

Part 6 Open Space zone provisions

38 General controls for development—Zone 6 (a) (Existing Open Space Zone)

(1) Land within the zone

Land is within Zone 6 (a) (the Existing Open Space Zone) if it is shown lettered 6 (a) on the zoning map.

(2) Objectives of the zone

The objectives of Zone 6 (a) are as follows:

- (a) to recognise the importance of land in the zone as open space and allow a limited range of uses compatible with the keeping of the land as open space and in public ownership,
- (b) to permit a range of uses, especially recreational uses, where those uses comply with the plan of management for the land,
- (c) to ensure that development in areas of environmental significance does not reduce that significance.

(3) Allowed without development consent

Development for the purpose of:

environmental facilities; works ordinarily incidental or ancillary to gardening or landscaping.

(4) Allowed only with development consent

Development for the purpose of:

buildings ordinarily incidental or ancillary to gardening, landscaping or recreation; child care centres; clearing of land; community facilities; kiosks; markets; outdoor recreation; racecourses; recreation areas; recreation facilities; showgrounds; utility installations.

(5) Prohibited

Any development not included in subclause (3) or (4).

39 General controls for development—Zone 6 (c) (Private Open Space Zone)

(1) Land within the zone

Land is within Zone 6 (c) (the Private Open Space Zone) if it is shown lettered 6 (c) on the zoning map.

(2) Objectives of the zone

The objective of Zone 6 (c) is to recognise and provide for major recreational uses carried out on land not owned by a public authority.

(3) Allowed without development consent

Development for the purpose of:

environmental facilities; works ordinarily incidental or ancillary to landscaping or gardening.

(4) Allowed only with development consent

Development for the purpose of:

buildings ordinarily incidental or ancillary to landscaping, gardening or recreation; caravan parks; clearing of land; camp sites; clubs; kiosks; picnic grounds; outdoor recreation; recreation areas; recreation facilities; refreshment rooms; tourist accommodation; utility installations.

(5) Prohibited

Any development not included in subclause (3) or (4).

40 Development within Zone 6 (a)

(1) Consent must not be granted to the carrying out of development on land within Zone 6 (a), unless the consent authority has considered:

(a) the need for the proposed development on that land, and

(b) the impact of the proposed development on the existing or likely future use of the land, and

- (c) the need to retain the land for its existing or likely future use.
- (2) Consent must not be granted to the subdivision of land of which any land within Zone 6 (a) forms part, unless the land within Zone 6 (a) is included in the plan of subdivision as a proposed separate allotment.
- (3) Notwithstanding subclause (2), where the topography of the land to be subdivided makes it necessary, consent may be granted to allow registration of a plan of subdivision in which the boundaries of an allotment referred to in that subclause do not correspond precisely with the boundaries of the land within Zone 6 (a) as shown on the zoning map, but which depart from those boundaries only to a minor extent.

41 Acquisition of land within Zone 6 (a)

- (1) The owner of any land within Zone 6 (a) may, by notice in writing, request the Council to acquire that land.
- (2) On receipt of such a notice, the Council must acquire the land
- (3) Until the land is acquired, a person may, with the consent of the Council, carry out development on land within Zone 6 (a):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (4) The Council shall not grant consent to a development application to which subclause (3) applies unless it has considered:
 - (a) the need for the proposed development on that land, and
 - (b) the effect of the proposed development on the costs of acquisition of the land, and
 - (c) the imminence of the acquisition, and
 - (d) the likely impact of the proposed development on:

- (i) the environment, and
 - (ii) the proposed future use of the land for open space, and
 - (iii) the amenity of adjoining property owners or residents.
- (5) The Council may, in granting consent in accordance with subclause (3), require:
- (a) the removal of structures for which it has granted consent, and
 - (b) the re-instatement of the land and the removal of any waste materials or refuse at such time as the land is acquired for open space.

42 Parks plan of management

Despite any other provision in this plan, development may be carried out on land within Zone 6 (a) with development consent if it is identified for the land in a plan of management adopted by the Council under the Local Government Act 1993 or Crown Lands Act 1989.