

Annotations used in this mark up

Annotation:	Meaning
<u>Blue strikethrough and underline.</u>	Amendments respond to submissions which generally seek to simplify the PDP, reduce its length and make it easier to understand. See 136-1 & 2 NZ Wind Energy Association, 138-1 B Coe, 446-1 A Darragh, 548-1 M Cox, 581-1 Norm Antcliff, 715-5 Sharif Family Trust.
<u>Black strikethrough and underlining</u>	Amendments made in response to decisions requested in submissions Or Clause 16(2) of Schedule 1 of the RMA which states: "A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors."

Consequential changes made throughout this chapter

- Consequential changes have been made in this chapter in response to amendments to the definition of site, and the introduction of new defined terms for property and lot.

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8 Open Space and Private Recreation Zones

Comment [SR1]: Consequential on relocation of district wide policies to the new Chapter 2A

This chapter primarily relates to implements five Objectives 2.2 Ecology & Biodiversity, 2.8 Strong Communities, 2.9 Landscape, 2.11 Character and Amenity Values and 2.18 Open Spaces / Active Communities, as set out in Chapter 2. The following objectives are also relevant to resource management issues in the Open Space Environment relating to open space:

Comment [KA2]: Cl 16(2), Sched 1, RMA

Comment [KD3]: Consequential on amendment to Ch 2

- 2.1 Tāngata Whenua
- 2.4 Coastal Environment
- 2.13 Infrastructure and Services
- 2.14 Access and Transport
- 2.16 Economic Vitality
- 2.19 Urban Design
- 2.20 Renewable Energy, Energy Efficiency and Conservation

Introduction

The provisions of this chapter pertain to the existing and potential future open spaces in Kāpiti. They not only apply to areas which are zoned Open Space, but also to areas – for example *identified growth areas* – which may provide new open space infrastructure in the future. The provisions should also be taken into account where new subdivision or development is proposed in other areas which may affect open space areas.

Comment [KJD4]: The District-wide policies from this chapter have been relocated to a new Chapter 2A (following the objectives). These policies apply more broadly than just the Open Space and Private Recreation and Leisure zones. Provides relief for 451-5, 28, 64 & 78 R Crozier & J Allin; and those submissions that generally seek to simplify the PDP and make it easier to understand (136-1 & 2 NZ Wind Energy Association, 581-1 N Ancliff, 715-5 Sharif Family Trust).

The Council will take a leadership role in the delivery of a rich and diverse network of open spaces in Kāpiti; however, other public organisations, private entities, developers and individuals also play important roles in the provision, development and maintenance of open spaces. The need for new and better open spaces is directly linked with population and employment growth and development in the District; and accordingly, publicly and privately initiated development must be undertaken in a manner that achieves the relevant objectives for open space areas. The policies below are the primary means by which all of these stakeholders are to implement these relevant objectives.

8.1 District-wide Provisions

Although there are specific provisions that apply to areas zoned Open Space in the District (Section 8.2 below), the following District-wide considerations shall also apply across all zones in order to achieve a rich and diverse network of open spaces.

8.1.1 Policies

Policy 8.1 — Accessibility

Subdivision, land use and development will be undertaken in a manner which enables all urban residences to have access to public open space within a distance of 400 metres.

Reference

Objective
2-18

Explanation

The Kāpiti District's urban residential areas are characterised by a mixture of housing densities, including variations in the area, orientation and characteristics of on-site open space provided with each household. Public open spaces are essential assets for urban residents, enabling opportunities for active and passive recreation, socialising and community interaction that cannot be achieved on most private properties in the urban area. Accordingly these places should be distributed throughout the District in a manner that enables all urban residents to have access to one or more open spaces within 400 metres (or roughly a 5-minute walk). This figure is based on current best practice and has been adopted within Council's Open Space Strategy (2012) following consultation with the Community.

This policy has a number of implications for the Council as a main provider and manager of open spaces. Some existing urban areas, for example, are underserved with public open space. Opportunities may be taken in the future to acquire private land to remedy this shortcoming. Moreover, the Council—in its role as development manager—must ensure that new development takes into account the need for urban residents to be well served with open spaces. This may include requirements for new open space areas in new greenfield developments, or well-designed active transport connections from such developments to existing open spaces nearby. Gated communities and other large developments which are characterised by limited (or no) public accessibility or permeability will not be supported unless they address the impact these limitations have on the ease of access to public open spaces for residents outside these areas and, in turn the ability for such developments to achieve this policy.

Policy 8.2 — Parks and new development

- A. New publicly accessible neighbourhood which are of a size, shape and location that meet the open space and recreational needs of the Community will be provided within new subdivisions; and**
- B. New parks or upgrades to existing parks will be provided for to accommodate open space and recreational demand created by infill housing.**

Reference

Objective
2-18

Explanation

This policy is complementary to other open space policies relating to accessibility and reserve contributions. In order to achieve an urban environment where all residents have access to a park or open space within 400 metres of home (as per Policy 8.1), new

development areas and large subdivisions need to provide new open space infrastructure in addition to housing areas and other proposed uses.

It is also important that any new parks in these areas are located within the wider area in a manner that maximises accessibility and safety, whilst also being designed (in terms of size and shape) to be fit for purpose. Isolated, misshapen or undersized reserves should be avoided as they may fail to adequately meet the essential recreational and open space needs of the local community. These issues can generally be managed through structure planning, or concept planning for larger developments; but in areas where such techniques are not employed, Council will use its discretion at the time of subdivision to ensure appropriate outcomes.

The Policy also works in conjunction with Policy 8.8 to ensure that any new neighbourhood park is going to be designed and developed to best meet the wide range of recreational and open space needs of the community. This includes specific consideration of how large the park should be, its physical characteristics and its accessibility (among other matters). For example, one neighbourhood may benefit most from a larger conservation or scenic reserve, while another neighbourhood may be better served by a small local park. Collectively, Policy 8.2 and 8.8 ensure this level of consideration is given for new development areas when deciding the best way to meet the community's needs.

In areas where infill development occurs, it may be difficult to acquire new parks or reserves to service the increased population. Nevertheless, there may be opportunities to enhance or upgrade existing facilities in the vicinity of infill development to enable the needs of existing and new residents to be met.

Policy 8.3 – Reserve contributions

Reserve contributions in cash or land will be required as a condition of subdivision and development and will be used for acquisition, protection and enhancement of areas of cultural, ecological or amenity value, as well as the acquisition, creation and improvement of recreation resources and facilities for organised, active and/or passive recreation as part of the wider public open space network. Contributions will be taken in accordance with the provisions set out in Section 12.1 of the Plan.

Reference

Objective
2-18

Explanation

Reserve contributions recognise that additional demand for open space and recreational land is an effect of subdivision and development. Contributions can be in the form of land (where such provision is appropriate) or cash (where, for example, the local area is already well served for open spaces).

As the District's population continues to grow, there is an on-going need for more land to be provided to satisfy open space and recreational needs, and to protect areas of cultural, ecological and amenity value as part of the wider public open space network. The resource consent and financial contributions processes provide the opportunity for the Council and applicants to reach agreement on the nature of contribution that is appropriate under the given circumstances. This will enable the Council, as provider and manager of open spaces in the District, to ensure suitable open space areas are provided to best meet the community's needs.

This policy works in conjunction with Policies 8.1 and 8.2 as the primary means to manage the open space demands generated by new growth and development. The provisions of Chapter 12, which pertain to financial contributions, should also be read in tandem with these first three policies of Chapter 8.

Policy 8.4 – Esplanades

~~New subdivision, land use and development will be undertaken in a manner that protects the conservation values, recreational opportunities and public access to and along the margins of rivers and the coast through the provision of esplanade reserves, esplanade strips and access strips in appropriate locations and of appropriate sizes and widths to suit their purpose.~~

Reference

Objectives
2.1 & 2.18

Explanation

~~The Resource Management Act requires that the Council recognise and provide for the maintenance and enhancement of public access to rivers, lakes, streams and the coastal marine area and to preserve the natural character of these areas. Esplanades are a key implementation tool to achieve this end. Schedule 8.1 of this chapter sets out the criteria for the provision of esplanade reserves, including potential waivers or reductions.~~

Policy 8.5 – Active transport and connectivity

~~Council will ensure the continued development and maintenance of a public cycleway, walkway and bridleway network as part of the wider open space network in co-operation with relevant stakeholders, linking residential areas with open space, schools, commercial and community facilities, public transport nodes and important natural areas.~~

Reference

Objectives
2.8, 2.14 &
2.18

Explanation

Improving and extending active transport accessibility and connectivity has multiple benefits for the health, well-being, identity and resilience of the community. Open space areas are not only key destinations for many active transport users, but also often provide essential transport connections to other important locations throughout the District.

This Policy works in conjunction with Policy 11.36 to implement the Plan objectives relating to improved health, resilience, and transport sustainability.

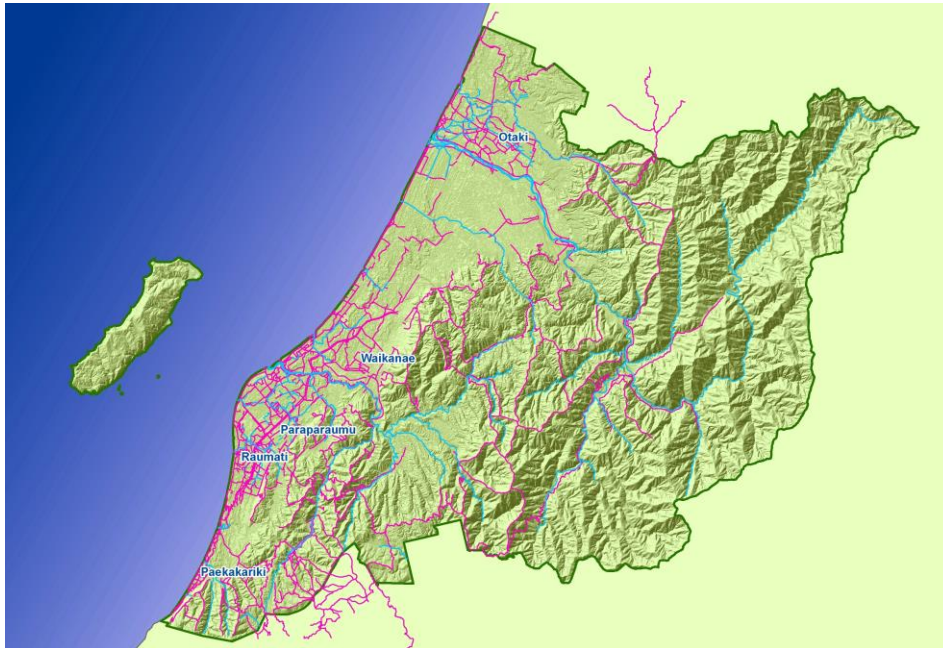


Figure 8.1: Kāpiti's Cycleway, Walkway & Bridleway Network

Comment [KJA5]: Diagram deleted

Kāpiti is already well served by a network of cycleways, walkways and bridleways; however, as subdivision and development occurs in Kāpiti, and as new open space areas and local purpose reserves are created, it is important that this network is expanded and enhanced.

Policy 8.6 – Amenity values

- A. New subdivision, land use and development of reserves and areas of significant scenic, ecological, cultural, scientific and national importance will provide for the intrinsic amenity value of these areas, including (but not limited to) values associated with:**
 - i. a sense of openness and visual relief from more intensive urban areas;
 - ii. indigenous vegetation;
 - iii. significant landforms; and
 - iv. natural character.
- B. New subdivision, use and development of land outside of the areas identified in (A.) above will be undertaken in a manner that does not compromise the intrinsic amenity values of these areas.**

Reference

Objectives 2.1, 2.2, 2.9, 2.11 & 2.18

Explanation

Open spaces and reserves are major contributors to the Kāpiti District's character and to the amenity shared by the District's residents and visitors. For the most part, these places are characterised by the presence of few buildings, providing spatial relief from the more urbanised areas of the District. The openness afforded by these areas can be enjoyed in myriad ways, from near and afar.

In development of open spaces should be undertaken in a manner that recognises these areas' contribution to amenity values and, where possible, enhances the relationship between people and the District's valued natural features. Development that occurs in other areas which might affect open spaces should likewise be undertaken in a way that does not undermine the amenity values afforded by those open spaces.

Policy 8.7 – Covenants and balance lots

New subdivision, use and development may provide for privately-owned and/or managed reserves, open space covenants, ecological preserves and other areas where building is restricted, provided that they are effectively managed and safe for end users.

Reference

Objectives
2.1, 2.2,
2.9, 2.11 &
2.18

Explanation

In some instances, landowners or developers may choose to retain areas of land for the purposes of providing open space and/or natural reserves for private use or for limited use by the public. Likewise, these areas may be required as a condition of development in order to preserve the general openness of an area. These areas may be administered by individual land owners, bodies corporate, environmental interest groups (for example Royal Forest and Bird Protection Society of New Zealand), and other statutory bodies (for example QEII National Trust) among others.

The Council will generally support this type of land use, though it may not elect to purchase or manage areas used for such purposes. Exceptions to this support may arise where insufficient management structures may lead to unsafe environments for users of these areas, or where development of the areas is of a scale and/or intensity which is inappropriate to its context.

For the avoidance of doubt, such covenants and balance lots are not part of the public open space network. They are not included as part of any calculation of reserve contributions, and will not be acquired by Council as part of any such contribution. The Council may, however, acquire some land within an area identified as a balance lot or covenanted private open space for public open spaces.

8.2 Zone-specific Provisions

Comment [SR6]: Cl 16(2), Sched 1, RMA

Zone Descriptions

The Kāpiti District's open spaces are contained mainly within one of the following four zones, based around their individual functions and characteristics:

- Open Space (Recreation) Zone;
- Open Space (Local Parks) Zone;
- Open Space (Conservation and Scenic) Zone; and
- Private Recreation and Leisure Zone.

While some open space areas serve multiple purposes, the general character of all open space zones is defined by the relatively low presence of buildings and structures and by the presence of areas that facilitate passive and active recreation. To best manage the resource management issues unique to the District's various open spaces, three distinct public Open Space Zones and one private zone are used in the District Plan as set out below.

Public Open Space Zones

Open Space (Recreation) Zone

The Open Space (Recreation) Zone comprises the District's sportsgrounds and destination parks and has a primary focus on enabling active and passive recreation and leisure activities. These areas are typically larger reserves that people residents and visitors are willing to travel to from further afield than the immediately surrounding neighbourhood. Destination parks, in particular, tend to be characterised by location-specific, appealing recreational assets and high levels of amenity, often with distinct landscape features and plantings. Sportsgrounds are purpose-built for active recreation and can also serve as suitable venues for temporary activities such as fairs, festivals and the like.

Comment [KA7]: Cl 16(2), Sched 1, RMA

While open spaces are generally characterised by openness and the relatively low presence of buildings and structures, it is recognised that buildings these features can enhance recreational amenity. Provision is made in the Open Space (Recreation) Zone for buildings at a built scale and intensity that can both enhance recreational amenity and retain general open space character.

Open Space (Local Parks) Zone

The Open Space (Local Parks) Zone contains local neighbourhood parks, cemeteries and some active transport corridors for the cycleway, walkway and bridleway network. These areas are typically smaller than their counterparts in the Open Space (Recreation) Zone and are provided primarily to serve local, day-to-day open space, cultural and recreational needs. In general, they are easily accessible to surrounding neighbourhoods, comprise well maintained urban reserves with flat or gently sloping topography, and may include a playground, seating, paths and amenity planting. In addition, the zone includes the District's public cemeteries and local pedestrian and cycle facilities, which provide connections through urban areas and to points of interest.

These areas generally contain fewer and smaller buildings than found in the Open Space (Recreation) Zone.

Open Space (Conservation & Scenic) Zone

The Open Space (Conservation & Scenic) Zone comprises sites which are generally in a highly natural state, and often comprise very large areas of land – for example, Kāpiti Island and Tararua Forest Park. Landscape and conservation values are of particular importance ~~in for~~ the zone; however there are several opportunities for active and passive recreation within these sites as well. Open Space (Conservation & Scenic) zoned land typically contains very low ~~coverage concentrations~~ of buildings relative to land area.

Comment [KA8]: Cl 16(2), Sched 1, RMA

Comment [KA9]: Cl 16(2), Sched 1, RMA. Consistent with definition of coverage and permitted activity rules.

The zone also ~~includes contains~~ several areas of land currently and/or historically used for production forestry. These uses which have been lawfully established prior to 29 November 2012 will be able to continue to operate in the zone under existing use rights ~~subject to compliance with section 10 of the RMA~~; however future production forestry activities will need to be assessed in terms of the potential effects the activity will have on landscape and ecological values, transport networks and land stability.

Comment [KA10]: Cl 16(2), Sched 1, RMA

Private Recreation and Leisure Zone

The Private Recreation and Leisure Zone ~~currently~~ comprises the District's golf courses ~~and a number of other privately owned facilities which contribute to the Kāpiti District's overall open space and recreation resource~~. As in the Open Space Zones, sites in the Private Recreation ~~and &~~ Leisure Zone have a low concentration and scale of buildings; however, the Plan provisions relating to this zone recognise the fact that both the private ownership and the specialised use of these areas differ from the District's public open spaces. Accordingly, the Plan allows for greater flexibility in the scale and nature of development in the Private Recreation ~~and &~~ Leisure Zone. Notwithstanding this, development of these areas is anticipated to be sympathetic to adjoining areas, and in keeping with the overall purpose of the zone to provide recreation, leisure and open space amenity opportunities for the District.

Comment [KA11]: Cl 16(2), Sched 1, RMA. Private Recreation and Leisure zone only applies to the four golf clubs

Comment [KA12]: Cl 16(2), Sched 1, RMA

8.2.1 Policies**Policy 8.8 – Recreational activities**

Subdivision, use and development of land in Open Space Zones and the Private Recreation and Leisure Zone will recognise and provide for the community's wide range of recreational needs.

Reference

Objectives 2.8 & 2.18

Explanation

~~The Kāpiti District's population is characterised by a diverse mix of cultures, age groups, and socioeconomic conditions. Open spaces should be equally diverse to cater to a multitude of recreational interests. This should include consideration of both passive (walking or picnicking for example) and active recreational needs (including sports fields, skate parks and so on). In addition, the distribution of areas provided for these activities is an important consideration to ensure that accessibility to a variety of local recreational options can be achieved.~~

~~As a finite resource, open spaces are limited in terms of their ability to be everything to everyone, and so a balance will need to be struck between competing recreational needs where open spaces are subdivided, used and developed.~~

Policy 8.9 – Activities (general)

Activities in the Open Space Zones that may result in adverse environmental effects will be avoided unless:

- a) the activities meet the recreational and/or open space needs of the community; and
- b) the associated effects will be remedied or mitigated.

Where such activities are proposed in open space zones, specific consideration will be given to:

- (i) the extent to which the activity provides a recreational or open space value (including cultural values) that is not available or which is underprovided within the identified catchment area for the activity;
- (ii) the appropriateness and effectiveness of any mitigation or remediation measures proposed, including the need (if any) for ongoing or regular management;
- (iii) the appropriateness of the particular open space in which the activity is proposed, including whether it is better suited to an alternative location;
- (iv) whether or not the activity would preclude future adaptive uses of the open space area; and
- (v) whether or not the activity would unduly limit or preclude public access.

Reference

Objectives
2.8, 2.9,
2.11 &
2.18

Explanation

~~In general, it is expected that activities in open space areas should not be undertaken if they would lead to adverse environmental impacts; however, the importance of enabling community well-being through the provision of a wide range of recreational and other open space activities must also be recognised. Some recreational activities, such as mountain biking or four wheel driving, are highly valued pastimes but can alter drainage paths or lead to erosion. Noisy activities and activities that limit access to and through open spaces can also affect the ability of the general public to enjoy these areas. More 'intense' uses should only be provided for in the open space network where they meet recreational or other open space needs and where they are undertaken in locations and in a manner in which the effects associated with them can be remedied or mitigated to an appropriate extent.~~

~~Some recreational activities could entail alterations to the open space environment which might prove to be a hindrance to a future change in use. Activities which are difficult or costly to adapt should generally be discouraged in open space areas, particularly as the recreational needs of the Community are ever changing.~~

~~The matters outlined in points (i) through (v) will be considered for resource consent applications to determine if a proposed activity is appropriate for the relevant open space zone.~~

Policy 8.10 – Buildings and structures

New *buildings* and structures will be designed, located and constructed in a manner which does not reduce the overall quality of the District's Open Space Zones, while recognising that some buildings and structures can enhance recreational and open space values.

Where new *buildings* or structures are proposed in open space zones, specific consideration will be given to:

- a) the appropriateness – including the relationship to the surrounding environment – of the purpose, number, size and location of new *buildings* and structures;
- b) the extent to which any building or structure – including its design and appearance – positively contributes to, or detracts from, recreational and open space amenity, and cultural, ecological and landscape values;
- c) whether any proposed *building* or structure unduly precludes or limits public access;
- d) any cumulative effects, including from proliferation of *buildings* and structures in a given open space area;
- e) the extent to which any *building* or structure is necessary to ensure effective operation, maintenance, upgrading or development of the electricity transmission network; and
- f) the extent to which any building or structure may be appropriate for the development, operation, or upgrading of *domestic and community-scale* renewable electricity generation facilities.

Reference

Objectives
2.8, 2.9,
2.11 &
2.18

Explanation

~~A defining characteristic of open space areas is the relatively low occurrence of buildings and structures. Notwithstanding this, some of these features – such as toilets, changing rooms, clubrooms, play equipment and so on – can enhance the level of amenity enjoyed by open space users. Accordingly, buildings and structures of an appropriate size, scale and distribution that support recreational and other open space values should be provided for.~~

~~Open spaces can also play a role in the efficient development, maintenance, operation and protection of buildings and structures associated with important social and physical infrastructure. Nationally significant matters, such as the electricity transmission network and renewable energy generation facilities may be provided for within open space areas, provided they do not compromise the overall quality of these areas.~~

~~The matters outlined in points (a) through (f) will be considered for resource consent applications to determine if a proposed building or structure is appropriate for the relevant open space zone.~~

Policy 8.11 – Subdivision

Inappropriate subdivision of land in Open Space Zones will be avoided.

Where any subdivision is proposed in Open Space Zones, specific consideration will be given to:

- a) the appropriateness of the resulting size, shape and location of ~~allotments~~ lots, including balance lots;
- b) the extent to which adequate public access is maintained to and through the ~~allotments~~ lots;
- c) whether or not the subdivision would positively contribute to, or detract from, recreational and open space amenity, and cultural, ecological and landscape values;
- d) the extent to which the subdivision could affect adjacent properties and/or lawfully established activities; and
- e) the extent to which the subdivision is necessary to enable the efficient functioning of network utilities, including renewable energy generation facilities.

Reference

Objectives
2.11 &
2.18

Explanation

~~Subdivision of open space land is relatively uncommon. Given the general predisposition for open spaces to be publicly owned, and given the importance of these areas for community amenity and well-being, subdivision of open spaces is rare and can have potentially significant ramifications on the ability of the public to use these places as intended. To this end, the Council will actively manage any subdivision in these areas to ensure potentially significant adverse effects associated with subdivision are avoided.~~

~~The matters outlined in points (a) through (e) will be considered for resource consent applications to determine if a proposed subdivision is appropriate for the relevant open space zone.~~

Policy 8.12 – Safety

Subdivision, land use and development in the Open Space Zones will ~~be designed and developed in a manner that~~ be designed and developed in a manner that provides for the safety of users and neighbouring communities, including ~~through~~ through ~~via~~ via consideration of the principles ~~set out~~ set out in Appendix 5.5 - Crime Prevention Through Environmental Design (CPTED) Guidelines.

Reference

Objectives
2.8, 2.18 &
2.19

Explanation

~~Open spaces are generally characterised by high accessibility, providing people with the ability to move through these places with relatively free right of access. Given this attribute, there is a responsibility to ensure open space areas are safe for people to use. This not only includes such considerations as the suitability of playground equipment and other structures, but also relates to the manner in which open spaces are located and developed with respect to surrounding areas, including their size, shape, lighting and physical character.~~

The Council's Crime Prevention Through Environmental Design (CPTED) Guidelines (see Appendix 5.5) outline a number of principles to facilitate the development of safe public environments, and should be referred to for the subdivision, use and development of the District's open spaces.

Policy 8.13 – Indigenous biodiversity

Opportunities to enhance indigenous biodiversity will be identified and implemented through the subdivision, use and development of Open Space Zones.

Reference

Objectives
2.1, 2.2 &
2.18

Explanation

Virtually all open space areas are complemented by landscaping or planting to some degree. Many of these areas are dedicated scenic or ecological reserves, with a primary purpose of preserving indigenous vegetation and/or providing natural habitats for indigenous fauna, while other areas feature only small areas of landscaping or amenity planting.

Section 6(c) of the Resource Management Act identifies the protection of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. The Act also identifies (at section 31) that a key function of all territorial authorities in New Zealand is the maintenance of indigenous biodiversity. 'Protection' and 'maintenance' in this instance should not be limited to 'preservation,' but should include the improvement of the biological diversity of the District. Open spaces can provide considerable opportunities for new or enhanced environments for indigenous flora and fauna, and developing these opportunities will be an important means of protecting ecological values in Kāpiti.

Policy 8.14 – Food Production and Renewable Energy

Opportunities for food production and *community-scale* renewable energy generation facilities may be identified and developed in the Open Space Zones in a manner which does not significantly affect the core ecological, recreational, cultural and other amenity values associated with open spaces.

Refer **Comment [KA13]:** Cl 16(2), Sched 1, RMA

Objectives
2.1, 2.8,
2.9, 2.11,
2.13, 2.18
& 2.20

Explanation

Providing for a wide range of environments for food production in the District enables the community to be more resilient to potential price shocks associated with energy supply challenges, as well as environmental and economic system shocks and stresses. To this end, food production should not be limited to the District's rural areas, nor to private gardens in residential environments. Many open spaces provide viable options for community gardens, orchards and other edible/medicinal plant growing opportunities.

Similarly, open space areas can potentially provide for local and community scale renewable energy generation facilities, provided that the potential effects of such facilities on recreational and amenity values and open space character is of an appropriately minor nature and scale.

~~By enabling local food and energy production at an appropriate scale and in appropriate locations in the open space network, community resilience and well-being (including through increased opportunities for community interaction) will be improved in a manner that does not compromise amenity.~~

Policy 8.15 – Private Recreation and Leisure Zone

Development of private open spaces and recreational facilities will be provided for in the Private Recreation and Leisure Zone where the development:

- a) is of an appropriate scale, intensity and location relative to its context; and
- b) is *ancillary* to the recreational, open space and/or leisure activities which predominate on the site(s).

Reference

Objectives
2.11, 2.16
& 2.18

Comment [KJA14]: CI 16(2), Sched 1, RMA

Explanation

~~A number of privately owned facilities provide substantial open space, recreational and leisure opportunities for residents and visitors in Kāpiti. These include golf courses, bowling greens, and ecological reserves to name a few.~~

~~These areas increase the variety of resources available to the community for healthy recreation, and offer relief from surrounding urban areas in many instances. Subdivision, use and development of these areas is not necessarily anticipated to be equivalent in scale or intensity to publicly owned open spaces and so increased use and development flexibility is provided for in these privately owned areas. Notwithstanding this distinction, where new development is proposed in private recreation and leisure areas, it should respect the nature of the built and natural environment in the local vicinity. Moreover, new development in these areas should support their recreation and/or leisure function so as to enhance open space values.~~

8.2.2 Rules and Standards

Summary table

The following table is intended as a guide only and does not form part of the District Plan. Refer to specified rules for detailed requirements. *Pe* refers to Permitted Activities, *C* to Controlled Activities, *RD* to Restricted Discretionary Activities, *D* to Discretionary Activities, *NC* to Non-Complying Activities and *Pr* to Prohibited Activities.

Uses/Activities	Rule	Pe	C	RD	D	NC	Pr
Recreation, community and cultural activities (including ancillary retailing) that meet permitted standards	8.1.2	●					
Recreation, community and cultural activities (including ancillary retailing) that do not meet permitted standards	8.5.4					●	
Lighting that meets permitted standards	8.1.3	●					
Lighting that does not meet permitted standards	8.4.5				●		
Activities on Kāpiti Island and off shore islands that meet permitted standards	8.1.4	●					
Activities on Kāpiti Island and off shore islands that do not meet permitted standards	8.5.1				●		
Harvesting activities associated with <i>plantation forestry</i> that meet permitted standards	8.1.5	●					
Harvesting activities associated with <i>plantation forestry</i> that do not meet permitted standards and any other new <i>plantation forestry</i> activity.	8.3.1, 8.5.2			●		●	
New buildings and structures, or additions/alterations, minor works or demolition of existing buildings that meet standards.	8.1.6 – 8.1.8	●					
New buildings and structures, or additions/alterations or minor works to existing buildings that do not meet standards.	8.4.2				●		
In the Private Recreation & Leisure Zone, recreational and leisure activities, and <i>ancillary</i> activities that meet permitted standards.	8.1.9	●					
In the Private Recreation & Leisure Zone, activities that are not <i>ancillary</i> to recreation and leisure activities.	8.4.4				●		
In the Private Recreation & Leisure Zone, recreational and leisure activities, and <i>ancillary</i> activities that do not meet permitted standards	8.4.4				●		
Species protection and conservation management works	8.1.10	●					
Flood protection, erosion control, stormwater management and natural hazard mitigation works in the Open Space (Recreation), (Local Parks) and (Conservation & Scenic) Zones.	8.1.11	●					
Community / mara kai gardens in the Open Space (Recreation) and (Local Parks) Zones.	8.1.12	●					
Landscaping	8.1.13	●					
Any fence that meets permitted activity standards	8.1.14	●					
Any fence that does not meet one or more of permitted activity standards	8.4.6				●		

Uses/Activities	Rule	Pe	C	RD	D	NC	Pr
Boundary adjustments and minor subdivision that meets standards	8.2.1		●				
Subdivision in the Ōtaki South Precinct	8.3.2			●			
Subdivision not a controlled activity under Rule 8.2.1 or a Restricted Discretionary Activity under Rule 8.3.2					●		
Any recreational activity in the Private Recreation and Leisure Zone that meets standards	8.3.3			●			
Any recreational activity in the Private Recreation and Leisure Zone that does not meet standards	8.5.3					●	
Any industrial or commercial activity	8.5.4					●	
Any factory farming activity	8.5.5					●	
The parking or placing of any motor vehicle, boat, caravan or material for the purposes of sale or lease within road or Council reserve other than specified areas by resolution with the Council	8.5.6					●	
New buildings or additions/alterations to existing buildings in the Dune Protection Area of the Open Space (Local Parks) Zone within Precinct B at Paraparaumu District Centre	8.5.7					●	

Rule 8.0. Applicability of Rules 8.1 – 8.5

Rules 8.1 to 8.5 shall only apply only to land and activities within the Open Space Zones and the Private Recreation and Leisure Zone. For the avoidance of doubt, where a site comprises more than one zoning, the provisions of each zone shall be considered. Unless otherwise specified, all rules, standards and matters of control/discretion shall apply to all Open Space Zones and the Private Recreation and Leisure Zone. Where there is a conflict between any rule or standard in this chapter and any other chapter, the more stringent rule or standard shall apply.

Comment [KD15]: CI 16(2), Sched 1, RMA

Notes: [1]—Notwithstanding the activity category defined by Rules 8.1 to 8.5 for any activity in the Open Space Zones and the Private Recreation and Leisure Zone, attention is also drawn to the rules:

- [a] in Chapters 3, 9, 11 and 12 that apply to matters which apply across all zones in the District – for example, ~~transport~~ carparking, vehicle access, traffic generation, signs; and
- [b] in Chapters 3, 4, 9, 10 and 11 that apply to special features identified on the District Planning Maps – for example ~~listed~~ historic heritage features, items, ecological sites, natural hazards.

Comment [KA16]: CI 16(2), Sched 1, RMA

Comment [KJD17]: Responds to 451-105 & 106 R Crozier & J Allin

Comment [KD18]: CI 16(2), Sched 1, RMA

The rules in these chapters may identify the activity as (or result in the activity being) a different activity category than expressed below. Additional clarity on activity category determination is provided in Chapter 1 (Section 1.1).

~~[2] Section 4(3) of the Resource Management Act 1991 limits the application of the following rules and standards in relation to some works or activities of the Crown.~~

Comment [KJD19]: Responds to 451-105 & 106 R Crozier & J Allin

Comment [KD20]: Relocation of standards for fence height, and lighting responds to Crozier & J Allin; 314-2 W Wyatt; 378-4 Coastal Ratepayers United (CRU); 394-2 R Reeve; 545-2 Hilary Peterson Family Trust; 631-6 M Alexander. Also respond to those submissions generally seeking that the PDP be simplified and made easier to understand (clarifies the activity needs to meet all other permitted activity standards; addresses the issue of some rules actually being standards).

Comment [KD21]: Relocated from Rule 8.1.14

Comment [KD22]: CI 16(2), Sched 1, RMA

Rule 8.1 Permitted Activities

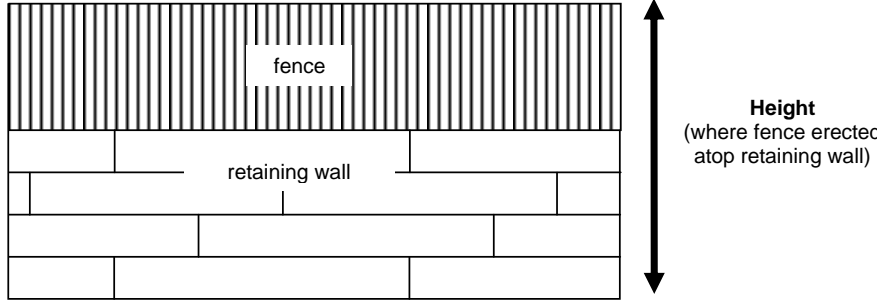
The following activities are permitted activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Permitted Activities	Standards	Reference
1A. Any activity identified as a permitted activity in Rule 8.1	Fences and walls Height 1. The maximum height of any fence or wall shall be: a) 1.2 metres if less than 50% transparent <u>visually permeable</u> ; and b) 1.8 metres if <u>more than 50% transparent-visually permeable (or more)</u> .	

Rule 8.1 Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Comment [KJD19]: Responds to 451-105 & 106 R Crozier & J Allin

Permitted Activities	Standards	Reference
	<p>Note: Visually permeable in the context of this rule means the ability to see through the fence or wall, and is determined by a comparison of the solid portion of the fence or wall structure against any gaps provided within the structure or between fence or wall structures.</p> <p>2. For the purposes of calculating maximum height under standard (1) above where a fence is erected atop a retaining wall, the height shall be the combined distance measured vertically from the base of the retaining wall to the top of the fence.</p>  <p>3. For the purposes of this rule, any safety fencing shall not be subject to standards (1.) and (2.) above.</p> <p>Lighting</p> <p>4. Any lighting shall be directed so that spill of light will be contained within the boundaries of the site property. Light level from the activity on the site property shall not exceed 10 lux, measured 1.5 metres inside the boundary of any adjoining property. This standard does not apply to streetlighting on roads.</p> <p>5. Light levels for pedestrian/cycleways and carparks shall be lit at a minimum of 10 lux.</p>	

Comment [KD23]: Responds to 427-2, 427-3 J Toohey

Comment [KD24]: Relocated from Rule 8.1.3

Rule 8.1 Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Permitted Activities	Standards	Reference
1. Any activities which are not specified as a Permitted, Controlled, Restricted Discretionary, Discretionary, Non-Complying or Prohibited activities and comply with all permitted activity standards in this chapter and all permitted activity standards under Rules 3A.1, 3B.1, 9D.1, 9E.1, 10A.1, 11A.1, 11B.1, 11C.1, 12A.1, 12B.1, 12C.1 and 12D.1.	1. <u>The activity must comply with all permitted activity standards in Rule 8.1.</u>	All policies in this chapter
2. In the Open Space (Recreation, Local Parks, and Conservation and Scenic) Zones, recreation, community and cultural activities, including <i>ancillary retailing</i> .	1. <i>Ancillary retailing</i> shall not: <ul style="list-style-type: none"> a. be located within the Open Space (Local Parks) or Open Space (Conservation and Scenic) Zone; b. exceed 10m² <i>retail floor space</i> for any one retailing activity; or c. exceed 50m² <i>retail floor space</i> for any site <u>property</u>. <p>Note: while recreation, community and cultural activities are provided for as a permitted activity, these land use activities are also subject to all other permitted activity rules in the Plan that apply across the District (for example, in relation to noise, Historic Heritage, the Natural Environment, and so on). Attention is drawn to the relevant provisions in Chapters 3, 4, 9, 10, 11 and 12.</p>	Policies 8.1, 8.2, 8.6, 8.8 & 8.9
2A. In the Open Space (Local Parks) Zone within Ōtaki South Precinct, any activity listed below that is <i>ancillary</i> to a permitted or consented	1. <u>Activities <i>ancillary</i> to a permitted or consented activity in the Otaki South Precinct shall comply with the permitted activity rules applying to development within an overflow or residual overflow path as set out in Chapter 9 Hazards.</u>	

Comment [KJD19]: Responds to 451-105 & 106 R Crozier & J Allin

Comment [KJD25]: Responds to 451-70 & 71 R Crozier & J Allin; 314-2 W Wyatt; 378-4 Coastal Ratepayers United (CRU); 394-2 R Reeve; 545-2 Hilary Peterson Family Trust; 631-6 M Alexander (clarify the permitted activity default rule).

Comment [KA26]: Cl 16(2), Sched 1, RMA

Comment [KA27]: 498-6 Riverbank Orchards Ltd and Kennott Trust Company. Adapted from Operative Plan – Rule D.6.1.1 (xv).

Rule 8.1 Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted **activity standards** and all relevant permitted activity standards in other chapters (unless otherwise specified).

Comment [KJD19]: Responds to 451-105 & 106 R Crozier & J Allin

Permitted Activities	Standards	Reference
<p><u>activity in the Otaki South Precinct is a permitted activity:</u></p> <ul style="list-style-type: none"> a) <u>roading, walkways and cycleways;</u> b) <u>parking, loading and access;</u> c) <u>street furniture;</u> d) <u>landscaping; and</u> e) <u>earthworks.</u> 		
<p>3. Lighting.</p>	<p>1. Any lighting shall be directed so that spill of light will be contained within the boundaries of the site. Light level from the activity on the site shall not exceed 10 lux, measured 1.5 metres inside the boundary of any adjoining property. This standard does not apply to streetlighting on roads.</p> <p>2. Light levels for pedestrian/cycleways and carparks shall be lit at a minimum of 10 lux.</p>	<p>Policies 8.5, 8.8, 8.9 & 8.12</p>
<p>4. Activities on Kāpiti Island and off shore islands.</p>	<p>1. Any activity shall comply with the permitted activity standards under Rule 7.1.7.</p>	<p>Policies 7.23, 8.6, 8.9 & 8.13</p>
<p>5. Harvesting activities associated with <i>plantation forestry</i>.</p>	<p>1. No more than 10ha of any contiguous area used for <i>plantation forestry</i> shall be harvested in any one calendar year.</p> <p>2. No harvesting of <i>plantation forestry</i> shall be undertaken within 20 metres of any river whose bed has an average width of 3 metres or more where the river flows through or adjoins the forestry plantation.</p> <p>3. Each property containing a <i>plantation forest</i> activity shall have a vehicle access designed and built for the entry and exit of fire fighting vehicles and shall meet the following minimum requirements:</p> <ul style="list-style-type: none"> i) 2.5 metres in width 	<p>Policies 8.6, 8.9, 8.13 & 9.21</p>

Comment [KD28]: Relocated to a new Rule 8.1.1A

Comment [KA29]: Cl 16(2), Sched 1, RMA

Comment [KJD30]: Consistent with changes to Ch 3 Rural Zones

Rule 8.1 Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Comment [KJD19]: Responds to 451-105 & 106 R Crozier & J Allin

Permitted Activities	Standards	Reference																														
	ii) 2.8 metres in height clearance (i.e. clear from vegetation, buildings and structures.) 4. A fire plan shall be completed for all forestry blocks prior to harvesting by the forest owner or harvesting company and certified by the Council's Rural Fire Officer prior to commencing any <i>plantation forest</i> harvesting. Note: Council will accept, as compliance with this standard, activities which are demonstrated to be consistent with the New Zealand Environmental Code of Practice for Plantation Forestry.																															
6. The erection of any new <i>building</i> and any <i>addition or alteration</i> to any existing <i>building</i> . The following exceptions shall apply: a) For the purposes of calculating coverage under Standard (1.), any water tank in which the nearest wall of the tank is located within 3 metres of a building and which is no more than 30,000L in volume shall be excluded. b) For the purposes of calculating maximum gross floor area under Standard (2.), any water	1. Maximum coverage <table border="1"> <thead> <tr> <th>Zone</th> <th>Maximum Coverage</th> </tr> </thead> <tbody> <tr> <td>Open Space (Recreation) Zone</td> <td>5%</td> </tr> <tr> <td>Open Space (Local Parks) Zone</td> <td>5%</td> </tr> <tr> <td>Open Space (Conservation & Scenic) Zone</td> <td>2%</td> </tr> <tr> <td>Private Recreation and Leisure Zone</td> <td>5%</td> </tr> </tbody> </table> 2. Maximum gross floor area (expressed in square metres [m²]) of any building <table border="1"> <thead> <tr> <th>Zone</th> <th>Maximum Area</th> </tr> </thead> <tbody> <tr> <td>Open Space (Recreation) Zone</td> <td>500m²</td> </tr> <tr> <td>Open Space (Local Parks) Zone</td> <td>100m²</td> </tr> <tr> <td>Open Space (Conservation & Scenic) Zone</td> <td>350m²</td> </tr> <tr> <td>Private Recreation and Leisure Zone</td> <td>500m²</td> </tr> </tbody> </table> 3. Maximum height of any building (expressed in metres [m]) <table border="1"> <thead> <tr> <th>Zone</th> <th>Maximum Height</th> </tr> </thead> <tbody> <tr> <td>Open Space (Recreation) Zone</td> <td>8m</td> </tr> <tr> <td>Open Space (Local Parks) Zone</td> <td>4m-metres</td> </tr> <tr> <td>Open Space (Conservation & Scenic) Zone</td> <td>6m</td> </tr> <tr> <td>Private Recreation and Leisure Zone</td> <td>8m</td> </tr> </tbody> </table>	Zone	Maximum Coverage	Open Space (Recreation) Zone	5%	Open Space (Local Parks) Zone	5%	Open Space (Conservation & Scenic) Zone	2%	Private Recreation and Leisure Zone	5%	Zone	Maximum Area	Open Space (Recreation) Zone	500m ²	Open Space (Local Parks) Zone	100m ²	Open Space (Conservation & Scenic) Zone	350m ²	Private Recreation and Leisure Zone	500m ²	Zone	Maximum Height	Open Space (Recreation) Zone	8m	Open Space (Local Parks) Zone	4m-metres	Open Space (Conservation & Scenic) Zone	6m	Private Recreation and Leisure Zone	8m	Policies 8.6, 8.8, 8.9, 8.10, 8.12, 8.14 & 8.15
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Comment [KA32]: Cl 16(2), Sched 1, RMA

Comment [KD31]: Cl 16(2), Sched 1, RMA. References to water tanks are redundant as this is covered in the definition of building (Ch 1)

Comment [KA33]: Cl 16(2), Sched 1, RMA

Rule 8.1 Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Comment [KJD19]: Responds to 451-105 & 106 R Crozier & J Allin

Permitted Activities	Standards	Reference						
<p>tank in which the nearest wall of the tank is located within 3 metres of a building in which the tank is associated, and which is no more than 30,000L in volume shall be excluded.</p> <p>c) For the purposes of calculating maximum <i>height</i> under Standard (6.), play equipment (such as goalposts and playground features) shall be exempted. For the avoidance of doubt, these structures shall still be subject to the <i>height</i> in relation to boundaries clause under Standard (5.).</p>	<p>4. Minimum <i>yard</i> setback (expressed in metres [m] measured horizontally) for any <i>building</i> in any Open Space Zone or the Private Recreation <u>and</u> Leisure Zone</p> <table border="1"> <thead> <tr> <th>Boundary</th> <th>Minimum Setback</th> </tr> </thead> <tbody> <tr> <td>Residential Zone (excluding legal road boundaries)</td> <td>5m</td> </tr> <tr> <td>All other zones and along legal road boundaries</td> <td>3m</td> </tr> </tbody> </table> <p>5. Maximum <i>height</i> in relation to boundaries for any <i>building</i> in any Open Space Zone or the Private Recreation & Leisure Zone</p> <p>All <i>buildings</i> must fit within a <i>height envelope</i> which is made up of “recession planes” which incline inwards and upwards from all the property’s boundaries. Each recession plane commences at a point 2.1 metres above ground level at the property boundary and inclines inward at an angle of 45 degrees.</p> <p>6. All buildings shall comply with Rule 9A.1.1 9B.1.2</p>	Boundary	Minimum Setback	Residential Zone (excluding legal road boundaries)	5m	All other zones and along legal road boundaries	3m	
Boundary	Minimum Setback							
Residential Zone (excluding legal road boundaries)	5m							
All other zones and along legal road boundaries	3m							
<p>7. Any <i>minor work</i> undertaken on any <i>building</i>.</p>	<p>1. The <i>minor work</i> shall not result in any increase in the <i>height</i>, bulk, or area of any <i>building</i> on any <u>site property</u>.</p>	<p>Policies 8.6, 8.8, 8.9, 8.10, 8.12, 8.14 & 8.15</p>						
<p>8. The <i>demolition</i> (including partial demolition) or removal of any <i>building</i> (which is not an <u>listed</u> historic heritage</p>		<p>Policies 8.6, 8.8, 8.9, 8.10, 8.12, 8.14 & 8.15</p>						

Comment [KA34]: CI 16(2), Sched 1, RMA

Comment [KD35]: CI 16(2), Sched 1, RMA

Comment [KD36]: CI 16(2), Sched 1, RMA

Rule 8.1 Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Comment [KJD19]: Responds to 451-105 & 106 R Crozier & J Allin

Permitted Activities	Standards	Reference
feature item).		
9. In the Private Recreation and Leisure Zone, recreational and leisure activities, and activities which are <i>ancillary</i> to recreational and leisure activities. Such <i>ancillary</i> activities may include, but are not limited to: <ul style="list-style-type: none"> a) visitor accommodation; b) resort facilities; c) conference facilities; d) retail outlets; and e) restaurants. 	<p>1. Maximum <i>retail floor space</i> (expressed in square metres [m²]) of any building</p> <p>The maximum <i>retail floor space</i> for any one building, including any outdoor area used for retail sales purposes in conjunction with the building, shall not exceed 200m².</p> <p>2. Maximum gross <i>retail floor space</i> (expressed in square metres [m²]) for any <u>site property</u></p> <p>The maximum gross <i>retail floor space</i> for any site property, including any outdoor areas utilised for retail sales purposes, shall not exceed 350m² or a ratio of 10m² per hectare of land, whichever is the lesser. For the avoidance of doubt gross <i>retail floor space</i> for the purposes of this standard is inclusive of any existing lawfully established retail activity located on-site as at 29 November 2012.</p>	Policies 6.6, 8.6, 8.8, 8.9, 8.10, 8.12 & 8.15
10. Species protection and conservation management works, including associated trapping, restoration and re-vegetation work, noxious plant and pest control, and scientific research.		Policies 8.6, 8.7 & 8.13
11. Flood protection, erosion control, stormwater management and natural hazard mitigation works in the Open Space (Recreation),	Note: Additional restrictions apply in all zones in relation to earthworks and landform modification — refer to Chapter 3), and consents/permits may also be required from the Wellington Regional Council and/or Department of Conservation.	Policies 8.9, 9.6 & 9.13

Comment [KA37]: Moved to Chapter 9 to combine with other flood protection rules relating to the Open Space zones (refer to revised Rule 9B.1.6).

Rule 8.1 Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted ~~activity standards~~ activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Comment [KJD19]: Responds to 451-105 & 106 R Crozier & J Allin

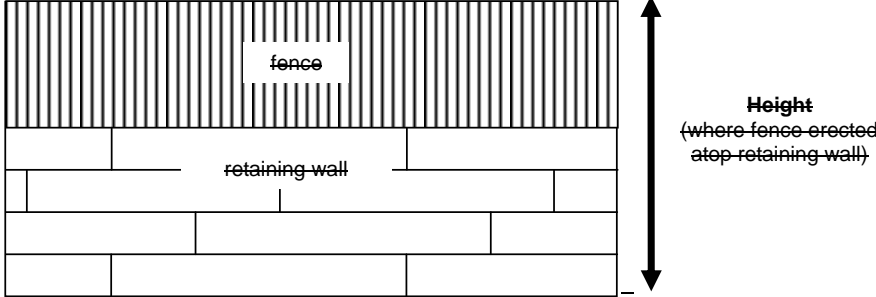
Permitted Activities	Standards	Reference
(Local Parks) and (Conservation & Scenic) Zones.		
12. Community / mara kai gardens in the Open Space (Recreation) and (Local Parks) Zones.	Note: Landowner permission may also be required for the use of Open Space Zone land for community or māra kai gardens.	Policies 8.6, 8.9 & 8.14
13. <i>Landscaping.</i>		Policies 8.6, 8.7, 8.9 & 8.13
14. Fences.	<p>Fence Height</p> <p>6. The maximum height of any fence shall be:</p> <p>e) 1.2 metres if less than 50% transparent; and</p> <p>d) 1.8 metres if 50% transparent (or more).</p> <p>7. For the purposes of calculating maximum height under standard (1) above where a fence is erected atop a retaining wall, the height shall be the combined distance measured vertically from the base of the retaining wall to the top of the fence.</p>	Policies 8.6, 8.8 & 8.12

Comment [KD38]: Relocated to a new Rule 8.1.1A

Rule 8.1 Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards and all relevant permitted activity standards in other chapters (unless otherwise specified).

Comment [KJD19]: Responds to 451-105 & 106 R Crozier & J Allin

Permitted Activities	Standards	Reference
	 <p data-bbox="555 762 1563 810">8. For the purposes of this rule, any safety fencing shall not be subject to standards (1.) and (2.) above.</p>	

8.2 Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled standards (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control	Reference
1. Any boundary adjustment or subdivision where no additional lots (other than reserves or legal road to be vested in Council) are created, or any subdivision that is a controlled activity under Rule 11A.2.1.	1. Each lot shall have frontage to a formed legal road. 2. For any lot which is dependent on on-site wastewater and surface water disposal, no lot shall be reduced to a size where it cannot dispose of domestic wastewater and surface water within its boundaries. 3. Access to and from any lot shall not be directly to a state highway where access to another legal road is available and practicable.	1. The design and layout of the subdivision. 2. Earthworks. 3. Council's Subdivision and Development Principles and Requirements 2012. 4. The imposition of financial contributions. 5. The imposition of conditions. 6. Vehicle access points onto legal road (including the State Highway) Network and any effects on the transport network. 7. The location of any associated building site(s). 8. Any easement or other legal mechanism required for legal access. 9. Design, size, shape and location of reserves and esplanades. 10. Public accessibility and safety. 11. Impacts on recreational, ecological and any other any open space amenity values.	Policies 8.3, 8.4, 8.6, 8.7, 8.8, 8.11, 8.12 & 8.15

Comment [KA39]: Cl 16(2), Sched 1, RMA

Comment [KA40]: Cl 16(2), Sched 1, RMA

Comment [KD41]: Cl 16(2), Sched 1, RMA

Comment [KA42]: Cl 16(2), Sched 1, RMA

Comment [KA43]: Cl 16(2), Sched 1, RMA

8.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary standards (unless otherwise specified).

Restricted Discretionary Activity	Standards	Matters over which Council will restrict its discretion	Reference
1. Any new <i>plantation forestry</i> activity, or any harvesting activity associated with <i>plantation forestry</i> which does not comply with any one or more of the permitted <u>activity</u> standards under Rule 8.1.5.	1. A forestry management plan shall be prepared for any <i>plantation forestry</i> activity and submitted to Council for certification by the Sustainable Development Manager. Any forestry management plan will have regard to the New Zealand Environmental Code of Practice for Plantation Forestry and shall describe and identify (as a minimum):	1. Sufficiency of the information provided within the forestry management plan.	Policies 3.22, 3.23, 8.6, 8.9, 8.13, 9.19, 11.33, 11.34, 12.1, 12.2, 12.10 & 12.15
	<ul style="list-style-type: none"> a) any important environmental and heritage features (including waterways and areas of native vegetation) or values within the area to be planted and/or harvested; b) operational techniques to be used for planting, maintenance, harvesting and associated activities; c) property boundaries; d) means by which to manage vehicle movements associated with the activity, including proposed access point(s) and road(s) (including indicative location of haul roads within the property boundary) to be used by logging vehicles; e) potential adverse environmental effects and proposed mitigation measures (including measures to manage erosion, slope instability and sedimentation of waterways); f) the name and contact details of the plantation operator; 	<ul style="list-style-type: none"> 2. Visual, landscape, character and amenity effects. 3. Noise effects. 4. Traffic effects, including (but not limited to) design and location of internal haul routes. 4A. <u>Ecological effects.</u> 5. Earthworks. 6. Erosion susceptibility. 7. The imposition of financial contributions. 8. The imposition of conditions. 9. Proposed mitigation, remediation or on-going management measures. 10. Any positive effects to be derived from the activity. 11. Any cumulative effects. 	

Comment [KA44]: CI 16(2), Sched 1, RMA

Comment [KA45]: 202-45 DOC

Comment [KD46]: CI 16(2), Sched 1, RMA

8.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary standards (unless otherwise specified).

Restricted Discretionary Activity	Standards	Matters over which Council will restrict its discretion	Reference
	g) information about any procedures to be followed regarding the notification of interested parties, including the Council, as to the commencement of any harvesting activities; and h) information about procedures and protocols to be adhered to in response to any complaints which may arise from the operation and maintenance of the plantation.	Note: Where subdivision or land use consent is required under other rules in the Plan which are associated with an activity considered under Rule 8.3.1, additional matters of Discretion may also apply.	
2. Subdivision of the land within the Ōtaki South Precinct where land is also in the Industrial Zone shall be a Restricted Discretionary Activity in accordance with Rule 6F.3.5). For the avoidance of doubt, Rule 8.4.3 shall not apply to the <u>Open Space (Local Parks) Zone</u> in the Ōtaki South Precinct.	1. Refer standards under Rule 6F.3.5.	1. Refer matters under Rule 6F.3.5.	Policies 6.23, 8.3, 8.4, 8.6, 8.7, 8.8, 8.11, 8.12 & 8.15
3. Any <i>residential activity</i> in the Private Recreation <u>and &</u> Leisure Zone.	1. No more than 1 <i>residential activity</i> shall be located on any <u>one site property</u> . 2. Any <i>residential activity</i> shall be: a) limited to the purpose of providing accommodation for a caretaker or other	1. Visual, landscape, character and amenity effects. 2. Context and surroundings. 3. Suitability of the location for the proposed	Policies 3.22, 3.23, 5.3, 5.7, 8.6, 8.15, 11.33, 11.34, 12.1 & 12.2

Comment [KA47]: Cl 16(2), Sched 1, RMA

Comment [KA48]: Cl 16(2), Sched 1, RMA

Comment [KA49]: Cl 16(2), Sched 1, RMA

8.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary standards (unless otherwise specified).

Restricted Discretionary Activity	Standards	Matters over which Council will restrict its discretion	Reference
	<p>person whose employment requires that they live on the premises where they are employed; and</p> <p>b) ancillary to a recreation and/or leisure activity located on-site.</p> <p>3. No more than 1 <i>building</i> shall be used to accommodate any <i>residential activity</i> for any <u>site property</u>.</p> <p>4. Any <i>building</i> used to accommodate the <i>residential activity</i> shall be no larger than 70m² in <i>gross floor area</i>.</p>	<p>activity.</p> <p>4. Traffic effects.</p> <p>5. Earthworks.</p> <p>6. The imposition of financial contributions.</p> <p>7. The imposition of conditions.</p> <p>8. Proposed mitigation, remediation or on-going management measures.</p> <p>9. Any positive effects to be derived from the activity.</p> <p>10. Any cumulative effects.</p>	
4. <u>The erection of any new <i>building</i>, or any <i>additions</i> or <i>alterations</i> to any existing <i>building</i> in the Private Recreation and Leisure Zone that does not comply with one or more of the permitted activity standards under Rule 8.1.6.</u>		<p>1. <u>Layout, size, design and location of any building, additions or alterations.</u></p> <p>2. <u>Visual, landscape, character and amenity effects.</u></p> <p>3. <u>Compatibility of the activity with the context and surroundings.</u></p> <p>4. <u>Consideration of the standard not met.</u></p> <p>5. <u>Any positive effects to be derived from the</u></p>	

Comment [KD50]: CI 16(2), Sched 1, RMA

Comment [KJA51]: 94-2 Paraparaumu. Golf Course.

8.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary standards (unless otherwise specified).

Restricted Discretionary Activity	Standards	Matters over which Council will restrict its discretion	Reference
		<u>activity.</u>	

8.4 Discretionary Activities

The following activities are **discretionary** activities.

Discretionary Activities	Assessment Criteria	Reference
1. In the Private Recreation and Leisure Zone, any activity which is not <i>ancillary</i> to recreational and leisure activities or which exceeds the permitted activity standards under Rule 8.1.6 or 8.1.9.	1. Consistency with the relevant Plan Policies, including (but not limited to): a) Open Space Policies 8.9 and 8.15 b) Working Environment Policy 6.6 c) Infrastructure Policies 11.7, 11.29, 11.30, 11.33, and 11.34.	Policies 6.6, 8.9, 8.15, 11.7, 11.29, 11.30, 11.33 & 11.34
2. The erection of any new <i>building</i> , or any <i>additions</i> or <i>alterations</i> to any existing <i>building in the Open Space Zones</i> that does not comply with one or more of the permitted activity standards under Rule 8.1.6.	1. Consistency with the relevant Plan Policies, including (but not limited to): a) Open Space Policies 8.6, 8.8 – 8.10, 8.12, and 8.15.	Policies 8.6, 8.8 – 8.10, 8.12 & 8.15
3. Subdivision of land in the Open Space (Recreation), (Local Parks) and (Conservation & Scenic) Zones that does not comply with Rule 8.2.1, or that is not a Restricted Discretionary Activity under Rule 8.3.2.	1. Consistency with the relevant Plan Policies, including (but not limited to): a) Open Space Policies 8.1, 8.5, 8.6, 8.8, 8.11, and 8.12 b) Infrastructure Policies 11.7, 11.17 – 11.21, 11.29, 11.30, 11.34 – 11.36 c) Natural Environment Policies 3.22 and 3.23.	Policies 3.22, 3.23, 8.1, 8.5, 8.6, 8.8, 8.11, 8.12, 11.7, 11.17 – 11.21, 11.29, 11.30 & 11.34 – 11.36
4. Subdivision of land in the Private Recreation and Leisure Zone that does not comply with Rule 8.2.1.	1. Consistency with the relevant Plan Policies, including (but not limited to): a) Open Space Policies 8.1, 8.5, 8.6, and 8.15 b) Infrastructure Policies 11.7, 11.17 – 11.21, 11.29, 11.30, 11.34 – 11.36 c) Natural Environment Policies 3.22 and 3.23.	Policies 3.22, 3.23, 8.1, 8.5, 8.6, 8.15, 11.7, 11.17 – 11.21,

Comment [KD52]: 134-2 Hope Centre Church - applies to all deletions of assessment criteria in this column

Comment [KA53]: CI 16(2), Sched 1, RMA

Comment [KJD54]: Consequential on 94-2 Paraparaumu. Golf Course.

Comment [KA55]: 94-2 Paraparaumu Golf Course (as a result of changing activity status for Private Rec Zone to restricted discretionary).

Comment [KA56]: CI 16(2), Sched 1, RMA

8.4 Discretionary Activities

The following activities are **discretionary** activities.

Discretionary Activities	Assessment Criteria	Reference
		11.29, 11.30 & 11.34 — 11.36
<p>5. Any lighting activity which does not meet one or more of the permitted activity standards under Rule 8.1.3 <u>8.1.1A</u>.</p>	<p>1. Consistency with the relevant Plan Policies, including (but not limited to): a) Open Space Policies 8.5, 8.8, 8.9, 8.10, 8.12 and 8.15</p>	<p>Policies 8.5, 8.8, 8.9 & 8.12</p>
<p>6. Any fence which does not meet one or more of the permitted activity standards under Rule 8.1.14</p>	<p>1. Consistency with the relevant Plan Policies, including (but not limited to): a) Open Space Policies 8.5, 8.8, 8.9, 8.10 and 8.12</p>	<p>Policies 8.6, 8.8 & 8.12</p>

Comment [KD52]: 134-2 Hope Centre Church - applies to all deletions of assessment criteria in this column

Comment [KD57]: Consequential on relocation of standards in Rule 8.1.3

Comment [KD58]: Consequential on relocation of standards in Rule 8.1.14

8.5 Non Complying Activities

The following activities are **non complying** activities.

Non Complying Activities	Reference
1. Any activity that is not listed as a permitted, controlled, restricted discretionary or discretionary activity under Rules 8.1 – 8.4 (respectively).	
2. Any new <i>plantation forestry</i> activity which does not comply with any one of the permitted standards under Rule 8.1.5 and which does not comply with any one of the restricted discretionary standards under Rule 8.3.1.	Policies 3.22, 3.23, 8.6, 8.9, 8.13, 9.19, 11.33, 11.34, 12.1, 12.2, 12.10 & 12.15
3. Any <i>residential activity</i> in the Open Space (Recreation, Local Parks, and Conservation & Scenic) Zones, or any <i>residential activity</i> in the Private Recreation and Leisure Zone which does not comply with any one of the Restricted Discretionary Activity standards under Rule 8.3.3.	Policies 3.22, 3.23, 5.3, 5.7, 8.6, 8.15, 11.33, 11.34, 12.1 & 12.2
4. In the Open Space (Recreation, Local Parks, and Conservation & Scenic) Zones, any <i>industrial</i> or <i>commercial activity</i> , or any <i>retailing</i> activity that is not a permitted activity under Rule 8.1.2.	Policies 6.6, 8.1, 8.2, 8.6, 8.8 & 8.9
5. Any factory farming activity.	Policies 8.6, 8.8, 8.9, 8.12, 8.13 & 8.15
6. The parking or placing of any motor vehicle, boat, caravan or material for the purposes of sale or lease within road or Council reserve other than specified in areas specified by resolution of with the Council.	Policies 8.6, 8.8, 8.9, 8.10 & 8.12
7. The erection of any new <i>building</i> and any <i>addition</i> or <i>alteration</i> to any existing <i>building</i> within the Open Space (Local Parks) Zone in Precinct B (identified on District Planning Map 11) and within the Dune Protection Area identified in the Structure Plan in Appendix 6.7.	Policies 6.5, 6.9, 6.12, 8.6, 8.8, 8.10, 8.12 & 8.15

Comment [KA59]: CI 16(2), Sched 1, RMA

Comment [KA60]: CI 16(2), Sched 1, RMA

Comment [KJD61]: CI 16(2), Sched 1, RMA

Open Space Schedules

1. ~~Schedule 8.1~~ — Esplanade Reserves/Strips

Comment [KD62]: Relocated to a new Chapter 2A District-wide policies

Schedule 8.1: Esplanade Reserves/Strips

Comment [KD63]: Relocated to a new Section 2A District-wide policies

	Requirements																					
Coastal Margins	A 50 metre wide Esplanade Reserve in the Rural Zone and 20 metres in all other zones, measured from the line of the Mean High Water Spring Tide (MHWS), shall be required along the coast when subdivision occurs, creating lots of less than 4ha, excluding boundary adjustment subdivisions. These reserves shall be fenced with a 7 wire post and wire fence or equivalent.																					
Lakes (with a bed of 8 hectares or more)	A 20 metre wide Esplanade Reserve shall be required along lakes of more than 8 hectares when subdivision occurs creating lots of less than 4ha, excluding boundary adjustment subdivisions. These reserves shall be fenced with a 7 wire post and wire fence or equivalent.																					
Rivers and Streams (river bed with average width of 3 metres or more)	<p>Table 1 below is a list of widths required for subdivision, creating lots of less than 4 ha, excluding boundary adjustment subdivisions. The priorities are indicated for each recommended width. There are also areas which are considered to be high priority where Council may wish to negotiate with the landowner for public access through an Esplanade Strip.</p> <p>TABLE 1 – MAXIMUM WIDTH OF ESPLANADE RESERVE/STRIP</p> <table border="1"> <thead> <tr> <th>Water Body</th> <th>Width of Esplanade Reserve</th> <th>Width of Esplanade Strip</th> </tr> </thead> <tbody> <tr> <td colspan="3">Waitohu Stream</td> </tr> <tr> <td>Upstream of Water Treatment Plant</td> <td>-</td> <td>20 metres (E)</td> </tr> <tr> <td>Downstream of Water Treatment Plant</td> <td>-</td> <td>5 metre (A, H) Greater widths may be required within 500 metres of MHWS (Waitohu Stream mouth)</td> </tr> <tr> <td colspan="3">Ōtaki River</td> </tr> <tr> <td>Upstream of SH1 Bridge</td> <td>-</td> <td>20 metres (E, A, H)</td> </tr> <tr> <td>Downstream of SH1 Bridge</td> <td>20 metres A, H</td> <td>-</td> </tr> </tbody> </table>	Water Body	Width of Esplanade Reserve	Width of Esplanade Strip	Waitohu Stream			Upstream of Water Treatment Plant	-	20 metres (E)	Downstream of Water Treatment Plant	-	5 metre (A, H) Greater widths may be required within 500 metres of MHWS (Waitohu Stream mouth)	Ōtaki River			Upstream of SH1 Bridge	-	20 metres (E, A, H)	Downstream of SH1 Bridge	20 metres A, H	-
Water Body	Width of Esplanade Reserve	Width of Esplanade Strip																				
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Upstream of SH1 Bridge	-	20 metres (E, A, H)																				
Downstream of SH1 Bridge	20 metres A, H	-																				

Waterbody	Width of Esplanade Reserve	Width of Esplanade Strip
Mangaone Stream		
Upstream of Hautere Plain	-	20 metres (E)
On the Hautere Plain	-	5 metres (A, H)
Waikanae River		
Upstream of SH1 Bridge		20 metres (A & E)
Downstream of SH1 Bridge	20 metres A,H,E – Greater widths may be required within 1000 metres of the Waikanae River Mouth (as shown on the District Planning Maps)	3-5 metres (A) – If no subdivision occurs and negotiated with landowner
Ngatiawa, Rangiora, Reikorangi Streams	-	20 metres Rural (E)
Tikotu, Wharemauku, Mazengarb Streams (part only)	20 metres Urban (A, H)	20 metres Rural (E)
Priority for Reserve/Strip — E: — Ecological, Water Quality — A: — Access, Recreational — H: — Natural Hazard Mitigation		
Considerations	Consideration will be given to providing larger areas around the Waikanae River and Waitohu Stream Estuaries where the areas are of considerable ecological value. Other agencies, e.g. Department of Conservation or Wellington Regional Council, may be interested in acquiring greater buffer areas around future residential activities. As more than 20-metre Esplanade Reserves in the Estuary may be sought, financial compensation to the landowner will be required.	
Reductions and Waivers	The Council may reduce or waive Esplanade Reserves or Strips where it is demonstrated to the satisfaction of Council that circumstances make the required width impracticable. This includes difficult topography and existing permitted buildings or in	

	<p>recognition of other reserves given for public access. A reduction could also be given where there is an absence of natural values and need for public access. Council will also have regard to the objectives in Chapter 2 and policies in Chapters 4 (Coastal Environment) and 8 (Open Space)</p> <p>Applicants for reduction or waiver may be required to consult with the Department of Conservation and the Wellington Regional Council and produce evidence of the outcome of these consultations.</p>
Fencing	All Esplanade Strips upstream of the Waitohu and Waikanae Water Supply Treatment Plants in the rural zone and all Esplanade Reserves and Strips within urban areas shall be fenced by a 7 wire post and wire fence or equivalent. Stiles over fences or other devices may also be required to improve public access.
Access Strips	Council may negotiate to acquire access strips to Esplanade Reserves or Esplanade Strips. Generally access strips shall, in rural areas, be fenced with a 7 wire post and wire fence or equivalent and in urban areas a 1.5 metre close boarded fence or equivalent. The access strips shall be at least 3 metres wide and shall include boardwalks where erosion to sand dunes by pedestrians is likely. Any structures on dune systems (including boardwalks) shall be designed so as to avoid deflecting or accelerating erosion. However, the conditions of access, fencing requirements and the provision of boardwalks will be negotiated when Council purchases the easement.
Bed of River, Lake or Coastal Marine Area	<p>Where subdivision includes a river, stream or lake the bed of the river, stream or lake shall vest in Council.</p> <p>Where subdivision includes the Coastal Marine Area, the bed of the Coastal Marine Area shall vest in the Crown.</p>