

AREA SPECIFIC MATTERS

Natural Open Space Zone

Overview

The Waitomo district contains large areas of land administered by the Department of Conservation including the Whareorino and the Tawarau Conservation Areas, Mapara Wildlife Management Reserve, Mahoenui Scientific Reserve and part of Pureora Forest Park. While the majority of the district is located in the Waikato Conservancy, a small area is within the Tongariro-Whanganui-Taranaki Conservancy including the Mohakatino Conservation Area and Mokau River Scenic Reserve. These areas comprise the majority of the natural open space zone.

The natural open space zone also applies to some land classified as reserves under the Reserves Act 1977, the Conservation Act 1987 and to some private land that is the subject of covenants under the Queen Elizabeth II National Trust. Limited areas of private land which have high conservation values are also included in the zone.

These areas often have high natural, ecological, landscape, cultural and heritage values and play an important role in protecting and increasing the populations of threatened species. Inappropriate subdivision, development and land use activities can compromise the important natural qualities of this zone so specific consideration is given to the preservation of natural character and the relationship of mana whenua to these areas. Activities and development are restricted in scale and intensity and are only provided for where they relate to conservation, recreation and education activities and visitor management.

Where significant natural areas, the coastal environment line and landscapes have been identified, additional criteria apply to further protect land from inappropriate use in other chapters of this plan.

While activities in this zone are managed by the district plan, they are also administered by the Department of Conservation through the Conservation Act 1987 and more specifically, by the Waikato and Wanganui Conservation Management Strategies. Waitomo District Council recognises the Department of Conservation's role in these areas. Additionally, activities on reserves administered by Waitomo District Council under Reserves Act 1977 are managed under the Waitomo District Comprehensive Reserve Management Plan. As such the intention is not to unduly duplicate functions or approvals defined by other legislation unless there is potential for significant adverse effects to occur.

Part of the natural open space zone is also in the amenity precinct (PREC6) which is located along the State Highway 37 corridor between Hangatiki and Waitomo Caves Village, and between Hangatiki along State Highway 3 to the northern boundary of the district. This area was identified as part of an extensive landscape policy area in the previous district plan. This plan does not identify the same extensive area, instead prioritising the State Highway corridors (outside of the tourism zones) as important connecting routes which

have a rural character requiring maintenance and enhancement. As a multi-zoned precinct, the provisions are located separately in the amenity precinct (PREC6) chapter. There are no specific amenity precinct policies or rules which apply to this zone.

Objectives

Refer also to the relevant objectives in Part 2 District - Wide Matters

- NOSZ-01.** Ensure that the zone’s natural, ecological, landscape, cultural and heritage values are protected, and incompatible land use and development is avoided.
- NOSZ-02.** Encourage public access to areas of natural open space for the community to use and enjoy for leisure and cultural activities.
- NOSZ-03.** Permit a range of recreational, tourism and social uses and associated buildings and activities that are compatible with the zone’s value and character.
- NOSZ-04.** Land in this zone adjoining lakes and water bodies should facilitate public access where possible and appropriate.
- NOSZ-05.** Manage the use of natural open space to protect and enhance mana whenua values.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters

- NOSZ-P1.** Ensure activities and development are compatible with the role, function and natural open space character of the zone by having regard to whether:
 1. The activity or development will enhance natural open space values, ecological values and social connection; and
 2. The activity or development will limit or restrict public access to and use of natural open space; and
 3. The scale, design and layout of the activity or development and any associated built form is compatible with the character, values and amenity of the natural open space area the activity is proposing to locate in; and
 4. Any adverse effects on natural, ecological, landscape and historic heritage values can be appropriately avoided, remedied or mitigated; and
 5. The activity will not compromise cultural, spiritual and/or archaeological values and interests or associations of importance to mana whenua; and

6. Any conflict with and/or reverse sensitivity effects on adjacent sensitive activities can be appropriately avoided, remedied or mitigated; and
7. There is adequate existing or planned infrastructure to service the activity and/or development.

NOSZ-P2. Enable use and development that protects the natural open space character, values and amenity of the zone where the use and development:

1. Ensure a predominance of natural open space and indigenous vegetation; and
2. Ensure that buildings are suitably located and of an appropriate size; and
3. Integrate new structures with the existing environment, including carparks, walkways, cycleways and pedestrian and vehicle access points; and
4. Locate and design new buildings, structures and additions to minimise disturbance to existing landform, vegetation and vulnerable habitats; and
5. Use unformed and unsealed areas for parking, particularly for peak periods during summer months and employ smaller, conveniently located parking areas in preference to large expanses of parking; and
6. Require areas surrounding buildings, structures and parking areas to be landscaped to mitigate visual impacts.

NOSZ-P3. Only allow for potentially incompatible activities and development where they do not conflict with the zone’s natural, ecological, landscape, cultural and heritage values by ensuring that:

1. The scale, type and extent of commercial and tourism activities is restricted to those activities and development that have a functional need to locate in that environment or those activities which are ancillary to temporary events; and
2. The adverse effects of infrastructure provision are avoided, remedied or mitigated whilst recognising their positive effects and functional and operational needs; and
3. The activity does not restrict the public use and enjoyment of the zone.

NOSZ-P4. On reserves or parts of reserves that are identified in the Waitomo District Comprehensive Reserve Management Plan, the scale, type and extent of commercial activities (including mobile commercial activities) and tourism facilities are restricted to those activities which are ancillary to the

reserve's purpose, and/or those activities which are ancillary to temporary events.

- NOSZ-P5.** On land administered by the Department of Conservation, provide for activities permitted by the Waikato or Wanganui Conservation Management Strategies or any reserve management plan under the Reserves Act 1977.
- NOSZ-P6.** On private land, outdoor education activities, buildings associated with honey production and visitor accommodation may be enabled where any adverse effects on adjacent properties and on the safe and efficient operation of the adjacent roading network is minimised.
- NOSZ-P7.** On private land, enable papakāinga and residential units only where these provide for caretakers or employees undertaking conservation activities on the holding.
- NOSZ-P8.** Allow for existing, lawfully established pastoral grazing and forestry activities.
- NOSZ-P9.** Activities providing improved public access to esplanade areas and reserves are enabled.
- NOSZ-P10.** Passive recreation use and conservation uses on esplanade areas and reserves are enabled.
- NOSZ-P11.** Enable appropriate activities which support and re-establish the relationship of mana whenua and their culture and traditions to their ancestral lands, water, sites, wāhi tapu and other taonga.
- NOSZ-P12.** Appropriately recognise and protect those reserves or parts of reserves that are identified in the Waitomo District Comprehensive Reserve Management Plan as wāhi taonga or as having important associations with tribal history, events and narratives.
- NOSZ-P13.** Ensure the flightpath height restrictions shown on the planning maps are complied with to enable the safe operation of the Te Kūiti Aerodrome.

Rules

The rules that apply to the natural open space zone are contained in the tables listed below. To undertake any activity, it must comply with all the rules listed in:

- NOSZ - Table 1 - Activities Rules; and
- NOSZ - Table 2 - Performance Standards; and
- Any relevant provision in Part 2 District-Wide Matters; and

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

[Refer to Part 1 - How the Plan Works](#) for an explanation of how to use this plan, including activity status abbreviations.

NOSZ - Table 1 - Activities Rules

NOSZ-R1.	Construction, addition and alteration of buildings or structures for any permitted activity	
NOSZ-R2.	Park furniture and park facilities	
Activity status: PER	Activity status where compliance is not achieved: RDIS	
Where:	Matters over which discretion is restricted:	
<ol style="list-style-type: none"> 1. All of the performance standards in NOSZ - Table 2 are complied with. 	(a) The matters of discretion associated with any performance standard which cannot be complied with in NOSZ -Table 2.	
NOSZ-R3.	Permitted activities on private land	
Activity status: PER	Activity status where compliance is not achieved: DIS	
Where:		
<ol style="list-style-type: none"> 1. Recreational hunting; and 2. Any other non-commercial recreational activity; and 3. One building per holding of 150 m² gross floor area or less is permitted for the purpose of an outdoor education activity, or honey production, or visitor accommodation where the maximum occupancy of the visitor accommodation must not exceed six guests at any one time; <p>AND</p>		

<p>4. All of the performance standards in NOSZ - Table 2 are complied with.</p> <p><i>Note: Where the recreational activity is for commercial gain it becomes a commercial activity - see NOSZ-R7.</i></p> <p><i>Note: Activities may also be required to be in accordance with the terms of a Queen Elizabeth II Covenant, Nga Whenua Rahui Kawenata, Heritage Protection Order or a covenant under the Reserves Act 1977 or Conservation Act 1987.</i></p> <p><i>Note: Where vegetation clearance is proposed in a significant natural area the provisions in the ecosystems and indigenous biodiversity chapter apply.</i></p>	
<p>NOSZ-R4. Permitted Activities on public conservation land and reserves administered by Waitomo District Council</p>	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is a walkway or cycleway, boardwalk or viewing platform; or 2. The activity is upgrading of and/or additions to structures and buildings for visitor or conservation purposes; or 3. The activity is maintenance and stabilisation of historic assets by conservation treatments and/or land stabilising; or 4. The activity is upgrading or extending car parking areas; or 5. The activity is the installation of electric vehicle charging points; or 6. The activity is any structure required to introduce or maintain biosecurity measures; or 7. The activity is permitted by the Waitomo District Comprehensive Reserve Management Plan; or 8. The activity is permitted by the Waikato or Wanganui Conservation Management Strategy or 	<p>Activity status where compliance is not achieved: DIS</p>

<p>a reserve management plan under the Reserves Act 1977;</p> <p>AND</p> <p>9. All of the performance standards in NOSZ - Table 2 are complied with.</p>	
NOSZ-R5.	Demolition and / or removal of buildings and structures
<p>Activity status: PER</p> <p><i>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, see the historic heritage chapter.</i></p>	<p>Activity status where compliance is not achieved: N/A</p>
NOSZ-R6.	Residential units and papakāinga units associated with conservation activities
<p>Activity status: DIS</p> <p>Where:</p> <p>1. The residential units or papakāinga units provide residential accommodation for caretakers or employees undertaking conservation activities on the holding.</p>	<p>Activity status where compliance is not achieved: NC</p>
NOSZ-R7.	Commercial activities and tourism facilities
<p>Activity status: DIS</p> <p><i>Note: Where the commercial activity is ancillary to a temporary event, see the temporary activities chapter.</i></p> <p><i>Note: If the activity is on a reserve administered by Waitomo District Council, authorisation is also likely to be required under the Waitomo District Comprehensive Reserve Management Plan.</i></p> <p><i>Note: If the activity is on a reserve administered by the Department of Conservation a concession may be required.</i></p>	<p>Activity status where compliance is not achieved: N/A</p>
NOSZ-R8.	Activities not otherwise listed in NOSZ -Table 1
<p>Activity status: NC</p>	<p>Activity status where compliance is not achieved: N/A</p>

NOSZ-R9.	Non-compliance with the Te Kūiti Aerodrome Flightpath height restrictions shown on the Planning Maps
Activity status: PR	Activity status where compliance is not achieved: N/A

NOSZ - Table 2 - Performance Standards

NOSZ-R10.	Minimum setback from road boundaries
<ol style="list-style-type: none"> 1. The minimum setback from road boundaries for any building adjacent to any road must be at least 10 m; and 2. The minimum setback for park facilities, car parking areas or electric vehicle charging points must be at least 2.5 m; and 3. The minimum setback from road boundaries for park furniture or any structure required to introduce or maintain biosecurity measures must be at least 3 m; and 4. The minimum setback from road boundaries for sound stages and amphitheatres must be at least 50 m; and 5. There is no setback requirement for public walkways and cycleways, stormwater management systems, fences, signs, gardens, landscaping and planting and bridleways. 	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) The safety and efficiency of traffic flow; and (b) Visual effects including bulk, scale and location of the structure; and (c) Effects on landscape and conservation values; and (d) The extent to which landscaping is able to mitigate potential effects; and (e) The extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site; and (f) Effects on public access and recreational opportunities; and (g) Potential reverse sensitivity effects on any adjoining activities.
NOSZ-R11.	Minimum setback from internal boundaries
<ol style="list-style-type: none"> 1. The minimum setback from internal boundaries for buildings must be at least 10 m; and 2. The minimum setback for park furniture, park facilities, car parking areas, electric vehicle charging points or any structure required to introduce or maintain biosecurity measures must be at least 5 m; and 3. The minimum setback from internal site boundaries for sound stages and amphitheatres must be at least 50 m; and 	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) Visual effects including bulk, scale and location of the structure; and (b) Effects on the visual and aural privacy of adjoining properties; and (c) Effects on landscape and conservation values; and (d) The extent to which landscaping is able to mitigate potential effects; and

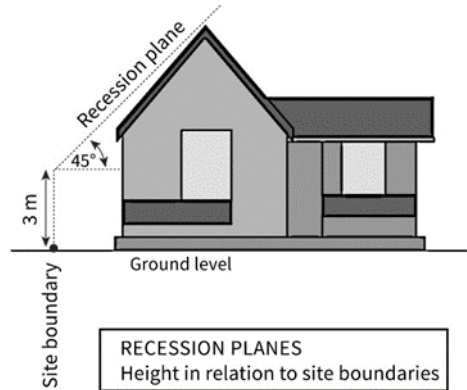
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<p>4. There is no setback requirement for public walkways and cycleways, stormwater management systems, fences, signs, gardens, landscaping and planting and bridleways.</p>	<p>(e) The extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site; and</p> <p>(f) Effects on public access and recreational opportunities; and</p> <p>(g) Potential reverse sensitivity effects on any adjoining activities.</p>
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NOSZ-R12.	Height and height in relation to boundary
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<p>1. The maximum height of structures must not exceed 8 m in height as measured from ground level; and</p> <p>2. No structure or stored materials shall penetrate a recession plane at right angles to a boundary included inwards and upwards at an angle of 45° from 3 m above the ground level of the front, side or rear boundaries of a site. See Figure - NOSZ 1.</p>	<p>Matters over which discretion is restricted:</p> <p>(a) Visual effects including bulk, scale and location of the structure; and</p> <p>(b) Effects on the visual and aural privacy of adjoining properties; and</p> <p>(c) Effects on landscape and conservation values; and</p> <p>(d) The extent to which landscaping is able to mitigate potential effects; and</p> <p>(e) Effects on public access and recreational opportunities; and</p> <p>(f) Potential reverse sensitivity effects on any adjoining activities.</p>
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Figure - NOSZ 1 – Height in relation to boundary



Advice notes

Accidental discovery protocol

In the event that an unidentified archaeological site or a wāhi tapu site is located during works, the following applies:

- *Work must cease immediately at that place and within 20m around the site;*
- *Heritage New Zealand Regional Archaeologist must be notified and apply for the appropriate authority if required;*
- *Notify the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (New Zealand Pouhere Taonga Act 2014);*
- *If human remains (koiwi) are uncovered then the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative must be notified. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded;*
- *Works affecting the archaeological site and any human remains (koiwi) must not resume until appropriate authority and protocols are completed.*

If the protocol is not adhered to then Heritage New Zealand can take out prosecution proceedings under the New Zealand Pouhere Taonga Act 2014

Contaminated land

If the site is contaminated or potentially contaminated refer to the contaminated land chapter and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) 2012

Regional Council consents

A resource consent for some earthworks may also be required from the Waikato Regional Council or Manawatū-Whanganui Regional Council.

Works in close proximity to any electricity line

Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.

Landscaping

Where the site is adjacent to a State Highway, consultation with the New Zealand Transport Agency on appropriate tree species and the location of planting is advisable.
