

8 Open Space and Private Recreation and Leisure Zones

This Chapter primarily implements five Objectives 2.2 Ecology & Biodiversity, 2.8 Strong Communities, 2.9 Landscape, 2.11 Character and Amenity Values and 2.17 Open Spaces / Active Communities, as set out in Chapter 2. The following objectives are also relevant to resource management issues relating to *open space*:

- 2.1 Tāngata Whenua
- 2.4 Coastal Environment
- 2.13 Infrastructure
- 2.14 Access and Transport
- 2.15 Economic Vitality
- 2.18 Renewable Energy, Energy Efficiency and Conservation.

In addition to the above objectives, District-Wide Policies (DW10 – DW15) in Chapter 2A are relevant to Open Space areas.

Zone Descriptions

The 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 manage the District's various *open spaces*, three public *Open Space Zones* and one private *zone* are used in the District Plan.

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 are willing to travel to from further afield than the immediately surrounding neighbourhood. Destination parks 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.

While *open spaces* are generally characterised by openness and the relatively low presence of *buildings*, it is recognised that *buildings* can enhance recreational amenity. Provision is made in the Open Space (Recreation) *Zone* for *buildings* at a 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 parks, cemeteries and some corridors for the cycleway, walkway and bridleway network. These areas are typically smaller than 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 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* of *buildings* relative to land area.

The *zone* also includes several areas of land currently 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 *plantation 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.

A feature of the *zone* is that it covers most of the immediate coastal margin. The *Council* has prepared the document *Kāpiti Coast: Choosing Futures – Coastal Strategy* (2006). The strategy is not a detailed plan of action but a high level guidance document for management of the coast. It will be referred to where relevant, when making decisions on consent applications required by the District Plan. The District Plan is a major tool for implementing the strategy.

Private Recreation and Leisure Zone

The Private Recreation and Leisure Zone comprises the District's golf courses and may include 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.

8.1.1 Policies

Policy 8.1– Reserve Contributions

Reserve contributions will be used for acquisition, protection and enhancement of areas of cultural, ecological or *amenity value*.

Policy 8.2 – 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.

Policy 8.3 – 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 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:

- a) 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;
- b) the appropriateness and effectiveness of any mitigation or remediation measures proposed, including the need (if any) for ongoing or regular management;
- c) the appropriateness of the particular *open space* in which the activity is proposed, including whether it is better suited to an alternative location;
- d) whether or not the activity would preclude future adaptive uses of the open space area; and
- e) whether or not the activity would unduly limit or preclude public access.

Policy 8.4 – 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; and
- d) any cumulative effects, including from proliferation of *buildings* and *structures* in a given *open space* area.

Policy 8.5 – 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 *lots*, including *balance lots*;
- b) the extent to which adequate public access is maintained to and through the *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*; and
- d) the extent to which the *subdivision* could affect adjacent properties or lawfully established activities.

Policy 8.6 – Safety

Subdivision, use and *development* in the *Open Space Zones* will provide for the safety of users and neighbouring communities, including through consideration of the principles in Appendix 5.5 - Crime Prevention Through Environmental Design (CPTED) Guidelines.

Policy 8.7– Indigenous Biodiversity

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

Policy 8.8 – Food Production

Opportunities for food production may be 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*.

Policy 8.9 – 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 or leisure activities which predominate on the site(s).

Paraparaumu Beach Golf Club

Development within a defined precinct of the Paraparaumu Beach Golf Course, as identified on the District Plan Maps, is subject to limits set by separate *height* and *coverage* controls. In addition to (a) and (b) above, *development* which is proposed to exceed those limits will be subject to the requirement to avoid, remedy or mitigate potential adverse *effects* on the amenity of adjoining residential *zones* and on landscape values.

8.1.2 Rules and Standards

Introduction: Applicability of Rules in Tables 8.1 – 8.5

The Rules in Tables 8.1 to 8.5 only apply to land and activities within the *Open Space Zones* and the Private Recreation and Leisure Zone. There may be other rules within the District Plan that also apply to *sites* and activities within these Zones. Section 1.1 in Chapter 1 sets out how to use the Plan and identify other rules that may also apply to a *site* or activity.

Table 8.1 Permitted Activities

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

Permitted Activities	Standards
<p>1. Any activity that is a <i>permitted activity</i> under the rules in Table 8.1.</p>	<p>General permitted activity standards</p> <p>Fences and walls</p> <p>1. The maximum <i>height</i> of any fence or wall shall be:</p> <ul style="list-style-type: none"> a) 1.2 metres if less than 50% visually permeable; and b) 1.8 metres if more than 50% visually permeable. <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 against any gaps provided within the <i>structure</i> or between fence or wall.</p> <p>2. For the purposes of calculating maximum <i>height</i> under standard 1 above where a fence is erected atop a retaining wall, the <i>height</i> shall be the combined distance measured vertically from the base of the retaining wall to the top of the fence.</p>

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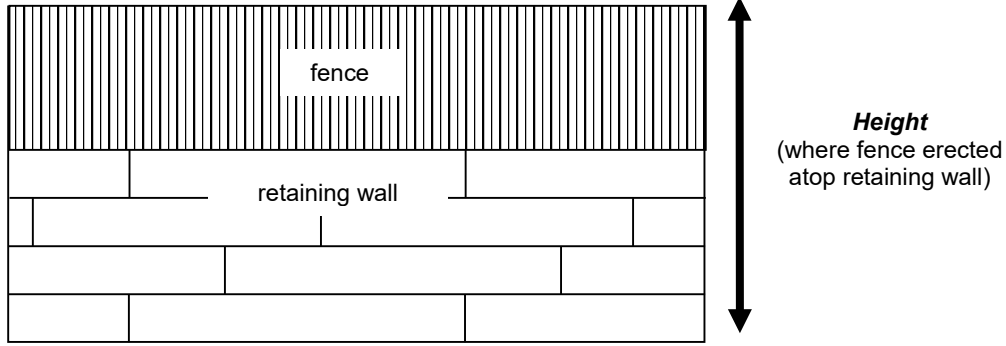
Permitted Activities	Standards
	 <p>3. For the purposes of this rule, any safety fencing shall not be subject to standards 1 and 2 above.</p> <p>Lighting</p> <p>4. Any lighting must be directed so that spill of light will be contained within the <i>boundaries</i> of the <i>property</i>. Light level from the activity on the <i>property</i> must not exceed 10 lux, measured 1.5 metres inside the <i>boundary</i> of any adjoining <i>property</i>. This standard does not apply to streetlighting on <i>roads</i>.</p> <p>5. Light levels for pedestrian/cycleways and <i>carparks</i> must be lit at a minimum of 10 lux.</p> <p>General</p> <p>6. The activity complies with all other relevant <i>permitted activity</i> rules and <i>permitted activity</i> standards in all other Chapters (unless otherwise specified).</p> <p>Note: See Rule 9A.1.2 for separation of <i>buildings</i> and <i>structures</i> from waterbodies standards, Tables 11P 1-11P.4 in relation to parking, Tables 11B.1 – 11B.5 in relation to water and stormwater and Table 12A.1 in relation to financial contributions rules and standards for all <i>development</i>.</p>
<p>2. Any activities which are not specified as <i>permitted</i>,</p>	<p>1. The activity complies with all <i>permitted activity</i> standards in Table 8.1 Permitted Activities.</p>

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

Permitted Activities	Standards
<p><i>controlled, restricted discretionary, discretionary or non-complying activities</i> in the rules in Tables 8.1-8.5.</p>	
<p>3. In the Open Space Zones, recreation, community and cultural activities, including <i>ancillary retailing</i>.</p>	<p>1. <i>Ancillary retailing</i> must not:</p> <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 <i>retail activity</i>; or c) exceed 50m² <i>retail floor space</i> for any <i>property</i>. <p>Note: while recreation, community and cultural activities are provided for as a <i>permitted activity</i>, these land use activities are also subject to all other <i>permitted activity</i> rules in the Plan that apply across the District (for example, in relation to noise, <i>historic heritage</i>, the natural environment, and so on). Attention is drawn to the relevant provisions in Chapters 3, 4, 9, 10, 11 and 12.</p>
<p>4. 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 activity in the Ōtaki South Precinct is a <i>permitted activity</i>:</p> <ul style="list-style-type: none"> a) roading, walkways and cycleways; b) parking, loading and access; c) street furniture; d) <i>landscaping</i>; and e) <i>earthworks</i>. 	<p>1. Activities <i>ancillary</i> to a permitted or consented activity in the Ōtaki South Precinct must comply with the <i>permitted activity</i> rules applying to <i>development</i> within an <i>overflow</i> or <i>residual overflow path</i> as set out in Chapter 9 Hazards.</p>
<p>5. Activities on Kāpiti Island and</p>	<p>1. Any activity must comply with the <i>permitted activity</i> standards under Rule 7A.1.7.</p>

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6. Harvesting activities associated with <i>plantation forestry</i> .	<p>1. Each <i>property</i> containing a <i>plantation forest</i> activity must have a <i>vehicle access</i> designed and built for the entry and exit of fire fighting vehicles and shall meet the following minimum requirements:</p> <p>a) 2.5 metres in width; and</p> <p>b) 2.8 metres in <i>height</i> clearance (i.e. clear from vegetation, <i>buildings</i> and <i>structures</i>).</p> <p>2. A fire plan must 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.</p> <p>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.</p>																								
<p>7. The erection of any new <i>building</i> and any <i>addition</i> or <i>alteration</i> to any lawfully established <i>building</i>.</p> <p>The following exceptions shall apply:</p> <p>a) For the purposes of calculating maximum <i>height</i> Standard 3 play equipment (such as goalposts and playground features) shall be exempted. For the avoidance of doubt, these <i>structures</i> must still be subject to the <i>height</i> in relation to <i>boundaries</i> clause under Standard 5.</p>	<p>1. Maximum coverage</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: center;">Zone</th> <th style="text-align: center;">Maximum Coverage</th> </tr> </thead> <tbody> <tr> <td>Open Space (Recreation) Zone</td> <td style="text-align: center;">5%</td> </tr> <tr> <td>Open Space (Local Parks) Zone</td> <td style="text-align: center;">5%</td> </tr> <tr> <td>Open Space (Conservation and Scenic) Zone</td> <td style="text-align: center;">2%</td> </tr> <tr> <td>Private Recreation and Leisure Zone</td> <td style="text-align: center;">5%</td> </tr> </tbody> </table> <p>2. Maximum gross floor area (expressed in square metres [m²]) of any building</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: center;">Zone</th> <th style="text-align: center;">Maximum Area</th> </tr> </thead> <tbody> <tr> <td>Open Space (Recreation) Zone</td> <td style="text-align: center;">500m²</td> </tr> <tr> <td>Open Space (Local Parks) Zone</td> <td style="text-align: center;">100m²</td> </tr> <tr> <td>Open Space (Conservation and Scenic) Zone</td> <td style="text-align: center;">350m²</td> </tr> <tr> <td>Private Recreation and Leisure Zone</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">• Paraparaumu Beach Golf Course Development Precinct</td> <td style="text-align: center;">3,000m²</td> </tr> <tr> <td style="padding-left: 20px;">• All other locations</td> <td style="text-align: center;">500m²</td> </tr> </tbody> </table>	Zone	Maximum Coverage	Open Space (Recreation) Zone	5%	Open Space (Local Parks) Zone	5%	Open Space (Conservation and 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 and Scenic) Zone	350m ²	Private Recreation and Leisure Zone		• Paraparaumu Beach Golf Course Development Precinct	3,000m ²	• All other locations	500m ²
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	<p>3. Maximum <i>height</i> of any <i>building</i> (expressed in metres [m])</p> <table border="1"> <thead> <tr> <th style="text-align: center;">Zone</th> <th style="text-align: center;">Maximum Height</th> </tr> </thead> <tbody> <tr> <td>Open Space (Recreation) Zone</td> <td style="text-align: center;">8m</td> </tr> <tr> <td>Open Space (Local Parks) Zone</td> <td style="text-align: center;">4m</td> </tr> <tr> <td>Open Space (Conservation and Scenic) Zone</td> <td style="text-align: center;">6m</td> </tr> <tr> <td>Private Recreation and Leisure Zone <ul style="list-style-type: none"> • Paraparaumu Beach Golf Course Development Precinct • All other locations </td> <td style="text-align: center; vertical-align: middle;"> 12m 8m </td> </tr> </tbody> </table> <p>4. Minimum <i>yard setback</i> (expressed in metres [m] measured horizontally) for any <i>building</i> in any Open Space Zone or the Private Recreation and Leisure Zone</p> <table border="1"> <thead> <tr> <th style="text-align: center;">Boundary</th> <th style="text-align: center;">Minimum Setback</th> </tr> </thead> <tbody> <tr> <td>Residential Zone (excluding <i>legal road</i> boundaries)</td> <td style="text-align: center;">5m</td> </tr> <tr> <td>All other <i>zones</i> and along <i>legal road</i> boundaries</td> <td style="text-align: center;">3m</td> </tr> </tbody> </table> <p>5. Maximum <i>height</i> in relation to <i>boundaries</i> for any <i>building</i> in any Open Space Zone or the Private Recreation and Leisure Zone</p> <p>All <i>buildings</i> must fit within a <i>height envelope</i> which is made up of recession planes which commence at a point 2.1 metres above <i>original ground level</i> at the <i>property boundary</i> and incline inward at an angle of 45 degrees. Refer to the definition of the <i>height envelope</i>.</p> <p>Note: Please refer to Chapter 9 for standards relating to setbacks from <i>waterbodies</i>.</p>	Zone	Maximum Height	Open Space (Recreation) Zone	8m	Open Space (Local Parks) Zone	4m	Open Space (Conservation and Scenic) Zone	6m	Private Recreation and Leisure Zone <ul style="list-style-type: none"> • Paraparaumu Beach Golf Course Development Precinct • All other locations 	12m 8m	Boundary	Minimum Setback	Residential Zone (excluding <i>legal road</i> boundaries)	5m	All other <i>zones</i> and along <i>legal road</i> boundaries	3m
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8. Any <i>alteration</i> undertaken on any <i>building</i> .	The <i>alteration</i> must not result in any increase in the <i>height</i> , bulk, or area of any <i>building</i> on any <i>property</i> .																

Table 8.1 Permitted Activities

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

Permitted Activities	Standards
<p>9. The <i>demolition</i> (including <i>partial demolition</i>) or removal of any <i>building</i> (which is not an <i>historic heritage feature</i>).</p>	
<p>10. 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:</p> <ul style="list-style-type: none"> a) <i>visitor accommodation</i>; b) resort facilities; c) conference facilities; d) <i>retail outlets</i>; and e) restaurants. 	<p>1. Maximum <i>retail floor space</i> (expressed in square metres [m²]) of any <i>building</i></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 <i>building</i>, must not exceed 200m².</p> <p>2. Maximum gross <i>retail floor space</i> (expressed in square metres [m²]) for any <i>property</i></p> <p>The maximum gross <i>retail floor space</i> for any <i>property</i>, including any outdoor areas utilised for retail sales purposes, must 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 lawfully established <i>retail activity</i> located on-site as at 29 November 2012.</p>
<p>11. Species protection and conservation management works, including associated trapping, restoration and re-vegetation work, noxious plant and pest control, and scientific research.</p>	
<p>12. Community / mara kai gardens in the Open Space (Recreation) and (Local Parks) Zones.</p>	<p>Note: Landowner permission may also be required for the use of <i>Open Space Zone</i> land for community or māra kai gardens.</p>

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

Permitted Activities	Standards
13. <i>Landscaping.</i>	

Table 8.2 Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled activity standards in this table, and all relevant rules and standards in other Chapters (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control
<p>1. A <i>boundary adjustment</i> or <i>subdivision</i> where no additional <i>lots</i> (other than reserves or <i>legal road</i> to be vested in Council) are created, or any <i>subdivision</i> that is a <i>controlled activity</i> under Rule 11A.2.1.</p>	<p>1. Each <i>lot</i> must have frontage to a formed <i>legal road</i>.</p> <p>2. For any <i>lot</i> which is dependent on on-site wastewater and surface water disposal, no <i>lot</i> shall be reduced to a size where it cannot dispose of domestic <i>wastewater</i> and surface water within its <i>boundaries</i>.</p> <p>3. Access to and from any <i>lot</i> must not be directly to a state highway where access to another <i>legal road</i> is available and practicable.</p>	<p>1. The design and layout of the <i>subdivision</i>.</p> <p>2. <i>Earthworks</i>.</p> <p>3. Council's Subdivision and Development Principles and Requirements 2012.</p> <p>4. The imposition of <i>financial contributions</i> in accordance with Chapter 12 of this Plan.</p> <p>5. The imposition of <i>conditions</i> in accordance with Section 108 of the Resource Management Act 1991.</p> <p>6. <i>Vehicle access</i> points onto <i>legal road</i> (including the <i>State Highway</i>) and any effects on the <i>transport network</i>.</p> <p>7. The location of any associated <i>building areas</i>.</p> <p>8. Any easement or other legal mechanism required for legal access.</p> <p>9. Design, size, shape and location of reserves and <i>esplanades</i>.</p> <p>10. Public accessibility and safety.</p> <p>11. Impacts on recreational, ecological and any other <i>open space amenity values</i>.</p>

Table 8.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other Chapters (unless otherwise specified).

Restricted Discretionary Activity	Standards	Matters over which Council will restrict its discretion
<p>1. Any activity listed as a <i>permitted activity</i> or a <i>controlled activity</i> which does not comply with one or more of the associated standards, unless otherwise specified.</p>		<p>1. The effects of non-compliance of the relevant standards.</p> <p>2. Measures to avoid, remedy or mitigate adverse effects.</p> <p>3. Cumulative <i>effects</i>.</p>
<p>2. 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 <i>permitted activity</i> standards under Rule 8.1.6.</p>	<p>1. A forestry management plan must be prepared for any <i>plantation forestry</i> activity and submitted to <i>Council</i> for certification. Any forestry management plan will have regard to the New Zealand Environmental Code of Practice for Plantation Forestry and must describe and identify (as a minimum):</p> <p>a) means by which to manage <i>vehicle movements</i> associated with the activity, including proposed access point(s) and <i>road(s)</i> (including indicative location of haul roads within the <i>property boundary</i>) to be used by logging vehicles; and</p> <p>b) the name and contact details of the plantation operator.</p>	<p>1. Sufficiency of the information provided within the forestry management plan.</p> <p>2. Traffic <i>effects</i>, including (but not limited to) design and location of internal haul routes.</p> <p>3. The imposition of <i>financial contributions</i> in accordance with Chapter 12 of this Plan.</p> <p>4. Proposed mitigation, remediation or on-going management measures.</p> <p>5. Any positive effects to be derived from the activity.</p> <p>6. Any cumulative <i>effects</i>.</p> <p>Note: Where <i>subdivision</i> or land use consent is required under other rules in the Plan which are associated with an activity considered under Rule 8.3.2, additional matters of discretion may also apply.</p>
<p>3. <i>Subdivision</i> of the land within the Ōtaki South Precinct</p>	<p>1. Refer standards under Rule 6F.3.5.</p>	<p>Refer matters under Rule 6F.3.5.</p>

Table 8.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other Chapters (unless otherwise specified).

Restricted Discretionary Activity	Standards	Matters over which Council will restrict its discretion
<p>where land is also in the Industrial/Service Zone shall be a <i>Restricted Discretionary Activity</i> in accordance with Rule 6F.3.5). For the avoidance of doubt, Rule 8.4.2 shall not apply to the Open Space (Local Parks) Zone in the Ōtaki South Precinct.</p>		
<p>4. Any <i>residential activity</i> in the Private Recreation and Leisure Zone.</p>	<ol style="list-style-type: none"> 1. No more than 1 <i>residential activity</i> must be located on any <i>property</i>. 2. Any <i>residential activity</i> shall be: <ol style="list-style-type: none"> a) limited to the purpose of providing accommodation for a caretaker or other person whose employment requires that they live on the premises where they are employed; and b) <i>ancillary</i> to a recreation and/or leisure activity located on-site. 3. No more than 1 <i>building</i> shall be used to accommodate any <i>residential activity</i> for any <i>property</i>. 4. Any <i>building</i> used to accommodate the <i>residential activity</i> must be no larger than 70m² in <i>gross floor area</i>. 	<ol style="list-style-type: none"> 1. Visual, landscape, character, cultural and amenity effects. 2. Context and surroundings. 3. Suitability of the location for the proposed activity. 4. Traffic <i>effects</i>. 5. <i>Earthworks</i>. 6. The imposition of <i>financial contributions</i>. 7. Proposed mitigation, remediation or on-going management measures. 8. Any positive <i>effects</i> to be derived from the activity. 9. Any cumulative <i>effects</i>.

Table 8.3 Restricted Discretionary Activities The following activities are restricted discretionary activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other Chapters (unless otherwise specified).		
Restricted Discretionary Activity	Standards	Matters over which Council will restrict its discretion
5. The erection of any new <i>building</i> (including associated recreational and leisure activities), or any <i>additions</i> or <i>alterations</i> to any lawfully established <i>building</i> , in the Private Recreation and Leisure Zone that does not comply with one or more of the <i>permitted activity</i> standards under Rule 8.1.7.		1. Layout, size, design and location of any <i>building, additions</i> or <i>alterations</i> . 2. Visual, landscape, character, cultural and amenity <i>effects</i> . 3. Compatibility of the activity with the context and surroundings. 4. <i>Effects</i> on cultural values, with particular regard to any <i>land disturbance</i> . 5. Consideration of the <i>effects</i> of the standard not met. 6. Any positive <i>effects</i> to be derived from the activity.

Table 8.4 Discretionary Activities

The following activities are **discretionary** activities.

Discretionary Activities

1. Any activity listed as a *restricted discretionary activity* in Rules 8.3.2 – 8.3.4 that does not comply with one or more of the associated standards, unless otherwise stated.
2. *Subdivision* of land in the Open Space Zones that does not comply with Rule 8.2.1 or that is not a *restricted discretionary activity* under Rule 8.3.3.
3. *Subdivision* of land in the Private Recreation and Leisure Zone that does not comply with Rule 8.2.1.

Table 8.5 Non-Complying Activities

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

Non-Complying Activities

1. In the Open Space Zones, any *industrial* or *commercial activity*, or any *retailing* activity that is not a *permitted activity* under Rule 8.1.3.
2. Any *intensive farming activity*.
3. The parking or placing of any motor vehicle, boat, caravan or material for the purposes of sale or lease other than in areas specified by resolution of the *Council*.
4. The erection of any new *building* and any *addition* or *alteration* to any lawfully established *building* within the Open Space (Local Parks) Zone in Precinct B (identified on District Plan Map 11) and within the Dune Protection Area identified in the Structure Plan in Appendix 6.7.

Open Space Schedules

1. Schedule 8.1 – Esplanade Reserves/Strips

Schedule 8.1: Esplanade Reserves/Strips

	Requirements												
Coastal Margins	A 50 metre wide <i>Esplanade Reserve</i> in the Rural Zone and 20 metres in all other <i>zones</i> , measured from the line of the Mean High Water Spring Tide (MHWS), shall be required along the coast when <i>subdivision</i> occurs, creating <i>lots</i> of less than 4ha, excluding <i>boundary adjustment</i> 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 <i>Esplanade Reserve</i> shall be required along lakes of more than 8 hectares when <i>subdivision</i> occurs creating <i>lots</i> of less than 4ha, excluding <i>boundary adjustment</i> 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 <i>subdivision</i>, creating <i>lots</i> of less than 4 ha, excluding <i>boundary adjustment</i> 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 <i>Esplanade Strip</i>.</p> <p>TABLE 1 - MAXIMUM WIDTH OF ESPLANADE RESERVE/STRIP</p> <table border="1"> <thead> <tr> <th><i>Water Body</i></th> <th><i>Width of Esplanade Reserve</i></th> <th><i>Width of Esplanade Strip</i></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> </tbody> </table>	<i>Water Body</i>	<i>Width of Esplanade Reserve</i>	<i>Width of Esplanade Strip</i>	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)
<i>Water Body</i>	<i>Width of Esplanade Reserve</i>	<i>Width of Esplanade Strip</i>											
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)											

	<p>Regional Council, may be interested in acquiring greater buffer areas around future <i>residential activities</i>. As more than 20-metre <i>Esplanade Reserves</i> in the Estuary may be sought, financial compensation to the landowner will be required.</p>
<p>Reductions and Waivers</p>	<p>The Council may reduce or waive <i>Esplanade Reserves</i> or <i>Strips</i> where it is demonstrated to the satisfaction of Council that circumstances make the required width impracticable. This includes difficult topography and existing permitted <i>buildings</i> or in 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>
<p>Fencing</p>	<p>All <i>Esplanade Strips</i> upstream of the Waitohu and Waikanae Water Supply Treatment Plants in the Rural Zone and all <i>Esplanade Reserves</i> and <i>Strips</i> 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.</p>
<p>Access Strips</p>	<p>Council may negotiate to acquire <i>access strips</i> to <i>Esplanade Reserves</i> or <i>Esplanade Strips</i>. Generally <i>access strips</i> shall, in the Rural Zone, 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 <i>access strips</i> shall be at least 3 metres wide and shall include boardwalks where erosion to sand dunes by pedestrians is likely. Any <i>structures</i> 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 <i>Council</i> purchases the easement.</p>
<p>Bed of River, Lake or Coastal Marine Area</p>	<p>Where <i>subdivision</i> includes a river, stream or lake the bed of the river, stream or lake shall vest in <i>Council</i>.</p> <p>Where <i>subdivision</i> includes the Coastal Marine Area, the bed of the Coastal Marine Area shall vest in the Crown.</p>