

OIR: 2324/623

4 September 2023

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Tēnā koe ██████████,

**Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)**

Thank you for your email of **8 August 2023** requesting the following information:

- 1. I am baffled that Mansell got these lifestyle plots approved by KCDC way under the legal lot size provisions of the subdivision in Rural Zones (attached) and I have highlighted the section on page 6 and 7 which states: Subdivisions must create allotments with a minimum average of 1ha across the subdivision and a minimum individual allotment area of 4000m<sup>2</sup>. Very questionable indeed! Are you aware of this???***

Mansell submitted a resource consent application under the District Plan to the Council and this was publicly notified. The Council delegated the decision-making on the resource consent to an Independent Hearing Panel. This Panel approved the consent application, and the reasoning for their decision can be found in their report, accessible via the links below:

[RM210147 – Decision and Final Approved plans](#) and [Commissioner's Decision Report](#).

- 2. If Mansell's land is not used under PC2 how much will the council be short to meet the Government's requirements? AND WHY since Otaihangā was never in PC2!***

The Government's requirement for sufficient residential development capacity is set out in policy 2 of the National Policy Statement on Urban Development 2020 (NPS-UD). Under the NPS-UD, the Council is required to monitor whether it is achieving its "housing bottom lines" by preparing a "*Housing and Business Development Capacity Assessment*" (or 'HBA'). Amongst other things, this assessment identifies whether the District Plan enables sufficient residential development capacity to meet its housing bottom lines. The Council's current "*housing bottom lines*" are set out in [District Objective DO-O19](#) in the operative District Plan.

*Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.*

Further, the Council is required to prepare an HBA every 3 years to assess residential and business capacity requirements in the short, medium and long term. The HBA 2019 notes around 4,900 dwellings were considered reasonable to develop on current market factors, which would meet demand in the short and medium term. This estimate would not have been influenced by submissions from PC2, as they were not proposed at this time. Further information on HBA capacity can be found in:

<https://www.kapiticoast.govt.nz/media/335jpnus/wellington-regional-hba-chpt-5-kapiti-coast-district-council.pdf>

The next HBA is expected to be published later this year. Due to the timing of its preparation, this HBA will include the residential development capacity enabled by the version of PC2 that was publicly notified by the Council in August 2022. It will not include any additional residential development capacity that may be enabled by the submitter's request to rezone the land in Otāihanga to General Residential Zone, because this rezoning was not included in the notified version of PC2.

Because PC2 was prepared well ahead of the Council's current work on the HBA, the Section 32 Evaluation Report for PC2 included a high-level estimate of the theoretical residential development capacity that would be enabled by the notified version of PC2 (you can read more about this under the heading "*Intensification Scenario Model*" on pages 83 to 85 of the [Council's Section 32 Evaluation Report for Plan Change 2](#)). This does not include the submitter's request to rezone the land in Otāihanga, because this was not proposed by Council in the notified version of PC2.

### **3. Why has there been no community engagement of Mansell wanting to do this?**

There was a further submission process that was provided to potentially interested parties to have their say about this rezoning request. Under clause 8 of Schedule 1 of the RMA, the following parties can make further submissions:

- a) any person representing a relevant aspect of the public interest; and
- b) any person that has an interest in the proposed policy statement or plan greater than the interest that the general public has; and
- c) the local authority itself.

To raise awareness of this opportunity, Council created a map showing all rezoning requests made by submitters, which appeared on the Council [website](#) during the further submission period open between 10 November and 24 November 2022. The existence of the map and opportunity to make further submissions was communicated in various media (including [media release](#) and Facebook).

With respect to the Mansell request, Council officers provided commentary on the adequacy of this opportunity in their [Council officer planning evidence](#) prior to the hearing of submitters (p.236). They evaluated if affected individuals genuinely had a chance to engage, using the test, "*Would the affected persons have real opportunity to participate in the process?*". This evaluation is part of a series of tests, established by legal precedents under the RMA, that the Council officers were obligated to consider in determining the scope of involvement.

In drawing that conclusion, Council officers took note of the fact that the Mansell's request was initially raised during the consultation phase of the Draft Plan Change. Affected persons could have submitted in support or opposition to the recommendation in Appendix B [of the section 32 report which assessed all feedback on the draft of PC2], although they would have had to be aware of that particular recommendation. Following this, they also had an opportunity to participate at the further submissions stage.

**4. Why has there been NO public notification re Mansell wanting to rezone?**

Council did not include the Mansell's request for rezoning in the Proposed Plan Change, therefore it was not a part of the version of PC2 that was notified in August last year. However, as noted in the answer to Question 3 above:

- An appendix to the section 32 report was available at the time of notification that did include an assessment of the Mansell's feedback on the Draft Plan Change,
- The opportunity to make a further submission was publicly notified; and
- Council prepared a map of submitters-requested rezonings and undertook various media communications to raise awareness of this during the further submission period.

**5. At the resource consent hearing there was concern for native birds and night pollution but all that has been disregarded and all they are talking about is lizards under PC2! Why is this?**

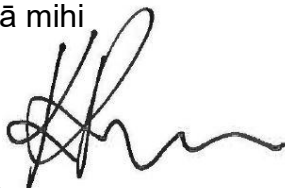
The Report was prepared by the Independent Hearing Panel (IHP or the Panel), and it considered all submissions and evidence put before it, and reflected issues of significance for its decision in the Report.

**6. Why has Mansell's property the only one recommended under PC2 when other residents were declined due to consultants' recommendation that the site is sufficiently large or complex enough to require a structure planned approach?**

The reasons for the IHP recommending and allowing the Mansell's submission are set out in its Report, in particular: paragraph [10] on page 8, paragraph [14] (c) on page 12, and section 7.3 on page 89. Please find below a link to the IHP report to Council:

<https://www.kapiticoast.govt.nz/media/jrmofuz1/ihp-report-to-kapiti-coast-district-council-on-pc2.pdf>

Ngā mihi



**Kris Pervan**

Group Manager Strategy and Growth

Te Kaiwhakahaere Roopu Rautaki, Te Tipuna me te Whakaoranga

# SUB-RUR - Subdivision in Rural Zones

This section contains subdivision requirements which apply in the Rural Zones and Future Urban Zone. Additional subdivision requirements may also apply in the District Wide Subdivision Matters chapter.

The Primary Objectives that this chapter implements are:

- DO-O1 - Tāngata Whenua;
- DO-O3 - Development Management;
- DO-O4 - Coastal Environment;
- DO-O5 - Natural Hazards;
- DO-O6 - Rural Productivity;
- DO-O9 - Landscapes, Features and Landforms;
- DO-O10 - Contaminated Land
- DO-O11 - Character and Amenity Values;
- DO-O12 - Housing Choice and Affordability;
- DO-O13 - Infrastructure;
- DO-O14 - Access and Transport;
- DO-O15 - Economic Vitality;
- DO-O17 - Open Spaces / Active Communities; and
- DO-O18 - Renewable Energy, Energy Efficiency and Conservation

## DO-O1 Tāngata Whenua

To work in partnership with the *tangata whenua* of the District in order to maintain *kaitiakitanga* of the District's resources and ensure that decisions affecting the natural *environment* in the District are made in accordance with the principles of Te Tiriti o Waitangi (Treaty of Waitangi).

## DO-O3 Development Management

To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering:

1. urban areas which maximise the efficient end use of energy and integration with infrastructure;
2. a variety of living and working areas in a manner which reinforces the function and vitality of centres;
3. resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;
4. higher residential densities in locations that are close to centres and public open spaces, with good access to public transport;
5. management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;
6. sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity, identified landscapes and features, and other places of significant natural amenity;

7. an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and
8. management of the location and effects of potentially incompatible land uses including any interface between such uses.

#### DO-04 Coastal Environment

To have a coastal environment where:

1. areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of *significant indigenous vegetation, and significant habitats of indigenous fauna* are identified and protected;
2. areas of outstanding natural character and high natural character are restored where degraded;
3. the effects of inappropriate subdivision, use and development are avoided, remedied, or mitigated;
4. public access to and along the coast to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access; and
5. Inappropriate development does not result in further loss of coastal dunes in the area mapped as the coastal environment.

#### DO-05 Natural Hazards

To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of risk from natural hazards, while recognising the importance of natural processes and systems.

#### DO-06 Rural Productivity

To sustain the *productive potential* of land in the District, including:

1. retaining land which is suitable for a range of *primary production activities*;
2. achieving added economic and social value derived from *primary production activities* through *ancillary* on-site processing and marketing;
3. enabling activities that utilise the *productive potential* of the land in the rural environment;
4. reducing conflict between land uses in the rural environment and adjoining areas; and
5. avoiding, remedying or mitigating adverse *effects* on the efficient operation of existing *primary production activities* from *sensitive activities* establishing on adjoining *subject sites*;

while safeguarding the life-supporting capacity of air, water, soil, and ecosystems by avoiding, remedying or mitigating adverse *effects* on the *environment*.

#### DO-09 Landscapes, Features and Landforms

To protect the District's identified *outstanding natural features and landscapes* from inappropriate *subdivision, use and development*; and

1. maintain or enhance the landscape values of *special amenity landscapes* and identified significant landforms; and
2. avoid, remedy or mitigate adverse *effects* of *earthworks* on natural features and landforms.

#### DO-010 Contaminated Land

To prevent or mitigate any adverse environmental *effects*, including risks to human health and the *environment*, arising from past, present or future activities involving *contaminated land*.

**DO-011** Character and Amenity Values

To maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:

1. relaxed, unique and distinct village identities and predominantly low-density residential areas characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities;
2. vibrant, lively *town centres* supported by higher density residential and mixed use areas;
3. neighbourhood *centres*, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;
4. productive rural areas, characterised by openness, natural landforms, areas and corridors of *indigenous vegetation*, and *primary production activities*; and
5. well managed interfaces between different types of land use areas (e.g. between living, working and rural areas and between potentially conflicting land uses, so as to minimise adverse *effects*).

**DO-012** Housing Choice and Affordability

To meet diverse community needs by increasing the amount of housing that:

1. is of densities, locations, types, attributes, size and tenure that meets the social and economic wellbeing needs of households in suitable urban and rural locations;
2. is affordable and adequate for lower income households; and
3. can respond to the changing needs of residents, regardless of age, mobility, health or lifestyle preference;

while enhancing the amenity of living environments and contributing to the sustainability of communities and compatibility with the goals of environmental sustainability, in particular resource, water and energy efficiency.

**DO-013** Infrastructure

To recognise the importance and national, regional and local benefits of *infrastructure* and ensure the efficient *development*, maintenance and operation of an adequate level of social and physical *infrastructure* and services throughout the District that:

1. meets the needs of the community and the region; and
2. builds stronger community resilience, while avoiding, remedying or mitigating adverse *effects* on the *environment*.

**DO-014** Access and Transport

To ensure that the transport system in the District:

1. integrates with land use and urban form and maximises accessibility;
2. improves the efficiency of travel and maximises mode choice to enable people to act sustainably as well as improving the resilience and health of communities;
3. contributes to a strong economy;
4. avoids, remedies or mitigates adverse *effects* on land uses;
5. does not have its function and operation unreasonably compromised by other activities;
6. is safe, fit for purpose, cost effective and provides good connectivity for all communities; and
7. provides for the integrated movement of people, goods and services.

**DO-015** Economic Vitality

To promote sustainable and on-going economic development of the local economy, including the rural sector, with improved number and quality of jobs and investment through:

1.
  - a. encouraging *business activities* in appropriate locations within the District, principally through differentiating and managing various types of *business activities* both on the basis of the activity, and the potential local and strategic *effects* of their operation;
  - b. reinforcing a compact, well designed and sustainable regional form supported by an integrated *transport network*;
  - c. enabling opportunities to make the economy more resilient and diverse;
  - d. providing opportunities for the growth of a low carbon economy, including clean technology;
  - e. minimising *reverse sensitivity effects* on *business activities*, including *primary production activities* ; and
  - f. enhancing the amenity of *Working Zones*;

while:

2.
  - a. ensuring that economic growth and development is able to be efficiently serviced by *infrastructure*;
  - b. encouraging commercial consolidation and the co-location of community services and facilities primarily within the *Paraparaumu Sub-Regional Centre* and *Town Centres*; and
  - c. managing contamination, pollution, odour, noise and glare, associated with *business activities*, including *primary production activities*.

**DO-O17** Open Spaces / Active Communities

To have a rich and diverse network of *open space* areas that:

1. is developed, used and maintained in a manner that does not give rise to significant adverse *effects* on the natural and physical *environment*;
2. protects the District’s cultural, ecological and *amenity values*, while allowing for the enhancement of the quality of *open space* areas;
3. supports the identity, health, cohesion and resilience of the District’s communities; and
4. ensures that the present and future recreational and *open space* needs of the District are met.

**DO-O18** Renewable Energy, Energy Efficiency and Conservation

Increase the development and use of energy from renewable sources, including on-site systems, and efficiency and conservation of energy use while avoiding, remedying or mitigating adverse *effects* on the *environment*.

Provisions in other chapters of the Plan may also be relevant.

Refer to the relevant Rural Zones chapter for the strategic context of the *subject site* zone. These chapters also contain policies and rules which may be relevant to subdivision and associated *development* of the *subject site*.

## Policies

<b>SUB-RUR-P2</b>	Maintaining Balance Allotments
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The *subdivision* of balance *allotments* in the general rural zone will be avoided to ensure that there is:

1. no increase in the net density of the area;
2. no further compromise of the *productive potential* of the *land*; and
3. retention of the open rural character of the area.

<b>SUB-RUR-P3</b>	Minor Subdivision
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Minor *subdivision* will be provided for in the rural zones where the resulting *allotment* arrangement does not result in any increase in the net density of the area, including increased residential *development* potential or, the potential for future additional *allotments* and does not compromise *productive potential* of the *land*.

## Rules

<b>SUB-RUR-R50</b>	<p>Except as provided for under SUB-DW-R2 <i>boundary adjustments</i> and <i>subdivisions</i> where no additional <i>allotments</i> (other than reserves or <i>legal road</i> to be vested in <i>Council</i>) are created in all rural zones.</p> <p><i>Boundary adjustment qualifying criteria</i> apply to activities under this rule.</p> <p>Cross lease updates are excluded from this rule.</p>
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Controlled Activity	<p><b>Standards</b></p> <ol style="list-style-type: none"> <li>1. Each <i>allotment</i> must have inalienable legal and physical access to a <i>legal road</i>.</li> <li>2. The <i>subdivision</i> must not create further <i>development</i> potential as a result of the <i>subdivision</i>. (i.e. create a small <i>allotment</i> and a larger <i>allotment</i> which can then be further subdivided and would not have met <i>discretionary activity</i> standards including minimum or average <i>allotment</i> sizes prior to this <i>subdivision</i> occurring); and</li> <li>3. No resulting <i>allotment</i> shall have an area less than the minimum individual <i>allotment</i> area for the relevant <i>zone</i> specified in SUB-RUR-R51.</li> </ol> <p><i>Boundary adjustment qualifying criteria:</i> The adjustment of <i>boundaries</i> is for the rationalisation of existing <i>boundaries</i> to improve the practicality of existing <i>allotments</i>.</p>	<p><b>Matters of Control</b></p> <ol style="list-style-type: none"> <li>1. Design and layout of the <i>subdivision</i> and <i>earthworks</i>.</li> <li>2. The degree of compliance with the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2012.</li> <li>3. <i>Natural hazard</i> management.</li> <li>4. <i>Vehicle access</i> points onto <i>legal road</i> including the <i>State Highway</i> Network.</li> <li>5. Imposition of encumbrances on titles to prevent or limit further <i>subdivision</i>.</li> <li>6. The imposition of financial contributions in accordance with the Financial Contributions chapter.</li> </ol>
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<b>SUB-RUR-</b>	<i>Subdivision</i> in all rural zones except the Future Urban Zone and <i>subdivisions</i> which
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R51	are <i>controlled activities</i> under SUB-RUR-R50.	
Restricted Discretionary Activity	<p><b>Standards</b></p> <ol style="list-style-type: none"> <li>1. General standards:               <ol style="list-style-type: none"> <li>a. all <i>allotment</i> must meet <i>natural hazard subdivision</i> standards, including SUB-DW-R9, and the relevant natural and <i>coastal environment</i> standards in SUB-DW;</li> <li>b. all <i>allotments</i> must meet access and transport and <i>infrastructure</i> standards for <i>subdivisions</i> in SUB-DW.</li> <li>c. each <i>allotment</i> must have a notional <i>building area</i> (capable of containing at least a 20-metre diameter circle) and access identified on the <i>subject site</i> plan; and</li> <li>d. A firefighting <i>water</i> supply must be provided which complies with the New Zealand Fire Service Firefighting Water Supplies <i>Code of Practice</i> SNZ PAS 4509:2008.</li> <li>e. Compliance with FC-Table 1.</li> <li>f. The <i>esplanade reserve</i> and <i>esplanade strip</i> provisions of SUB-DW-Table 1 must be complied with.</li> <li>g. The maximum number of <i>allotments</i> gaining legal and physical access via a right of way shall be 6.</li> </ol> <p><b>Advice Note:</b> Applicants should consult with Fire and Emergency New Zealand on a specific method of complying with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, as part of preparing an application.</p> </li> <li>2. Additional standards for the rural lifestyle zone:               <ol style="list-style-type: none"> <li>a. <i>subdivisions</i> must create <i>allotments</i> with a minimum</li> </ol> </li> </ol>	<p><b>Matters of Discretion</b></p> <ol style="list-style-type: none"> <li>1. The design and layout of the <i>subdivision</i> including <i>earthworks</i>, the clustering of nominated <i>building area</i> and the suitability for <i>primary production</i> activities.</li> <li>2. The degree of compliance with the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2012.</li> <li>3. The imposition of financial contributions in accordance with the Financial Contributions chapter.</li> <li>4. <i>Vehicle access</i> points onto <i>legal road</i> including the <i>State Highway Network</i> and any <i>effects</i> on the <i>transport network</i>.</li> <li>5. The location of any <i>building area</i> relative to <i>natural hazards</i>, <i>historic heritage features</i>, <i>ecological sites</i>, <i>geological features</i>, <i>outstanding natural features and landscapes</i>.</li> <li>6. The provision of walking, cycle pathways and bridleways.</li> <li>7. Consistency with relevant appendices and schedules to all Chapters of this Plan.</li> <li>8. Provision of an adequate <i>water</i> supply for firefighting purposes.</li> <li>9. The location of sensitive activity <i>building areas</i> to avoid, remedy or mitigate potential adverse <i>reverse sensitivity effects</i> on lawfully established <i>primary production</i> activities and <i>intensive farming</i> activities on adjoining <i>sites</i>.</li> <li>10. <i>Effects</i> on <i>natural character</i> in the <i>coastal environment</i>.</li> </ol>

average area of 1ha across the *subdivision* and a minimum individual *allotment* area of 4000m<sup>2</sup>.

3. Additional standards for the Rural Dunes Precinct of the general rural zone:

- a. the *subdivision* of *allotments* must be developed into clusters of 12 or less with a maximum size of 1 hectare and a minimum of 4000m<sup>2</sup> per *allotment*. The balance of the *land* shall be held in a single *allotment*;
- b. a minimum average *allotment* size of 4 hectares across the whole *subdivision* must be maintained; and
- c. the *clustered allotments* must be located on the least suitable *land* for *primary production* activities on the parent title; and
- d. if more than one *cluster* is proposed in one *subdivision* the *clusters* must be clearly separate.
- e. each new *allotment*, including balance *allotments*, must carry an encumbrance on the title preventing further *subdivision*.

**Note:** Where it is intended to subdivide a site up to the maximum 12 *allotments* in stages, it is recommended applicants discuss this with the *Council* prior to lodging an application to request delaying the imposition of the encumbrance on the *allotments* until all stages up to the maximum 12 *allotments* is completed.

4. Additional standards for the Rural Hills Precinct of the Rural Production Zone:

- a. *subdivisions* must create *allotments* with a

minimum average area of 20 hectares per *allotment* across the *subdivision* and a minimum individual *allotment* area of 1 hectare; and

- b. notwithstanding a) above, where a *subject site* contains *land* in the Rural Hills Precinct and Paraparaumu North Rural Precinct of the Rural Production Zone, *subdivision* must create *allotments* with a minimum average area of 3.5 hectares per *allotment* across the *subdivision* and a minimum individual *allotment* area of 1 hectare.
5. Additional standards for the Rural Plains Precinct of the Rural Production Zone:
- a. *subdivisions* must create *allotments* with a minimum average area of 6 hectare across the *subdivision* and a minimum individual *allotment* area of 1 hectare.
6. Additional standards for the Rural Eco-Hamlet Precinct of the General Rural Zone:
- a. the minimum *allotment* area must be 4,000m<sup>2</sup>;
  - b. the minimum average *allotment* size must be 2 hectares;
  - c. the maximum size of *allotments*, excluding balance *allotments*, must be 1 hectare;
  - d. a minimum 10 metre no build setback is incorporated each side of streams in the precinct (the extent of this is shown on the *Structure Plan*) and around *ecological sites*;
  - e. each new *allotment*, including balance *allotments*, must carry an encumbrance on the title prohibiting further *subdivision*; specifying the location of the *building* area and access and limiting *buildings* to a clustered

	<p>location; and</p> <p>f. two subject site plans must be submitted to <i>Council</i> for approval:</p> <ul style="list-style-type: none"> <li>i. one detailing the existing situation; and</li> <li>ii. one detailing the proposed <i>subdivision development</i>. The proposed <i>subdivision development</i> plan must show the suitable areas and less suitable areas consistent with the <i>Structure Plans</i> in Appendices 10 to 14.</li> </ul> <p>7. In the Paraparaumu North Rural Precinct of the Rural Production Zone each <i>allotment</i> must:</p> <ul style="list-style-type: none"> <li>a. have a minimum area of 1 hectare;</li> <li>b. the <i>subdivision</i> must have an average <i>allotment</i> size greater than 2 hectares, calculated on the basis of the total area of the parent title <i>allotment</i> of the <i>subdivision</i>;</li> <li>c. all <i>allotments</i> adjacent to <i>State Highway 1</i> must have a 5-metre planted buffer along the <i>State Highway 1</i> frontage; and</li> <li>d. each <i>allotment</i> must have inalienable access to a <i>legal road</i>.</li> </ul>	
<b>SUB-RUR-R52</b>	<i>Subdivision</i> in the Ngārara Eco-Hamlet Precinct of the General Rural Zone (as shown in Appendix 10 and Appendix 11)	
Restricted Discretionary Activity	<p><b>Standards</b></p> <ol style="list-style-type: none"> <li>1. <i>Development</i> must be carried out in accordance with the <i>Structure Plan</i> and Management Principles for the Ngārara Eco-Hamlet Precinct (Appendix 10 and Appendix 11);</li> <li>2. A maximum of 144 <i>allotments</i> in the Precinct comprising of a maximum of 4 <i>allotments</i> in the Kukutauaki Eco-Hamlet, 40 <i>allotments</i> in the Ngapara Eco-Hamlet, 40</li> </ol>	<p><b>Matters of Discretion</b></p> <ol style="list-style-type: none"> <li>1. The design and layout of the <i>subdivision</i> and <i>earthworks</i>.</li> <li>2. Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2012.</li> <li>3. The imposition of financial contributions in accordance with the Financial Contributions chapter.</li> <li>4. <i>Vehicle access</i> points onto <i>legal road</i> including the <i>State Highway</i> Network</li> </ol>

	<p><i>allotments</i> in the Lamberts Eco-Hamlet and 40 <i>allotments</i> in the Smithfield Eco-Hamlet and 20 <i>allotments</i> or accommodation units in the Kawakahia Retreat.</p> <p>3. Compliance with General Standards for <i>subdivision</i> in SUB-RUR-R51 Standard 1 above.</p> <p>4. Each new <i>allotment</i>, including balance <i>allotments</i>, must carry an encumbrance on the title prohibiting further <i>subdivision</i> beyond the maximum number specified for the Eco-Hamlet; and specifying a <i>building</i> area (capable of containing a 20-metre diameter circle) and access limiting <i>buildings</i> to a <i>clustered</i> location.</p>	<p>and any <i>effects</i> on the <i>transport network</i>.</p> <p>5. The location of any associated building areas(s) relative to the <i>natural hazards, historic heritage features, outstanding natural features and landscapes, ecological sites, and geological features</i>.</p> <p>6. Any easement or other legal mechanism required for legal access.</p> <p>7. Design, size, shape and location of reserves and <i>esplanades</i>.</p> <p>8. Visual, character and amenity <i>effects</i>.</p> <p>9. Provision of on-site domestic effluent disposal for each proposed <i>allotment</i> or multiple <i>allotments</i>.</p> <p>10. <i>Effects</i> on the ecological health of the Kawakahia Wetland.</p> <p>11. Provision of foot and cycle pathways and the provision of access for public transport.</p>
<p><b>SUB-RUR-R53</b></p>	<p><i>Development</i> including <i>subdivision</i> which is undertaken in accordance with the Development Incentives Guidelines set out in Natural Environment Appendix 1.</p>	
<p>Restricted Discretionary Activity</p>	<p><b>Standards</b></p> <p>1. The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline.</p> <p>2. <i>Subdivision</i> must comply with all other relevant <i>subdivision</i> standards unless otherwise specified within Appendix 1.</p> <p><b>Note:</b> For development which is undertaken in accordance with the Development Incentives Guidelines, see GRUZ-R14, RPROZ-R11, RLZ-R10, or FUZ-R10.</p>	<p><b>Matters of Discretion</b></p> <p>1. The scale of biodiversity and energy benefits created by the proposal.</p> <p>2. Visual, character and amenity <i>effects</i>.</p> <p>3. Ecological or biodiversity <i>effects</i>.</p> <p>4. Traffic <i>effects</i>.</p> <p>5. Proposed mitigation, remediation or ongoing management measures.</p> <p>6. <i>Effect</i> on natural character values.</p> <p>7. Cumulative <i>effects</i>.</p> <p>8. The design and layout of the <i>subdivision</i> including <i>earthworks</i>, the <i>clustering</i> of nominated <i>building</i> areas and the suitability of <i>primary production</i> activities.</p> <p>9. The degree of compliance with the Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2012.</p> <p>10. The imposition of financial contributions in accordance with the Financial Contributions chapter.</p> <p>11. <i>Vehicle</i> access points onto <i>legal road</i> including the <i>State Highway</i> Network and any <i>effects</i> on the <i>transport network</i>.</p> <p>12. The location of any <i>building</i> area</p>

		<p>relative to <i>natural hazards, historic heritage features, outstanding natural features and landscapes, ecological sites, geological features.</i></p> <p>13. The provision of walking, cycle pathways and bridleways.</p>
<b>SUB-RUR-R54</b>	Any activity listed as a restricted discretionary activity in this chapter, except <i>subdivision</i> listed as a non-complying activity, that does not comply with one or more of the associated standards.	
Discretionary Activity		
<b>SUB-RUR-R55</b>	<p><i>Subdivision of land (except boundary adjustments) in a future urban zone for which there is no structure plan appended to this Plan.</i></p> <p><b>Note:</b> See SUB-RUR-R50 for <i>boundary adjustments</i> in the future urban zone.</p>	
Non-Complying Activity		
<b>SUB-RUR-R56</b>	<p><i>Subdivision in any Rural Zone which does not comply with one or more of the restricted discretionary activity subdivision Standards 2 to 7 in Rule SUB-RUR-R51 or Standards 1, 2 and 4 in Rule SUB-RUR-R52.</i></p>	
Non-Complying Activity		
<b>SUB-RUR-R57</b>	<p><i>Subdivision which creates new rural lifestyle allotments in the Peka Peka North Rural Lifestyle Precinct on subject sites where average allotment sizes have been applied and an encumbrance has been placed on the title to prevent further subdivision.</i></p>	
Non-Complying Activity		