

21	OPEN SPACE ZONE RULES
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Activities Tables

Policies 3.4.1, 7.4.2, 7.4.3, 7.4.5, 16.4.7

21.1 Subdivision Activities (Zone wide)	
All subdivision, other than that identified below, is non complying	NC
Subdivision around any existing lawfully established dwelling or commercial unit which does not result in the creation of any new undeveloped site that contains no dwelling or commercial unit	C
Subdivision of land for utilities, reserves or conservation purposes	C
Subdivision which is a unit title subdivision or an alteration to a company lease, unit title or cross lease title to include a building extension or alteration or accessory building on the site (excluding an additional dwelling) that has been lawfully established in terms of the Building Act 2004	C
Subdivision provided for as a Controlled Activity which complies with the access standards in 21.6	C
Subdivision provided for as a Controlled Activity which does not comply with the access standards in 21.6	RD

21.2 Subdivision Activities (Speedway Area only)	
Subdivision in the Speedway Area which complies with the standards in rule 21.6 and 21.27	C
Subdivision which does not comply with the standards in rule 21.27	D
Subdivision provided for as a Controlled Activity which does not comply with the access standards in 21.6	RD

Key	<p>P Permitted activity which complies with standards for permitted activities specified in the Plan</p> <p>C Controlled activity which complies with standards for controlled activities specified in the Plan</p> <p>RD Restricted discretionary activity</p> <p>D Discretionary activity</p> <p>NC Non complying activity</p>
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21.3 Land use Activities	
Zone-wide (excluding the Speedway Area)	
Passive recreation activities (unless otherwise specified in this table)	P
Residential accommodation for persons whose employment requires them to live on site	D
Active recreation	D
Organised fireworks display at Trentham Memorial Park	P
Organised fireworks display not otherwise provided for in this table or which does not comply with the standards in 21.14A	D
Removal of a building from a site	P
The establishment of a relocated building from another site which is accessory to a recreation activity	C
Buildings accessory to a permitted activity	P
Buildings which do not meet permitted and controlled activity standards	RD
Buildings or structures within 12m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i>)	NC
Buildings or structures within 12-32m of high voltage (100kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i>)	RD
Activities listed as permitted or controlled which do not comply with the access standards in 21.6	RD
Gang fortifications	Prohibited
Speedway Area only	
Motorsports for racing, performance, training or exhibition which are undertaken for up to 24 days in any one year	P
Motorsports for racing, performance, training or exhibition which are undertaken for more than 24 days in any one year	C
Organised sports and equestrian events	P
Circus, fairs and field days	P
Organised fireworks displays	P
Concession stands and takeaway foodbars	P
Landscaping, earthmounding and track maintenance	P

Residential accommodation for persons whose employment requires that they live on site	C
Removal of a building from a site	P
The establishment of a relocated building from another site	C
Clubrooms, stands and related facilities	P
Activities and buildings ancillary to permitted activities	P

Speedway Area only	
Activities listed as permitted or controlled which do not comply with the access standards in 21.6	RD
Activities which do not meet the permitted or controlled activity standards (unless otherwise specified in this table as restricted discretionary)	D
Gang fortifications	Prohibited
Activities which are not listed in this Table unless otherwise covered in the City-wide provisions of the Plan	NC

21.4 City-wide provisions

Each activity including subdivision in the Open Space Zone shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan as listed below.

Chapter	City-wide provisions
8A	General Rules
23	Earthworks
24	Esplanade Reserves and Strips
25	Reserves and Leisure Facilities Contributions
26	Heritage Features
27	Notable Trees
27A	Urban Tree Groups and Removal of Indigenous Vegetation
28	Southern Hills Overlay Area and Protected Ridgelines
29	Water Bodies
30	Utilities
30A	Renewable Energy Generation
31	Car Parking
32	Noise and Vibration

33	Flooding and Fault Band Hazards
34	Hazardous Substances and Contaminated Land

21.5 Controlled activities – restrictions on notification

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for a controlled activity is precluded from public notification under section 95A and, subject to section 95B(3), is precluded from limited notification under section 95B(2) of the Act.

Zone-wide provisions (including Speedway Area)

Permitted and Controlled Activities

Unless otherwise specified, all permitted and controlled activities within the Open Space Zone shall comply with the standards specified below.

21.5A All subdivision provided for as a controlled activity in Table 21.1

*Policy 9.4.3,
16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 21.16 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

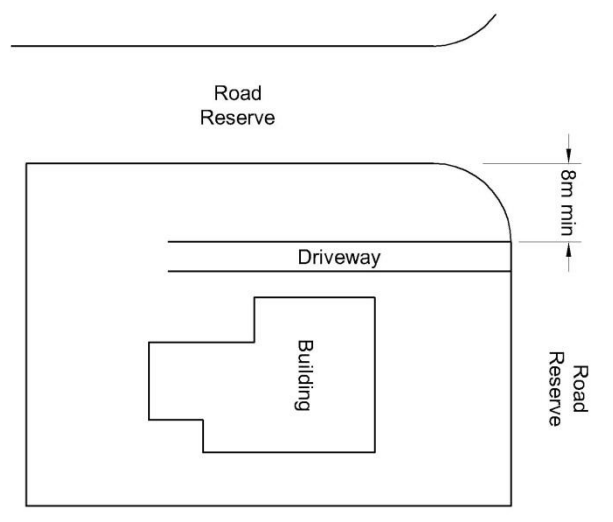
21.6 Access standards for subdivision and land use activities

Policy 9.4.3

- All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works. Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway

seal.

- All sites shall have practical vehicle access to car parking and loading spaces, in accordance with the Code of Practice for Civil Engineering Works. This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road.
- Vehicular access to a corner lot shall be located no closer than 8m from the street corner. Where a site is located on an intersection of a primary or secondary arterial traffic route (as identified in Chapter 37) the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner lot) join, or in accordance with the diagram below.



- Where a corner lot is located at an intersection of a national, primary or secondary arterial traffic route, as identified in Chapter 37, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.
- At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in Diagram A in Chapter 38.
- Subdivision and land use activities with direct access to a State Highway shall comply with the access and visibility standards set out in Diagrams B to E in Chapter 38.

21.7

Sunlight access

Policies 4.4.4, 7.4.2, 7.4.4

All buildings on sites adjoining, or separated by a road from a site in the Residential or Open Space Zone, shall comply with the height control planes defined in rule 18.16 along the adjoining boundary or the boundary or boundaries separated by a road.

21.8

Water supply, stormwater and wastewater

Policies 9.4.3,
13.4.1

All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.

21.9

Dust

Policies 7.4.2,
15.4.1

Activities shall not create a dust nuisance. A dust nuisance may occur if:

- There is visible evidence of suspended solids in the air beyond the site boundary.
- There is visible evidence of suspended solids, traceable from a dust source, settling on the ground, building or structure on a neighbouring property or on water.

21.10

Relocated Buildings

Policy 7.4.4

Council may impose conditions on:

- a) Reinstatement works to the condition and appearance of the building relating to:
 - Works to the exterior fabric of the building to repair, replace or renovate damaged, defective or substandard elements;
 - Painting and/or cleaning of the exterior fabric of the building if necessary;
 - Cladding or other means of enclosing open subfloor areas below the building;
 - Alterations required to ensure that the reinstated exterior of any relocated building is not likely to detract from the amenity values of the surrounding area.
- b) The timeframe for the work to be completed;
- c) Landscaping, screening and boundary treatment;
- d) Execution of a performance bond to provide security for exterior reinstatement works required as a condition of resource consent.
- e) Provision of and effects on utilities and/or services.
- f) Standard, construction and layout of vehicular access.

Notes in respect of d):

- A bond is not mandatory. It will only be required when Council considers it necessary in view of the scale and/or nature of exterior reinstatement works required. The requirement for a bond and its value will be determined in the context of the building assessment report submitted at resource consent stage.
- The bond shall be executed at the time application is made for a building consent, and security shall be in the form of either money or a guarantee by an institution approved by Council as guarantor.

- The bond shall be cancelled upon completion of exterior reinstatement works required in the conditions of the resource consent. The verification method for completion of these works shall be the issuing of a full or interim Code Compliance Certificate as defined in the Building Act. In the event that conditions relating to exterior reinstatement works are not complied with, the bond may be used in whole or in part to complete the works.

21.11 Organised fireworks display at Trentham Memorial Park

*Policies 7.4.3,
7.4.4*

One organised fireworks display may be undertaken at Trentham Memorial Park in any calendar year. Such an event is exempt from the noise and vibration standards provided for in Chapter 32 of the Plan provided that the fireworks display is no longer than 30 minutes in duration and has ceased by no later than 10:00pm.

No later than 3 days before the undertaking of an organised fireworks display, a sign shall be placed on the Trentham Memorial Park site. The sign shall state the date, location and time of the display and shall be placed on the site so that it can be seen from outside of the site by the general public. A notice shall similarly be placed in a locally circulated newspaper outlining the date, location and time of the fireworks display.

The operator arranging the organised fireworks display shall consult with and notify the Upper Hutt Chief Fire Officer of the organised fireworks display a minimum three (3) working days prior to the event.

Restricted Discretionary Activities

21.12 Buildings or structures within 12-32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps.

Policy 16.4.7

Council will restrict its discretion to, and may impose conditions on:

- a) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- b) The location, height, scale and orientation and use of buildings and structures to ensure the following are addressed:
 - The risk to the structural integrity of the transmission line.
 - The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.
 - The risk of electrical hazards affecting public or individual safety, and risk of property damage.
 - The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk.

- Minimising the visual effects of the transmission line.
- The outcome of any consultation with the affected utility operator.

Restriction on notification

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

21.13 Subdivision and land use activities which do not comply with the access standards in 21.6

Policy 16.4.6

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the activity will adversely affect traffic and pedestrian safety.
- The extent to which the activity will adversely affect the efficient functioning of the roading network.

For subdivision, Council's discretion is also restricted to the matters listed in rule 21.5A.

Zone wide provisions (outside Speedway Area only)

Permitted and Controlled Activities

Unless otherwise specified, all permitted and controlled activities within the Open Space Zone (outside the Speedway Area) shall comply with the standards specified below.

21.14 Setbacks from boundaries

Policy 7.4.2

The setback distance for buildings from boundaries shall be not less than:

Boundary	Minimum setback
Front boundary	6m
Boundaries adjoining a Residential Zone	3m
All other boundaries	0m
Exemptions:	

- | |
|--|
| <ul style="list-style-type: none"> Eaves, bay windows or similar features, may encroach into boundary setbacks by up to 0.7m. |
| <ul style="list-style-type: none"> Non-enclosed and uncovered decks of 1.0m or less in height above ground level. |

21.15 Building height

Policies 7.4.2, 7.4.4

The maximum height of any building shall not exceed 8m.

Exemption:

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

21.16 Sunlight access

Policies 4.4.4, 7.4.2, 7.4.4

All buildings shall comply with the height control planes defined in rule 18.16.

21.17 Floor area

Policies 7.4.2, 7.4.4

The gross floor area for any building shall not exceed:

Principal buildings -	200m ²
Accessory buildings -	100m ²

21.18 Artificial light

Policies 7.4.4, 15.4.1

- Light emissions from a site shall not exceed a measurement of 8 lux (lumens per m²) measured, in both horizontal and vertical planes, 1.5m above the ground at the site boundary.
- Light emissions from a site shall not spill directly onto roads.
- Light emissions will be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.

21.19 Screening

Policies 7.4.2, 7.4.4, 15.4.1

Car parking areas and accessways shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation from all boundaries adjoining land zoned residential. The screening shall be no less than 1.6m in height.

21.20 Landscaping

Policies 7.4.2,
7.4.4, 15.4.1

All sites shall be landscaped according to the following:

- If a building is required to be set back from the road boundary, the set back area between the road boundary and the building shall be landscaped unless it is used for access or car parking purposes. If car parking or accessways are provided between the road boundary and the building, a landscape strip with a minimum width of 0.6m shall be provided within the site along the road boundary.
- Where a site adjoins a site outside the Open Space Zone (excluding road boundaries), a landscape buffer with a minimum width of 0.6m shall be provided between the zone boundary and the building.

Restricted Discretionary Activities
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21.21

Activities and buildings which do not meet permitted and controlled activity standards

Policies 7.4.2,
7.4.4

Council will restrict its discretion to, and may impose conditions on:

- Height, boundary setbacks and sunlight access.
- Provision of and effects on utilities and/or services.
- Landscaping and screening.
- Standard, construction and layout of vehicular access.
- Car parking.
- Effects on the amenity of the surrounding area.
- Financial contributions.

21.22

Subdivision and land use activities which do not comply with the access standards in 21.6

Policy 16.4.6

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the activity will adversely affect traffic and pedestrian safety.
- The extent to which the activity will adversely affect the efficient functioning of the roading network.

For subdivision in the Speedway area, Council's discretion is also restricted to the matters listed in rule 21.28.

Provisions for the Speedway Area only
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Permitted and Controlled Activities
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Unless otherwise specified, all permitted and controlled activities within the Speedway Area of the Open Space Zone shall comply with the standards specified below.

21.23 Minimum requirements for subdivision

Open Space	Minimum site area	Shape factor
Speedway area	5000m ²	50m
Exemptions		
These standards shall not apply to any lot for utility, reserve or conservation purposes.		

21.24 Subdivision which complies with the standards in rule 21.6 and 21.27, and subdivision of land for utilities, reserves or conservation purposes

*Policies 7.4.3,
7.4.5, 9.4.3,
16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 21.16 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

21.25 Subdivision which is a company lease, cross lease or unit title subdivision.

Policies 7.4.3, 9.4.3

In addition to the matters listed in rule 21.28, Council may impose conditions over the following matters:

- Allocation of accessory units to principal units and covenant areas to leased areas to ensure compliance with car park provisions and to ensure practical physical access to units.
- Allocation of areas.
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21.26 Site coverage

Policies 7.4.2, 7.4.5

The coverage by buildings on the net area of a site shall not exceed 60%.

21.27 Setbacks from boundaries

Policies 7.4.2, 7.4.4

The setback distance for buildings from boundaries shall be not less than:

Boundary	Minimum setback
Front boundary	20m
Side boundary	10m
Rear boundary	20m

21.28 On-site separation of buildings

Policies 7.4.2, 7.4.4

The minimum on-site separation of buildings shall be 3m plus 0.5m for every 1m that the building is over 5m in height.

21.29 Building height

Policies 7.4.2, 7.4.4

The maximum height of any building shall not exceed 20m.

21.30 Screening

Policies 7.4.2, 7.4.4

Outdoor storage areas shall be located to the rear of the Speedway site and shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation. The screening shall be no less than 1.8m in height.

21.31 Landscaping

*Policies 7.4.2,
7.4.5*

- The speedway site shall be landscaped resulting in a park-like setting.
- Landscaping shall be undertaken on the perimeters of the site to reduce the effects of Speedway noise and for site aesthetics.

21.32 Car parks

*Policies 7.4.3,
7.4.5*

An area capable of holding a minimum of 1000 car parks shall be provided on-site.

21.33 Noise

Policies 7.4.4, 7.4.5, 7.4.6

Activity	Maximum Noise (dBA)			
	Mon to Sat 7:00am - 7:00pm except where stated otherwise		All other times, and Sundays and public holidays except where stated otherwise	
	L ₁₀	L _{MAX}	L ₁₀	L _{MAX}
Racing activities on non-race days	55	70	40	70
Racing activities on race days	Mon to Fri 7.30pm-10.30pm 70	Mon to Fri 7.30pm-10.30pm 85	70	85
Practice racing sessions on non-race days	10.00am-7.00pm 70	10.00am-7.00pm 85	70	85
Practice racing sessions on race days	10.00am-7.00pm 70	10.00am-7.00pm 85	10.00am-7.30pm 70	10.30am-7:30pm 85
Track grading	Mon to Fri 9.00pm-7.00am 55	Mon to Fri 9.00am-7.00pm 70	55	-
Use of amplified music and public address system on any day	65	80	65	80
Activities other than those outlined above on any day	55	70	55	70
Notes:				
<ul style="list-style-type: none"> • Racing activities refers to motorsport for racing, performance and exhibition. • Practice racing sessions refers to the practice or training necessary to undertake motorsport for racing, performance and exhibition. • All noise readings shall be undertaken in accordance with the provisions for noise measurement set out in Rule 32.5. • Notice of race days (including days programmed in the event of bad weather or other unforeseen circumstances) shall be submitted to Council no less than one month before the speedway season begins. • Council shall be advised of dates altered prior to the event because of weather or other unforeseen circumstances. 				

21.34 Organised fireworks displays at Te Marua Speedway

*Policies 7.4.3,
7.4.4*

Organised fireworks displays undertaken on the Speedway site are exempt from the noise and vibration standards applicable to the Speedway site provided that the fireworks display on any given night does not exceed an overall duration of 30 minutes and has ceased by no later than 10:30pm. On New Years Eve an organised fireworks display may be undertaken between 12:00 midnight and 12:15am on New Years Day.

No later than 3 days before the undertaking of an organised fireworks display, a sign shall be placed on the Speedway site. The sign shall state the date, location and time of the display and shall be placed on the site so that it can be seen from outside of the site by the general public. A notice shall similarly be placed in a locally circulated newspaper outlining the date, location and time of the fireworks display.

The operator arranging the organised fireworks display shall consult with and notify the Upper Hutt Chief Fire Officer of the organised fireworks display a minimum of three (3) working days prior to the event.

21.35 Artificial light

*Policies 7.4.2,
7.4.4, 7.4.5*

- Security or advertising lighting shall not spill directly onto neighbouring properties.
- External lighting shall not spill directly onto roads, nor be a hazard to motorists. Light emissions will be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.

21.36 Motorsports for racing, performance, training or exhibition for more than 24 days in any one year

*Policies 7.4.4,
7.4.5*

Council may impose conditions over noise and whether bonds or covenants are required to enforce compliance with conditions.

21.37 Ancillary residential accommodation

Policy 7.4.3

Council may impose conditions on:

- Relationship to operation of Speedway site.
- Bulk, location, design and appearance of buildings.
- Standard, construction and layout of vehicular access.

- Landscaping and screening.
- Provision of and effects on utilities and/or services.
- Mitigation of noise effects.
- Financial contributions.

Matters for Consideration

21.38 Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:

Subdivision

- The requirements of section 106 of the Act.
- Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.
- Whether the subdivision compromises future subdivision potential of the land.
- The cumulative effect on existing infrastructure as a result of the proposed subdivision.
- The extent of compliance with the Council's Code of Practice for Civil Engineering Works.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of regionally significant network utilities located on or in proximity to the site.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.
- Account must be taken of the future development potential of adjoining or adjacent land.
- Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).

Access
<ul style="list-style-type: none"> • Accessibility for public transport, cyclists and pedestrians. • Compliance with the Code of Practice for Civil Engineering Works. • Whether the topography, size or shape of the site or the location of any natural or built feature(s) on the site or other requirements such as easements, rights-of-way or restrictive covenants impose constraints that make compliance impracticable. • Whether the activities proposed will not generate a demand for servicing facilities. • Whether suitable alternative provision for servicing can be made. • Whether the nature of adjacent roads is such that the entry, exit and manoeuvring of vehicles can be conducted safely.
Site layout
<ul style="list-style-type: none"> • Impact on the recreation potential of the open space. • Conflict between different users. • On-site safety. • Natural character and landscape.
Bulk, location and appearance of buildings
<ul style="list-style-type: none"> • The location, scale, design and appearance of buildings does not detrimentally affect adjoining properties and the neighbourhood generally. • Detraction from the character or purpose of the open space. • Impact on the current or future recreation potential of the open space. • Loss of privacy and sunlight, and the creation of shadows on adjoining areas.
Speedway Area
<ul style="list-style-type: none"> • Maintenance of residential amenity levels. • Maintaining noise standards within the time frames and adhering to the schedule of fixtures. • Avoidance of dust nuisance.
Water based activities
<ul style="list-style-type: none"> • Noise Levels • Whether any conflict will occur between users • The natural state of the water body
Landscaping
<ul style="list-style-type: none"> • Whether planting reduces the impact of buildings, structures and car parking areas on amenity values.
Artificial light
<ul style="list-style-type: none"> • Effects on traffic safety • Overspill of light onto surrounding properties • Whether the lighting will assist in the safety, security and efficient use of the open space.

Nuisance factors
<ul style="list-style-type: none">• The potential impacts of noise, dust, glare, vibration, fumes, smoke, other discharges or pollutants or the excavation or deposition of earth.
Management plans
<ul style="list-style-type: none">• The relevant provisions of any management plan or conservation management strategy.