

5.16 RESERVE (PASSIVE) ZONE

5.16.1 ZONE PURPOSE

- (1) The Reserve (Passive) Zone includes neighbourhood and local recreation reserves, esplanade, historic, amenity, and local purpose reserves (war memorials, toilets), picnic/rest areas, water and soil conservation, coastal protection, tree and vegetation protection and archaeological/cultural reserves.
- (2) The zone provides for passive types of recreation, such as walking, kite flying, picnic facilities and playgrounds. In general, buildings are limited (apart from those immediately related to the activity).
- (3) Some reserves within the zone will have very limited recreation use, as their purpose is to protect vegetation, landforms, historic/archaeological sites and buildings or have a specific function which excludes recreation use (eg drainage, plantation, segregation).
- (4) The Reserve (Passive) Zone has also been used to indicate those situations where esplanade reserves are already in existence. Where Council will be seeking to obtain esplanade reserves a notation of Proposed Esplanade has been used (refer to Section 7.3 - RIPARIAN AREAS AND ESPLANADES).
- (5) The range of activities and the performance standards in this zone are "narrow", which reflects the purposes of the zone.

5.16.2 OBJECTIVES AND POLICIES

(Refer to Reserve Zones 5.14.3 for general objectives and policies).

(1) OBJECTIVE 1

To provide for passive recreation and reserve activities that enhance the function of the reserve itself and contribute to its amenity.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Identify, protect and conserve trees, bush, landscape, scientific, botanical, historic or scenic features and fauna of value.
- (ii) Protect the topography and landforms within the reserve from inappropriate modification.

(2) OBJECTIVE 2

To limit physical structures to those which either add to the public's enjoyment of the reserve or enhance the environment of the reserve, without significantly detracting from the amenities of the reserve and the surrounding area.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i) Control the design, appearance, number and location of buildings and structures on the reserves.
- (ii) Ensure that buildings and structures do not dominate or detract from the open space and/or environmental qualities of the reserve and surrounding area.

(b) Reasons for Objectives 1 and 2

- (i) Refer to reasons in Reserve Zone (Section 5.14.3) for Objectives 1 and 2.
- (ii) Due to the "passive" nature of activities permitted in the zone, careful assessment of the effects of activities, buildings and structures needs to be given.

5.16.3 ENVIRONMENTAL RESULTS

- (1) To provide for the passive recreation and reserve needs of the community in a way that sustains the reserve and its environmental qualities for use by future generations.

5.16.4 ACTIVITY STATUS

Activities and their *accessory uses*, and *buildings* (unless otherwise stated) are *Permitted*, *Controlled*, *Restricted Discretionary*, *Discretionary*, *Non Complying* or *Prohibited* according to the Activity Status Table below:

5.16.4.1 PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity* unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.16.5;
- Activity Specific Standards specified in Rule 5.16.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	<i>PASSIVE RECREATION (EXCLUDING BUILDINGS)</i>
P2	<i>RIVER CONTROL WORKS</i>
P3	<i>PROSPECTING</i>
P4	<i>EXPLORATION INVOLVING NOT MORE THAN 20M³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR</i>
P5	<i>TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)</i>
P6	<i>DEMOLITION AND REMOVAL OF BUILDINGS</i>

P7	PUBLIC SHELTERS (MAXIMUM AREA: 6M² PER SHELTER, MAXIMUM NUMBER PER RESERVE: 5)
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5.16.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity* unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.16.5;
- Activity Specific Standards specified in Rule 5.16.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

C1	RESERVE MAINTENANCE EQUIPMENT ROOMS/SHEDS
C2	PUBLIC SHELTERS AND TOILETS NOT PROVIDED FOR AS A <i>PERMITTED ACTIVITY</i>
C3	ANY <i>ACCESSORY BUILDING</i> ASSOCIATED WITH A <i>PERMITTED ACTIVITY</i>
<p>Matters over which the Council has reserved control for C1, C2 and C3 are:</p> <p>(1) Design and appearance of buildings</p> <p>(a) The extent to which the scale, design and appearance of the <i>building</i> is sensitive to the character and landscape of the reserve and the <i>amenities</i> of surrounding properties.</p> <p>(b) The degree to which the exterior finish (colour and cladding) is complementary to the colours found in the surrounding landscape.</p> <p>(c) Whether the <i>building</i> will integrate with existing <i>buildings</i> on the reserve in design and appearance, not necessarily to look the same, but to be complementary in terms of scale, shape, colour and exterior materials.</p> <p>(d) Where the reserve is within the coastal <i>environment</i>, whether the <i>building</i> will complement the coastal location, in terms of scale, shape, colour and exterior materials.</p> <p>(2) Site layout</p> <p>(a) To extent to which the <i>building</i> obscures or detracts from the features (particularly trees, landscape and views) that are of value within the reserve.</p> <p>(b) Whether the <i>building</i> is required to be located in close proximity to other activities and <i>buildings</i> on the reserve to make for ease of access between them.</p> <p>(c) Whether the <i>building</i> and any associated access, parking and <i>turning areas</i> needs to be located in a manner which requires minimal disturbance to vegetation, landscape or other recreational features/<i>structures</i> on the reserve.</p> <p>(d) Whether the ingress and egress of vehicles associated with the <i>building</i>,</p>	

	<p>and any associated carpark area(s) are suitably located to minimise the effect of traffic on the residential <i>amenities</i> of surrounding properties.</p> <p>(3) Landscape design</p> <p>(a) Whether any negative visual effects of the <i>building</i>, and any associated access, parking and <i>turning areas</i>, on the <i>amenities</i> of the reserve and surrounding properties or coastal location are reduced by <i>landscaping</i>.</p> <p>(b) Whether any <i>landscaping</i> complements and enhances the existing types, form and location of trees and vegetation.</p>
C4	EXPLORATION INVOLVING MORE THAN 20 M³ AND NO MORE THAN 50M³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR
	<p>Matters over which Council has reserved control for C4 are:</p> <p>(1) Location and Duration</p> <p>(a) The location of the <i>exploration</i> activities to avoid disruption to the enjoyment of the recreational <i>amenities</i> and ensure the stability of adjacent land/<i>buildings</i> and <i>network utility</i> infrastructure is protected.</p> <p>(b) The duration of the <i>exploration</i> activities to minimise disturbance on recreational <i>amenities</i> and adjacent residential <i>amenities</i>.</p> <p>(2) Management and rehabilitation</p> <p>(a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the <i>exploration</i> activity.</p> <p>(b) The extent to which existing <i>indigenous</i> or other vegetation which contributes to visual <i>amenity</i> and/or biodiversity values is retained, the reasons why clearance is proposed and the ability to rehabilitate the area to similar values.</p> <p>(c) Whether earthworks and/or tracks associated with the activity have been located or minimised to reduce any adverse ecological and visual impacts.</p>

5.16.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a *Restricted Discretionary Activity* subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *Restricted Discretionary Activity* listed below.

RD1	<p>ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.16.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.16.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</p> <p>Matters over which the Council has restricted its discretion are:</p>
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The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the *Zone Development Standards* in Rule 5.16.5 for which compliance is not met and the following relevant assessment criteria:

(1) Height and Daylighting

- (a)** The extent that topographical and *site* conditions (including easements) restrict the area or shape of the *site* that is suitable and available for building.
- (b)** The desirability of maintaining consistency in design and appearance with existing *buildings* on the *site*.
- (c)** The need to preserve existing trees, vegetation or important physical characteristics of the *site*.
- (d)** Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual *amenity*.
- (e)** Whether the property adjoining the *site* is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f)** Where the standard(s) is/are not met due to penetration by a dormer window, gable or similar roof feature, whether that will have a minor effect on the *amenities* of the neighbouring site.
- (g)** The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h)** The degree to which *amenity value* and privacy of adjoining properties is affected by matters such as shading and loss of daylight.
- (i)** The extent to which the *building* visually intrudes on any significant ridgeline or skyline or significant landscape, and what measures are proposed to reduce the visual effects of that intrusion.
- (j)** Whether the *building* will detract from any view or vista which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) Yards

- (a)** The extent that topographical and *site* conditions restrict the area or shape of the *site* that is available and suitable for building.
- (b)** The degree to which the functioning of the *site* and/or the activity can be improved by not meeting the standard.
- (c)** Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the *site*.
- (d)** The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e)** The extent to which the safe and efficient functioning of the street or *road* will be compromised.
- (f)** Whether the detrimental effects of building in the *yard* can be reduced or avoided.
- (g)** Whether the *yard* functions (including separation, *landscaping* and service provision) will be provided on the *site* by other means, or are they unnecessary.

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| (3) | Site coverage |
| (a) | The ability of the existing stormwater and/or sewerage systems or on-site disposal methods to cope with additional stormwater and/or disposal of effluent. |
| (b) | Whether there are known stormwater/sewage disposal problems in the area. |
| (c) | The degree to which negative effects, in terms of changing the character or visual <i>amenity</i> of the area, can be mitigated or removed through the use of such techniques as <i>landscaping</i> , building design, exterior finish, set back from boundaries or reduced <i>height</i> . |
| (d) | The extent to which open space within the <i>site</i> and/or in the near vicinity can reduce the impact of the <i>building(s)</i> in terms of character or visual <i>amenity</i> . |

5.16.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.16.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

D1	ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.16.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY.
D2	EXPLORATION NOT PROVIDED FOR AS A PERMITTED OR CONTROLLED ACTIVITY
D3	UNDERGROUND MINING

5.16.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a *Non Complying Activity*.

NC1	ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY
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5.16.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1	SURFACE MINING
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5.16.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant *Zone Development Standards* shall be met by all *Permitted* and *Controlled Activities* unless otherwise stated.
- (2) For *Controlled Activities*, where *Council* has reserved control over specified matters in Rule 5.16.4.2, and for *Restricted Discretionary Activities* in Rule 5.16.4.3, where *Council* has restricted its discretion to specific matters, more restrictive development standards than those specified in the table below, may be imposed as *conditions* of consent.
- (3) The following relevant *Zone Development Standards* shall be used as a guide in assessing any *Discretionary* and *Non Complying Activities*.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum <i>Height</i>	4.0 metres	6.0 metres	To ensure that the <i>height</i> of <i>buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <i>amenity</i> and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
<i>Daylight Control</i> (refer to definition for explanatory diagram)	No <i>building</i> or <i>structure</i> shall project above 2.0 metres in <i>height</i> at <i>sensitive zone</i> boundaries and not project above a 45° plane into the <i>site</i> up to the maximum <i>height</i> .	No Restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum <i>Yards</i>	<i>Front Yard</i> : 5.0 metres, except public toilets which may be sited up to the <i>road</i> boundary.	<i>Front Yard</i> : 5.0 metres, except public toilets which may be sited up to the <i>road</i> boundary	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i> and adjoining residential sites.
	<i>Other Yards</i> : 3.0 metres where adjoining another <i>zone</i> boundary, other than an Industrial or Town Centre Zone - Nil.	<i>Other Yards</i> : Nil	To provide an open streetscape that allows for planting and ensures the traffic function of the <i>road</i> is not compromised.
Maximum <i>Site Coverage</i>	Total <i>building</i> coverage on the individual reserve shall not exceed 1% or 250m ² <i>gross floor area</i> , whichever is the greater.	Total <i>building</i> coverage on the individual reserve shall not exceed 2% or 400m ² <i>gross floor area</i> , whichever is the greater.	To prevent large <i>buildings</i> detracting from the open space and <i>amenity</i> character of the reserve.

*These *Zone Development Standards* shall not apply to “*Temporary Uses and Buildings*” covered by clause (b) of the definition in Section 4 for “*Temporary Uses and Buildings*” and to “*Prospecting*” and “*Exploration*”.

5.16.6 ACTIVITY SPECIFIC STANDARDS

- (1) There are no Activity Specific Standards for this *zone*.

5.16.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant *development standards*, activity specific standards, environmental results and assessment criteria for *Permitted*, *Controlled* and *Restricted Discretionary Activities* in Rules 5.16.4 to 5.16.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.16.7.1 GENERAL ASSESSMENT CRITERIA

- (1) The provisions of an operative or proposed reserve management plan and the classification of the reserve under the Reserves Act 1977 or the Conservation Act 1987.
- (2) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the *road* concerned;
 - (b) the ability of the *site* to accommodate the activity requirements for on-site parking, loading and *manoeuvring areas*;
 - (c) the means by which any likely adverse traffic effect can be avoided, remedied or mitigated;
 - (d) the access, parking and loading standards for *Permitted Activities* that shall be used as a guideline in assessing applications for *Discretionary Activities*;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the *state highway* network.
- (3) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the District or locality.
- (4) Whether *buildings* are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance to neighbouring *holdings* by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (5) The degree to which the location of *buildings* is such as to retain clear visibility along *roads* and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (6) Whether any *signs* proposed detract from the *amenities* of the area.
- (7) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).

- (8) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust, which cannot effectively or practically be controlled by mitigation measures.
- (9) The extent to which exterior storage areas are located or suitably screened from neighbouring properties and any public *road* to avoid, remedy or mitigate any detriment to *amenity*.
- (10) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (11) Whether the activity and any *building* and *structures* are of a scale and intensity which are in keeping with the character, *amenity* and ambience values of the existing *environment*.
- (12) The extent to which the activity and any *building* and *structures* maintains or enhances the cultural or heritage values of the locality.

5.16.7.2 EXPLORATION

- (1) Whether public safety and security is adequately provided for.
- (2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided, including implementation programmes.

5.16.7.3 ACTIVITIES/DEVELOPMENT WITHIN WHIRITOA

- (1) Whether the activity and any *buildings* and *structures* are of a scale, intensity and character to protect coastal natural character, maintain the *amenities* of the existing built *environment*, and recognise the potential for coastal erosion.