

---

## Submission on Napier City Proposed District Plan

### Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Napier City Council - Planning Unit

**Date received:** 15/12/2023

**Submission Reference Number #:**222

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

**Submitter:**

Amelia Longley

**Address for service:**

Amelia Longley  
Napier City Council  
215 Hastings Street Napier South Napier 4110  
New Zealand

**Email:** amelia.longley@napier.govt.nz

**I wish to be heard:** Yes

**I am willing to present a joint case:** Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **N/A**

## Submission points

---

**Point 222.1**

**Section:** PA - Public Access

**Sub-section: Issues**

**Provision:**

PA-I2: Providing linkages within the Mission precincts to protect and enhance identified connectivity opportunities  
Napier has a large network of interlinking off-road pathways, which are increasingly popular for people seeking to undertake active recreation. The pathways also have an important role in ensuring connectivity between neighbourhoods, open spaces and to provide access to the coast.

The Mission development area includes a number of public access routes that span the development area, connecting neighbourhoods and providing recreational opportunities. The District Plan identifies these routes and provides protection of these to ensure they can be realised as the area is developed.

**Sentiment:** Amend

**Submission:**

Provision PA-I2 only incorporates public access routes already identified by the Mission Hills Structure Plan, and does not consider connectivity for the rest of the city. Napier and specifically the Western Hills of Taradale have a number of existing Public Access routes which provide connectivity, opportunities for passive recreation and active transport for our community and visitors, and enhance the resilience of the city by providing alternative evacuation routes. They also offer opportunities to support biodiversity. The proposed Indicative Public Access routes identified in this submission identify further critical linkages which seek to improve the connectivity between these existing networks. They act as a mechanism to protect these routes and enable planners to identify these routes when considering applications for subdivision, to ensure that our city remains connected and accessible.

In the Western Hills these indicative routes include linkage between the Otatara Pā Historic Reserve Walk and recently completed Maggie's Way at Dolbel Reserve, as well as a hilltop access routes across the proposed Rural Lifestyle Zone via the currently isolated Ridgeway Reserve at 160 Churchill Drive. A critical linkage at Tironui Drive between the top of Maggie's Way, Sugarloaf/Pukekura and Lance Leikis with the within the Mission Hills Development route already identified in the Proposed District Plan is included. In addition this would provide improved access to the NCC Tironui Reservoir at 82 Tironui Drive. In other areas of Napier the routes identified in this submission increase and improve connectivity between existing networks.

Where these routes are not located on Council owned land they do not represent intended enforced acquisition, rather routes that should be considered should impacted properties be subject to subdivision in the future.

Therefore, we submit to have provision PA-I2 amended to reference linkages across the city to reflect the Indicative Public Access routes included in the map provided as part of this submission.

**Relief sought**

PA-I2: Providing linkages ~~within the Mission precincts~~ to protect and enhance identified connectivity opportunities across Napier.

Napier has a large network of interlinking off-road pathways, which are increasingly popular for people seeking to undertake active recreation. The pathways also have an important role in ensuring connectivity between neighbourhoods, open spaces and to provide access to the coast.

The ~~Mission development area~~ Indicative Public Access Routes include a number of public access routes that span development areas and potential future development areas, connecting neighbourhoods and providing recreational opportunities. The District Plan identifies these routes and provides protection of these to ensure they can be realised as ~~these areas is~~ are developed.

---

**Point 222.2**

**Section:** PA - Public Access

**Sub-section:** Objectives

**Provision:**

PA-O2: Providing linkages across the western hills to protect and enhance identified connectivity opportunities throughout Napier

Napier's pathway network is enhanced and developed in the western hills to provide a continuous off-road walkway from Ōtātara Pā to Ahuriri estuary and to provide connectivity to potential development west of Napier.

*Relates to PA-I2*

**Sentiment:** Amend

**Submission:**

Provision PA-O2 only refers to public access routes across the Western Hills, and does not consider connectivity for the rest of the city. Napier and specifically the Western Hills of Taradale have a number of existing Public Access routes which provide connectivity, opportunities for passive recreation and active transport for our community and visitors, and enhance the resilience of the city by providing alternative evacuation routes. They also offer opportunities to support biodiversity. The proposed Indicative Public Access routes identified in this submission identify further critical linkages which seek to improve the connectivity between these and other existing networks. They act as a mechanism to protect these routes and enable planners to identify these routes when considering applications for subdivision, to ensure that our city remains connected and accessible.

In the Western Hills these indicative routes include linkage between the Otatara Pā Historic Reserve Walk and recently completed Maggie's Way at Dolbel Reserve, as well as a hilltop access routes across the proposed Rural Lifestyle Zone via the currently isolated Ridgetop Reserve at 160 Churchill Drive. A critical linkage at Tironui Drive between the top of Maggie's Way, Sugarloaf/Pukekura and Lance Leikis with the within the Mission Hills Development route already identified in the Proposed District Plan is included. In addition this would provide improved access to the NCC Tironui Reservoir at 82 Tironui Drive. In other areas of Napier the routes identified in this submission increase and improve connectivity between existing networks.

Where these routes are not located on Council owned land they do not represent intended enforced acquisition, rather routes that should be considered should impacted properties be subject to subdivision in the future.

Therefore, we submit to have provision PA-O2 amended to reference linkages across the city to reflect the Indicative Public Access routes included in the map provided as part of this submission.

**Relief sought**

PA-O2: Providing linkages across the western hills and the wider city to protect and enhance identified connectivity opportunities throughout Napier

Napier's pathway network is enhanced and developed in the western hills to provide a continuous off-road walkway from Ōtātara Pā to Ahuriri estuary and to provide connectivity to potential development west of and across Napier.

---

**Point 222.3**

**Section:** PA - Public Access

**Sub-section:** Policies

**Provision:**

PA-P1: Identify public access opportunities

Identify and map indicative public access routes within the Mission precincts.

*Relates to PA-O1 and PA-O2.*

**Sentiment:** Amend

**Submission:**

Provision PA-P1 only refers to public access routes within the Mission Hills precincts, and does not consider connectivity for the rest of the city. Napier and specifically the Western Hills of Taradale have a number of existing Public Access routes which provide connectivity, opportunities for passive recreation and active transport for our community and visitors, and enhance the resilience of the city by providing alternative evacuation routes. They also offer opportunities to support biodiversity. The proposed Indicative Public Access routes identified in this submission identify further critical linkages which seek to improve the connectivity between these existing networks. They act as a mechanism to protect these routes and enable planners to identify these routes when considering applications for subdivision, to ensure that our city remains connected and accessible.

In the Western Hills these indicative routes include linkage between the Otatara Pā Historic Reserve Walk and recently completed Maggies Way at Dolbel Reserve, as well as a hilltop access routes across the proposed Rural Lifestyle Zone via the currently isolated Ridgeway Reserve at 160 Churchill Drive. A critical linkage at Tironui Drive is included between the top of Maggies Way, Sugarloaf/Pukekura and Lance Leikis with the Mission Hills Development route already identified in the Proposed District Plan. In addition this would provide improved access to the NCC Tironui Reservoir at 82 Tironui Drive. In other areas of Napier the routes identified in this submission increase and improve connectivity between existing networks.

Where these routes are not located on Council owned land they do not represent intended enforced acquisition, rather routes that should be considered should impacted properties be subject to subdivision in the future.

Therefore, we submit to have provision PA-P1 amended to reference linkages across the city, to reflect the Indicative Public Access routes included in the map provided as part of this submission.

## **Relief sought**

Identify and map indicative public access routes ~~across the city within the Mission precincts.~~

Relates to PA-O1 and PA-O2.

Update map to include additional Indicative Public Access Routes included in the attached/linked map.

---

## **Point 222.4**

**Section:** PA - Public Access

**Sub-section:** Policies

### **Provision:**

PA-P2: Protect and develop public access routes

Ensure that the public access routes identified under PA-P1 are protected and able to be developed, including by:

- a. requiring vesting of indicative public access routes through private land at the time of subdivision or development of the site, as either road or reserve;
- b. requiring another appropriate legal mechanism providing for public access along the indicative public access route in perpetuity;
- c. providing a legal mechanism to enable council access to the indicative public access route for maintenance and development;
- d. ensuring new buildings and shared driveways are not located within 20 m of an indicative public access route, and
- e. plantation forestry on sites containing an indicative public access route.

*Relates to PA-O1 and PA-O2*

**Sentiment:** Support

### **Submission:**

We support this policy as it provides for the protection and development of public access routes, provided the requested amendments to PA-P1 to reflect additional indicative access routes are accepted.

## **Relief sought**

Retain PA-P2.

---

## Point 222.5

**Section:** PA - Public Access

**Sub-section:** PA - Public Access - Rules Table

**Provision:**

PA-R1: New building and/or shared driveway on any site containing an indicative public access route

**PA-R1A**

**PA-R1B**

**Activity Status:** Permitted

**Activity Status where permitted conditions are not met:** Restricted Discretionary

**Where:**

1. The building or shared driveway is not located within 20 m of any identified indicative public access route on the planning maps.

**Matters of discretion are:**

1. Safety, attractiveness, and connectivity of streets and public open spaces, and
2. Ecological, landscape, and cultural values.

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

**Sentiment:** Support

**Submission:**

PA-R1 supports the protection and development of Public Access Routes to provide connectivity and passive recreation opportunities.

**Relief sought**

Retain PA-R1

---

## Point 222.6

**Section:** PA - Public Access

**Sub-section:** PA - Public Access - Rules Table

**Provision:**

PA-R2: Plantation forestry on any site containing an indicative public access route

**Activity Status:** Restricted Discretionary

**Matters of discretion are:**

1. Safety, attractiveness, and connectivity of streets and public open spaces, and
2. Ecological, landscape, and cultural values.

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

**Sentiment:** Support

**Submission:**

PA-R2 supports the protection and development of Public Access Routes to provide connectivity and passive recreation opportunities.

**Relief sought**

Retain PA-R2

---

## Point 222.7

**Section:** SUB - Subdivision

**Sub-section:** Issues

**Provision:**

SUB-I5: The need to ensure public access to the coast, estuary, and rivers

People expect to have reasonable access to the city's coastal environment, estuary, and waterbodies. The RMA requires that Council recognises and provides for the maintenance and enhancement of public access to the coastal marine area (including estuaries), lakes, and rivers as a matter of national importance. The New Zealand Coastal Policy Statement 2010 also identifies a specific requirement to provide access to and along the coastal environment. The Council, therefore, has a legal responsibility in protecting access to the coast and other waterbodies. The Council also has an important role in ensuring that the district's shared pathway networks connect neighbourhoods, open spaces and other public areas with these important features.

The RMA allows Council to require an esplanade reserve when land is subdivided into allotments of less than 4 hectares. Esplanade reserves provide important public access along the coast and other waterbodies within Napier and the Council has, therefore, identified where it will exercise the right to acquire esplanade reserves in the Public Access chapter.

Esplanade reserves are classified as reserves under the Reserves Act 1977, and land ownership is transferred to Council at the time of subdivision for the benefit of the whole community, with Council maintaining and managing the reserve in perpetuity.

**Sentiment:** Support

**Submission:**

SUB-I5 protects and provides for the development Public Access.

**Relief sought**

Retain provided the proposed additions to the Indicative Public Access Routes layer is accepted.

---

## Point 222.8

**Section:** SUB - Subdivision

**Sub-section:** Objectives

**Provision:**

SUB-O2: Impact of the built environment on landscapes, biodiversity, water quality, and other key environmental matters  
Land is subdivided in a way to create development that:

- a. responds positively to the site's physical characteristics and context;
- b. protects, maintains, or enhances natural features, landscapes, indigenous biodiversity, waterbodies, significant trees, productive soils, reserves, public open space, and historic heritage, and
- c. achieves the maintenance and enhancement of water quality by incorporating low impact design principles.

*Relates to SUB-11, SUB-12, SUB-13, SUB-14, SUB-15, SUB-16*

**Sentiment:** Support

**Submission:**

SUB-O2 includes provision for consideration of impacts of subdivision on public open space.

**Relief sought**

Retain

---

**Point 222.9**

**Section:** SUB - Subdivision

**Sub-section:** Policies

**Provision:**

SUB-P11: Esplanade reserves and public access

Unless otherwise specified, require esplanade reserves and easement access when subdividing land adjoining the coast, waterbodies, and identified public access corridors.

*Relates to SUB-O2, SUB-O3*

**Sentiment:** Support

**Submission:**

SUB-P11 ensures provision for identified public access.

**Relief sought**

Retain

---

**Point 222.10**

**Section:** SUB - Subdivision

**Sub-section:** SUB - Subdivision - Standards Table

**Provision:**

SUB-S17: Indicative public access route

**All Zones**

1. When land is subdivided containing an indicative public access route, Council will require:
  - a. the provision of an easement or vesting of land to secure ongoing public access along the proposed walkway;
  - b. the minimum width of the easement or land vested in a. above must be 10 m;
  - c. the provision of an easement, covenant, or other legally enforceable requirement on the land title restricting buildings from locating within the public access corridor, and
  - d. the provision of a legal mechanism to protect council access to the easement or vested land under a. above to provide for maintenance and development of the indicative public access routes.

**Matters of discretion:**

1. The extent to which key feature public access corridors are compromised;
2. Safety, attractiveness, and connectivity of streets, public access ways, and public open spaces;
3. Public health and safety, and
4. Ecological, landscape, and cultural values.

**Sentiment:** Support

**Submission:**

SUB-S17 supports protection and development of public access

**Relief sought**

Retain, provided proposed additions to Indicative Public Access Routes are accepted.

---

**Point 222.11**

**Section:** SUB - Subdivision

**Sub-section:** Assessment criteria

**Provision:**

SUB-AC6: Indicative public access route (SUB-S17)

- a. Whether there are alternative practicable options for alignment of the public access route and the measures to protect these.
- b. The extent to which future development will ensure there are no impediments to maintaining ongoing public access along the indicative public access route.

**Sentiment:** Support

**Submission:**

SUB-AC6 provides for development of indicative public access routes.

**Relief sought**

Retain, provided additions to Indicative Public Access routes are accepted.

---

**Point 222.12**



**Section:** General

**Sub-section:** General

**Provision:** General

**Sentiment:** Amend

**Submission:**

All 'Open Space Zones' provisions.

Chapter structures and rule frameworks are inconsistent across the Open Spaces Zones. Amend Open Space Zone chapter structure and rule frameworks to be consistent across the zones.

**Relief sought**

In addition to the specific submission points outlined further, we request that PDP provisions are amended to read consistently across the Open Space Zone and related chapters (including District Wide Activity chapters)

---

**Point 222.13**

**Section:** General

**Sub-section:** General

**Provision:** General

**Sentiment:** Amend

**Submission:**

Link between Rules Table and Standards Table:

It is important that the rules are clearly linked to relevant standards. The approach across the Open Space Zone is inconsistent and confusing.

**Relief sought**

Amend provisions to link rules and standards in a consistent manner across Open Space Zones. Either amend rules to reference relevant standards as a condition of the rules and/or include the following reference at the start of the rules table and the standards table

*'All activities must comply with the permitted activity standards set out in the standards table below'*

---

**Point 222.14**

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R11: Industrial activities

**Activity Status:** Prohibited

NA

**Sentiment:** Oppose

**Submission:**

Prohibited activity status for rules in the Open Space Zones/Natural Open Space Zones:

Prohibited activity status is an absolute. Maybe some instance where you would want to permit industrial activities across a reserve eg pipes ancillary to an industrial activity. 'Prohibited activity' status is only used when the activity in question cannot be contemplated in any circumstances and should be justified in objectives and policies.

If it does remain supporting policies linking to the rule should be included to explain why this status has been applied.

## Relief sought

Amend Open Space Zones to delete 'Prohibited activity status' where it currently applies to any rules in the Open Space Zones. Or provide justification for retaining this status.

---

## Point 222.15

**Section:** GRZ - General Residential Zone

**Sub-section:** GRZ - General Residential Zone - Standards Table

### Provision:

#### GRZ-S8: Fences and walls

**Purpose:** to provide for privacy of residential units while enabling opportunities for passive surveillance of the street and public open spaces; to minimise visual dominance effects to immediate neighbours and the street.

1. Fences or walls (or a combination of these structures) must not exceed the height specified below, measured from the ground level at the boundary:
  - a. within the front yard, and within a side or rear yard adjacent to a common boundary with an Open Space Zone, either:
    - i. 1.2 m in height;
    - ii. 1.8 m in height for no more than 50% of the length of the boundary and 1.2 m for the remainder, or
    - iii. 1.8 m in height if the fence is at least 50% visually open as viewed perpendicular to the front boundary.
  - b. Within the side and rear yards: 2 m.

#### Matters of discretion are:

1. Purpose of the standard;
2. Neighbourhood character;
3. Safety, attractiveness, and connectivity of streets and public open spaces, and
4. Quality living environments.

**Sentiment:** Amend

### Submission:

Standards for fences in or adjacent to Open Space zones could result in undesirable outcomes for open space.

## Relief sought

Delete these provisions from the Open Space zones or ensure provisions are written to provide for consistent fencing around the perimeter of Council parks and open spaces. Amend relevant residential and open space standards to ensure fencing controls adjacent to open space will provide for consistent fencing around parks and reserves. I.e. where a fence is higher than 1.2 m, the fencing style beyond the 1.2 m is visually permeable.

---

## Point 222.16

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Standards Table

**Provision:**

**OSZ-S5: Fences and walls**

**Purpose:** *to provide for privacy of sites adjoining open spaces while enabling opportunities for passive surveillance of the public open space.*

1. Fences or walls (or a combination of these structures) must not exceed the height specified below, measured from the ground level at the boundary:
  - a. along a common boundary with an adjacent residential or commercial zone, either:
    - i. 1.2 m in height;
    - ii. 1.8 m in height for no more than 50% of the site frontage and 1.2 m for the remainder, or
    - iii. 1.8m in height if the fence is at least 50% visually open as viewed perpendicular to the front boundary.

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

1. Purpose of the standard;
2. Neighbourhood and open space character, and
3. Safety, attractiveness and connectivity public open spaces

**Sentiment:** Amend

**Submission:**

Standards for fences in Open Space zones could result in undesirable outcomes for open space.

**Relief sought**

Delete these provisions from the Open Space zones or ensure provisions are written to provide for consistent fencing around the perimeter of Council parks and open spaces. Amend relevant residential and open space standards to ensure fencing controls adjacent to open space (including Natural Open Space and Sport and Recreation Zones) will provide for consistent fencing around parks and reserves. I.e. where a fence is higher than 1.2 m, the fencing style beyond the 1.2 m is visually permeable.

---

**Point 222.17**

**Section:** STADZ - Stadium Zone

**Sentiment:** Amend

**Submission:**

Whilst overall Council Parks and Reserves Management Team supports the provision of a Stadium Zone for McLean Park and its broad direction to manage effects on the environment as set out in the objectives and policy framework, there are challenges with interpreting the rule framework including definitions of activities (or lack of them), rules and standards, and how provisions relate to other chapters, in particular the 'Temporary Activities' and 'Noise' chapters. The rules and standards as currently written could result in unintended outcomes for McLean Park. The submission points on this Chapter provide examples of some of these issues, but there may be others or additional consequential amendments required as part of to clarify how these provisions work.

## Relief sought

Amend provisions of STADZ zone to ensure integration with Noise and Temporary Activity chapter provisions and clarify activities intended for this zone.

Redraft the rules standards and assessment criteria to integrate with the Temporary Activities and Noise chapters of the PDP. Clarify activities intended for this zone, and ensure corresponding activity definitions are provided to give clear guidance to managers of McLean Park and adjacent residential neighbours as to acceptable levels of effect including the frequency and impacts of temporary events.

---

### Point 222.18

**Section:** Definitions

**Sub-section:** Definitions

**Sentiment:** Amend

**Submission:**

Insert new definition for 'Conservation Activities' to support proposed amendments requesting a new Rule in NOSZ chapter.

## Relief sought

CONSERVATION ACTIVITIES means the use of land and/or buildings for any activity undertaken for the purposes of maintaining, protecting and/or enhancing the natural, historic and/or ecological values of a natural or historic resource. It includes ancillary activities and activities which assist to enhance the public's appreciation and recreational enjoyment of the resource.

---

### Point 222.19

**Section:** Definitions

**Sub-section:** Definitions

**Sentiment:** Amend

**Submission:**

There is no definition in the Proposed District Plan for Informal Recreation. Propose to have a definition included.

## Relief sought

New Definition: INFORMAL RECREATION - Means an activity whose aim is the enjoyment of leisure of a primarily non-competitive casual nature and includes for example: resting, sitting, walking, cycling, jogging, outdoor community events etc

---

### Point 222.20

**Section:** Definitions

**Sub-section:** Definitions

**Provision:**

PUBLIC AMENITIES

a public structure, device or item used for the purpose of the public's enjoyment, convenience, or comfort, and may include toilet facilities, shelters, signage, rubbish bins, tracks, platforms,

| and structures relating to educational or informational purposes.

**Sentiment:** Amend

**Submission:**

Unclear what a public amenity 'devices or items' is, and why these would be singled out in a definition, therefore seek these references be deleted. Signage is controlled by the DWA SIGN - Sign chapter, referencing it in this definition would lead to confusion in applying the rules. Amendments also seek to clarify public amenities are a subset of community facilities.

**Relief sought**

means a structure, device or item used for the purpose of the public's enjoyment, convenience, or comfort, and may include toilet facilities, shelters, signage, rubbish bins, tracks, platforms, and structures relating to educational or informational purposes.

**Also refer:**

Community facilities.

---

**Point 222.21**

**Section:** Definitions

**Sub-section:** Definitions

**Provision:**

RECREATIONAL ACTIVITY

means any land and/or buildings whose primary use is for passive or active leisure, whether competitive or non-competitive, casual or organised, including (but not limited to) shelter, cycleways and walkways outside roads, public conveniences, the use of outdoor school grounds between the hours of sunrise and sunset, and other accessory buildings.

**Sentiment:** Amend

**Submission:**

Delete reference to public conveniences as they are now proposed to be covered under the definition of 'public amenities'. Reference to outdoor school grounds not appropriate here. This would more appropriately be addressed under the definition of 'educational facilities'.

Amend to provide for 'ancillary activities' in a manner similar to the definition of 'community facility'.

**Relief sought**

means any land and/or buildings whose primary use is for passive or active leisure, whether competitive or non-competitive, casual or organised, including (but not limited to) shelter, cycleways and walkways outside roads, ~~public conveniences, the use of outdoor school grounds between the hours of sunrise and sunset,~~ and other accessory buildings **and any activity ancillary to the recreational activity.**

**Also refer:**

- Community facilities
- Entertainment activities / Events /
- Public amenities

**Note: Commercial components of an activity on Council reserves may also trigger provisions in the Reserves Act**

**Point 222.22**

**Section:** Definitions

**Sub-section:** Definitions

**Sentiment:** Amend

**Submission:**

Insert new definition to support proposed amendments requesting a new Rule in the Open Spaces Zones providing for 'Reserves Maintenance Activities' The PDP does not currently provide for buildings and activities associated with the maintenance, management and development of the City's parks and open spaces. Whilst these could be considered to be activities ancillary to the main purpose of the zone, for clarity inclusion of a separate activity and associated rule is sought.

**Relief sought**

RESERVES MAINTENANCE ACTIVITIES: Activities including buildings, for the maintenance, management and development of the City's parks and open spaces network including equipment and storage sheds, nurseries, and administration offices.

---

**Point 222.23**

**Section:** Definitions

**Sub-section:** Definitions

**Sentiment:** Amend

**Submission:**

New definition sought to provide for 'stormwater and drainage activities' undertaken by Council pursuant to its duties under the Land Drainage Act 1904, the Local Government Act 2002 or the Reserves Act 1977. Include a new definition (and associated rule in the Open Spaces Zones) for 'Stormwater and Drainage Activities'

**Relief sought**

STORMWATER AND DRAINAGE ACTIVITIES Means land and buildings required by Council to provide for its drainage functions pursuant to the Land Drainage Act 1904, the Local Government Act 2002 or the Reserves Act 1977.

Note: This covers land use consents only. The rules of the Hawke's Bay Regional Resource Management Plan may also apply.

---

**Point 222.24**

**Section:** Definitions

**Sub-section:** Definitions

**Provision:**

TEMPORARY NOISE  
EVENTS

| An event that exceeds the general noise controls for a site (or area within the coastal marine area) either in level or duration.

**Sentiment:** Amend

**Submission:**

In the STADZ Zone refers to a noise event. Unclear whether this is the same as a temporary noise event? Clarify the use of this term and its relationship with 'entertainment activities'/noise event' as set out in Rule STADZ-R4/Standard STADZ-S6 of the stadium zone.

**Relief sought**

TEMPORARY NOISE EVENT An event that exceeds the general noise controls for a site (or area within the coastal marine area) either in level or duration.

---

**Point 222.25**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Amendment sought clarifies that any applicant must also refer to Reserves Act legislation and the relevant Reserves Management Plan. This is particularly important for new activities establishing on Council parks. It also clarifies that provisions in other district wide sections of the District Plan may also be relevant.

**Relief sought**

**NOSZ - Natural Open Space Zone - Rules Table**

**Note1: In addition to these provisions of the District Plan, the provisions of the Reserves Act 1977 and associated Reserve Management Plan also apply.**

**Note 2: It is important to note that in addition to the provisions in this chapter, the following Part 2: District-Wide Matters / General District-Wide Matters may also apply:**

- **NU – Network Utilities**
  - **TPT- Transport**
  - **EW – Earthworks**
  - **LIGHT – Light**
  - **NOISE - Noise**
  - **SIGN – Signs**
  - **TEMP – Temporary Activities**
- 

**Point 222.26**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R1: Maintenance and repair to existing buildings

**Activity Status:** Permitted

**Sentiment:** Oppose

**Submission:**

There are no definitions for 'maintenance' and 'repair' (other than in relation to heritage buildings and network utilities). It therefore does not seem relevant to have a specific rule for these types of activities, and they could occur as ancillary to the main activity.

**Relief sought**

Delete rule

---

**Point 222.27**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R2: Recreational activities

**NOSZ-R2A**

**NOSZ-R2B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. The activity is informal recreation, or
2. Walking and/or bike paths.

**Sentiment:** Amend

**Submission:**

Insert new definition for informal recreation (as outlined above) and delete clause 2 as it is covered by the definition of recreational activities / informal recreational activities.

**Relief sought**

Amend as sought and apply consistent format and terminology to Rule NOSZ-R3 Community activities **facility activity** rule.

NOSZ-R2A

**Activity Status:** Permitted

**NOSZ-R2B**

**Where:**

**Activity Status where activity conditions are not met:** Discretionary

1. The activity is informal recreation, ~~or~~ and



**Point 222.28**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R3: Community activities

**NOSZ-R3A**

**NOSZ-R3B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. Provided that any building work associated with the below activities complies with NOSZ-R4, except where it is permitted by NOSZ-R1:
  - a. Education and research facilities directly related to the open space;
  - b. Information facilities accessory to a permitted activity, and
  - c. Public amenities.

**Sentiment:** Amend

**Submission:**

Amend to be consistent with definitions. Noting that the definition of 'community facility' is a National Planning Standards definition and means land and buildings used by members of the community thus covers the facility as well as the activity.

**Relief sought**

Amend as sought and apply consistent format and terminology to Rule NOSZ-R2

**NOSZ-R3: Community ~~activities~~ facility activity**

---

**Point 222.29**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R3: Community activities

**NOSZ-R3A**

**NOSZ-R3B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. Provided that any building work associated with the below activities complies with NOSZ-R4, except where it is permitted by NOSZ-R1:
  - a. Education and research facilities directly related to the open space;
  - b. Information facilities accessory to a permitted activity, and
  - c. Public amenities.

**Sentiment:** Amend

**Submission:**

If submission on Rule NOSZ-R1 is accepted, reference to it in this Rule should be deleted.

Condition 1 as currently written requires all 3 conditions to be met to fall within this rule. It is unlikely that an activity will be for all 3 of these activities at one time.

**Relief sought**

NOSZ-R3A

Activity Status: Permitted

Where:

NOSZ-R3B

1. Provided that any building work associated with the below activities complies with NOSZ-R4, ~~except where it is permitted by NOSZ-R1:~~

Activity Status where activity conditions are not met: Discretionary

- a. Education and research facilities directly related to the open space; or
- b. Information facilities accessory to a permitted activity, ~~and~~ or
- c. Public amenities

**Point 222.30**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R4: Additions, alterations, or new buildings

**NOSZ-R4A**

**NOSZ-R4B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. The building is for public amenities;
2. The activity is building a fence(s) on the boundary, and
3. The activity involves observation areas, viewing platforms, and related structures.

**Sentiment:** Amend

**Submission:**

It is not clear how this rule relates to Rules NOSZ-R2 and NOSZ-R3, noting that the proposed definitions for Community facilities and Recreation activities provides for buildings as well as activities.

The term 'addition' can be clarified by a reference to the Gross Floor Area, which is defined in the Interpretation section of the Plan. However the term 'alteration' is not clear and could include 'additions' (already identified), or changes internally or externally (but not an addition).

This Rule as currently written, would require all 3 conditions to be met to fall within this rule. It is unlikely that this was the intention, and it is recommended that use of the word 'and' is replaced with 'or'.

**Relief sought**

Amend as sought and clarify how this rule relates to Rules NOSZ-R2 and NOSZ-R3.

**NOSZ-R4: Additions to Gross Floor Area, ~~alterations~~, or new buildings**

**NOSZ-R4A**

**Activity Status:** Permitted

**Where:**

1. The building is for public amenities; or
2. The activity is building a fence(s) on the boundary, or ~~and~~
3. The activity involves observation areas, viewing platforms, and related structures.

**NOSZ-R4B**

**Activity Status where activity conditions are not met:**  
Discretionary

**Point 222.31**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R5: Vehicle parking areas

**NOSZ-R5A**

**NOSZ-R5B**

**Activity Status:** Permitted

**Activity Status where activity conditions are**

**Where:**

1. If the car parking area is at-grade:
  - a. a 2-metre-wide landscaping strip comprised of indigenous plants is provided along the full frontage of the road (except for the vehicle crossing), and
  - b. one indigenous specimen tree is provided for every ten car parks.

**Matters of discretion are:**

1. Neighbourhood and landscape character, and
2. Safety, attractiveness, and connectivity of streets and public open spaces.

**Notification:** Any application under this rule is precluded from being publicly notified.

**Sentiment:** Oppose

**Submission:**

Vehicle parking areas are an ancillary activity and therefore fall within the definition of 'recreation activity' and 'community facilities'.

In addition, Council is the manager of these spaces and any new vehicle parking areas will be subject to the provisions of a Reserve Management Plan. It is not appropriate or necessary for the District Plan to control these activities.

**Relief sought**

Delete rule

**Point 222.32**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Insert new rule providing for Reserves Maintenance Activities (refer proposed new definition)

**Relief sought**

Insert new rule as sought (or words to that effect)

~~NOSZ R6: Vehicle parking areas~~

-

**NOSZ-RX**

**NOSZ R5: Reserve maintenance activities**

**Activity status where activity conditions are not met:**

Restricted discretionary

Activity Status: Permitted

Matters of discretion

**Where:**

1. The activity complies with all the relevant zone standards.

1. Neighbourhood and landscape character, and
2. Safety, attractiveness, and connectivity of streets and public open spaces.

**Notification:** Any application under this rule is precluded from being publicly notified.

**Point 222.33**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R6: Activities infringing standards

**Activity Status:** Restricted Discretionary

NA

**Matters of discretion are:**

1. The matters of discretion stated for infringing the relevant standard(s).

**Sentiment:** Amend

**Submission:**

Should only apply to permitted activities otherwise potentially could end up with a discretionary or non-complying activity that infringes standards being considered under this rule.

Clarification of wording to assist in clearer interpretation of the Plan

**Relief sought**

NOSZ-R6: Permitted Activities infringing standards

**Activity Status:** Restricted Discretionary

**Matters of discretion are:**

NA

1. The matters of discretion stated for ~~infringing~~ the relevant standard(s) being infringed.

**Point 222.34**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R7: Relocated buildings

**Activity status:** Discretionary

NA

**Sentiment:** Oppose

**Submission:**

Not necessary to have a separate rule for relocated buildings in this chapter. Buildings on NOSZ land require Council consent and must be erected in accordance with a relevant Reserve Management Plan.

**Relief sought**

Delete rule

---

**Point 222.35**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R9: Residential activities

**NOSZ-R9A**

**NOSZ-R9B**

**Activity Status:** Discretionary

**Activity Status where activity conditions are not met:** Prohibited

**Where:**

1. The activity is required for onsite management.

**Sentiment:** Oppose

**Submission:**

The requirement for managers to live onsite on Council reserves is no longer a Council practice and therefore it is not necessary to have a separate rule for this type of activity.

The default Rule NOSZ-R11 is appropriate to cover instances where a Residential activity might be considered.

Prohibited activity status is unnecessarily restrictive.

The provisions of the Reserves Act 1977, and any relevant RMP would also apply.

**Relief sought**

Delete rule.

---

**Point 222.36**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

---

## NOSZ-R10: Industrial activities

**Activity Status:** Prohibited

NA

**Sentiment:** Oppose

### **Submission:**

There is no justification for 'Prohibited activity' status for activities in the Open Space zones and there may be some instance where you would want to permit industrial activities across a reserve eg pipes ancillary to an industrial activity such as Ravensdown example.

'Prohibited activity' status is only used when the activity in question cannot be contemplated in any circumstances, and should be justified in objectives and policies.

If it does remain supporting policies linking to the rule should be included to explain why this status has been applied.

The default rule NOSZ-R11 (Non-complying activity status) is sufficient to provide for any such applications on NOSZ sites.

### **Relief sought**

Delete rule

---

## **Point 222.37**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

### **Provision:**

## NOSZ-R11: Activities not otherwise provided for

**Activity Status:** Non-complying

NA

### **Where:**

1. The activity is not provided for under Rules NOSZ-R1 - NOSZ-R10.

**Sentiment:** Support

### **Submission:**

Support non-complying status for activities not otherwise provided for.

### **Relief sought**

Retain NOSZ-R11

---

## **Point 222.38**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Council has a large number of reserves whose primary purpose is to provide for stormwater overflow and drainage activities. It is important that these activities are enabled in the open space zones.

It is not clear whether such activities are provided for as network utilities or not. If not, it would be appropriate to define these works (refer proposed definition) and have an associated enabling rule in the open space zones.

**Relief sought**

Clarify if the PDP provides for these type of activities elsewhere in the Plan (eg in the Network Utilities chapter) and if not insert a new rule providing for them in the Open Space Zones.

NOSZ-Rxx Stormwater and drainage activities

-

Activity Status: Permitted

Where:

**Activity Status where activity conditions are not met:** Non-complying.

-

1. The purpose of the reserve is for stormwater or drainage activities; and
2. The stormwater or drainage activities are undertaken by Council (or its contractors)

---

**Point 222.39**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Insert new rule as sought. The purpose of this rule is to allow for reserve maintenance activities and buildings associated with them to take place within this zone. A definition of 'reserves maintenance activities' is also proposed.

**Relief sought**

NOSZ-Rxx Reserve maintenance activities

-

Activity Status: Permitted

Where:

**Activity Status where activity conditions are not met:**  
Non-complying.

-

1. The purpose of the activity supports the function and maintenance of Council owned reserves; and
2. The reserve maintenance activities are undertaken by Council (or its contractors)

---

**Point 222.40**



**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Standards Table

**Provision:**

All activities must comply with all of the following permitted activity standards set out below:

**Sentiment:** Support

**Submission:**

This note clarifies that activities must comply with the standards

**Relief sought**

Retain and apply consistently across all open space zones

---

**Point 222.41**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Standards Table

**Provision:**

**NOSZ-S1: Height**

*Purpose: to maintain the natural character of the open space*

1. Buildings and structures must not exceed 4.5 m in height.

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

1. Natural and landscape character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living environments.

**Sentiment:** Amend

**Submission:**

Delete matter of discretion matter (3) as it is not relevant to the purpose.

**Relief sought**

**NOSZ-S1: Height**

**Activity Status where standards are not met:** Restricted Discretionary

**Matters of discretion are:**

*Purpose: to maintain the natural character of the open space*

1. Buildings and structures must not exceed 4.5 m in height.

1. Natural and landscape character;

2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. ~~Quality living environments.~~

**Point 222.42**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Standards Table

**Provision:**

**NOSZ-S2: Yards**

***Purpose:** to maintain the natural character of the open space; to provide for building maintenance; to provide for a safe and attractive streetscape; to maintain water quality; and provide access to watercourses or open drains for maintenance purposes.*

1. Any part of a building (including eaves and guttering) must not be erected closer than 6 m to any site boundary.
2. Any building, fence, permanently fixed structure or part thereof must not be erected closer than 6 m from the top of the bank of any watercourse or open drain.

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

1. Natural and landscape character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living environments.

**Sentiment:** Amend

**Submission:**

Delete matter of discretion matter (3) as it is not relevant to the purpose.

**Relief sought**

<p>NOSZ-S2: Yards</p>		<p><b>Activity Status where standards are not met:</b> Restricted Discretionary</p>
<p><i><b>Purpose:</b> to maintain the natural character of the open space; to provide for building maintenance; to provide for a safe and attractive streetscape; to maintain water quality; and provide access to watercourses or open drains for maintenance purposes.</i></p>	<ol style="list-style-type: none"> <li>1. Any part of a building (including eaves and guttering) must not be erected closer than 6 m to any site boundary.</li> <li>2. Any building, fence, permanently fixed structure or part thereof must not be erected closer than 6 m from the top of the bank of any watercourse or open drain.</li> </ol>	<p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>1. Natural and landscape character;</li> <li>2. Safety, attractiveness, and connectivity of streets and public open spaces, and</li> <li>3. <del>Quality living environments.</del></li> </ol>

**Point 222.43**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Standards Table

**Provision:**

**NOSZ-S3: Building coverage**

**Purpose:** to maintain the natural character of the open space.

1. Building coverage must not exceed 1% of the net site area.

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

1. Natural and landscape character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living environments.

**Sentiment:** Amend

**Submission:**

Delete matter of discretion matter (3) as it is not relevant to the purpose.

**Relief sought**

**NOSZ-S3: Building coverage**

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

**NOSZ-S3** Oppose

Delete matter of discretion matter (3) as it is not relevant to the purpose.

Amend as sought

**Purpose:** to maintain the natural character of the open space.

1. Building coverage must not exceed 1% of the net site area.

- Matters of discretion are:**
1. Natural and landscape character;
  2. Safety, attractiveness, and connectivity of streets and public open spaces, and
  3. ~~Quality living environments.~~

**Point 222.44**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Standards Table

**Provision:**

**NOSZ-S4: Fences and walls**

**Purpose:** to provide for privacy of sites adjoining open spaces while enabling opportunities for passive surveillance of the public open space.

1. Fences or walls (or a combination of these structures) must not exceed the height specified below, measured from the ground level at the boundary:
  - a. Along a common boundary with an adjacent residential or commercial zone, either:

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

- i. 1.2 m in height; or
  - ii. 1.8 m in height for no more than 50% of the site frontage and 1.2 m for the remainder, or
  - iii. 1.8 m in height if the fence is at least 50% visually open as viewed perpendicular to the front boundary.
- 1. Natural character, and
  - 2. Safety, attractiveness, and connectivity of streets and public open spaces.

**Sentiment:** Amend

**Submission:**

Clarify how these rules will work with fencing requirements in the Residential Zone and achieve consistent fencing around the perimeter of public open spaces.

This rule could result in undesirable outcomes for open space. Consistent fencing, providing for visual surveillance around the park boundaries, is desirable.

**Relief sought**

**NOSZ-S4: Fences and walls**

1.—Fences or walls (or a combination of these structures) must not exceed the height specified below, measured from the ground level at the boundary:

~~Activity Status where standards are not met: Restricted Discretionary~~

a.—Along a common boundary with an adjacent residential or commercial zone, either:

-

~~Matters of discretion are:~~

~~Purpose: to provide for privacy of sites adjoining open spaces while enabling opportunities for passive surveillance of the public open space.~~

-

i.—1.2 m in height; or

1.—Natural character, and

ii.—1.8 m in height for no more than 50% of the site frontage and 1.2 m for the remainder, or

2.—Safety, attractiveness, and connectivity of streets and public open spaces.

iii.—1.8 m in height if the fence is at least 50% visually open as viewed perpendicular to the front boundary.

**Point 222.45**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** Assessment criteria

**Sentiment:** Amend

**Submission:**

The activity status of an activity determines whether regard should be had to objectives and policies of this plan and not appropriate to have this note here.

**Relief sought**

When considering an application the Council will have regard to ~~the relevant objectives and policies of this plan, the purpose of the rules and standards, and regard will also be had to~~ the relevant assessment criteria set out below:

## Point 222.46

### Section: NOSZ - Natural Open Space Zone

#### Sub-section: Assessment criteria

#### Provision:

NOSZ-AC1: Additions, alterations, or new buildings not meeting permitted conditions (NOSZ-R4); Relocated buildings (NOSZ-R7)

When considering an application, the Council will have regard to the relevant objectives and policies of this plan, the purpose of the rules and standards, and regard will also be had to the relevant assessment criteria set out below:

#### *Natural and landscape character*

- a. The extent to which the natural and landscape character of the park or reserve is maintained by the location, layout, and external appearance of the proposed building. This includes consideration of:
  - i. any values identified in an approved reserve management plan, and
  - ii. any landscape, amenity character, heritage character, and/or ecological values identified by overlays applying to the open space.
- b. Whether parking, storage areas, and buildings are adequately screened from adjoining sites or public places and roads by fencing and/or landscaping.
- c. Whether proposed landscaping is compatible with the natural and landscape character of the surrounding environment.

#### *Safety, attractiveness, and connectivity of streets and public open spaces*

- d. The extent to which the site layout and building design positively contribute to the attractiveness of streets and public open spaces.
- e. The extent to which the development is easily accessible for all members of Napier's community where feasible.
- f. Whether publicly accessible pedestrian and cycle connections are provided through the open space where it fronts two or more streets (where practicable and appropriate).

#### *Quality living environments*

- g. The extent to which the location and design of the building will maintain healthy, safe, and comfortable living environments for neighbouring residents, having regard to visual and acoustic amenity effects.

#### *Coastal environment values*

- h. Whether a building located in the coastal environment will meet the following policies:
  - i. CE-P1 Natural features and natural character;
  - ii. CE-P2 Determine whether an activity is inappropriate in the coastal environment;
  - iii. CE-P3 Minimise disturbance of natural features and coastal values;
  - iv. CE-P4 Loss of biodiversity and natural values;
  - v. CE-P5 Improve the natural character of the coastal environment;
  - vi. CE-P6 Include Māori within integrated management approach;
  - vii. CE-P7 Restrict activities within and close to sensitive coastal areas;
  - viii. CE-P8 Retain and re-instate natural values in the coastal environment;
  - ix. CE-P9 Maintain natural buffer areas and setbacks around significant indigenous biodiversity;

- x. CE-P10 Avoid activities in coastal and riparian margins;
- xi. CE-P11 Manage pedestrian access to the coast and riparian margins, and
- xii. CE-P12 Vehicle access.

**Sentiment:** Amend

**Submission:**

Consequential amendment supporting submission on Rules NOSZ-R4 and NOSZ-R7.

**Relief sought**

**NOSZ-AC1: Additions to Gross Floor Area, ~~alterations~~, or new buildings not meeting permitted conditions (NOSZ-R4); ~~Relocated buildings (NOSZ-R7)~~**

When considering an application, the Council will have regard to the relevant objectives and policies of this plan, the purpose of the rules and standards, and regard will also be had to the relevant assessment criteria set out below:

*Natural and landscape character*

- a. The extent to which the natural and landscape character of the park or reserve is maintained by the location, layout, and external appearance of the proposed building. This includes consideration of:
  - i. any values identified in an approved reserve management plan, and
  - ii. any landscape, amenity character, heritage character, and/or ecological values identified by overlays applying to the open space.
- b. Whether parking, storage areas, and buildings are adequately screened from adjoining sites or public places and roads by fencing and/or landscaping.
- c. Whether proposed landscaping is compatible with the natural and landscape character of the surrounding environment.

*Safety, attractiveness, and connectivity of streets and public open spaces*

- d. The extent to which the site layout and building design positively contribute to the attractiveness of streets and public open spaces.
- e. The extent to which the development is easily accessible for all members of Napier's community where feasible.
- f. Whether publicly accessible pedestrian and cycle connections are provided through the open space where it fronts two or more streets (where practicable and appropriate).

*Quality ~~living~~ open space environments*

- g. The extent to which the location and design of the building will maintain healthy, and safe, ~~and comfortable living~~ open space environments for neighbouring residents, having regard to visual and acoustic amenity effects.

*Coastal environment values*

- h. Whether a building located in the coastal environment will meet the following policies:
  - i. CE-P1 Natural features and natural character;
  - ii. CE-P2 Determine whether an activity is inappropriate in the coastal environment;
  - iii. CE-P3 Minimise disturbance of natural features and coastal values;
  - iv. CE-P4 Loss of biodiversity and natural values;
  - v. CE-P5 Improve the natural character of the coastal environment;
  - vi. CE-P6 Include Māori within integrated management approach;
  - vii. CE-P7 Restrict activities within and close to sensitive coastal areas;
  - viii. CE-P8 Retain and re-instate natural values in the coastal environment;
  - ix. CE-P9 Maintain natural buffer areas and setbacks around significant indigenous biodiversity;

- x. CE-P10 Avoid activities in coastal and riparian margins;
  - xi. CE-P11 Manage pedestrian access to the coast and riparian margins, and
  - xii. CE-P12 Vehicle access.
- 

## Point 222.47

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** Assessment criteria

**Provision:**

NOSZ-AC2: Vehicle Parking areas not meeting permitted conditions (NOSZ-R5)

*Natural and landscape character*

- a. The extent to which the vehicle parking area will detract from the sense of openness and natural and landscape character values of the park or reserve.
- b. The extent to which vehicles accessing or exiting the car park will compromise the maintenance of the natural character of the open space and the character of the surrounding neighbourhood.

*Safety, attractiveness, and connectivity of streets and public open spaces*

- c. The extent to which the design and layout of the car park and access, including landscaping and low impact stormwater design, will contribute to a safe, attractive, and connected pedestrian and cycle network to, from, and within the open space.

**Sentiment:** Oppose

**Submission:**

For the same reasons as set out with respect to Rule NOSZ-R5, delete these provisions

**Relief sought**

Delete NOSZ-AC2

---

## Point 222.48

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** Assessment criteria

**Provision:**

NOSZ-AC3: Recreational activities not meeting permitted standards (NOSZ-R2); Community facilities not meeting permitted standards (NOSZ-R3); Commercial activities (NOSZ-R8); Residential activities (NOSZ-R9)

*Natural and landscape character*

- a. The extent to which the activity would detract from the character and function of the open space, including any values identified in an approved reserve management plan or in a plan overlay.
- b. The extent to which the activity will contribute to the use, benefit, and enjoyment of the open space.

*Contribution to community wellbeing*

- c. The extent to which locating the commercial activity in the Natural Open Space Zone will contribute to the wellbeing of the local community while meeting the intended function of the zone.
- d. Whether that contribution could be achieved by locating the activity in a zone other than the Natural Open Space Zone.

#### *Safety, attractiveness, and connectivity of streets and public open spaces*

- e. The extent to which access and parking associated with the activity will provide safe access to the activity for pedestrians, cyclists, and motorists.
- f. Whether the activity will restrict public access through the natural open space, including to the coast, estuary, and/or rivers.
- g. The extent to which:
  - i. the anticipated traffic generation and/or anticipated on-street car parking will impact the safety and efficient operation of the surrounding integrated transport network, and
  - ii. traffic generation will compromise the maintenance of the neighbourhood and natural open space character.

#### *Quality living environments*

- h. The extent to which the activity will maintain quality living environments for neighbouring residents, having regard to visual and acoustic amenity effects.

#### *Infrastructure capacity and stormwater management*

- i. Whether the activity can be sufficiently serviced by water, wastewater, and stormwater infrastructure, including through the use of low impact stormwater design where appropriate.

#### *Vibrancy and vitality of centres*

- j. Whether the activity will detract from the purpose and function of centres as set out in the objectives and policies of the Centres Zones chapters.

**Sentiment:** Amend

**Submission:**

Consequential amendment to reflect submission on NOSZ Rules NOSZ-R8 and NOSZ-R9.

AC (j) Reference to centres does not seem relevant to consideration of recreational and community facility activities.

**Relief sought**

**NOSZ-AC3: Recreational activities not meeting permitted standards (NOSZ-R2); Community facility activities not meeting permitted standards (NOSZ-R3); ~~Commercial activities (NOSZ-R8); Residential activities (NOSZ-R9)~~ Activities not otherwise provided for (NOSZ-R11)**

*Natural and landscape character*

a. The extent to which the activity would detract from the character and function of the open space, including any values identified in an approved reserve management plan or in a plan overlay.

b. The extent to which the activity will contribute to the use, benefit, and enjoyment of the open space.

*Contribution to community wellbeing*



c. The extent to which locating the commercial activity in the Natural Open Space Zone will contribute to the wellbeing of the local community while meeting the intended function of the zone.

d. Whether that contribution could be achieved by locating the activity in a zone other than the Natural Open Space Zone.

*Safety, attractiveness, and connectivity of streets and public open spaces*

e. The extent to which access and parking associated with the activity will provide safe access to the activity for pedestrians, cyclists, and motorists.

f. Whether the activity will restrict public access through the natural open space, including to the coast, estuary, and/or rivers.

g. The extent to which:

i. the anticipated traffic generation and/or anticipated on-street car parking will impact the safety and efficient operation of the surrounding integrated transport network, and

ii. traffic generation will compromise the maintenance of the neighbourhood and natural open space character.

*Quality living neighbouring residential amenity environments*

8. The extent to which the activity will maintain quality living environments **amenity** for neighbouring residents, having regard to visual and acoustic amenity effects.

*Infrastructure capacity and stormwater management*

i. Whether the activity can be sufficiently serviced by water, wastewater, and stormwater infrastructure, including through the use of low impact stormwater design where appropriate.

~~*Vibrancy and vitality of centres*~~

~~j. Whether the activity will detract from the purpose and function of centres as set out in the objectives and policies of the Centres Zones chapters.~~

---

## Point 222.49

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Amendment sought clarifies that any applicant must also refer to Reserves Act legislation and the relevant Reserves Management Plan. This is particularly important for new activities establishing on Council parks. It also clarifies that provisions in other district wide sections of the District Plan may also be relevant.

**Relief sought**

**Note 1: In addition to these provisions of the District Plan, the provisions of the Reserves Act 1977 and associated Reserve Management Plan also apply.**

**Note 2: It is important to note that in addition to the provisions in this chapter, the following Part 2: District-Wide Matters / General District-Wide Matters may also apply:**

- **NU – Network Utilities**
- **TPT- Transport**
- **EW – Earthworks**
- **LIGHT – Light**

· NOISE - Noise

· SIGN – Signs

TEMP – Temporary Activities

---

## Point 222.50

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R1: New buildings

**OSZ-R1A**

**OSZ-R1B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The gross floor area of the building does not exceed 50 m<sup>2</sup>, and
2. With the exception of public amenities the building is located outside of the coastal environment.

1. Neighbourhood and open space character;
2. Safety, attractiveness and connectivity of streets and public open spaces;
3. Quality living environments
4. Infrastructure capacity and stormwater management, and
5. Coastal environment values (where applicable)

**Notes:**

1. The above standards apply to each individual building (not cumulatively)
2. The activity status for the relevant activity(s) to operate within the building, and the associated matters of control/discretion (where applicable) apply in addition to this rule.

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

**Sentiment:** Amend

**Submission:**

Minor clarification of wording with regard to amenity effects on adjacent neighbours.

**Relief sought**

OSZ-R1: New buildings

**OSZ-R1A**

**OSZ-R1B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The gross floor area of the building does not exceed 50 m<sup>2</sup>, and
2. With the exception of public amenities the building is located outside of the coastal environment.

**Notes:**

1. The above standards apply to each individual building (not cumulatively)
2. The activity status for the relevant activity(s) to operate within the building, and the associated matters of control/discretion (where applicable) apply in addition to this rule.

1. Neighbourhood and open space character;
2. Safety, attractiveness and connectivity of streets and public open spaces;
3. Quality living environments amenity for adjacent residents;
4. Infrastructure capacity and stormwater management; and
5. Coastal environment values (where applicable)

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

**Point 222.51**

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R1A: Relocated buildings

**OSZ-R1AA**

**Activity Status:** Permitted

**Where:**

1. The activity complies with all of the standards
2. Any relocated building intended for use as a dwelling must have previously been designed, built and used as dwelling
3. A Building Pre-Inspection report must accompany the application for a building consent for the relocation of the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the relocated building in order to achieve a tidy and workmanlike external appearance. The Building Pre-Inspection report must be prepared by:
  - a. a Napier City Council Building Compliance Officer (or equivalent),
  - b. a member of the New Zealand Institute of Building Surveyors;
  - c. a licensed building practitioner (carpenter or design category), or
  - d. a building inspector from the local authority where the building is being relocated from.
4. The relocated building must not be placed on the destination site until a building consent has been issued for the relocation unless otherwise agreed in writing by the Napier City Council.
5. The Council must be notified at least 48 hours before the building is relocated of the intended delivery date and the building must be

**OSZ-R1AB**

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Neighbourhood and open space character;
2. Safety, attractiveness and connectivity of streets and public open spaces;
3. Quality living environments;
4. Infrastructure capacity and stormwater management, and
5. Coastal environment values (where applicable).

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

relocated within five working days of the notified date.

6. Reinstatement works must be undertaken within the following timeframes:
  - a. the building must be located on permanent foundations in accordance with the building consent and the roof made weathertight no later than one month of the building being moved to the site. For the purposes of this standard 'weathertight' means that the roof is completed repaired, replaced or installed as per the requirements of the Building Pre-Inspection Report
  - b. the remaining work to make the building 'weathertight' must be completed within four months of the building being moved to the site. For clarification, this means all windows, doors and exterior cladding are completely repaired, replaced or installed as per the requirements of the Building Pre-Inspection Report, and
  - c. all remaining reinstatement work required by the Building Pre-Inspection report and the building consent to reinstate the exterior of any relocated building must be completed within nine months of the building being delivered to the site. Without limiting c (above) reinstatement work is to include connections to all infrastructure services, closing in and ventilation of the foundations and the repair of any damage to the exterior of the building that may occur during transit to the destination site.
  
7. The landowner of the destination site must deposit a refundable monitoring fee of \$750.00 with the Council at the same time as submitting the Building Pre-Inspection Report with the Council.

**Notes:**

1. Photographs showing the progress of reinstatement works may be provided to Council's Environmental Compliance Officer
2. A final site inspection is still required to determine the compliance of completion of the reinstatement works
3. Council has a Building Pre-Inspection Report template available on request

**Sentiment:** Oppose

**Submission:**

As permission is required from Council as landowner and most OSZ land is also land under the Reserves Act and subject to Reserve Management Plans this rule is not necessary.

**Relief sought**

Delete OSZ-R1A

---

**Point 222.52**

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R2: Additions, alterations, maintenance and repair to existing buildings

## OSZ-R2A

**Activity Status:** Permitted

**Where:**

1. The gross floor area of the addition does not exceed 50 m<sup>2</sup>, and
2. The building is located outside of the coastal environment.

**Note:** The activity status for the relevant activity(s) to operate within the building, and the associated matters of control/discretion (where applicable) apply in addition to this rule.

**Sentiment:** Amend

**Submission:**

Rules OSZ-R3 and OSZ-R4, provide for 'recreational activities' and 'community activities'. The PDP definition for 'recreation activities' includes buildings as well as activities. Whilst the term 'community activities' in Rule OSZ-R3 is not defined, there is a NPS definition of 'community facility' that also provides for land and buildings. so it is not clear why this rule is necessary.

Our first preference is this rule is deleted, and the conditions are included as part of Rule OSZ-R3 and OSZ-R4.

Alternatively, if this rule is retained, it would be helpful to clarify the term 'addition' by including a reference to 'Gross Floor Area', (which is defined in the Interpretation section of the Plan). It is not necessary to capture 'alterations, maintenance and repair' of buildings on reserves in a DP rule.

Matter of discretion (3) should be amended to read 'open space' environments.

**Relief sought**

Amend as sought and clarify how this rule relates to Rules OSZ-R3 and OSZ-R4

Or alternatively delete rule entirely and amend rules OSZ-R3 and OSZ R4 to include these conditions, activity status where activity conditions are not met and matters of discretion.

**OSZ-R2: Additions to Gross Floor Area, alterations, maintenance and repair to of existing buildings**

OSZ-R2A

## OSZ-R2B

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces;
3. Quality living environments;
4. Infrastructure capacity and stormwater management, and
5. Coastal environment values (where applicable).

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

OSZ-R2B

**Activity Status where activity conditions are not met:**  
Restricted Discretionary

**Activity Status:** Permitted

**Matters of discretion are:**

**Where:**

1. The gross floor area of the addition does not exceed 50 m<sup>2</sup>, and
2. The building is located outside of the coastal environment.

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces;
3. Quality living environments;
4. Infrastructure capacity and stormwater management, and
5. Coastal environment values (where applicable).

**Note:** The activity status for the relevant activity(s) to operate within the building, and the associated matters of control/discretion (where applicable) apply in addition to this rule.

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

---

## Point 222.53

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R3: Recreational activities

**Activity Status:** Permitted

NA

**Sentiment:** Amend

**Submission:**

Clarify how this rule relates to Rule OSZ-R2 and amend if necessary.

OSZ-R3: Recreational activities

NA

**Activity Status where activity conditions are not met: Restricted Discretionary**

-

**Matters of discretion are:**

-

**1. Neighbourhood and open space character;**

**2. Safety, attractiveness, and connectivity of streets and public open spaces;**

**3. Quality living open space environments;**

**4. Infrastructure capacity and stormwater management, and**

**5. Coastal environment values (where applicable).**

-

**Notification status: Any application under this rule is precluded from being notified on a public or limited basis.**

**Relief sought**

OSZ-R3: Recreational activities

NA

Activity Status where activity conditions are not met: Restricted Discretionary

-

Activity Status: Permitted

Matters of discretion are:

Where:

-

1. The gross floor area of the addition does not exceed 50 m<sup>2</sup>, and
2. The building is located outside of the coastal environment.

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces;
3. Quality living open space environments;
4. Infrastructure capacity and stormwater management, and
5. Coastal environment values (where applicable).

-

Notification status: Any application under this rule is precluded from being notified on a public or limited basis.

Point 222.54

Section: OSZ - Open Space Zone

Sub-section: OSZ - Open Space Zone - Rules Table

Provision:

OSZ-R4 Community activities

Activity Status: Permitted

NA

Sentiment: Amend

Submission:

Clarify how this rule relates to Rule OSZ-R2 and amend if necessary.

Amend 'community activities' to be consistent with the NPS definition of 'community facility' activity

Relief sought

OSZ-R4 Community ~~activities~~ facility activity

NA

Activity Status where activity conditions are not met: Restricted Discretionary

-

Activity Status: Permitted

Matters of discretion are:

Where:

-

1. The gross floor area of the addition does not exceed 50 m<sup>2</sup>, and
2. The building is located outside of the coastal

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces;
3. Quality living open space environments;

-  
Notification status: Any application under this rule is precluded from being notified on a public or limited basis.

---

**Point 222.55**

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R5: Vehicle parking areas

**OSZ-R5A**

**OSZ-R5B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The vehicle parking area is accessory to a permitted activity in the Open Space Zone.
2. The car parking area is at-grade and contains:
  - a. a 2-metre wide landscaping strip comprised of indigenous plants is provided along the full frontage of the road (except for the vehicle crossing), and
  - b. a single indigenous specimen tree is provided within one of every ten car parks.

1. Neighbourhood and open space character, and
2. Safety, attractiveness and connectivity of streets and public open spaces.

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

**Sentiment:** Oppose

**Submission:**

Vehicle parking areas are an ancillary activity and therefore fall within the definition of 'recreation activity' and 'community facilities'.

In addition, Council is the manager of these spaces and any new vehicle parking areas will be subject to the provisions of a Reserve Management Plan. It is not appropriate or necessary for the District Plan to control these activities

**Relief sought**

Delete rule.

---

**Point 222.56**



**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R7: Boat and beach related hire activities

**OSZ-R7A**

**OSZ-R7B**

**Activity Status:** Restricted Discretionary

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. The activity is within 100 m of the coastal marine area;
2. The activity does not include any permanent buildings, and
3. Any signs associated with the activity must be limited to one moveable footpath sign that is removed at the end of each day.

**Matters of discretion are:**

1. Neighbourhood and open space character;
2. Visual amenity;
3. Safety, attractiveness and connectivity of streets and public open spaces, and
4. Coastal environment values (where applicable)

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

**Sentiment:** Oppose

**Submission:**

There is no apparent reason for singling this activity out from other commercial activities. Include as part of commercial activities rule OSZ-R8

**Relief sought**

Delete and provide for as a commercial activity within Rule OSZ-R8

---

**Point 222.57**

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R8: Commercial activities

**OSZ-R8A**

**OSZ-R8B**

**Activity Status:** Restricted Discretionary

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. The activity is for the sale of food and drink (including restaurants, cafes, and licensed premises) and is located within the Marine Parade Recreation Control Area, or
2. The activity is for the commercial use of recreational clubrooms.

**Note:** Temporary events are provided for under Rule TEMP-R2

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

**Matters of discretion are:**

1. Open space character and function;
2. Contribution to community wellbeing;
3. Safety, attractiveness and connectivity of streets and public open spaces;
4. Quality living environments;
5. Vibrancy and vitality of centres, and
6. Infrastructure capacity and stormwater management.

**Sentiment:** Amend

**Submission:**

Include provision for boat and beach related hire activities

In matter of discretion (d) It is more appropriate to refer to 'open space' environments than 'living' environments.

**Relief sought**

**OSZ-R8A**

**Activity Status:** Restricted Discretionary

**Where:**

1. The activity is for the sale of food and drink (including restaurants, cafes, and licensed premises) and is located within the Marine Parade Recreation Control Area, or
2. The activity is for the commercial use of recreational clubrooms; or
3. The activity is for boat and beach related hire activities; and within 100 m of the coastal marine

**area; and**

i. **The activity does not include any permanent buildings.; and**

ii. **Any signs associated with the activity must be limited to one moveable footpath sign that is removed at the end of each day.**

OSZ-R8B

**Note:** Temporary events are provided for under Rule TEMP-R2

**Activity Status where activity conditions are not met:** Discretionary

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

**Matters of discretion are:**

1. Open space character and function;
2. Contribution to community wellbeing;
3. Safety, attractiveness and connectivity of streets and public open spaces;
4. Quality living ~~living~~ **open space** environments;
5. Vibrancy and vitality of centres, ~~and~~
6. Infrastructure capacity and stormwater management; **and**
7. **Coastal environment values (where applicable)**

---

## Point 222.58

**Section:** Planning Maps

**Sentiment:** Amend

**Submission:**

Amendment requested to include additional Indicative Access Routes to protect and provide for protection and development of critical linkages to the network, as discussed further in Public Access submissions.

**Relief sought**

Addition of routes identified in this map [ArcGIS Enterprise - Indicative Public Access Route \(napier.govt.nz\)](#)

---

## Point 222.59

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R9: Activities infringing standards

**Activity Status:** Restricted Discretionary

NA

1. The matters of discretion stated for infringing the relevant standard(s)

**Note:** The activity status for the relevant activity, and the associated matters of control/discretion (where applicable) apply in addition to this rule.

**Sentiment:** Amend

**Submission:**

This rule should only apply to permitted activities otherwise potentially could end up with a discretionary or non-complying activity that infringes standards being considered under this rule.

Clarification of wording to assist in clearer interpretation of the Plan

**Relief sought**

**OSZ-R9: Permitted Activities infringing standards**

**Activity Status:** Restricted Discretionary

**Matters of discretion are:**

- |  |    |
|--|----|
| 1. The matters of discretion stated for <del>infringing</del> the relevant standard(s) <b>being infringed.</b> | NA |
|--|----|

**Note:** The activity status for the relevant activity, and the associated matters of control/discretion (where applicable) apply in addition to this rule.

**Point 222.60**

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Provision:**

OSZ-R10: Residential activities

**OSZ-R10A**

**OSZ-R10B**

**Activity Status:** Discretionary

**Activity Status where activity conditions are not met:** Prohibited

**Where:**

1. The activity is required for onsite management.

**Sentiment:** Oppose

**Submission:**

The requirement for managers to live onsite is generally no longer required on Council reserves and therefore it is not necessary to have a separate rule

for this type of activity. The default Rule NOSZ-R11 is appropriate to cover instances where a Residential activity might be considered. Prohibited activity status is unnecessarily restrictive.

The provisions of the Reserves Act 1977, and any relevant RMP would also apply.

### Relief sought

Delete OSZ-R10A

---

### Point 222.61

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

#### Provision:

OSZ-R11: Industrial activities

**Activity Status:** Prohibited

NA

**Sentiment:** Oppose

#### Submission:

There is no justification for 'Prohibited activity' status for activities in the Open Space zones and there may be some instance where you would want to permit industrial activities across a reserve e.g. pipes ancillary to an industrial activity such as Ravensdown example.

The default rule OSZ-R11 (Non-complying activity status is appropriate to provide for any such applications on NOSZ sites.

### Relief sought

Delete rule.

---

### Point 222.62

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

#### Provision:

OSZ-R12: Activities not otherwise provided for

**Activity Status:** Non-complying

NA

#### Where:

1. The activity is not provided for under Rules OSZ-R1 - OSZ-R11.

**Sentiment:** Support

#### Submission:

Support non-complying status for activities not otherwise provided for.

## Relief sought

Retain OSZ-R12

---

### Point 222.63

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Sentiment:** Amend

#### Submission:

Council has a large number of reserves whose primary purpose is to provide for stormwater overflow and drainage activities. It is important that these activities are enabled in the Open Space zones.

It is not clear whether such activities are provided for as network utilities or not. If not, it would be appropriate to define these works (refer proposed definition) and have an associated enabling rule in the open space zones.

## Relief sought

OSZ-Rxx Stormwater and drainage activities

Activity Status: Permitted

#### Where:

1. The purpose of the reserve is for stormwater or drainage activities; and

The stormwater or drainage activities are undertaken by Council (or its contractors)

Activity Status where activity conditions are not met: Non-complying

---

### Point 222.64

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Rules Table

**Sentiment:** Amend

#### Submission:

Insert new rule as sought: The purpose of this rule is to allow for reserve maintenance activities and buildings associated with them to take place within this zone. A definition of 'reserves maintenance activities' is also proposed.

## Relief sought

NOSZ-Rxx Reserve maintenance activities

Activity Status: Permitted

#### Where:

Activity Status where activity conditions are not met: Non-complying.

1. The purpose of the activity supports the function and maintenance of Council owned reserves; and

2. The drainage activities are undertaken by Council (or its contractors)

---

## Point 222.65

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Standards Table

**Sentiment:** Amend

**Submission:**

Currently there is no link between the rules and standards.

### Relief sought

Insert a condition in each rule

OR

Amend to insert a note as sought;

AND apply in a consistent manner across all Open Space Zones

All activities must comply with all of the following permitted activity standards set out below:

---

## Point 222.66

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Standards Table

**Provision:**

OSZ-S1: Height

***Purpose:** to maintain an open space character that complements the character of the neighbourhood while facilitating appropriate activities; to minimise effects on the quality of the neighbours' living environment.*

1. Buildings and structures must not exceed 10 m in height.

**Activity Status where standards are not met:**  
Restricted Discretionary

### Matters of discretion are:

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness and connectivity of streets and public open spaces;
4. Quality living environments, and
5. Coastal environment values (where applicable).

**Sentiment:** Amend

**Submission:**

Clarify wording and intention of standard with respect to residential amenity.

## Relief sought

OSZ-S1: Height

**Activity Status where standards are not met:** Restricted Discretionary

**Matters of discretion are:**

***Purpose:** to maintain an open space character that complements the character of the neighbourhood while facilitating appropriate activities; to minimise effects on the quality of ~~the residential amenity~~ for neighbours' ~~living environment~~.*

1. Buildings and structures must not exceed 10 m in height.

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness and connectivity of streets and public open spaces;
4. Quality living ~~amenity environments~~ for adjacent residents, and
5. Coastal environment values (where applicable).

---

## Point 222.67

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Standards Table

**Provision:**

OSZ-S3: Yards

***Purpose:** to maintain an open space character that complements the character of the neighbourhood; to provide for building maintenance; to provide for a safe and attractive streetscape; to minimise flooding risk; and provide access to watercourses or open drains for maintenance purposes.*

1. Any part of a building (including eaves and guttering) must not be erected closer than 6 m to any site boundary.
2. Any building, fence, permanently fixed structure or part thereof must not be erected closer than 6 m from the top of the bank of any watercourse, open drain, identified stormwater detention area and/or overland flow path.

**Activity Status where standards are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness and connectivity of streets and public open spaces, and
4. Quality living environments.



**Sentiment:** Amend

**Submission:**

Minor amendment to purpose and matter of discretion matter (4) referencing environment.

Clarify wording and intention of standard with respect to residential amenity..

**Relief sought**

OSZ-S3: Yards

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

***Purpose:** to maintain an open space character that complements the character of the neighbourhood; to provide for building maintenance; to provide for a safe and attractive streetscape; to minimise flooding risk; and provide access to watercourses or open drains for maintenance purposes.*

1. Any part of a building (including eaves and guttering) must not be erected closer than 6 m to any site boundary.
2. Any building, fence, permanently fixed structure or part thereof must not be erected closer than 6 m from the top of the bank of any watercourse, open drain, identified stormwater detention area and/or overland flow path.

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness and connectivity of streets and public open spaces, and
4. Quality living amenity environments for adjacent residents.

---

**Point 222.68**

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Standards Table

**Provision:**

OSZ-S4: Building coverage

*All Open Space Zones except within the Marine Parade Recreation Control Area*

**Activity Status where standards are not met:** Restricted Discretionary

**Matters of discretion are:**

***Purpose:** to maintain*

the open space character.

1. Building coverage must not exceed 5% of the net site area.
2. Building coverage in the Marine Parade Control Area must not exceed 10% of the net site area.

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness and connectivity of streets and public open spaces;
4. Quality living environments, and
5. Coastal environment values (where applicable).

Marine Parade Recreation Control Area

**Purpose:** to maintain the coastal character while enabling activities which contribute to the vibrancy of the city centre.

**Sentiment:** Amend

**Submission:**

Minor amendment to clarify purpose and matter of discretion matter (4) referencing 'living' environment.

**Relief sought**

**OSZ-S4: Building coverage**

**Activity Status where standards are not met:** Restricted Discretionary

All Open Space Zones except within the Marine Parade Recreation Control Area

**Matters of discretion are:**

**Purpose:** to maintain the open space character.

1. Building coverage must not exceed 5% of the net site area.
2. Building coverage in the Marine Parade Control Area must not exceed 10% of the net site area.

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness and connectivity of streets and public open spaces;
4. Quality living ~~amenity~~ environments for **adjacent residents**, and
5. Coastal environment values (where applicable).

Marine Parade Recreation Control Area

**Purpose:** to maintain the coastal character while enabling activities which contribute to the vibrancy of the city centre.

**Point 222.69**

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Standards Table

**Provision:**

OSZ-S5: Fences and walls

**Purpose:** to provide for privacy of sites

1. Fences or walls (or a combination of these structures) must not exceed the height

**Activity Status where standards are not met:** Restricted Discretionary

*adjoining open spaces while enabling opportunities for passive surveillance of the public open space.*

specified below, measured from the ground level at the boundary:

- a. along a common boundary with an adjacent residential or commercial zone, either:
  - i. 1.2 m in height;
  - ii. 1.8 m in height for no more than 50% of the site frontage and 1.2 m for the remainder, or
  - iii. 1.8m in height if the fence is at least 50% visually open as viewed perpendicular to the front boundary.

**Matters of discretion are:**

1. Purpose of the standard;
2. Neighbourhood and open space character, and
3. Safety, attractiveness and connectivity public open spaces

**Sentiment:** Amend

**Submission:**

Clarify how these rules will work with fencing requirements in the Residential Zone and achieve consistent fencing around the perimeter of public open spaces. This rule could result in undesirable outcomes for open space. Consistent fencing, providing for visual surveillance around the park boundaries, is desirable.

**Relief sought**

Delete OSZ-S5 or amend to clarify.

---

**Point 222.70**

**Section:** OSZ - Open Space Zone

**Sub-section:** Assessment criteria

**Sentiment:** Amend

**Submission:**

The activity status of an activity determines whether regard should be had to objectives and policies of this plan and not appropriate to have this note here.

**Relief sought**

When considering an application the Council will have regard to ~~the relevant objectives and policies of this plan, the purpose of the rules and standards, and regard will also be had to~~ the relevant assessment criteria set out below:

---

**Point 222.71**

**Section:** OSZ - Open Space Zone

**Sub-section:** Assessment criteria

**Provision:**

**OSZ-AC1: New buildings not meeting permitted conditions (OSZ-R1), Additions, alterations, maintenance and repair to existing buildings not meeting permitted conditions (OSZ-R2), Relocated buildings (OSZ-R1A)**

### *Neighbourhood and open space character*

- a. The extent to which the character of the neighbourhood and of the park or reserve are maintained by the proposed building. This includes consideration of:
  - i. any positive characteristics of the neighbourhood identified in a heritage character or amenity character area statement;
  - ii. any values identified in an approved Reserve Management Plan, and
  - iii. any landscape, amenity character, heritage character cultural and/or ecosystems and indigenous biodiversity values identified by overlays applying to the open space.
- b. Within the Marine Parade Recreation Control Area, whether the building will maintain the identified coastal character, landscape character and heritage values associated with the former spit and foreshore location.
- c. Whether parking, storage areas and buildings are adequately screened from adjoining sites or public places and roads by fencing and/or landscaping.
- d. Whether proposed landscaping is compatible with the landscape character of the surrounding environment.

### *Safety, attractiveness and connectivity of streets and public open spaces*

- e. The extent to which the site layout and building design positively contributes to the attractiveness of streets and public open spaces.
- f. The extent to which the development is easily accessible for all members of Napier's community.
- g. Whether publicly accessible pedestrian and cycle connections are provided through the open space where it fronts two or more streets (where practicable and appropriate).
- h. The extent to which the building will contribute to safety and security.

*Design guidance: Crime Prevention through Environmental Design (CPTED) principles will be considered when assessing a proposal against this criterion. Further information is available from National Guidelines for Crime Prevention through Environmental Design in New Zealand (2005).*

### *Quality living environments*

- i. The extent to which the location and design of the building will maintain a quality living environment for neighbouring residents, including having regard to visual and acoustic amenity effects.

### *Infrastructure capacity and stormwater management*

- j. Whether the development can be sufficiently serviced by water, wastewater and stormwater infrastructure, including through the use of low impact stormwater design, where appropriate.

### *Coastal environment values*

- k. Whether a building located in the coastal environment will meet the following policies:
  - i. CE-P1 Natural features and natural character;
  - ii. CE-P2 Determine whether an activity is inappropriate in the coastal environment;
  - iii. CE-P3 Minimise disturbance of natural features and coastal values;
  - iv. CE-P4 Loss of biodiversity and natural values;
  - v. CE-P5 Improve the natural character of the coastal environment;
  - vi. CE-P6 Include Māori within integrated management approach;
  - vii. CE-P7 Restrict activities within and close to sensitive coastal areas;

- viii. CE-P8 Retain and re-instate natural values in the coastal environment;
- ix. CE-P9 Maintain natural buffer areas and setbacks around significant indigenous biodiversity;
- x. CE-P10 Avoid activities in coastal and riparian margins;
- xi. CE-P11 Manage pedestrian access to the coast and riparian margins, and
- xii. CE-P12 Vehicle access.

**Sentiment:** Amend

**Submission:**

Consequential amendment supporting submission on Rule OSZ-R2, and minor amendment referencing 'open space' environment instead of 'living' environment.

**Relief sought**

**OSZ-AC1: New buildings not meeting permitted conditions (OSZ-R1), Additions to Gross Floor Area alterations, maintenance and repair to existing buildings not meeting permitted conditions (OSZ-R2), Relocated buildings (OSZ-R1A)**

*Neighbourhood and open space character*

- a. The extent to which the character of the neighbourhood and of the park or reserve are maintained by the proposed building. This includes consideration of:
  - i. any positive characteristics of the neighbourhood identified in a heritage character or amenity character area statement;
  - ii. any values identified in an approved Reserve Management Plan, and
  - iii. any landscape, amenity character, heritage character cultural and/or ecosystems and indigenous biodiversity values identified by overlays applying to the open space.
- b. Within the Marine Parade Recreation Control Area, whether the building will maintain the identified coastal character, landscape character and heritage values associated with the former spit and foreshore location.
- c. Whether parking, storage areas and buildings are adequately screened from adjoining sites or public places and roads by fencing and/or landscaping.
- d. Whether proposed landscaping is compatible with the landscape character of the surrounding environment.

*Safety, attractiveness and connectivity of streets and public open spaces*

- e. The extent to which the site layout and building design positively contributes to the attractiveness of streets and public open spaces.
- f. The extent to which the development is easily accessible for all members of Napier's community.
- g. Whether publicly accessible pedestrian and cycle connections are provided through the open space where it fronts two or more streets (where practicable and appropriate).
- h. The extent to which the building will contribute to safety and security.

*Design guidance: Crime Prevention through Environmental Design (CPTED) principles will be considered when assessing a proposal against this criterion. Further information is available from National Guidelines for Crime Prevention through Environmental Design in New Zealand (2005).*

*Quality living open space environments*

- i. The extent to which the location and design of the building will maintain a quality living open space environment for neighbouring residents, including having regard to visual and acoustic amenity effects.

*Infrastructure capacity and stormwater management*

- i. Whether the development can be sufficiently serviced by water, wastewater and stormwater infrastructure, including through the use of low impact stormwater design, where appropriate.

*Coastal environment values*

Whether a building located in the coastal environment will meet the following policies:

- i. CE-P1 Natural features and natural character;
  - ii. CE-P2 Determine whether an activity is inappropriate in the coastal environment;
  - iii. CE-P3 Minimise disturbance of natural features and coastal values;
  - iv. CE-P4 Loss of biodiversity and natural values;
  - v. CE-P5 Improve the natural character of the coastal environment;
  - vi. CE-P6 Include Māori within integrated management approach;
  - vii. CE-P7 Restrict activities within and close to sensitive coastal areas;
  - viii. CE-P8 Retain and re-instate natural values in the coastal environment;
  - ix. CE-P9 Maintain natural buffer areas and setbacks around significant indigenous biodiversity;
  - x. CE-P10 Avoid activities in coastal and riparian margins;
  - xi. CE-P11 Manage pedestrian access to the coast and riparian margins, and
  - xii. CE-P12 Vehicle access.
- 

## Point 222.72

**Section:** OSZ - Open Space Zone

**Sub-section:** Assessment criteria

**Provision:**

**OSZ-AC2: Vehicle parking areas not meeting permitted conditions (OSZ-R5)**

*Neighbourhood and open space character*

- a. The extent to which the vehicle parking area will detract from the sense of openness and landscape character values of the park or reserve.
- b. The extent to which vehicles accessing or exiting the car park will compromise the maintenance of the character of the open space and surrounding neighbourhood.

*Safety, attractiveness and connectivity of streets and public open spaces*

- c. The extent to which the design and layout of the car park and access, including landscaping and low impact stormwater design, will contribute to a safe, attractive and connected pedestrian and cycle network to, from and within the open space.

**Sentiment:** Oppose

**Submission:**

For the same reasons as set out with respect to Rule OSZ-R5 above, delete these provisions

**Relief sought**

Delete OSZ-AC2

---

## Point 222.73

**Section:** OSZ - Open Space Zone

**Sub-section:** Assessment criteria

**Provision:**

**OSZ-AC3: Activities infringing standards (OSZ-R9)**

- a. The purpose of the standard, including whether an infringement will more effectively achieve the purpose having regard to the specific site characteristics.
- b. Any special or unusual characteristic of the site which is relevant to the standard.
- c. Where more than one standard will be infringed, the cumulative effects of all infringements considered together.
- d. The relevant assessment criteria under OSZ-AC1 apply in addition to the above.

**Sentiment:** Oppose

**Submission:**

This criteria does not seem to be relevant for this type of restricted discretionary activity, and there is no similar criteria for the same rule in other Open Space Zones.

**Relief sought**

Delete OSZ-AC3

---

**Point 222.74**

**Section:** OSZ - Open Space Zone

**Sub-section:** Assessment criteria

**Provision:**

**OSZ-AC4: Commercial activities (OSZ-R8), Residential activities (OSZ-R10)**

The criteria below will be considered in addition to the relevant objectives and policies of the plan.

*Open space character and functions*

- a. The extent to which the activity would detract from the character and function of the open space, including any values identified in an approved Reserve Management Plan.
- b. The extent to which the activity will contribute to the use, benefit and enjoyment of the open space.

*Contribution to community wellbeing*

- c. The extent to which locating the commercial or entertainment activity in the Open Space Zone will contribute to the wellbeing of the local community.
- d. Whether the activity proposed in the Marine Parade Recreation Control Area contributes to the vibrancy of the city centre and foreshore location.
- e. Whether the potential contribution to community wellbeing could be achieved by locating the activity in a zone other than the Open Space Zone.

*Safety, attractiveness and connectivity of streets and public open spaces*

- f. The extent to which access and parking associated with the activity will provide safe access to the activity for pedestrians, cyclists and motorists.
- g. Whether the car park is located to:

- i. facilitate accessibility to the open space including facilities within the open space; and
  - ii. to optimise the availability and provision of open space for its primary purpose.
- h. Whether the activity will restrict public access within and through the open space, including to the coast, estuary and/or rivers, including through the privatisation of space within the park or reserve.
- i. The extent to which:
    - i. the anticipated traffic generation and/or anticipated onstreet car parking will impact on the safety and efficient operation of the surrounding integrated transport network; and
    - ii. traffic generation will compromise neighbourhood and open space character.

### *Quality living environments*

- j. The extent to which the effects from the activity will maintain quality living environments for neighbouring residents, including having regard to acoustic amenity, dust, odour, and visual amenity of storage areas.

**Sentiment:** Amend

**Submission:**

Consequential amendment to reflect submission on Rule OSZ-R10

**Relief sought**

**OSZ-AC4: Commercial activities (OSZ-R8), ~~Residential activities (OSZ-R10)~~**

The criteria below will be considered in addition to the relevant objectives and policies of the plan.

#### *Open space character and functions*

- a. The extent to which the activity would detract from the character and function of the open space, including any values identified in an approved Reserve Management Plan.
- b. The extent to which the activity will contribute to the use, benefit and enjoyment of the open space.

#### *Contribution to community wellbeing*

- c. The extent to which locating the commercial or entertainment activity in the Open Space Zone will contribute to the wellbeing of the local community.
- d. Whether the activity proposed in the Marine Parade Recreation Control Area contributes to the vibrancy of the city centre and foreshore location.
- e. Whether the potential contribution to community wellbeing could be achieved by locating the activity in a zone other than the Open Space Zone.

#### *Safety, attractiveness and connectivity of streets and public open spaces*

- f. The extent to which access and parking associated with the activity will provide safe access to the activity for pedestrians, cyclists and motorists.
- g. Whether the car park is located to:
  - i. facilitate accessibility to the open space including facilities within the open space; and
  - ii. to optimise the availability and provision of open space for its primary purpose.
- h. Whether the activity will restrict public access within and through the open space, including to the coast, estuary and/or rivers, including through the privatisation of space within the park or reserve.
- i. The extent to which:
  - i. the anticipated traffic generation and/or anticipated onstreet car parking will impact on the safety and efficient operation of the surrounding integrated transport network; and



- ii. traffic generation will compromise neighbourhood and open space character.

*Quality living ~~adjacent residential amenity~~*

- j. The extent to which the effects from the activity will maintain quality living ~~living~~ **amenity** environments for neighbouring residents, including having regard to acoustic amenity, dust, odour, and visual amenity of storage areas.

*Vibrancy and vitality of centres*

- k. Whether the activity will detract from the purpose and function of centres as set out in the objectives and policies of Neighbourhood Centre Zone, Local Centre Zone, Town Centre Zone and City Centre Zone.

*Infrastructure capacity and stormwater management*

Whether the activity can be sufficiently serviced by water, wastewater and stormwater infrastructure, including through the use of low impact stormwater design, where appropriate.

---

## **Point 222.75**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Amendment sought clarifies that any applicant must also refer to Reserves Act legislation and the relevant Reserves Management Plan. This is particularly important for new activities establishing on Council parks. It also clarifies that provisions in other district wide sections of the District Plan may also be relevant.

**Relief sought**

**SARZ - Open Space Zone - Rules Table**

**Note 1:** In addition to these provisions of the District Plan, the provisions of the Reserves Act 1977 and associated Reserve Management Plan also apply.

**Note 2:** It is important to note that in addition to the provisions in this chapter, the following Part 2: District-Wide Matters / General District-Wide Matters may also apply:

- **NU – Network Utilities**
- **TPT- Transport**
- **EW – Earthworks**
- **LIGHT – Light**
- **NOISE - Noise**
- **SIGN – Signs**

**TEMP – Temporary Activities**

---

## **Point 222.76**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

---

**SARZ-R1A**

**SARZ-R1B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. Outside the Park Island Control Area:
  - a. The gross floor area of the building does not exceed 75 m<sup>2</sup>.
2. Within the Park Island Control Area:
  - a. The building is in a location generally in accordance with those identified on the Park Island Master Plan for buildings or temporary accommodation.

1. Neighbourhood and open space character;
2. Efficient use of the site for sport and active recreation activities;
3. Safety, attractiveness, and connectivity of streets and public open spaces, and
4. Quality living environments.

**Sentiment:** Amend

**Submission:**

Uncertain as to where Park Island Control Area is located. The reference to temporary accommodation in condition R1A (2)(a) is unnecessary. Minor amendment to clarify purpose and matter of discretion matter (4) referencing 'living' environment.

**Relief sought**

Amend as sought *and* define extent of Park Island n Control Area on planning maps

**SARZ-R1A**

**SARZ-R1B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. Outside the Park Island Control Area:
  - a. The gross floor area of the building does not exceed 75 m<sup>2</sup>.
2. Within the Park Island Control Area:
  - a. The building is in a location generally in accordance with those identified on the Park Island Master Plan for buildings ~~or temporary accommodation~~.

1. Neighbourhood and open space character;
2. Efficient use of the site for sport and active recreation activities;
3. Safety, attractiveness, and connectivity of streets and public open spaces, and
4. ~~Quality living environments~~ **amenity for adjacent residents.**

**Point 222.77**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section: SARZ - Sport and Active Recreation Zone - Rules Table**

**Provision:**

SARZ-R2: Relocated buildings

**SARZ-R2A**

**SARZ-R2B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The activity complies with all of the standards.
2. Any relocated building intended for use as a dwelling must have previously been designed, built, and used as dwelling.
3. A Building Pre-Inspection Report must accompany the application for a building consent for the relocation of the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the relocated building in order to achieve a tidy and workmanlike external appearance. The Building Pre-Inspection Report must be prepared by a Napier City Council Building Compliance Officer (or equivalent):
  - a. A member of the New Zealand Institute of Building Surveyors;
  - b. A licensed building practitioner (carpenter or design category), or
  - c. A building inspector from the local authority where the building is being relocated from.
4. The relocated building shall not be placed on the destination site until a building consent has been issued for the relocation unless otherwise agreed in writing by the Napier City Council.
5. The Council shall be notified at least 48 hours before the building is relocated of the intended delivery date and the building shall be relocated within five working days of the notified date.
6. Reinstatement works must be undertaken within the following time frames:
  - a. The building must be located on permanent foundations in accordance with the building consent and the roof made weathertight no later than one month of the building being moved to the site. For the purposes of this standard 'weathertight' means that the roof is completely repaired, replaced or installed as per the requirements of the Building Pre-Inspection Report.
  - b. The remaining work to make the building 'weathertight' must be completed within four months of the building being moved to the site. For clarification, this means all windows, doors and exterior cladding are completely repaired, replaced or installed as per the requirements of the Building Pre-Inspection Report.
  - c. All remaining reinstatement work required by the Building Pre-Inspection Report and the building consent to reinstate the exterior of any relocated building must be completed within nine months of the building being delivered to the site. Without limiting (c) (above) reinstatement work is to include connections to all infrastructure services, closing in and ventilation of the foundations, and the repair of any damage to the exterior of the

1. Neighbourhood and open space character;
2. Efficient use of the site for sport and active recreation activities;
3. Safety, attractiveness, and connectivity of streets and public open spaces, and
4. Quality living environments.

building that may occur during transit to the destination site.

7. The landowner of the destination site must deposit a refundable monitoring fee of \$750.00 with the Council at the same time as submitting the Building Pre-Inspection Report with the Council.

**Notes:**

- i. Photographs showing progress of reinstatement works may be provided to Council's Environmental Compliance Officer.
- ii. A final site inspection will still be required to determine the compliance of completion of the reinstatement works.
- iii. Council has a Building Pre-Inspection Report template available on request.

**Sentiment:** Oppose

**Submission:**

As permission is required from Council as landowner and most OSZ land is also land under the Reserves Act and subject to Reserve Management Plans this rule is not necessary.

**Relief sought**

Delete SARZ-R2

---

**Point 222.78**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

SARZ-R3: Additions, alterations, maintenance and repair to existing buildings

**SARZ-R3A**

**SARZ-R3B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The gross floor area of the addition does not exceed 50 m<sup>2</sup>.

1. Neighbourhood and open space character;
2. Efficient use of the site for sport and active recreation activities;
3. Safety, attractiveness, and connectivity of streets and public open spaces, and
4. Quality living environments.

**Sentiment:** Oppose

**Submission:**

Other Rules for example SARZ-R4, SARZ-R9 that provide for 'recreational activities' and 'community activities' include the building and activity within the definition, so it is not clear why this separate rule for building is necessary. Our first preference is this rule is deleted, and the conditions are included as part of Rule SARZ-R4 and SARZ-R9 (and other rules if relevant).

Alternatively, if this rule is retained, it would be helpful to clarify the term 'addition' by including a reference to 'Gross Floor Area', (which is defined in the Interpretation section of the Plan). It is not necessary to capture 'alterations, maintenance and repair' of buildings on reserves in a DP rule.

Clearer direction would assist with interpretation of matter of discretion (4). Amend to ensure rules are written in a consistent manner across the chapters (either include a condition that references the standards/ and or include a note at the start of the rules and standards tables specifying that all rules are subject to the standards set out in the standards table).

**Relief sought**

Amend as sought and clarify how this rule relates to Rules OSZ-R3 and OSZ-R4

Or alternatively delete rule entirely and amend rules OSZ-R3 and OSZ R4 to include these conditions, activity status where activity conditions are not met and matters of discretion.

**SARZ-R3: Additions to Gross Floor Area, ~~alterations, maintenance and repair~~ to of existing buildings**

**SARZ-R3B**

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Neighbourhood and open space character;
2. Efficient use of the [site](#) for sport and active recreation activities;
3. Safety, attractiveness, and connectivity of streets and public open spaces, and
4. Quality living environments amenity for adjacent residents.

**SARZ-R3A**

**Activity Status:** Permitted

**Where:**

1. The gross floor area of the addition does not exceed 50 m<sup>2</sup>.

-  
-  
-  
-  
-  
-  
-  
-  
-  
-



**Point 222.79**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

SARZ-R4: Recreational activities

**Activity Status:** Permitted NA

**Note:** Refer to SARZ-R6 for activities within the Park Island Development Area

**Sentiment:** Amend

**Submission:**

Amend to ensure rules are written in a consistent manner across the chapters (either include a condition that references the standards/ and or include a note at the start of the rules and standards tables specifying that all rules are subject to the standards set out in the standards table).

**Relief sought**

Amend rule and standards to be consistent across the Open Space Zones as sought (or words to that effect).

**SARZ-R4: Recreational activities**

**SARZ-R4A**

**Activity Status:** Permitted

**Where:**

1. The activity complies with all of the standards.

**Note:** Refer to [SARZ-R6](#) for activities within the Park Island Development Area

**SARZ-R4B**

Matters of restriction are:

1. The matters of discretion stated for infringing the relevant standard(s) being infringed.

---

**Point 222.80**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

SARZ-R5: Vehicle parking areas

**SARZ-R5A**

**Activity Status:** Permitted

**Where:**

**SARZ-R5B**

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Where the car parking area is at-grade:
  - a. A 2-metre-wide landscaping strip comprised of indigenous plants is provided along the full frontage of the road (except for the vehicle crossing), and
  - b. One (1) indigenous specimen tree is provided for every ten car parks.

1. Neighbourhood and open space character;
2. Efficient use of the site for sport and active recreation activities, and
3. Safety, attractiveness, and connectivity of streets and public open spaces.

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.

**Sentiment:** Oppose

**Submission:**

Vehicle parking areas are an ancillary activity and therefore fall within the definition of 'recreation activity' and 'community facilities'.

In addition, Council is the manager of these spaces and any new vehicle parking areas will be subject to the provisions of a Reserve Management Plan. It is not appropriate or necessary for the District Plan to control these activities.

**Relief sought**

Delete SARZ-R5

---

**Point 222.81**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

SARZ-R6: Activities in the Park Island development area

**SARZ-R6A**

**SARZ-R6B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. The activity is identified on the Park Island Master Plan, and
2. The activity is in a location generally in accordance with those identified on the Park Island Master Plan.

**Sentiment:** Amend

**Submission:**

Agree with the proposed rule but Park Island Development Area should be included on the Planning Maps

**Relief sought**

Amend to identify Park Island Development Area on the Planning Maps

---

**Point 222.82**

**Section:** Planning Maps

**Sentiment:** Amend

**Submission:**

In relation to Rule SARZ-R6 Park Island Development Area should be included on the Planning Maps

**Relief sought**

Amend to identify Park Island Development Area on the Planning Maps

---

**Point 222.83**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

SARZ-R7: Commercial activities

**SARZ-R7A**

**SARZ-R7B**

**Activity Status:** Controlled

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. The activity is for the sale of food and drink and is ancillary to a recreational activity.

**Matters of control are:**

2. The layout and design of vehicle parking, access, and manouevring areas, and
3. The design and appearance of the building(s).

**Notification status:** Any application under this rule is precluded from being notified on a public or limited basis.



**Sentiment:** Amend

**Submission:**

This rule could mean that temporary food & drink trucks associated with say Saturday morning sport, or an event on the park, may need a controlled activity consent to operate in the SARZ Zone. It would be helpful to permit these types of activity.

**Relief sought**

Amend rule and or definition of recreational activity to provide for ltd commercial activities ancillary to a sport or recreation event or words to that effect.

**SARZ-R7: Commercial activities**

**SARZ-R7A**

**Activity Status:** Controlled

**Where:**

1. The activity is for the sale of food and drink and is ancillary to a recreational activity.
2. The activity does not involve any temporary food truck associated with a permitted sport or recreation event.

**SARZ-R7B**

**Activity Status where condition 1 is are not met:**  
Discretionary

**Matters of control are:**

**Activity Status where activity condition 2 is met:**  
**Permitted**

1. The layout and design of vehicle parking, access, and manouevring areas, and
  1. The design and appearance of the [building\(s\)](#).

---

**Point 222.84**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

**SARZ-R8: Activities infringing standards**

**Activity Status:** Restricted Discretionary NA

1. The matters of discretion stated for infringing the relevant standard(s).

**Note:** The activity status for the relevant activity, and the associated matters of control/discretion (where applicable) apply in addition to this rule.

**Sentiment:** Amend

**Submission:**

This rule should only apply to permitted activities otherwise potentially could end up with a discretionary or non-complying activity that infringes standards being considered under this rule.

Clarification of wording to assist in clearer interpretation of the Plan

## Relief sought

Amend as sought or words to that effect.

### SARZ-R8: Activities infringing standards

#### SARZ-R8A

Activity Status: Restricted Discretionary

-

NA

#### Matters of restriction are:

1. The matters of discretion stated for ~~infringing~~ the relevant standard(s) being infringed.

---

## Point 222.85

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

### Provision:

SARZ-R9: Community activities

Activity Status: Discretionary

NA

**Sentiment:** Amend

### Submission:

Activity status for the Sport and Active Recreation Zone seems very restrictive for community facilities. Community facilities will also be controlled by the relevant reserves management plan and it is important to enable these activities on public open spaces.

## Relief sought

### SARZ-R9: Community facility activities

#### SARZ-R9A

Activity Status: ~~Discretionary~~ Permitted

~~NA~~ Activity Status where activity conditions are not met:

Restricted Discretionary

Matters of restriction are:

#### Where:

1. The activity complies with all of the standards.

1. The matters of discretion stated for

Note: Refer to SARZ-R6 for activities within the Park Island Development Area

~~infringing~~ the relevant standard(s) are being infringed.

---

## Point 222.86

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

SARZ-R10: Residential activities

**SARZ-R10A**

**SARZ-R10B**

**Activity Status:** Discretionary

**Activity Status where activity conditions are not met:** Prohibited

**Where:**

1. The activity is required for onsite management.

**Sentiment:** Oppose

**Submission:**

The requirement for managers to live onsite is generally no longer required on Council reserves and therefore it is not necessary to have a separate rule for this type of activity. The default Rule NOSZ-R11 is appropriate to cover instances where a Residential activity might be considered.

Prohibited activity status is unnecessarily restrictive.

The provisions of the Reserves Act 1977, and any relevant RMP would also apply.

**Relief sought**

Delete SARZ-R10

---

**Point 222.87**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

SARZ-R11: Industrial activities

**Activity Status:** Prohibited

NA

**Sentiment:** Oppose

**Submission:**

There is no justification for 'Prohibited activity' status for activities in the Open Space zones and there may be some instance where you would want to permit industrial activities across a reserve e.g. pipes ancillary to an industrial activity.

The default rule SARZ-R12 Non-complying activity status is appropriate to provide for any such applications on SARZ sites.

**Relief sought**

Delete SARZ-R11A

---

**Point 222.88**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Provision:**

SARZ-R12: Activities not otherwise provided for

**Activity Status:** Non-complying

NA

**Where:**

1. The activity is not provided for under Rules SARZ-R1 - SARZ-R11.

**Sentiment:** Amend

**Submission:**

Support non-complying status for activities not otherwise provided for. Minor editing to reference the correct rules.

**Relief sought**

SARZ-R12: Activities not otherwise provided for

SARZ-R12A

**Activity Status:** Non-complying

SARZ-12B

**Where:**

NA

1. The activity is not provided for under Rules ~~OSZ-R1-OSZ-R11~~ SARZ-R1-SARZ-R11
- 

**Point 222.89**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Council has a large number of reserves whose primary purpose is to provide for stormwater overflow and drainage activities. It is important that these activities are enabled in the Open Space zones. It is not clear whether such activities are provided for as network utilities or not. If not, it would be appropriate to define these works (refer proposed definition) and have an associated enabling rule in the open space zones.

**Relief sought**

Clarify if the PDP provides for these types of activities elsewhere (eg in the Network Utilities chapter) and if not insert new rule as sought, (or words to that effect).

SARZ-Rxxx: Stormwater and drainage activities

STADZ-RxxA

**Activity Status: Permitted**

**Where:**

1. **The purpose of the activity supports the function and maintenance of Council owned reserves; and**

STADZ-Rxx

2. **The drainage activities are undertaken by Council (or its contractors)**

**Activity Status where activity conditions are not met: Non-complying**

---

**Point 222.90**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Insert new rule as outlined (or words to that effect). The purpose of this rule is to allow for reserve maintenance activities and buildings associated with them to take place within this zone. A definition of 'reserves maintenance activities' is also proposed.

**Relief sought**

SARZ-Rxxx: Reserves maintenance activities

**SARZ-Rxx Reserve maintenance activities**

**Activity Status: Permitted**

**Where:**

**Activity Status where activity conditions are not met: Non-complying.**

1. **The purpose of the activity supports the function and maintenance of Council owned reserves; and**

2. **The drainage activities are undertaken by Council (or its contractors)**

---

**Point 222.91**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Standards Table

**Sentiment:** Amend

**Submission:**

Currently there is no link between the rules and standards.

**Relief sought**

Insert a condition in each rule  
OR Amend to insert a note as sought;  
AND apply in a consistent manner across all Open Space Zones

All activities must comply with all of the following permitted activity standards set out below:

---

**Point 222.92**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Standards Table

**Provision:**

**SARZ-S1: Height**

***Purpose:** to complement the character of the neighbourhood while facilitating appropriate activities; minimise effects on the quality of the neighbours' living environment; provide for support structures in order to allow for the lighting of sports fields.*

1. Buildings and structures must not exceed 15 m in height.
2. Aerials, lines, and support structures (excluding for lighting) must not exceed 20 m in height.

**Activity Status where standards are not met:** Restricted Discretionary

**Matters of discretion:**

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness, and connectivity of streets and public open spaces, and
4. Quality living environments.

**Sentiment:** Amend

**Submission:**

Clarify wording and intention of standard with respect to residential amenity.

**Relief sought**

Amend as sought (or words to that effect)

**SARZ-S1: Height**

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

**Purpose:**

1. Buildings and structures must not exceed 15 m in height.

1. Purpose of the standard;

to complement the character of the neighbourhood while facilitating appropriate activities; minimise effects on the quality of **residential amenity for the neighbours' living environment**; provide for support structures in order to allow for the lighting of sports fields.

2. Aerials, lines, and support structures (excluding for lighting) must not exceed 20 m in height.

2. Neighbourhood and open space character;

3. Safety, attractiveness, and connectivity of streets and public open spaces, and

4. Quality living amenity environments **for adjacent residents**.

## Point 222.93

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Standards Table

### Provision:

#### SARZ-S2: Height in relation to boundary

**Purpose:** to complement the character of the neighbourhood while facilitating appropriate activities; maintain a reasonable level of sunlight access; and minimise effects on the quality of the neighbours' living environment.

1. Buildings must not project beyond a 45-degree recession plane measured from a point 3 m vertically above ground level side and rear boundaries, as shown in SARZ-S2-Fig1 below:



**Figure 1 - Height in relation to boundary**

2. Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of the standard.

**Activity Status where standards are not met:**  
Restricted Discretionary

#### Matters of discretion are:

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Efficient use of the site for sport and active recreation activities;
4. Safety, attractiveness, and connectivity of streets and public open spaces, and
5. Quality living environments.

**Sentiment:** Amend

### Submission:

Minor amendment to purpose and matter of discretion matter (d) referencing environment. Clarify wording and intention of standard with respect to residential amenity.

### Relief sought

SARZ-S2: Height in relation to boundary

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

1. Buildings must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground.

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness and connectivity of streets and public open spaces, and
4. Quality living ~~living~~ **amenity** environments for **adjacent residents**.

**Figure 1 - Height in relation to boundary**

2. Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of the standard.

**Purpose:** to complement the character of the neighbourhood while facilitating appropriate activities; maintain a reasonable level of sunlight access; and minimise effects on the quality of the adjacent residential amenity neighbours' living environment.

**Point 222.94**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Standards Table

**Provision:**

**SARZ-S3: Yards**

**Purpose:** to complement the character of the neighbourhood while facilitating appropriate activities; to provide for building maintenance; to provide for a safe and attractive streetscape; to maintain water quality; and provide access to watercourses or open drains for maintenance purposes.

1. Any part of a building (including eaves and guttering) must not be erected closer than 6 m to any site boundary.
2. Any building, fence, permanently fixed structure or part thereof must not be erected closer than 6 m from the top of the bank of any watercourse or open drain.

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Efficient use of the site for sport and active recreation activities;
4. Safety, attractiveness and connectivity of streets and public open spaces, and
5. Quality living environments.

**Sentiment:** Amend

**Submission:**

Minor amendment to purpose and matter of discretion matter (4) referencing environment. Clarify wording and intention of standard with respect to residential amenity.



## Relief sought

SARZ-S3: Yards

**Activity Status where standards are not met:** Restricted Discretionary

**Matters of discretion are:**

**Purpose:** to complement the character of the neighbourhood while facilitating appropriate activities; to provide for [building maintenance](#); to provide for a safe and attractive streetscape; to maintain [water quality](#); and provide access to watercourses or open drains for maintenance purposes.

1. Any part of a building (including eaves and guttering) must not be erected closer than 6 m to any site boundary.

2. Any building, fence, permanently fixed structure or part thereof must not be erected closer than 6 m from the top of the bank of any watercourse, open drain, identified stormwater detention area and/or overland flow path.

1. Purpose of the standard;

2. Neighbourhood and open space character;

3. Safety, attractiveness and connectivity of streets and public open spaces, and

4. Quality ~~living amenity~~ environments for adjacent residents.

---

## Point 222.95

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Standards Table

### Provision:

#### SARZ-S4: Gross floor area

All sport and active recreation zoned sites except for the Park Island Control Area

**Activity Status where standards are not met:** Restricted Discretionary

**Matters of discretion are:**

**Purpose:** to maintain open space for sport and active recreation activities.

1. The maximum gross floor area of buildings on a site must not exceed 500 m<sup>2</sup> gross floor area.
2. The combined maximum gross floor area of buildings within each sports hub, as identified on the Park Island Master Plan, must not exceed 4,000 m<sup>2</sup> gross floor area, provided that:

1. No one building must exceed 2,000 m<sup>2</sup> gross floor area, and
2. Buildings exceeding 500 m<sup>2</sup> gross floor area must be located no less than 30 m apart.

Park Island Control Area

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Efficient use of the site for sport and active recreation activities
4. Safety, attractiveness, and connectivity of

**Purpose:** to facilitate efficient use of Park Island in accordance with the Park Island Master Plan.

streets and public open spaces, and  
5. Quality living environments.

**Sentiment:** Amend

**Submission:**

Uncertain as to where Park Island Control Area is located.

Minor amendment to clarify purpose and matter of discretion matter (4) referencing 'living' environment.

### Relief sought

Make minor amendments as sought *and* define extent of 'Park Island Control Area' on planning maps.

#### SARZ-S4: Gross floor area

All sport and active recreation zoned [sites](#) except for the Park Island Control Area

**Purpose:** to maintain open space for sport and active recreation activities.

Park Island Control Area

**Purpose:** to facilitate efficient use of Park Island in accordance with the Park Island Master Plan.

**Activity Status where standards are not met:** Restricted Discretionary

#### Matters of discretion are:

1. The maximum gross floor area of buildings on a site must not exceed 500 m<sup>2</sup> gross floor area.
2. The combined maximum gross floor area of buildings within each sports hub, as identified on the Park Island Master Plan, must not exceed 4,000 m<sup>2</sup> gross floor area, provided that:
  1. No one building must exceed 2,000 m<sup>2</sup> gross floor area, and
  2. Buildings exceeding 500 m<sup>2</sup> gross floor area must be located no less than 30 m apart.

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Efficient use of the site for sport and active recreation activities
4. Safety, attractiveness and connectivity of streets and public open spaces;
5. Quality living amenity environments for **adjacent residents**, and

---

### Point 222.96

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** SARZ - Sport and Active Recreation Zone - Standards Table

**Provision:**

#### SARZ-S5: Fences and walls

**Purpose:** to provide for privacy of sites adjoining open spaces

1. Fences or walls (or a combination of these structures) must not exceed the height specified below, measured from the ground level at the boundary:

**Activity Status where standards are not met:** Restricted Discretionary

while enabling opportunities for passive surveillance of the public open space.

- a. Along a common boundary with an adjacent residential or commercial zone, either:
  - i. 1.2 m in height; or
  - ii. 1.8 m in height for no more than 50% of the site frontage and 1.2 m for the remainder, or
  - iii. 1.8 m in height if the fence is at least 50% visually open as viewed perpendicular to the front boundary.
2. Clause 1 above does not apply to any open mesh or similar design fence erected for the purposes of protecting adjacent land uses and occupiers.

**Matters of discretion are:**

1. Purpose of the standard;
2. Neighbourhood and open space character, and
3. Safety, attractiveness, and connectivity public open spaces.

**Sentiment:** Amend

**Submission:**

Clarify how these rules will work with fencing requirements in the Residential Zone and achieve consistent fencing around the perimeter of public open spaces.

This rule could result in undesirable outcomes for open space. Consistent fencing, providing for visual surveillance around the park boundaries, is desirable.

**Relief sought**

Delete or amend to clarify.

---

**Point 222.97**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** Assessment criteria

**Sentiment:** Amend

**Submission:**

The activity status of an activity determines whether regard should be had to objectives and policies of this plan and not appropriate to have this note here.

**Relief sought**

Amend as sought When considering an application the Council will have regard to ~~the relevant objectives and policies of this plan, the purpose of the rules and standards, and regard will also be had to~~ the relevant assessment criteria set out below:

---

**Point 222.98**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** Assessment criteria

**Provision:**

SARZ-AC1: New buildings not meeting permitted conditions (SARZ-R1); Additions, alterations, maintenance, and repair to

existing buildings not meeting permitted conditions (SARZ-R3); Relocated buildings (SARZ-R2)

#### *Neighbourhood and open space character*

- a. The extent to which the character of the neighbourhood and the park or reserve is maintained by the proposed building. This includes consideration of:
  - i. any positive defining characteristics of the neighbourhood, and
  - ii. any values identified in an approved reserve management plan.
- b. Whether parking, storage areas, and buildings are adequately screened from adjoining sites or public places and roads by fencing and/or landscaping.
- c. Whether proposed landscaping is compatible with the landscape character of the surrounding environment.

#### *Efficient use of the site for sport and active recreation activities*

- d. Whether the scale and/or location of the building will compromise the efficient use and development of the park or reserve for sport and active recreation activities.

#### *Safety, attractiveness and connectivity of streets and public open spaces*

- e. The extent to which the site layout and building design positively contribute to the attractiveness of streets and public open spaces.
- f. The extent to which the development is easily accessible for all members of Napier's community.
- g. Whether publicly accessible pedestrian and cycle connections are provided through the open space where it fronts two or more streets (where practicable and appropriate).
- h. The extent to which the building will contribute to safety and security.

*Design guidance: Crime Prevention through Environmental Design (CPTED) principles will be considered when assessing a proposal against this criterion. Further information is available from the National Guidelines for Crime Prevention through Environmental Design in New Zealand (2005).*

#### *Quality living environments*

- i. The extent to which the location and design of the building will maintain quality living environments for neighbouring residents, having regard to visual and acoustic amenity effects.

**Sentiment:** Amend

#### **Submission:**

Consequential amendment supporting submission on Rule SARZ-R1 and SARZ-R3, and minor amendment referencing 'open space' environment instead of 'living' environment.

As some land within the sport and active recreation zone is forms part of Councils stormwater capacity it would also be appropriate to include assessment criteria relating to infrastructure management and stormwater design.

#### **Relief sought**

**SARZ-AC1: New buildings not meeting permitted conditions (SARZ-R1); Additions, alterations, maintenance, and repair to existing buildings not meeting permitted conditions (SARZ-R3); Relocated buildings (SARZ-R2)**

#### *Neighbourhood and open space character*

- a. The extent to which the character of the neighbourhood and the park or reserve is maintained by the proposed building. This includes consideration of:

- i. any positive defining characteristics of the neighbourhood, and
  - ii. any values identified in an approved reserve management plan.
- b. Whether parking, storage areas, and buildings are adequately screened from adjoining sites or public places and roads by fencing and/or landscaping.
  - c. Whether proposed landscaping is compatible with the landscape character of the surrounding environment.

*Efficient use of the [site](#) for sport and active recreation activities*

- d. Whether the scale and/or location of the [building](#) will compromise the efficient use and [development](#) of the park or reserve for sport and active recreation activities.

*Safety, attractiveness and connectivity of streets and public open spaces*

- e. The extent to which the site layout and building design positively contributes to the attractiveness of streets and public open spaces.
- f. The extent to which the development is easily accessible for all members of Napier's community.
- g. Whether publicly accessible pedestrian and cycle connections are provided through the open space where it fronts two or more streets (where practicable and appropriate).
- h. The extent to which the building will contribute to safety and security.

*Design guidance: Crime Prevention through Environmental Design (CPTED) principles will be considered when assessing a proposal against this criterion. Further information is available from National Guidelines for Crime Prevention through Environmental Design in New Zealand (2005).*

*Quality ~~living~~ [open space](#) environments*

- i. The extent to which the location and design of the building will maintain a quality ~~living~~ [open space](#) environment for neighbouring residents, including having regard to visual and acoustic amenity effects.

**Infrastructure capacity and stormwater management**

- j. **Whether the development can be sufficiently serviced by water, wastewater and stormwater infrastructure, including through the use of low impact stormwater design, where appropriate.**

## Point 222.99

### Section: SARZ - Sport and Active Recreation Zone

#### Sub-section: Assessment criteria

#### Provision:

SARZ-AC2: Vehicle parking areas not meeting permitted conditions (SARZ-R5)

#### *Neighbourhood and open space character*

- a. The extent to which the vehicle parking area will detract from the sense of openness and landscape character values of the park or reserve.
- b. The extent to which vehicles accessing or exiting the car park will compromise the maintenance of the character of the open space and surrounding neighbourhood.

#### *Efficient use of the site for sport and active recreation activities*

- c. Whether the scale and/or location of the car park will compromise the efficient use and development of the park or reserve for sport and active recreation activities.
- d. Whether the car park is required to provide adequate car parking for sport and active recreation facilities while avoiding significant adverse effects on the safety and efficiency of the surrounding integrated transport network.

#### *Safety, attractiveness, and connectivity of streets and public open spaces*

- e. The extent to which the design and layout of the car park and access, including landscaping and low impact stormwater design, will contribute to a safe, attractive, and connected pedestrian and cycle network to, from and within the open space.

**Sentiment:** Oppose

**Submission:**

For the same reasons as set out with respect to Rule SARZ-R5 above, delete these provisions

**Relief sought**

Delete SARZ-AC2

---

**Point 222.100**

**Section:** SARZ - Sport and Active Recreation Zone

**Sub-section:** Assessment criteria

**Provision:**

SARZ-AC3: Commercial activities (SARZ-R7); Community activities (SARZ-R9); Residential activities (SARZ-R10)

The criteria below will be considered in addition to the relevant objectives and policies of the plan.

*Neighbourhood and open space character*

- a. The extent to which the character of the neighbourhood and the park or reserve is maintained by the proposed activity. This includes consideration of:
  - i. any positive defining characteristics of the neighbourhood, and
  - ii. any values identified in an approved reserve management plan.

*Efficient use of the site for sport and active recreation activities*

- b. Whether the scale and/or location of the activity will compromise the efficient use and development of the park or reserve for sport and active recreation activities.

*Contribution to community wellbeing*

- c. The extent to which locating the activity in the Sport and Active Recreation Zone will contribute to the wellbeing of the local community.
- d. Whether that contribution could be achieved by locating the activity in a zone other than the Sport and Active Recreation Zone.

*Safety, attractiveness and connectivity of streets and public open spaces*

- e. The extent to which access and parking associated with the activity will provide safe access to the activity for pedestrians, cyclists, and motorists.
- f. Whether the activity will restrict public access through the open space, including to the coast, estuary, and/or rivers.
- g. The extent to which:
  - i. the anticipated traffic generation and/or anticipated onstreet car parking will impact on the safety and efficient operation of the surrounding integrated transport network, and
  - ii. traffic generation will compromise the maintenance of the neighbourhood and open space character.

## Quality living environments

- h. The extent to which the buildings and activity will maintain quality living environments for neighbouring residents, having regard to visual and acoustic amenity effects.

Assessment under the above criteria will include consideration of:

- site layout;
- design and external appearance of buildings;
- dust and/or odour effects;
- hours of operation;
- noise generation, and
- screening of storage areas.

## Infrastructure capacity and stormwater management

- i. Whether the development can be sufficiently serviced by water, wastewater, and stormwater infrastructure, including through the use of low impact stormwater design, where appropriate.
- j. Whether the development will compromise the temporary drainage function of the park or reserve for major rainfall events.

## Vibrancy and vitality of centres

- k. Whether the activity will detract from the purpose and function of centres as set out in the objectives and policies of the Centre Zones chapters.

**Sentiment:** Amend

**Submission:**

Consequential amendment to reflect submission on Rules SARZ-R7, SARZ-R9 and SARZ-R10

**Relief sought**

**SARZ-AC3: Commercial activities (SARZ-R7); Community facility activities (SARZ-R9); Residential activities (SARZ-R10)**

The criteria below will be considered in addition to the relevant objectives and policies of the plan.

### *Neighbourhood and open space character*

- a. The extent to which the character of the neighbourhood and the park or reserve is maintained by the proposed activity. This includes consideration of:
- i. any positive defining characteristics of the neighbourhood, and
  - ii. any values identified in an approved reserve management plan.

### *Efficient use of the site for sport and active recreation activities*

- b. Whether the scale and/or location of the activity will compromise the efficient use and development of the park or reserve for sport and active recreation activities.

### *Contribution to community wellbeing*

- c. The extent to which locating the activity in the Sport and Active Recreation Zone will contribute to the wellbeing of the local community.
- d. Whether that contribution could be achieved by locating the activity in a zone other than the Sport and Active Recreation Zone.

### *Safety, attractiveness and connectivity of streets and public open spaces*

- e. The extent to which access and parking associated with the activity will provide safe access to the activity for pedestrians, cyclists and motorists.

- f. Whether the activity will restrict public access within and through the open space, including to the coast, estuary and/or rivers, including through the privatisation of space within the park or reserve.
- g. The extent to which:
- i. the anticipated traffic generation and/or anticipated onstreet car parking will impact on the safety and efficient operation of the surrounding integrated transport network; and
  - ii. traffic generation will compromise neighbourhood and open space character.

**Quality living adjacent residential amenity environments**

- h. The extent to which the buildings and activity will maintain quality living environments for neighbouring residents, having regard to visual and acoustic amenity effects.

Assessment under the above criteria will include consideration of:

- site layout;
- design and external appearance of buildings;
- dust and/or odour effects;
- hours of operation;
- noise generation, and
- screening of storage areas.

**Infrastructure capacity and stormwater management**

- i. Whether the activity can be sufficiently serviced by water, wastewater and stormwater infrastructure, including through the use of low impact stormwater design, where appropriate.
- j. Whether the development will compromise the temporary drainage function of the park or reserve for major rainfall events.

**Vibrancy and vitality of centres**

Whether the activity will detract from the purpose and function of centres as set out in the objectives and policies of the Centre Zones chapters.

---

**Point 222.101**

**Section: STADZ - Stadium Zone**

**Sentiment:** Amend

**Submission:**

Generally support the introduction and objective and policy framework with minor amendments

Delete reference to other related chapters from Introduction and move to rule section to provide clearer direction to Plan users.

**Relief sought**

**STADZ - Stadium Zone**

**Introduction**

The purpose of the Stadium Zone is to provide for the operation and development of large-scale multi-use sport, recreation, and community facilities, buildings, and structures, with capacity to host local, regional, national, and international events providing entertainment to residents and visitors. In Napier City, the Stadium Zone applies to McLean Park.

McLean Park comprises an international standard outdoor turf sportsground, stands, and associated lighting. The park's main uses have traditionally been rugby and cricket at international and provincial levels. Other events held on the park have included pipe band contests, displays, and marching competitions. A multi-function indoor stadium — Centennial Event Centre — complements the outdoor facility.

The park is named in memory of Donald McLean who, as Native Minister and Government Land Commissioner, purchased a large block of land from local Maori in the early days of European settlement in



this area.

In 1905, a trust was formed to establish a memorial to Sir Donald McLean and to that end ten acres was purchased for recreational purposes - the future McLean Park. In its early years, the Highland Society was very strong and the park was mainly used for Highland games and athletic events.

The park has undergone significant refurbishment. Seating accommodation across four stands is 9,704 with an additional 10,000 capacity standing on the embankment. Six light towers light the park for night games.

The Stadium Zone provides for the ongoing use of McLean Park for its intended activities while also seeking to minimise impacts on the surrounding residential neighbourhood.

Other related chapters include:

-

~~—Noise: Activities in the Stadium Zone are subject to noise limits as set out in the Noise chapter. Cross references are provided in the rules for easy reference.~~

~~—Light: Activities in the Stadium Zone are subject to provisions for artificial lighting set out in the Light chapter.~~

~~—Signs: To ensure signs are compatible with an area; their scale, number, illumination, motion, and placement are managed by the Signs chapter.~~

~~—Earthworks: Activities in the Stadium Zone are subject to provisions for earthworks set out in the Earthworks chapter.~~

~~· Transport: The Transport chapter contains provisions relating to transport matters.~~

---

## Point 222.102

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Amendment sought to clarify that any applicant must also refer to Reserves Act legislation and the relevant Reserves Management Plan. This is particularly important for new activities establishing on Council parks. It also clarifies that provisions in other district wide sections of the District Plan may also be relevant.

**Relief sought**

**Note 1: In addition to these provisions of the District Plan, the provisions of the Reserves Act 1977 and associated Reserve Management Plan also apply.**

**Note 2: It is important to note that in addition to the provisions in this chapter, the following Part 2: District-Wide Matters / General District-Wide Matters may also apply:**

- NU – Network Utilities
- TPT- Transport
- EW – Earthworks
- LIGHT – Light
- NOISE - Noise
- SIGN – Signs

**TEMP – Temporary Activities**

---

## Point 222.103

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

### Provision:

STADZ-R1: Additions, alterations, maintenance, and repair to existing buildings

#### STADZ-R1A

#### STADZ-R1B

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

#### Where:

1. The gross floor area of the addition does not exceed 75 m<sup>2</sup>, and
2. All Stadium Zone Standards are complied with.

#### Matters of discretion are:

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living environments.

**Sentiment:** Amend

### Submission:

The term 'addition' can be clarified by a reference to the Gross Floor Area, which is defined in the Interpretation section of the Plan. However the term 'alteration' is not defined in the PDP, and the terms 'maintenance' and 'repair' are only used in reference to heritage items / network utilities/ and renewable energy. These activities could occur as ancillary activities and specifying them in this rule is unnecessary.

### Relief sought

STADZ-R1: Addition to Gross Floor Area ~~alterations, maintenance, and repair to~~ of existing buildings

#### STADZ-R1A

**Activity Status:** Permitted  
**Where:**

1. The gross floor area of the addition does not exceed 75 m<sup>2</sup>, and
2. All Stadium Zone Standards are complied with.

#### STADZ-R1B

**Activity Status where activity conditions are not met:** Restricted Discretionary

#### Matters of discretion are:

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living amenity environments for adjacent residential neighbours.

## Point 222.104

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

### Provision:

STADZ-R2: New or relocated buildings

## STADZ-R2A

**Activity Status:** Permitted

**Where:**

1. The gross floor area of the new building does not exceed 75 m<sup>2</sup>, and
2. All Stadium Zone Standards are complied with.

**Note:** Refer to STADZ-R7 for temporary seating.

**Sentiment:** Amend

**Submission:**

As permission is required from Council as landowner and parks and reserves are managed according to the Reserves Act 1977 and / or relevant Reserve Management Plans, a distinction between new and relocated buildings is not necessary.

Clarify the relationship of this rule to temporary seating and the need for the Note in this rule.

Amend reference to 'living environments' in matter of discretion 3 environments to provide clearer direction.

## Relief sought

STADZ-R2A

**Activity Status:** Permitted

**Where:**

1. The gross floor area of the new building does not exceed 75 m<sup>2</sup>, and
2. All Stadium Zone Standards are complied with.

**Note:** Refer to STADZ-R7 for temporary seating.

## STADZ-R2B

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living environments.

STADZ-R2B

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living environments, amenity for adjacent residents

---

## Point 222.105

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R3: Recreational activities

STADZ-R3A

STADZ-R3B

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:**

**Where:**

Refer to NOISE-R1: Noise Generation (general).

1. Any sporting event, including commercial and entertainment activities ancillary to the activity:
  - a. The noise limits in NOISE-R1 apply.

**Sentiment:** Amend

**Submission:**

Not necessary to limit recreational activities to 'sporting' as other recreational activities might also take place on McLean Park e.g Te Matatini, national marching competition etc

As with Rules STADZ-R1 and STADZ-R2, it is also appropriate to link this rule to standards. Reference to Noise R1 in STADZ-R3B is for permitted activities but should reference rules and standards when these limits are breached.

### Relief sought

STADZ-R3: Recreational activities

STADZ-R3B

STADZ-R3A

Activity Status where activity condition 1a\_ is not met:

Activity Status: Permitted

Refer to:

Where:

TEMP-Temporary Activities chapter Rule TEMP-R2; and

NOISE-R47: Noise Generation-(general) generated from temporary events.

1. Any **recreational activity** ~~sporting event~~, including commercial ~~and~~ entertainment activities ancillary to the activity:

Activity Status where activity condition 1.c is not met:

- a. The noise limits in Rule NOISE-R1 and Standard NOISE-S1 (Stadium Zone) apply;
- b. The limits in Rule TEMP R2 apply; and
- c. All Stadium Zone Standards are complied with.

Restricted Discretionary

Matters of discretion are:

-

1. The matters of discretion stated for infringing the relevant standard(s).

### Point 222.106

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R4: Entertainment activities

STADZ-R4A

STADZ-R4B

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:**

Refer to NOISE-R1: Noise generation (general).

**Where:**

- 1. Entertainment activities:
  - a. The activity is not provided for by STADZ-R3;
  - b. The noise limits in NOISE-R1 apply, and
  - c. Up to six noise events are permitted in any 12-month period where Standard STADZ-S6 is complied with.

**Sentiment:** Amend

**Submission:**

There is no definition of 'entertainment' activities, and it is unclear how these relate to 'temporary noise events' (refer Rule TEMP-R2).

The noise limits in NOISE R1 and STADZ-S6 are incompatible so both these conditions could not work together. (Refer also submission on Standard STADZ-S6.)

If the intention of this rule is to allow for concerts and other noisy events (eg nitro circus) then it would be more appropriate to apply the Temporary noise event rule (Rule TEMP-R2).

Alternatively, if the intention is to allow for the types of events that take place on McLean Park that generally comply with noise limits (eg garden show, or school balls/ conference events/ wedding banquets etc that tend to take place in Centennial Hall) then an alternative rule to provide specifically for these events is proposed with an associated definition. (Refer also submission on Interpretation chapter)

**Relief sought**

Delete and replace with new rule for Events (also refer proposed new definition for 'Events').

~~STADZ-R4: Entertainment activities - -~~

~~STADZ-R4A~~

~~-~~

~~Activity Status: Permitted~~

~~-~~

~~Where:~~

~~1. Entertainment activities:~~

~~a. The activity is not provided for by STADZ-R3;~~

~~b. The noise limits in NOISE-R1 apply, and~~

~~c. Up to six noise events are permitted in any 12-month period where Standard STADZ-S6 is complied with.~~

**STADZ-R4B**

~~-~~

**Activity Status where activity conditions are not met:**

Refer to NOISE-R1: Noise generation (general).

STADZ-R4B

Activity status where activity conditions 1.a. and 1.b are not met:

~~-~~

TEMP-Temporary Activities chapter Rule TEMP-R2; and

NOISE-R7: generated from temporary events.

~~-~~

STADZ-R4 Event activities

~~-~~

STADZ-R4A

~~-~~

Activity Status: Permitted

-

**Where:**

- a. The noise limits in Rule NOISE-R1 apply;
- b. The limits in Rule TEMP R2 apply; and
- c. All Stadium Zone Standards are complied with

-

**Activity Status where activity condition c. is not met:**

**Restricted Discretionary**

-

**Matters of discretion are:**

- 
- 1.. The matters of discretion stated for infringing the relevant standard(s).
- 

**Point 222.107**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R5: Vehicle parking areas

**STADZ-R5A**

**STADZ-R5B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

- 1. Where the car parking area is at-grade:
  - a. a 2-metre-wide landscaping strip comprised of indigenous plants is provided along the full frontage of the road (except for the vehicle crossing), and
  - b. one indigenous specimen tree is provided for every ten car parks.

- 1. Neighbourhood and open space character, and
- 2. Safety, attractiveness, and connectivity of streets and public open spaces.

**Notification status:** Any application under this rule is precluded from being publicly notified or notified on a limited basis.

**Sentiment:** Oppose

**Submission:**

Vehicle parking areas are an ancillary activity therefore fall within the definitions for 'recreation activity' and 'community facilities'.

In addition, Council is the manager of these spaces and any new vehicle parking areas will be subject to the provisions of a Reserve Management Plan. It is not appropriate or necessary for the District Plan to control these activities.

**Relief sought**

Delete STADZ-R5

---

**Point 222.108**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R6: Commercial activities

**STADZ-R6A**

**STADZ-R6B**

**Activity Status:** Controlled

**Activity Status where activity conditions are not met:** Discretionary

**Where:**

1. The activity is not provided for by STADZ-R3.

**Matters of control are:**

1. The layout and design of vehicle parking, access, and manoeuvring areas.
2. The design and appearance of the building or structures.

**Notification status:** Any application under this rule is precluded from being publicly notified or notified on a limited basis.

**Sentiment:** Oppose

**Submission:**

This rule is very permissive for commercial activities on McLean Park. Commercial activities not ancillary to a STADZ permitted activity are not desirable within this zone.

STADZ-R6B as proposed could potentially result in undesirable consequences for McLean Park e.g if an application for a commercial activity not ancillary a recreational activity be applied for eg a retail outlet, café or restaurant, Council could not refuse it and could only apply conditions on matters over which it has control.

**Relief sought**

Delete STADZ-R6

---

**Point 222.109**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R7: Temporary seating

**Activity Status:** Controlled

**Activity Status where activity conditions are not met:**

Where:

NA

1. The temporary seating is associated with a permitted activity, and
2. Temporary seating is exempt from the building coverage provision STADZ-S4 due to its temporary nature.

**Matters of control are:**

1. The duration of how long the temporary seating will remain;
2. The height and height in relation to boundary of the temporary seating;
3. The design and appearance of the temporary seating, and
4. The movement of traffic associated with the erection and dismantling of the temporary seating.

**Notification status:** Any application under this rule is precluded from being publicly notified or notified on a limited basis.

**Sentiment:** Amend

**Submission:**

It is not clear why a rule for temporary seating has been included and if so why it does not provide for a level of permitted activity.

Amend to provide for permitted activity status subject to conditions for example: association with a permitted activity, duration, times of installation (eg 7am -7pm), compliance with STADZ-S1 & STADZS2, exemptions from STADZ4. Not necessary to control design and appearance of temporary seating.

**Relief sought**

Amend as sought or delete.

STADZ-R7: Temporary seating

Activity Status: ~~Controlled-Permitted~~

Where:

1. The temporary seating is associated with a permitted activity, and
2. Temporary seating is exempt from the building coverage provision STADZ-S4 due to its temporary nature.

**3. Temporary seating complies with standards STADZ-S1 and STADZ-S2**

**4. Set up and removal shall occur within 5 working days of the event for which it is required and between the hours of 7am-7pm**

~~Matters of control are:~~

- ~~1. The duration of how long the temporary seating will remain;~~
- ~~2. The height and height in relation to boundary of the temporary seating;~~
- ~~3. The design and appearance of the temporary seating, and~~
- ~~4. The movement of traffic associated with the erection and dismantling of the temporary seating.~~

~~Notification status: Any application under this rule is precluded from being publicly notified or notified on a limited basis.~~

Activity Status where activity conditions are not met:

~~NA-Restricted Discretion~~

~~Matters of discretion are:~~

~~-~~

- ~~1. The duration of how long the temporary seating will remain;~~
- ~~2. The height and height in relation to boundary of the temporary seating; and~~
- ~~3. The movement of traffic associated with the erection and dismantling of the temporary seating.~~



---

**Point 222.110**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R8: Activities infringing standards

**Activity Status:** Restricted Discretionary

NA

**Matters of discretion are:**

1. The matters of discretion stated for infringing the relevant standard(s).

**Sentiment:** Amend

**Submission:**

This rule should only apply to permitted activities otherwise potentially could end up with a discretionary or non-complying activity that infringes standards being considered under this rule.

Clarification of wording to assist in clearer interpretation of the Plan.

**Relief sought**

Amend as sought (or words to that effect)

STADZ-R8: Permitted Activities infringing standards

**Activity Status:** Restricted Discretionary

**Matters of discretion are:**

NA

1. The matters of discretion stated for ~~infringing~~ the relevant standard(s) being infringed.
- 

**Point 222.111**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R9: Community facilities

**STADZ-R9A**

**STADZ-R9B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:**

**Where:**

1. Any community facility, including commercial and entertainment activities ancillary to the activity;
  - a. The noise provisions in District-Wide apply, and
  - b. The temporary event provisions in District-Wide apply.

**Sentiment:** Amend

**Submission:**

Amend Rule STADZ -R9 to provide clearer direction that enables community facility activities on the site whilst noting that noisy events are limited as set out in the Noise and Temporary Activities chapters

**Relief sought**

STADZ-R9: Community facilities activities

STADZ-R9B

STADZ-R9A

Activity Status where activity conditions are not met:

Activity Status: Permitted

Activity Status where activity conditions 1a and 1b are not met:

Where:

TEMP-Temporary Activities chapter Rule TEMP-R2; and

1. Any community facility activity, including commercial and entertainment activities ancillary to the activity;

NOISE-R7: generated from temporary events.

Activity Status where activity condition 1c is not met:

- a. ~~The noise provisions in District-Wide apply, and~~
- b. ~~The temporary event provisions in District-Wide apply;~~
- a. The noise limits in Rule NOISE-R1 and Standard NOISE-S1 (Stadium Zone) apply;
- b. The limits in Rule TEMP R2 apply; and
- c. All Stadium Zone standards are complied with.

-  
Restricted Discretionary  
-  
Matters of discretion are:

1. The matters of discretion stated for infringing the relevant standard(s).

**Point 222.112**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R10: Residential activities

STADZ-R10A

STADZ-R10B

Activity Status: Discretionary

Activity Status where activity conditions are not met: Prohibited

Where:

1. The activity is required for onsite management.

**Sentiment:** Oppose

**Submission:**

The requirement for managers to live onsite is generally no longer required on Council reserves and therefore it is not necessary to have a separate rule for this type of activity.

The default Rule STADZ-R12 is appropriate to cover instances where a Residential activity might be considered.

Prohibited activity status is unnecessarily restrictive.  
The provisions of the Reserves Act 1977, and any relevant RMP would also apply.

**Relief sought**

Delete STADZ-R10

---

**Point 222.113**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R11: Industrial activities

**Activity Status:** Prohibited NA

**Sentiment:** Amend

**Submission:**

There is no justification for 'Prohibited activity' status for activities in the Open Space zones and there may be some instance where you would want to permit industrial activities across a reserve e.g. pipes ancillary to an industrial activity.  
The default rule SARZ-R12 (Non-complying activity status is appropriate to provide for any such applications on McLean Park Stadium.

**Relief sought**

Delete STADZ-R11

---

**Point 222.114**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Provision:**

STADZ-R12: Activities not otherwise provided for

**Activity Status:** Non-complying NA

**Where:**

1. The activity is not provided for under Rules OSZ-R1 – OSZ-R11.

**Sentiment:** Amend

**Submission:**

Minor correction to reference correct rules.

**Relief sought**

STADZ-R12: Activities not otherwise provided for

Activity Status: Non-complying

Where:

NA

1. The activity is not provided for under Rules ~~OSZ-R1—OSZ-R11~~ **STADZ-R1-STADZ-Rxx**.
- 

**Point 222.115**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Sentiment:** Amend

**Submission:**

Council has a large number of reserves whose primary purpose is to provide for stormwater overflow and drainage activities. It is important that these activities are enabled in the Open Space zones. It is not clear whether such activities are provided for as network utilities or not. If not, it would be appropriate to define these works (refer proposed definition) and have an associated enabling rule in the open space zones.

**Relief sought**

Clarify if the PDP provides for these types of activities elsewhere (eg in the Network Utilities chapter) and if not insert new rule as sought, (or words to that effect).

**STADZ-Rxxx: Stormwater and drainage activities** .

**STADZ-RxxA**

**Activity Status: Permitted**

**Where:**

**STADZ-Rxx**

**Activity Status where activity conditions are not met: Non-**

1. The purpose of the activity supports the function and maintenance of Council owned reserves; and complying
2. The drainage activities are undertaken by Council (or its contractors)

---

## Point 222.116

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Rules Table

**Sentiment:** Amend

### Submission:

The purpose of this rule is to allow for reserve maintenance activities and buildings associated with them to take place within this zone. A definition of 'reserves maintenance activities' is also proposed.

### Relief sought

Insert new rule as outlined (or words to that effect).

#### STADZ-Rxx Reserve maintenance activities

-

**Activity Status:** Permitted

**Where:**

-

**Activity Status where activity conditions are not met:**  
Non-complying.

1. The purpose of the activity supports the function and maintenance of Council owned reserves; and
2. The reserve maintenance activities are undertaken by Council (or its contractors)

---

## Point 222.117

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Standards Table

### Provision:

#### STADZ-S1: Height

**Purpose:** *to maintain a stadium character that facilitates appropriate activities; minimise effects on the quality of the neighbours' living environment.*

1. Buildings and structures, excluding light towers, must not exceed 20 m in height.

**Activity Status where standards are not met:**  
Restricted Discretionary

#### **Matters of discretion:**

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and

**Sentiment:** Amend

**Submission:**

Generally support this standard. Minor amendments sought for clarity.

**Relief sought**

STADZ- S1-Height

*Purpose: to maintain a stadium character that facilitates appropriate activities; minimise effects on the quality of the neighbours' living environment*

1. Buildings and structures, excluding light towers, must not exceed 20 m in height.

a. **Activity Status where standards are not met:** Restricted Discretionary

b.

c. **Matters of discretion:**

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living environments-amenity for adjacent residents.

---

**Point 222.118**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Standards Table

**Provision:**

**STADZ-S2: Height in relation to boundary**

***Purpose:** To maintain a Stadium character that facilitates appropriate activities; maintain a reasonable level of sunlight access and minimise effects on the quality of the neighbours' living environment.*

1. Buildings must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground level along side and rear boundaries, as shown in STADZ-S2-Fig1 below.

**Activity Status where standards are not met:** Restricted Discretionary

**Matters of discretion are:**

1. Neighbourhood and open space character;
2. Safety, attractiveness and connectivity of streets and public open spaces, and
3. Quality living environments.



**Figure 1 - Height in relation to Boundary**

2. Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of the standard.

**Sentiment:** Amend

**Submission:**

Generally support this standard. Minor amendments sought for clarity.

**Relief sought**

Amend as sought.

STADZ-S2: Height in relation to boundary

*Purpose: To maintain a Stadium character that facilitates appropriate activities; maintain a reasonable level of sunlight access and minimise effects on the quality of the residential-neighbours' living environment-amenity.*

1. Buildings must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground level along side and rear boundaries, as shown in STADZ-S2-Fig1 below.

**Figure 1 - Height in relation to Boundary**

2. Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of the standard.

**Point 222.119**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Standards Table

**Provision:**

STADZ-S3: Yards

**Purpose:** *to maintain a stadium character that facilitates appropriate activities; to provide for building maintenance; to provide for a safe and attractive streetscape.*

1. Any part of a building (including eaves and guttering) must not be erected closer than 6 m to any site boundary.

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

1. Neighbourhood and open space character;
2. Safety, attractiveness and connectivity of streets and public open spaces, and
3. Quality living environments.

**Sentiment:** Amend

**Submission:**

Generally support this standard. Minor amendments sought for clarity.

**Relief sought**

STADZ-S3: Yards

Matters of discretion are:

*Purpose: to maintain a stadium character that facilitates appropriate activities; to provide for building maintenance; to provide for a safe and attractive streetscape.*

1. Any part of a building (including eaves and guttering) must not be erected closer than 6 m to any site boundary.

1. Neighbourhood and open space character;
2. Safety, attractiveness and connectivity of streets and public open spaces, and
3. Quality living environments amenity for adjacent residents.

---

## Point 222.120

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Standards Table

**Provision:**

STADZ-S4: Building coverage

*Purpose: to maintain open space to facilitate the activities anticipated in the Stadium Zone.*

1. The maximum floorspace of buildings on a site must not exceed 30% of the net site area.

**Activity Status where standards are:**  
Restricted Discretionary

**Matters of discretion are:**

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living environments.

**Sentiment:** Amend

**Submission:**

Generally support this standard. Building coverage reflects existing built environment of McLean Park with restricted scope for further development on this site.

**Relief sought**

STADZ-S4: Building coverage

**Activity Status where standards are:** Restricted Discretionary

**Matters of discretion are:**

*Purpose: to maintain open space to facilitate the activities anticipated in the Stadium Zone.*

1. The maximum floorspace of buildings on a site must not exceed 30% of the net site area.

1. Neighbourhood and open space character;
2. Safety, attractiveness, and connectivity of streets and public open spaces, and
3. Quality living environments amenity for adjacent residents.

---

## Point 222.121



**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Standards Table

**Provision:**

**STADZ-S5: Fences and walls**

**Purpose:** to provide for privacy of sites adjoining the Stadium Zone:

1. Any fence erected within 6 m of the Stadium Zone boundary must not exceed 2 m in height, except that any open mesh or similar design fence erected for the purposes of protecting adjacent land uses and occupiers need not comply with this condition.

**Activity Status where standards are:**  
Restricted Discretionary

**Matters of discretion are:**

1. Neighbourhood and open space character, and
2. Safety, attractiveness, and connectivity public open spaces.

**Sentiment:** Amend

**Submission:**

Clarify how these rules will work with fencing requirements in the Residential Zone and achieve consistent fencing around the perimeter of public open spaces. This rule could result in undesirable outcomes for open space. Consistent fencing, providing for visual surveillance around the park boundaries, is desirable.

**Relief sought**

Delete or amend to clarify.

**Point 222.122**

**Section:** STADZ - Stadium Zone

**Sub-section:** STADZ - Stadium Zone - Standards Table

**Provision:**

**STADZ-S6: Noise events**

**Purpose:** to enable a limited number of noise events in any 12-month period.

1. Noise generated from any noise event when measured within the boundary of any site in a residential zone must not exceed the levels below:

**Activity Status where standards are not met:**  
Restricted Discretionary

**Time**

Saturdays, public holidays, and a Sunday preceding a public holiday

**Noise Levels**

75 dB L<sub>Aeq1(5min)</sub>  
For a duration of 6 hours

**Matters of discretion are:**

1. Purpose of the standard;
2. Public health, and
3. City vibrancy and community wellbeing.

7:00 a.m. to 10:00 p.m.

All other days 75 dB  $L_{Aeq1(5min)}$

For a duration of 4 hours

7:00 a.m. to 10:00 p.m.

2. Professional fireworks displays and helicopter flights are excluded from this standard.
3. Crowd noise is to be excluded from any assessment of compliance with these limits.

**Sentiment:** Oppose

**Submission:**

This Standard links to Rule STADZ-R4 providing for up to six 'Entertainment Activities' that with noise limit of 75dB $L_{Aeq}(15 min)$ .

It is unclear how this standard relates to Rule TEMP-R2 1.a. that provides for up to 10 non-sporting events with different noise restrictions (85 dB  $L_{Aeq}(5 min)$ , and up to 11 pm or 1 am on New Years eve).

Preference is that activities that exceeds the general noise standards are controlled by the DWA for Temporary activities and associated Noise rules and standards.

**Relief sought**

Delete STADZ-S6

---

**Point 222.123**

**Section:** STADZ - Stadium Zone

**Sub-section:** Assessment criteria

**Provision:**

STADZ-R4B: Entertainment facilities not meeting permitted conditions (STADZ-S6 Noise events)

*Public health*

- a. The extent to which the noise or vibration generated will adversely affect health and wellbeing of people including consideration of:
  - i. whether the noise or vibration generation will occur when disturbance to rest and sleep should be avoided or minimised;
  - ii. interference with speech communications; the learning process and education, instruction from caregivers or teachers, and mental activity, and
  - iii. existing background levels and the total cumulative level of noise.

*City vibrancy and community wellbeing*

- b. The extent to which the noise event contributes to vibrancy and community wellbeing while mitigating or managing noise effects on adjacent properties, in particular on noise sensitive activities.
- c. Whether the applicant proposes to inform neighbours well in advance of the event so residents can plan around the event.

- d. Whether the additional noise for the event will be offset by a reduction in the number of events over the 12-month period.
- e. Whether the effects of the activity will give rise to noise effects that are unreasonable, having regard to the following:
  - i. the cumulative noise effects of other activities which are permitted on the site;
  - ii. the cumulative effect of numerous infringements of the noise standards, and
  - iii. the degree of non-compliance.
- f. The extent to which duration and hours of operation are managed to minimise the effects of the infringement, having regard to the operational requirements and reason for the infringement.

**Sentiment:** Oppose

**Submission:**

In support of submission point on Standard STADZ-R4 delete provisions and address as a DWA temporary activity.

**Relief sought**

Delete STADZ-R4B

---

**Point 222.124**

**Section:** STADZ - Stadium Zone

**Sub-section:** Assessment criteria

**Provision:**

STADZ-AC1: Additions, alterations, maintenance, and repair to existing building not meeting permitted standards (STADZ-R1);  
New or relocated buildings (STADZ-R2)

*Neighbourhood and stadium character*

- a. The extent to which the character of the neighbourhood and the stadium is maintained by the proposed building. This includes consideration of:
  - i. any positive defining characteristics of the neighbourhood;
  - ii. any values identified in an approved reserve management plan, and
  - iii. the extent to which the building will facilitate activities anticipated in the zone.
- b. Whether parking, storage areas and buildings are adequately screened from adjoining sites or public places and roads by fencing and/or landscaping.
- c. Whether proposed landscaping is compatible with the landscape character of the surrounding environment.

*Safety, attractiveness, and connectivity of streets and public open spaces*

- d. The extent to which the site layout and building design positively contribute to the attractiveness of streets and public open spaces.
- e. The extent to which the development is easily accessible for all members of Napier's community.

*Quality living environments*

- f. The extent to which the location and design of buildings will maintain healthy, safe, and comfortable living environments for neighbouring residents, having regard to visual and acoustic amenity effects.

**Sentiment:** Amend

**Submission:**

Control of 'alterations, maintenance, and repair' of buildings whether new or relocated not appropriate in this zone.

**Relief sought**

Amend as sought:

STADZ-AC1: Additions, ~~alterations, maintenance, and repair~~ to existing building not meeting permitted standards (STADZ-R1); New or relocated buildings (STADZ-R2)

---

**Point 222.125**

**Section:** STADZ - Stadium Zone

**Sub-section:** Assessment criteria

**Provision:**

STADZ-AC2: Vehicle parking areas not meeting permitted conditions (STADZ-R5)

*Neighbourhood and open space character*

- a. The extent to which the vehicle parking area will detract from the sense of openness and landscape character values of the stadium
- b. The extent to which vehicles accessing or exiting the car park will compromise the maintenance of the character of the open space and surrounding neighbourhood

*Safety, attractiveness, and connectivity of streets and public open spaces*

- c. The extent to which the design and layout of the car park and access, including landscaping and low impact stormwater design, will contribute to a safe, attractive, and connected pedestrian and cycle network to, from, and within the stadium.

**Sentiment:** Oppose

**Submission:**

As set out submission in relation to Standard STADZ-R5 Vehicle Parking areas not necessary to control parking areas in the manner sought.

**Relief sought**

Delete STADZ-AC2

---

**Point 222.126**

**Section:** STADZ - Stadium Zone

**Sub-section: Assessment criteria**

**Provision:**

STADZ-AC3: Commercial activities not meeting permitted standards (STADZ-R6); Community facilities (STADS-R9); Residential activities (OSZ-R10)

*Neighbourhood and stadium character*

- a. The extent to which the character of the neighbourhood and the stadium is maintained by the proposed activity. This includes consideration of:
  - i. any positive defining characteristics of the neighbourhood;
  - ii. any values identified in an approved reserve management plan, and
  - iii. the extent to which the proposed activities will compromise activities anticipated in the zone.

*Contribution to community wellbeing*

- b. The extent to which locating the commercial activity in the Stadium Zone will contribute to the wellbeing of the local community.
- c. Whether that contribution could be achieved by locating the activity in a zone other than the Stadium Zone.

*Safety, attractiveness, and connectivity of streets and public open spaces*

- d. The extent to which access and parking associated with the activity will provide safe access to the activity for pedestrians, cyclists, and motorists.
- e. The extent to which:
  - i. the anticipated traffic generation and/or anticipated on street car parking will impact on the safety and efficient operation of the surrounding integrated transport network, and
  - ii. traffic generation will compromise the maintenance of the neighbourhood and stadium character.

*Quality living environments*

- f. The extent to which the buildings and activity will maintain healthy, safe, and comfortable living environments for neighbouring residents, having regard to visual and acoustic amenity effects.

Assessment under the above criteria will include consideration of:

- site layout;
- design and external appearance of buildings;
- dust and/or odour effects;
- hours of operation;
- noise generation, and
- screening of storage areas.

*Infrastructure capacity and stormwater management*

- g. Whether the development can be sufficiently serviced by water, wastewater, and stormwater infrastructure, including through the use of low impact stormwater design where appropriate.

*Vibrancy and vitality of centres*

h. Whether the activity will detract from the purpose and function of centres as set out in the objectives and policies of the Centres Zones chapters.

**Sentiment:** Amend

**Submission:**

Consequential amendment to submission on rules. AC clause (h) is not relevant to the Stadium Zone.

**Relief sought**

**STADZ-AC3: Commercial activities not meeting permitted standards (STADZ-R6); Recreation activities (STADZ-R3), Community facilitiesy activities (STADSZ-R9); Residential activities (OSZ-R10)**

*Neighbourhood and stadium character*

- a. The extent to which the character of the neighbourhood and the stadium is maintained by the proposed activity. This includes consideration of:
  - i. any positive defining characteristics of the neighbourhood;
  - ii. any values identified in an approved reserve management plan, and
  - iii. the extent to which the proposed activities will compromise activities anticipated in the zone.

*Contribution to community wellbeing*

- b. The extent to which locating the commercial activity in the Stadium Zone will contribute to the wellbeing of the local community.
- c. Whether that contribution could be achieved by locating the activity in a zone other than the Stadium Zone.

*Safety, attractiveness, and connectivity of streets and public open spaces*

- d. The extent to which access and parking associated with the activity will provide safe access to the activity for pedestrians, cyclists, and motorists.
- e. The extent to which:
  - i. the anticipated traffic generation and/or anticipated on street car parking will impact on the safety and efficient operation of the surrounding integrated transport network, and
  - ii. traffic generation will compromise the maintenance of the neighbourhood and stadium character.

*Quality living environments*

- f. The extent to which the buildings and activity will maintain healthy, safe, and comfortable living environments for neighbouring residents, having regard to visual and acoustic amenity effects.

Assessment under the above criteria will include consideration of:

- site layout;
- design and external appearance of buildings;
- dust and/or odour effects;
- hours of operation;
- noise generation, and
- screening of storage areas.

*Infrastructure capacity and stormwater management*

- g. Whether the development can be sufficiently serviced by water, wastewater, and stormwater infrastructure, including through the use of low impact stormwater design where appropriate.

~~*Vibrancy and vitality of centres*~~

- ~~h. Whether the activity will detract from the purpose and function of centres as set out in the objectives and policies of the Centres Zones chapters.~~
-

**Point 222.127**

**Section:** NOISE - Noise

**Sub-section:** NOISE - Noise - Rules Table

**Provision:**

NOISE-R7: Noise generated from temporary events

**NOISE-R7A**

**NOISE-R7B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. Amplified sound equipment must only be operated between the hours of 10.00 a.m. to 11.00 p.m.
2. The following are exempt from compliance with clause 1 above:
  - a. on 31st December of any calendar year, amplified sound equipment may be used until 1.00 a.m. the following day.
3. Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:
  - a. exceed a cumulative period of six hours, and
  - b. commence before 9.00 a.m. on any day and shall be completed by 7.00 p.m. of any day of the temporary activity.
4. Noise generated from temporary events must not exceed 85 dB  $L_{Aeq}$  (5 min) when measured at any other site, except in the rural zones where the assessment point is at the notional boundary.

1. Public health;
2. Amenity values, and
3. Vibrancy and community wellbeing.

Where noise limits are specified as  $L_{Aeq(5 \text{ min})}$ , every five minute period shall comply with the stated limit. There shall be no adjustment for special audible character or duration in accordance with *NZS 6802:2008 Acoustics Environmental Noise*.

Note: Temporary activities are also subject to the Temporary Activities rules table of the general district-wide rules.

**Sentiment:** Amend

**Submission:**

Clarify limits for consistency with the recommendations for temporary events made Council's acoustic expert. (Styles Groups Noise Review 8 August 2019).

## Relief sought

Amend noise limits for temporary events rules to be consistent with recommendations in Council's acoustic expert report (Styles Groups Noise Review 8 August 2019) (or words to similar effect).

NOISE-R7: Noise generated from temporary noise events

NOISE-R7A

Activity Status: Permitted

Where:

1. Amplified sound equipment must only be operated between the hours of:

- a. 10.00 a.m. to 11.00 p.m. **Sunday to Thursday inclusive**
- b. **10am-11pm Fridays, Saturdays and day preceding a public holiday.**

2. The following are exempt from compliance with clause 1 above:

- a. on 31st December of any calendar year, amplified sound equipment may be used until 1.00 a.m. the following day.

3. Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:

- a. exceed a cumulative period of ~~six~~ **3** hours, and

- b. commence before 9.00 a.m. on any day and shall be completed by 7.00 p.m. of any day of the temporary activity.

4. Noise generated from temporary events must not exceed **75 dB L Aeq (5 min) for events on Sunday to Thursday 85 or 80 dB L Aeq (5 min) for events held on Saturdays or Sundays or any day preceding a public holiday** when measured at any other site, except in the rural zones where the assessment point is at the notional boundary.

Where noise limits are specified as LAeq(5 min), every five minute period shall comply with the stated limit. There shall be no adjustment for special audible character or duration in accordance with NZS 6802:2008 Acoustics Environmental Noise.

Note: Temporary activities are also subject to the Temporary Activities rules table of the general district -wide rules.

NOISE-R7B

Activity Status where activity conditions are not met: Restricted Discretionary

Matters of discretion are:

1. Public health;
2. Amenity values, and
3. Vibrancy and community wellbeing.

---

## Point 222.128

**Section:** TEMP - Temporary Activities

**Sub-section:** TEMP - Temporary Activities - Rules Table

**Provision:**

TEMP-R2: Temporary noise events

**TEMP-R2A**

**TEMP-R2B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary



**Where:****Matters of discretion are:**

1. The number of temporary noise events that may occur on any one site in a calendar year must not exceed five except that:
    - a. In the Stadium Zone, there is no restriction on the number of sporting events (subject to Rule STADZ-R2). Up to ten non-sporting temporary noise events shall be permitted per calendar year within the Stadium Zone, and
    - b. Up to 18 temporary noise events shall be permitted per calendar year per site in the Marine Parade Recreation Control area, the Open Space Zone – coastal environment, and in Anderson Park provided that the maximum duration of temporary noise events within each area shall be 15 consecutive days.
  2. Occupation of the site for the erection and removal of all structures and land uses associated with the temporary noise event must not exceed ten days additional to the duration of the temporary event.
  3. The duration of the temporary noise event (including onsite accommodation) must not exceed a period of:
    - a. 24 hours for concerts, musicals, theatrical festivals/entertainment;
    - b. Five days for a sporting event (this limit does not apply in the Stadium Zone), and
    - c. Three days for all other temporary noise events.
  4. All associated buildings and structures must comply with the yards, height and height in relation to boundary standards in the applicable zone.
  5. The noise limits in NOISE-R7 – Noise generated from temporary noise events apply.
  6. Where an activity requires access from a state highway, the activity must comply with the Traffic Access Sight Lines in the Code of Practice for Land Development and Subdivision Infrastructure and all parking must be provided on site.
1. City vibrancy;
  2. Quality living environments;
  3. Safe and efficient integrated transport network, and
  4. Resilience and infrastructure.

**Sentiment:** Amend

**Submission:**

Clarify how clause R2A(1) of this rule relates to the rules and standards in the STADZ Zone (in particular rule STADZ-R4 and standards STADZ-R6) and amend to provide an integrated rule framework. Clarify the number of noise events for the Stadium. Six or ten and ensure provisions are consistent. Amend the number of events to be consistent (i.e. if the intention of the rules is that they apply to the same type of activities, and is not to provide for six entertainment activities and 10 non-sporting temporary events). Use consistent terminology (sporting events / entertainment events /temporary noise events) and provide associated definitions where this clarify how to apply the rules.

Condition 1(b) as the way it is currently worded is extremely permissive and would potentially allow for events running up to 270 days per year in the Marine Parade Recreation Contril Area, the Open Space Zone - coastal environment and Anderson Park.

**Relief sought**

Amend rule to clarify relationship to Rule STADZ -R4 and Standard STADZ-S6. Amend rule to clarify number of temporary noise events for the stadium zone. Amend condition 1(b) as sought (or words to that effect). Amend matter of discretion R2B(2) as sought.

**TEMP-R2A**

**Activity Status:** Permitted

Where:

1. The number of temporary noise events that may occur on any one site in a calendar year must not exceed five except that:
  - a. In the Stadium Zone, there is no restriction on the number of sporting events (subject to Rule STADZ-R2). Up to ~~ten~~ **six** non-sporting temporary noise events shall be permitted per calendar year within the Stadium Zone, and
  - b. Up to 18 temporary noise events shall be permitted per calendar year per site in the Marine Parade Recreation Control area, the Open Space Zone – coastal environment, and in Anderson Park provided that the maximum duration of **individual** temporary noise events within each area shall be ~~45~~ **no more than:**
    - i. 24 hours for concerts/entertainment**
    - ii. 5 consecutive days for a sporting event; or**
    - iii. 3 days for all other temporary activities under this rule.**

**TEMP-R2B**

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Matters of discretion are:**

1. City vibrancy;
2. Quality living environments **amenity for adjacent residents**;
3. Safe and efficient integrated transport network, and
4. Resilience and [infrastructure](#).

---

**Point 222.129**

**Section:** NU - Network utilities

**Sub-section:** NU - Network Utilities - Rules Table

**Provision:**

NU-R6: Construction of new network utilities (that are not regulated by an NES) not already provided for in NU-R4 (within the Airport Zone) and NU-R5 (within National Grid Yard) in all zones and precincts, except the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones

**NU-R6A**

**NU-R6B**

**Activity Status:** Permitted

**Activity Status where activity conditions 1 or 2 are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are restricted to:**

1. The activity complies with relevant standards (NU-S1 - NU-S7 and NU-S9 - NU-S11);
2. All electrical power, telecommunications, and information cabling are installed underground, except where located within an industrial zone, or on lots greater than 2 ha in the rural zones, and
3. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative effects of all infringements considered together;
3. Whether alternative locations, routes or other options are physically or technically practicable, and
4. The matters set out in policies NU-P1, NU-P2, and NU-P3.

**Notification:** Any application under this rule is precluded from being publicly notified.

**Activity Status where activity condition 3 is not met:** Non-complying

**Sentiment:** Amend

**Submission:**

Open Space Zones have been referenced incorrectly.

**Relief sought**

Amend as sought.

... ~~Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones~~ Open Space and Recreation Zones, and Stadium Zone

**Point 222.130**

**Section:** NU - Network utilities

**Sub-section:** NU - Network Utilities - Rules Table

**Provision:**

NU-R7: Construction of new underground network utilities in the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones

**NU-R7A**

**NU-R7B**

**Activity Status:** Permitted

**Activity Status where activity condition 1 is not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The activity complies with relevant standards (NU-S1 - NU-S11), and
2. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

1. The relevant matters of discretion for the standard infringed;
2. Where more than one standard will be infringed, the cumulative effects of all infringements considered together;
3. Whether alternative locations, routes or other options are physically or technically

- practicable, and
4. The matters set out in policies NU-P1, NU-P2 and NU-P3.

**Notification:** Any application under this rule is precluded from being publicly notified.

**Activity Status where activity condition 2 is not met:** Non-complying

**Sentiment:** Amend

**Submission:**

Open Space Zones have been referenced incorrectly

**Relief sought**

Amend as sought.

... ~~Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones~~ Open Space and Recreation Zones, and Stadium Zone

---

**Point 222.131**

**Section:** NU - Network utilities

**Sub-section:** NU - Network Utilities - Rules Table

**Provision:**

NU-R12: New above ground network utilities within the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones (that are not regulated by an NES)

**NU-R12A**

**NU-R12B**

**Activity Status:** Controlled

**Activity Status where activity conditions 1 or 2 are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The activity complies with relevant standards (NU-S1 - NU-S11), and
2. The activity complies with standard NU-S12 (Radio Frequency Fields) and standard NU-S13 (Electric and Magnetic Fields).

1. The effects on the amenity of the area and its surrounds;
2. The effects on any cultural, historical, amenity, recreational, and/or ecological values the area may possess, and
3. The effects on any outstanding natural feature or significant landscape identified in the District Plan.

**Matters for control will be limited to:**

1. The location, design, finishing, bulk, and form of any above ground buildings and structures, and
2. The prominence of the location, taking into account significant public views and any significant landscapes.

**Notification:** Any application under this rule is

**Sentiment:** Amend

**Submission:**

Open Space Zones have been referenced incorrectly

**Relief sought**

Amend as sought.

... ~~Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones~~ Open Space and Recreation Zones, and Stadium Zone

**Point 222.132**

**Section:** NU - Network utilities

**Sub-section:** NU - Network Utilities - Standards Table

**Provision:**

NU-S3: Height for above ground structures (other than buildings)

**All zones and associated precincts**

1. Any part of an above ground structure (other than buildings), including aerials, must not exceed the Airport Height Control Designation in Appendix 1, provided that:

***Purpose:** to avoid, remedy, or mitigate effects of over-height structures on amenity, particularly in terms of visual effects and effects on air traffic safety.*

- a. where there is conflict between any of the height control lines or limits, the lowest height must prevail.

**Note:** A registered surveyor's certificate verifying that the building plans meet the Airport Height Control Designation in Appendix 1 will be required at the time of applying for building consent or requesting a certificate of compliance.

**Matters of discretion are:**

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2

**Estuary, Foreshore Reserve, Reserve and River Conservation Zones and associated Precincts**

2. Any part of an above ground structure (other than buildings), including aerials, must not exceed a height of:

- a. 10 m.

**Matters of discretion are:**

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2

**Residential, Rural**

3. Any part of an above ground structure (other

**Matters of discretion are:**

**Lifestyle, Settlement, Jervoistown, Rural Conservation, Lifestyle Character, Boat Harbour, Marine Parade Recreation, Sports Park Zones and associated Precincts**

than buildings), including aerials, must not exceed a height of:

- a. 15 m.

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2.

**Airport Zone**

4. Any part of an above ground structure (other than buildings), including aerials, must not exceed a height of:

- a. 17 m.

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2.

**Commercial, Mixed Use, and Rural Zones (including Rural Lifestyle Zone) and associated Precincts**

5. Any part of an above ground structure (other than buildings), including aerials, must not exceed a height of:

1. 20 m.

**Matters of discretion are:**

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2.

**Industrial Zones and associated Precincts**

6. Any part of an above ground structure (other than buildings), including aerials, must not exceed a height of:

- a. 25 m.

**Matters of discretion are:**

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;

4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2.

**Tertiary Education Zone and associated Precincts**

7. Any part of an above ground structure (other than buildings), including aerials:
  - a. must not exceed a height of 20 m, and
  - b. shall be contained within a building envelope constructed by drawing planes along all parts of all zone boundaries. The planes shall commence 2.5 m above ground level at the zone boundary and shall be inclined into the zone at an angle of 45 degrees.

**Matters of discretion are:**

1. Functional and operational requirements of the network utility;
2. Effects on character and amenity of adjoining sites and surrounding environment;
3. The prominence of the location, taking into account significant public views;
4. Effects on public health and safety, including air traffic safety, and
5. Impacts on the functional requirements and safe operation of other network utilities.

Refer to assessment criteria NU-AC2.

**Sentiment:** Amend

**Submission:**

Open Space Zones have been referenced incorrectly

**Relief sought**

Amend as sought.

~~Estuary, Foreshore Reserve, Reserve and River Conservation Zones~~ Open Space and Recreation Zones, and Stadium Zone and associated Precincts.

**Point 222.133**

**Section:** LIGHT - Light

**Sub-section:** LIGHT - Light - Rules Table

**Provision:**

LIGHT-R1: Outdoor lighting

**LIGHT-R1A**

**LIGHT-R1B**

**Activity Status:** Permitted

**Activity Status where conditions are not met:**  
Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The activity complies with Light Standards S1, S2, and Light Table 1,

- and
2. Any support structure associated with lighting must comply with conditions relating to yards, and height in relation to boundary in the relevant zone.

1. Effects on residential amenity, and
2. Design, location, and external appearance.

**Sentiment:** Support

**Submission:**

Support rules that provide for outdoor lighting

**Relief sought**

Retain

**Point 222.134**

**Section:** LIGHT - Light

**Sub-section:** LIGHT - Light - Standards Table

**Provision:**

**LIGHT-S1: Light spill and lighting design**

All Residential Zones and all Open Space, Sports Parks, and Conservation Zones (except for McLean Park Sports Stadium)

1. Light spill conditions for all land uses other than for the purposes of illuminating a road:

- a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site), and
- b. outdoor lighting must be selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.

2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:

- a. the standards for light must be

**Matters of discretion are:**

1. Effects on residential amenity and road safety and the extent to which these can be mitigated;
2. Design, location, and external appearance of the artificial lighting, including the support structure(s), and
3. Whether the lighting is necessary for operational or functional purposes.

**Purpose:** *to protect residential amenity; to support well-being and safety of people.*



measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

All Commercial, Industrial, and Rural Zones and Precincts

**Purpose:** to protect residential amenity; to support wellbeing and safety of people.

1. Light spill conditions for all land uses other than for the purposes of illuminating a road:
  - a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 m above ground level) at any point beyond the zone boundary;
  - b. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space in a building within a residential zone), and
  - c. the outdoor lighting must be so selected, located, aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.
2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the weather conditions on illuminance:
  - a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

**Matters of discretion are:**

1. Effects on residential amenity, and
2. Design, location, and external appearance.

Stadium Zone

**Purpose:** to protect residential amenity while supporting the overall wellbeing and

1. Light spill conditions for all activities, other than for the purposes of illuminating a road shall not exceed:
  - a. between the hours of 10.00 p.m and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux,

**Matters of discretion are restricted to:**

1. Effects on residential amenity, and
2. Design, location, and external appearance.

*safety of people during temporary events at the McLean Park Sports Stadium.*

- measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site);
- b. the above hours may be exceeded for a maximum of three days in any calendar year, provided that between the hours of 11.00 p.m. and 7.00 a.m the following day any outdoor lighting does not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site), and
  - c. the outdoor lighting must be so selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.
2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:
- a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

**Sentiment:** Support

**Submission:**

Support rules that provide for Outdoor lighting

**Relief sought**

Retain

---

**Point 222.135**

**Section:** SIGN - Signs

**Sub-section:** SIGN - Signs - Rules Table

**Provision:**

SIGN-R10: Signs within sportsgrounds at McLean Park, Blue Water Stadium, Park Island, and within the **Stadium Zone**

**SIGN-R10A**

**SIGN-R10B**

**Activity Status:** Permitted

**Activity Status where conditions and**

**Where:**

1. The activity complies with all of the standards;
2. All commercial signs must face into the park or sportsground, and
3. The sign is not obtrusively visible from any location outside of the grounds or from the road.

**Matters of discretion are:**

1. Any effects (including cumulative) of signs on amenity values of the area;
2. The effects of heritage values;
3. The design and appearance of the sign;
4. The dimensions of the sign;
5. The location of the sign;
6. The location of any proposed signs;
7. Any hazard, safety risk, or obstruction to vehicular traffic or pedestrians;
8. The visibility of the sign outside of the park or sports ground;
9. The location and placement of the sign and alternatives for location and placement, and
10. The effects on the use of the playing field.

**SIGN-R11 Temporary signs on Stadium Zone boundary associated with temporary activities**

**SIGN-R11A**

**SIGN-R11B**

**Activity Status:** Permitted

**Activity Status when compliance not achieved:**

**Where the following activity conditions are met:**

1. A temporary sign or signs must not exceed 2.5m<sup>2</sup> per sign.
2. Signs may be placed on the site where the event is to be held for a period of not more than six weeks prior to the event and must be removed at the conclusion of the event.
3. No sign is to be erected or placed in a way as to cause an obstruction, or a public safety or traffic hazard.

**Matters of discretion are restricted to:**

1. Any effects (including cumulative) of signs on amenity values of the area;
2. The effects of heritage values;
3. The design and appearance of the sign;
4. The dimensions of the sign;
5. The location of the sign;
6. The location of any proposed signs;
7. Any hazard, safety risk, or obstruction to vehicular traffic or pedestrians;
8. The visibility of the sign outside of the park or sports ground;
9. The location and placement of the sign and alternatives for location and placement, and
10. The effects on the use of the playing field.

**Sentiment:** Support

**Submission:**

Support rules that provide for Signs within the Stadium Zone

**Relief sought**

Retain

---

**Point 222.136**

**Section:** SIGN - Signs

**Sub-section:** SIGN - Signs - Rules Table

**Provision:**

SIGN-R10: Signs within sportsgrounds at McLean Park, Blue Water Stadium, Park Island, and within the **Stadium Zone**

**SIGN-R11 Temporary signs on Stadium Zone boundary associated with temporary activities**

**Sentiment:** Support

**Submission:**

Support rules that provide for Signs within the Stadium Zone

**Relief sought**

Retain

---

**Point 222.137**

**Section:** SIGN - Signs

**Sub-section:** SIGN - Signs - Rules Table

**Sentiment:** Amend

**Submission:**

No rules provided for signs on parks and reserves (other than for flashing signs in the Sport and Active Recreation Zone) Sign are necessary for identification of parks and to convey information about what type of activities are acceptable / where facilities are etc.

**Relief sought**

Insert new provisions s sought (or words to that effect) and provide/link to associated standards.

SIGN-RxB

Activity Status where compliance not achieved:

RDIS

Matters over which discretion is limited:

1. The effects of non-compliance with any relevant Signs Standards and any relevant matters of discretion in the infringed effects standards.
2. The proposed duration of the display period.
3. Potential positive or adverse effects on the amenity values and character of the surrounding area.
4. Whether the sign would be in keeping with the built and natural features in the area and is visually appropriate in the area.
5. Whether the design and nature of the sign or support structure affects the potential impact of the sign.

b. Potential positive or adverse effects on road user and footpath user safety, including motorists, cyclists and pedestrians.

7. Whether the sign would combine with existing signage on the site or in the surrounding area, to create visual clutter.

---

## Point 222.138

**Section:** SIGN - Signs

**Sub-section:** SIGN - Signs - Rules Table

**Sentiment:** Amend

**Submission:**

No provision for official signs in parks that are often required to convey legislative requirements such as health and safety legislation and public safety measures etc.

**Relief sought**

Insert new provisions as sought (or words to that effect) and provide/link to associated standards.

SIGN-Rx Official signs in Open Space and Recreation Zones

Activity status where compliance not achieved: CONTROLLED

Activity status: PERMITTED

-

Where:

Matters over which control is reserved:

1. the sign is required to meet legislative requirements, such as health and safety legislation; or
2. the sign provides information or instruction relating to public safety, such as equipment use, property entrances or for security purposes, and is no larger than reasonably necessary to convey the information

-

1. The location of the sign.

2. The size and height of the sign.

---

## Point 222.139

**Section:** SIGN - Signs

**Sub-section:** SIGN - Signs - Standards Table

**Provision:**

**SIGN-S3: Sign area**

**All residential zones and precincts; the Jervoistown Specific**

- Matters of discretion are:**
1. The maximum area of a sign or combination of signs, per site must not exceed 0.3 m<sup>2</sup>
  2. There are no size limits or limits on the

**Control Area and Jervoistown Development Areas 1 and 2; Rural Specific Control Area; (Rural) Settlement Zone; Te Whanganui-a-Orotū Ahuriri Estuary [Stormwater and Ecology] Zone; Māori Special Purpose Zone; Boat Harbour Precinct / Boat Harbour Zone**

number of election signs any candidate may construct, erect or place on land.

1. Purpose of the sign;
2. Any effects (including cumulative) of signs on the amenity values or character of the neighbouring properties or area.
3. The effects on heritage values;
4. The dominance, design and appearance of the sign;
5. The dimensions of the sign;
6. The location and placement of the sign;
7. Any hazard, safety risk or obstruction to vehicular traffic or pedestrians, and
8. The effect on people's health, safety and wellbeing.

**Purpose:** *signs meet the communication, education and health and safety needs of the community and do not detract from the visual amenities or character of the environment where they are located.*

**All commercial zones and precincts (except the Napier City Heritage Precinct)**

1. The maximum area of a sign or combination of signs, per site must not exceed 5 m<sup>2</sup>.
2. There are no size limits or limits on the number of election signs any candidate may construct, erect or place on land.

**Matters of discretion are:**

1. Purpose of the sign;
2. Any effects (including cumulative) of signs on the amenity values or character of the area;
3. The effects on heritage values;
4. The design and appearance of the sign;
5. The dimensions of the sign;
6. The location and placement of the sign;
7. Any hazard, safety risk or obstruction to vehicular traffic or pedestrians, and
8. The effect on people's health, safety and wellbeing.

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the heritage values, visual amenities or character of the environment where they are located*

**All industrial zones and precincts; Sports and Active Recreation Zone, and Stadium Zone**

1. There is no maximum area of a sign or combination of signs per site

**(excludes the Marine Industrial Specific Control Area and Wastewater Treatment Specific Control Area)**

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the visual amenities or character of the environment where they are located.*

**All rural zones and precincts and the Mission Special Character Zone; the Marine Industrial Specific Control Area; and the Wastewater Treatment Specific Control Area**

**(excludes the Jervoistown Specific Control Area; the (Rural) Settlement Zone; and Rural Specific Control Area)**

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the visual amenities or character of the environment where they are located.*

**Settlement Zone**

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the visual amenities or character of the environment where they are located.*

**Marine Parade Foreshore**

**Open Space (Sports**

1. The maximum area of a sign or combination of signs, per site must not exceed 2.5 m<sup>2</sup>.
2. There are no size limits or limits on the number of election signs any candidate may construct, erect or place on land.

**Matters of discretion are:**

1. Purpose of the sign;
2. Any effects (including cumulative) of signs on the amenity values or character of the area;
3. The effects on heritage values;
4. The design and appearance of the sign;
5. The dimensions of the sign;
6. The location and placement of the sign;
7. Any hazard, safety risk or obstruction to vehicular traffic or pedestrians, and
8. The effect on people's health, safety and wellbeing.

1. The maximum area of a sign or combination of signs, per site must not exceed 4.5 m<sup>2</sup>.
2. There are no size limits or limits on the number of election signs any candidate may construct, erect or place on land.

**Matters of discretion are:**

1. Purpose of the sign;
2. Any effects (including cumulative) of signs on the amenity values or character of the area;
3. The effects on heritage values;
4. The design and appearance of the sign;
5. The dimensions of the sign;
6. The location and placement of the sign;
7. Any hazard, safety risk or obstruction to vehicular traffic or pedestrians, and
8. The effect on people's health, safety and wellbeing.

1. The maximum area of a sign or combination of signs, per site, must not exceed 4.5 m<sup>2</sup>.

Refer to Open Space Zone and Coastal Environment chapters

1. The maximum area of a sign or combination

Refer to Open Space Zone chapter

**and Active Recreation Zone)**

- of signs per site, must not exceed 6 m<sup>2</sup>.
- 2. This standard does not apply to signs that are orientated internally and not visible from off the site.

nbsp;

**Open Space**

- 1. The maximum area of a sign or combination of signs, per site, must not exceed 0.3 m<sup>2</sup>. Refer to Open Space Zone chapter

**All Mixed Use Zones**

- 1. The maximum area of a sign or combination of signs, per site, must not exceed 4.5 m<sup>2</sup>.
- 2. There are no size limits or limits on the number of election signs any candidate may construct, erect or place on land.

**Matters of discretion are:**

- 1. Purpose of the sign;
- 2. Any effects (including cumulative) of signs on the amenity values or character of the area;
- 3. The effects on heritage value;
- 4. The design and appearance of the sign;
- 5. The dimensions of the sign;
- 6. The location and placement of the sign;
- 7. Any hazard, safety risk or obstruction to vehicular traffic, or pedestrians, and
- 8. The effect on people's health, safety and wellbeing.

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the visual amenities or character of the environment where they are located*

**Sentiment:** Amend

**Submission:**

Amend to include sign area for all Open Space Zones.  
A maximum site area of 6m<sup>2</sup> is consistent with current provisions in the Operative District Plan

**Relief sought**

Amend as sought or words to that effect.

**SIGN S3: Sign Area**

**Open Space (Sports and Active Recreation Zones)**

nbsp;

- 1. The maximum area of a [sign](#) or combination of signs per [site](#), must not exceed 6 m<sup>2</sup>.
- 2. This standard does not apply to signs that are orientated internally and not visible from off the [site](#).

Refer to [Open Space Zone](#) chapter

**Point 222.140**

**Section:** SIGN - Signs

**Sub-section:** SIGN - Signs - Standards Table

**Provision:**

**SIGN-S3: Sign area**

**All residential zones and precincts; the Jervoistown Specific**

- 1. The maximum area of a sign or combination of signs, per site must not exceed 0.3 m<sup>2</sup>
- 2. There are no size limits or limits on the

**Matters of discretion are:**



**Control Area and Jervoistown Development Areas 1 and 2; Rural Specific Control Area; (Rural) Settlement Zone; Te Whanganui-a-Orotū Ahuriri Estuary [Stormwater and Ecology] Zone; Māori Special Purpose Zone; Boat Harbour Precinct / Boat Harbour Zone**

number of election signs any candidate may construct, erect or place on land.

1. Purpose of the sign;
2. Any effects (including cumulative) of signs on the amenity values or character of the neighbouring properties or area.
3. The effects on heritage values;
4. The dominance, design and appearance of the sign;
5. The dimensions of the sign;
6. The location and placement of the sign;
7. Any hazard, safety risk or obstruction to vehicular traffic or pedestrians, and
8. The effect on people's health, safety and wellbeing.

**Purpose:** *signs meet the communication, education and health and safety needs of the community and do not detract from the visual amenities or character of the environment where they are located.*

**All commercial zones and precincts (except the Napier City Heritage Precinct)**

1. The maximum area of a sign or combination of signs, per site must not exceed 5 m<sup>2</sup>.
2. There are no size limits or limits on the number of election signs any candidate may construct, erect or place on land.

**Matters of discretion are:**

1. Purpose of the sign;
2. Any effects (including cumulative) of signs on the amenity values or character of the area;
3. The effects on heritage values;
4. The design and appearance of the sign;
5. The dimensions of the sign;
6. The location and placement of the sign;
7. Any hazard, safety risk or obstruction to vehicular traffic or pedestrians, and
8. The effect on people's health, safety and wellbeing.

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the heritage values, visual amenities or character of the environment where they are located*

**All industrial zones and precincts; Sports and Active Recreation Zone, and Stadium Zone**

1. There is no maximum area of a sign or combination of signs per site

**(excludes the Marine Industrial Specific Control Area and Wastewater Treatment Specific Control Area)**

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the visual amenities or character of the environment where they are located.*

**All rural zones and precincts and the Mission Special Character Zone; the Marine Industrial Specific Control Area; and the Wastewater Treatment Specific Control Area**

**(excludes the Jervoisstown Specific Control Area; the (Rural) Settlement Zone; and Rural Specific Control Area)**

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the visual amenities or character of the environment where they are located.*

**Settlement Zone**

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the visual amenities or character of the environment where they are located.*

**Marine Parade Foreshore**

**Open Space (Sports**

1. The maximum area of a sign or combination of signs, per site must not exceed 2.5 m<sup>2</sup>.
2. There are no size limits or limits on the number of election signs any candidate may construct, erect or place on land.

**Matters of discretion are:**

1. Purpose of the sign;
2. Any effects (including cumulative) of signs on the amenity values or character of the area;
3. The effects on heritage values;
4. The design and appearance of the sign;
5. The dimensions of the sign;
6. The location and placement of the sign;
7. Any hazard, safety risk or obstruction to vehicular traffic or pedestrians, and
8. The effect on people's health, safety and wellbeing.

1. The maximum area of a sign or combination of signs, per site must not exceed 4.5 m<sup>2</sup>.
2. There are no size limits or limits on the number of election signs any candidate may construct, erect or place on land.

**Matters of discretion are:**

1. Purpose of the sign;
2. Any effects (including cumulative) of signs on the amenity values or character of the area;
3. The effects on heritage values;
4. The design and appearance of the sign;
5. The dimensions of the sign;
6. The location and placement of the sign;
7. Any hazard, safety risk or obstruction to vehicular traffic or pedestrians, and
8. The effect on people's health, safety and wellbeing.

1. The maximum area of a sign or combination of signs, per site, must not exceed 4.5 m<sup>2</sup>.

Refer to Open Space Zone and Coastal Environment chapters

1. The maximum area of a sign or combination

Refer to Open Space Zone chapter

**and Active Recreation Zone)**

- of signs per site, must not exceed 6 m<sup>2</sup>.
- 2. This standard does not apply to signs that are orientated internally and not visible from off the site.

nbsp;

**Open Space**

- 1. The maximum area of a sign or combination of signs, per site, must not exceed 0.3 m<sup>2</sup>. Refer to Open Space Zone chapter

**All Mixed Use Zones**

- 1. The maximum area of a sign or combination of signs, per site, must not exceed 4.5 m<sup>2</sup>.
- 2. There are no size limits or limits on the number of election signs any candidate may construct, erect or place on land.

**Matters of discretion are:**

- 1. Purpose of the sign;
- 2. Any effects (including cumulative) of signs on the amenity values or character of the area;
- 3. The effects on heritage value;
- 4. The design and appearance of the sign;
- 5. The dimensions of the sign;
- 6. The location and placement of the sign;
- 7. Any hazard, safety risk or obstruction to vehicular traffic, or pedestrians, and
- 8. The effect on people's health, safety and wellbeing.

**Purpose:** *signs meet the communication, education and health and safety needs of the community, and do not detract from the visual amenities or character of the environment where they are located*

**Sentiment:** Oppose

**Submission:**

0.3m<sup>2</sup> is too small for open space zones which often cover large area and have multiple entrances/ exits. Amendment to standard above will provide for signage in a manner consistent with Operative Plan. There is no case for reducing the area of signage from the Operative District Plan Limits.

**Relief sought**

Delete.

**Point 222.141**

**Section:** Definitions

**Sub-section:** Definitions

**Sentiment:** Amend

**Submission:**

Insert new definition to support proposed amendments requesting a new Rule in STADZ Zone.

**Relief sought**

EVENT (Stadium Zone): Means an activity, either indoor or outdoor, that takes place on McLean Park and involves large groups of people either as participants or spectators and includes trade fairs, , open days, displays, wedding celebrations, social functions conferences and the like.

**Point 222.142**

**Section:** NOSZ - Natural Open Space Zone

**Sub-section:** NOSZ - Natural Open Space Zone - Rules Table

**Provision:**

NOSZ-R8: Commercial activities

**NOSZ-R8A**

**NOSZ-R8B**

**Activity Status:** Discretionary

**Activity Status where activity conditions are not met:** Prohibited

**Where:**

1. The activity is for the use of recreational clubrooms, or
2. The activity is for the sale of food and drink (including licensed premises).

**Sentiment:** Oppose

**Submission:**

Commercial activities associated with associated with clubrooms are not appropriate, as clubrooms themselves have been excluded from Rule NOSZ R2 above.

Commercial activities are generally not desirable in the NOSZ Zone and it is not necessary to have a separate rule for these activities.

The default Rule NOSZ-R11 is appropriate to cover instances where a Commercial activity might want to be considered. Prohibited activity status is unnecessarily restrictive.

**Relief sought**

Delete NOSZ-R8

---

**Point 222.143**

**Section:** OSZ - Open Space Zone

**Sub-section:** OSZ - Open Space Zone - Standards Table

**Provision:**

OSZ-S2: Height in relation to boundary

**Purpose:** *to maintain an open space character that complements the character of the neighbourhood while facilitating appropriate*

1. Buildings must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground.



**Activity Status where standards are not met:** Restricted Discretionary

**Matters of discretion are:**

activities; to maintain a reasonable level of sunlight access and minimise effects on the quality of the neighbours' living environment.



1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness and connectivity of streets and public open spaces, and
4. Quality living environments.

### Figure 1 - Height in relation to boundary

2. Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of the standard.

**Sentiment:** Amend

**Submission:**

Minor amendment to purpose and matter of discretion matter (d) referencing environment. Clarify wording and intention of standard with respect to residential amenity.

**Relief sought**

Amend as sought.

**Activity Status where standards are not met:**  
Restricted Discretionary

**Matters of discretion are:**

1. Buildings must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground.

### Figure 1 - Height in relation to boundary

2. Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of the standard.

1. Purpose of the standard;
2. Neighbourhood and open space character;
3. Safety, attractiveness and connectivity of streets and public open spaces, and
4. Quality living amenity environments for adjacent residents.

**Purpose:** to maintain an open space character that complements the character of the neighbourhood while facilitating appropriate activities; to maintain a reasonable level of sunlight access and minimise effects on the quality of

~~the adjacent residential amenity neighbours' living environment.~~