



10 OPEN SPACE AND RECREATION

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10

10.1

OPEN SPACE AND RECREATION

INTRODUCTION

Open space may be defined as any land, airspace or water which provides the opportunity for recreational, educational, or other physical, spiritual or social benefits. Open space areas may also provide for the conservation of natural, cultural or historic resources and landscape enhancement.

While some open space areas, such as sportsfields, provide for active recreation, others have as their primary function the conservation of natural, cultural, historic or scenic values. In these areas the recreational function may be limited. As well as its conservation, recreational, educational and other functions, open space in urban areas has the potential to achieve a more sustainable and efficient urban form, by providing pedestrian and other movement networks and reducing the need for communities to travel to enjoy recreational activities.

A wide range of open space areas is contained within the District, in both public and private ownership. These include reserves vested pursuant to the Reserves Act 1977, land owned by public agencies but not vested as reserve, unformed legal road, and privately owned land.

10.1.1

Esplanade and Coastal Reserves

With a coastline of approximately 1,019 kilometres in length, coastal and water environments are significant within the District. Kaipara, Whangateau, Mahurangi and upper Waitemata Harbours, East and West Coast beaches, offshore islands, as well as several significant rivers and lakes, constitute important coastal and water resources.

Esplanade reserves and recreation reserves are the principal means by which the public gain access to and along the coastline, rivers and lakes, particularly in urban areas. These reserves not only provide a means of public access, but also have an important conservation function, in that they provide a buffer between land and sea environments. Esplanade reserves and strips, as well as their access, recreation and conservation functions, also have the purpose of mitigating natural hazards.

A wide range of activities take place adjacent to or on the surface of water. Shore-based facilities are important for a number of these activities, including boat ramps, storage facilities and wharves, as well as public conveniences. These facilities are often located on public open space areas adjacent to the sea, lakes and rivers.

10.1.2

Regional Parks and Conservation Areas

Nine Regional Parks have been established within the District, totalling an area of some 2,038 hectares, namely Atiu Creek Farm, South Kaipara, Pakiri, Tawharanui, Scandrett, Mahurangi, Wenderholm, Shakespear and Muriwai. A range of outdoor recreation opportunities is provided for within the Parks, as outlined within the individual management plans. These areas attract people from throughout the Auckland region and provide a valuable recreational asset for the District.



The Department of Conservation administers an area totalling approximately 7,065 hectares within the District. This consists of reserve land (marginal strips, scientific, scenic and historic reserves and Maori reserves) and stewardship areas owned by the Crown. Many of these areas have significant vegetation and wildlife values because they are relatively unmodified, and because of the succession of ecotones and habitats, also the rarity of species found and their relative abundance. These areas are important for the biodiversity of the District and the nation.

10.1.3

Sports Fields and Metropolitan Parks

Assessments of demand for future sports fields are based on the requirements of each urban area and the immediate rural catchment, rather than the District as a whole.

The Hibiscus Coast area has a demand which exceeds that of the currently developed sports fields. With population growth, further areas will be required. When developed the 20.5 hectares of land acquired for the Metropolitan Park at Silverdale North will meet demand for sportsfields in the medium term. The northern area of the District, centred on Wellsford, currently has a more than adequate supply of sports fields and with the small population growth forecast, this is likely to remain the case for some time. Sufficient reserve land is also available within the Warkworth area, although some of the reserves will need to be developed further. In southern areas of the District demand from existing sports clubs is reinforcing the need for further provision, some of which may be met through development of existing Council owned land.

10.1.4

Neighbourhood Reserves

Neighbourhood reserves are smaller areas of open space which contribute to the visual amenity of urban areas and provide opportunities for informal passive and active recreation. These consist mainly of Council owned land and in some cases, school grounds. The purchase of some private land by the Council will be necessary to complete the District's strategy.

10.1.5

Indoor Recreation Facilities

The majority of indoor recreation facilities within the District are owned and managed privately, for example church and community halls and school facilities; while those owned by the Council include the Hibiscus Coast Leisure Centre, public halls and libraries. Many of these facilities may not be located on sites which contribute to the open space character or amenity values of the surrounding area.

10.1.6

Privately Owned Open Space Used for Recreation Purposes

In addition to the facilities and open space previously discussed, there are also a number of privately owned facilities within the District. These areas provide for recreational facilities, and contribute to the character of both urban and rural areas. However, public access to such areas may be restricted, either because of the cost of access (for example golf clubs), or by the commercial function of the area (such as logging operations within commercial forests).



Significant recreational facilities and open spaces owned or managed by private organisations include North Shore, Kaipara Flats and Parakai airfields, Parakai thermal pools, Carter Holt Harvey Forests, Kumeu and Warkworth showgrounds, Gulf Harbour Marina, museums and marae, as well as boating, trotting, golf and squash clubs.



10.2

Issue
10.2.1

RESOURCE MANAGEMENT ISSUES

The District's recreational resources may be adversely affected as a result of a rapidly increasing District and Regional population, coupled with changes in population composition, greater urban intensification and an increasingly mobile regional population.

Population

An increasing population places pressure upon existing open space areas and recreational facilities, potentially affecting the availability and quality of the resource. Additional pressures arise because of the close proximity of Auckland to many parts of the District, as visitors seek recreational opportunities within the District. Population composition is also important in creating differing demands for recreational opportunities. For example, the demands of the elderly proportion of the population can differ from those of other age groups.

Distribution of facilities

Recreational facilities and areas of open space are not distributed equally throughout the District, nor would it be desirable to achieve this. Census results indicate that several areas within the District are experiencing more rapid population growth than others, for example, Wainui and the Hibiscus Coast. Although currently the District is generally well provided for in terms of recreational facilities and open space (though not entirely self-sufficient), rapid population growth within particular areas may mean that the resources may not be adequate in the medium to long term.

Intensification

As the District's population increases urban intensification will occur, resulting in loss of, or a reduction in, private open space. This not only affects the amenity values of the urban area, but also creates further demand for open space areas and recreational facilities. Areas of land retained as open space are needed to offset or mitigate the effects of urban intensification.

Accessibility

The accessibility of facilities is important in determining the level of use and who the users will be. For some forms of recreation, travel is an accepted part of the experience, but for others, their proximity to users will be important in determining their level of use. For example, neighbourhood reserves should be located to avoid the need for use of motor vehicles to reach them. On the other hand, sports fields and golf courses are generally located where there is available land, and the need to travel is generally accepted.

Level of use

Where open space areas are under pressure from increased use, the result may be conflicting uses, or damage, reducing the quality of the resource for a range of recreation activities. In addition, areas which are poorly maintained or managed, and which do not provide opportunities desired by the surrounding community, are unlikely to be fully utilised, exacerbating the pressure on more popular areas and facilities.

Areas which are sensitive, such as bush and wetland areas, can be adversely affected by recreational uses, including tramping, horse riding, and off road vehicles, unless carefully managed so that noise effects, physical damage and modification are minimised.

Achieving a satisfactory level of recreational facilities and open space which meets the demands of a growing population involves a variety of organisations, both public and private. Consideration of which open space areas and facilities



Issue
10.2.2

should be provided by whom raises equity issues, both in terms of revenue sources to provide them, and barriers to participation where facilities are operated privately.

Existing and potential public access to and along lakes, rivers and the coast, and the conservation values of these areas may be adversely affected by subdivision and land use activities.

Duty to maintain and enhance

The Act states that it is a matter of national importance for local authorities to recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers. The Act also states that, as a matter of national importance, local authorities must provide for the preservation of the natural character of the coastal environment, wetlands, lakes and rivers and protect them from inappropriate subdivision, use and development. Much of the coastline of the District and some wetlands, lakes and rivers are within the Hauraki Gulf Marine Park.

Urban and rural development

Development in both rural and urban areas can impact upon the extent of existing access and may reduce the potential to enhance it in the future. Also, as population grows and becomes more mobile, demand may increase. To ensure that access to the coast, lakes and rivers is maintained and that the natural character of these areas is preserved, the Act requires that, unless Council specifies otherwise, esplanade reserves must be vested when sites less than 4 hectares are created abutting the coast, lakes and rivers.

Esplanade reserves and strips

Esplanade reserves and strips are composed of land adjoining the coast, rivers, streams or lakes. Esplanade reserves are vested in the Council, while the land comprising esplanade strips remains in private ownership. Their purpose under the Act is not only to provide public access to bodies of water, but also to contribute to the protection of conservation values, and enable public recreational use of the esplanade reserve or strip and the adjacent water body, where the use is compatible with conservation values.

Access points

Providing a sufficient number of access points to the sea, lakes, rivers and wetlands may reduce the potential for impacts resulting from uncontrolled use, and enable access to some esplanade areas to be limited, to protect ecological and conservation values.

Issue
10.2.3

The amenity values of, and significant natural features in the surrounding environment may be adversely affected by activities taking place on open space and recreation areas.

Effect on amenity values and natural features

Activities associated with open space and recreational facilities may have adverse effects upon the amenity values of the surrounding environment, and on adjoining natural features such as bush areas supporting native wildlife. Activities associated with open space and recreational facilities may also affect the enjoyment of people undertaking other recreational activities in the vicinity.

Noise, glare, traffic and building size or scale

Adverse effects which may result include noise from activities such as clubrooms, particularly late at night; glare from floodlighting; increased pedestrian and vehicular traffic and parking in an area; and the impact of building size or scale on surrounding properties. These effects may adversely impact upon people's health and well-being, so it is important that adverse effects upon the surrounding environment are avoided or mitigated.



Issue
10.2.4

The amenity values present on open space areas and the ability of open space areas (particularly reserves) to function for their intended purpose may be adversely affected by activities taking place on them.

Conflicts between activities

Conflicts between recreational activities and/or other activities undertaken on open space areas can impact upon the function and the use and enjoyment of those areas. For example, allowing large recreation buildings on a narrow esplanade reserve may affect the access function of the reserve. Similarly, inappropriately scaled or sited buildings could detrimentally affect the values of a scenic reserve. Issues related to the management of activities are often able to be addressed through Reserve Management Plans, rather than through the District Plan. The Reserve Management Plan process involves community input and enables regular consideration of more detailed 'site management' matters. Nevertheless, the range of activities that can occur on open space areas will affect the amenity values and functions of those areas.

Issues from other chapters

Readers should note that issues from the following chapters are also relevant.

- Chapter 5 - Natural Hazards*
- Chapter 6 - Highly Valued Natural Resources*
- Chapter 7 - Rural*
- Chapter 8 - Residential*
- Chapter 9 - Business*
- Chapter 11 - Inland Waters*
- Chapter 12 - Special Zones*
- Chapter 13 - Future Development and Structure Plans*
- Chapter 17 - Cultural Heritage*
- Chapter 18 - Urban Land Modification and Vegetation Protection*
- Chapter 19 - Utilities*
- Chapter 20 - Hazardous Substances and Contaminated sites*
- Chapter 21 - Transportation and Access*
- Chapter 22 - Financial Contributions and Works*
- Chapter 23 - Subdivision and Servicing*



10.3

OBJECTIVES

Objective
10.3.1

To ensure that adequate land and facilities are available to meet the recreational needs of the existing and future population of the District and the Region.

(This objective relates to Issue 10.2.1)

Objective
10.3.2

To maintain and enhance public access to and along the coast, wetlands, lakes and rivers, provided that it does not have significant adverse effects on the ecological or conservation values of either the access route or the area being accessed.

(This objective relates to Issue 10.2.2)

Objective
10.3.3

To ensure that the natural character and the conservation values of open space along the coast, rivers and lakes, and within reserves with significant vegetation or wildlife values, within the District, are maintained, managed, protected and enhanced with minimum alteration, so they remain in a relatively natural unmodified state.

(This objective relates to Issue 10.2.2)

Objective
10.3.4

To ensure that the use and development of open space and recreation facilities takes place without significant adverse effects upon the surrounding environment including the community.

(This objective relates to Issue 10.2.3)

Objective
10.3.5

To ensure that the use and development of open space and recreation facilities takes place, without significantly reducing the amenity values of the open space area or its ability to function as a reserve or open space.

(This objective relates to Issue 10.2.4)





Objectives from other chapters

Readers should note that Objectives from the following chapters are also relevant.

- Chapter 5 - Natural Hazards*
- Chapter 6 - Highly Valued Natural Resources*
- Chapter 7 - Rural*
- Chapter 8 - Residential*
- Chapter 9 - Business*
- Chapter 11 - Inland Waters*
- Chapter 12 - Special Zones*
- Chapter 13 - Future Development and Structure Plans*
- Chapter 17 - Cultural Heritage*
- Chapter 18 - Urban Land Modification and Vegetation Protection*
- Chapter 19 - Utilities*
- Chapter 20 - Hazardous Substances and Contaminated sites*
- Chapter 21 - Transportation and Access*
- Chapter 22 - Financial Contributions and Works*
- Chapter 23 - Subdivision and Servicing*





10.4

Policy

10.4.1

Provision of open space

Policy

10.4.2

Conservation values

POLICIES

Open space and recreation areas and land for facilities should be provided at the time subdivision or development occurs.

Explanation and Reasons

This policy seeks to achieve Objective 10.3.1.

The provision of adequate open space and recreation areas assists development to occur without significant adverse effects on the natural and physical resources of the District. Urban expansion and intensification creates a need for readily accessible open space and recreation areas. Providing these areas is essential for the health and well being of the District's inhabitants.

The provision of open space areas and recreation opportunities is currently, and will continue to be, met by a variety of organisations. This is particularly so for 'facilities', such as sports clubs, as opposed to 'land'. The key emphasis for the Council therefore, is ensuring that adequate land is available to accommodate facilities.

Activities, buildings and structures within areas of high conservation value and in areas where there is public access to and along the coastline, rivers and lakes, should not create adverse effects on the conservation values or natural character of the area, or public access to the area from:

- (a) the intensity of the activity;
- (b) the location, scale and external appearance of buildings and structures;
- (c) visual impacts;
- (d) obstruction along the foreshore;
- (e) vegetation removal and earthworks;
- (f) diversion or modification of any wetland or watercourse;
- (g) vehicles and carparking; or
- (h) the concentration and number of people in the area.

Explanation and Reasons

This policy seeks to achieve Objective 10.3.2 and Objective 10.3.3

Many of the conservation reserves and open space areas in the District are narrow esplanade reserves along rivers, lakes and the coast. These act as a buffer zone between the land and sea environments and provide for public access. In addition there are a number of open space areas which are larger and relatively unmodified



Policy
10.4.3
Public access

from their natural state. Areas such as these, with a conservation emphasis, are usually situated in locations sensitive to development. The intensity of activities undertaken in these areas needs to be of a minor nature, as the sensitive character of this type of open space cannot support the kind of development that may be appropriate in other open space areas. Built structures may impact upon them, both visually and as an obstruction to access to the coast, lakes and rivers. The intensity of people and vehicles in the area can also create adverse affects. Vegetation removal and land modification should be undertaken on a very small scale to ensure that the conservation emphasis of these areas is maintained.

Public access should be enhanced to and along the coastal marine area, wetlands, lakes, and rivers where this will have minimal adverse effects upon the environment or public health and safety.

Explanation and Reasons

This policy seeks to achieve Objective 10.3.2

The Act recognises as a matter of national importance the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers. These areas, and access to them, have traditionally been highly valued by New Zealanders and this has resulted in the creation of a network of esplanade reserves and strips. Encouraging access to and along such areas facilitates passive and active forms of recreation, both along these margins (eg. walking) and upon adjacent water (eg. surface water activities). The provision of facilities (eg. boat ramps, boat and trailer parking) to make these areas more accessible may be appropriate in some situations. The Act also recognises the ecological and conservation values of the areas and these should not be compromised by public access and recreational activities.

Policy
10.4.4
Use and development

The use and development of open space and recreation areas should be undertaken in such a way that adverse effects on the amenity values of neighbouring properties and communities, in particular from noise, glare, traffic and parking and visual effects, are avoided, remedied or mitigated.

Explanation and Reasons

This policy seeks to achieve Objective 10.3.4.

Activities undertaken and the structures established within recreational areas may have a number of effects upon the surrounding environment (eg. floodlighting at sportsfields). The use and development of open space areas and recreational facilities in a way which is sensitive to the character of the surrounding environment will reduce the potential for adverse effects and will maintain or enhance the amenity values of the area.



Policy
10.4.5
Purpose

The activities which can occur and the way in which they are undertaken, should recognise and enable the particular function of the open space area (particularly the functions of reserves assigned by statute) to be achieved.

Explanation and Reasons

This policy seeks to achieve Objective 10.3.5

Open Space areas are quite diverse. Some have a high conservation and protection emphasis, while in others scale and development can be of a much higher intensity, without creating any adverse effects on the surrounding environment (eg. buildings on a reserve adjoining a business area). Reserves classified by statute under the Reserves Act 1977 have set purposes, and activities undertaken in these reserves should be compatible with these purposes.

Policy
10.4.6

Policies from the following chapters are also relevant.

- Chapter 5 - Natural Hazards*
- Chapter 6 - Highly Valued Natural Resources*
- Chapter 7 - Rural*
- Chapter 8 - Residential*
- Chapter 9 - Business*
- Chapter 11 - Inland Waters*
- Chapter 12 - Special Zones*
- Chapter 13 - Future Development and Structure Plans*
- Chapter 17 - Cultural Heritage*
- Chapter 18 - Urban Land Modification and Vegetation Protection*
- Chapter 19 - Utilities*
- Chapter 20 - Hazardous Substances and Contaminated sites*
- Chapter 21 - Transportation and Access*
- Chapter 22 - Financial Contributions and Works*
- Chapter 23 - Subdivision and Servicing*





10.5

STRATEGY

The strategy for open space areas is essentially a regulatory approach. The Plan aims to maintain the quality of open space areas and the surrounding environment, while enabling the use of these areas for a range of recreational activities suited to the values of the site and its purpose. This is achieved by applying controls on development to ensure that the effects upon the surrounding environment are considered, and by limiting the range of activities within some Open Space Zones where they may not be compatible with surrounding land uses.

The on-site effects of activities occurring within Open Space Zones are also controlled by regulatory methods, although largely through mechanisms not included in the Plan. The control of activities, and the allocation of space to particular activities within public areas of open space, relies mainly on the Reserve Management Plan process prescribed by the Reserves Act 1977, and the Local Government Act 1974. However, the Plan does specify the types of activities which may generally be considered suitable, and therefore provides some guidance for Reserve Management Plans.

The controls in the Plan related to Open Space Zones are therefore focused upon the off-site effects of activities which occur within them.





10.6

10.6.1

10.6.1.1

IMPLEMENTATION

District Plan Regulatory Methods

Zones

A number of Open Space Zones have been developed, based on the characteristics and functions of sites for open space and recreation purposes. For example, areas of value for passive and informal recreation, where the qualities of that open space area should not be compromised by facilities associated with recreation, are distinct from areas providing for more structured or intensive activities. The Open Space Zones also recognise the effects which activities may have upon the surrounding environment.

Five Open Space Zones have been developed. These are:

- Open Space 1 (Conservation) Zone
- Open Space 2 (Passive and Informal) Zone
- Open Space 3 (Water Access) Zone
- Open Space 4 (Multi-use and Community) Zone
- Open Space 5 (Private) Zone

These zones are described in more detail in Section 10.8 Description of Zones.

10.6.1.2

Effects Based Activity Rules

Activity-based rules have been developed to manage the effects of recreational activities on the surrounding environment. Activities which may generate effects such as noise, glare or traffic, or those which operate beyond daylight hours, are subject to assessment criteria to ensure that these effects do not impact significantly on adjacent properties.

Permitted Activities within the zones are those which, provided they comply with specified development controls and performance standards, are considered unlikely to generate adverse effects of the environment.

Controlled Activities are those which are considered appropriate for the zone but require conditions placed on them to avoid, remedy or mitigate any adverse effect.

Restricted Discretionary Activities are those which may be appropriate in the zones, but could compromise the amenity values of the open space area. It is to these elements that the Council will restrict the exercise of its discretion, and may impose conditions concerning them. This will enable their effects to be assessed and appropriate controls to be put in place.

Discretionary Activities are those which may be appropriate in a zone but have the potential to have adverse effect on the environment.

Any activity which is not a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity is a Non-complying Activity. These activities are especially considered inappropriate because of their adverse effects. However resource consent can be sought for such activities and they will be assessed against the objectives and policies of the Plan and the relevant matters set out in the Act.



Prohibited Activities are those which have significant adverse effect and are therefore expressly prohibited under the Plan.

10.6.1.3

Development Controls and Performance Standards

Activities within Open Space Zones will be required to meet specified controls designed to maintain the resource, and avoid or mitigate any adverse effect on the area itself, or on the surrounding environment. For example, controls relating to building height, yards and site coverage are imposed.

10.6.1.4

Designations

The Council will in some instances designate land to be acquired or vested for public open space. Designating these areas signals the Council's intention to acquire them as future open space. Such areas are identified on the Planning Maps.

The nine Regional Parks within the District are managed by the Auckland Regional Council under existing designations.

10.6.1.5

Land Acquisition

The Council will identify esplanade areas and other land which it wishes to obtain, and state the reasons why these areas are required (see Rule 23.8.14, *Chapter 23 - Subdivision and Servicing*). In areas close to the coast, rivers or lakes, the Council will obtain areas to be vested as Esplanade Reserve through the subdivision process. In most cases this land will be required to provide public access to and along the coast, lakes, rivers and streams, for recreation and/or to protect conservation values.

Mandatory financial contributions required from subdividers and developers for the purchase of community facilities will include contributions for the purchase of land for neighbourhood reserves and sportsfields. Such contributions provide the Council with a mechanism for the further purchase and development of open space areas, as a means of mitigating the effects of development (see *Chapter 22 - Financial Contributions and Works*).

10.6.2

Other Regulatory Methods

10.6.2.1

Reserve Management Plans

The Reserve Management Plan process is prescribed by the Reserves Act 1977 and the Local Government Act 1974, and involves community consultation to establish objectives and policies relating to the management of particular existing reserves. It is considered that the more detailed issues, for example, the allocation of space and any conflicts between activities on the reserve, are more appropriately addressed through the Reserve Management Plan process than the District Plan rules, as specific local circumstances can be taken into account. However, the Open Space Zones in the Plan will guide this process by determining the activities that can occur within each zone.

10.6.2.2

Bylaws

Bylaws are effective in quickly addressing or halting activities which could have an adverse effect upon open space and recreation areas, or upon the public which uses them. The Council will continue to use and apply bylaws for public open space areas where appropriate, in respect of inappropriate recreational activities.



10.6.2.3

Statutory Acknowledgments and Statutory Areas

(Note: This section is not part of the District Plan. It has been inserted for information in accordance with the requirements of Section 65 of the Ngati Whatua o Kaipara Claims Settlement Act 2013)

A Statutory Acknowledgment is an acknowledgment by the Crown of a particular Maori entity's cultural spiritual, historical and traditional associations with specified Statutory Areas. By the Ngati Whatua o Kaipara Claims Settlement Act 2013, The Crown has acknowledged Ngati Whatua o Kaipara's association with nine such Statutory Areas in the Rodney District. Appendix 10A sets out the council's requirements as required by the Settlement Act.

10.6.3

Other Methods

10.6.3.1

Co-operation between Open Space Providers

Both public and private providers of open space and recreational facilities are important in contributing to the total opportunities available in the District. This co-operation includes:

- inputs from the Council into management plans (for example the Regional Park Management Plans;
- in some cases, the leasing of Council owned land where a private organisation can best meet recreational needs;

- other organisations commenting on Council's Reserve Management Plans and being involved in public consultation on documents such as the Council's Recreation Strategy;

- working in a cooperative way with other local authorities, to promote the efficient sustainable use of shared open space and recreation resources; and

- consulting with private recreation providers when preparing recreation plans and any changes to the District Plan which may affect private providers' ability to provide recreational resources for the District.

10.6.3.2

Information and Education

Interpretation signs are provided in open space areas where there are resources of particular interest. They may also be required to protect sensitive natural features and habitats, for example, bird breeding areas. Walkways within the District are marked with signs and bollards to clearly define each route. Pamphlets for walkways within the Hibiscus Coast area are also available from the Council Offices and Information Centres.

10.6.3.3

Non-statutory Strategies

The Council may prepare a range of recreation strategies such as neighbourhood reserve, sportsfield, walkway, bridleway and cycleway strategies to provide direction for expenditure and implementation of these types of recreational facilities.



10.7

ANTICIPATED ENVIRONMENTAL RESULTS

The anticipated environmental results from the implementation of the above objectives, policies and methods are:

- (a) Open space and recreational resources for the District are provided, maintained and enhanced to meet the needs of the current and future people residing in, or visiting, the District.
- (b) Public access to the coast, wetlands, lakes and rivers is maintained and enhanced.
- (c) Open space and recreation areas are managed in such a way that conflicts between recreation activities are avoided, and the effects of recreational activities upon the environment, especially in high conservation areas and areas in close proximity to residential streets and houses, are minimised.



10.8

DESCRIPTION OF ZONES

This section contains objectives and policies for specific zones which are additional to those in Section 10.3 and 10.4. It also provides a zone description.

10.8.1

Open Space 1 (Conservation) Zone

10.8.1.1

Open Space 1 Zone Objectives

Objective
10.8.1.1.1

To protect the conservation values and natural quality of Open Space 1 areas while still enabling public recreational use, provided that such recreational use does not adversely affect those conservation values and natural qualities in areas where the activity is taking place or in adjacent areas of high conservation value.

(This objective relates to Issues 10.2.2, 10.2.3 and 10.2.4).

Objective
10.8.1.1.2

See also the Objectives in Section 10.3.

10.8.1.2

Open Space 1 Zone Policies

Policy
10.8.1.2.1

Activities, buildings and structures within the Open Space 1 Zone should not adversely affect the conservation values and natural character of the Zone.

(This policy seeks to achieve Objective 10.8.1.1.1)

Policy
10.8.1.2.2

Buildings and structures should not be located within the Open Space 1 Zone unless they are very minor in scale and intensity.

(This policy seeks to achieve Objective 10.8.1.1.1)

Policy
10.8.1.2.3

Any development in the Open Space 1 Zone should not result in the removal of trees or areas of native vegetation that are a significant characteristic of the Zone.

(This policy seeks to achieve Objective 10.8.1.1.1)

Policy
10.8.1.2.4

See also the Policies in Section 10.4.

Explanation and Reasons

This explanation and reasons relate to Policies 10.8.1.2.1, 10.8.1.2.2 and 10.8.1.2.3.

Because of the sensitivity and conservation emphasis of Open Space 1 zoned sites, provision for further development and modification of the site is kept to a minimum.



10.8.1.3

Open Space 1 Zone Description

This Zone applies throughout the District to most esplanade reserves and many inland reserves. Priority is given to the protection of the conservation values and the preservation of the natural qualities of these open space areas.

Crown reserves administered by the Department of Conservation will, pursuant to Section 4 of the Act, generally be managed according to any conservation management strategy, conservation management plan, or management plan that is in place, provided that such management does not have adverse effects beyond the boundaries of those reserves. These areas have all been identified as Open Space 1 because of their emphasis on the conservation and preservation of natural and historic resources.

10.8.2

Open Space 2 (Passive and Informal) Zone

10.8.2.1

Open Space 2 Zone Objectives

Objective

10.8.2.1.1

To protect and maintain the open space appearance of the District and to ensure areas are available for passive recreation.

(This objective relates to Issues 10.2.1 and 10.2.4)

Objective

10.8.2.1.2

See also the Objectives in Section 10.3.

10.8.2.2

Open Space 2 Zone Policies

Policy

10.8.2.2.1

Activities, buildings and structures within the Open Space 2 Zone should not intrude upon the open space appearance of the Zone or adversely affect the ability to use the land for passive recreation.

(This policy seeks to achieve Objective 10.8.2.1.1)

Policy

10.8.2.2.2

Buildings and structures should not be located where they would adversely affect the open space characteristic of the Open Space 2 Zone.

(This policy seeks to achieve Objective 10.8.2.1.1)

Policy

10.8.2.2.3

See also the Policies in Section 10.4.

Explanation and Reasons

This explanation and reasons relate to Policies 10.8.2.2.1 and 10.8.2.2.2.

The majority of the Open Space 2 reserves are used as an open space resource particularly in built up urban areas. Neighbourhood reserves provide an area of open space that can be used for passive recreation. These areas should remain relatively uncluttered to enhance the open space appearance of the Zone.



Some Open Space 2 reserves are set aside for future use, for example Council land that can be used to develop facilities on in the future. It is therefore important that as development continues and the population increases, there are still areas of open space available.

10.8.2.3

Open Space 2 Zone Description

The Open Space 2 Zone applies to reserves and other publicly owned lands which are suitable for passive recreation and which contribute to the open space appearance of an area. Neighbourhood reserves in residential locations, public accessways to these reserves and utility reserves (such as drainage ponds) are included within this Zone. Also included, are reserves located in rural areas which may presently be used for exotic forestry or grazing.

10.8.3

Open Space 3 (Water Access) Zone

10.8.3.1

Open Space 3 Zone Objectives

Objective
10.8.3.1.1

To maintain and enhance public access, for the recreational needs of the District, to and along the coast, lakes, rivers and streams, without compromising amenity values on surrounding areas.

(This objective relates to Issues 10.2.1 and 10.2.2).

Objective
10.8.3.1.2

See also the Objectives in Section 10.3.

10.8.3.2

Open Space 3 Zone Policies

Policy
10.8.3.2.1

Activities in the Open Space 3 Zone should not be situated where there could be adverse effects on nearby sensitive areas with a high conservation value.

(This policy seeks to achieve Objective 10.8.3.1.1)

Policy
10.8.3.2.2

Activities in the Open Space 3 Zone should be sited so as not to create adverse effects on the amenity values of surrounding sites.

(This policy seeks to achieve Objective 10.8.3.1.1)

Policy
10.8.3.2.3

See also the Policies in Section 10.4.

Explanation and Reasons

This explanation and reasons relate to Policies 10.8.3.2.1, 10.8.3.2.2

Activities in the Open Space 3 Zone can compromise significant natural areas, areas of high conservation value and can affect amenity values of surrounding areas. For example, the noise from boat ramps during busy summer periods.

10.8.3.3

Open Space 3 Zone Description

This Zone applies to those small parts of esplanade reserves and coastal reserves on which facilities associated with public access and surface water activities may be suitably located. The margins of these areas contain land based facilities for many surface water activities. They also provide access to water bodies for people, vehicles and water craft.



10.8.4

10.8.4.1

Objective

10.8.4.1.1

Identifying specific areas for facilities to enhance access to water bodies, ensures that adequate land based facilities can be made available. The remaining esplanade areas are retained in their natural form and are available for passive forms of recreation.

Open Space 4 (Multi-use and Community) Zone

Open Space 4 Objectives

To enable the communities recreational, sporting and leisure needs to be met without compromising amenity values of surrounding areas.

(This objective relates to Issues 10.2.1, 10.2.3).

Objective

10.8.4.1.2

See also the Objectives in Section 10.3.

10.8.4.2

Policy

10.8.4.2.1

Open Space 4 Policies

Activities in the Open Space 4 Zone should not adversely affect the amenity values of adjoining sites, particularly through noise, glare, traffic and visual impacts.

(This policy seeks to achieve Objective 10.8.4.1.1)

Policy

10.8.4.2.2

See also the Policies in Section 10.4.

Explanation and Reasons

This explanation and reasons relates to Policy 10.8.4.2.1.

Activities in the Open Space 4 Zone may have a number of effects upon the surrounding environment, particularly as many of the Open Space 4 Zoned areas and reserves are within built urban environments and residential areas. This may be a positive effect in residential areas due to the proximity of sporting facilities but may also create negative effects, particularly cumulative effects of noise, traffic, glare and visual effects. It is important that effects such as these are avoided or mitigated.

Activities occurring within Open Space 4 Zones can also adversely affect the amenity values of other facilities in the same location. This is apparent when a number of different sporting or community facilities are located on the same site.

Reserve Management Plans have been prepared for a number of Open Space 4 Zoned reserves. It is important that activities are in keeping with the Reserve Management Plan, so that the District's recreational facilities can be used most effectively and efficiently.

10.8.4.3

Open Space 4 Zone Description

The Open Space 4 Zone generally applies to larger open space areas which provide for organised forms of recreation, usually with associated buildings and structures. Such facilities include sportsfields, club rooms, hardcourts, indoor leisure facilities and community purpose buildings.





10.8.5

Open Space 5 (Private) Zone

10.8.5.1

Open Space 5 Objectives

Objective
10.8.5.1.1

To maintain areas of private open space which contribute to the open space resources of the District.

Objective
10.8.5.1.2

See also the Objectives in Section 10.3.

10.8.5.2

Open Space 5 Policies

Policy
10.8.5.2.1

Open Space 5 Zoned areas with large areas of unused open space should be encouraged to continue as an open space recreation resource.

(This policy seeks to achieve Objective 10.8.5.1.1)

Policy
10.8.5.2.2

Activities on Open Space 5 Zones should not create adverse effects on adjoining or surrounding properties or communities. [Decision Report 2204]

(This policy seeks to achieve Objective 10.3.4)

Policy
10.8.5.2.3

Activities in Open Space 5 Zones should not create adverse effects for other activities and facilities on the same site.

(This policy seeks to achieve Objective 10.3.5)

Policy
10.8.5.2.4

See also the Policies in Section 10.4.

Explanation and Reasons

(This explanation and reasons relate to Policies 10.8.5.2.1, 10.8.5.2.2 and 10.8.5.2.3.)

Open Space 5 Zoned areas can improve amenity values and contribute to the character of both rural and urban areas. It is important that they are encouraged to continue as an open space and recreation resource.

Conflicts between recreational activities and/or other activities undertaken on open space areas can impact upon the function and the use and enjoyment of those areas. Activities should be managed accordingly so that the recreation facilities in Open Space 5 Zones can be used most effectively and efficiently.

Activities in the Open Space 5 Zone may have a number of effects upon the surrounding environment, particularly as many of the areas zoned Open Space 5 Zoned areas are within built urban environments and residential areas. The effects may be positive, such as the provision of sporting facilities, but the activities may



also create negative effects, particularly cumulative effects of noise, traffic, glare and visual effects. It is important that effects such as these are avoided or mitigated.

10.8.5.3

Open Space 5 Zone Description

The purpose of the Open Space 5 Zone is to recognise the important role played by privately owned or managed open space areas within the District. These areas generally have a large area of useable open space, relative to that occupied by buildings and structures, and are located within or adjacent to an urban area.

Although there are many facilities provided by private organisations, including squash, tennis and bowling clubs, many are primarily indoor facilities with small areas of useable open space, which contribute little to the visual amenity of the surrounding area and are therefore not included in the Zone.

Pressure for urban development threatens the continued existence of the areas included within this Zone. This private open space zoning is to encourage continuation of the use of these areas as open space and/or their ability to provide recreational opportunities. Areas within this Zone include golf courses, showgrounds, the Helensville Rugby Club grounds and open space areas at Gulf Harbour.



Rule 10.9

Rule 10.9.1 Activities in Open Space Zones

Rule 10.9.1.1

Rule 10.9.2 Activity Table 1

ACTIVITY RULES

Activities in Open Space Zones

Activities in the Open Space Zones shall comply with the following:

- (a) All Permitted Activities in the Activity Table in Rule 10.9.2 shall comply with Rule 10.10 Development Controls and Performance Standards and any other relevant rule in the District Plan.
- (b) All Controlled Activities in the Activity Table in Rule 10.9.2 shall comply with Rule 10.10 Development Controls and Performance Standards and any other relevant rule in the District Plan.
- (c) All Controlled Activities in the Activity Table shall be assessed against those matters for control set out in Rule 10.11 Controlled Activities: Matters for Control and Assessment Criteria.
- (d) All Restricted Discretionary Activities in the Activity Table in Rule 10.9.2 shall comply with Rule 10.10 Development Controls and Performance Standards, (except where the activity is Restricted Discretionary because of non-compliance with the Development Controls and Performance Standards), and any other relevant rule in the District Plan.
- (e) All Restricted Discretionary Activities in the Activity Table shall be assessed against those matters over which discretion is retained set out in Rule 10.12 Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria.
- (f) All Discretionary Activities will be assessed against the criteria set out in 10.13 Discretionary Activities: Assessment Criteria and any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act.

Activity Table 1 Open Space Zones

In the following table:

- P = Permitted Activity**
C = Controlled Activity
RD = Restricted Discretionary Activity
D = Discretionary Activity
PRO = Prohibited Activity
NC = Non-complying Activity
NA = Not Applicable

Note: Words in capitals are defined in *Chapter 3 - Definitions*.



ACTIVITY	OPEN SPACE ZONES				
	1	2	3	4	5
Activities of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987, or any other Act specified in the First Schedule to that Act (except on land held for administrative purposes), consistent with the provisions of a Conservation Management Strategy or Plan, that does not have a significant effect beyond the boundary of the land.	P	NA	NA	NA	NA
Any Permitted, Controlled or Restricted Discretionary Activity which does not comply with the Development Controls and Performance Standards in Rule 10.10	D	D	D	D	D
Any activity not specified in this Table	NC	NC	NC	NC	NC
Amenity facilities, observation and viewing areas and associated structures (including boardwalks, bridges, fencing, picnic and barbecue areas, seating, memorials and sculptures)	P	P	P	P	P
Boardwalks	P	P	P	P	P
BOAT launching, hauling out and retrieval at an existing slipway or boatramp and BOAT loading and unloading	P	P	P	P	P
BOAT sheds, dinghy racks, lockers and facilities for storage, public or club use and the repair and maintenance of pleasure boats	D	D	D	D	D
BOAT ramps, jetties, wharves and slips for public use	RD	RD	RD	RD	RD
BUILDINGS, facilities and structures, not otherwise provided for in this table, of up to and including 150m ² GROSS FLOOR AREA, for recreation and/or community purposes	D	RD	P	P	P
BUILDINGS, facilities and structures, not otherwise provided for in this table, exceeding 150m ² GROSS FLOOR AREA and not within 50 metres of a residential boundary, for recreation and community purposes	NC	D	RD	RD	RD



ACTIVITY	OPEN SPACE ZONES				
	1	2	3	4	5
BUILDINGS, facilities and structures, not otherwise provided for in this Table, exceeding 150m ² GROSS FLOOR AREA and within 50 metres of a residential boundary, for recreation and community purposes	NC	NC	D	D	D
CAMPING GROUNDS	NC	NC	D	D	NC
Carparking areas and accessways to those carparking areas, or extensions to existing carparking areas, so that the total area of all parking is not more than: (a) 150m ² , excluding access into the parking area; or (b) the area specified in a Reserve Management Plan approved pursuant to the Reserves Act 1977 or the Local Government Act 1974; or (c) the number of parking spaces required by <i>Chapter 21 - Transportation and Access</i> ; or (d) any parking areas or accessways otherwise lawfully permitted.	RD	P	P	P	P
Carparking Areas not provided for as a Permitted Activity	RD	RD	RD	RD	RD
CHILD CARE FACILITIES for not more than 10 children at any one time	NC	D	NC	P	P
Children's playgrounds and associated equipment	C	P	P	P	P
DUNE STABILISATION	P	P	P	P	P
Extensions or alterations to existing BUILDINGS and structures where the total floor area of the extension does not exceed that of the existing floor area (at the date of public notification of this Plan) by more than 50% or 50m ² whichever is the lesser	D	D	P	P	P
Floodlighting Towers up to 16 metres high	NC	NC	D	D	D
FORESTRY	D	P	P	P	P



ACTIVITY	OPEN SPACE ZONES				
	1	2	3	4	5
Formed Cycle and Bridle Trails	C	P	C	P	P
Grandstands (covered or uncovered)	NC	NC	D	D	D
Grazing of animals on land grazed prior to the date of public notification of this Plan, except areas identified as SIGNIFICANT NATURAL AREAS (SNA)	P	P	P	P	P
Grazing of animals on land not grazed prior to the date of public notification of this Plan, except areas identified as SIGNIFICANT NATURAL AREAS (SNA)	C	P	C	P	P
Grazing of animals on land identified as a SIGNIFICANT NATURAL AREA (SNA)	PRO	NA	NA	NA	NA
HOUSEHOLD UNIT for caretaker or groundsperson, not exceeding one per SITE	D	D	D	D	D
Maintenance of BUILDINGS and grounds, including control of noxious weeds and revegetation	P	P	P	P	P
Minor facilities ancillary to commercial fishing, not including facilities for fish processing, at Sandspit Recreation Reserve only, for use by any party and not limited to those parties with existing rights to use the RESERVE	NC	NC	D	NC	NC
Offices ancillary to water based tourist and recreational facilities, at Sandspit Recreation Reserve only, for use by any party and not limited to those parties with existing rights to use the RESERVE	NC	NC	D	NC	NC
OUTDOOR RECREATION excluding buildings except for goal posts, seating, and fencing	P	P	P	P	P
Public toilets, changing rooms, shelters and storage and implement sheds not exceeding 50m ²	C	P	P	P	P
Public toilets, changing rooms, shelters and storage and implement sheds exceeding 50m ²	D	C	C	C	C



ACTIVITY	OPEN SPACE ZONES				
	1	2	3	4	5
REMOTE CAMP SITES and ACCESSORY BUILDINGS	D	D	D	D	D
RESTAURANTS	NC	D	D	D	D
KIOSKS	RD	RD	RD	RD	RD
Skateboard bowls and outdoor skating rinks	NC	RD	RD	C	RD
The ERECTION, use, alteration, maintenance, DEMOLITION of MAIMAIS associated with lawful gamebird hunting, where: <ul style="list-style-type: none"> the floor area of the MAIMAI does not exceed 10m² in area; the height of the MAIMAI above mean high water springs or ground level does not exceed 3 metres; the MAIMAI is structurally safe; the MAIMAI is completely removed when it is no longer in lawful use. 	P	P	P	P	P
Use of a SITE administered by the Department of Conservation on not more than 12 days within any 12 month period, for organised community events and programmes such as replanting, bird releases and other conservation activities	P	P	P	P	P
Use of a SITE administered by the Department of Conservation for more than 12 days within any 12 month period, for organised community events and programmes such as replanting, bird releases and other conservation activities	D	D	D	D	D
Use of a SITE on Kawau Island for events such as weddings, festivals, carnivals, markets, public meetings, exhibitions, concerts and sporting events (excluding motorised sports) including temporary structures for such uses where a concession has been obtained from the Department of Conservation.	P	NA	NA	NA	NA
Use of Mansion House Gardens and historic buildings (including the kiosk) on Kawau Island where a concession has been granted by the Department of Conservation.	P	NA	NA	NA	NA
Use of a SITE on not more than a total of 12 days within any 12 month period, for events such as festivals, carnivals, markets, public meetings, exhibitions, concerts and sporting events (excluding motorised sports), including temporary structures for such uses	NC	P	P	P	P



ACTIVITY	OPEN SPACE ZONES				
	1	2	3	4	5
Use of a SITE for more than 12 days within any 12 month period, for events such as festivals, carnivals, markets, public meetings, exhibitions, concerts and sporting events (excluding motorised sports), including temporary and/or permanent structures for such uses	NC	D	D	D	D
VISITORS ACCOMMODATION where this is provided in conjunction with an existing CAMPING GROUND	NC	NC	D	D	NC
Walking tracks up to and including 1.7 metres in width	P	P	P	P	P
District Wide Activities	Refer to Chapter 16 - General Rules				
EARTHWORKS and Vegetation and WETLAND MODIFICATION Activities	Refer to Chapter 18 – Urban Land Modification and Vegetation Protection				
Transportation Activities	Refer to Chapter 21 - Transportation and Access				
UTILITIES	Refer to Chapter 19 – Utilities				



Rule 10.10

Rule 10.10.1 Height

DEVELOPMENT CONTROLS AND PERFORMANCE STANDARDS

Height

The maximum height of any building or structure shall be:

- (a) Open Space 1 and 2 Zones 7m
- (b) Open Space 3 Zone 9m
- (c) Open Space 4 Zone 9m
- (d) Open Space 5 Zone 9m

The maximum height shall be determined using the rolling height method as defined in *Chapter 3 – Definitions*.

Rule 10.10.2 Height in Relation to Boundary

Height in Relation to Boundary

Buildings shall not exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and any site boundary.

Explanation and Reasons

The height of buildings can adversely affect the amenity values of the area in which they are located. In Open Space 3, 4 and 5 Zones the need to provide buildings and structures is recognised, and these reserves are those which have been identified as suitable for this type of development. However, the upper limit is 9 metres to ensure that an adverse visual impact upon open space and the surrounding environment does not result. Reserves within the Open Space 2 Zone are often neighbourhood reserves located amidst residential development, where limiting the effects of buildings on open space and the surrounding environment will be particularly important, and a lower height limit is necessary. This lower height limit of 7 metres also applies to the Open Space 1 Zone.

Rule 10.10.3 Yards

Yards

Rule 10.10.3.1 Standards

Standards

All yards shall be a minimum of:

- (a) **Front, Side and Rear Yards**
 - Open Space 1, 2, 3, 4 and 5 Zones 10m



**Rule 10.10.3.2
Use of Yards**

(b) Shoreline Yard

Open Space 1 Zone	50m
Open Space 2, 3, 4 and 5 Zones	20m

Use of Yards

Yards shall be unoccupied and unobstructed by any buildings, structures and carparking areas **except** that:

- (a) Eaves may overhang any yard by not more than 0.3 metres.
- (b) Boats may be sited within the Shoreline Yard.
- (c) Boat ramps, jetties, wharves and slips may be constructed within the Shoreline Yard.
- (d) Formed tracks and pathways may be constructed within the Shoreline Yard.

Explanation and Reasons

Yards help maintain the amenity values of the adjoining sites, by providing a degree of separation between the buildings and structures within open space areas and activities occurring on adjoining sites. In the Open Space Zones there will be a yard requirement for any site boundary, to offset potential or perceived effects on the surrounding environment from activities occurring in open space areas, and to maintain the character of the open space and surrounding area.

**Rule 10.10.4
Site Coverage**

Site Coverage

Rule 10.10.4.1

The maximum percentage of the net site area of any site within an open space zone covered by buildings, hard courts, or car, boat or trailer parking (excluding tracks and pathways), shall be as specified in the following table.

ZONE	PERCENTAGE OF NET SITE AREA
Open Space 1 Zone	1% or 150m ² whichever is greater.
Open Space 2 Zone	10%
Open Space 3 Zone	20%
Open Space 4 Zone	30%
Open Space 5 Zone	10%



Explanation and Reasons

Setting maximum site coverage for Open Space Zones ensures that the open space character and function of these areas is retained and that the effect of buildings on the surrounding environment is minimised. The appropriate coverage varies depending on the open space zone. Coverage for the Open Space 1 Zone recognises the protection of the natural resources of these areas as a priority. However, some coverage is allowed, to cater for facilities and structures which may be required to enable public use and enjoyment of these areas.

Coverage percentages are increased for Open Space Zones 2, 3, 4 and 5 dependent on the type of activities undertaken and facilities which may be required. Where a Reserve Management Plan has been prepared in accordance with the Reserves Act 1977, this will also be considered to determine the appropriate coverage for specific reserves.

Rule 10.10.5 Rules in other Chapters of the Plan

Rules in other Chapters of the Plan

Relevant rules in other chapters of the Plan shall also be complied with.

- Chapter 7 - Rural*
- Chapter 8 - Residential*
- Chapter 9 - Business*
- Chapter 11 - Inland Waters*
- Chapter 12 - Special Zones*
- Chapter 13 - Future Development and Structure Plans*
- Chapter 17 - Cultural Heritage*
- Chapter 18 - Urban Land Modification and Vegetation Protection*
- Chapter 19 - Utilities*
- Chapter 20 - Hazardous Substances and Contaminated sites*
- Chapter 21 - Transportation and Access*
- Chapter 22 - Financial Contributions and Works*
- Chapter 23 - Subdivision and Servicing*



Rule 10.11

Rule 10.11.1 All Controlled Activities

Rule 10.11.1.1 Matters for Control

10.11.1.2 Assessment Criteria

Scale and form

Location

Location

Wildlife and vegetation values

CONTROLLED ACTIVITIES: MATTERS FOR CONTROL AND ASSESSMENT CRITERIA

In accordance with section 76(3A) of the Act, the Council will limit its control to the matters listed against each specified activity when considering resource consent applications for controlled activities.

All Controlled Activities

Matters for Control

The Council will limit its control to the following matters:

- (a) Scale and Location.
- (b) Design and External Appearance.
- (c) Site Layout.

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the design and external appearance of buildings and structures complements the natural landscape and is compatible, in terms of scale and form and relationship, with other buildings in the open space area.
- (b) Whether the proposed site for a building or structure is compatible with the existing location of buildings and neighbouring uses and any future development proposed, and the extent to which the area of pervious surfaces is retained.
- (c) Whether the location of the proposed structure or building will have an adverse effect upon public access or the natural landscape character, particularly in coastal and riparian areas. Public access or thoroughfare should only be prohibited or reduced where it is necessary for public safety or to protect the environment or special features of the reserve.
- (d) Whether the proposed structure will adversely affect the wildlife or vegetation values of a significant natural area.

Explanation and Reasons

Buildings and structures placed in prominent locations may create adverse visual impacts upon the surrounding landscape, including existing buildings and structures.



**Rule 10.11.2
Grazing**

**Rule 10.11.2.1
Matters for Control**

**10.11.2.2
Assessment Criteria**

Weeds and overgrowth

Stock size

Continuous grazing

Adjacent to a waterbody

Ecological values

Grazing

Matters for Control

The Council will limit its control to the following matters:

- (a) The type of stock to be grazed.
- (b) The intensity and duration of grazing.
- (c) Location.

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the grazing is required as a maintenance measure to reduce weeds and overgrowth.
- (b) Whether the stock to be grazed are smaller animals such as sheep and goats, or larger animals such as cattle where effect on the environment is generally greater.
- (c) Whether grazing is to occur on a permanent basis where effects of grazing of animals will be continuous, and whether this will cause adverse effects on adjacent waterbodies or on native bush and vegetation.
- (d) Whether grazing will occur adjacent to a water body and whether it will have an adverse affect such as bank erosion and sedimentation of the water body.
- (e) Whether the grazing will have a significant adverse effect on the ecology of the area.

Explanation and Reasons

Natural features and habitats within the Open Space 1 and 3 Zones could be damaged by the grazing of animals. Of particular concern is the potential effect on esplanade areas and riparian vegetation. Grazing is controlled within these Zones where it is not already occurring prior to notification of the Plan, to ensure that natural features and habitats within these areas are protected.

**Rule 10.11.3
Cycle and Bridle Trails**

**Rule 10.11.3.1
Matters for Control**

Formed Cycle and Bridle Trails

Matters for Control

The Council will limit its control to the following matters:

- (a) Location.
- (b) Formation.



10.11.3.2
Assessment Criteria

Location

User safety

Form

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the trails are to be located so that minimal adverse effect upon the natural and cultural resources of the open space results, and that pedestrian access and other recreational activities occurring on the open space area are not restricted.
- (b) Whether the trails will provide for safe and convenient access for users, including safe connections with the existing road network, where appropriate.
- (c) Whether the trails are formed in such a way that creates minimal adverse effect on the vegetation, wildlife and character of the open space or reserve.

Explanation and Reasons

The establishment of formed cycle and bridle paths may restrict the use of the open space area for other activities within the Open Space 1 and 3 Zones if the location of the trails does not consider the potential effects on public access. Formation of the trail is important to ensure the natural and cultural amenity values of the open space is protected.

**Rule 10.11.4
Children's Playgrounds**

Children's Playgrounds and Associated Equipment

See Rule 10.11.1– *Open Space 1 Zone only.*

**Rule 10.11.5
Public Toilets & Accessory Buildings**

Public Toilets and Other Accessory Buildings

See Rule 10.11.1.

**Rule 10.11.6
Skateboard Bowls**

Skateboard Bowls and Outdoor Skating Rinks

See Rule 10.11.1 – *Open Space 4 Zone only.*



Rule 10.12

Rule 10.12.1 Buildings, facilities and structures

Rule 10.12.1.1 Matters for Discretion

10.12.1.2 Assessment Criteria

Scale and intensity

Landscaping and screening

Parking areas

Cultural heritage

Traffic safety

RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS FOR DISCRETION AND ASSESSMENT CRITERIA

In accordance with sections 76 (3B) and 105 (3A) of the Act, the Council will restrict its discretion to the matters listed against each specified activity when considering resource consent applications for Restricted Discretionary Activities.

Buildings, facilities and structures for recreation and community purposes

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Building design, form and layout.
- (b) Access and parking.
- (c) Landscaping and screening.
- (d) Cultural heritage resources.

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the scale and intensity of the development will be in keeping with the size and character of the reserve or open space area.
- (b) Whether landscaping and screening proposed will mitigate any adverse effects on neighbouring properties and communities, of building height and bulk, glare and light.
- (c) Whether parking areas will be sited so that the character of the open space area and adjoining properties and neighbouring communities are not adversely affected by noise or visual effects.
- (d) Whether the development will have an adverse effect on cultural heritage resources.
- (e) Whether the traffic capacity, function and/or safety of the surrounding road network, including pedestrian access, will be adversely affected by the vehicular traffic generated and parked and manoeuvring vehicles.

Explanation and Reasons

Activities which involve extended operating hours and generate increased traffic and noise can impact adversely upon surrounding properties, particularly where the adjoining zone is residential. As these activities are located on public open space, consideration must be given to the effect the development may have on existing use of that open space.



**Rule 10.12.2
Carparking Areas**

**Rule 10.12.2.1
Matters for Discretion**

**10.12.2.2
Assessment Criteria**

Alternative parking

Purpose

Scale and character

Glare

Traffic safety

Standards set out in Chapter 21

Adverse Effects

Carparking Areas

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Landscaping and screening.
- (b) Access and parking.
- (c) Location and design.

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether alternative parking is available in close proximity to the reserve.
- (b) Whether the parking will be primarily for the enjoyment and recreational use of the open space area.
- (c) Whether the location, design and proposed landscaping of the carparking area and any vehicular access will be in keeping with the scale and character of the site.
- (d) Whether suitable screening will be provided to prevent vehicle lights and any other associated lighting shining directly on adjacent properties.
- (e) Whether the traffic capacity, function and/or safety of the surrounding road network, including pedestrian access, will be adversely affected by the vehicular traffic generated and parked and manoeuvring vehicles.
- (f) Whether the carpark complies with the standards set out in *Chapter 21 - Transportation and Access*.
- (g) Whether vehicular traffic generated and the use of parking areas will have adverse effects, for example noise, on neighbouring communities.

Explanation and Reasons

The criteria are to ensure that consideration is given to the need for carparking areas to serve the activities within the open space area and to ensure that adverse effects upon the character of that area of open space do not result. Within Open Space 1 areas it is recognised that some carparking and access may be required. However, these must be designed and located so that the natural features and habitats are not compromised, either through the development of the carparking area, or through the increased use and accessibility that may result. Parking areas within the Open Space 2 Zone may be visually intrusive, occupy valuable reserve land, and become a dominant feature of the open space. This is of particular concern where they are located within a residential area. Parking and access in Open Space 3, 4 and 5 Zones is generally required for the type of activities undertaken. However, consideration must be given to the location and design, and landscaping and screening measures.



**Rule 10.12.3
Kiosks**

**Rule 10.12.3.1
Matters for Discretion**

**10.12.3.2
Assessment Criteria**

Hours of operation

Daylight hours

Need and demand

Adverse Effects

**Rule 10.12.4
Boat Ramps**

**Rule 10.12.4.1
Matters for Discretion**

Kiosks

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Hours of operation.
- (b) Scale and intensity of the activity
- (c) Siting of the Activity.

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the proposed hours of operation extend beyond those of the use of the public open space area.
- (b) Whether the activity is proposed to operate outside of daylight hours.
- (c) Whether there is a need and demand for the activity and whether there are other facilities located nearby.
- (d) Whether the activity will be sited in such a way that adjoining properties or communities will not be adversely affected by noise, activity or visual effects.

Explanation and Reasons

Kiosks may be located either within buildings or outside as a separate, often temporary, facility. These can enhance the opportunities for the public to use a recreational facility (eg. ticket sales, or equipment hire), or increase enjoyment and length of stay by selling food and drink. The hours of operation of a kiosk may however, have adverse effects upon adjacent sites if this results in an increase of visitors beyond normal hours. Too many kiosks on a site may detract from the character of the open space.

Boat Ramps, Wharves and Slips

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Scale and location and design.
- (b) Access and Parking.
- (c) Noise and external appearance.
- (d) Access and Parking.



10.12.4.2
Assessment Criteria

Location, scale and design

Noise and visual effects

Need and demand

Vegetation and wildlife

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the location, scale and design development will be in keeping with the size and character of the reserve or open space area.
- (b) Whether parking areas will be sited so that the character of the open space and adjoining properties or communities are not adversely affected by noise or visual effects.
- (c) Whether there is a need and demand for the activity and whether there are other facilities located nearby.
- (d) Whether the development will have any adverse effect on the vegetation and wildlife of the area.

Explanation and Reasons

Activities, which involve increased traffic and noise can impact adversely on neighbouring properties as well as the vegetation and wildlife of the area. Consideration must be given to the location and design of the development so that the natural features and habitats are not compromised, either through the development of the structure concerned or through the increased use and accessibility that may result.

**Rule 10.12.5
Skateboard Bowls**

Rule 10.12.5.1
Matters for Discretion

10.12.5.2
Assessment Criteria

Scale and intensity, location and design

Landscaping and screening

Skateboard Bowls and Outdoor Skating Rinks

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Building design, form and layout.
- (b) Landscaping and screening.
- (c) Location and scale.

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the scale and intensity, location and design of the development will be in keeping with the size and character of the reserve or open space area.
- (b) Whether landscaping and screening proposed for the activity will mitigate any adverse effects on neighbouring properties or communities, of visual effects and noise.



Explanation and Reasons

Structures in prominent locations may create adverse visual impacts upon the surrounding landscape. Noise can also impact adversely upon surrounding properties, particularly where the adjoining zone is residential. As these activities are located in public open space, consideration must be given to the effect the development may have on exiting use of that open space.





10.13

10.13.1 General Assessment Criteria

DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA

General Assessment Criteria

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in the Open Space Zones, the Council will have regard to the following criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act:

Scale and intensity

(a) Whether the scale and intensity of the activity will be in keeping with the size and character of the reserve or open space area.

Location

(b) Whether there is a need for the activity to locate within an open space zone and the extent to which the activity will enhance or sustain the function of the open space area, in particular:

(i) The desirability of avoiding the location of permanent buildings and structures on land of high conservation value, and the effect of the activity on the natural features of the area.

(ii) The desirability of achieving multiple use of buildings and facilities.

(iii) Whether the function of any reserve under the Reserves Act 1977 can readily be achieved.

Ecological values

(c) Whether the activity will have an adverse effect on the ecology and wildlife of the area, especially in areas of high conservation value, such as significant natural areas.

*Modification of the natural
character*

(d) (i) Whether the diversion or modification of any wetland area or watercourse will compromise any significant natural character or conservation value.

(ii) Whether earthworks and the removal of vegetation will compromise any significant natural character or conservation value.

Amenity values

(e) Whether the activity will have an adverse effect upon the amenity values of neighbouring properties, for example, the noise, glare, traffic, parking and visual effects of sportsfields on neighbouring properties, and the extent to which the development or activity is to be located and landscaped to minimise any adverse effects.

*Compatibility and cumulative
effect*

(f) Whether the activity will be compatible with other activities and development occurring on the site, including any proposed future development, and whether the activity will maintain or enhance the function of that land as open space. The cumulative effect of locating new buildings and activities on a site on which the existing activities currently generate effects, should also be considered.

Public access

(g) Whether public access to the foreshore will be maintained or enhanced and not restricted by the location of the building or structures.

Hours of operation

(h) Whether the activity will operate outside of daylight hours and create adverse effects on adjoining sites.



Traffic

Criteria for discretionary activities in any zone: Chapter 21

Cultural heritage resources

- (i) Whether the activity will result in an adverse effect upon, or a reduction in road safety, or efficiency, or generate a number and type of vehicles which cannot be accommodated within the site.
- (j) Whether the activity meets the criteria specified in section 21.13 Discretionary Activity Assessment Criteria in *Chapter 21 – Transportation and Access*.
- (k) Whether the activity will have an adverse effect on the cultural heritage resources of the open space area.

**10.13.2
Additional Assessment
Criteria for Particular
Activities**

Additional Assessment Criteria for Particular Activities

In addition to the General Assessment Criteria in 10.13.1, the Council will have regard to the following criteria and the relevant matters set out in section 104 of the Act, for the following specified Discretionary Activities:

**10.13.2.2
Floodlighting Towers**

Floodlighting Towers

Exterior lighting rules in Chapter 16

Screening, buffer areas and separation distances

Topography

Reticulation underground

Duration of activities

Traffic hazard

- (a) Whether the activity complies with the general rules for exterior lighting set out in *Chapter 16 – General Rules*.
- (b) Whether suitable measures (eg. screening, buffer areas, separation distances) are proposed to be used, to ensure that the activity does not adversely impact upon any adjoining residential properties.
- (c) Whether the topography of the site has been taken into account, to ensure that there will be no adverse effects on the amenities of residential properties.
- (d) Whether all reticulation to the poles is proposed to be underground and all wiring and control equipment is to be completely enclosed.
- (e) Whether the extended duration of the activities resulting from the use of floodlighting will have any significant adverse effect on amenity values of neighbouring properties.
- (f) Whether the lighting will create a distraction which could create a traffic hazard on any arterial road or state highway.

**10.13.2.3
Forestry**

Forestry

Native and exotic vegetation removal

Landform modification

- (a) Whether the activity requires the clearing or removal of significant areas of native bush or trees or exotic vegetation which contribute to the character of the open space area.
- (b) Whether the activity requires significant landform modification, either for the activity itself or for access.



Wildlife habitats

(c) Whether the activity results in the destruction of or has significant adverse effect on any significant wildlife habitat, cultural heritage resource or area of significant environmental value.

Landscape values

(d) Whether the activity results in any significant adverse effect on landscape values in the vicinity of the site.

10.13.2.4

Temporary Use of a Site

Use of a Site for More than 12 days in any 12 Month Period

Existing provision for the event

(a) Whether provision already exists for the event in locations other than Open Space Zones.

Character

(b) Whether the activity will result in any adverse effect on the use normally made of any reserve and its character.

Amenity values

(c) Whether the activity will have significant adverse effects on the amenity values of any neighbouring residential properties. (Effects may include noise, dust, traffic movement, carparking and glare.)

Public safety

(d) Whether the activity will have an adverse effect on public safety.

Hours of operation

(e) Whether the activity proposes to operate outside of daylight hours and create adverse effects on adjoining sites.

Cultural heritage

(f) Whether the activity will have an adverse effect on cultural heritage resources.



10.14

Rule 10.14.1 Activities

SUBDIVISION

Activities

Except as permitted under Rule 10.14.3 the subdivision of land is a Non-complying Activity in the Open Space Zones.

Rule 10.14.2 Rules in Other Parts of the Plan

Rules in Other Parts of the Plan

Rules in *Chapter 23 - Subdivision and Engineering Standards* shall also be complied with.

Rule 10.14.3 Lease of 20 years or greater duration

Lease of 20 years or greater duration

Any lease of greater than 20 years duration shall be a Restricted Discretionary Activity.

Rule 10.14.3.1 Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Location and size of the site.

10.14.3.2 Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Topography and natural features

- (a) Whether the boundaries of the lease area are located to take account of the topography and the existence of significant natural features.

Yard requirements

- (b) Whether the boundaries of the site will enable existing and future proposed buildings to comply with the yard requirements as specified for the zone.

Intended purpose and amenity values

- (c) Whether the location and size of the site and the building area within it will unduly restrict the ability of the site to be used for its intended purpose as anticipated by the zoning, or will be likely to affect amenity values of adjoining sites.

Safety issues

- (d) Whether the safety of persons utilising the area of open space and of persons and property on any neighbouring sites is likely to be adversely affected.



Explanation and Reasons

The rules relating to the location of the lease area which forms the subdivision are necessary, to ensure that sites are designed so that development of the site will not adversely impact upon neighbouring sites, and the characteristics and purpose of the open space area. Recreational activities occurring within the open space area should not be compromised by the size or location of the subdivided area.





STATUTORY ACKNOWLEDGEMENT AND STATUTORY AREAS – NGATI WHATUA O KAIPARA CLAIMS SETTLEMENT ACT 2013

Ngati Whatua o Kaipara settled its Treaty of Waitangi claim with the Crown on 12 June 2013. The settlement, which was formalised by the Ngati Whatua o Kaipara Settlement Act 2013 (Settlement Act 2013), includes a formal Statutory Acknowledgement by the Crown that Ngati Whatua o Kaipara has a particular cultural, spiritual, historical and traditional association with the following Statutory Areas that are controlled by the Crown:

- Makarau (as shown on OTS-674-02)
- Atuanui Scenic Reserve (as shown on OTS-674-08)
- Makarua Bridge Reserve (as shown on OTS-674-03)
- Parakai (being part of the Parakai Conservation Area, as shown on OTS-674-06)
- Ten Acre Block Recreation Reserve (as shown on OTS-674-16)
- Mairetahi Landing (as shown on OTS-674-01)
- Mauiniu Island (as shown on OTS-674-13)
- Moturemu Island (as shown on OTS-674-05)
- Tipare (being part of Ti Tree Island Conservation Area, as shown on OTS-674-07)

The purpose of the Statutory Acknowledgement is set out in section 61 of the Settlement Act, which requires Council to:

- have regard to the statutory acknowledgement, in accordance with sections 62 to 64 of the Settlement Act;
- provide summaries of resource consent applications or, as the case requires, copies of notices of applications to the trustees in accordance with section 66 of the Settlement Act; and
- enable the trustees or any member of the association of Ngati Whatua o Kaipara with the relevant statutory area, as provided for in section 67 of the Settlement Act.

The Statutory Areas affect planning maps 10, 12, 13, 18, 19, 24, 103 and 105.

Appendix 10A(1) contains the statements of association for the statutory areas (refer to section 65(2)(c) of the Settlement Act), and sets out in full the provisions of section 62-64 and 66 and 67 of the Settlement Act (refer to Section 65(2)(a) of the Settlement Act).

Further information may be obtained on the deed of settlement including maps of the statutory areas by referring to the Ngati Whatua o Kaipara Claims Settlement Act 2013, found on the Treaty Settlement website (www.ots.govt.nz)

(Note: This section is not part of the District Plan. It has been inserted for information in accordance with the requirements of Section 65 of the Ngati Whatua o Kaipara Claims Settlement Act 2013).





Appendix 10A(1)

20 Interpretation

In this Part,—

Council means the Auckland Council established by section 6 of the Local Government (Auckland Council) Act 2009
cultural redress property means each of the following properties, and each property means the land described by that name in Part A of Schedule 1:

Property vesting in fee simple

- (a) Makarau; and

Properties vesting in fee simple to be administered as reserves

- (b) Atuanui Scenic Reserve; and
- (c) Makarau Bridge Reserve; and
- (d) Parakai; and
- (e) Ten Acre Block Recreation Reserve; and

Properties vesting in fee simple subject to conservation covenant

- (f) Mairetahi Landing; and
- (g) Mauiniu Island; and
- (h) Motoremu Island; and
- (i) **Tīpare Development Trust custodian trustee**, in relation to the vesting and management of the Parakai Recreation Reserve, means a custodian trustee incorporated by the trustees of the Development Trust under clause 22.1 of Ngā Maunga Whakahii o Kaipara Development Trust deed
Parakai Recreation Reserve means the land of that name described in Part B of Schedule 1
reserve property means the properties referred to in paragraphs (b) to (e) of the definition of **cultural redress property**
Tari Pupuritaonga Trust custodian trustee, in relation to the vesting and management of reserve properties, means a custodian trustee incorporated by the trustees of the Tari Pupuritaonga Trust under clause 20.1 of the Ngā Maunga Whakahii o Kaipara Tari Pupuritaonga trust deed.

Property vesting in fee simple

21 Makarau

- 1) Makarau ceases to be a conservation area under the Conservation Act 1987.
- 2) The fee simple estate in Makarau vests in the trustees of the Development Trust.
- 3) The vesting of Makarau under this section is a disposition for the purposes of Part 4A of the Conservation Act 1987, but section 24 of that Act does not apply.

Properties vesting in fee simple to be administered as reserves

22 Atuanui Scenic Reserve

- 1) The reservation of Atuanui Scenic Reserve as a scenic reserve subject to the Reserves Act 1977 is revoked.
- 2) The fee simple estate in Atuanui Scenic Reserve vests in the trustees of the Tari Pupuritaonga Trust.
- 3) Atuanui Scenic Reserve is declared a reserve and classified as a scenic reserve for the purpose specified in section 19(1)(a) of the Reserves Act 1977.
- 4) The reserve created by subsection (3) is named Atuanui Scenic Reserve.
- 5) Despite subsections (1) and (2), the viewing platform as shown on deed plan OTS-674-08—
 - (a) does not vest under subsection (2); but
 - (b) remains the property of the Crown.

23 Makarau Bridge Reserve

- (1) The reservation of Makarau Bridge Reserve as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Makarau Bridge Reserve vests in the trustees of the Tari Pupuritaonga Trust.
- (3) Makarau Bridge Reserve is declared a reserve and classified as a local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977.
- (4) Subsections (1) to (3) do not apply until the trustees of the Tari Pupuritaonga Trust provide the Council with



a registrable right of way easement in gross in relation to the Makarau Bridge Reserve on the terms and conditions set out in part 7 of the documents schedule.

- (5) The reserve created by subsection (3) is named Makarau Bridge Local Purpose (Estuarine Habitat) Reserve.

24 Parakai

- (1) Parakai (being part of the Parakai Conservation Area) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Parakai vests in the trustees of the Tari Pupuritaonga Trust.
- (3) Parakai is declared a reserve and classified as a local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977.
- (4) The reserve created by subsection (3) is named Parakai Local Purpose (Estuarine Habitat) Reserve.

25 Ten Acre Block Recreation Reserve

- (1) The reservation of the Ten Acre Block Recreation Reserve as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Ten Acre Block Recreation Reserve vests in the trustees of the Tari Pupuritaonga Trust.
- (3) The Ten Acre Block Recreation Reserve is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve created by subsection (3) is named the Ten Acre Block Recreation Reserve.

60 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association.

61 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are to—

- (a) require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, in accordance with sections 62 to 64; and
- (b) require relevant consent authorities to provide summaries of resource consent applications or, as the case requires, copies of notices of applications to the trustees in accordance with section 66; and
- (c) enable the trustees or any member of Ngāti Whātua o Kaipara to cite the statutory acknowledgement as evidence of the association of Ngāti Whātua o Kaipara with the relevant statutory area, as provided for in section 67.

62 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.
- (3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

63 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings in the Environment Court in respect of an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

64 Historic Places Trust and Environment Court to have regard to statutory acknowledgement

- (1) This section applies if, on or after the effective date, an application is made under section 11 or 12 of the



Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area.

- (2) The Historic Places Trust must have regard to the statutory acknowledgement relating to the statutory area—
 - (a) in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application; and
 - (b) in determining whether the trustees are persons directly affected by an extension of time.
- (3) The Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
 - (a) when it determines, under section 20 of the Historic Places Act 1993, an appeal against a decision of the Historic Places Trust in relation to an application; and
 - (b) when it determines whether the trustees are persons directly affected by the decision.
- (4) In this section, **archaeological site** has the meaning given in section 2 of the Historic Places Act 1993.

66 Provision of summaries or notices of certain applications

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) a summary of the application, if the application is received by the consent authority; or
 - (b) a copy of the notice, if the application is served on the consent authority under section 145(10) of the Resource Management Act 1991.
- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
 - (a) as soon as is reasonably practicable after an application is received by the relevant consent authority; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the relevant consent authority receives the notice.
- (5) The trustees may, by notice in writing to a relevant consent authority,—
 - (a) waive the rights to be notified under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) An obligation under this section does not apply to the extent that the corresponding right has been waived.
- (7) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application;
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

67 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāti Whātua o Kaipara may, as evidence of the association of Ngāti Whātua o Kaipara with a statutory area, cite the statutory acknowledgement relating to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
 - (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) the Historic Places Trust; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) the bodies referred to in subsection (1); or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) However, those bodies and persons may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
 - (a) neither the trustees nor members of Ngāti Whātua o Kaipara are precluded from stating that Ngāti





- Whātua o Kaipara has an association with a statutory area that is not described in the statutory acknowledgement; and
- (b) the content and existence of the statutory acknowledgement do not limit any statement made.