution will be payable as a condition of a subdivision consent. Unlike the residential situation, however, development of business properties are frequently not followed by subdivision. To enable some reserve contributions to be obtained to offset the effects of business development a development reserve contribution of 0.5 percent of the value of the development will apply.

Where such a development contribution has been made, and the property is subsequently subdivided, a credit is given for prior payment in determining the reserve contribution to be paid. This avoids double-charging.

Rural residents use public open space and the buildings and facilities located on it, such as tennis courts, sports fields, recreation and community centres and bridle trails. The rural zones of the City all provide for opportunities for residential settlement. Therefore a reserve contribution is chargeable as a condition of subdivision consent and where consent is given to Countryside Housing or Comprehensive Countryside Living Development. The reserve contribution in rural areas is to be calculated on the value of notional house site of not more than 2000m<sup>2</sup> and will apply in the Rural 1, Rural 2, Rural 3 and Rural 4 zones. The notional house site is prescribed as 2000m<sup>2</sup> being the area generally sufficient to contain a typical house in a rural area and its residential environs together with its septic tank and the effluent disposal area.

### **15.15.3 Rules and Assessment Criteria: Esplanade Areas**

#### **15.15.3.1 General Rules**

- 15.15.3.1.1 Where any subdivision is proposed of land abutting the mark of mean high water springs of the sea or the bank of a river subject to tidal influence, an esplanade reserve or esplanade strip of not less than 20 metres measured from the mark of mean high water springs of the sea or the bank of a river subject to tidal influence, will be set aside, including where an allotment of 4 hectares or more is created, except as provided for in 15.15.3.2 and 15.15.3.3.

#### **Rule**

- 15.15.3.1.2 Where any development is proposed on any land abutting the mark of mean high water springs of the sea or the bank of a river subject to tidal influence, an esplanade reserve of not

less than 20 metres measured from the mark of mean high water springs of the sea or the bank of a river subject to tidal influence, will be set aside except as provided for in 15.15.3.2 and 15.15.3.3.

**Rule**

15.15.3.1.3 Where any subdivision or development is proposed adjacent to the bank of a river not subject to tidal influence, an esplanade reserve or strip will only generally be taken if the land meets one or more of the following criteria:

- (a) it is of high recreational value;
- (b) it has potential for public access;
- (c) it has significant conservation value;
- (d) it is close to a public road;
- (e) it has value for the maintenance or enhancement of water quality;
- (f) it is necessary for drainage purposes;
- (g) it connects parts of the existing public open space network;
- (h) it is of significant value to tangata whenua;
- (i) it will assist in the mitigation of natural hazards;
- (j) it contains significant cultural heritage resources.

If esplanade reserve or strip is to be taken or set aside then the esplanade reserve or strip shall be not less than 20 metres in width measured from the bank of the river except as provided by 15.15.3.2 and 15.15.3.4.

**Rule**

15.15.3.1.4 Any application to vary or waive the rules requiring provision for esplanade reserve or strip shall be by way of a discretionary activity application.

**Rule**

15.15.3.1.5 The requirement to vest an esplanade reserve may be replaced by the requirement to create an esplanade strip subject to the criteria in 15.15.3.5.

**Rule**

15.15.3.1.6 When an esplanade reserve or strip greater than 20 metres is required in respect to a subdivision or development the Council will pay compensation in accordance with Section 237E of the Act, unless an agreement otherwise is made with the owner of the land.

**Rule**

15.15.3.1.7 Where an esplanade reserve or strip is taken or set aside on the creation of an allotment greater than 4 hectares or a development on a site greater than 4 hectares then the Council will pay compensation in accordance with Section 237F of the Act, unless an agreement otherwise is made with the owner of the land.

**Rule**

15.15.3.1.8 Where land has previously been set aside under the instruments set out in Section 236 of the Act, the Council will use the criteria in 15.15.3.4 to assess whether additional esplanade reserve or strip should be taken or set aside.

**Rule****15.15.3.2 Assessment Criteria For Reduction In Width Of An Esplanade Reserve Or Strip****Rule**

15.15.3.2.1 In assessing an application for a reduction in the width of an esplanade reserve or strip or a variation to an existing esplanade strip the Council will need to be satisfied that value of the land in terms of the purposes specified in Section 229 of the Act are not significantly diminished. The Council will also consider the objectives and policies of Chapter 11 Coastal Environment and Surface of Rivers and the following criteria:

- (i) whether the conservation and enhancement of the coastal environment and margins of rivers is still achieved particularly:
  - (a) the maintenance or enhancement of the natural functioning of the adjacent sea or river;
  - (b) the maintenance or enhancement of water quality;
  - (c) the maintenance or enhancement of terrestrial or aquatic habitats;
  - (d) the mitigation of any actual or potential natural hazards;
  - (e) the maintenance and enhancement of the natural character and landscape values
- (ii) whether safe public access is possible;
- (iii) whether recreational use of the reserve or adjacent water is enabled or diminished;
- (iv) the extent to which the natural character and visual quality of the coastline or the margin of the river will be preserved within the proposed reserve;
- (v) whether there are any values of significance to tangata whenua;
- (vi) whether there are any significant archaeological or historical sites;
- (vii) whether there are existing buildings on the land involved;
- (viii) the topography of the land involved.

**Rule****15.15.3.3 Assessment Criteria When Esplanade Reserve or Strip Requirement May Be Waived****Rule**

15.15.3.3.1 In assessing an application for a waiver of an esplanade reserve or strip, or the cancellation of an existing esplanade strip the Council will need to be satisfied that value of the land in terms of the purposes specified in Section 229 of the Act are not significantly diminished. The Council will also consider the objectives and policies of Chapter 11, Coastal Environment and Surface of Rivers, and this Chapter, the criteria in 15.15.3.2.1 where applicable, and the following criteria:

- (i) whether the application is for a minor boundary adjustment that will not result in an additional household site;
- (ii) whether the health and safety of people would be compromised;
- (iii) whether an activity on the land requires direct access to the coastal marine area;
- (iv) whether other exceptional circumstances exist such that it would not be appropriate to require an esplanade reserve or strip;

- (v) whether other factors are present determining that the provision of an esplanade reserve or strip would have little or no value in achieving the purposes of an esplanade reserve or strip as set out in the Act;
- (vi) whether the purposes of esplanade reserves or strips can be achieved by other means;
- (vii) the effects on tangata whenua's association with the area;
- (viii) whether the application is for a subdivision for a minor site (as defined by Activity Table 7.8.2.1 in the Plan).

**Rule****15.15.3.4 Assessment Criteria For Additional Esplanade Reserve or Strip****Rule**

15.15.3.4.1 In assessing whether additional esplanade reserve or strip should be acquired or set aside, the Council will consider the objectives and policies of the Chapter 11 Coastal Environment and Surface of Rivers, and may require an esplanade reserve or strip of a greater width than 20 metres where one or more of the following criteria are met:

- (i) it is necessary to achieve safe public pedestrian and/or bridle access;
- (ii) there is a demand for recreational activity that can not be accommodated on a 20 metre wide reserve or strip;
- (iii) the area is required for the protection of the natural character, landscape values or cultural heritage values;
- (iv) access to an existing or possible future reserve can be enhanced;
- (v) the land is located within a known natural hazard area.

**Rule****15.15.3.5 Assessment Criteria As To When An Esplanade Strip Will Be Taken****Rule**

15.15.3.5.1 In assessing whether esplanade strip should be set aside the Council will consider the objectives and policies of Chapter 11 Coastal Environment and Surface of Rivers, and this Chapter, and may require an esplanade strip in circumstances where:

- (i) the opportunity to acquire esplanade reserve is unlikely to arise but continuity of access is desirable;
- (ii) the creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership.

**Rule****15.15.3.6 Access Strips****Rule**

15.15.3.6.1 The Council will, with the agreement of the landowner, enter into an agreement to create an access strip where:

- (i) it is desirable to provide access to what would otherwise be a land locked esplanade reserve, esplanade strip; or
- (ii) it is desirable to create a network linking esplanade reserve with public road or other public space

**Rule****15.15.3.7 Creation of Esplanade Reserve or Strips on Road Stopping**

On the stopping of any road, adjacent to mean high water springs of the sea, under the Local Government Act 1974, such stopped road will become local purpose (esplanade) reserve except that Council may reduce the width of the reserve to not less than 20 metres subject to 15.15.3.2.

**Explanation/Reasons**

*The Resource Management Act requires that Plans provide for the preservation of the natural character of the coastal environment including the margins of rivers, and maintaining and enhancing public access to and along the coastal marine area and the margins of rivers. The New Zealand Coastal Policy Statement (NZCPS) reinforces these requirements. A District Plan must give effect to the NZCPS.*

**[AM89]**

*Because of the pressure that much of the coastal environment of Manukau City is under from development, particularly residential development, it is important that the coastal environment be protected. Therefore, opportunities should be taken to continue to build on the network of esplanade reserve which exists in the City to protect the coastal environment, provide public access and provide opportunities for future generations. It is recognised that there are circumstances where esplanade reserve may not be necessary or where the width needs to be varied from the standard 20 metres. The rules provide for this flexibility subject to the purposes of the Act still being satisfied.*

*In the case of non-tidal rivers the presumption is different to that applied to the coast and tidal rivers in that esplanade reserve or strip will only be taken along non-tidal rivers in special circumstances. In the rural context in particular, most of the non-tidal rivers have less significant ecological or recreational values compared with the coast and tidal rivers. Where there are significant values the assessment criteria will ensure that esplanade reserve is taken.*

*The values of other river margins can be protected by other rules in the plan rather than by taking esplanade reserve. Requiring esplanade reserve along both banks of all rivers could fragment the land and make its management difficult. It would also probably be very expensive in terms of compensation and fencing, and such costs could mean that opportunities to purchase other reserves are foregone. It is therefore considered, on balance, to be more efficient and effective to only take esplanade reserve adjacent to particular stretches of non-tidal rivers where the natural, recreational or public access values are high.*