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Section 6: Open Space Zones

6.1 Introduction

6.1.1 Functions of Open Space Areas

Public open space areas serve a wide variety of functions within the District. These can be categorised as follows:

- Visual amenity (such as garden and tree plantings).
- Children's play (such as play equipment and neighbourhood parks).
- Active sports (such as team sports and running).
- Passive use (such as sitting and picnicking).
- Linkages (such as walking tracks and cycle ways).
- Built facilities (such as clubrooms and toilets).

6.1.2 Availability and Distribution

The population of the District has grown over the past decade, and it is anticipated that this growth will continue, along with a general trend towards smaller household sizes. Although, an increase in the number of children attending schools in the District suggests that there has also been an influx of families, which may continue if the agricultural sector and associated industries and services continue to prosper.

This growth has led to an increased demand for residential subdivisions although average section sizes in the towns are decreasing with a quarter acre block no longer a viable or desirable option for many people. This reduction in private open space means that public open space plays an increasingly important role in communities.

Within and around the District's settlements and the more populated Plains area, there are approximately 220ha of Council-owned open space and recreation areas. This is equivalent to 8.05ha per 1,000 total population based on the 2006 census. Within the High Country, most of the publicly accessible land is owned and managed by the Department of Conservation or private landowners. Due to the small population and large conservation estates such as the Hakatere Conservation Park, it is not considered necessary to provide formal open space for passive or recreational activities in the High Country. In addition, there is opportunity for water orientated activities on the District's lakes and rivers.

There is also a range of private recreational facilities, many of which are covered by the Scheduled Activity provisions.

6.1.3 The Importance of Open Space Areas

Open space areas vary in their significance to residents, for instance a neighbourhood park may be of importance to an elderly person as it is close to their place of residence, whereas a sports field may be more important to a younger age group. It is therefore important to provide for a range of

open space areas providing opportunities for both passive activities such as walking and recreational activities such as rugby.

Open space, when it is substantially devoid of buildings, can also provide visual relief and amenity amongst the more developed residential and commercial environments as well as opportunities for education regarding the natural environment; active uses (e.g. walking and cycling) and passive uses (e.g. children's play, picnicking, sitting and contemplation).

6.2 Issues

6.2.1 Availability and Distribution of Land and Facilities for Open Space and Recreation

As the nature and requirements of residents of the District change over time, their needs for public open space and recreation may not be met if appropriate measures are not taken to ensure an equitable, accessible and diverse provision of land and facilities.

Land and facilities for open space and recreation need to be available to satisfy the wide-ranging needs of the District's population, but not all of this needs to be provided by the Council. However, the Council has traditionally been responsible for the provision of land within settlements to be retained essentially as open space and of a wide variety of recreational areas ranging from small neighbourhood parks, to district-wide sports fields; from indoor facilities to walking tracks.

When considering the adequacy of public open space and recreation areas, a range of factors must be taken into account such as the various functions that such areas serve and their distribution.

Overall Ashburton District has an ample amount of reserves held as public open space and recreation areas such as domains providing for children's play areas, tennis courts, and playing fields and grassed areas for walking and picnicking; these are located both within the settlements and the rural areas of the District. Within Ashburton (Kapuka) most residential areas are within reasonable walking distance of public open space and recreation areas, and new subdivisions will be expected to provide land for public open space or a financial contribution, so that Council can provide such space in the neighbourhood.

Also within Ashburton (Kapuka) the areas of open space through the centre of the town contribute significantly to its amenity, adding to the pleasantness, creating visual relief from the surrounding built environment and enhancing the impression of the town from the main thoroughfares.

The general ageing of the District's population and the important retirement role of Ashburton (Kapuka) means that there is a growing proportion of the District's population in the older age groups. The recreational and leisure desires of older people can differ from those of the younger age groups and the Council needs to make sure that the open space areas and recreational facilities are suitable for the older age groups. However, the suggested increase in the number of families moving into the District, as well as a general trend towards healthier living and more active lifestyles for all ages means that land available for recreational activities remains an important aspect of open space provision.

6.2.2 Contributions towards Public Open Space from Subdivision and Development

The subdivision and development of land creates the opportunity for various activities to be established, the more common one being residential accommodation. If communities continue to grow in size through subdivision and building development, without providing for the recreation and open space needs of the community, adverse environmental effects will become apparent. These adverse effects would be:

- a lack of neighbourhood parks in new subdivisions and reduced accessibility / convenience to parks;
- an inadequacy of neighbourhood parks in areas with growing numbers of units/town houses, where infill housing and redevelopment is taking place;
- lack of visual relief in the form of green open space and plantings amongst the built environment.

The taking of contributions towards developing public open space and recreation areas, as communities expand, is a means of avoiding such adverse effects.

The District is very well provided with sports fields and active recreation areas. With the capacity they provide, further provision of such areas may be less necessary as a result of increasing subdivision and population during the life of this Plan. Much of the District's recreation land is largely undeveloped or capable of further development to enhance the enjoyment of residents and visitors. The continual improvement in the quality of recreation and open space areas mostly goes beyond what is necessary to provide for the growing population of the District. However, some contribution from new subdivision and development is necessary to ensure that new reserves servicing those areas are able to be developed to a useable state.

The provisions for the taking of land or contributions and the quantity of contributions are contained in the subdivision section of the Plan.

The taking of esplanade reserves provides for public access to water bodies along with the improvement of the amenity of water body corridors and some management of flooding hazards. These can be important areas of open space particularly in the District's settlements; allowing access to water bodies for fishing and boating, for example.

6.2.3 Environmental Effects of Recreation Activities

Recreational activities can have adverse effects on the amenity of their surrounding environment and on the enjoyment of people partaking in other recreational activities in the vicinity. A range of environmental effects may include:

- noisy activities, night lighting or late hours of operation which can cause a nuisance for adjoining residential areas;
- large buildings such as clubrooms which can be a visual detraction or cause shading on neighbouring areas;
- lack of car-parking space which can cause problems with on-street parking and congestion in adjoining streets;

- commercial or club concessions that can exclude public users from areas of reserves and create adverse effects relating to car-parking, litter and toilet facilities.

Although many of the public open space and recreation areas are also deemed to be reserves under the Reserves Act, it is considered appropriate to manage the effects of activities through the resource consent process. In particular, this relates to large buildings and limited commercial activities.

Some private recreational activities will be listed as scheduled activities and have an underlying zoning such as residential. In this situation they will be subject to the controls contained in the scheduled activity section of the Plan.

6.2.4 Conflict between Open Space and Recreational Activities

Within the District, there needs to be a separation of areas used for passive open space and those used for recreational activities. Recreational activities often require large sites that can accommodate buildings that may in some cases be substantial in scale to provide for changing facilities and even to provide for activities such as squash. Such buildings can reduce the feeling of openness on a site and with additional facilities such as rugby fields can leave little room for passive activities and plantings. In addition, those using these spaces for walking can often be restricted as to where they can walk and can come into conflict with other users.

Conversely, neighbourhood reserves are often limited in size and are unable to accommodate recreational activities such as sports fields. As such these areas are intended to provide for passive activities such as walking and children's play areas. There is also anticipated to be large areas of landscaping and a high level of openness. There is however, the possibility for informal recreational activities.

6.3 Zone Description

6.3.1 Open Space A Zone

The Open Space A Zone is intended to provide for areas such as neighbourhood reserves, and the Ashburton Domain. These areas provide relief from the built environment and a space for people to undertake passive activities such as walking within close proximity of their place of residence. The zone also includes the range of green strips of land which are valued for their contribution to landscaping for example the central area within Ashburton (Kapuka).

Activities within the zone are strictly controlled to ensure limited building development occurs and the openness of the area is retained. The enhancement of visual amenity is of importance within the zone, in particular where it is directly visible from the main thoroughfares through Ashburton (State Highway 1, the Main Trunk Railway and East Street) and Rakaia (State Highway 1). This also provides a visual relief to the building developments established in Business Zones along East Street and State Highway 1.

6.3.2 Open Space B Zone

This zone applies to those areas of open space that provide for recreational activities, and may need to provide buildings accommodating changing sheds and indoor sports facilities. For example, Argyle Park is dominated by recreational activities including playing fields that provide an important function within that community. This zone recognises that importance and seeks to retain the recreational character of such sites.

6.4 Objectives and Policies

Objective 6.1: A Range of Public Open Spaces

A conveniently distributed and accessible range of public open spaces and recreational areas that meet the needs of residents.

Policy 6.1A

Develop, or facilitate the development of, a wide variety of open space types and recreation opportunities within the District, ranging from indoor facilities to neighbourhood, settlement and District reserves, in areas that are convenient and accessible for anticipated users.

Policy 6.1B

Recognise the contribution that existing private areas of recreation and open space make to the community.

Policy 6.1C

Require contributions towards public open space and recreation areas from subdivision (as set out in the subdivision section) and development to provide for the following:

- additional neighbourhood parks needed as a result of additional household and visitor accommodation growth across the District; and
- additional open space needed for visual relief and plantings amongst the built environment; and
- the development of neighbourhood parks and local open space to a level at which they are useable and enjoyable.

Policy 6.1D

Utilise land taken as esplanade reserve (as set out in the subdivision section) as contributing towards public open space and recreation areas.

Explanation and Reasons

Most settlements of the District are adequately provided for with open space, particularly large domains and active sports areas. There are nevertheless also opportunities for further development of existing reserve land for more sports fields in a range of locations. Within Ashburton (Kapuka) most areas are within reasonable walking distance of public open space and recreation areas,

although there are a few areas, which are lacking in a neighbourhood reserve or where the neighbourhood reserve is of insufficient size. For these reasons, the emphasis for the future development of the District's public open space and recreation areas is on the acquisition of land for neighbourhood reserves in areas which are or are likely to be deficient in such reserves; and on the improvement of existing public open space and recreational areas.

The use of contributions by way of land or cash at the time of subdivision or development will assist the Council in acquiring further reserves to improve the availability of these or to improve and maintain the quality and facilities of existing recreation and open space areas. These new or improved recreation areas and facilities will principally serve the people who will be housed or work in the new subdivisions or developments.

Objective 6.2: Effects of Recreational Activities

Recreational activities and facilities that do not result in significant adverse effects on the environment or the recreation opportunities available in the District.

Policy 6.2A

Manage open and recreational spaces within the District, in such a way as to reduce or avoid conflict between recreational activities and users and neighbouring occupiers.

Policy 6.2B

Ensure that buildings associated with activities on recreational areas do not unduly shade, obstruct sunlight or compromise privacy, outlook or views of surrounding activities.

Policy 6.2C

Control the extent of building and parking facilities on open space and recreation areas to ensure that an open and largely undeveloped character is retained, there is opportunity for tree and garden plantings and land remains available for recreational use.

Policy 6.2D

Ensure that the development and use of open space and recreational facilities does not affect the efficiency of the surrounding street network, particularly in terms of provision of on-street parking.

Policy 6.2E

Ensure that noise and lighting from activities on public recreational areas is appropriate to the level of amenity anticipated in the surrounding environment.

Policy 6.2F

Design open space and recreational areas to visually complement, or to improve the visual amenity of, the surrounding area.

Policy 6.2G

To improve the visual amenity, coherence and pleasantness of the centres and main thoroughfares of the District's main towns through the retention and development of planted areas of open space

Policy 6.2H

Complement the use of the Reserves Act procedures by the use of standards within the District Plan to manage the layout, design and allocation of activities on publicly-owned open space and recreation areas.

Explanation and Reasons

These policies acknowledge the likely adverse effects of recreational activities. They form the basis for rules to set performance standards or the requirement for resource consents for activities which may compromise public opportunity to use and enjoy recreation areas and public open space.

It is acknowledged that activities in buildings and outdoors on courts or playing fields have the potential to create adverse effects including but not limited to noise. The thud of a ball on a squash court may be heard outside a building. Loud, persistent and repetitive noise can adversely affect the ability to use outdoor living space on adjoining properties. Furthermore, people are often drawn to build or redevelop land around open space because of the level of amenity it provides: attractive outlook and spaciousness. It is therefore intended to impose noise standards on all activities on open space.

Through the use of appropriate zoning, it is intended that buildings will be clustered together rather than scattered across sites to ensure retention of open space. Although clustering could create adverse effects in terms of building bulk and dominance, a maximum floor area and site coverage standards imposed on all new buildings means that such effects can be considered through the resource consent process.

Major private recreation areas have also been identified in the Plan through being listed as scheduled activities, with performance standards to limit any adverse effects of these recreational activities on the surrounding environment. The Council also recognises that most public recreation and open space areas are controlled by other legislation and wishes to avoid unnecessary duplication of procedures by limiting controls under the District Plan to the control of effects beyond the boundaries of the public area itself.

Objective 6.3: Community Needs for Open Spaces

Effective use and functioning of open space and recreational areas in meeting the needs of the community.

Policy 6.3A

Recognise and avoid conflicts between different types of recreational activities, whilst at the same time encouraging multiple uses of open space and recreational areas wherever possible and practicable.

Policy 6.3B

Ascertain and incorporate the needs of communities by encouraging public participation in the design, development and management of public open space and recreational areas.

Policy 6.3C

Encourage and support the use of private open space and recreational facilities by the public in order to help meet the recreational needs of the community.

Explanation and reasons

The Act requires that efficient and effective use be made of land resources, including public open space and recreation areas. This can be assisted through shared use of these areas and facilities. The potential for multiple uses of such land and facilities is however restrained by the compatibility of various uses. As a general principle, the Council does not favour a monopoly in use of public areas by particular recreational interests and will encourage a high level of public consultation in all matters relating to the use and management of land held as reserve.

Private recreation facilities and open space are seen as complementary to reserves and facilities owned and managed by the Council or other public interests. In some instances providing specialist recreational activities which the Council has no desire to become financially involved in. Such provision assists in meeting the diverse recreational needs of the District's residents and visitors.

6.5 Anticipated Environmental Results

- A diversity in the type and size of open spaces and recreational facilities, equitably distributed throughout the District, to produce the following outcomes:
 - a small increase in the amount of public open space and improved distribution of open spaces throughout the District;
 - provision of a wide range of recreational opportunities in recognition of the diversity of community recreational needs at local, district and regional levels;
 - the provision and development of additional public spaces and recreation areas where there is growth and development in the District;
 - open spaces and recreational facilities that are convenient and accessible to users.
- Recreation activities undertaken and recreation buildings and facilities constructed in a manner which does not adversely affect the general amenity of the surrounding environment, or reduce the recreational opportunities or experience of other recreational users.
- Protection of the amenity values of important recreational sites.

6.6 Methods of Implementation

Through the District Plan

- Designation of Council reserves under the Plan, where considered necessary to enable the continued recognition and function of the sites for recreational and open space purposes.
- Recognition through scheduling of private recreational facilities throughout the District where necessary to enable the continued functioning of the sites for recreational purposes.
- Resource consent procedures to enable the consideration of the effects of activities on the range of recreation opportunities available.

Through the Council's LTP Process

- to continue to maintain and develop a wide range of open space and recreational areas and facilities within the District;
- to continue to improve the visual amenity of open space throughout the District, through planting and landscaping;
- to involve the community in decisions regarding the siting, use and design of open space and recreation areas;
- to use financial contributions received for public recreation and open space to acquire and develop land for such purposes.

6.7 Reasons for Rules

6.7.1 Buildings, Structures and Surfacing

The land within the Open Space A Zone is of particular importance to the visual amenity of the centres and the main routes through Ashburton (Kapuka) and Rakaia. The enhancement of this visual amenity through the retention of open space and the provision of plantings requires limitations to be placed on buildings and hard surfacing from these areas.

The land within the Open Space B Zone, whilst providing for recreational activities and buildings is still anticipated to provide a substantial area of open space and landscaping.

Overall it is important to retain the open space and visual amenity of all the Open Space Zones.

6.7.2 Lighting

It is important to limit the amount of illumination received on neighbouring properties and thoroughfares from lights being operated on Open Space Zones.

Because illumination from lighting in reserves can interfere with the enjoyment of a neighbouring property and with the sleep of those occupiers the standard seeks to limit the amount and intensity of light spillage onto adjacent properties. Inappropriately directed lighting can also cause safety hazards on roads by distracting, confusing or blinding drivers. The standard has been set to reflect the amount of illumination generally anticipated in the residential areas of the District's towns,

where there is already a degree of night-time illumination from street and other neighbourhood lighting.

6.7.3 Hours of Operation

The purpose of this rule is to maintain activity levels appropriate to the residential environment and protect the amenity of neighbours.

Activities undertaken in Open Space zones have the potential to impact on the amenity of residential areas through noise, visual and related effects. Where Open Space zones are immediately adjacent to or opposite Residential zones it is expected that there will not be any formal activity occurring between midnight and 7am to protect the amenity experienced by residential neighbours.

6.7.4 Tree Removal

Within open spaces it is seen as essential to protect existing trees in order to maintain a high level of visual amenity. Many of the areas zoned Open Space contain established and substantial trees either as individual specimen or as part of groups or areas of trees. In many cases these trees are of a considerable age or size and contribute significantly to the amenity of the open space and surrounding area. It is important to retain these trees to maintain amenity and to ensure that these trees continue to contribute to the District.

6.8 Rules – Open Space Zones

6.8.1 District Wide Rules

Attention is drawn to the following District-Wide Rules which may apply in addition to any relevant Zone Rules to activities undertaken in the Open Space Zones. If any one or more of the District-Wide Rules is breached, the activity will require consent in respect of those rules.

Subdivision	(Refer Section 9)
Transport	(Refer Section 10)
Noise	(Refer Section 11)
Heritage Values and Protected Trees	(Refer Section 12)
Signs	(Refer Section 13)
Utilities, Energy and Designations	(Refer Section 14)
Relocated Buildings and Temporary Activities	(Refer Section 15)
Hazardous Substances	(Refer Section 16)
Definitions	(Refer Section 17)

6.8.2 Permitted Activities

The following activities shall be Permitted Activities, provided that they are not listed as a Prohibited Activity and comply with all of the relevant Site and Zone Standards below and all the relevant District Wide rules:

- a) **Buildings** limited to playground equipment in the Open Space A Zone
- b) **Buildings** not exceeding 100m² gross floor area in the Open Space B Zone
- c) **Recreational activities**

(Note: the definition of Recreational activities does not include commercial facilities – refer to definitions section.)

- d) **Camping Grounds**, in the Open Space B Zone.
- e) **Farming activities**, not including Intensive Farming, in the Open Space B Zone.

6.8.3 Restricted Discretionary Activities

The following activities shall be Restricted Discretionary Activities, provided that they comply with all of the relevant zone standards:

- a) **Retail activities** limited to those selling only food and beverages, in both the Open Space A and B Zones.

The exercise of the Council's discretion being restricted to effects associated with noise, traffic and access, hours of operation, lighting, and impacts on neighbouring properties.

6.8.4 Discretionary Activities

The following activities shall be Discretionary Activities, provided that they comply with all of the relevant zone standards:

- a) **Any Activity** which is listed as a Permitted or Restricted Discretionary Activity and which complies with all of the relevant Zone Standards, but does not comply with any one or more of the relevant Site Standards;

6.8.5 Non-Complying Activities

The following activities shall be Non-Complying Activities, provided that they are not listed as a Prohibited Activity:

- a) **Any Activity** which does not comply with any one or more of the relevant Zone Standards.
- b) **Any Activity** which is not listed as a Permitted or Restricted Discretionary Activity.

6.8.6 Notification / Consultation / Notes

Consultation with the District Council will be important in the assessment of resource consent applications in relation to any requirements that may be required under the Reserves Act.

Notes:

- No rules are included in relation to coastal hazard areas, with the rules in the Regional Coastal Environment Plan (Canterbury Regional Council) applying to these areas. Any persons intending to subdivide, build, develop or carry out activities within approximately 300 metres of the coastline are advised to contact Canterbury Regional Council to discuss this issue.
- Please note that the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may be applicable to your site/property.

6.9 Site Standards

6.9.1 Buildings and Structures in the Open Space B Zone

Buildings in the Open Space B Zone shall:

- a) not exceed a gross floor area of 100m² for each individual building;
- b) not exceed a maximum coverage of 5% of site area (applying to the total coverage of all buildings on the site);
- c) be a maximum of 8 metres in height;
- d) be setback at least 5 metres from road boundaries except for utility buildings up to 10m² in area or 2m in height;

e) be setback from internal boundaries as follows:

- 10 metres where the site adjoins a Residential Zone
- 5 metres where the site adjoins any other Zone

6.9.2 Impermeable Surfaces in the Open Space B Zone

Impermeable surfaces in the Open Space B Zone shall be limited to a maximum of 25% of site area.

6.10 Zone Standards

6.10.1 Buildings and Structures in the Open Space A Zone

Buildings in the Open Space A Zone shall:

- a) be a maximum of 5 metres in height;
- b) be setback at least 5 metres from road boundaries, except for utility buildings up to 10m² in area or 2m in height;
- c) be setback at least 5 metres from internal boundaries.

6.10.2 Impermeable Surfaces in the Open Space A Zone

Impermeable surfaces in the Open Space A Zone shall be limited to buildings, footpaths and cycle ways and cover a maximum of 5% of site area

6.10.3 Lighting

- a) All fixed exterior lighting shall be directed away from adjacent properties, roads, and railways.
- b) No activity shall result in greater than 2.5 lux spill (horizontal and vertical) of light onto any property within a Residential Zone, measured at any point more than 2m inside the boundary of the property.

6.10.4 Hours of Operation

Where a site immediately adjoins or faces across a road from a Residential Zone, no activities shall be conducted on the site between the hours of midnight and 7am.

6.10.5 Tree Removal

Within the areas zoned Open Space A or Open Space B that are Reserves (as defined in section 2(1) of the Reserves Act), or are subject to a conservation management plan or conservation management strategy (under the Conservation Act 1987 or Reserves Act 1977), there shall be:

- a) no removal of any trees over 10 metres in height;

- b) no significant trimming of any tree over 10 metres in height, being the removal of any branches (other than dead or broken branches):
- from the top two-thirds of the total height of the tree; and/or
 - greater than 50mm in diameter below this level (i.e. a level at one-third of the total height of the tree);
- c) no construction of any building or laying of any overhead or underground utility within 10m of the base of any tree that is over 10m in height and is located within an Open Space zone, but excluding the maintenance and replacement of existing buildings and utilities;
- d) no paving or earthworks carried out within 5m of the base of any tree over 10 metres in height.

Except that this rule shall not apply to any dead tree or any tree which is causing a public safety hazard, or to give effect to a Reserve Management Plan under the Reserves Act or a similar Management Plan that has been approved by the Council.

6.11 Assessment Matters

6.11.1 Buildings and Structures

- a) The extent of any adverse effects on the environment from exceeding maximum height and in particular the effect of any increased building height on the visual character of the area and its compatibility with the scale of adjoining buildings.
- b) The degree to which the increased building height may result in decreased opportunities for views from properties or from roads in the general vicinity.
- c) The potential for any adverse effects created through increased height to be mitigated through site layout, separation distances or the provision of landscaping or any other form of screening.
- d) The degree to which the building or structure will be visible from the road and its effect on the open space character and amenity of the recreation ground.
- e) The design and appearance of the building and its compatibility with the surrounding environment in terms of design, height, length and scale.
- f) The necessity for a reduced setback to enable more efficient or practical use of the site.
- g) The potential for the privacy of adjoining sites to be adversely affected from buildings and structures erected at a reduced setback.
- h) The potential for any landscaping to mitigate any increased visual impact created from a reduced setback.

- i) The nature of activities able to be undertaken from within the building and their compatibility with activities on adjoining sites (and in particular residential activities) and the extent to which they should be separated from adjoining sites to maintain amenity values and the quality of the environment.
- j) The extent to which any increase in floor area will result in a building that dominates or is incompatible with the open space character of the recreation ground.
- k) The extent to which the recreation ground will become covered by buildings and the degree to which this will affect the amenity of the recreation ground or the ability for it to be used for its intended function.

6.11.2 Surfacing

- a) The extent to which additional impervious surfacing would affect the character and amenity of the open space or recreation ground taking into account the purpose for which the surfacing is required.
- b) The extent to which the additional surfacing would remove land otherwise available for public use.