



SECTION 42A REPORT

Officer's written right of reply 18 December 2024

Hearing 8 – Open Space Zones

1	Introduction.....	2
	1.1 Background.....	2
2	Purpose of Report.....	2
3	Consideration of questions recieved.....	2
	3.1 "Active" missing from SARZ objectives and policies	3
	3.2 KiwiRail submission in relation to OSZ setback standard	4
	3.3 Meaning of "ancillary activity" in the SARZ.....	5
	3.4 Terminology in NOSZ-O1 and NOSZ-P1.....	6

Appendix 1.1: Officer's Recommended Amendments (Decisions)

Appendix 1.2: Officer's Recommended Amendments (Sport and Active Recreation zone)

Appendix 1.3: Officer's Recommended Amendments (Open Space zone)



1 Introduction

1.1 Background

1. My full name is Sarah Ann Trinder. I am the writer of the original Section 42A Report for Hearing 8 on the Proposed District Plan: Open Space zones.
2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the Section 42A report and request that the Hearings Panel ("the Panel") take this as read.

2 Purpose of Report

3. In this Report I seek to assist the Panel by providing responses to specific questions that the Panel directed to me during the hearing, under the relevant heading.

3 Consideration of questions received

4. I have only addressed those sections where I consider additional comment is required. I have grouped these matters into the following headings:
 - a) "Active" missing from SARZ objectives and policies
 - a) KiwiRail submission in relation to OSZ setback standard
 - b) Meaning of "ancillary activity" in the SARZ
 - c) Terminology in NOSZ-O1 and NOSZ-P1
5. In order to distinguish between the recommendations made in the s42A Report and my revised recommendations contained in Appendix 1 of this report:
 - a) Section 42A Report recommendations are shown in black text (with underline for new text and ~~strikethrough~~ for deleted text); and
 - b) Revised recommendations from this Report are shown in red text (with underline for new text and ~~strikethrough~~ for deleted text)
6. For all other submissions not addressed in this report, I maintain my position set out in my original s42A Report.



3.1 "Active" missing from SARZ objectives and policies

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 1 – Definitions From Paragraph 52.

Analysis

7. The panel questioned the missing term 'active' from the objectives and policies of the Sport and Active Recreation zone. In response to this I provide the following comments.
8. The use of the term 'sport and recreation activity' was used in the objectives and policies as a direct link to the amended definition of a sport and recreation activity.
9. After further consideration, to minimise interpretation and inconsistencies within and between the Open Space zone chapters. I recommend the following:
 - a. Amend the definition for sport and recreation activity to sport and active recreation activity.
 - b. Update the objectives and policies to include the term 'active' in relation to sport and recreation activity.
 - c. Amend rules SARZ-R3 and OSZ-R6 to reflect the amended definition.
10. As stated in the s42a report, these changes achieve the relief sought by the group of submitters seeking to amend the plan to ensure consistency in the terms of how definitions are used within/between chapters to ensure consistencies and avoid unintended consenting requirements.

Recommendations

11. Amend the definition as follows:

SPORT AND ACTIVE RECREATION ACTIVITY

12. Amend the objectives and Policies as follows:

- a. SARZ-O1 - The Sport and Active Recreation zone is predominantly used for sport and active recreation activity.
- b. SARZ-P1 - Enable indoor and outdoor activities that are compatible with the purpose and predominant character of the Sport and Active Recreation zone, including;



- a. Sport and active recreation activities; and
 - b. temporary events.
 - c. SARZ-P2 - Provide for single and multi-sport facilities and commercial activities ancillary to sport and active recreation activities, and their associated buildings or structures, where these....
 - d. SARZ-P3 - Avoid land use and subdivision in the Sport and Active Recreation zone that would compromise the establishment and continuing use of land for sport and active recreation purposes.
13. Add 'active' to rule SARZ-R3 and OSZ-R6.
14. No change is necessary to Appendix 2 Officer's recommended decisions on submissions (Open Space Zones).

Section 32AA

- 15. The recommended amendments primarily clarify the intent of the provision. The changes achieve between inconsistency in the use of terms.

3.2 KiwiRail submission in relation to OSZ setback standard

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 23 – KiwiRail From Paragraph 270

Analysis

- 16. The panel questioned why the setback sought by KiwiRail had not been specifically addressed for the Open Space zone.
- 17. I had initially considered no change to the setback necessary for the Open Space zone as a result of the KiwiRail submission due to the fact that currently there are no Open Space zone properties adjacent to the rail corridor.
- 18. After further consideration, and to enhance plan wide consistencies I consider that it is appropriate to add a 5m rail setback.
- 19. Currently there are no Open space zoned properties adjacent to the railway corridor, but this amendment would safeguard any future rezoning and since it is targeted to just the rail corridor the addition would have no additional consenting requirements zone wide.



Recommendations

20. Amend OSZ-S3 to add:

The building or structure, or extensions or alterations to an existing building or structure must be set back at least 1.2m from all site boundaries, except that the setback must be at least 3m measured from a road boundary and 5m from the rail corridor.

21. The officer’s recommendation for S416.066 was already accept in part as matters of discretion were already added to the standard.

Section 32AA

22. The recommended amendments to the setback distance from boundaries allows greater consideration of effects on the rail corridor activities, while not implementing any onerous consenting requirements. The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP.

3.3 Meaning of “ancillary activity” in the SARZ

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 1 – Definitions and Key Issue 11 – Discretionary rules

Analysis

23. The Panel sought clarity in relation to the term ancillary activities used in the Sport and Active recreation zone chapter.

24. The National Planning standards definition, and PDP definition of ancillary activity is as follows:

"means and activity that supports and is subsidiary to a primary activity."

25. The s42a report recommended the addition of ancillary activities to the definition of sport and recreation activity. Additionally, the report recommended the link to ancillary activities in the rules for commercial activity, visitor accommodation, and camping ground to being primary or ancillary to the purpose of the zone. Educational facility was conditional on the activity being ancillary to the sport and active recreation activity on site. This was to ensure these activities supported and are subsidiary to the sport and active recreation activity on the site.



26. The addition of this term ensures that there is a pathway for activities that allow greater utilisation of facilities on these sites. For example, a small café to supply food and drinks for a grandstand facility.

Recommendations

27. No changes are recommended as a result.

3.4 Terminology in NOSZ-O1 and NOSZ-P1

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 6 – NOSZ – Objectives and Policies From Paragraph 108

Analysis

28. The Panel asked for some clarity on the terminology recommended in NOSZ-O1 and NOSZ-P1, where it was recommended that the term 'ecological' was deleted from NOSZ-O1 and replaced with 'natural' and subsequently the term 'ecological' was recommended to be deleted from NOSZ-P1. These changes were recommended as the result of the submission Forest & Bird (S511.122) and Kapiro Conservation Trust (S442.141). Both submitters sought an amendment to the NOSZ-O1 to 'The natural environment' and considers other objectives and policies throughout the plan may also require amendment to reflect consistent language and messages.

29. In my S42a report, paragraph 117 with regard to the term 'natural', I state:

"This term means all living and non-living things occurring naturally and includes ecological. The use of this term allows consistency in language throughout the Objectives and Policies."

30. I add further that the oxford dictionary definition of ecological is as follows:

"Relating to or concerned with the relation of living organisms to one another and to their physical surroundings."

Recommendation

31. I maintain my position in my S42a report that the term 'natural' sufficiently covers the 'ecological' component of NOSZ -O1.