

OSZ – Open Space Zone

The natural environment of Kaikōura provides a setting for a range of land and water based recreational activities including fishing, marine mammal encounters, walking, camping, diving, surfing, rafting, canoeing, tramping, hunting and climbing. The popularity of Kaikōura as a tourist destination has grown rapidly in recent years, as a result of the abundant marine life, in particular whales, dolphins and seals.

The District also has a range of public open space and indoor/outdoor recreational and community facilities including a swimming pool, halls, sports venues, museum, aquarium, racecourse, library, and public reserves. These facilities provide for active and passive sports, visual amenity, children's play areas and neighbourhood parks, access to the coast, rivers and lakes, protection of cultural and historic sites and features, and nature conservation.

Ownership and Management

There are three main statutes relating to the provision and management of public open space and recreation areas - the Resource Management Act, the Reserves Act 1977. and the Conservation Act 1987. The Resource Management Act gives Council responsibility for managing the land resources and the surface of the waterbodies.

To assist the Council in managing the coastline within the Kaikōura township, the Council has prepared a Coastal Management Strategy. This document provides a forward planning framework for the development of the coastal environment from the Whaleway Station to Point Kean and at South Bay from the Coastguard to the Caves Restaurant.

The Reserves Act covers management of land classified as scenic, recreation, nature, historic, scientific, government or local purpose reserve. This act is administered by both the Council and the Department of Conservation. The Council manages a range of reserves including recreation, esplanade and road reserves under the Reserves Act. The Department of Conservation manages a range of reserves, of varying sizes and in many locations throughout the district, for different conservation purposes.

The Conservation Act is administered by the Department of Conservation and applies to all land held by the Crown for conservation purposes, including conservation parks, wilderness areas, marginal strips and stewardship areas. The Department is required by the Conservation Act to manage the lands held under this Act for the purpose of preserving and protecting natural and historical resources, in order to maintain their intrinsic values, provide for their appreciation and recreational enjoyment by the public, and safeguard the options for future generations. Generally, the types of activities and consequently the effects within a reserve are those indicated by management plans under the above legislation. In the case of lands managed by the Department of Conservation, the Department has prepared a

Conservation Management Strategy for the Nelson/Marlborough Conservancy. The Plan provides for activities in accordance with the provisions of this strategy. Activities that are undertaken on conservation lands other than in accordance with this strategy or that have adverse effects that extend beyond the boundaries of the reserve area are managed through the provisions of the Plan.

Key defined terms for this chapter	
Term	Definition
Amenity or Amenity Values	has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan, means: <i>"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."</i>
Open Space	means any land or space which is not substantially occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values.
Public Area	means those parts of a building normally available for use by the general public exclusive of any service or access areas of the building.
Recreational Activity	means the use of land and/or buildings for the primary purpose of recreation and/or entertainment which is not commercial and includes the sale of food and beverage for consumption on the site, provided it is ancillary to the recreational activity. Recreational activities include sport clubs, art, craft and hobby clubs (i.e., painting, pottery, bridge, chess, photography clubs. and outdoor recreation pursuits) but excludes any recreational activity within the meaning of residential activity.
Reserve	means any land set apart for any public purpose; for full definition see the Reserves Act 1977.

Zone description
Areas used predominantly for a range of passive and active recreational activities, along with limited associated facilities and structures.

Cross-references
<p>In addition to the zone chapters, several district-wide and overlay chapters also contain provisions that may be relevant to the Open Space Zone, including:</p> <p>TRAN - Transport</p> <p>HH - Historic Heritage</p> <p>EW - Earthworks</p> <p>LIGHT - Light</p> <p>NOISE - Noise</p> <p>SUB - Subdivision</p>

Issues

OSZ-I1	<i>Open space and recreation</i>
The availability and distribution of land and facilities for <i>recreation</i> and <i>amenity</i> to enable people to meet their <i>recreational</i> needs.	

Objectives

OSZ-O1	<i>Provide open space and recreation areas</i>
To provide <i>open space</i> , <i>recreational</i> areas and facilities that are equitably distributed or conveniently located throughout the district to meet the diverse needs of residents and visitors.	

Policies

OSZ-P1	Develop and maintain a range of <i>recreation</i> areas and facilities
<p>To develop or facilitate the development and maintenance of a wide variety of <i>recreation</i> areas and facilities, ranging from indoor facilities to neighbourhood and District <i>recreation</i> areas, in locations that are convenient and accessible for the anticipated users.</p>	
OSZ-P2	Considerations for potential <i>recreation</i> areas
<p>To take into consideration the following matters when deciding whether to acquire or receive land for <i>recreation</i> areas, or whether to dispose of existing areas:</p> <ol style="list-style-type: none"> a. the amount of use the land is likely to get and whether the activities that could potentially take place on the land can be easily accommodated elsewhere; a. whether the land has or is able to have, legal and physical access and how close the land is to people who will use it; b. the amount of other land serving the same or similar functions in the same area and the ability of such other areas to accommodate additional use; c. the role of land in providing access linkages, for example, walkway and cycleway links.; d. the size of the land and its ability to accommodate its likely or intended use including the provision of car parking.; e. the role of the land in providing <i>open space</i> and plantings which enhance the <i>amenity</i> of the environment or which protect significant landscapes or views; f. the proximity of the land to river margins, lake shores, wetlands or the coast and its role in providing for <i>public</i> access to or along such waterbodies for the protection of the natural values of the water margins or the maintenance of water quality and aquatic habitats; g. any effect of the <i>recreational</i> area on the natural character of the coastal environment, wetlands, lakes and rivers and their margins; h. the role of the land in protecting and enhancing significant areas of indigenous vegetation, habitats of indigenous fauna and trout and salmon, or the margins of lakes, rivers, wetland and the coast; i. the role of the land and the buildings or structures on it in protecting historic and cultural values of significance to the District's communities. 	
OSZ-P3	Require financial contributions

<p>To require financial contributions towards <i>public recreation</i> areas and facilities from subdivision and development in urban areas to provide for the following:</p> <ul style="list-style-type: none"> a. additional neighbourhood parks including waterfront areas, walkways and cycleways. needed as a result of additional household and visitor accommodation growth across the District; b. additional <i>recreation</i> areas to enhance the visual <i>amenity</i> of the built environment; c. development and maintenance of existing land set aside for neighbourhood parks and <i>recreation</i> areas. 	
OSZ-P4	Provide infrastructure and services
<p>To consider providing suitable water supply and <i>public</i> toilet facilities at the district's waterbodies and other places to which the <i>public</i> has access, where there is demand for these services.</p>	
OSZ-P5	Use financial contributions for parks and walking and cycling linkages
<p>To use financial contributions towards <i>public recreation</i> areas and for the provision of <i>public access</i>, received from subdivisions and developments for the following purposes:</p> <ul style="list-style-type: none"> a. to purchase land for neighbourhood parks in areas where there are existing or potential deficiencies in the provision of local parks; b. to develop existing and new neighbourhood parks serving the area to a level where they are useable and enjoyable for children's play, passive <i>recreation</i> and for visual <i>amenity</i> with trees, shrubs and garden plantings; c. to obtain and develop neighbourhood walking and cycling linkages; d. to develop <i>recreation</i> areas and facilities which are of importance to the District, but also serve a local need. 	

Methods Other Than Rules

OSZ-M1	Achieve OSZ-P1 to P5
<p>To achieve the policies of the Open Space Zone by:</p> <ul style="list-style-type: none"> a. Designation of Council <i>reserves</i> where necessary to ensure the continued functioning of a site for <i>recreational</i> purposes. 	

- b. The levy of financial contributions towards *public open space* and *recreation* facilities whenever subdivision or development occurs within Residential, Rural, Settlement, Tourism or Business Zones.
- c. The setting aside of esplanade *reserves*, esplanade strips and access strips.
- d. Through the Council's annual planning process:
 - i. to continue to maintain and develop a wide range of *open space* and *recreational* areas and facilities, such as potable drinking water supplies and *public* toilet/effluent treatment and disposal systems, within the District;
 - i. to continue to improve the visual *amenity* of *public* lands throughout the District, through planting, street improvements and the appropriate siting and design of buildings and facilities.
 - ii. to involve the community in decisions regarding the siting, use and design of *open space* and *recreation* areas.
 - iii. to use financial contributions received for *public recreation* and *open space* to acquire or develop land for such purposes.
 - iv. to implement the Council's Coastal Management Strategy.

Principal Reasons

OSZ-PR1	Appropriateness for Council to provide <i>recreation</i> areas
<p>The Council considers it is appropriate for it to play a major role in developing or facilitating the development of a wide range of <i>recreational</i> areas and facilities, as it has the ability to acquire land and already owns a considerable amount of land for this purpose. Any neighbourhood <i>reserves</i> should fulfil the requirements of the above policies to ensure that they meet the needs of residents and visitors. The Council needs to take into account levels of use, accessibility, useable land, linkage roles, the size of the land, visual <i>amenity</i>, proximity to waterbodies, natural values and the heritage values when assessing whether to acquire or receive land or dispose of existing land set aside for <i>recreational</i> purposes. The Coastal Management Strategy will assist the Council in managing the provision and development of <i>reserves</i> for the Kaikōura Peninsula.</p> <p>When large scale residential subdivision or development occurs, it is likely that no neighbourhood parks or areas of visual relief exist in the area. Council will provide <i>recreation</i> areas to satisfy the needs of these residents by requiring land or cash contributions towards <i>recreation</i> areas and facilities. As a result, those who use <i>recreation</i> areas, directly or indirectly, meet the costs of providing the facilities.</p> <p>Contributions will be required from business development as it is considered that many new business developments within the District attract visitors to the area and that these visitors increase the need for the provision and upgrading of <i>recreation</i> areas.</p> <p>In areas where new houses are established within an existing neighbourhood, existing <i>recreation</i> areas and facilities are likely to be used to a greater degree due to increased</p>	

numbers of household units. Consequently, it is considered equitable that contributions are made by developers towards developing existing *recreation* areas and if necessary, providing additional areas. There will be no differentiation between forms of tenure such as cross lease and other types of subdivision. with the emphasis being on the effects of subdivision in terms of potential household units.

Where District-wide *recreation* areas and facilities such as domains, sports fields, and conservation areas are provided by the Council, these will generally be funded on a District wide basis. This recognises that District needs are generated by demands beyond any particular subdivision.

Anticipated Environmental Results

OSZ-A1	Anticipated environmental results for the Open Space Zones
	<ol style="list-style-type: none"> 1. Provision of a wide range of <i>recreational</i> opportunities in recognition of the diversity of <i>recreational</i> needs of Kaikōura residents and visitors. 1. The provision and development of existing and additional <i>public open spaces</i> and <i>recreation</i> areas where there is growth and development in the District. 2. <i>Open space</i> and <i>recreational</i> facilities that are convenient and accessible to users. 3. The incorporation of the values and opinions of Te Rūnanga o Ngāi Tahu, and their concerns relating to <i>recreational</i>, and water based activities in the District. 4. Implementation of the policies and methods in a manner that will result in the maintenance of the ecological, conservation, <i>recreation</i>, and landscape values of these <i>open spaces</i>.